

**Milton Town Council Meeting**  
**Milton Library, 121 Union Street**  
**Monday, April 7, 2014, 6:30pm**

1. Swearing-in of newly elected Council members

Mayor Jones: If Judge Hudson would please come forward, we're going to have the swearing-in of the newly elected council members.

Judge Hudson: Councilwoman Parker-Selby come forward please. Please place your hand on the Bible please and repeat after me. I, Esthelda R. Parker-Selby, do solemnly swear, that I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of the Office of Council of the Town of Milton and I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God. Congratulations.

Councilwoman Parker-Selby: I, Esthelda R. Parker-Selby, do solemnly swear, that I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of the Office of Council of the Town of Milton and I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God. Thank you.

Judge Hudson: Councilman West. Please place your hand on the Bible please and repeat after me. I, Emory R. West, Jr., do solemnly swear, that I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of the Office of Council of the Town of Milton and I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God. Congratulations.

Councilman West: I, Emory R. West, Jr., do solemnly swear, that I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of the Office of Council of the Town of Milton and I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God. Thank you.

2. Call to Order – Mayor Jones

3. Moment of Silence

4. Pledge of Allegiance to the Flag

5. Roll Call – Mayor Jones

Vice Mayor Booros	Present
Councilman West	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Collier	Present
Mayor Jones	Present

6. Public Participation

- Patricia Greninger: I actually don't live in the Town of Milton. My address is Lincoln,

but I'm a member of the Garden Club and of the Milton Historical Society and I would just like to say first that when my husband and I moved here, we moved from a very small town, North East, Maryland and we were kind of looking for someplace that reminded us of home and when we first got here to Milton, that's exactly what we thought. What I'm here for tonight, is because the trees on Union Street, which is the first street that we saw, are welcoming and all the flowers and I know I'm not plugging the Garden Club, but everybody's welcome to join; but we work hard to keep those flowers and everything beautiful for everybody who comes in and to make this a welcoming town and I'd like to continue to see those trees there and I understand that there's a possibility that they may all be taken out. That's what I'm here for and thank you.

Councilman Collier: Ma'am, I'd like to respond to your concern. There was a meeting held this past week between members of the Council, Public Works and the Garden Club and this past September we had a State Forester come and examine our trees and there were some concerns about the health, the type of tree and everything else and we met with the Garden Club strictly as a courtesy to inform them that we were looking into the possibility of removing and replacing those particular trees. There are some other issues with the grading and some other things out there and at this point, we don't have a clear plan. We don't have any intent to move forward until we have a clear plan, and once that plan has been developed, the public will be given the opportunity to examine it and respond, so at this point in time, the trees aren't going anywhere tomorrow or the next day and until we have all this stuff in place, they won't be going anywhere. So I just want to relieve some of your concerns, by making that statement.

- Ed Kost, 230 Sundance Lane: Cannery Village Streets – I see Mr. Thompson is here from Chestnut Properties. I see it's on the agenda. I assume our streets are going to be discussed tonight. Is that correct?

Seth Thompson: It's correct.

Ed Kost: Thank you very much.

- Jeff Dailey, 211 Gristmill Road: To our duly elected council members, may I extend my personal congratulations. What a wonderful swearing-in and to our Mayor, time flies and I think this may be a one year anniversary for Marion Jones, so glad to see that you're there. We have been doing some penny pinching under Mayor Jones' leadership and we do not have a Town Manager. I think that this is okay, but, it necessitates handing over a lot of responsibilities to the Town Clerk and I hope she's up to that task. I think she is, from what I've seen and heard, but it also means consolidating other positions and I just want to make sure that in consolidating positions, we're not short-changing the Town in terms of expertise. Meaning if we had a Town Manager, that person would be qualified to fill that role; without a Town Manager, I just want to be careful that we're not filling in gaps, so this is crucial and far greater minds than mine and people with far more expertise than mine, such as those on Planning and Zoning, will address this because I did see some new title and quite frankly, I would have been more confident as a citizen, if I'd heard that this consolidation and this new title was being affixed to this Town employee. I hate to be cryptic, but I don't really know enough about it, other than to feel a little bit of alarm, so hopefully others will address that or perhaps I'll talk with the Mayor directly about my concern. In addition, living in a small town there are lots of issues that come and go and you find yourself coming full circle. It wasn't that long ago that we had a group of people who wanted to put low income

housing far away from the downtown and people didn't really feel that that was appropriate; people would have to be walking from that housing center to the downtown on unsafe roads. Now I'm hearing that we have the possibility of a request for rezoning that will put a lower income type of housing and I have no problem with that, except that this housing will be apartments and I just understand in the heart of our Town, why we wouldn't want to house permanent residents who are fully invested in the Town, who were a volunteer force in the community. This is the way to build a quality community. Also, it wasn't that long ago that Tidewater was doing presentations and we were talking about looping pipelines, etc. I think the wastewater treatment plant came up for discussion and I'll just say that and put it on the shelf. Then I'll talk just for a second about a Main Street Project for Milton that was talked about a few years ago and it went by the wayside. Then we have some people come in and they said you've got to get rid of that Clipper Ship and here's a whole new motif for identifying Milton, with signature signage and banners, etc., etc. and that never came to fruition. My problem, at this juncture, after having lived in Milton now for just seven years, I've seen so much come and go and what I don't see, is a Mayor and Council who are telling us, like any good business would, this is where we're going. This is where we want to be in three years. This is where we want to be in five years. This is the scope of our downtown plan. As a result, we get little kerfuffles like this thing over the tree business and the beautiful grates that were installed, at a high price tag I might add, that bespeak a Town that is interested in itself and the picture that it gives to the many people who come here. I think we're still and I've said this once before, we're missing the vision thing. We're missing the vision thing. We have a capable Mayor and a capable Council. We have capable city workers, but we're missing the vision thing and I don't know how we lasso this. I don't know if we look to our neighbors down the way, Lewes and say how did you do it? Where were you 10 years ago, 20 years ago? How did this all happen? There's a lot for the Town of Georgetown, how is he making Georgetown emerge as a very attractive Town? The Main Street Project was implemented at Milford. That downtown is booming. Now, I've got my fingers crossed that new businesses that are coming to our downtown are suddenly going to help things blossom, but they can't do it on their own. We've got to have vision, plans, goals and the public has to be aware of those. Thank you very much.

- Virginia Weeks, 119 Clifton Street: As a segue, Jeff, I'm here to sort of talk about the vision thing and that's the Comprehensive Plan. I'm concerned because the Comprehensive Plan, the Mayor has decided, because I don't remember any discussion of it on the Council level, of how the Comprehensive Plan plan was going to be run and redone and you decided to have Mr. Godwin and his wife help us with that and I think that's a good idea. They're certainly good and valiant administrators, but what we need is a planner. We need to hire a planner to help us through and a planner who has done Comprehensive Plans. Vice Mayor Booros, still the parking; Councilman Collier... You all go up to IPA for the planning courses and those very people and Mr. Wallenstein, they can be hired to help with our Comprehensive Plan. Lewes does it, Camden does it, Milford, I think, does it. Most of the towns hire a Comprehensive Plan expert to help you through it. It is the document that defines what your town will look like in three years, five years, and the rules and regulations to get you there. We don't have that talent amongst us. We don't have planners. We're not planners. The Planning and Zoning, they're not planners, they work hard with the present rules and regulations, but you need

somebody who knows the State laws, the local laws, the vision, what to do with our wetlands, what to do with our river, how to make things pop and I am asking you to please hire one of these people to help with our Comprehensive Plan. It will cost you approximately \$30,000; that said, we spent \$70,000 redoing the auditing of the town, we spent \$150,000 for a house in case we need parking in the future; and if we can't spend \$30,000 on a Comprehensive Plan and somebody who knows what they're doing, we're in deep trouble. Thank you.

- Kathryn Greig, 326 Union Street: Good evening. I used to be here on a regular basis. I haven't been here for a long, long time because most of you know that my husband was very ill and recently passed away. I really hesitated to come tonight because I still don't like to be out in groups, but I had to come because Councilman Collier from the meeting on Friday night, I did not get the impression that this was in a plan, removing the trees, and the tree well fences was a long, long time away. I really want to speak about the little fences around the tree wells. This was something that the Garden Club did about nine years ago. We didn't just go out and buy a bunch of iron and put it around, we spent a lot of time planning. We had a drawn out plan, which first went to streets and sidewalks. Leah Betts, at that time, was the Chairperson of Streets and Sidewalks and Councilman West was a member of that Committee and I remember him telling me, I don't really care for flowers, but I really like those little fences. He said he voted for it, because he thought they added a lot to the downtown. The plan was modified a little bit, so that the fence section would not be on the curb and then drawn back a bit to prevent it from bothering car doors. Now we were told Friday night that people are complaining because, it hits their car doors. Have people gotten more stupid in their parking, because in the past nine years I've never heard of any complaint about that. I have parked on Union Street hundreds and hundreds of times in the past year; I have never and I'm not a good driver; I have never hit my car door on those fences; I've never seen anybody do it; I've never heard of anybody do it and the plan then went to the Town Council. Don Post was the Mayor there and it was approved unanimously for those tree well fences to be installed and I want to tell everybody here, that at that time they cost the Garden Club between \$1,500 and \$1,800 apiece and at the present time, it is said that they would cost \$2,500 to \$3,000 each. They add a lot to the Town. They're in Charleston. They're in Washington, DC, they're all over the place to dress up the street scape and I really hope that you think long and hard before you say let's remove them. I don't know how many of you know this, but another business, this past week moved out of downtown. Did you all know that? Alright, if you ask her why she moved out, she isn't going to tell you; it was because I didn't like the look of the trees, or I didn't like the tree well fences. I think you need to focus on getting some of those buildings with businesses in them. Thank you.
- Lynn Silia: There's a couple of tough ones to follow there. I came here tonight for a very specific reason, but if you don't mind, I think I will just comment on what a couple of fellow Miltonians have said. I don't live here full time, but I used to live in Milton; but I do still own several prominent properties here. I used to live here full time and I want to live here again, full time. I own 122 Mulberry Street, which is where the Goodfella's Restaurant is today and I own 309 Front Street, which is the Wilson Marina. I moved here in 2003 and I loved what I saw and thought that I would live here full time for the rest of my life and raise my family here. I lived here for about five years and personal things changed for me and I had to move back to Virginia, but I swear I'll be back again,

but I saw what Milton could become and so I had taken what money I had and I invested in those two commercial pieces of property and it's not because... It's so funny, I had a conversation with the former Town Manager and I had a long conversation with him and towards the end, I finally realized that he thought that I was some real estate mogul... real estate developer and I said, Mr. Abbott, I'm a mother. I'm just an ordinary person like you. I took what I had and I saw the promise and the potential of Milton and I took it out of the market and I bought these properties and I believe in this Town. That was over ten years ago and I'm sitting here, scratching my head, thinking that was over ten years ago. But I really am just an ordinary person that believed in this Town and bought a couple of really great commercial properties, so the reason I'm telling you all of that, because I'm actually here to talk about one of the, but the reason I'm telling you that, is only because that seemed to be a theme tonight. I saw the potential over ten years ago of what this town could be and that is why I took what I had and bought two pieces of property; big pieces of property; 309 Front Street and 122 Mulberry Street and neither one of them have worked out very well for me. I have to be quite honest, I almost lost both of those properties to the bank, but I did not, because I still believe that this Town has the potential to be what we all know it can be and if I were here full time, I would love to participate in that, but I'm saying this because if I could help in any way, you just let me know and I will; because I do believe that this town can be the next Lewes, or if we have to become Georgetown first, or Milford first, or whatever it is we need to be, before we become Lewes, we do need a plan. I do agree with everybody and you only get their one step at a time and I'm sure you all can do that. The reason I am here tonight is you know the economy went south on everybody and I was once approved for 309 Front Street to put up 20,000 square feet of commercial space and 27 condos. I had gotten approval from the Town back in 2007 and that was right before the economy fell apart. I don't know if you all remember that, but I certainly can't forget it and in a way that was a Godsend for me, because if I had done that, I would have lost absolutely everything, but I had the vision in my head and at the time, mixed use commercial was the way to go, but again, thank God I did not break ground, but I had approval from the Town to do so. The reason I'm here tonight is the property is still being assessed at the market value that it was then and my property taxes are still very high, so I finally figured out that I needed to sign up for this property value appeal process and I missed it because my father, who some of the people in here know my dad, because he always helped me work on the restaurant; he has been living with me for 2-1/2 years and he has dementia and his health deteriorated before the holidays and I was running around, putting him in assisted living and I missed the meeting, so I am here to ask you if you would grant me an exception to come back and talk to you about the value of the property. It is about one-fifth of what you are charging me for property taxes and I was told by the people in the office that the only way to do that, was to show up here tonight and ask if I could be heard; not to discuss the value of my property, but to ask if I could be heard. That's why I came tonight. I just drove in from Virginia, three hours to be here. Thank you.

Seth Thompson: Ms. Silia, I'll look and I'll have to let the Council know. The one thing is important; part of the problem, very often those deadlines are jurisdictional, meaning the Council sitting as the Board of Appeals of Assessments wouldn't have jurisdiction to hear it, but I'll look at the Code and I'll let the Town know and they'll reach out to you. Keep in mind, even if you missed the deadline for this year, you can always file for next

year too.

Lynn Silia: It's a significant... My property taxes are \$3,000. That's significant to me right now. My father does not have long term care insurance; it's a significant amount of money and the property you have it appraised at \$1.5 million; the bank has appraised it at \$350,000.

Seth Thompson: The one thing, when it comes to assessments, we use the time period from several years ago when the reassessment was done, so that could partially explain that, but again let me...

Lynn Silia: My property taxes are \$3,000 and I'm saying I missed the meeting because I was placing my father in Memory Care of Assisted Living and I'm asking if you can make an exception.

Seth Thompson: Again, let me look at the Town Charter, because this might not be something that the Council has jurisdiction; in other words, the State Legislature might have said, this is the process, this is the time period.

Lynn Silia: Okay.

Seth Thompson: So in other words, the Council might not have the ability to grant an extension, so I'll have to look at that and I'll reach out to the town and then I'm sure they'll reach out to you.

Lynn Silia: Alright, thank you very much.

- Ed Harris, 305 Behringer Avenue: Good evening. I own a couple of other properties throughout town, one of which I'm here to speak about tonight. For four years now there's been a vacant property adjacent to y retail property, up on Milton-Ellendale Highway. I think it's closer to five years and I've steadily watched the property go downhill. The property owner's not maintaining, doing anything to it at all. It's to the point now I've filed complaints with the Town over a four year period, about the house being derelict, about the numerous cats that are living in there, of which I've placed twelve. I've adopted three. Cat Snipper's goes in there. There are probably over 100 paper plates that are put in there to feed these cats; that blow out under my property; that blow out onto the highway; people leave bags of cat food there. There are now rats in that barn also. The barn is falling down. There is a satellite dish on top of the barn, but it has collapsed the barn. I own the property behind the barn, I own the store adjacent to the house. The address is 105 Milton-Ellendale Highway and there is a Town Code 85-19; that building is considered a building nuisance. The building's been derelict for over four years and something needs to be done. Apparently, 30 days after this property has been deemed derelict, it's considered a misdemeanor and I don't know whether you need to contact the property owner; I know her personally, but to be honest with you, part of owning property in this Town is taking care of it. That's way beyond even taking care of it. The windows are open now. People are going into the building. It really needs to be addressed. Also, it's a gateway to the Town; people don't need to be seeing that when they come into the community. That's my number one. Number two, to follow through with the tree thing. In my short stint on the Town Council, I was part of being instrumental in putting those trees downtown, because I'm known in town as a tree hugger. I love it. Part of the reason why I moved here, I bought an acre up on top of the hill... Let me give you an example of being a tree hugger, because it was a far and there were mature old-growth trees; trees where the circumference is wider than you can hug the trees. I want you all to look out the window and take a look at that tree scape. Imagine that all gone. Let me explain to you what's taken place in this town in the 20

years that I've been here. I've seen old-growth and historic trees ripped down. There were a couple just recently this week, throughout the Town. Behind me I have an acre of ground. There's a new development going in there, a new house. I talked to the owner. He talked to the developer and told them he didn't want to have a single tree on his property, to take it all down. I systematically watched eight dumpsters full of old-growth trees ripped out of that property. If you want to buy a piece of property in this town, I think you need to learn to respect the landscape and respect the trees, otherwise buy out on 88 and Vincent Overlook, where they've taken everything out. That bothered me. If you look at economics, this is nothing new that I'm standing here creating and spewing off to you; all of this country there are communities, affluent communities, where their number one priority is to preserve the environment and to preserve the tree scape, because people pay premium... I told you all this time and time again. People pay premium prices for landscaped or wooded lots. There are studies that have been done all across this country; studies have been going on for years and I do think this is ironic, because I presented to the Town Council years ago a tree ordinance. As a matter of fact, I believe the Mayor and Councilman Collier both, after I got off Town Council, took my baton and went with it, as far as a tree ordinance; if you remember, both of you were big advocates on the tree ordinance and I can go back and look at the minutes of the meeting and I remember you all presenting an ordinance, but anyway to sum up, I'm just going to read a couple of studies that were done and things pertaining to mature trees in a community. A mature tree can have an appraised value of between \$1,000 and \$10,000 per tree, on a piece of property, that's from the Council of American Tree and Landscapers. In one study, 83% of realtor's in this country, believe that mature tree have a strong and moderate impact to the saleability of a home listed under \$150,000 and on homes over \$250,000. This is the National Mortgage and American Forest Service. Landscaping, especially with trees, can increase property values as much as 20%, Management Information Services. Trees properly placed around buildings, can reduce air conditioning needs by 30%, and save up to 20 to 50% of energy, that's the U.S. Forest Service. Trees can stimulate, this is pertaining to the downtown, Economic Development, including attracting new business and tourism, commercial, retail areas are more attractive to shoppers, apartments rent more quickly, tenants stay longer, and space in wooded settings is more valuable to sell or to rent, that's the National Arbor Day Foundation. I've got page after page of this. This is nothing new. We're not creating anything new by saving these trees. This is common sense to make a more livable, beautiful community. So ask yourself if you want to keep this precedent of allowing this town to be denuded. As I said, take all these trees out; because the way we're headed, they're all going, because people are either too lazy to rake the leaves, or they don't want to maintain them. I personally think, it's a shame and it's the reason why I moved here. I could have bought a home in Rehoboth, in a development in Rehoboth. I chose to move to a town where it was wooded and where it was beautiful and the scenery was beautiful and I'm watching it disappear around me and I think it's a shame. Thank you.

- Gwendolyn Jones, 204 Atlantic Avenue: Thank you for allowing me the opportunity to address. This is something that I've brought up before, it's the same topic, with a little bit more detail. A couple of things that I've heard, said and seen are basically the matter of the wells in Milton, the private wells. Time and again we've heard that private wells are forbidden by the Milton Town Charter. The last Council meeting, Mayor Jones said that Milton owns all the water under it, which arrives from outside of Milton as a windfall.

We have Dogfish Head placing it's own well, removing the income from Milton, yet it doesn't directly benefit the Town, except perhaps the taxes. We have the car wash which is on the agenda tonight. The car wash is willing to put in it's own well in. They both remove the heavy use of the water system and it's reserves, yet those who see a benefit of not being required to buy water from Milton and it's associated costs, impacts and drain on reserves, not to mention the chlorine and fluoride being considered differently. I'm speaking of the businesses, Dogfish Head, for instance; the car wash, for instance vs. John Q. Public owning their own property. During the last council election I was on the radio at WGMD and a caller from Milton came in, because I was discussing the issues, and said I really want to be able to put my own well in so I can fill a water pool, a swimming pool, without having to buy the fluoride and the chlorine that the town's water system would use. I don't know the size of it, but I'm thinking, I don't know the impact that Dogfish Head putting it's own well in; how much water they draw. I certainly have heard that the car wash would be or is currently, the heaviest user of water. I'm sure that Dogfish has a lot deeper pockets than the car wash does, but they're both commercial interests, either have been or at least potentially, allowed to put their own wells in and yet by the Town Charter, the person who owns their private property, who's probably impacted more so because they've got to pay for it themselves, they're not a commercial operation are being required to purchase the water for watering the lawn, washing their car, things that do not require potable water. Is this a double standard? Is it simply a matter of income for the town and is the double standard based on the ability to fund attorney's from deep pockets? I'll finish with a question that I recall from George Orwell's "Animal Farm", all animals are equal, but some animals are more equal than others. Thank you.

Mayor Jones: That will close public participation. I did want to take just a moment since we were jockeying around the room to recognize Representative Steve Smyk is here with us this evening. Thank you for joining us.

#### 7. Additions or Corrections to the Agenda

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

Vice Mayor Booros: Madame Mayor, I'd suggest that we move a couple of things from New Business, up just to keep these people from having to sit in this room for the next 2-1/2 hours. One would be Dr. Coffaro's appeal and the other would be the Cannery Village punch list.

Mayor Jones: Where would you want to move them?

Vice Mayor Booros: Right up front.

Seth Thompson: So just after 15 and before...

Vice Mayor Booros: Yes, right before 16.a, if possible.

Councilman Collier: Madame Mayor, can we move Item 11 up to next and Item 12 right behind that? Because there's probably quite a few people that are here for just that, as well?

Seth Thompson: So 11 and 12 between 8 and 9, is what it sounds like?

Councilman Collier: Yes, please.

#### 8. Agenda Approval

Councilman Collier: I'd like to make a motion that we approve the agenda as amended.

Councilman West: I'll second that.

Mayor Jones: Discussion, you didn't get your pieces moved around.

Councilman Collier: I thought that that was already resolved.

Mayor Jones: No.

Seth Thompson: Councilman Collier, were you including those in your motion as well?

Councilman Collier: Yes.

Seth Thompson: So in terms of the amendments, it would be 11, 12 moving to between 8 and 9 and then Items 17.a and 17.f, moving between 15. and 16.

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

11. Resolution Proclaiming Community Volunteer Initiative in Memory of Gladys Wilkins

Mayor Jones: First I just want to take a moment to say that this is a time to recognize Gladys Wilkins. We have her nephew here, Mr. Mass. Thank you for being here and your wife, Janet and you have two daughters, Kathy and Judy, were they able to join us? Okay. I'm going to read a proclamation from the Town of Milton. "Whereas citizens who volunteer their time, provide assistance, which cannot be measured in terms of dollars, volunteers provide a spirit of helping, that multiplies in value, when each citizen reaches out to assists another. And whereas volunteers throughout the Town of Milton donate their time to a wide variety of service organizations, such as the Milton Fire Department, the Lion's Club, Milton Historical Society, Milton Garden Club, Friends of the Milton Library and whereas these citizens also donate their time in helping the Town of Milton, through their service in Town Council, Boards, Commissions and Committees and whereas on April 10, 1929, long time resident Gladys Wilkins was born and throughout her life was dedicated to many organizations, including the Milton Century Club, Milton Historical Society, Veterans of Foreign Wars Post 6984, Milton Fire Department Ladies Auxiliary, as well as many other service programs and whereas Gladys Wilkins passed away on December 23, 2013. Now therefore, it is proclaimed by the Mayor and Town Council of the Town of Milton, Delaware, the month of April each year as Community Volunteer Month in the Town of Milton and we urge all resident's of Milton to recognize, support and commend these special volunteers and offer their own time, treasure and talent to one of the many organizations within the Town." Thank you. We do have a small reception, short, maybe 20 minutes. There's some light treats and beverage on the back table, if you're willing to just have a short break.

12. Recess

9. Presentation and Approval of Minutes: January 18, January 23, February 3, 2014

Mayor Jones: Any corrections, additions?

Councilman Coté: On January 18<sup>th</sup>, page 20 and 21, there are comments attributed to me; so I would like to be reflected on Page 1. **(Correction made.)**

Councilman Collier: Motion to approve the minutes of January 18<sup>th</sup>, as corrected.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried. January 23<sup>rd</sup> is when we met with the Economic Development Committee.

Councilman Collier: Motion to approve the minutes of January 23<sup>rd</sup>, as presented.

Councilman West: Second.

Mayor Jones: We have a motion and a second. Any discussion? All those in favor say aye. Opposed. Motion carried. February 3<sup>rd</sup>?

Councilwoman Patterson: I make a motion to approve the minutes from February 3<sup>rd</sup>.

Councilman West: Second.

Mayor Jones: Any discussion?

Councilwoman Parker-Selby: Yes, before we vote, I think everyone knows that I'm going to have a problem with these minutes. When I first came on I had a problem with them; also other organizations that I'm involved with are trying to save paper and if you look at this stack of paper, I think if we get to just the main core and idea of what we're discussing to be written or posted, we'd do much better than having verbatim what's on the tape and anyone who wants to hear the tape, can go to the office and hear the tape if they have a controversy or something like that. I just want to go on record again, that I think we can do better with more detailed overall combining the main points of our meetings, rather than have the entire transcript.

Mayor Jones: Your comments are noted. Any other discussion on this?

Vice Mayor Booros: I'll make a comment, if you want me to. I go back to these words every month. I may go back 3 or 4 years to these exact words, every month; because as with tonight, these exact words are going to bite somebody in the butt, they always do. These words, especially on our Town Council meetings, not necessarily all the different committee's and things, but on these Town Council minutes, I use these minutes every single month. I go back and I'm not going back to 2003 to Town Hall to listen to a tape, to look for something that I can search for on my computer quickly. Just my opinion. I'm one of seven. My opinion is this comes in handy and I've looked at the other town's minutes, at the way they're keeping them on their website and you're right, they're just the broadest thing. These words, as a matter of fact, just when we did the tax appeals, the words came back to haunt a couple of the people that filed their tax appeals, because their own words are what got them. I like to see the verbatim on the Town Council minutes, not on the minutes for all the committee's. Just my opinion. Sorry Stell.

Councilwoman Parker-Selby: That's okay, I still have mine, the organization the main points can be posted and if we want a copy of all of this, then you can go there and get it. But I don't need to see every word everyone... unless I have a question in my mind, I would prefer to see the main gist of the meeting.

Vice Mayor Booros: I don't need a hard copy. If they're posted on line, I don't need a hard copy of them either.

Councilwoman Parker-Selby: I still want the main idea and then that way if I have a question from my own personal notes, I can go back to this, but I don't think we need to keep killing trees. Trees, folks, we can do better with that. That's just my opinion.

Mayor Jones: Councilwoman, the issue becomes the transcriptionist's responsibility to listen to this and put down key points that she hears. I've already that conversation with her. She believes that that would be extremely difficult to decipher what would be considered important points in here, without her being available to take notes and write minutes from the notes. So just explaining to you that that is part of the obstacle.

Councilwoman Parker-Selby: Would it cost us money to have her here?

Mayor Jones: Yes and I don't know that there's a willingness to break the minutes down from anything else than transcribed. Actually, for legal purposes, I don't know if Mr. Thompson has anything to add to this.

Seth Thompson: Typically it would be the secretary. It would be okay to have a summary; you don't have to have verbatim minutes under the Freedom of Information Act, but I think the Mayor's point is well taken. Normally when it's just a summary, it's the Secretary of the Public Body that's doing it, so in other words, that person is on that public body and knows what the important elements are, so you not only have a person transcribing and she would have to exercise her judgment on something that she might not feel comfortable doing, basically.

Councilwoman Parker-Selby: And I understand that, but that's my view and I think other people agree with me when you try to read something and when you're on a timeframe with lots of

other papers, you want to see what went on and like I said, if I have a problem, I just have a problem with all that. I read fast but I don't need to read every word somebody says at a meeting. It's just different to me when I'm pointing out my opinion, that I think we could do better if we had a summary. But that's how it is, that's how it is.

Mayor Jones: We have a motion and a second to approve. All in favor say aye. Opposed.  
Motion carried.

#### 10. Mayor's Report

Mayor Jones: I have just a couple of comments here tonight. I wanted to tell everybody that at a previous Town Council Meeting it was unanimously voted by the Council to extend to Mr. Greg Wingo a six-month temporary promotion to the Public Works Supervisor position that was vacated when Mr. Russum left. We're very pleased with that decision. Thank you very much for accepting that for us. The public form Town Council meeting that is an area that has no real agenda, no vote. We were having a difficult time finding some locations for these meetings. It will now be the 31<sup>st</sup> of May from 10:30 to until 12:30 here in the library. It had been set for an earlier April date, so you can look for that change on the website. One other thing I want to tell you tonight of great importance, is that the second Town Council meeting for the Town of Milton, which will take place on the 21<sup>st</sup> of April, Mrs. Rogers is that 6:30 again here at the library. Just a real quick background. Tidewater is faced with having to come into compliance by May of 2015. Right now they do not have compliance. They've written to the Town of Milton some options for reaching that compliance. It will up to the Town of Milton to look at that, research that and make a decision. I'm going to bring Tidewater forward for a public hearing meeting on the 21<sup>st</sup> of April, 6:30. It will be looked at as a Town Council meeting, but instead of this information coming solely to your Council, I think it's a very good idea that the townspeople hear the proposal. Important meeting. I hope you all can make it. Two last bits of information. I failed to tell you that there's a volunteer list that's been placed on the back table with the goodies. This list has been compiled by one of our local resident's and gives you great opportunities for volunteer work, the hours and who to contact and a little bit of what the organization does, so please feel free to pick up the printed copy from the back table and thank you out to the folks who did that, who did not wish to be named. I want to reiterate a big topic tonight. Councilman Collier spoke about it and it has to do with the trees downtown. Very quickly, in September of last year, the Delaware Forest Service came in, a representative came in to assess the downtown trees, the parking lot, Federal Street and Union Street. Again, we met with the Garden Club early this year, only as a courtesy to make sure that there was not too great of an investment made in supplying and putting in plants in the tree wells this year, for a plan that has not even had enough information applied to it, to make it worthy to bring it to the public yet. You can be assured, however, when that project and maybe not just one project it may be a couple of options that we are able to bring to the public; in light of the initiative for the Governor's downtown revitalization, there may actually be money that can be put towards this, as well as the forest service, but what I need to assure everybody in this room and anybody in this community that you can get the word out to, this is not a Town Council that does anything to you. It is a Town Council who will bring a project to you for your consideration and for your viewpoints. That's what I want you to know tonight. That's it for the Mayor's Report.

#### 11. Discussion of Written Committee Reports

Mayor Jones: We have a couple of Committee Reports. You'll find one from Historic Preservation. You'll also find a committee report from the Economic Development Committee,

Start of Business Process, in your packages. Mr. Crawford from the Economic Development Committee, are you prepared to say something to Council tonight? Would you come forward please?

Steve Crawford, 216 Ridge Road: I'm a member of the Economic Development Committee. Mayor and Council, for your information, we're pleased to report out to you the completion of the effort to define and document the process of starting a new business in the Town of Milton. For the past five months, Economic Development Committee members Mr. Blaney, Mr. Donovan and myself, working with Mrs. Rogers, Mr. Davis and Mr. Trotta, have developed the documents that are in your meeting package and I see that you have colored copies. Ours weren't, but I'm glad you do, because they are color-coded and it does make it a lot easier to read. As you can see, the effort that resulted in the development of two documents; there's a pictorial process flow and then there's a narrative word document that supports the process document. Some people are more visual with pictures; some people would rather read a narrative; they relate to each other, so whichever way you like to take a look at documentation, it's available and the expectation is that this documentation will be on our website for people to use. These documents are intended to be a guide for both new business applicants and town employees and while the 16 steps are identified, as the process is executed for new business applicant, rework or unique situations would require additional steps to be taken. We've documented 16 steps, but as with any process, things might have to be reworked, you might have to go back to the beginning of the process, so I want to make very clear that this is not a strictly 16 step process, but the process does document the most important aspects of what has to be done to get through and to start a business in Milton. The process owner is Mr. Davis, as this effort defined his role and responsibilities related to starting a business and we've attempted to define the specific step durations that are under the control of Mr. Davis. This gives the applicant a sense of how long things might have to take to get through the process, specific to what the town responsibilities are. Now, there are many steps that are the responsibility of the applicant, which again they control that, or other entities, such as DelDOT, Fire Marshall, DNREC; that's out of the Town's control and therefore we really can't define how long that kind of activity will take. So to the extent that we have been able identify the people, what the town responsibilities are and how long those will be, we've done that on the process documentation. The main step duration issue, seems to be getting on the agendas for the hearings or approval meetings, in a timely manner; Planning and Zoning Commercial, Board of Adjustment, Council Meetings, due to the need to get on seven days before on the agenda and all that other stuff. Depending upon where you are in the process, if you happen to be at the wrong spot, it could take anywhere from 15 to possibly 30-40 days, because you've not hit the agenda timeline, where you need to be. I think there's been some discussion about that. We've attempted in the documentation to point this out and we think that the town and public awareness of this documentation will go a long way in helping new business applicant's establish a business in Milton in a timely and more rewarding way, and my suggestion is, after you've had a chance to review it, if you have any comments and/or questions, to contact Mr. Davis. Since it's his process, he's approved it and I would certainly be more than willing to help him modify it as we go forward and as needed, but that's what I wanted to let people know, that we completed the activity.

Mayor Jones: Thank you. Any questions for anyone from the Economic Development Committee, while they're here?

## 12. Department Reports: Planning & Code, Police

Mayor Jones: Right now I'm on the Code Enforcer and Project Coordinator.

Vice Mayor Booros: I have a question on the Code Department report. After just hearing from Economic Development Committee that there's 16 steps to open a business in the Town, I see we issued 25 business licenses last month. Where are they? Just kidding. All real estate agents, or...

Robin Davis: They probably vary. Most of them could be contractors, outside vendors, things like that.

Vice Mayor Booros: Is 25 an average for a month? Is that a good...

Robin Davis: Maybe this time of year; it will start slowing down probably in the middle. We get the big push when we do renewals...

Vice Mayor Booros: Is this like building going on in the spring time?

Robin Davis: Yes, that helps. That's probably the biggest; right now we're pretty fortunate that our building has been moving upwards, so that means a lot more different contractors coming in to complete the process.

Vice Mayor Booros: Thank you.

Councilman Coté: Mr. Davis, I have a question and it's kind of a general question, I guess. Actually it's not very general. On Page 3, about a third of the way down, Modification to Site Plans, Dogfish. Does this relate to one of their unstarted projects, or barely started projects, or the two big ones are essentially finished?

Robin Davis: They have to modify two approved site plans. One of them is for the utility area expansion, which they have started and completed the boiler room part of that. They had to get that completed first...

Councilman Coté: Is that that addition on the front?

Robin Davis: No, that's the malt grain expansion; that has nothing to do with this. And the second modification to the plan was for the wastewater facility that they currently have there, the bio-generator that they wanted to install, was going to be in the containment pond area; what was approved on the previous plans, so it had to be modified.

Councilman Coté: To get back to the two big projects, have they been issued Certificates of whatever we call them, to be using those facilities?

Robin Davis: The warehouse has been. Mr. Hickey came by today and picked up all the plans for that; and will be doing a reassessment on the property for that. We are waiting on two street lights to be installed out in front of the big building you were talking about, across from Village Center Boulevard, to be installed.

Councilman Coté: I have reports that they are using that facility for its intended purpose already.

Robin Davis: They have started using it, yes. The building itself has been cleared by the building inspector, by First State Inspection and is to be used. It was just the outside area which concerned me, that the two street lights that they had to remove and relocate, had not been completed and they were waiting on Delmarva Power to do that.

Councilman Coté: And when will Mr. Hickey get that one?

Robin Davis: Just as soon as the street lights get put in and that should be, from what I'm hearing, within the next week.

Councilman Coté: Thank you.

Vice Mayor Booros: I just have one more question, Robin. On the next to the last page, actually, where it says left door hanger, I know I had brought this up with Mr. Russum about the door hangers, when they were trying to read meters and couldn't get into some houses and they were leaving door hangers on the doors, telling the people to call them and stuff like that and the

suggestion was that maybe some of the houses they were leaving door hangers on, the people didn't speak or read English. Are these being handwritten, or did we order 1,000 of them and we just hang something on their door?

Robin Davis: They're actually typed. There's a template that's typed. We actually made them at Town Hall year's ago. We didn't order them, but we made the ourselves and then some of the information is filled in, like Mr. Trotta's phone number..

Vice Mayor Booros: I'm just wondering if maybe on some of those, maybe you should put on the back side of them in Spanish, depending upon whose door you're hanging them on and I assume we don't know who's living in the property, but I think on the Water Department when you were trying to read meters back then, some of the people might have been Hispanic that did not speak any English, which didn't let us into the house to read the meter.

Robin Davis: Understand, yes.

Vice Mayor Booros: Maybe it's something that the two of you may want to look at at some point, or Mrs. Rogers, I see her over there writing it down real quick. Just to save you all the trouble of going back and hanging it up again and hanging it up again.

Robin Davis: I think we've been pretty fortunate. I think some of the issues that the Water Department was having was because people didn't want them to change the meters. It is a good idea.

Mayor Jones: Mr. Davis, on an unrelated subject, because I failed to thank both of you previously, I realize it was both you and Mr. Wingo that cleared the snow in this Town on that St. Patrick's Day unexpected snow that we had, so my thanks to you because that's very short-staffed and you did a great job. We have the Police report. Does anyone know where the Police Chief is? I have several questions for him, I will put those in writing. Did anyone on Council have any questions?

Vice Mayor Booros: I'll give you my questions later.

Mayor Jones: If you would, and then I will relay them. You as well?

Councilman Collier: Yes.

Councilman Coté: I have one as well.

Mayor Jones: If you will just flow those in to me, I'll make a... Unless you each would like to ask it separately.

Councilman Coté: No, we'll be passing the on.

Mayor Jones: Thank you.

### 13. Finance Report and Revenue/Expenditures Report

Councilman Coté: We're still in reasonably good shape. Tax money is still coming in and we record it all as income when we bill it, rather than when we receive it, so we're in good shape there. The surplus in the General Fund based on that comments, is over \$700,000, but it's because all the tax money's here and all the bills aren't. One expense line that we need to do something about monitoring somehow, is the Legal Expenses in all the departments. They all seem to be creeping toward budget rather quickly. Sorry, Seth. Other than that, I didn't see anything.

Mayor Jones: On that last item, if during your work with Mrs. Rogers, if you have any particular points of concern that you need us to look at, address committee's, however that is done, if that's it, please let me know.

Councilman Coté: Okay. I did have, in looking at the Budget Transaction Audit Trail on page 7, Training and Seminars, the Bridgeville Rifle and Pistol; when we did the budget, didn't we move that to Dues and Subscriptions?

Kristy Rogers: I would have to look back at the spreadsheet, when the budget was adopted.

Vice Mayor Booros: Madame Mayor, on the Statement of Revenue and Expenditures, the gasoline expense for the Sussex County Grant; at what point do we start tapping into that \$10,000; what point of the year? I see none of it has been expended. It's \$6,000 for Repairs and Maintenance of the autos was also put into that category and it hasn't been expended; and overtime for \$3,889 hasn't been expended; and overtime for SALLIE \$4,713; at what point do we start tapping that money, since it was budgeted out of those grants, for that purpose?

Councilman Coté: We can start anytime on the gasoline and on the repairs, I believe we can do that anytime. Apparently there's a little bit of contention about using the SALLIE and EDIE Grants other than for any overtime, other than Drug Enforcement overtime. We have emails that those grants are not to surpland the budget.

Vice Mayor Booros: I thought that's what they were budgeted for back when he offered it up.

Councilman Coté: As did I.

Vice Mayor Booros: Have we gone back to the word, verbatim minutes to see how that went?

Councilman Coté: I did read some and I forgot to bring them with me, but I did read some of those minutes and if you listen to the words that were said with the idea that it would pay for the overtime, that's what you heard. If you read really carefully, that may not have been said. There was a lot of hedging going on in those conversations.

Vice Mayor Booros: We sure as heck put it into those categories.

Councilman Coté: Yes, I know we did.

Vice Mayor Booros: And nobody's questioned it since September, that it was sitting in those categories and shouldn't have been?

Councilman Coté: Only when we were going to do what I just said about using those two other grants, then we were informed by the Chief, with a copy of an email, or a direct email, I'm not sure whether it was a copy or a direct email from the granting authority...

Vice Mayor Booros: About surplanding the budget.

Councilman Coté: So...

Vice Mayor Booros: My only other question on that one, on the Budget Transaction Audit Trail was and I hate somebody to tell me I signed the check for this; the Walmart Deer Warning System. Did I sign that check?

Kristy Rogers: I can review that as well to see what the expense was for.

Councilman Coté: There's a good chance we both did, John.

Vice Mayor Booros: I assumed if I signed it, you signed it. But it didn't stand out like that.

Councilman Coté: No, it didn't.

Vice Mayor Booros: One more question. We do still have the dog, right? Since his shots cost \$550? That's all my questions. I'm sorry to take up your time.

Kristy Rogers: To go back to further explain the Sussex County Grant, as of the date of this report we had not yet received the check from Sussex County for the \$25,000. When we do receive it, the Chief will begin to apply invoices for gasoline, for auto repairs and for the telephone expenses; usually when a bill is sent to the police, they will code what line item, so he will start deducting from those when the revenue is received.

Councilman Coté: And if that doesn't happen, we can discuss that and recode it?

Mayor Jones: Are you saying you haven't received this year's Sussex County Grant money?

Kristy Rogers: Not as of February 28<sup>th</sup>. I'd have to look to see. I think we received it in March, but I don't know if any bills have been applied against that yet.

Mayor Jones: Okay. I have just a couple and really it would mean off the top of your head, so it's okay if you don't know. Under the Budget Transaction Audit Trail, page 4, this is under

Admin, Amazon and ID Machine?

Kristy Rogers: Town Hall's always had an id making machine for new hires, for Board of Elections, identification cards. The machine broke this year, so the Police Department also uses that machine to make their id's as well, so we split the cost this year to replace that.

Mayor Jones: Very good, thank you. The other is on page 5 where it appears we are getting bank fees. Are we getting bank fees because those balances are so low?

Kristy Rogers: These are old grant accounts that have not been used in at least three years; we have discussed going ahead and closing those. They do refund us the fee; but since it is charged, we do have to record it and then we show the reimbursement.

Mayor Jones: Well maybe you could give yourself a break and decide to put those into something that won't happen repeatedly. Any other questions on this report, by Council?

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

- a. Appeal from Dr. Michela Coffaro of the decision by the Code Enforcement Officer requiring a Town of Milton rental license, per Chapter 164 of the Town Code, for the property located at 608 Union Street, further identified by Sussex County Tax Map and Parcel 2-35-14.15-45.00

Seth Thompson: Just for the record, I'm going to note that the Council should have in front of it a letter from the Code Enforcement Officer, or I should say a memo to Mayor and Council dated April 1, 2014; a letter from Dr. Coffaro dated February 7, 2014; a letter from the Code Enforcement Officer to Dr. Coffaro dated March 6, 2014; a letter from Dr. Coffaro to the Code Enforcement Officer dated March 18, 2014; and then a letter from the Code Enforcement Officer to Dr. Coffaro dated March 27, 2014. For ease of reference the Chapter 164 has been included, as has the Rental License Application. It looks like it was issued on January 1, 2014 and expires December 31, 2014. Dr. Coffaro if you could explain...

Dr. Michela Coffaro: I prefer no one take a picture. Only the newspaper is okay. I've heard a lot of disappointment and hurt today and if we don't do something about our civility and our friendliness soon, we're going to have a collective mental health diagnosis, so with that, I'll relate to the issue at hand. The household, my household and our household and Joe is not here because it did cause him anxiety and frankly disgust that it is undignified to have to come to a town meeting to resolve this issue. One would think this could be done within the office, through supervision, administrative process, team meeting, whatever it would take, to resolve smaller issues. We have very big issues in Milton that we need to deal with. All I can say is that we cannot arbitrarily change the meaning of a common household, by simply saying that any compensation becomes rental. I have the bills that I go over with Joe every week on a Wednesday night and we look at them and it's not only a learning process, but a way of us sharing expenses and Joe only pays what he can pay, so it's not even a particular amount, so my contention is I have a family; it's written in the Code and that we should follow the Code and until I've had four circumstances, I was the happiest little Miltonian you'd ever, ever want to see and it sees to be changing collectively and I hope that you will use me, as much as you can, to help change this, because we really need the civility and the friendliness and the caring to be more prominent. That is my statement.

Vice Mayor Booros: I'd like to speak. I fought this battle three years ago, because I have a roommate and this is one of those cases where I didn't pull the word for word, because I remember a word I used that day and people keep reminding me that I did use that

word, that day. But they did give me a copy of Chapter 164, Rental Licenses, and if you read it and you read it again and you read it again, it says a rental room is a dwelling room intending for living and sleeping accommodations for transient occupancy, which the owner or operator provides for compensation. Joe is no more a transient than my roommate, Roy.

Dr. Michela Coffaro: No, I believe at this point, since his family also has abandoned him, he's permanent.

Vice Mayor Booros: Well mine's not going anywhere either and transient occupancy is a rental rooms; it's not a rental property; it's not a motel, an inn, a hotel or anything else and if you read what a family is, a single person occupying a dwelling... you get down to the bottom, it says or not more than three unrelated persons occupying the dwelling unit and maintaining a common household. My roommate also contributes what he can contribute during the course of the month and since his check comes on the 14<sup>th</sup>, somewhere around the 5<sup>th</sup> of the month, I'm giving half of it back to him. I pay for all the food and I understand your situation. I fought this battle and I'll fight this battle for you. As a matter of fact, I'm the one that brought it to your attention.

Dr. Michela Coffaro: Yes, you did.

Vice Mayor Booros: I did.

Dr. Michela Coffaro: And I appreciate that. I felt helped.

Vice Mayor Booros: When it came up three years ago with me, there was no such thing as gay marriage in the state. There was no such thing. I don't even thing they had Civil Unions. The question came up with you got a guy and his fiancée's moved in with him. Is that family? Even though she's paying half the bills? They're not married, a couple's been living together 20 years, but they're not married. What's a family? Unless we change this Chapter in the Code, you're hard pressed in forcing anything other than a guy who's got his property for rent in the Cape Gazette on Friday afternoon. That's the way I feel about this.

Dr. Michela Coffaro: Right.

Vice Mayor Booros: This should have been settled long before it ever got to here. Dr. Coffaro, I agree you should not never have had to come before us.

Dr. Michela Coffaro: Thank God, I see all these friendly faces.

Seth Thompson: Dr. Coffaro, if I could ask you just a couple of questions, because we need to create a record, so that... it sounds like some people are familiar with your particular facts, but it could be that not everybody on the Council is, so how long has Joe been living with you?

Dr. Michela Coffaro: I think it's five years; because I'm just thinking of all these rentals that I've paid, that I really started at \$50, so it was way back then and I didn't realize the Code and I didn't think it was correct, but I didn't know what to do about it and as I said, I'm a happy camper and I follow the rules; in fact I paid for this, this year, I believe in November, because I usually pay right away to fill our coffers; so it's been a long term relationship.

Seth Thompson: Is there any particular end date, or is it an...

Dr. Michela Coffaro: No. There is no contract. There is no set fee. When he gets laid off, to a certain extent I get laid off and we share food. I don't know what else to tell you. It's actually kind of embarrassng.

Seth Thompson: In terms of the process, this is a process that your Code provides for, so it's not that it could have gone some other way. The Council sits as a Board of Appeal

for this kind of decision. This is designed to give you Due Process, that in the event that you don't agree with the decision, you can come to the Council.

Dr. Michela Coffaro: So what happened to me when I have now this experience and this is my fourth experience, is I have run two corporations. There's something wrong here, in terms of not any particular person. This is not a blaming, but there's two things going on. One a culture of wanting to do the exact thing without the consideration of the human beings involved here, but there's another thing, is the rule says if the Code Enforcer states whatever it is and the person doesn't like it, like myself, we must go to the entire Council. Where is the supervision, where is the internal working out problems and not to take all this time with all of us? There's something wrong here. It took me awhile to figure this out.

Seth Thompson: And again, this is part of the Town Code, so at least at some point the Council adopted this particular ordinance to have this particular process.

Dr. Michela Coffaro: We're going to have a... I talked to Mr. Hal Godwin and he said once the planning is done, then that should match the Code; so there needs to be a marriage that is more sensitive, that is done after that process, the initial planning is done.

Vice Mayor Booros: Quite honestly, Mr. Thompson, this is a dead horse three year's later. We knew three year's ago that either this wording needed to be changed or this town needed to stop trying to enforce this portion of this Code as to who's a roommate, who's sleeping with who, what they're doing in their bedroom; we decided three year's ago you couldn't tell what was going on inside of a household and that this probably either should be rewritten or not enforced.

Dr. Michela Coffaro: But people give up here. They give up. You have a lot of people... there's some people just not paying; that's not giving up; that's not paying and I have been very diligent in trying to follow the rules, so this diligence got me into this.

Councilwoman Parker-Selby: So Vice Mayor Booros, you're saying we should have changed this three years ago.

Vice Mayor Booros: Oh no, I like just the way it reads. If you're in a family situation where you have a roommate and you're sharing expenses in a house, or you've got a fiancée or it's a husband; a man and a woman who've been living together 10 years and they're sharing expenses, but the man owns the house, or the woman owns the house; the other one isn't necessarily a tenant. There's a relationship established there. This Code tells you what a family is and that relationship is a family, whether it is a boyfriend/girlfriend, a fiancée, two monkey's living in this house; it doesn't matter. This says if there are three or less unrelated people living in a house, they're a family. They're sharing expenses.

Councilwoman Parker-Selby: Right. So the situation here, I think, because I'm sort of confused here is how did this all start? We're asking her to pay rent or free?

Vice Mayor Booros: She gets a rental license.

Councilwoman Parker-Selby: She has to have a rental license.

Vice Mayor Booros: That's what they're saying.

Councilwoman Parker-Selby: I'm totally in disagreement with that, but, what do we do as a Council? Do we change something, or say...

Dr. Michela Coffaro: No we only deal with it today with this one issue.

Councilwoman Parker-Selby: Because she shouldn't have to pay any rent for something like that.

Vice Mayor Booros: We'll deal with it today and we'll be back here two years from now doing the same thing with the next person.

Councilwoman Parker-Selby: Well there are extenuating circumstances in everything, so I can't... That's why people have to explain something that they have to.

Vice Mayor Booros: With the economy has been for the last five years, there are living arrangements out there, you wouldn't believe.

Councilwoman Parker-Selby: Of course.

Vice Mayor Booros: And for us to say that they are renters, then change this to what a tenant is; or change this to what a rental room is; because the definition of what a rental room is, is as a transient and I'm telling you my roommate has been there six years and I don't see any end in sight. Ever. He's not going anywhere.

Seth Thompson: And Councilwoman, you said, what are we here to do basically?

There's the direct issue which is Dr. Caffaro's appeal...

Councilwoman Parker-Selby: Do you suppose she has to go through this, like I agree she shouldn't have to go through with this... Go ahead.

Seth Thompson: So there's that direct issue for tonight and then there's the broader issue that the Vice Mayor's referring to in terms of the ordinance, if one of the council members wants to have it on the agenda for revisions, then they can do that. Now, obviously, that would apply to everybody, so again, that's really a separate issue. There's Dr. Caffaro's appeal tonight and then there's the broader issue... frankly this ordinance pre-dates me and I think it could use some clarification. For instance, the definition from family comes from your zoning ordinance, but when you look at the integral part of the ordinance, which is Section 164-10 where it says no persons shall engage in, carry on, assist, aid, provide a rental unit or a rental room, there's nothing that refers to family in that; so there isn't some express provision. The Vice Mayor was correct to look at the definition of rental rooms and rental unit, when it really boils down to is it for transient occupancy and is it for compensation? So you can see that really the definition of family only appears in the definition of a dwelling. But I think those definitions were taken from your zoning ordinance but they weren't put into the crux of the ordinance that says these are the people that need to get rental licenses. It looks like it's from 2003, so you're dealing with an ordinance that's eleven years old, but that's kind of the broader issue. I think the Vice Mayor's right, to focus on is this a situation of transient occupancy and is it for compensation? And if it's not both of those things, then she wouldn't need a rental license.

Vice Mayor Booros: That's right.

Councilwoman Parker-Selby: From what I'm hearing, she doesn't need a rental license; that's my take on it.

Mayor Jones: I don't think rental rooms under this ordinance applies to \_\_\_\_\_. This is to include bed and breakfast rooms, inn rooms, motel rooms, hotel rooms, it could be boarding houses, but I don't see the definition of rental rooms applying to someone who rents a portion of their home. Not by definition. I didn't grasp that in that definition. Someone who would pay, if you were in another town, would possibly pay a tax for each room rented, instead of a house.

Vice Mayor Booros: Well our definitions are rental room or rental unit or dwelling and none of them would apply to this situation; dwelling unit...

Councilman Collier: Well for me, the problem that I have with the entire thing is if you go to definitions and read the opening statement underneath definitions; it says except

where context clearly indicates a different meaning, so then if you go to Section 164-10, Violations and Penalties, the context indicates a completely different meaning; so it's like one is in disagreement with the other; now which one do we honor is the question?

Dr. Michela Coffaro: I suggest you honor the family one 164...

Councilman Collier: I would imagine you would suggest that.

Councilman Coté: I suggest it too.

Councilwoman Parker-Selby: Me too.

Councilman Coté: One of the things that to me is unclear about this, is the Section called Violations and Penalties. Even the Internal Revenue Service tells you who must file. There's a section in their instructions about who must file. There's no section in this. There's a lot of good definitions, but there's no paragraph that says who must file and essentially, if we think we can charge rental licenses to families who have adult children living with them or elderly parents, I think we're out of line.

Councilwoman Parker-Selby: Way out of line.

Mayor Jones: I don't think a relationship by family in the same household, even comes close to the definition of rent.

Vice Mayor Booros: Even if the kids are paying rent, and they're still living there when they're 23 years old.

Mayor Jones: Not by definition of family. Now that's Webster's definition of family, which is lineage, heritage, those by blood relations.

Vice Mayor Booros: We're not using that definition.

Councilman Coté: But we have our own.

Vice Mayor Booros: That's right, we have our own.

Mayor Jones: Well, and this maintaining a common household, frankly puts it open to Milton not having the right to maintain any rental licenses; for me a barometer of a tenant relationship would be what is the tenant's vested interest in the property where they are living? Do they have any kind of financial investment in that property?

Vice Mayor Booros: Our Code doesn't ask for any of that.

Mayor Jones: I'm just describing my own definition of what...

Vice Mayor Booros: Why don't we take that up when we rewrite the Code.

Mayor Jones: Of what tenant is and compensation for. Maintaining a common household can apply to anything and everyone.

Vice Mayor Booros: That's why this isn't enforceable, as written.

Dr. Michela Coffaro: So, is my appeal granted?

Vice Mayor Booros: I make the motion that we grant your appeal.

Councilman West: I'll second that motion.

Mayor Jones: Any further discussion? Hearing none, all in favor say aye. Opposed.

Mayor Jones: No.

Councilman Collier: No.

Mayor Jones: Motion carried.

Dr. Michela Coffaro: Thank you very much.

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

- f. Cannery Village punch list, development standards, and subdivision approvals

Seth Thompson: Just to update the Council, Blake Thompson, who's not of any relation to me, is here from Chestnut Properties and basically I asked Cannery Village, and

especially the punch list, has been on a number of agendas. We need to come up with some sort of means to resolve basically the status of that community and I think Blake is going to be here to present from the developer's side, where everything stands, so hopefully then Council is more aware.

Blake Thompson, Chestnut Properties/Cannery Village: I'm kind of a normal person and I'm also a developer, I guess, and I'm here on behalf of Chestnut Properties and we are the developer of Cannery Village and basically I had reviewed the status and the whole process of the punch list to date with our homeowner's at our last meeting, which was March 29<sup>th</sup>, which was our annual meeting that we had over at Cannery Village and so they're pretty much aware of where we are and I'm basically here tonight to talk to the Council Members and the Mayor and the Vice Mayor and to give you a little history of where we've been and hopefully where we're going. About a year ago, we asked an independent contractor, not the contractor that did the initial work at Cannery Village, but a third party, if you will, contractor to review all the plans and meet with the Town and walk the streets of Cannery Village and develop a punch list. Now, prior to that, I believe that the Town's Engineering firm, CABA Associates, had done some work on a punch list and Chestnut Properties members had not seen it. Anyway, the contractor walked the streets last summer and compiled a punch list; the punch list basically was divided in two categories. It was basically repairs, which was the bulk of the items and there were hundreds of repairs necessary, because of all the years that have transpired since the initial work was done and once again, a lot of the hold up has been the economy and the fact that we just didn't get houses built and we didn't sell lots as fast we thought we would. So basically, they walked the streets and came up with a punch list, partially repair items and then partially new items; which new items would be like trees that were never planted, or streetlights that were missing, pole lights; so anyway the list was compiled and last fall, once the list was generated, the preliminary punch list, I'll say; we met with the Mayor and the Vice Mayor and the Town Solicitor and members of the Board of Public Works and we went over the punch list. We shared with them some of our concerns regarding the timing of not really the repairs, but some of the new work and in particular, the new work. We came to an understanding. I think everybody's on the same page. We all want to see the streets paved. We would like to have paved them a year ago, but we're here now. We want to do it right. We want everybody to be on the same page and live happily ever after. So, basically, we had a basic understanding, however, the Town's Engineering firms had changed and the Mayor and rightfully so, made the decision that the new engineering firm, Pennoni Associates, the old one was CABA Associates, the new one's Pennoni Associates, that they should in fact walk the streets, go through the punch list and make sure that it's up to snuff and that it's what it is supposed to be and the developer's agreed to pay \$10,000 to generate; we agreed to pay for the engineering firm to do that work. So, they did that work through the end of the year and the beginning of this year, we got the updated punch list that Pennoni Associates had... Basically, they further defined some of the repair items. They added new repair items and then, of course, they maybe further defined some of the new items that were from the original set of plans that were approved by the Town and then they actually added some items to the new list, which are maybe some ways of improving the project that we've now learned after living there; I haven't been living there, but people that have actually been driving through the streets have found a couple of things that maybe we could improve upon. So, basically, we then went to our contractor; the one

that did the original work, which we still have leverage with them and they're a fine group; that's A. P. Croll & Sons; and we shared the punch list with them and we had them go over it and a lot of the repair work and even some of the new items that hadn't been done, were things that we had actually already paid them for, so they started on that punch list and doing some of the items and so some of the items on the punch list, as we know it now, have been completed and so they got working on those and then they started getting us pricing for some of the others and we were talking back and forth between Chestnut Properties and Croll and it's now time for us to meet with the Mayor and the Vice Mayor and the Town Solicitor and the Board of Public Works to go over where we are now and that meeting will take place next week. I think we're tentatively set up for 4:00 next Tuesday at Town Hall. I believe that's correct. You guys all have that?

Seth Thompson: Yes.

Blake Thompson: So then we'll go over this and hopefully another critical part of this and I don't think that I brought this up at our Cannery Village meeting, but you know when we began the Cannery Village Development and starting putting in the infrastructure, there was no provision for any bondings. So we never posted any bonds for the work that we were supposed to do, so there was really no performance guarantees, if you will; and that was because we inherited the project from Tom Draper and I think that's the way he was able to get it approved and so we were sort of grandfathered in, if you will. We had already, in our discussions last fall with the Mayor and I think the Mayor thought that no doubt we should post some sort of a performance guarantee that whatever we agree to, we're going to do and that certainly they... because some of the things will not all be done at one time. There are some new items that will be done later, as we sell some more houses and I had already described how that goes with the homeowner's and so basically what we've agreed to do is to give the Town; maybe they will put a lien against some of our property that we own, a first lien; they would have... so if we defaulted, if you will, on what we agreed to, which we have no reason to do that, then they would be able to take the lots as a fine, if you will. Anyway, we're going to meet on the 21<sup>st</sup>, hopefully we'll be able to nail down all these outstanding items and basically have a preliminary agreement and then we would like to come back before Mayor and Council, hopefully at the meeting of the 21<sup>st</sup>, and then we can report what the final punch list is and how we're going to go about tackling it and what the performance guarantee is going to look like and timeframe and hopefully you will support us and we'll all, once again, this will have a happy ending. I'll ask if you all have any questions, I'd be happy to try to answer them. One last thing, I would like to publicly thank all the homeowner's at Cannery Village for their patience; a lot of it, once again, was the economy, but we have a lot of nice homeowner's and they've put up with a lot of potholes and had things moved along quicker, we would be in better shape. So, thank you.

Mayor Jones: Mr. Thompson, I actually have something. It's not directed at you, but I just want to make everybody aware of it. Back in January, one of the discussions in the Town Council Public Forum that we had was a comment I had made to someone who had come forward about Cannery Village streets and that is one of the pieces of information I need is the research on what is the history, in that development and is it my understanding that the lanes, right now, as they stand, would be maintained, would remain with the Homeowner's Association and not be part of the dedicate streets?

Blake Thompson: That is a big issue. I think that none of us really saw the potential problems by it being that way. First of all, it was the type of development, it's probably the first of its kind in Sussex County and unfortunately, it's very pretty, but it's very unique and with the way it's laid out, in many cases, the lanes are like main streets and in some cases there are homes that front on the lanes and so it's kind of a unique situation and really the lanes, we feel they need to be dedicated to the Town, whether it be for health and safety; whether it's an ambulance or a fire or a police protection or even beyond that, whether it's just everyday things like garbage collection. We feel like that is probably the best for the homeowner's, if the town would accept the dedication of the lanes. So I think that there are some homeowner's here that will probably talk about that and voice their opinion; but the original plans apparently they were stamped that that's exactly what would happen; however, there are other projects in and around us; Heritage Creek is one where I believe the town has accepted dedication of the alleys there; and I believe there were some alleys at Shipcarpenter's Square [I believe he meant to say Shipbuilder's Village], where that's probably not a real pleasant situation, but where that has also been accepted by the town and of course, I think the Town also ended up paving some streets there. That's not going to be the case in our situation.

Mayor Jones: But I did just want to make clear that the original plans call for the town to not adopt the lanes. Are the lanes in compliance for the town's requirement for width right now and do they have streetlights on them?

Blake Thompson: Are they in compliance? That's not for me to say probably. I would say that the streetlights they are out on the main streets. I would say that I don't know... I haven't been down the streets at night. I don't know what the situation is there, regarding the light.

Mayor Jones: I agree that it is a dialogue that we are going to need to have, before a decision is made.

Blake Thompson: That's correct. Yes. It's an important decision. Okay, thank you.

Mayor Jones: Thank you.

Seth Thompson: So again, my purpose for having Mr. Thompson here was so the Council would be able to familiarize themselves with some of the issues. This has been a situation that has lingered for an extended period, so I think everybody's hopeful, that if we can come to a reasonable compromise to bring it to some conclusion, hopefully, having heard what the issues are, Council and I don't know if the Mayor is going to accept public comment, but it might put Council in a better position to then, if we do reach some agreement in principle, that obviously it would be subject to Council's approval, we could do that sooner, rather than later. That was the thinking behind it.

Mayor Jones: Again, whether it's Mr. Thompson, you, you in coordination with Mr. Davis, as Mr. Blake Thompson said, the original plan does not call for us to adopt those lanes. That's why I asked whether or not the lanes were in width compliance, because if it was never your intention for the town to adopt them, they may not be within our compliance and streetlights on them; would they need to have streetlights on them, if they're major thoroughfares, as you indicate they go right to people's front doors. So those are my concerns and if there's any documentation that can help Council understand, because right now, Council is not bound to adopt them, according to the previous plan.

Seth Thompson: That's correct.

Mayor Jones: That's all I want to make clear right now. But I do think we need to

consider it very seriously, before anything is finalized.

Seth Thompson: Then the other element to it, street width is one of the elements that in your LPD you're able to vary; so it could be that indeed those lanes are not in compliance with your regular code, so to speak; but it could be that when the LPD was approved; when the Master Plan was discussed and then it became an LPD, that might have been one of the variations that they permitted through that process; that if it weren't in an LPD, you couldn't have that narrow of a street, but because it was, maybe that was one of... I'm not saying that's what happened, but that is a possibility under your LPD Ordinance.

Mayor Jones: Mrs. Rogers, can I ask you to just note for Mr. Davis, if he's able to compile a little bit of history on that information and the dimensions of those alleyways, if those widths even comply with the LPD Regulation?

Vice Mayor Booros: Mr. Thompson, did you also inherit that agreement for us not to take over the alleys from Mr. Draper also?

Blake Thompson: No we didn't.

Vice Mayor Booros: That was something that came after the fact?

Blake Thompson: As far as I know. I'm fairly certain, that's correct, it came after the settlement. He had a different layout and we were talking to Mike Ryan and NV Homes; they took us over to \_\_\_\_\_ in Northern Virginia and they kind of talked us into to doing a TND (a Traditional Neighborhood Development) here in Milton and that's really why we did it; we thought it was going to be a great thing and it would have been, if the County hadn't \_\_\_\_\_.

Mayor Jones: Mr. Kost, if you will be brief, we will take a public comment. If you'll come to the microphone please.

Councilman West: Mr. Thompson, what year did you take over back there?

Blake Thompson: I think it was probably 2003.

Councilman West: Because I had complained to the Council in 2005 and 2006, that the street layouts in Cannery Village were not right and I brought this to the Council's attention about the street signage, the whole nine yards and...

Blake Thompson: Once again, all along the way, Sir, the plans were approved by the Town. The Town's Engineer inspected all the work. They approved everything as we did the work and it was all approved. I'm not a site work guy. I'm not an engineer. I'm just a businessman, if you will and as far as... we did everything by the book. We didn't do any shortcuts. It was the same... They were per the plans that were approved and all along the engineer's, CABA Associates, were doing the inspections and we were being charged for the inspections and we were paying for them.

Councilman West: I understand that and I'm not trying to give you a hard time on that, but I'm telling you I just brought that to light to the Council that they should have done something back then; instead of us inheriting it now.

Blake Thompson: I don't know what to say, but probably if we had not the TND, (the Traditional Neighborhood Development), it might have all been different.

Councilman West: Because why I brought it to the Council's attention, I went back there to find that somebody had given me their address and told me to come to this place. I went to the wrong place.

Blake Thompson: Well that's another thing, this whole addressing system, that too was approved by CABA Associates and we actually had it done one way and then we were told we had to change it. We changed it and I don't know whether... I know what we

changed it to didn't end up being good. It had to be changed again, but I think maybe the one before, I don't know whether that might have been the right one. I'm not sure. We always did whatever CABA Associates... they had the final say, if you will. I guess I'm passing the buck.

Councilman West: No. No. I've got my thoughts on that process too!

Mayor Jones: Thank you.

Ed Kost: Just two points. One, Robin and I looked at the construction plans. The right-of-ways for the alleys are smaller than the right-of-ways for the streets. The pavement thicknesses are the same, according to the plans. I'm assuming they built whatever was on the plans. I think the thing you should consider when you measure the actual widths of streets, is the lanes pave width. When you look at our streets, we have two widths, not one, two paved areas; curb to curb with just parking and in between they narrow down. I think if you compare the narrow downs, you're going to find them to be the same width as the lanes. So what you're really talking about is the travel way where the cars actually go, they're probably exactly the same. I'm not 100% sure on that, but I think when you talk to Robin, you should have him check that. Not that he just takes the widest part of the paved area; that's not going to be a true comparison and I think when it comes to, in my case and Nunziato's case, we live on lanes. That's where I live. I don't live on a street. I live on a lane. That's the only access to my home. The front of my home is on open space and I live on a lane. So I'm paying taxes and if they're not accepted, I'm just going to pay taxes and get no benefit from the taxes I pay and I think that should be a consideration in this thing. Thank you.

Mayor Jones: Thank you. Did anyone else from Cannery Village want to make a brief statement.

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

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

Mayor Jones: This came to us in February; went to the Water Committee; came back and is with us this evening for a decision.

Councilman Collier: I've looked at this in some depth and there appear to be several things that are consistent with the granting of private wells. One being that none of the private wells that have been granted thus far have any impact on the wastewater treatment system. The commercial entity treats it's own wastewater; the other private wells service a wet stormwater pond to maintain a water level; and the other one irrigates common area, landscape area within a subdivision and then finally the other private wells that were granted, were actually circulatory wells for geothermal systems; so they don't actually draw any water, they just circulate through the system. This application leads us into a little bit of a problem here, because first of all, it's a different circumstance. Every bit of wastewater from this entity gets discharged in the wastewater system and by contract, we are bound to report their usage in order for them to be properly billed for wastewater treatment services; so based on that information, if we grant them a well, we've violated another contractual obligation that we have as a Town. I'm going to make a motion that we deny this on that basis.

Vice Mayor Booros: I'll second the motion.

Mayor Jones: Is there any further discussion? I have a question. Mr. Wingo, during this Water Committee Meeting, Mr. Parker was not available, but you indicated that there

could be a better way for Mr. Parker to meter his wastewater to reduce his costs. Has that been suggested to Mr. Parker?

Greg Wingo: To meter...

Mayor Jones: Specifically, his wastewater has an option to be metered?

Greg Wingo: Yes, you can meter wastewater. Right now that has nothing to do with us. That would be between him and Tidewater and I think that's something that we shouldn't need even address or even talk about.

Mayor Jones: Okay. You did mention it in the Water Committee meeting, though.

Greg Wingo: I did, because he had brought it up; because that was a conversation that he and I had and he had brought it up that he had the conversation with Tidewater.

Mayor Jones: Okay. Okay we have a motion on the table.

Councilman Coté: I have a question, then. If he can monitor his wastewater for Tidewater, that does not necessarily put us... It wouldn't seem to me that that puts us in violation of the contract with Tidewater. If he works it out with them, that doesn't put us in violation of the agreement with Tidewater.

Councilman Collier: I agree with that statement, except it's not our place to make that move; it's his place to make the move first and then come forward with the request.

Councilman West: Even if he puts in a private well, that water is still going to go down into Tidewater.

Councilman Coté: Right, but Mr. Wingo has indicated that that can be monitored, so that the proper amount of wastewater can be billed to the car wash. Is that correct?

Greg Wingo: From my understanding, you can put a meter on the wastewater side.

Councilman Coté: Apparently the answer is no. Has anybody discussed that with Mr. Parker?

Greg Wingo: As I said, Mr. Parker had brought that to my attention, about putting that in and I directed him to... he had to talk to Tidewater about that issue, not us.

Councilman Coté: And have you heard anything back on that? Obviously not.

Greg Wingo: Not on that. No.

Vice Mayor Booros: While we're having a discussion I'll throw something in. This is a good time. We own the water under this town and giving away that water, we already give an awful lot of it away to one contractor in this town, an awful lot of it and the car wash is one of our largest consumers of water in this town and I don't think this town can afford to lose one more dime of revenue, to anybody.

Councilman West: But it's in his best interests to put that meter on, because not all his water, like a lot of households, goes down in the sewer drain.

Vice Mayor Booros: And there's another thing, it was discussed in a prior meeting. I've looked it up and I think Pennoni Associates has told us, there are some towns that are charging bulk water rate to commercial properties, or to people that have wells for irrigation; they're charging them 50% of the processed water rate. The Town owns the water, you don't just give it away; whether you're watering your grass, whether you're cleaning out bottles; we give it away. This Town can't afford to be giving any of our resources away, quite honestly. 50% for not having to process the water; put a meter on it and charge him a bulk rate; maybe we need to look at that ordinance and come up with a bulk rate for commercial or maybe even residential. I don't know, but I know as far as just giving the water away, Mr. Russum tried saying that 6 months ago when we approved another well at Dogfish Head; we keep giving the water away. I keep hearing people say I want to turn on my faucet and have clean water coming out of there for my

kids, when that aquifer runs dry... and they're serving it down here at Irish Eyes, I don't think you give anymore water away for free, not one drop. I'm not adverse to looking into changing the ordinance to come up with a bulk water rate that we don't treat, for people that want to put in a commercial wells, so that we still make some revenue and yet don't have to treat it and it doesn't deplete the town's available water supply for putting out fires and such.

Mayor Jones: Any other discussion? We have a motion and a second to deny the request for a commercial well. All those in favor say aye. Opposed.

Councilman Coté: No.

Mayor Jones: Motion carried.

Councilwoman Parker-Selby: I abstain.

Mayor Jones: Motion carried.

- b. Wind and Solar Energy – An ordinance to amend Chapter 194 of the Town Code, Entitled “Taxation,” relating to property taxes

Seth Thompson: Madame Mayor, we had our first reading last month on this ordinance. There was some discussion about potentially geothermal wells, being another clean source of energy. I included that language just for the Council's consideration. It looks like Kristy has done a diligent job of finding out how other municipalities are treating these items. I have a question for Kristy. In terms of Sussex County where they're not exempt, but they didn't change the assessment, was there some explanation for that?

Kristy Rogers: The person I spoke to just explained that they don't have a policy or a value to assign to the solar panel installations; so therefore it's not included in any way for the assessed value, therefore not affecting the tax on the property.

Seth Thompson: So in other words, they might view it as an improvement, but it's worth zero dollars, therefore it doesn't change their taxes.

Kristy Rogers: That's correct.

Seth Thompson: Okay. Just to refresh Council's recollection, going through the ordinance again, the first section is really to make your Code more compliant with your Charter, where it says the town assessor may adopt the annual assessment for the town from Sussex County. The way it currently reads, the town assessor is mandated to use the county's assessment and obviously that's not what you guys have been doing for an extended period, so that's why that “shall”, I suggested should become “may” and why the additional language is, alternatively, if approved by Council; then the Town Assessor performs an independent there, an impartial assessment. That next section is language that would potentially provide this exemption for these green energy sources. There are a number of place holders. For instance, I put in there that the tax exemption would start this year and run for twenty years. It doesn't sound like anybody in terms of the other municipalities have put a time limit. Very often, that's how tax credits work; where they're set to expire after a certain time and I think they tend to do that so that people know that they're only going to have a tax break for a period of time vs. if you didn't put in a timeframe and 18 years down the road, you say if we're going to get rid of that exemption and then somebody bought a solar panel system the year before, they're obviously going to be a little bit upset. But that was just one of those things; it's purely a suggestion, or purely a thought on my part. I'm willing to answer any sort of questions. You can see from the other municipalities, with Kent County classifying it as personal property to avoid the tax issue, but then a lot of other municipalities seem to factor it in.

Mayor Jones: I also like the solar ordinance that came along with your package from Fenwick Island, which is different than this ordinance addressing taxation relating to property taxes. This actually outlines pretty much where they're located, the setbacks. I think this is a great idea. It kind of regulates those people who want to put in green energy, still to be in compliance. Noise compliance. Wind turbines.

Seth Thompson: You're absolutely right, Mayor. I just focused on the tax issue. You could adopt a solar ordinance governing where they can be located. There are a couple of laws in the State Code that we'd have to make sure we're in compliance with, but that is something you could do and Robin isn't here to answer how... I suspect the way we look at them now, they're just another improvement to the property, so they have to comply with the height restriction and that sort of thing and any setbacks currently, but it looks like at least Fenwick took the approach of drafting an ordinance specific to solar panel systems.

Councilman Coté: I don't see where there is any differentiation between purchasing this equipment and leasing it. That was a matter of contention in the tax appeal hearings. It would appear that we've just chosen not to address that issue.

Seth Thompson: Councilman, we could put in that the exemption only applies to Weist Systems; obviously that's a policy decision you guys can make. It's a little bit odd, because again, I really view it as an improvement, based on the way it's affixed to the house, but you could do that. Basically, if somebody buys the system and puts it on their house and they're not leasing it, you could say we're going to tax that the way we would if they added a family room, but if they're leasing it, we're not going to tax it. You guys could do that.

Vice Mayor Booros: I think what we heard in the last meeting was if you lease it and try breaking the lease, you've got to pay off the whole 20 year lease. So it was a lease with a purchase and at the end of the 20 years, you own it. You sell your house, you either pay off your lease, or the person you sell your house to takes it over; that's tantamount to owning it. You can call it a lease, but it's tantamount to owing it.

Councilwoman Patterson: It's interesting, because the solar panels... I don't know any solar panels that will actually hold their charge for more than 10 years; so I don't know if the lease company and puts new ones on and they're worth more, because these batteries right now, the technology is not quite there and they lose power every single year, so I can't imagine these systems last more than 10 years.

Vice Mayor Booros: I can't either and the technology changes so quickly.

Councilwoman Parker-Selby: May I say, the other thing is I noticed the other day I went to Lowes and they are pretty much promoting this leasing of solar panels now, because you can't afford... I know I had a person come in years back just to see what it would cost me and it was too much and the lady said that Lowes allows these people to be right in the building to solicit people to listen to what they had to say, so more and more we're going to be seeing this I would imagine. But it's a lease kind of thing, that's saving energy and people are trying to save money and save energy and so forth; the green world is in our faces, we have to be ready for it, I'm sure, but you don't want to kill people you can tax.

Councilwoman Patterson: My position is I don't agree with taxing solar or any green energy. I think it's great that people are trying alternative energy, so I don't feel that we should tax them.

Seth Thompson: So taking that as the premise, basically we would remove the time

period for the exemption. In other words, it would just go on forever and it wouldn't matter if somebody was leasing it or whether they purchased it outright.

Councilman Collier: In my world, if you buy a car, you pay transfer tax; if you lease a car, you pay transfer tax; it's the same rate, either way. I just want to put that on the record and I realize they don't drive a solar system, but the state recognizes that you pay that tax whether you own it or you lease it. Different issue, but it's the same principle for me. I think that people that want to make a green energy incentive, probably deserve some reward, but a complete free ride, I'm not so sure; because it is an improvement. Everybody that advertises a solar system, in their advertisement will tell you it's a point-of-sale if you go to resell your house. So, it is an improvement. The Government gives you a tax credit for installing one, but do they give you a full ride for the cost of it? No. You get a small portion. And you have mixed opinions on this, so I'm not sure that a total exemption is the way to go. I think that there probably should be some incentive, but a complete incentive, I don't know. If nothing else, I assume based on the value we at least recoup the cost of the permit and the administrative fees for our people preparing them, but I don't even know that we do that.

Seth Thompson: My understanding is that we are making them get a building permit...

Councilman Collier: I understand that, so then there would be a fee included with that.

Councilwoman Patterson: Also, if you lease the solar panels from what I understood from the last meeting, the company that's leasing them to you, they get the tax credit, not the homeowner and I like how Kent County calls these solar panels, classified as personal property.

Councilman Collier: I wonder about the idea of the company leasing them to begin with, because as long as they maintain ownership, they can depreciate them for tax purposes. At the end of their depreciation, do they all of a sudden come by and say you know what, we'll give you a really good deal on the solar system, because it has no value to us anymore.

Councilwoman Patterson: Right and I'm just curious, as I said...

Councilman Collier: We won't learn how that works until they get into...

Councilwoman Patterson: 10 year... 7 years when their efficacy is diminished and those batteries don't hold up that long.

Councilman Collier: There was some mention of including geothermal wells in there and while that might be green energy, I think it's an entirely different principle. I look at it as the difference between standard equipment and optional equipment. You have to heat your home. If you choose to do it with a geothermal well, it's still standard equipment. You have to heat your home. The solar panels and wind energy are an entirely different thing; you're going to have electricity, either way. If you choose to generate some greenly, in a green fashion, for the most part, people look at it as a way to get a break, more so than anything else.

Mayor Jones: Mrs. Rogers, when a building permit is applied for, is the person who issues that building permit aware of whether or not this is an installation of a purchased solar panel or a leased solar panel?

Kristy Rogers: To my knowledge, that information is not included on the building permit.

Mayor Jones: Thank you.

Councilman Collier: It is my understanding that they were just, I believe they were just listed as improvements, when they asked type of work. It may be a matter of how you

word your permit, even, because that may have been the triggering factor; because it's also my understanding that we have some systems that are owned in town, that we're not sure that they were ever included in the assessment of the home, so it's kind of a gray area here; I'm not sure where we're at on this. We have to do something in order to be consistent, anyway you look at it. As far as this ordinance for the placement of them, it's probably not a bad idea to go to that at some point in time, although I think we have in place that's going to cover, for the most part, because you don't build anything in a setback; that's one of the issues addressed in here. We have height requirements, which...

Mayor Jones: Noise.

Councilman Collier: Noise is the only issue that I can see and even that, but it's probably not a bad idea to define them at some point, as to the placement of them, but I'll leave it at the pleasure of the Council for taxation.

Mayor Jones: Whether or not the Council chooses to exempt or not exempt this green energy, I wholeheartedly endorse that we look at a renewable energy systems ordinance, so that there is some regulation on these systems and how they are mounted, maximum heights. I do think this is an important piece to take on; because if there's nothing that says how they can and cannot be done, there's no regulation.

Councilwoman Patterson: And I agree, as well. Some of the lots here would be too small for wind energy and I think spelling that out would behoove us.

Mayor Jones: It doesn't say anything about it being too small for wind energy.

Councilwoman Patterson: That's something to think about.

Vice Mayor Booros: We also have a Historic District, which Fenwick Island probably doesn't have, so when somebody puts a windmill in their backyard in the Historic District, somebody's not going to like it.

Councilman Coté: Just to take a word from your playbook, that particular item is not on the agenda tonight. It's on this tax issue only.

Vice Mayor Booros: Thank you.

Councilman Coté: And if we are going to go with this, do we need to specify purchased leased, in any way obtained; purchased, leased, it was a Christmas gift from my rich uncle.

Seth Thompson: We can certainly spell it out. I see a few different variables that... Number one there's the amount of the credit, so for instance in just the draft, I put in 50% as a placeholder, so that's one of the variables. One of the other variables that we've discussed obviously is the lease vs. the purchase. We can put in there, no matter how it's acquired. We can certainly spell that out so that everybody's on notice, if that's what Council ends up doing, that a lease doesn't end up getting you out of the process. Then there's the time period, that again that was more of a placeholder, but it sounds like reading the tea leaves here, the timeframe is probably the easiest of the items to set by the wayside at this point. It's going to be a tax exemption that applies going forward and doesn't have a sunset date, basically.

Councilman Coté: I would agree with that. That can go by the wayside.

Mayor Jones: D3, am I correct?

Seth Thompson: I would strike the first line of 3, but I think we still need the rest in terms of the process for how they apply in the event that... well I suppose it just depends on what you guys do with the rest of the ordinance; because I drafted that again based on the 50% concept; where if somebody was charged 100% of that improvement, then

they could ask for a rebate; but if you're going to exempt 100% of it's value, I don't know if you necessarily need that language, other than the very last sentence that says a property owner's right to appeal an assessment is just going to be the normal route, with Council sitting as the Board of Appeals.

Councilman Collier: I'm happy to leave it at 50% at this time.

Seth Thompson: Not to complicate the issue more, but it also sounds like the geothermal well issue, Council doesn't want that addressed in this Ordinance.

Councilman Collier: I think it's a horse of a different color, although it's generally classified as green energy. Every home gets a heating system; I think it's even required by Code that every home have a heating system.

Councilman Coté: And if my heating system is electric and I'm generating the electricity from my solar panels, how is that then different than the geothermal well?

Councilman Collier: Because I don't imagine you could hang enough solar panels on your house to heat your hoe, solely with solar generated electricity.

Councilman Coté: I don't know if we know that though. We don't have any...

Councilman Collier: I would say that's a pretty fair assessment, unless you've got the Taj Mahal to hang them on.

Councilman Coté: Not where I live.

Councilman Collier: Let me put it to you in terms that maybe make it clear to you. I think it was stated in here that most people were reducing their bill somewhere in the neighborhood of around \$80 a month; can you heat your home with electricity for \$80 a month?

Vice Mayor Booros: Those were the renters. The ones that own their own systems, those people are selling back to the grid; they're not only heating their homes and doing their laundry, they're selling back to the grid. There's a big difference between those that rented those and the people that are owning them, as to how much they're heating or cooling with it.

Councilman Coté: And was that savings before or after the lease payment? It's after the lease payment, I believe; otherwise if the lease payment is \$100 and I'm saving \$80, I'm not saving much of anything.

Councilman Collier: Well...

Mayor Jones: It doesn't sound as if Council's ready to go forward with this ordinance, as written.

Councilman Collier: Well we need to do something at some point in time, we have people sitting out there with tax bills that are now due, that are waiting to find out, so we just can't keep passing it now, we have to come to some sort of conclusive decision.

Councilwoman Parker-Selby: I'm not ready to vote on this yet; because I'm interested in the solar panels myself and in fact I have a meeting with the person coming up, on the phone this week, so I'd like to wait until I find out what's going on, to be more educated on what I'm voting on.

Seth Thompson: From my perspective, it sounds like the issues have been narrowed down to what the percentage would be, so in other words, I could have a revised draft of the ordinance; I would remove the geothermal reference; I'd remove the exemption running for a period of years; I'd add in the language in terms of the system, whether it's leased or purchased, or however acquired and then I think it would be down to the Council determining if it's 50%, if it's 75%, 100%.

Vice Mayor Booros: Mr. Thompson, if you remove the geothermal does that mean that

the people who have already put in geothermal, where Mr. Hickey did not assess it, he would have to go back and assess all those geothermals? We know who they are, because they've gotten permits to put them in. Some of them have been assessed and some of them weren't assessed.

Seth Thompson: I didn't ask for the rationale as to why he did State of Emergency and not the others.

Vice Mayor Booros: Don't have a clue.

Seth Thompson: That's part of my thinking in terms of putting it in here, was that we would again have a definitive statement one way or the other.

Vice Mayor Booros: So, if you take it out of here, it's as if it's a heat pump or any other heating system; you put it in, you pay for it.

Seth Thompson: Right.

Vice Mayor Booros: Which means we have to go back to all those people that have put it in that Mr. Hickey hasn't assessed.

Seth Thompson: Right, now we couldn't collect three years back, obviously.

Vice Mayor Booros: No, but you can collect now. Right.

Seth Thompson: Right, you go forward. As far as why some... I didn't get a rationale, but I didn't ask for one either, so I didn't directly ask that question.

Vice Mayor Booros: I understand.

Mayor Jones: Let me make sure I understand. You're willing to take geothermal wells out of this?

Seth Thompson: I'm more the scribe on this one. It's up to Council, really.

Mayor Jones: If it is considered green energy and we're making an ordinance, let us make it for everything that can concern green energy.

Councilman Coté: I'd be willing to leave the in.

Mayor Jones: I believe that this will be ready to come back on the 21<sup>st</sup> of April, because I do think that we have a pressing tax matter and we need to answer the folks that have the appeals.

Seth Thompson: Yes.

Councilman West: Could this be changed up, that this is part of a Green Energy System, instead of putting in there wind energy, solar energy or a geothermal pumps?

Seth Thompson: I suppose. You'd want to define what green energy was.

Councilman West: Yes, but it's going to change over the years. Somebody will come up with some other brainstorm, to figure out another cheap alternative to living.

Seth Thompson: Councilman, you're absolutely right, it's just one of those items where you'd want to give the assessor direct orders in terms of what he should be assessing and what should be excluded. I wouldn't want to have leaving the term green energy; unfortunately that just leaves it open to interpretation.

Councilman West: Yes. Okay.

Seth Thompson: And then, just so the Council's aware, the last section, your Code currently reads that the Town Assessor each year; so I changed that to the contracted sum, since that's how you guys have really been acting over the years. It would be difficult to get an assessor to perform his work for \$1.

Vice Mayor Booros: Can we get the money back from him?

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

b. Shipbuilders Water Tower Foundation

Mayor Jones: You have a report, Mr. Wingo, do you have anything that you wanted to add to this?

Greg Wingo: The Shipbuilder tower foundation has been an issue for approximately 2-1/2 to 3 years now. The foundation is starting to bust apart on it, pretty bad and in the past we've had Frank Young from Baker Ingram & Associates come over and check it out and they have gotten a report together and what I would like to do is ask Frank to come up here and give you a quick background on the problem that we do have here on this foundation and where he thinks we stand on repairing this foundation.

Frank Young, Baker Ingram & Associates: Good evening. We're structural engineers. Our office is in Dover and I live in Lewes and have so for 40 years. Just a quick synopsis, because it's getting late, with your water tower foundation. Essentially you have a steel structure that sits on a ring of concrete at the base and what we have found is that the base concrete has begun to deteriorate and we have outlined a repair scheme and some drawings and specifications that we have made up and just a quick bit of background. What we think is going on with your concrete at the base, is two things. One is called an alkali silica reaction, in which the aggregate, the rock and the concrete, reacts with the cement paste in the concrete; that causes cracking, but not necessarily a lot of reduction in strength if it's properly reinforced. So that's of concern, but not as much of a concern as the \_\_\_\_\_ damage that we're seeing in the concrete and what happens there is what we found through testing, is that this concrete doesn't have the necessary little microscopic pores that will allow expansion and contraction of the water to occur as it forms into ice. So what happen is concrete is naturally permeable, water gets in there, it freezes and it spoils, or it cracks the concrete and it's deteriorating at the support where the water tower structure itself comes down onto the base. So that's kind of your problem in a nutshell. Probably the first thing you're going to ask is, is it going to fall down? And when is it going to fall down? We don't really know the extent. The deterioration that we've seen to date, is such that we're recommending that you take action on it without undue delay. We don't have a crystal ball to know exactly what's going to happen. What we have seen over the years with concrete degradation is that it happens very slowly, very slowly, very slowly; and then right near the end it starts to go fast. Given this type of structure, with no way of being able to temporarily shore it and it's a non-redundant structure; we don't recommend you take it to the limit.

Mayor Jones: And I do see that you have explained clearly, because you don't know the construction of the foundation and it's actual condition that a contingency be set aside for additional work that may be required during the repair process.

Frank Young: And unfortunately we don't know, because the original construction documents weren't available. We could make a pretty educated guess about what's there, but we just don't know exactly.

Mayor Jones: Do you expect the ASR to continue to degrade the concrete somewhat, even with the repairs that you've proposed?

Frank Young: ASR is irreversible. The freeze/thaw, that can be correctable.

Councilman Collier: Is your company prepared to give us a dollar figure of what we could expect minimally, so that we can figure out what a contingency beyond that, would be?

Frank Young: We did prepare an estimated construction cost. I'm going to go off of the top of my head because I don't have it in front of me. I think it was \$377,000 and I

would have to... I think I do have it. We were estimating \$337,000; I misspoke and that includes a 10% contingency.

Councilman Collier: Alright, well that makes it real clear. Thank you. Somewhere I thought the figure was a lot lower, somewhere.

Mayor Jones: This item...

Councilman Coté: Well, \$337,000 and what does that buy us, a complete fix or does that buy us a temporary fix or something that's going to continue to deteriorate until we have to spend another \$400,000 because inflation might have gotten us by then.

Frank Young: That's a great question. When it comes to concrete repairs, there's no such thing as a permanent repair and that's just due to the nature of the work. This type of repair that we're considering here, we would think easily 15 to 20 years. That's in no way permanent.

Vice Mayor Booros: Are you pouring a new foundation and moving the thing, a lot more than that?

Frank Young: I don't know.

Councilman Collier: This is just repair work. A complete reconstruction would be phenomenal in cost, because you're talking about...

Frank Young: My suspicion would be that new construction would be more, but I don't know.

Councilman Collier: Reconstruction would be considerably more, if this is just a repair.

Councilman Coté: My other question is, is there a definition "without undue delay"? Does that mean start next week? Or start this year? Or start sometime in 2015?

Frank Young: Our recommendation would be to have the repairs complete within a year.

Councilman Collier: So that's start today. Well we have some contingency funds in the Water Department; how much do we have Mr. Treasurer? I'm just curious.

Councilman Coté: We have Water Impact Fees of \$351,000 and the utilities checking account has \$577,000. That's as of February... we probably have a little bit more in impact fees and I'm not sure about the checking account.

Councilman Collier: So we have just under a million dollars.

Mayor Jones: Mr. Thompson has pointed out that under the recommendations, further suggested the proposed repairs be performed by a contractor with significant experience in concrete repair and underpinning techniques. Is this going to require an RFQ? Does anybody remember what the original agreement was; Baker Ingram & Associates I believe were supposed to do this study, but we didn't sign on for them to carry through any repairs; that would go out with a separate RFQ for this project.

Kristy Rogers: I would have to review the original agreement, but I think it would need to be an additional RFQ.

Frank Young: I think, if I'm understanding your question correctly, our original proposal included design and documentation of the repairs and then a bidding phase and then a construction administration phase. If my memory serves me correctly, Win authorized us to go through bidding.

Seth Thompson: Mr. Young, I suppose the Town's going to have to look back over it's records to make sure, but were you going to administer the RFQ, as well? I take it from your comments, that's what you...

Frank Young: By RFQ, you mean... we wouldn't physically pay for the advertising but we would assist you guys to put it on the street, yes.

Councilman Collier: You would prequalify bidders, of course looking for the right

companies with significant experience. Is that my understanding?

Frank Young: Again, I think that's as much a business decision to be made amongst the town whether or not you wanted to have prequalifications, or not.

Councilman Collier: Well, based on your recommendation, I would think that would be the most prudent thing to do, because this is not something we want to take lightly and you certainly want the most qualified company to come in, or a very qualified company to come in and do the work, so that we might get 20 years out of it. What action are we looking for here?

Seth Thompson: I hate to say it, but some of it depends on what was previously approved; in other words, if they've already been given the authority to go ahead and prep an RFQ; it sounds like Council would still want to approve that, or you would look for Council to approve the RFQ before you send it out. Am I understanding your comments correctly? In other words, do you know if you're authorized based on what the Town Manager did to go through that process without Council action; or will you need Council to approve?

Vice Mayor Booros: Doesn't this Council have to appropriate money for it, before they do anything?

Councilman Collier: That's what I'm getting out.

Seth Thompson: That's right. Obviously that's always the case; you guys control the purse strings...

Vice Mayor Booros: So until we've decided we have the money and where the money is coming from and how it's going to be done, I can't imagine he can proceed at all. I don't want to throw a wrench at things, but doesn't the money come first?

Councilman Collier: That's it.

Seth Thompson: Then we have to answer the logistics question; assuming, again, the Council votes to spend the money.

Vice Mayor Booros: It's too late to apply for a grant and ask for forgiveness; like all the other towns who had emergencies coming down the pike.

Kristy Rogers: I did contact Ms. Warren with the Delaware Office of Drinking Water and if we were to apply now, it's still not for funding until 2015. I mean, that's October 2015 is when it would be available.

Vice Mayor Booros: This amount of money would not require a referendum?

Seth Thompson: You're right, you're below the threshold. I'll double-check, but I think it's a million...

Vice Mayor Booros: It's \$500,000.

Councilman Coté: I'm not sure that's right.

Seth Thompson: I'll double-check.

Councilman Collier: I'm not sure I want to wait for a referendum in this Town.

Vice Mayor Booros: I don't think you'd have to wait for a referendum.

Councilman Coté: That's only if we have to borrow the money. If we use...

Vice Mayor Booros: Like I said, a lot of these towns that had "emergency" situations were getting complete forgiveness on the money that they were borrowing, as opposed to using reserves. We have an old system that has things breaking down all the time, I hate to see all the reserves go down, unless we have to use them.

Councilman Coté: Yes, I agree.

Councilman Collier: But we need to take some sort of an action somewhere, so we should certainly give this a stab.

Seth Thompson: According to the Charter it is \$500,000 in Section 29(a)-38.

Councilman Collier: I can't bring myself in good conscience to say we'll wait and see what we can borrow. I think we need to move forward with this and simultaneously look at the borrowing and if we get it borrowed fine, but we've got to obligate ourselves to repair this and we can't look at whether we can borrow or not; we can't borrow based on whether we get forgiveness...

Vice Mayor Booros: Based on FOIA, can we vote on appropriating that kind of money tonight?

Seth Thompson: The difficulty is that I think a reasonable person looking at the agenda, wouldn't expect there to be that kind of expenditure. Under the subject of water tower foundation.

Vice Mayor Booros: We may have to put this on the next agenda coming up.

Councilman Collier: I'd like to make a motion that we table this until we receive the following information and hopefully by the next time we meet. That would be one, first of all, the extent of Baker Ingram & Associates' agreement with the Town and secondly, that we inform the public of how much money we think we're going to have to spend and what our plans are with that. But I'd like to see it placed on the agenda on the 21<sup>st</sup>. We're filling up the night again.

Councilman Coté: I think we'd also for the council members to have a copy of the cost estimate.

Councilman Collier: That, as well should be included. Then I'll amend my motion to include that.

Councilman Coté: Thank you.

Councilman West: I'll second that.

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

Councilman Coté: Madame Mayor, I'd like to make a quick request. We have two items left before the Executive Session. One of them could carry on for awhile about fences; the other I think is very short and two gentlemen have been sitting here waiting for this report. If we could just take them out of order, I think it would be a good thing for them.

Seth Thompson: Yes, but you did include the notice on your agenda that items may not necessarily be considered in sequence, so you are able to do that.

Vice Mayor Booros: I'm sorry, I missed asking this to be put up front. I didn't think about.

e. Cannery Village Ad Hoc Signage - Update

Mayor Jones: So we will move up 17.e at this point.

Bob Frazier, 227 Summer Walk, Cannery Village: I've been kind of the spokesperson and de facto chair, I guess, of the Ad Hoc Committee that the Council appointed two years ago this month, in fact, to study a problem in Cannery Village with emergency response, because of addressing issues. You have a written report, so I'm not going to repeat anything that's in there; just to say that we are EXTREMELY happy to report that all of the work that was required by the Request for Proposal has been done; there are a couple of minor issues that still need to be resolved, but the contractor and the committee discussed those and they've agreed they're going to complete those within the next week or so, I'm sure. So basically, the job is complete. We think it's a success, because I have it on good authority that people are suddenly getting their packages

delivered at their front door, instead of to the wrong address or to their back doors. I invite you all to drive through or walk through and look at it, but I would just like to make a couple of comments about the fact that... although I've been the one that's been up here briefing you, I certainly wasn't the one that did the lion's share of the work on this. I had Mr. Roger Thompson, Mr. Bob Weston (who's not here), and Councilman Coté who was on my committee before he became a councilman and was allowed to continue with our Committee, as long as he didn't vote on anything that had to do with it, as a council member and those people did a lion's share of the work on this, which took entirely too long, but I don't know that we could have shortened it at all. But the most important thing... Oh, I forgot to mention we had some very good advice from Councilman Collier as we were deciding on what the final solutions were and I was extremely pleased with that, because I think we might have gone down some wrong roads if he hadn't given us some of his experience on DelDOT and federal regulations for signage. What I would like to note is; and I would like to thank the Council and the Homeowner's Association and the developer for compromising because, let's be honest, there was some concern on this Council, whether these funds should be allocated to this program. There was a lot of concern by the homeowner's, whether we should be paying for anything and there was concern for the developer, because you heard from one of them tonight about how they had everything approved and they felt like they were being put upon because now there were problems. I think that's the way that you get things done in problems of a public nature and I wish more people would do that and I want to thank the Council and the homeowner's and the developer for compromising on this and allowing us to fund what I think, is a very important project and I really believe it's going to increase the emergency response capabilities to our little neighborhood. So the project is complete. I think it's time for Council to go ahead and dissolve the Committee because we don't plan on anymore meetings and again, I invite you all to come through and take a look at what's been done.

Mayor Jones: Thank you Mr. Frazier.

Councilman Collier: Thank you.

Councilman Coté: Thank you, Robert.

c. Rescheduling of the regular May Town Council meeting

Mayor Jones: I mentioned during a previous meeting about a request to change the Town Council Meeting from May the 5<sup>th</sup>; we had originally discussed moving it to the 8<sup>th</sup>, however, accommodations of the facility would not allow for that and I'm asking for permission to move that Town Council Meeting, to Wednesday the 7<sup>th</sup>.

Councilwoman Parker-Selby: I have a conflict.

Councilman West: I make a motion that we move the meeting to the 7<sup>th</sup> of May.

Councilwoman Parker-Selby: I won't be able to make that, but that's okay.

Councilman Collier: Second.

Mayor Jones: Any other discussion?

Councilwoman Parker-Selby: Just so everybody knows I have Red Cross Annual Meeting. I'm the Co-Chair of their awards for the Red Cross in the State of Delaware, Delmarva Peninsula and that's the evening of that event. It's once a year, it's on the docket every year a year in advance, so I won't be here because of that. Don't let me stop the show.

Mayor Jones: We have a motion and a second. Is there any further discussion on the

change? All in favor say aye. Opposed. Motion carried.

d. Request for Quote – Fence Project

Kristy Rogers: The documents you have in front of you are basically the summary; the original document is 94 pages. The plan is, upon arrival, of the specifications to have a pre-bid meeting this Thursday at 9:30 to view the proposed location for the fence to go at all three properties: Chandler Street, Shipbuilder's Village and around the maintenance shop. Again, there are maps included confirming the layout approved at the last Council Meeting.

Councilman Collier: I noticed there are stakes up.

Kristy Rogers: There are stakes on the property. There's also a brochure showing the decorative fence that has been selected, if approved, for Chandler Street around the well-house and the front of the treatment plant. The rest of the fence will be black, galvanized, chain link at Chandler Street and at the maintenance shop. At Shipbuilder's Village it will be galvanized chain link fence.

Vice Mayor Booros: So we're not doing like a pick and choose cafeteria style based on the cost, or do we know that approximately the cost is going to not afford us to put anything but black chain link? The reason I'm asking the question is, is because Mr. Harris has been adamant about the fact that he doesn't want chain link fence along his side yard.

Kristy Rogers: Mr. Ryan and I spoke today and if we decided any change to be made to the bid specifications, we can verbally describe those at the pre-bid meeting on Thursday and then send out an Addendum; so if we would like a cafeteria style to ask for a decorative fence at Chandler Street, we could add that in at this time, to discuss Thursday.

Vice Mayor Booros: I would like an option, because if the money is there and we can do decorative fence and not have to just use the black chain link around it, that... I thought originally that Homeland Security was to get those well-houses and things fenced in; not necessarily to put all the money around the maintenance yard; even though I think fencing in the maintenance yard is a good idea. I just don't want to tick off the neighbors and they've been very verbal about it.

Councilman Collier: Vice Mayor Booros, I looked at the way they have it staked now and the view that Mr. Harris gave us pictures of and everything else; the chain link fence falls well short of that and the only fence that he would have in his view, that he's so happy with, is the area that they've described as putting the decorative fence up. It's scaled back significantly from what was originally proposed...

Vice Mayor Booros: I saw that, but also the view from the park up the hill is what we're going to be looking out around the whole water tower, from that view is that going to be chain link? That came up too.

Councilman Collier: Well, it's what you look at now.

Vice Mayor Booros: It was all a money issue; how far will the money... It's been five year, I think since we applied for this grant, 4 or 5 years; so I know the mother is an issue now, it's not going to go as far as it would have gone then.

Councilman Collier: I think this is a pretty sound proposal package here and I'd like to make a motion that we go ahead and proceed with it.

Councilman West: Second.

Councilman Coté: Now we're into discussion. Is now the right time to put a fence around

the Shipbuilder's Village tower, when we're talking about having to replace that whole foundation? Or replace most of it; with all the construction work that's going to have to be going on.

Councilman Collier: You can delay the actual placement of the fence. You still have to contract somebody to do that.

Vice Mayor Booros: I thought this job had to be finished by June.

Kristy Rogers: Yes. All has to be complete by June 30<sup>th</sup>.

Councilman Coté: We could get a prettier fence.

Councilman Collier: For what goes around Shipbuilder's water tower, it's just two sides. It's not going to get you too much more for your fence, is the point, but it is a valid point. Again, that's something that could be adjusted at the pre-bid meeting. It doesn't necessarily have to be reflected in this package. They can withdraw that at the pre-bid meeting; they're going to say okay, this no longer includes these two sections of fence, at this time and it's something we'll have to consider in the cost of repairs because of the way we applied for the grant.

Kristy Rogers: Even if we fenced in that Shipbuilder's tower, the gate is large enough, with area around the tower, to conduct the repair.

Mayor Jones: It sure is.

Councilman Collier: Then my motion stands like I made it.

Mayor Jones: I would like to say one thing in the consideration during your pre-bid meeting, it is of course up for choice by Council, but I didn't hear Mr. Harris talk about his view, as much as he did about running his property line with a decorative fence. That includes a 60' piece that runs right directly; isn't that what we decided today; runs parallel with his fence. So at least in this, I don't know about adopting it just as it is. I believe the public thought there would be more opportunity for decorative fencing in some very high traffic areas; meaning even Front Street Extended, where you're coming in and out there, where some decorative fence would also be nice. I know it's a matter of money and the decisions would have to be made as to where it is best spent. But we do need to move on this quickly.

Vice Mayor Booros: That's why I thought the cafeteria style... we only have so much money. It's got to be spent by June. I would like to have seen the options; tell me what decorative fence is going to cost; tell me what the other one is going to cost and I'll choose between the two. If we had to hold off on a little bit of chain link fence at Shipbuilder's until the construction was done, that wouldn't kill us either. That can't be that expensive, because that's just regular galvanized fence at Shipbuilder's, on two sides.

Mayor Jones: And is it my understanding Mrs. Rogers, that anything that this grant does not cover, we're going to take into consideration to complete the project?

Kristy Rogers: Yes, I would like to see what remaining funds would be needed to complete the project, to see if that was allowable in the budget.

Councilman Coté: One of the things that we could do is just realign the capital expenditure projects, so that... I don't think the fence is in that capital expenditure list, so we could consider looking at that list and see where we could change that.

Kristy Rogers: And the six-month budget review is on the agenda for May, so that could be an item to discuss at that time.

Mayor Jones: Right now we have a motion on the table to adopt what is...

Councilman Collier: To allow her to forward with this and get the bid process started.

Any of the things that have been asked for, at this table tonight, can be done during the pre-bid meeting without any problems whatsoever. It doesn't change the complexion of the face of this document, other than we might say if we want an option for this, this and this and you tell them that pre-bid, that's why you have a pre-bid meeting; to go over these terms.

Mayor Jones: Mrs. Rogers and Mr. Wingo who will be available for that pre-bid meeting have heard everybody's concerns and I trust you will take those forward. All in favor say aye. Opposed. Motion carried.

18. Executive Session:

- a. Discussion of the content of documents, excluded from the definition of 'public record' in 29 Del C. § 10002, including records with trade secrets, confidential/privileged commercial or financial information, or exemption from public disclosure by common law

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

Councilwoman Patterson: Second.

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

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

Councilwoman Parker-Selby: Second.

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

19. Discussion and possible vote on Executive Session items

Councilman Collier: I'd like to make a motion that we have Mrs. Rogers extend to Pennoni Associates the contract, with the amendments that we discussed in the Executive Session.

Councilman West: I second that.

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

Councilman Collier: I'd like to make a motion that we secure the services of Baird Mendao's to examine the documents as discussed in Executive Session.

Councilman West: I second that.

Mayor Jones: I would make a recommendation that you put a cap on it, in terms of hours and/or money.

Councilman Collier: I would like to amend my motion to reflect initially a cap of 10 hours.

Councilman West: I amend my second.

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

20. Adjournment

Mayor Jones: A motion to adjourn?

Councilman West: I make a motion to adjourn.

Councilwoman Patterson: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Meeting adjourned at 10:40 p.m.