

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

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

Vice Mayor Booros	Present
Councilman Coté	Present
Councilman Collier	Present
Mayor Jones	Present

5. Public Participation

Mayor Jones: Before we start public participation could I see a show of hands of those who would like to speak on the fence issue in public participation. Okay, thank you. The general rule apply, 3 minutes.

- Ed Harris, 305 Behringer Avenue: Thank you for having me here tonight to just let me speak to you folks. I just want to say first of all, something's happened with this whole fence issue to the Town and it's happened over the last week. I've been here 20 years and thanks to the wonderful resident's of Milton, in the 20 years that I've been living here, I have yet to see the resident's of this town come together the way they've come together; in all parts of the community, the response from Heritage Creek, from Cannery Village, from Wagamon's West Shores, all through the other part of the town, all through Preserve on the Broadkill, people are really concerned about the decision that was made the other night here. I'm here to present a petition to you folks. I'm waiting for four more pages. I already have over 170 names. They are some of the most notable citizens that live in this community; that have been here for years. I'll give you an example even Jim Welu who is at the Crosier Burn Center thought it was important enough to sign the petition. I've got Bob and Libby Zando, who have been living here for years and years, major investment. Mr. Clendaniel who lives down the hill here, who's been here for 70 years and he's concerned. I think exclusively we have all the neighbor's in Preserve on the Broadkill that are concerned also. To give a background, I'll try to speak quick because there's a lot of issues that I really want to cover with you folks. A decision was made late at night and I really am not going to point fingers, because it's not going to be productive and I'm going to try to keep my passion down a little bit so we can be clear, as far as clarity. Through the last week, we've only had a short period of time, first of all to answer a question that I'm sure many of you have, why all of a sudden is this an issue, when it's already been voted on? A lot of the resident's and particularly through me and a couple of other resident's were under the understanding that there was going to be a (and I don't want to dispel this decorative

fence) because it really is not a decorative fence folks. I'll go into that in just a minute; that the other type of fence, the black chain picket fence was going to be used around our water system for Homeland Security; so a lot of us just trusted that we were going to go ahead and pass this with a fence. It was late in the evening and I don't know whether the Council people were tired and I understand completely; I think it was just a little bit hurriedly gone through, rather than discussed and it was voted on. It was kind of like the voice heard round the world. It sort of rippled through the Town, what was going to take place; part of it was, I was approached by a television station to give an interview. I held back. I didn't want to have negative... I didn't want to have the black eye. I waited a week. I was on television as you all know. Okay, if you saw me on television. Anyway, let me give you a quick history of what's going on. The town was not required to put up fencing. There is no Homeland Security initiative that requires this town to put a fence in.

Kristy Rogers: That's 3 minutes.

Ed Harris: I called Washington, talked...

Mayor Jones: Mr. Harris, I hate to explain 3 minutes, but perhaps someone can continue for you.

Ed Harris: I talked to Homeland Security in Washington, the town is not required. I talked to Homeland Security up in Dover, the town is not required to put up any fencing. That's how come for this long there has been no fencing. It is the Town Council that has chosen to put up a fence. Plain and simple.

Mayor Jones: Now, you will have to pass, because your beeper went off, about a minute ago.

Vice Mayor Booros: You have 3 minutes.

Ed Harris: Mr. Dougherty is going to give me my time.

Mr. Dougherty: I relinquish my time to Ed Harris.

Mayor Jones: Do you have him on your list?

Kristy Rogers: Further down the list.

Mayor Jones: Okay, I'll allow that. I didn't understand that when you said that. I'm sorry.

Ed Harris: I do want to remind you that there are a lot of people that come here and talk for a lot longer and this really is pertinent, considering the amount of signatures I have.

Mayor Jones: I understand, but tonight we have a lot of public participation.

Ed Harris: So anyway, we're not required to put the fencing up. Anyway, the town is not required. So what they've chosen to do and what we've got a problem with was the entrance to the town, coming in and seeing chain link fencing on one side, the barbed wire fencing on the other; like a prison. Concerned citizens. And fencing off around the water tower and their buildings. So what we're asking is that the Town Council, what we're respectfully asking, is to reconsider their decision on what they've chosen. We understand the funding isn't there. We're looking for a modification maybe on the plan and hoping that you are going to work with the citizen's that really don't want it. I think you've got an opportunity here to turn a negative into a positive for the community. As I said, I am so impressed. I really have reaffirmed my faith in this community that so many people have taken this on and they're really, really concerned about the image of the town; because it does portray a negative image. There's nobody else in the area furthermore. And somebody said well there are chain link fences in Rehoboth and there

are, sure there are; 1950's, 1960's, 1970's; every municipality across this country. You look at Baltimore, Philadelphia, Dover around their low income housing, all had... What it is, is it's not decorative fence; that's a misnomer. It is simple black pickets like you see at the church out here on Front Street; it's a neutral security fence and that's really all we're asking and we're hoping to find a solution and answer the citizens.

Mayor Jones: Alright. Thank you.

- Jack Bushey: Mayor and Council Members, I have a question to ask about the website. Is the information on the website and particularly the Town Charter, has it been updated or corrected or were any changes made in it since 2008?

Councilman Collier: No, Sir.

Jack Bushey: No, Sir? Okay, I would like to read you something, Seth you may want to follow this. Under the Town Charter, Section 9. Regular and Special Meetings of the Town Council. The Town Council of the Town of Milton shall hold at least one meeting each month on the first Monday of the month. If the first Monday of the month shall be a legal holiday or Council deems they are unable to meet the requirements for the first Monday of the month, the monthly meeting of the Town Council shall be held on the following Monday of the month. Therefore, this Council Meeting being held on Wednesday, is illegal. Monday, not Tuesday, Wednesday, or Thursday. There are certain conditions; this was called as a Town Council Meeting; there are certain conditions you have to follow to call a Special Meeting. This was not called as a Special Meeting. This is called as a Town Council Meeting. It has to be held on Monday. I think that was my 3 minutes.

Seth Thompson: I'll respectfully disagree in that part of the problem is the Charter refers to Special Meetings, in a different manner than the Freedom of Information Act, so I read that section as a whole, to say that if the Town Council is unable to meet on the first Monday of the month, they can move it to that second Monday; however, they also have the ability to call other meetings.

Jack Bushey: That's correct, but they did not call this as a special meeting under the guidelines and it says "shall be"; the word "shall be". It's absolute. Is that not correct? Absolute. It's Monday. So technically your meeting's illegal because your Charter says it shall be on Monday, not Tuesday, Wednesday, or Thursday, or Friday, or Sunday. Monday.

Mayor Jones: Thank you.

- Richard Miller, Gristmill Drive in Milton: I wanted to address in my 2-3 minutes the police budget. Year's ago I read a book and depending on who you talked to, it was effective; I read Dale Carnegie's book "How to Win Friends and Influence People"; and sometimes I'm effective and sometimes I'm not, but there is a particular line in that book that talked about be hearty in your approbation and lavish in your praise. The Police Department that we have obviously what they do, with what they have, are effective, but my concern is and the watershed event was a robbery at the cemetery in the middle of the day on Union Street. It concerned me because 50% of our budget is dedicated to the Police Department and we have resources that I think should be reevaluated as to the effectiveness of the money that we're spending; the money that's available to the police

for the utilization. Case in point, we have a Neighborhood Watch Program that is also very effective and I would like to see some resources given to them, so they can augment the work of the Police Department. We have a very effective town spirit, it's been mentioned earlier. What we're not taking advantage of all the resources at our disposal. So I haven't finished that book, but I promise I will. Thanks.

Mayor Jones: Thank you, Rich.

- Jim Parker, Finish Line Car Wash: Good evening. I'm here tonight to say that I'm disappointed with the Town Council as far as their vote last month. More importantly is being disappointed with the vote, I'm disappointed with the way it was handled and the procedure in which the vote came about. I was called by Greg Wingo on January 28<sup>th</sup> to come out to a February the 3<sup>rd</sup> meeting. It was going to be discussed. I came that night, started my presentation; Ms. Jones stopped me and said Mr. Parker, we don't have anything back from the Water Committee yet; we can't allow you to continue. No problem. I came back on March the 13<sup>th</sup>, it was brought up that the Water Committee had not really come back with anything from their February the 26<sup>th</sup> meeting, except for a lot of questions that needed to be answered. That night I was not allowed to speak at all. I raised my hand to speak, but was denied. I did not get a call referencing that anything was being done on the April meeting, concerning a vote or the issue to come up to be talked about. I hear about it from the newspaper that it had been denied by the Council of the April meeting. The thing that bothers me about this is the procedure it went through. To my knowledge, the Water Committee never did come back to the Council with any type of decision on their behalf. They had asked for some questions to be answered from the Town to go about and now I stand here tonight, very troubled with the fact that I have a business in Town that depends on water 100%; without water I don't have a business. It's funny that we can allow other business in the town not to have one well, but two wells and that was no issue there with him having two wells and I need a well to have water. My biggest concern is that the town has spoken, the people have and have voted twice that they're not going to build a new water tower to be sure they have water. If I give up the water off the town, that would allow at least eight, ten, twelve more new homes to be built. Look at the tax revenue that would allow the town to pick up. Towns don't make money on water. Towns make money received by their property taxes and I really feel like the Town Council needs to bring this back up and can clarify that it was done in a proper way. I believe I was discriminated upon; when you allow one business owner the opportunity to do it and not another and more importantly, I feel like I never got an opportunity to speak to the town about it. So I would ask the Council to please reconsider and bring it back up; again with no report coming back from the Water Committee from a final and then obviously not having my opportunity to make my speech, the night was very disappointing. I also want to say that I've been a part of this town for 10 years. I have many properties in many towns. I take great honor in keeping my properties up and being an asset to the town and I do find that it seems like to me in this situation, I wasn't asking that you reduce my property taxes, I don't want your water anymore. I was asking for it because I've seen a problem and the writing on the wall that until this issue gets resolved, I can live every day wondering whether or not I'll be able to be in business. My business is here to serve these people an

the town and to offer that and without being able to have water, I can't do that. So I would ask the town to please reconsider. Thank you.

Mayor Jones: Thank you Mr. Parker.

Councilman Collier: Before you come to the microphone, Mrs. Weeks, I would like to speak to Mr. Parker. Do you mind? Mr. Parker, you're absolutely correct. You were denied and you weren't here the night you were denied; but I'd like to go on record as stating one thing that's different in your case and what lead to... I'm the fellow that made the motion for denial and what lead to me making that motion. The difference between you and everyone else that's ever received the opportunity to have a well in town; is the fact that you discharge your water into the wastewater treatment system. Dogfish Head treats their own wastewater. The other wells that we've allowed, were either to keep the water level up in a stormwater management pond or wet pond; or to irrigate common areas in a sub-division; or geothermal wells. None of them impact the wastewater treatment system. Contractually, the town is obligated to provide to the wastewater treatment provider for every resident and every business in this town their water usage. As long as you continue to discharge your wastewater into Tidewater's system, we're responsible for providing them with a number. Now it's not the Town's place to ask Tidewater to meter your waste, that's your place and until that's done, I don't believe we can even reconsider that because of our contractual obligation.

Jim Parker: And I think you're absolutely correct. Councilman Collier I think you're absolutely correct and that's the kind of questions I would have hoped that I could have been asked and been able to answer and let me say this to you. First off, I recycle 60% of the water I use; we store on site about 8,000 gallons of water, that is continually being reconditioned in order to be able to be reused and recycled. Number two, my second part of putting in this well, was I was planning on having the sewer metered, so that way absolutely every gallon that went into the Tidewater facility, they would be paid for, so it wasn't the fact that I was looking not to have to pay Tidewater. It wasn't looking for the fact that I'm not looking to be able to not have the town water, it's the fact that I need to survive my business. I've got a \$1 million investment over there and without water, it's worth zero.

Councilman Collier: And I understand that and through a separate party I learned that some of your concerns were actually brought to you by someone that used to be in the employ of the town.

Jim Parker: I've had several people in the town tell me that there are water issues within the town and that concerns me greatly. What also concerns me is when I see that the town has got water issues and wells aren't being put in to continue the growth. My opportunity is to say that if I come off line for water there's an opportunity for more people to come online, not looking not to pay my property tax anymore; not looking to be a part of the town. I've invested a lot of money in the Town of Milton and want to continue to be an asset for the town.

Councilman Collier: Well, I cannot speak for the rest of the Council, but what I can tell you is that without that information that you're now giving us, the decision was made based on that reason and I cannot tell... I cannot speak for the rest of the Council. I cannot tell you that they will reconsider, but this is information that certainly you have the opportunity to come forward with and there's nothing anywhere that says that you

cannot reapply for the same thing. This is what I'm telling you, but I wanted you to know what the basis of that motion was made on was that simple fact that we have a contractual obligation with the Town's wastewater treatment provider and at the time that we acted and we acted because we felt it deserved an action. That was the basis for it. Plain and simple. If you can come back later on with a solution to this, I can't speak for the rest of the Council, but I can say it certainly might merit reconsideration. So I don't want you to think that you were mistreated intentionally, because you weren't.

Jim Parker: Like I said, I was very unhappy with the decision, but I was more unhappy with the way it came about and not having the opportunity to ask questions and answer questions and show you what my total intent was.

Councilman Collier: Alright, well that's fine and I thank you Sir for bringing that to light, but I wanted you to understand how that was arrived at.

Jim Parker: Thank you.

- Virginia Weeks, 119 Clifton Street: I'd like to know, is there a copy of the Council packet available for perusal before the meeting, like when you get it one week before when the agenda goes up?

Kristy Rogers: I place the public documents of the packets on the website.

Virginia Weeks: Well, for example, tonight you're going to do... Do you have anything in your packet about Tidewater wastewater treatment plant?

Councilman Coté: No.

Virginia Weeks: You had information at the last meeting when the fence was done on finances, that weren't on the website. There's a lot of things in your packet that if we want to speak to it, we don't know what's in your packet and I think that's unfair and Mayor Jones, if I may, I remember you complaining about the same thing when Don Post was Mayor and it's something that needs to be fixed. That said, on Tidewater, I would urge you once again to make them leave the river, please. I imagine if you think the fence has coalesced people, this will be even more so. I imagine that there may be developer's that want to build like 88 condo's or something that probably don't have enough EDU's if Tidewater doesn't expand and I would hope that you make Tidewater leave the river. Thank you. Another thing. Your water problem, since my 3 minutes aren't up. I did a quick calculation and at 220,000 gallons a year, at 35 gallons per barrel times 3.5 gallons of water for every gallon of beer made, that means that Dogfish is getting over 26 million gallons of water a year, free. I'm not concerned about the cost of the water; what I'm concerned about is the loss of income to support the water system to prevent fires at Dogfish that they don't contribute to. I think you really need to look at your process and get something down on the books, so that people who want wells, such as this gentleman, also pay for the water infrastructure for fire prevention and for the storage towers, etc., so they have it. Thank you.

- John Oates, 115 Arch Street: I was at the Farmer's Market last week. I was approached by a senior who asked me if I would be going to this Council Meeting. I advised her I would be and she told me a little story. She said she has a new neighbor, a young mom. She invited her down to the market and to walk through the park. When they got into the park, it appears that there were... the language she used I won't use here... but there

major issues with folks that have dogs that don't properly clean up after them. She was describing this young mother and this was her first visit to Milton; maneuvering her baby carriage, or trying to maneuver it successfully, without much luck. Now this might not seem like a big issue after everything we just heard, but again this is an image issue. We have the concerts beginning on the 21<sup>st</sup>, we've got the Horseshoe Crab Festival on the 24<sup>th</sup>, I don't know what the situation in the park is now, but it seems to me that this is not something that should be put on the shoulders of Public Works. We have Code to address these issues. My opinion, the Code is more than satisfactory to address these issues and the lady that brought this question up asked if I could get a response from the Council regarding what they think of this, or what can be done, if anything. Clearly I can see six signs from standing right here, curb your animal, clean up after your animal. The folks that are not doing this I don't think deserve any consideration at all; in terms of first warning, second warning. The language in the Code, I think, gives us an opportunity to deal with them and I think that it should be enforced.

Mayor Jones: May I also clarify that besides the issue of the dog waste, you weren't talking about kind of a language nuisance, as well. Did I hear you say that?

John Oates: No. No. You misunderstood. It was the language she was using... and she's a very respectable senior.

Mayor Jones: To describe what was on the ground.

John Oates: She was extremely upset. She was embarrassed in front of this new neighbor, who she encouraged to come to Milton.

Councilman Collier: Mr. Oates, I feel your pain, because of anybody sitting at this table, I spend more time in the park than most and on almost every time I go, I keep a shovel in the train shed and I do my civic duty and scoop up what's in the area of the train and I understand. Surprisingly enough when I operate the train, the number of people I witness doing it, but unfortunately human beings don't wear license tags so I can turn in the numbers, or something else like that and I'm not sure, even though there is something on the books, until their caught in the act...

John Oates: That's not quite accurate. The Code does indicate that anyone leaving their own property without the equipment to clean up after their animal, is violating Code. In essence, if they come into the park without what they need to clean up, that's a Code Violation, subject to a fine.

Councilman Collier: I understand what you're saying because I pass out plastic bags in front of my house because there's a nice wooded area and there are several people that walk their dogs there regularly and if I'm in my garage and I see them, I just take a bag and walk over and say you must have forgotten this when you left your house and hand it to them and I've been cursed by some and others say I'm sorry and they pick it up, but I understand what you're saying.

John Oates: Well that was one of the suggestions the senior had. She said, in her experience in other places, there are bags available and such.

Councilman Collier: That's certainly something for consideration.

Ed Harris: Why don't they put that in the water bill, that would be fine. That water bill especially is good communication for the whole town; resident's please curb your dog. You'll be fined if you get caught not curbing your dog or picking up the dog waste. Put it in the water bill.

Councilman Collier: It's certainly something to consider and thank you Mr. Harris for your suggestion.

Ed Harris: You're welcome.

Mayor Jones: Thank you.

Councilman Collier: Thank you and we'll see what we can do.

John Oates: Thank you.

- William Annunziata, 317 Brick Lane: I just have a question, I guess of Mr. Thompson. What are the rules for Town Councilmen or Councilwoman recusing themselves. Because on a particular issue in Cannery Village, when the gas tanks were being moved from one area to another, two of our Council Members that live in Cannery Village had to recuse themselves from that vote, which I thought was wrong; because they weren't getting any financial gain from that and if it's because they live relatively close to where that was happening, Councilman West, actually lives closer to the new location than Councilman Coté lives. So Councilman West didn't recuse himself from the meeting, but he doesn't live in Cannery Village, he lives 20' out of Cannery Village; so he didn't have to recuse himself. From my understanding from other organizations that I belong to, you would recuse yourself if you, as an individual, would be getting a financial gain that basically nobody else would be getting. In a situation like this, if anything has to... It seems that anything that deals with Cannery Village, if you live in Cannery Village and you happen to be on the Town Council, you're not allowed to say anything. You can't vote. You can't talk about it. That just seems wrong to me. Now, I can understand if let's say Mike, I'm sorry to keep using you, but let's say if the lot that Councilman Coté owns, the Town wants to buy. Yes. He would have to recuse himself because he's selling something so he may get a financial gain from that; but besides that, why would they have to recuse themselves from votes that deal with anything with Cannery Village?  
Seth Thompson: I can't speak to the specific issues, but each issue does need to be analyzed for it's given facts. So, basically the Council is governed under the State Code of Conduct in the Delaware Code, so if a council member determines or seeks the advice of the Integrity Commission that they have a Conflict of Interest and they recuse themselves; frankly some people just want to avoid any sort of appearance of a Conflict, even if one might not exist. That's really an individual decision.  
William Annunziata: So what you're saying is there's no legal reason if an issue that happens to deal with something in Cannery Village, that just because you live in Cannery Village, you would have to recuse yourself, because of that?  
Seth Thompson: That's not exactly what I'm saying. What I'm saying is you need to look at whatever the specific issue is, because you're absolutely right that certain issues affect the entire town; so for instances, taxes are obviously an easy example. Council Members that are going to be affected by that, vote on taxes; but it affects everybody universally. So, that's why I need to look at...  
William Annunziata: And the same thing with improving a certain area of a town, which benefits the whole town. So you could bring that same example that you just gave for everybody that's on the Town Council, because if Cannery Village or Shipbuilder's or Wagamon's Pond become a better place to live, that helps everybody that lives in the Town.

Seth Thompson: But it might not benefit everybody to the same degree. So I don't want to get into hypotheticals...

William Annunziata: That's a little tough one, then you've got to go dollars and sense. That's just one issue that I'd like Council to discuss, maybe in private. Also...

Councilman Coté: I just want to say, because I've been used as the example, I've recused myself a few times already on issues that relate to Cannery Village and I don't know that I really... and I have two hats that I wear there.

William Annunziata: I know that last week you said because...

Councilman Coté: I live there and I'm on the Homeowner's Board and that is probably, for me, the bigger reason to recuse myself on some of the issues; because I have the obligation to the Board, which is obligated to the all the homeowner's and I tend to agree that I don't know that I have to recuse myself on every issue that relates to that area of town, just because I live there.

William Annunziata: Okay.

Vice Mayor Booros: But you did consult the Public Integrity Commission, who advised you it would behoove you to not discuss it.

Councilman Coté: Yes I did, but that was from the point-of-view of being on the Council and being on the Homeowner's Board.

Vice Mayor Booros: And Councilwoman Patterson, I can't speak for her, but her husband had filed the appeal, so she recused herself because her husband filed an appeal.

William Annunziata: That I understand. Also, just very quickly, the International GPS, National GPS, the United States Postal Service, UPS, Fed-Ex, the State of Delaware, the United States Government, Sussex County, the Milton tax collector, Milton Town Hall, the Cape Gazette newspaper, the Republic Waste Management; all of those people recognize the fact that I live at 317 Brick Lane, which is a public street and the only people that seem to have a confusion about that is the Town Council. Thank you.

Councilman Collier: Excuse me, I'm not sure I understand. Would you clarify that, because I think this relates to the motion that was made at the last meeting and the one issue that remains before the Town can accept your Lanes, and Chestnut Properties was encouraged to do this, as part of that motion; is that there has to be a change made on the Record Plan. Because right now the Record Plan, on file, indicates that they are not to be dedicated to the Town and what I'm trying to tell you is that as far as I know, this Council's intent when that vote was taken was that that change be made and that the Town is going to recognize, acknowledge and accept those Lanes, when they are dedicated. That was the intent of the motion and it was made, seconded and passed.

William Annunziata: So what you're saying is when that's done, the Lanes will be taken.

Councilman Collier: The Lanes will be taken. That was the intent of the motion. So let's clarify that.

William Annunziata: Then you're in agreement with all those other people? I take that back then.

Councilman Coté: And just a little detail, informational detail, that change has to be requested through Planning and Zoning and it has to be requested by Chestnut Properties.

- Jeff Dailey, 211 Gristmill Drive: I was rather vague when I filled out the form. It just

said ceiling on infrastructure. I've lived here long enough and I've been pretty diligent in attending Town Council Meetings. I've seen a couple of administrations now and it seems as though folks who are not on Council Committee's or holding the Mayor's seat and I applaud all of those people for sticking their necks out and being of public service; but it seems as though the citizens find fault with the way monies are expended and I'm suggesting to this Council that perhaps, whenever there is an infrastructure expenditure; and what I mean by that is something like fencing, that's going to be there for 20, 25, 40, 50 years, or even something like Cannery Village the assistance they got in readdressing the homes, and that's my neighborhood. I benefited. Expenditures such as these, as well as the house across from Town Hall, which I think was a great idea, because I'm concerned that our town owns so little land and property in the town limits, so I think that was good. But there are people who don't think that was good and unfortunately real estate transactions have to be kept private, so it had the appearance of kind of fly by night purchase. My suggestion is that maybe this Council should adhere to a dollar amount and if something is going to cost the taxpayer's say \$30,000, \$40,000, \$50,000, whatever you set it at, that requires a public forum and if we had done that, we would not be hearing from people who sent out petitions and so forth. The opposite of that is when the Town is about to lose revenue, due to some vote taken by Council, \$10,000, \$20,000, whatever the Council deems appropriate and perhaps that could be work shopped, that amount. If we're going to give away revenue and it seems to me about the comment about Dogfish Head being given water, in some respects and not satisfactory protection for that now ever increasing in size facility, I think that too, may warrant a public hearing and well advertised. I come to these meetings and I remember it wasn't that many years ago that there were very few people attending Town Council meetings. That is not the case. We have volunteer capital in this Town, in abundance. We have interested citizens. We have well attended Council Meetings. We are enthusiastic about the direction of this town and quite possibly we need to look at this and I thank you very much.

Mayor Jones: Thank you.

- Gwendolyn Jones, 204 Atlantic Avenue: I'm going to follow up on some of what Ed Harris said regarding the fencing, from a different angle. He made a good point earlier that I did not know that the fencing is not required by the Department of Homeland Security and that he called the people and asked about it. I trust him in that regard. I'm not surprised, but I understand that the grant money was there. It was a good idea and we had to take fast action to take advantage of it. But I wanted to point out something. One of the questions I had was as I understand it, the last meeting the fencing was also mentioned to go around the Maintenance Yard and I was wondering what security was involved there, that would require fencing? At least on the same level as the water towers. Is there... The Maintenance Yard, unless it stores something that is having to do with the sensitivity, similar to the water towers and the water system, the question I have is why put it around the Maintenance Yard? Two, the chain link fence, any kid knows that it's just as simple as pie to climb a fence. I've done it when I was a kid and any crook knows that with a simple \$10 or \$15 snips, they can get through a chain link fence; so it's not particularly effective, besides not being terribly pretty. The third is the

picket fencing. I don't know how much extra it is, if it's a huge cost issue, maybe the chain link fencing could go around the water tower behind Shipbuilder's. It doesn't seem to be terribly... It's not at the Town's gateway. The waterfront here is sort of like the showcase and it's one of the prettiest places in Milton and I think the pickets would do a lot better around that and I think if it's a matter of money, I think the pickets around the base of the water tower here; at the waterfront at least; and possibly around the water tower behind Shipbuilder's, but I can't see any value or reason to have fencing around the Maintenance Yard to be included in that same decision. The fact that the pickets, aside from being a little prettier and a little bit more common and respectable are also a lot harder to climb, because there's no place to put your feet; and a lot heavier. You would have to sit there with a hacksaw or something, so I think if it's a matter of security, that the pickets are the choice and if it's a matter of esthetics, I think the pickets are the choice and certainly if cost is the issue, we needn't be putting fencing around the Maintenance Yard, unless there's something that's sensitive that would impact people's safety and I don't see it; unless there's something there that I don't know. So I would ask you to reconsider that. Thank you very much.

- Dr. Michela Coffaro, 608 Union Street: I was watching this the whole time and it was just fine, until Gwendolyn got here, so I just have a question. Where have all the flowers gone? I'm talking about the flowers on Union Street in the downtown area by the trees?  
Mayor Jones: I can answer that for you. Actually it came about... we learned for the first time when we met with the Garden Club in reference to the preliminary information we had gotten in reference to our trees downtown. The Garden Club advised us that this year they had actually decided not to make an investment in putting more flowers, perennials in those beds. The dirt is extremely... and Mr. Oates, please, because you were there. Make sure I stay on target here. The dirt is not in such great shape. There was some difficulty in watering some of those places. There are perennials in some, but they were not going to invest anymore particularly in putting a great many flowers on that Union Street line. Am I correct in stating that?  
John Oates: Everything you said so far is correct, but additionally they are considering alternatives that have a better chance of success.  
Mayor Jones: Right. So that's why you're not seeing the blooming flowers at this time. The baskets will still be active and along the walkways.  
Dr. Michela Coffaro: Well if we have any extra money, because we're going to use the nice looking picket fences and we have any extra money, maybe we could help the Garden Club and beg them to reinstate at least part of this, because I'm concerned about the beauty of our town. I come from Chicago and everything we do, or did, we still do, is for beauty's sake.  
Mayor Jones: And they are very pretty, but I will tell you and I think Mr. Oates may agree with this too; if you put a spade into some of those tree wells, all you're going to get is root and it's very difficult to get hold of, the soil needs to be amended greatly.  
Dr. Michela Coffaro: Well there's different kinds of creepy, crawlies...  
Mayor Jones: Right. But this is why. The original plans for those tree wells actually called for low growing liriop, one of the seasonal grasses, with pretty flowers on them. But I think they've even been choked out in many places over the years. Also correct?

Dr. Michela Coffaro: Thank you.

Mayor Jones: Thank you.

Kristy Rogers: That's all.

Mayor Jones: That closes the public participation portion of the meeting.

- Joyce Hooper, 308 Coulter Street: I signed up and wanted to speak. I may have a solution for fencing. I've been thinking about this a lot. First of all I don't think the picket fence is a really good security thing. You can get over them, you can get under them. Whatever. How much money to we have allocated for fences?

Mayor Jones: \$30,000.

Joyce Hooper: \$30,000. What would you think about technology; let's catch up with technology. They have all kinds of alarm grid systems, that could easily be mounted on all the water towers. A grid system right around the wastewater treatment plant. Very simple to put up. Hook them up to a silent alarm and bam, you're done. No issue with fences. Everything looks good. Everybody's happy. It's something to consider and I think the police would probably like to see that too, because they would be more informed if someone did cross over. Okay, so that's just a thought. The other thing, I know you guys are going to talk about the water tower foundation over at Shipbuilder's Village. Does anyone have any idea when that water tower was put in? What year?

Jim Crellin: Which one?

Joyce Hooper: The one that the foundation's breaking on.

Jim Crellin: 1986 or thereabouts.

Joyce Hooper: 1986. Do we know why the foundation is failing?

Greg Wingo: It was 1987.

Joyce Hooper: Do we have any idea why the foundation is falling apart?

Mayor Jones: It has a concrete integrity issue, meaning that it's very much more porous and it's breaking apart.

Joyce Hooper: So when that was built, there was a concrete integrity and I think, personally, that the Town of Milton shouldn't have to pick up the whole tab for that. It's a very expensive project. I think you ought to look into your records, see who provided the concrete and do a little investigating. I think it's something that time would be spent worthwhile on that. It's a very, very expensive project and if they could even come up with 50% of it, it would really help the Town out. I mean, it could be an engineering problem, could be a construction problem, but as you said, they think it's concrete; so I think it would be worth looking into. Real quick, one more thing. I know you guys are working on the Comprehensive Plan. I talked to John. I just want you to think about one thing; when we have power outages here in town, I'm very knowledgeable on electrical systems. They don't have any back feed for the Town of Milton; where you close off OCR's and fuses and everything and you can back feed the Town if it's going to be off for several hours. I would really like to see Milton consider a solar farm. It would be so enticing. We would bring more people to move into Milton. We would have no power outages. We have the land to do it. Think about it and it's "green". It's totally "green". So it's something that I would like you to just put on your Comprehensive Plan and discuss, if you can.

Mayor Jones: I hope you'll come out to some of those meetings.

Joyce Hooper: I would love to if I can make it. Thanks. Have a good night.

6. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda? Mrs. Rogers has asked that we do amend the agenda, 15.c under New Business; we can strike c. and we'll have no Executive Session, that's 16 a. and b. Therefore, no need for number 17.

7. Agenda Approval

Councilman Collier: Move to amend the agenda with the recommended amendments.

Councilman Coté: Second.

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

Vice Mayor Booros: Madame Mayor, can I ask for one more change to that agenda? Under New Business, the final site plan extension for Milton Park Center; move it ahead of the six-month budget review, so if there's anybody here in the room...

Mayor Jones: That's got to be another motion.

Vice Mayor Booros: I make a motion that we make another amendment, to move 15.b. Final site plan extension for Milton Park Center, ahead of the fiscal year 2014 six month budget review, so that if there's anybody here from Milton Park Center they can get out.

Councilman Coté: Second.

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

8. Presentation and Approval of Minutes: January 18, 2014 (revised) & February 25, 2014

Mayor Jones: We have minutes from January the 18<sup>th</sup> and February the 25<sup>th</sup>.

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

Vice Mayor Booros: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. We're looking at February the 25<sup>th</sup>, which was the meeting with Planning and Zoning and the Town Council in reference to the Milton Comprehensive Plan.

Councilman Coté: Motion to accept those minutes, as printed.

Councilman Collier: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Thank you for the correction.

9. Mayor's Report

Mayor Jones: Let's mention the Comprehensive Plan coming up this Monday night, the 12<sup>th</sup>, here in the Library at 6:30 p.m. This is a kick-off. This is really the first time for the greatest public participation opportunity, so I not only encourage all of you; you'll find that information on the website. If you have any questions, please feel free to call Town Hall. We will be, I hope, that night, having a presentation by a member of Planning and Zoning who hopes to be able to work to get greater amount of information out to the public, but it really has to go through the channel, which will mean his very own committee has to give their blessing to that kind of PR work; you'll also hear that on Monday evening. Trying to get you more than just the standard legal notifications in the paper of the meeting dates and times. The other piece I want to bring to you is also in reference to the Comprehensive Plan. There's been a good deal of discussion over the last couple of weeks that I've been gone about a number of issues. One of them is the great

concern about the Comprehensive Plan, who's going to lead the Comprehensive Plan. That was decided at the April 21<sup>st</sup> meeting, when Council gave their blessing to Hal and Jocelyn Godwin to be moderator's to work with Chairman Mazzeo and members of the Planning and Zoning Commission. I also want to assure you that way back in the fall during the budget preparation time, when Council was looking for a new engineering group, one of the things that was most important to the members of Council was to include a Planner. In Pennoni Associates we have a Planner, AICP (that's the American Institute of Certified Planners); he is available to us; he will be working on the Comprehensive Plan, as it moves forward. The other also deals with the email threads that came through while I was away. There were a number of calls for responses on that email group for public officials to get into the fray and make comments and what I want to tell you is, I don't think that's the appropriate place not for me. I wouldn't encourage any public official to enter that, not because the information that's shared there, but because each member of Council has their own Council email address available to anyone. My business cards even include my home phone number. You can always leave a message at Town Hall and I believe that is the most efficient and effective way for anyone in town to get the answer they are looking for, from a public official, so I just want to make that clear to you that even asked to enter the conversation, I think it is best handled directly through your council people if you have a question and I encourage you to contact them directly. As a matter of fact, the set of minutes that we reviewed tonight from January, that was the public forum on the 18<sup>th</sup>; Councilwoman Parker-Selby was referring to a complaint that was brought up and her concern was that nobody contacted her directly. That was the first time that she had heard of it. So there is a pattern of the Council getting information a little late; again, my encouragement to the public is to please contact your Council directly. I think that's all I have for this evening.

10. Announcement of Community Clean Up Initiative Funding

Kristy Rogers: Mayor and Council, the next item is to announce a community clean up initiative program. Beginning May 14<sup>th</sup>, the Town of Milton Public Works Department will collect bulk and junk items at the curbside for disposal through this program. This program is offered through the Delaware Solid Waste Authority, but funded through Senator Lopez and Representative Smyk. Between both of them, the Town is receiving \$1,000 credit through Delaware Solid Waste Authority for these public clean ups. Anyone wanting to participate can contact Town Hall and be placed on a list. On Wednesday mornings our Public Works Department will pick up these items at the curbside. It can be junk, it can be bulk items, it could be yard waste; but we do ask that it follows the same guidelines as regular trash and yard waste collection; on the curb the night before. These gentlemen do come in at 7:30 in the morning, so they will have a list of what contacts have been received by the Town Hall and only pick up those items. We don't want to have any instances occur where something was on the curb that should not have been picked up. So feel free to call Town Hall beginning now. The first collection will be on May 14<sup>th</sup> and speak to one of the clerks; have your name and items placed on a list and we can pick them up.

Mayor Jones: So again, to reiterate, that isn't just a town-wide, they won't be riding up and down the street, you need to get on a list and be on the schedule please.

Kristy Rogers: I printed out copies of the memo on the back table, so anyone can feel free to take that, as well.

Mayor Jones: Great, thank you.

11. Discussion of Written Committee Reports

Mayor Jones: I have no written committee reports to discuss.

12. Department Reports: Planning & Code, Police

Mayor Jones: Planning and Code.

Vice Mayor Booros: I have a few questions, but I can take them up with Robin later, but there was one thing and it was about the Orchard Street Extended Agreement of Sale. Did we sell it?

Councilman Collier: That's actually later on in the agenda.

Vice Mayor Booros: Well it was one of Robin's things and he prepared the report.

Mayor Jones: Did you want to discuss this now or when it was on the agenda?

Vice Mayor Booros: It can wait.

Mayor Jones: Mr. Davis, I would like to soon have the opportunity to sit with you and Mrs. Rogers. There are a number of properties that I am particularly noticing in town in very questionable shape and I think we have a number of Code Enforcement issues, so I'll take that up and schedule a meeting with you.

Robin Davis: Okay, thank you.

Mayor Jones: Does anyone have anything else on the Code report? On the Police report. Chief, on page one of the report, when we had our meeting in April I said that the list of complaints that you had added to your report was very helpful and they are now gone. So, I'd like to see those back again, please.

Chief Phillips: Yes, Ma'am, we went back and looked at the form you gave us and it didn't have it on yours, so we left it off this time.

Mayor Jones: No, but in the conversation we had in April, I had said I knew you had added them and I thought that was an asset to the report, so I did appreciate that. There's still no information on miles patrolled.

Chief Phillips: There was some confusion with the officers trying to figure out how to do it, but we've got it figured out now and it will definitely be there next month.

Mayor Jones: Okay. I can't tell whether it's a printing issue or not, but both the Captain's and the Lieutenant's sheets have no information on them. Mine are blank and again, it could be a printing issue. I don't have anything.

Chief Phillips: I believe it was a misunderstanding at the time. They thought they were exempt from it, but they're not and so that has been taken care of.

Mayor Jones: Also, over on page 3, arrest comparisons with previous years. I believe that should read March, not October. Mine says October. Any other comments on the Department Reports?

13. Finance Report and Revenue/Expenditures Report

Councilman Coté: In a nutshell, we are in a favorable position in both the General Fund and the Water Fund. But again and I probably say this every month, the property taxes all get recorded as received as income in January, when they're billed and obviously the bills don't come all in January, so the expenditures don't all happen in January; so we're still looking ahead. We have the 6-month budget review, which looks favorable. So I think we're in reasonably good shape at this point. As time goes by, things happen, or don't, but we will be within the budget for the year, I believe; even after we discuss the changes.

Mayor Jones: Mrs. Rogers, on page 13 of the Budget Transaction Audit Trail, the second category from the bottom, is that legal notice meant to be represented under water?

Kristy Rogers: When I reviewed this bill, the description was left the same for all the line items, so even though that appears in water, it was for a water advertisement.

Mayor Jones: Okay, thank you. Are there any other comments on these reports?

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

a. Appointment/Re-appointment of Committees

Mayor Jones: Kevin Kelly has agreed to serve again and he would appreciate being considered; that's for Historic Preservation Commission. I left a message for Mr. Carbone in reference to his committee and I must say I suffered a power surge myself; if he left a message on my answering machine, it is gone, so I need to recontact Mr. Carbone tomorrow and assess his interest in continuing with his committee position. So what I offer you tonight is a reappointment of Kevin Kelly.

Vice Mayor Booros: I make a motion that we reappoint Mr. Kelly to the Historic Preservation Commission.

Councilman Collier: I'll second that.

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

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

Mayor Jones: Mr. Wingo are you prepared to give us some information on that?

Greg Wingo: As a request from Councilman Collier, at the last meeting, I have contacted our engineer and we worked out some prices for construction of a new water tower and I've given to each one of the Council Members a copy. We're looking at approximately from start to finish for your new water tower, you're looking at \$2.7 million. In the meantime, I have contacted and been contacted by several contractor's that do water towers, big construction, big buildings and I also have talked to the contractor that had built the Shipbuilder's tower. It wasn't the same contractor that did the foundation; there were actually two contractor's; one did the foundation out there and one did the water tower. But I have found some other directions here on where we could probably head with fixing this and what I would propose now is what I need to try to make happen, is to be able to put it out here so we can actually get some prices. The second thing that we had come up with was to basically pour a new foundation right next to the existing foundation and move the tower that we have at Shipbuilder's right now, onto that foundation. I've gotten some good prices on that and it's actually lower than what we had originally thought about of replacing little sections at a time around the foundation that we have right now. So what I would like to see is the Council vote so we can move forward in getting these prices on replacing what we have now as of the foundation that it's sitting on now doing the sections and also prices on putting a new foundation right next to that water tower and moving that water tower.

Vice Mayor Booros: So ask them to quote on two different possible ways to do it?

Greg Wingo: Yes.

Councilman Collier: So you're looking for two different proposals within a single bid,

Option A and Option B?

Greg Wingo: Absolutely.

Councilman Collier: The gentleman that you spoke with that originally built the tower is that All American Services; this one document that we have?

Greg Wingo: Yes.

Councilman Collier: Well, I think it's probably not a bad idea to consider that, or at least from where I sit, based on the numbers that are on this, this is two-thirds of the original estimate is what this gentleman is estimating that it would cost to do; or that he's estimating it would cost him to do this work. I kind of like the concept because essentially what's previously been proposed is a band aid; you leave what's existing in place; it's salvageable in place and you patch it up. It seems to be an issue with the integrity of the concrete to begin with, so to just cover up bad concrete with good concrete, is a temporary fix.

Vice Mayor Booros: Do we need a motion to vote to allow Mrs. Rogers to go out for a quote...

Seth Thompson: To draft an Request for Proposal.

Vice Mayor Booros: I make a motion that Mrs. Rogers be allowed to draft an Request for Proposal for repairing the existing, per the engineer we heard from last month and for pouring a new foundation and moving the current water tower a few feet to the left or right.

Councilman Collier: I'll second that, but only because I want to discuss this.

Vice Mayor Booros: That's why I made a motion.

Councilman Collier: I think that we have an obligation that was created with Baker Ingram & Associates to prepare a bid document and what I would request, or what I would ask you to consider is that we make a motion to direct and to prepare a bid proposal with both of those options in it and let's get this process started. An Request for Proposal puts another step in it. Let's go forward and get somebody to go forward and give us a cost.

Vice Mayor Booros: That's what a Request for Proposal is, to submit a proposal on how they intend to do it. You can call it what you want to call it, but it's...

Councilman Collier: In my world, it's a little different, but that's fine. I'm looking for a Request for Proposal is...

Vice Mayor Booros: Final price on the two different options.

Councilman Collier: When I get a price, I want to be able to as a Councilman sit up here and act and pull the trigger; okay...

Vice Mayor Booros: That's it. That's what a Request for Proposal does. It's a Request for Proposal.

Councilman Collier: Okay, if that's how you see it, I just wanted to clarify that.

Vice Mayor Booros: And you make the award on that proposal. Yes.

Councilman Collier: Well that's all the discussion I wanted on that. I just wanted to make sure that once we got these numbers back...

Vice Mayor Booros: So we've got a motion and a second. Let's kill this and move on.

Mayor Jones: Councilman Coté anything?

Councilman Coté: Nope. I think we should just move forward.

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

Councilman Collier: Okay, thank you for the discussion.

- c. Update on Vacant Parcel, known as Orchard Street Extended, tax parcel 2-35 14.00-564.00

Councilman Collier: Okay, I can make that report and the Balls have been given a copy of the Conditional Sales Contract for their perusal. They have yet to ask to execute it, but it's my understanding that that is their intent. They had some questions that needed to be answered; I asked the questions. I have an answer \_\_\_\_\_ and I look for that to go forward.

Seth Thompson: So I think procedurally, as long as their questions are answered, we'll get a signed, written Sales Agreement from them, that Council then approves?

Councilman Collier: That's it exactly and I expect that to be on our agenda on the 21<sup>st</sup>. Isn't that the date that we meet again?

Mayor Jones: The 22<sup>nd</sup>.

Councilman Collier: Excuse me, then the 22<sup>nd</sup>. I stand corrected.

Mayor Jones: Yes, I have it on the 22<sup>nd</sup>. Thank you.

- d. Tidewater Utilities Wastewater Treatment Plant

Mayor Jones: Is there any new information on the Tidewater Utilities Wastewater Treatment Plant at this time? I know it was put as a marker in case we had further information. We do not have anything at this time.

Seth Thompson: I don't believe so.

Mayor Jones: Okay, then we will table that issue.

- e. An ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning", relating to antennas, towers, and satellite dishes (second reading)

Mayor Jones: You have in front of you an ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning", relating to antennas, towers, and satellite dishes (second reading).

Seth Thompson: And just for the record, we did have a public hearing. It was scheduled and noticed back on January 16, 2014. I could walk through the ordinance since it's been a little bit of time, if Council wants kind of a refresher on what's being done here.

Vice Mayor Booros: I just have one question on it. We've read it several times and gone over it several times, of the 18 months to comply, if you already have one of those little dishes in your front yard in the Historic District, if they don't comply, what do we do?

Seth Thompson: Then they are in violation of the Code. They can get cited.

Vice Mayor Booros: Cited by? And what's the penalty, the fine, or anything else? Because I'm reading through here and they're all... everything's crossed out. Am I missing where the...

Seth Thompson: I think it's the \$100-\$300 catchall. No, no. There's a general fine section in Zoning Code...

Vice Mayor Booros: Okay, so it's not the Fee Schedule; now there's a fine to it?

Seth Thompson: Correct.

Vice Mayor Booros: Okay.

Seth Thompson: One of the sections does remove references to fines being on the Fee

Schedules, since really they should be separate items.

Vice Mayor Booros: So there is a fine schedule for this and they can be fined?

Seth Thompson: That's right.

Vice Mayor Booros: Can I make a motion that we approve this as written.

Councilman Collier: I'll second your motion.

Mayor Jones: And I have discussion.

Councilman Coté: Me, too.

Mayor Jones: Under Item 8, Designation of Historic Sites, once the homeowner has gone through this process, does that then make that particular property fall in under the Historic District regulations, even though it's spotted.

Seth Thompson: It does and that's actually language that currently exists in your Code, so if it's not underlined, it's not being added; if it's not struck through, then it's not being deleted; if it doesn't have either of those, it's language that's currently in your Code. I think you only have one property that falls into that category.

Mayor Jones: I know of one, but I don't know if there's only one. There is only one. Under K, Penalty, 2.b., I just feel like if we're doing this and right now it says under the heading of "Where a property owner has not obtained a building permit prior to commencing construction on a property; if the property owner does not offer the construction to be in compliance, the property owner shall immediately make application for a building permit listing such changes in construction. The property owner shall appear before the Historic Preservation Commission at the next scheduled meeting to seek approval for these changes." We've already heard some frustration from people who, when they make application to appear in front of these Boards, it can be 45 days or more. Don't you want that to be accompanied by a "cease" order for the construction. I mean, it doesn't say anything that they have to stop building. It just says they shall immediately make application.

Seth Thompson: If they don't have a building permit, then you're going to be under your Building Construction Ordinance that allows the "cease" order; so this is just dealing with Historic Preservation; so we're only looking at the zoning aspect. Really they'd be dealing... it's like anything in your Historic Preservation, they have to look at zoning, but then they also fall under the other elements of your Code related to Building Construction.

Mayor Jones: Okay, I had the question about the fine or the penalty as well as the Vice Mayor did and under 220-52, when it talks about encouraging they shall make all reasonable efforts to limit or eliminate the visual impact on the adjoining properties. It talks about the restriction that they may put it on the front side lot. I just want to make sure that those trees and whatnot; that buffer may exist at the time of that installation, but trees are cut down and trees rot and they disappear and then you suddenly have an antenna in that person's front yard.

Seth Thompson: Right, at that point they would then be in violation of this ordinance, so they would need to replant those trees or establish some manner of buffering the visual impact on the neighboring properties.

Mayor Jones: Simple Code Enforcement.

Seth Thompson: Uh-huh.

Mayor Jones: Okay, I have no other questions.

Councilman Coté: I have one or two. In the section that the Mayor just referred to, 220-52; that's for other than Historic District?

Seth Thompson: Correct. That's for anything outside of the Historic District and we had to do that because the Federal Law requires the different treatment for Historic Districts.

Councilman Coté: Okay. Now in the Historic District you give people 18 months to comply.

Seth Thompson: Correct.

Councilman Coté: This section gives no time... does not specify a time to comply. Does that de facto say that if you have it now, it's good where it is?

Seth Thompson: It doesn't. It says that they're not to have that in there, so in effect, they shouldn't be installing it.

Councilman Coté: But it's been installed; it was installed last year or three years ago or five years ago...

Seth Thompson: I see, so it's a pre-existing non-conforming.

Councilman Coté: I don't know about non-conforming.

Seth Thompson: Sorry, when I say something is a pre-existing non-conforming structure, it's something that pre-dates the element of the Code that would now make it non-conforming. So this is saying, that if they already have it there, they can keep it there. It's just in the Historic District that they have to remove it.

Councilman Coté: Okay, so they don't have to do that in here, in anyplace else?

Seth Thompson: Correct.

Councilman Coté: If they have it already, they're good to go.

Seth Thompson: That's right.

Councilman Coté: Okay. Now my second question is on the Memo attached to the front of the ordinance...

Seth Thompson: The advisory report?

Councilman Coté: Well I don't know that this is an advisory report. This is from Mr. Davis stating that and the Commission discussed the item on April 15<sup>th</sup> and decided not to do anything different. In all the whereas' in the front, it doesn't mention this information. Does that need to be in there as a whereas?

Seth Thompson: It really doesn't. Your Code just requires that Planning and Zoning make an advisory report and you can see in the whereas, it references that they did that on February 26<sup>th</sup>, so we could put in an additional whereas clause; it wouldn't have any affect though. It wasn't required that they review it again.

Councilman Coté: I guess I just see it as informational to the process, rather than having this memo doesn't seem to be as official. Sorry, Robin.

Seth Thompson: I think you're right. The way this ends up working though is, you know the language of the Code, all the whereas' give a backdrop as to why the ordinance was proposed and seemingly passed. The language in the Code, you're not going to see the whereas' in the Code; so on some level you'd probably end up seeing that same memo at the same time you pulled the old copy of the Ordinance and saw the Whereas'. Most people these days... frankly I have a hard copy of your Code and I tend to look at it online, so I think that's what most people do.

Mayor Jones: Any further discussion? Hearing none, we have a motion to accept this as written. All those in favor say aye. Opposed. Motion is carried.

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

b. Final Site Plan Extension for Milton Park Center

Mayor Jones: Is there someone here from the Milton Park Center that would like to speak?

Ralph Larson, one of the owners of Milton Park Center and also the property manager: You have a letter from me that I was here last year, also. We had been approved for final site plan approval in 2009 for expansion of two parcels there and due to the economic conditions in recent years, we have had no potential tenants. We've talked to a few, but nothing has really worked out. So we're basically asking for a one year extension of the final site plan approval.

Vice Mayor Booros: I have one question. Mayor, if you want me to ask it for you?

Mayor Jones: I'm going to ask something as well, but go ahead.

Vice Mayor Booros: Well go ahead, it's probably the same question.

Mayor Jones: Okay. My only question Mr. Larson, or perhaps it would be for the Project Coordinator; in your second paragraph when you state that you are again asking to consider extending the expiration date for this and any other approved projects. Please explain what any other approved projects means.

Ralph Larson: That's probably a typo. It's two parcels in there that had the approved extension, so I apologize, that's a typo on there.

Mayor Jones: But that's all it is; it's those on-site that are... Alright, thank you. Was that your question?

Vice Mayor Booros: Yes and if I were to make the motion, I would ask to strike that line from his request.

Ralph Larson: Sure.

Mayor Jones: But just in case Milton Park Center, LLC had something else on the books.

Ralph Larson: No, we don't have anything else.

Vice Mayor Booros: Then I would make a motion that we approve the extension with that line struck out of it, that says "and any other approved projects for an additional period for a year."

Mayor Jones: We have a motion to approve with the changes.

Councilman Collier: I'll second it.

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

Ralph Larson: Thank you very much. Have a good evening.

Vice Mayor Booros: And we won't be here until midnight.

a. Fiscal Year 2014 – Six Month Budget Review

Mayor Jones: Okay we have the six month budget review and before we start, I would like to say Mrs. Rogers you are wonderful. I can tell you that the format, and it may just be me as a non-accounting person, non-financial person, but the format you used is very, very easy to understand and I really appreciate the time you took on this. I have but one request. When you do this again, would you be so kind as to run this header across on all

pages, because once you leave this information, it falls away. I just kept flipping back for awhile, but then I finally got it, so would you take over on this please.

Kristy Rogers: Mayor and Council, in reviewing the first six months of our fiscal year, I'd like to add that the General Fund has recognized 89% of the anticipated revenue, totaling approximately \$1.4 million. Property taxes are a major contributing source, as Councilman Coté did mention during the finance report. Although property tax revenue is recorded 101%; 10% is still outstanding at this time. The General Fund expenses have averaged 44% expending approximately \$700,000. The utility fund has recognized 53% of fiscal year revenues and expended 42% of budgeted expenditures. In the past, at the six-month time, an amended budget has been discussed and approved. I'd like to ask, as you see in your report, for adjustments to be made. I wasn't going to read through each line item but if you have any questions, I'll certainly answer those.

Mayor Jones: Mr. Wingo, is that on page two, there was a note that there's an adjustment for a change in the cleaning services. You took care of that? Thank you. The one piece on item number 18, the increase in Police Night Out expenses; I just wanted to bring to your attention, Chief, I didn't know if you knew this or not; but one of the local municipalities was actually given \$1,000 grant by Sussex County for their National Night Out. I didn't know whether you've ever made that application and perhaps next year through Mrs. Rogers we could apply for that small extra grant for that, if it would help you cover; even if it meant additional activity expenses, or entertainment, I think it would be nice; you could expand it, if you had a little bit more cash in your pocket, so consider that for next year if you would.

Chief Phillips: Thank you. This year we did not reach out to that, but we will definitely do that for next year.

Mayor Jones: I read it in the paper, otherwise I wouldn't have even known that was available.

Vice Mayor Booros: Madame Mayor, I know of expenses that I would like to recommend to the Town Administrator; things that possibly could be cut, but they're not things that have to be addressed tonight. They're things that she might be realizing an increase in revenue or a decrease, whatever it is, maybe in another quarter; that don't need to be discussed tonight. They really don't need to be discussed tonight. It's the type of thing that if the town chooses to make decisions they could make changes; but that could be realized in the next quarter.

Mayor Jones: And maybe you would take the time to meet with Mrs. Rogers?

Vice Mayor Booros: Yes.

Mayor Jones: Okay.

Vice Mayor Booros: And I think there's some thing's that we've discussed before, but that don't need to take the time to do it here.

Mayor Jones: Okay, thank you.

Vice Mayor Booros: Well done Mrs. Rogers, by the way.

Mayor Jones: Yes.

Councilman Collier: Very nice. Mrs. Rogers, I see on item 26 on your list here, that you have an increase in the budget for the fence contract. Has that contract been executed?

Kristy Rogers: I sent it to Able Fence last Friday.

Councilman Collier: So then we've executed the contract, the menu...

Vice Mayor Booros: And it's my understanding that it's not only executed, but that the materials have been ordered by the contractor.

Kristy Rogers: That's correct.

Vice Mayor Booros: So significant performance has occurred, so if you tried changing the contract at this point, they're going to get their...

Councilman Collier: Well that was the question I needed answered.

Mayor Jones: Do you want to discuss the \_\_\_\_\_ a little bit?

Councilman Collier: No, because I don't know that it's going to resolve anything at this particular moment and I wouldn't want to get into a heated discussion on this with the small number of council people here tonight.

Mayor Jones: Would you like to see...

Councilman Collier: Let me give it some thought and I may ask that it appear on our next agenda. There's still time for it to be properly noticed.

Mayor Jones: Okay. Please make contact with Mrs. Rogers as quickly as possible, and in her absence, Mr. Davis.

Councilman Collier: I will take care of it. I have no other questions and again, I would like to echo what everybody else has said, very nice; this was very easy to follow, very quick to go through. Normally, this is a marathon event and this makes it much simpler to deal with. Thank you so much.

Vice Mayor Booros: Madame Mayor, is this the opportunity to make a motion that we accept it?

Mayor Jones: You can. I still have a discussion point.

Vice Mayor Booros: I'll make a motion that we accept this mid-year budget as proposed by the Town Administrator, Mrs. Rogers.

Councilman Coté: Second.

Mayor Jones: And my discussion is on page five of eight. Under Bad Debt. A year ago when I took office, I know part of my conversation with our Treasurer has definitely been the build-up of Accounts Receivable and I don't guess that that's dwindling at all. My comment will be to work on an absolute process; first of all to verify that the charges on that list are absolute and we can continue to pursue them. The other is to consider going outside of ourselves to a collection agency to try to collect that debt. If we are unable, ourselves, to do that, I think recouping anything, even paying through a collection agency, may be a wise move. I really don't feel comfortable leaving it and that segue's into something on our present Fee Schedule that can be discussed at a later time. Point being at a \$200 fine, per grass cutting, I think we're getting less in than if the fine were reasonable. I don't have that proved out, because of the number of bills that were sent out last year and what we recouped. But it all comes under bad debt and I think we really have to tackle that between ourselves, the Treasurer, whatever it takes.

Councilman Coté do you have any sense of that?

Councilman Coté: Well I think on a lot of those grass charges and Mrs. Rogers, correct me if I misspeak, on a lot of those \$200 grass charges, the only difference would be if we charged \$100, we'd have a \$100 that we weren't going to collect, because a lot of them are on vacant or foreclosed properties that we're not able or not so likely to be collected. Some of them will be, but I think a majority are vacant or foreclosed.

Kristy Rogers: Recently since the liens have been processed, there have been a couple of

sales of foreclosed properties we were able to collect our Code Enforcement fines for grass violations; so eventually I hoped some of those to be collected through these sales. Last time I looked at the reports and there were like 18-19% that we had collected on. Mayor Jones: That we had collected on. There was a time I believe, Mr. Wingo, correct me if I'm wrong, we had enough staff that small spot cuttings like that on foreclosed or vacant properties were able to be done and absorbed through labor, by our own Public Works folks; but we've been contracting this out, which means this is real money going out and no money coming in. Maybe it's something that we do need to discuss through Public Works. That's a contracted service again. It is costing us. We're paying our bills, but we're not recouping it, so just some thought. We're coming into the summer season. The Code Enforcement is full of tall grass and I don't know how many of them have just received notice or have gone into violation, but we're just on the start of it and I hope we'll get a handle on it before we get stuck with that much more debt. That's just my comment. We otherwise have a motion and a second to approve the report, as written for the six-month budget review by Mrs. Rogers. Is there any further discussion? All those in favor say aye. Opposed. Motion is carried.

c. Final Land Acquisition – 803 and 805 S. Spinnaker Lane (**struck**)

16. Executive Session: (**struck**)

- 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.
- b. Preliminary Land Acquisition

17. Discussion and possible vote on Executive Session items (**struck**)

18. Adjournment

Vice Mayor Booros: Madame Mayor, I make a motion that we adjourn.

Councilman Collier: I'll second it.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 8:18 p.m.