

Milton Town Council Meeting  
Milton Library, 121 Union Street  
August 4, 2014, 6:30 p.m.

Minutes are no Verbatim  
Transcriptionist: Helene Rodgville

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

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

#### **Water Emergency**

Mayor Jones: Let me just briefly tell you that if you did not receive this word, we actually are under the Declaration of a Water Emergency tonight. I stopped by the Chandler Street pump station, where everyone is working diligently and has all day. They were cleaning an injector, the valve locked up and would not reopen, so one of the two have been replaced and Mr. Wingo hopes that that will clear out by 8:00 tonight.

5. Public Participation

Jim Welu, 30263 East Mill Run: Just going to hit on a number of things. I have made a recommendation before and I think you seriously ought to think about having an Executive Session at 6:30; schedule the time for how long you think you need and then start the regular meeting after that, because if you're going to take a vote on Executive Session, it's a little ridiculous to keep people here for 2, 3 hours sometimes, while you're in the back room discussing things and then to come out and make a decision, of really, critical importance to this town, without citizens being here to hear what you're talking about; because I don't think you can expect people to stay for 1, 2, 3 hours after the meeting after the meeting is over. I took a look at Bay Avenue last week and the surrounding streets and they look awful. The Public Works must have taken some type of very toxic weedkiller and went up and down both sides of the street and onto the side streets and it's just like big brown stretches along the roadway and it really looked horrible. If I lived on one of the side streets, I'd be very upset that they came in in my yard and went in 4, 6, 8" and killed the grass between the curb and my house. It really is a disaster. I saw in the paper that Public Works had asked for a street sweeper; it comes

to over \$200,000 over eight years. My suggestion is, is buy a few good spades, scoop shovels, some good strong brooms and some excellent, nutritious lunches for the inmates in Georgetown. I think they can keep our streets as clean as needed. I think that's all I have to say tonight. Thank you.

**Steve Crawford**, 216 Ridge Road: I just have several things. Last year there seemed to be some discussion about Police Officer retention and I was wondering if that's still an issue and if it is, what the town is doing about that.

**Mayor Jones**: Mr. Crawford, this past year we issued a raise to the Police Officers on the Police Ad Hoc Committee's recommendation for police retention. It was carried out. I can only tell you we had a little bit of feedback doing some personnel meetings.

**Steve Crawford**: Okay. I have attended a couple of the Comprehensive Plan meetings and I attended the one a couple of weeks ago, Saturday, and we were talking about the downtown area and I don't know all the people in the town so it's not clear to me and maybe there was some representation from the Fire Department. I didn't get the sense that the Fire Department was being represented at these meetings and I was wondering, since they seem to have property in the town and they're in that area that there's some concern about that, or some effort to try to get them involved.

**Mayor Jones**: I know our group at the Saturday forum had John Hopkins...

**Steve Crawford**: I didn't know that.

**Mayor Jones**: And he was here for part of that planning, that day; he was here for the whole day, but he was there for that segment of the planning and I'm not sure if he was not there at the Fire Hall at the last meeting. I'm not sure.

**Steve Crawford**: Okay. And the last issue is I'm wondering what the difference is in construction, between the water tower over in Shipbuilder's and the one here, because the one here seems to get dirty; we had it power washed last year and it looks the same as it was before it was power washed. I'm wondering why is it that the one in Shipbuilder's stays clean and this one here seems to have stuff growing on it all the time.

**Mayor Jones**: I wish that our Public Works Director was here this evening. He might be able to answer that. I do not have the answer for you.

**Steve Crawford**: That's a curiosity question, more than anything. Okay. That's fine. Thank you very much.

**Jim Crellin**, 224 Sundance Lane: Just a quick question. I was wondering what the progress, or status might be, of the problems you're having at the sewer, water and some update on what's happening with the house across from Town Hall on Federal Street.

**Mayor Jones**: We actually have a water report in front of us and I think we'll have some information for you there. Okay?

**Jim Crellin**: What about the sewer?

**Mayor Jones**: We have met with Tidewater. We're continuing to meet with Tidewater in reference to the options for the compliance and that is exactly where we are, continuing to meet with them.

**Jim Crellin**: How about our recent real estate purchase?

**Mayor Jones**: In reference to?

**Jim Crellin**: The house across from Town Hall.

**Mayor Jones**: What are we doing with it?

**Jim Crellin**: What we doing with it? What are we...

Mayor Jones: The hold up right now has been that when the purchase was made last December, there was nothing budgeted for engineering fees to look into some of the issues with that, so that's still where we are as far as lacking engineering fees.

Jim Crellin: So it will be in the future budget? I'm assuming.

Mayor Jones: I am hoping. I'm not going to assume that at this point, because we know the budget is very tight.

Jim Crellin: Okay.

Steve Larson, 204 Dorsey Lane: Just a couple of things. One is sort of housekeeping, or whatever, but I found out today about the water problem and the water being... when it goes out, it's there's a water crisis in Milton and nobody knows what's causing it or anything and I went on the Town website and I saw the letter from you. Just a suggestion, next time, you say there's a water crisis due to such and such a problem; because I know there were all kinds of phone calls and emails going around, you know, what's going on? The Town Council meeting's tonight and blah, blah, blah... So, just to make life easier for everybody. Another thing, my wife has addressed before, I'm going to address it now, because it actually has become an issue and I'm hoping maybe the Town can do something about it. Last Tuesday, two weeks ago Tuesday, I had come home from the hospital, I had surgery and I had a relatively major hemorrhage from my surgical site in my leg at about 11:00 at night. Fortunately, my wife's a nurse. She was able to control it and was able to get me to her car and we had called 911. As you know, I live in Cannery Village. The Fire Department came. We were parked on Carlton, because Dorsey goes into Carlton; it's one of the lanes that goes into Carlton; and the ambulance drove by Carlton and a couple of minutes later, when I heard the beep beep beep, as it was backing up, and then it shifted again and drove down; my wife's flashing her brights on and off, yelling and screaming and finally they backed up and we were able to get them. This is not a knock on the Fire Department. I worship those guys. Those people work their tails off to give to this Town. The only problem that I see is that I have a daughter that came down from northern New Jersey and drove right to my back door. I called an electrician last week, from Lewes, came out right to my back door. Didn't ask me any directions or anything. The Fire Department that's three-quarters of a mile away, couldn't find my house. We've talked about this with the road situation in Cannery Village before. Now the guys on the call said that their maps that they have, do not show all of the roads in Cannery Village, so they don't know where to go. I don't know whether that's a county issue, or a town issue; or perhaps whether the town could consider a budget item to provide GPS units for all of the Fire Department vehicles, so that they could get to all the resident's in the town; because if I had been in a situation, just for example, where my wife wasn't a nurse, or she was giving me CPR, or somebody else was getting CPR, they can't run out to the middle of the street to flag down an ambulance. So I think it's a major, major, major public safety issue. Just on another side note, real quick, and everybody knows that I am not one of the people that's on the favorite list of the developer's of Cannery Village. I will say this, that in the past couple of months, I have come to have a tremendous amount more, I'm not going to say respect, but empathy for those developers; because I think that there are people on the Council, that are trying for a power grab and using Cannery Village as the instrument to do that. There are things that are being held up for now reason and that's all I'm going to

say.

Mayor Jones: Mike, I have a question for you in reference to the signage. Is that Dorsey and Carlton part of that scope of that emergency signage that was put up?

Councilman Coté: Yes, those new signs are there. The new signs are there, directing them to the front doors of Steve's house.

Steve Larson: You can't see them at night.

Councilman Coté: They are harder to see, they are reflective, but they are still hard to see and trees grow. Not only downtown.

Steve Larson: GPS gets you right there. No problem at all. It's in all the GPS'.

Councilman Coté: Not only downtown. Is it now? I still have a couple... I still have to use Councilman West's address to get people to my house, sometimes.

Steve Larson: I can get to mine and like I said, my daughter came down from New Jersey and she got there, with no problem; and the electrician came from Lewes, with no problem.

Councilman Coté: And I do think there is some education process that needs to be done with either County 9-1-1 and whoever they dispatch to respond; whether it's the local Fire Department or someone else; we should see what they're using to get around, because they were part of the agreement to what we did, County 9-1-1.

Mayor Jones: Okay, thank you.

**Jeff Dailey**, 211 Grist Mill Drive: Just to piggy back on what Steve brought to everyone's attention, originally GPS didn't work in Cannery Village. It just wasn't available for a number of years, 3 or 4 and it sounds like there are some blank spots, but maps were provided to the Police Department and the Fire Department and before the street signage issue was confronted and new signs were put up, they were going to educate their staff as to where streets were and this kind of thing and even with the new signage, this might be something that Mayor and Council would want to discuss with those two wonderful institutions. Just real quick, I had nothing to say, but there's been something hanging fire from a neighbor and my question is, does the Charter dictate that monthly the town generate a Financial Statement, expenditures, etc.? I'm curious and again, I was hanging out there from a neighbor. I'd love to know the answer. And if I'm missing it and if it's posted, just let me know.

Councilman Coté: I'll answer that. There is an Affidavit signed monthly, attesting to the best of the Treasurer's knowledge, that the statements are accurate; unaudited statements. They haven't been audited by... The Auditor's don't look at them but once a year and the Treasurer doesn't audit them. Just looks and sees it, that it looks reasonable. That neighbor never bothered to ask if that was done. He just made that statement. They've been done through all the months for this Mayor, and I believe, at least most of the months of the previous Mayor and that neighbor would be the best to know. I have the email in my bag. That neighbor would be the best to know if it was done in the previous Mayor's administration, as he raised the question.

Jeff Dailey: Well, that's... I guess what I'm curious about in regards to the question that was raised, can I see from this report, can any citizen see, how taxpayer dollars are being spent and how they're being spent in conjunction with the budget, on a monthly basis? I mean, and is that, is what I'm not suggesting, Michael, is that dictated by Charter, or is it just this signing off on?

Councilman Coté: I believe the Charter does require the signature.

Seth Thompson: That's right and I think when I came on board, that was one of the first items that I put together, if I'm not mistaken, was the certification affidavit. The Charter says that it's a monthly report, this is under Section 17, for the Treasurer's Responsibilities, "The Treasurer or his/her designee shall assure that a monthly report of the financial condition of the town showing receipts and expenditures shall be submitted to the Town Council and such reports shall be opened to inspection by any resident of the town." So at least in terms of what's required, again, it needs to be receipts and expenditures; as far as comparing it to the budget, that's not required, although...

Councilman Coté: That reports compares it to the budget.

Seth Thompson: Right, so they go the extra step and then it does need to be accompanied by the affidavit, with the Treasurer saying this is true and accurate, to the best of my knowledge.

Jeff Dailey: Right, and pre-audit. Okay. So is that being produced and if it's being produced how would resident's access it?

Seth Thompson: It's being produced. I don't know if... Kristy, are you putting it online.

Kristy Rogers: I place it online after the Council has approved the report.

Jeff Dailey: Okay, so it could conceivably be 30 days...

Kristy Rogers: Just the financial report, not the affidavit.

Councilman Coté: The financial report is online, the affidavit has not been posted.

Jeff Dailey: Okay, so the financial report shows expenditures and receipts?

Councilman Coté: The affidavit is its own separate sheet of paper, signed and notarized.

Jeff Dailey: Okay, good, thank you very much for the clarification.

Councilman West: Mr. Dailey, I know ever since my first term, at the first meeting I went to, the financial report has been in there.

Jeff Dailey: Good. Good. Good. Good. Good. Because I know for a fact when I first moved here, under the Don Post administration, it was not and towards the end of his second term, it was consistently being produced, so that's the history I know of. Thank you.

**Mo Elgindy**: I've been here since the end of 2012 and I practically didn't go to all the meetings, but whatever meeting I went to, I tried to help Cannery Village to do what has to be done from the engineering side. I found out from all the meetings I attended, that the town is not aggressively following up on related issues that were addressed in the meetings. Just to name a few. Failure of the developer to provide the town with revised Master Plan for the community of Cannery Village. That's item number one on my list. The underground piping layout existing installation of propane gas line; that's another issue I asked for. A complete schedule to correct \_\_\_\_\_, damaged sidewalk and final paving. Cost of correcting of the foundation of the older tank, the tower, the tank, that needs to be corrected. The foundation. And the comparison of the cost against deleting the tank. When you go through the town now, do you see the tanks? The town's tanks is like an old system and you could actually take that tank out, by a little modification in the piping system, so why do I have to spend the money to take the town down. I can see the tank is a good advertisement for the town, but that's about it. Technically, you could actually use the pumping system you have, which you talked about some of it failed, today, whatever and that's an easy fix to do and you could take the tank out. You don't

have to spend so much money to install a tank and all this stuff. So, now the community should be aware of the \_\_\_\_\_ that take place, if any weekly; we like to know what's going on, because the item I talked about that's just like to me it's a dead subject; nobody's talking about it. Once in a while when I meet private meetings, Mr. Cote by the mailbox, I ask him and he didn't give me good information. I don't know. I think he keeps a lot of stuff secret here, so we need... if you take this item that's been addressed and start to say okay guys, we're stuck here. The developer doesn't want to do this, or whatever; or the list is too long to correct; or we don't have the money to do it; we'd like to know. I mean, that's not hard for you guys to put it down, so I appreciate it if you could list the items that we addressed and try to tell us what's going on, regardless; good, bad or ugly. We'll take it. Alright, thank you.

Mayor Jones: Thank you.

Seth Thompson: I haven't received any update from the last Town Council meeting, any correspondence on behalf of Chestnut Properties. I would have asked that it be placed on the agenda. I certainly wish that I had an update.

Mo Elgindy: I told you last time you told me that, send them a letter, put them on notice. If you let him go, he won't answer you. It's simple. Put him on notice.

Councilman Coté: Just a comment. Hello, Mr. Elgindy. Chestnut Properties is not always the easiest group to get answers out of. The Town, other than public safety issues, the only, as far as I know, the only lever the Town has, is to try to force them to get a performance bond, which they have publicly claimed they can't do.

Mayor Jones: You would have to go to the microphone. Okay, we will close public participation. It looks like 7:07 to me.

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

Mayor Jones: Before we do additions or corrections to the agenda, I can tell you that number 13, Mr. Thompson had a family issue and will not be available to present this evening. Are there any additions or corrections to the agenda?

Councilman Collier: I can also request that item 15.a. under New Business, which is a Request for a Commercial Well, be struck for this evening, as the gentleman from Finish Line Car Wash will not be in attendance. It was his request to be here when we acted on this particular issue, so we'll wait until he shows.

#### 7. Agenda Approval

Councilman Collier: With that being said, I'm ready to make a motion to approve the agenda, as amended.

Councilman West: I'll second that.

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

#### 8. Approval of Minutes of April 7 and July 7, 2014

Councilman Collier: Motion to approve both sets, as presented.

Councilman West: I'll second that.

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

9. The Mayor's Report

Mayor Jones: We had a couple of questions this evening. Council and counsel, feel free to fill in where you can. We had some questions about the water situation, planning and our sewer situation from Mr. Crellin. As stated, during the brief time Mr. Crellin, we are continuing our discussion with Tidewater and taking under advisement any options that they are offering us at this time. It's easy to say that there's nothing concrete, at this time. The water situation, I do wish, again, Mr. Wingo there seems to be a very large water night in front of us. I can tell you that we have the minutes of our Water Committee this time. There's been some new people added to the Water Committee and I expect that you will also begin to see some long range planning come from that committee and being brought forward to Council. There are a number of issues that were left off when the second referendum failed and the Water Committee has taken some of those issues back up, is preparing a plan of sorts, prioritizing that plan, and will bring that information to the Council, just as quickly as they can. Do you have anything to add to the Water Committee?

Councilman Collier: Well you pretty much captured it all. The Water Committee has made the commitment to meet once a month, the second Wednesday of every month, so if you're genuinely interested in following the process, that's when they will be meeting. Again, we're in the process of beginning to sit down and develop a long range Capital Improvement Plan for the Water Committee, beginning with the most immediate needs and projecting out some time in the future, in order to take care of all the issues and those that we may have in the future.

10. Discussion of Written Committee Reports, **and**

11. Department Reports: Administrative, Code, Police, and Public Works

Mayor Jones: You have in front of you this evening, a number of written reports, just in an effort to have everyone on the same page, if you would like to start, we have one from Planning and Zoning Commission as to their activities in the month of July.

Councilman West: I have one question, what's a Survey Monkey?

Mayor Jones: Anybody can correct me here. It's an online tool used for surveys and the Planning and Zoning Commission has requested that we invest in this, as one of the two ways of notifying the resident's of survey information in reference to the Comprehensive Plan. We'll also be sending that information out via mail. Mrs. Rogers, a question for you. The Planning and Zoning at this time, also presented a proposed budget. When did you want us to discuss that, at this time?

Kristy Rogers: Sure. And that would be their budget through September 30<sup>th</sup>. At the time I discussed this with the Committee, we had a balance of \$9,000 and the five items were as they wished to have the money spent.

Mayor Jones: I noticed that these fees do not include the rental of the Fire Hall each time, at \$100, and I don't know where that's going to be absorbed here, but that is an issue that's being applied to the Comprehensive Plan budget, correct?

Kristy Rogers: That's correct.

Mayor Jones: So there's maybe several hundred dollars out there, that need to be considered. Is the temporary help, for the transcribing of the plan?

Kristy Rogers: Yes. We could reduce that to cover the cost of the Fire Department. I don't see this being already in August, how many hours our transcriptionist will have invested by the

end of September.

Mayor Jones: Okay. So you feel comfortable having reviewed these requests from the Committee and it's okay?

Kristy Rogers: Yes.

Mayor Jones: Now, we're not able to take a vote by just reviewing this, at this time.

Seth Thompson: It wasn't noticed for a vote.

Mayor Jones: And we also have the Parks and Recreation Committee Report.

Councilman Collier: I only have one comment. The attachment that came with this report, I don't view that as being a plan; it's actually just a concept. There are no dimensions, no standard specifications, anything other than some pictures with somebody's vision on it, so I would hardly call that a Plan, at this time.

Mayor Jones: Councilman West have you had an opportunity to look as far back as you can, to review the original plans for this corridor?

Councilman West: No, Ma'am. Because I've not had access to that.

Mayor Jones: Okay. I would be interested in seeing that, as I agree, there's are very nice, but I would like to see how this matches, or comes close to the original plan. There's a notation here about whether or not I had made Mr. Jones aware of the plans. I had not. I've not talked to him and to my knowledge, I don't know that he's seen these renderings, either, as they've not been adopted by Council. I would ask you to do that through Parks and Recreation; have a look and let us know what that original plan calls for.

Councilman West: As soon as I get this information from Mr. Booros, I will review it and I would like to see Mr. Howard and Mr. Jones come to the meeting and express their interests of what's going on.

Mayor Jones: Okay. Perhaps the best locale for that would be if you would invite those two business owners to the Parks and Recreation meeting that you have with this topic on it, to start with.

Councilman West: Yes. Because I'd like to have that done before September, so that we can all go outside and go over this piece by piece; and see what their input is; because they're going to be affected just as much as anybody that will ever use this.

Seth Thompson: Was the area originally developed with a site plan process?

Mayor Jones: It has a Governor's Walk plan attached to it. It actually has a set of plans that goes with this.

Councilman West: Because I've never seen the original Governor's Walk plans.

Mayor Jones: This wrought iron archway emulates, I'm not exactly sure, but it does exist. I would say that that would be the original picture and/or plan that was approved by Council. I see here, will you continue to be moving on these other topics, as far as the Senior Exercise Equipment states that you're just not prepared to make the recommendation yet?

Councilman West: Right.

Mayor Jones: And as well as beer and wine sales in the park?

Councilman West: Right. Because all of this has been in discussion phase, nothing set in stone.

Mayor Jones: Thank you for presenting the report. We also have a Water Committee report here. Any comment on that report? And you also have an Economic Development Committee report to Council. We'll notice on Item No. 2 where the Economic Development Committee is proposing a reorganization of itself. I have discussed that with Mr. Thompson, as far as

putting the For Business Owners, into an Advisory Committee status and he sees no objection, so I expect that that will go forward for the Committee. I'll just do a little housekeeping and move those names over to the proper place, so we can take care of that with Kristy. Are there any comments on that? You won't see, necessarily, the letter was... One of the purposes was that the Committee is now composed of twelve members and sometimes it's very difficult for these business people to get there on a regular basis, which can affect quorum. So the idea is for this Advisory Committee to be formed of these original members of the Committee and meet on a less urgent basis; meaning a monthly basis, excuse me; but available to the committee. Are there any objections to that split off of that committee? That's my intention. None. Okay. We also have our Administrative Report from Mrs. Rogers. Mrs. Rogers if you will, there's some question in the community about some of the funding we receive from both Senator Lopez and Representative Smyk, as our community transportation funds, which are paying for Milton's street repairs on roads that are already identified as State Highways. If you could be so kind as to give an explanation as to why that patching is Milton's responsibility?

Kristy Rogers: The Town of Milton has the responsibility for the streets, Federal Street, Union Street, Chestnut Street and Atlantic, because the town is the one who calls the streets that need to be repaired by utility work, so it's our responsibility to fix the streets.

Mayor Jones: This is interesting about we're having a storm surge sensor installed to monitor flood patterns during storms in our Memorial Park. That's interesting. Any comments on this report from Mrs. Rogers? We have a Code report. I had a question. When I looked up Chapter 85, Building Construction, under Enforcement, 85-11. This, as of today, reads the enforcement of all the requirements of this Chapter is hereby vested in the Secretary of Town Council, or their representatives? That seems odd to me.

Seth Thompson: That does seem odd.

Mayor Jones: We're reviewing the Code Enforcer's report for the month. We're reviewing Chapter 85 right at this month, the Code Enforcer's report for the month is presented to the public and I raised the question of the Town Solicitor as to why the enforcement falls in the hands of the Secretary of the Town Council, or their representatives?

Seth Thompson: I suspect, just looking at this section, it's referencing the issuing of permits, as well, so it's possible that the Town, when this was enacted, didn't have a lot of employees and therefore the Secretary of Council was the one that issued permits. It doesn't make a lot of sense. I would view this as a vestige of a past scenario where a council member was much more active in the daily administration of the town; seemingly because that was what was needed at the time, but the town should enact an ordinance to have that properly reflect that the Code Enforcement Officer is going to handle enforcing the construction ordinance. That just makes sense and really, that's what's been happening. That's obviously why on his report he referenced making sure people weren't working before they're supposed to, or after they're supposed to.

Mayor Jones: And actually, what made me look this up at all, is the fact that if the ordinance does need to be addressed, I think the enforcement belongs to, in addition to the Code Enforcement Officer, I think it also belongs to the Police Department, as it applies to the ordinances in the Town of Milton, but more importantly that Code Enforcer is not always there for construction, after hours and so I went looking for who's responsibility it was to enforce; that would be my recommendation when that ordinance is cleaned up a little bit.

Seth Thompson: To piggy back on that, the issuing of permits should really fall to the Project Coordinator. So we'd end up separating those two out, enforcement vs. issuing permits.

Captain Cornwell: Were you talking about the Police Department enforcing the after hours, is that what you were talking about?

Mayor Jones: Construction, after hours.

Captain Cornwell: Yes. Not too long ago when the water situation there were emails that Town Code, as far as building codes and things like that; we can't enforce now. What we do when we find somebody working after hours, or before hours, we go there and we have them cease and desist, stop, and then we send an email to the Code Enforcer and let him know. Because to actually enforce the Town Building Codes, is LEISS and we are in a different system. We'd have to revamp our whole system to be able to enforce that. But we do enforce it, as far as we stop the construction, or whatever is going on and then we notify the Building Inspector, so that he can contact them or do any follow up that he needs.

Mayor Jones: Okay. We'll ask Mr. Thompson to dig up that... I know we had some correspondence back and forth on that other ordinance. Thank you. Any comments on the rest of the Code Enforcement Monthly Report?

Councilman Coté: I just had one question on permits issued on one of the addresses. 6 The Center. I think I know where that is. I was going to ask you if that was a repair, or a whole new big project? So I'm assuming that I know where it is. It's on Village Center Boulevard, almost across from the Cannery Village clubhouse. I just don't know what new project they're working on.

Mayor Jones: Would that be Dogfish Head property?

Councilman Coté: That's what I think.

Mayor Jones: Okay.

Councilman Coté: It's an odd address.

Mayor Jones: And the police report. Mr. Thompson, where are you in working with the Chief on the alarm ordinance?

Seth Thompson: The Chief and I have exchanged emails on that. I would expect to see it on the 18th's, agenda.

Mayor Jones: Okay.

Captain Cornwell: Madame Mayor, on the alarms, I don't know if it's appropriate, but since this was in the report, the alarm system. I contacted DelJIS. There's a couple of things and I'd never gotten up with the Town Solicitor yet. I did a little bit of research on that. One, the section is not listed with DelJIS, for some reason. Two, the way the law is written, it says that payments will go to the Town and then if the people wanted to dispute it, then it would go the Court system. The problem I see is that most times when you initiate something, it starts in the Court system itself. Getting what type of engine, or whatever process you're going to use on that, if they want to take it to the Court, how would you introduce it to the Court system from going from Town Hall; because it didn't start there. The reason I'm asking that is when the Code Enforcer goes and issues a summons, he goes in Lease.Net. The Court actually summons' the person. He can take the summons to them, but he pretty much almost does like a warrant, similar to what we do. He has to go to the actual Court, to swear to it and the only Court right now in Sussex County is Court 14 in Georgetown; so it's a Monday through Friday, 8 to 4, that any Code Enforcement can be done through, according to DelJIS and the Court system. So he could actually take the summons and issue it to them, but it has to be

sworn through the Court. We learned that process with an incident out on 16. With the criminal process, it's totally different. We do everything. We can go to any JP Court that's available; usually it's the video phone court. With this, I'm not sure how you're going to take it from Town Hall, after a certain period, if they fail to pay it, or they want to fight it, how are you going to put it into the Court system without actually doing a summons type system, from the beginning through the Court system? I had mentioned that to the Chief. I'm not sure what process you're in. That's my question and being it's civil, we do civil things through as far as seat belts and cell phones, so I'm not sure what the process would be. I know that the City of Milford Police Department has been doing this for awhile. I'm not sure what process they do, whether they even involve the Courts or not, but I saw that the law said that we would send a correspondence out to them letting them know that they are in violation. I know we have quite a few alarms, but those are some of the issues I saw and maybe we could work on it, or something like that; if that's alright with you, I can help with that.

Seth Thompson: Thanks, Captain. Yes, I think when I spoke with the Chief, he was thinking we would set it up so that the process more mirrored what the other Code Enforcement Ordinances would do; so rather than having this process and going to Town Hall and being able to pay at that point, it would just follow the normal Court summons.

Captain Cornwell: The one thing I want to caution you about is that the process where Mr. Trotta and I discovered when I helped him through the last time, was that he physically has to go to Court in Georgetown, so any time that we have a violation of that notice, he's going to be traveling between here and Georgetown to swear to the summons. I just want you to be aware that it can't be videophoned, because I don't believe Court 14 has a videophone; they have to actually go there and it's different, now if we had an Alderman's Court, like Rehoboth had, then we would be gold with everything, but everything would be taken here, but I don't believe they're allowing Alderman's Courts anymore, as far as starting new ones.

Seth Thompson: Right, normally you would need to be authorized in your Charter to have an Alderman Court.

Councilman Collier: Milton had that at one time, but they removed it in 2008.

Mayor Jones: So I just want to understand, that would be if you're taking this as an Ordinance as a Code Violation.

Seth Thompson: Correct, the Chief would like to set it up that way, but kind of akin to... we were just talking about construction hours; kind of doing it along those lines.

Mayor Jones: But the problem with the alarms is that it shows up on the police report and continually shows up on the police report and the police respond to the alarms, because you don't know what the alarm is; it can be a silent alarm and I doubt that's the kind of place you want to send a Code Enforcer. Also, they happen in the middle of the night; they happen at all hours.

Seth Thompson: Right. I think the issue is if somebody is going to be cited, it's not the response. The response would still be by the Police Department, but if it's a false alarm and they're at the point where they need to be cited for a violation, then the Chief's indication was that he would like the Code Enforcement Officer to be the one to deal with that. So again, the police are going to respond, but if it's number three on their false alarms for the year, then the police are going to let Mr. Trotta know and he has to go to JP #14 and take out his summons.

Captain Cornwell: Yes. Madame Mayor, if you want, I could check with the City of Milford. They've had an alarm policy for probably about 10 years or so. If you want, I can contact

someone up there and find out exactly what system they use and there's no sense in reinventing the entire wheel.

Mayor Jones: Captain, why don't you work with Mr. Thompson on that and that information could be valuable to him, then that would be great. Thanks for your offer.

Captain Cornwell: Alright.

Councilman Coté: I had a couple of questions on the report. I understand what the line is, it's Assist Other Agencies, where you go and help someone else outside of town.

Captain Cornwell: Not all Assist Other Agencies are actually out of town.

Councilman Coté: Okay, but my question was going to be, can we have a line that says Assisted By Other Agencies? How many times do they come here?

Captain Cornwell: We're assisted, well actually quite frequently now by the State Police when they're available, more so than in the past, but we're also assisted... Assist Other Agencies, a lot of times if we have a loose dog, or an actual dog bite, we respond to the scene, but we turn that over to the Kent County SPCA that has a contract with Sussex County, so we do Assist Other Agency also for that. The only way I could possibly get a number of how many assists, I can talk to the State Police Dispatch Center and maybe they could generate a number of how many times we're assisted, but that would be the only way.

Councilman Coté: Okay. I just think it would be particularly now, it might enlightening to see how many times that happens.

Captain Cornwell: I'll send an email to Kay Carrier that's in charge of SussCom to see if I can get that information.

Councilman Coté: Okay. On Page 2, about a third or a quarter the way down, death investigations, seven. It sounds like a lot for Milton. I don't know. I don't know if you have to participate any time anyone dies.

Captain Cornwell: Basically, if someone dies and they're not in an ambulance on the way to the hospital, we have to go to the scene. This is for June. We were a little busy with death investigations and the reason why is someone passes away, basically we get to the scene sometimes before EMS; and we make sure that we'll do a search of the area to make sure that there's nothing suspicious or out of place; to make sure it's not a homicide, basically is what we do.

Councilman Coté: Okay, thank you.

Councilman Collier: Captain, I have a quick question for you. Who reviews the individual officer's monthly stat reports?

Captain Cornwell: Who reviews it?

Councilman Collier: Yes, who reviews each one of these individual reports?

Captain Cornwell: It depends. I'm not sure if the Chief reviews them or not. Generally, the people that were on my shift, I would look over theirs when I was... I would look over the people that were on the same shift as myself and Lt. Harvey, I guess, would look over his, or should look over his, but that was one person for him and he just left on Friday.

Councilman Collier: Okay, well I'm just curious because I see one for an Officer who shows quite a few patrol hours and absolutely no patrol miles; another officer who shows a lot of patrol miles, but I'm not sure where they were, because they're in training, so I'm not sure that that's patrol miles; I've got another officer who shows four traffic arrests, 13 property checks and absolutely no hours at all for that day and I'm just wondering who reviewed these, because there are little flaws here and there, that don't make good sense. So that's why

I asked. If you would like for me to show you what I'm talking about, I'd be happy to after the meeting. To be perfectly honest with you, if I read these things correctly, there's a little flaw in almost every one of them. So, that's why I asked.

Captain Cornwell: So you said that there's four traffic tickets and no showing of where the person worked?

Councilman Collier: Okay, let's go here. You want to go there, okay, Officer 911-7, June 20<sup>th</sup> shows four traffic arrests, 13 property checks, no patrol hours, no miles patrolled.

Captain Cornwell: I'm sorry. I don't have...

Councilman Collier: That's the one in particular, that since you brought that one up and I just wondered who reviewed these; how do these stats amass themselves, without showing everything it would take to do that?

Captain Cornwell: Obviously, that officer did not put his information down.

Councilman Collier: Well that may be the case, but obviously somebody didn't review it either. Because that's how I discovered it, by a simple review. That's why I asked who was responsible for the review and you answered it, so thank you.

Captain Cornwell: Sure.

Mayor Jones: Are there any other comments or questions in reference to the Department Reports?

Councilman Collier: Do we need a motion to accept it?

Captain Cornwell: About the one question about the mileage, where the person was in training; we've never put patrol miles down in the almost 13 years I've been here until recently. One of the questions is and this is one of the problems that we have with patrol miles, the definition of a patrol mile; what is the definition of a patrol mile? Is it something when we're riding around, just patrolling; because then our people don't have to, when we have prisoners, that's not a patrol mile; so they're going to have to keep a record of in between, when they get a prisoner, now they're going to have to document besides doing the rest of the jobs they do; that from going back and forth to the Court, or back and forth to a place they get the prisoner, that that's not a patrol mile. In other incidents, maybe when we're doing traffic work, is that a patrol mile when you're out actually doing traffic work, or not? So there's a lot of things with what's a patrol mile, so the guys they've put down when they actually come into work and they get to the town limits, the actual miles that they use for that day, inside of town; whether it's going to Court. That takes a lot of time to start putting down miles when you go out of town and trying to figure things out, or it is better just when you come in and you start actually doing the work, putting down the patrol miles? I'm not even sure why patrol miles were put on the actual police report.

Councilman Collier: Well, I see your point and perhaps we need to take a little bit different look at it. The reason patrol miles were asked for, was that it was realized that one of the larger expenditures within the Police Department is fuel and everybody has a take home vehicle, so to try and get a sense of how much of that fuel dollar was being spent in the actual performance of police work and how much of it was being spent for somebody commuting to and from work.

Captain Cornwell: Actually, that question was answered several times and the best way is to actually get the mileage to and from their job, from home to the town limits and then multiply that by how many times they work a year, minus two weeks of vacation that they get and that will give you the actual information on, or pretty good information on how much

money is being spent. I've done that several times with previous budgets.

Councilman Collier: Well that's very nice and I thank you for that, that's the first time that anybody's bothered to explain that. Normally, when the question is asked, it's not asked of you and I think the standard response is I don't have that information. I'll have to get back to you. So thank you for that explanation, Sir.

Mayor Jones: Captain, patrol miles are when that vehicle arrives for work, until the time that vehicle leaves town limits, if it includes going to Court, or transportation of a prisoner, that is all included on patrol miles for that day.

Captain Cornwell: And that's what we're doing now, but the Councilman raised a question about the training. That training part was included in that, so that's basically what we've been doing.

Mayor Jones: I would like to remind, if you would carry this back, one of the functions of some of the new positions when hiring was done in our Public Works now, is that they are doing a very good job of trying to take care of the buildings that we own and one of those will be to change out batteries in smoke detectors. I don't know how many the Police Department has, but I believe that if put in the form of a Work Order or Request, Mr. Wingo and his folks could get to that, if you have the need. Okay?

Captain Cornwell: Yes Madame Mayor. I think that we change our own out.

Mayor Jones: Well no. Maybe.

Captain Cornwell: Maybe in the past we've asked, but that was probably the Chief.

Mayor Jones: Well, I'm asking you to take the message back. Our Public Works folks are trying their best to make sure that we're hiring people who know how to work and do public building utility work and that will be something that I'm sure that we can take care of for you.

Captain Cornwell: That will be great. Thank you.

12. Finance Report/Revenue and Expenditures Report

Councilman Collier: I guess we got passed the Revenue Report, because we stepped back?

Mayor Jones: No, I haven't made a comment about the Revenue Report. Were there other comments? Did you have something councilman?

Councilman Collier: No.

Mayor Jones: Councilman West, anything? I have an Economic Development Committee budget, am I in the right place for this?

Kristy Rogers: I would wait until discussions of the budget.

Mayor Jones: Okay, very good. Were there any other comments about the Finance Report?

Councilman Coté: Just one comment. Mr. Dailey, after the meeting, if you'd like to come up, I'll show you the affidavit?

13. Old Business – Discussion and

possible vote on the following items:

a. Replacement of the Downtown Clock – including approval of the style and expenditure

Kristy Rogers: I don't have any new information.

Councilman Collier: Move to table until the information is provided.

Councilman Coté: Second.

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

b. Fiscal Year 2015 Budget and Fee Schedule

Kristy Rogers: I had emailed Mr. Howard regarding the Economic Development Committee budget. This is the Committee's submission back for monies they would like to see budgeted for their use this fiscal year. In the budget that I provided to Mayor and Council, there was a \$5,000 placeholder. This is asking for \$6,000.

Mayor Jones: Mr. Thompson?

Seth Thompson: Yes. Would it be acceptable to consider Planning and Zoning's proposed budget at this time, which also would...

Councilman Coté: That's for 2014 spending, though. It's not 2015.

Mayor Jones: Oh, I'm sorry. I'm trying to sneak it in.

Councilman Collier: I think we covered capital expenditures in the previous meeting on this budget and I don't believe we've talked at all about this Fee Schedule. I'd like to visit that if we could, please. Since I want to talk about it, my first question is I see that we still include on the Fee Schedule an Annexation Fee of \$8,000 per acre and I believe that fee figure was developed at a time when Milton still owned the wastewater treatment plant. I'm wondering if we shouldn't revisit this figure and adjust accordingly, or something along that line? Because I'm not sure that this is... I can't imagine that we need to include wastewater treatment in there, that we've made it up with water and streets and everything else, so I think it needs to be revisited. I'm not sure how this number was arrived at, at the time it was done and no one on this particular Council was on Council at the time that this figure was arrived at.

Seth Thompson: Councilman, I believe when Mr. Abbott was with the Town, there was some effort to figure out whether that number was appropriate and the various components that seemingly justified that number. I want to say that discussion was about two years ago. Your point is well taken. The bottom line is that Annexation Fee is designed on some level to compensate the town for the services that they're going to need to render to that new area and obviously, the town doesn't render one of those services at this point.

Councilman Collier: At some point in time, somebody's going to come forward and say okay you've got an Annexation Fee, what do I get for it? I have no idea what the answer to that is. So I guess what I'm looking for is how do we approach this as a Council? Or is this something that we strike and put on there to be determined on a case by case basis?

Seth Thompson: You do have, in your Code, a specific chapter on Annexation Agreements that does authorize that, now one of the difficulties in having that uncertainty, I think developer's tend to want to know up front what that cost is going to be, so they can run their numbers and figure out whether it makes sense to ask to be annexed in.

Councilman Collier: Well, once upon a time when you annexed into this community, that was how you got a water tower at Shipbuilder's; that was part of their Annexation Agreement. I mean, of course, someone in their wisdom thought it was better to go this route. We get questioned from time to time; people will say if we bring in a new neighborhood, when we finally get around to servicing them, it's going to cause my taxes to go up, because we have a greater base of services that we have to spread across the town and somebody has to pay for it. So I'm not sure how you address that,

other than the information that this original figure was allegedly based on, is not complete at this time. I'm not sure how we go about arriving at this figure, or justifying it at this time. It has to do with the cost projection, economic impact studies probably have a lot to do with how you arrive at a figure like this, but it's kind of laid there for quite a few years, untouched, and I'm not sure it's the right number to start with, anymore; that's why I asked.

Seth Thompson: The Council certainly could go in the direction of removing it from the Fee Schedule and just leaving it To Be Determined under Chapter 67, on your Annexation Agreements, because that is one of the items that you can seemingly include.

Councilman Collier: And that's kind of where I was going, but I like to hear it from your mouth sometimes. Other than that, the only other thing, I see there doesn't appear to be any significant increases in any of the fees. There is the escrow items under things for applications for sub-division, Conditional Use, things that require outside engineering on the town's behalf, so that kind of covers those costs on the front end, instead of us chasing them on the back. I see there's one new fee, which is gazebo usage fee. Is there going to be a set of terms or conditions that goes with what that fee is, or how it comes into play? That would be my question. Other than that I don't see any issues with anything else.

Seth Thompson: And I suppose, just thinking off the cuff, that the gazebo use, you could adopt a policy somewhat akin to your boat dock policy.

Councilman Collier: And okay, well then if that's the case, then that needs to be done simultaneously with the imposition of this fee right?

Seth Thompson: It would be helpful. I think that's right. The argument is you could have an administrative directive, but I think it's often better to have it come from Council, as an approved policy; then you get to put it on the website. People know that that's the deal when they decide to use the gazebo.

Councilman Collier: Alright, thank you.

Mayor Jones: I think that parking should be a sliding scale, dependent on the number of persons and the resources needed.

Councilman Collier: So you're saying, in other words, for instance, there would be a fixed fee for just sitting under the cover, basically, but if you want to plug into the electric socket that fee might go up. If you have 100 people at your event, you may want more because of the amount of time that the Public Works Department is going to spend before and after the event, preparing the park and then cleaning up thereafter. I think that all comes under the form of a policy, so at this time who and when are we going to develop this policy? Who's going to take the lead on this, would be my best question, I guess; because we're faced with passing this stuff for a budget, so we need to have this in place, or in the works, simultaneously with actually the imposition of a fee.

Seth Thompson: I'm more than willing to handle that, if that's what Council wants. Fortunately you're not out on some thin branch. I think municipal park policies are very commonplace, so we should be able to put one together fairly quickly and see how they worked in other municipalities. That shouldn't be a long, drawn out process.

Councilman Collier: Even the State Parks have gazebo fees; so there may be some

guidance within those, as well.

Mayor Jones: So you're advocating removing it from this Fee Schedule, in lieu of a policy.

Councilman Collier: No, I'm not advocating removing it. I'm advocating that we develop a policy simultaneously with including it in the Fee Schedule. My first question would be, well, if there's a fee for using it, what do I get for my fee? What are my limitations? Does that entitle me to be there all day? Is that per hour? There's a lot of questions, because somebody could very well pay \$25 and expect to have the gazebo from sunrise to sunset.

Seth Thompson: And councilman I agree. I think it's helpful to keep in on the Fee Schedule. I like to think of the Fee Schedule as having all of the town charges in one location, that if somebody wants to know what it's going to cost them, they can look at that one document.

Councilman Collier: I'm not advocating removal off of the Fee Schedule, I'm just advocating that we need to develop this policy simultaneously with it being on the Fee Schedule, so that people have a fair understanding of what they're getting into; particularly if you're looking at a sliding schedule, based on the extent. So it needs to remain. We just need to do the work that goes with it.

Councilman Coté: I would try to keep in mind that we don't want to delay the whole budget, for a \$1,600 line item.

Mayor Jones: No, we won't.

Councilman Collier: I understand that perfectly..

Mayor Jones: We'll have something for you.

Councilman Collier: That's why I bring it up now, sooner, rather than later.

Mayor Jones: I'll work with you on it. I remain concerned about this grass cutting per hour fee and I remain concerned because I just don't know how much of it we are recouping. If you receive a bill to have your grass cut and it says \$200, how quickly are you apt to pay that, as opposed to something perhaps covering the cost a little more reasonably? Do you have any figures, even a ballpark percentage of what we get back on cuts? I think it was as low as 18% before.

Kristy Rogers: It has improved since the last time we discussed it. I don't have the exact percent for right now, but looking at the June report, the Finance Report, Code Violation fees, the year-to-date revenue is \$6,200; a lot of that has been at settlements of vacant homes that we have collected on those outstanding Code Violations.

Councilman Collier: Would you feel more comfortable if it was the actual billing, plus a percentage for an administrative fees?

Mayor Jones: I believe that's what it's based upon already; it's not a percentage, but it was calculated that way to take all that into account.

Councilman Collier: Okay on this month's past expenditure report, I noticed that grass cuttings were billed to the town, anywhere from \$35 to \$100, depending upon where they were, so for a \$35 job, you're saying that it was \$165 in Administrative Fees? Now, I would expect that if you send a certified letter, you want to recoup that cost, there's the time spent to write it, bill it, and so on and so forth; but I'm not sure that that works out to that amount, if you're concerned with the actual amount.

Mayor Jones: I can only voice one opinion. I think that that is very high, let's say the

lowest of what you're showing on your expenditure sheet of a \$35 cut.

Councilman Collier: Well that's why I'm asking if you would be more satisfied with the actual billing, plus an administrative fee, whatever that might be. You could make it a percentage. You could make it a flat fee.

Captain Cornwell: Can I say something?

Councilman Collier: It's a civil matter, but go ahead Captain.

Captain Cornwell: The City of Milford charges \$100 per hour for cutting someone's yard. One reason is, if they do not pay the bill, then the City of Milford puts a lien on that property for that amount. The reason why it's \$100 an hour, one they send a couple of people there to work it. It might be a \$35 or \$40 cut, however, I think the other part is that it's an incentive for the people to actually start taking care of their property vs. being billed \$100 each time, so that it covers costs, gas, maintenance and the town for doing their thing, but it's also a type of incentive to keep the property taken care of, so that we don't have to come in and do your job for you. But that's what the City of Milford does and I just wanted to let you know that.

Councilman Collier: Well thank you. I understand what the Captain says and what I think we're finding though, is a lot of these, and particularly the repeat offenders are vacant homes, vacant lots and some of them are in financial limbo and you may wait forever to get your money returned, or you may never get it and my thought was only if you're not comfortable with a flat \$200, then how do we arrive at a figure that you're comfortable with.

Mayor Jones: Well, it's just not about my being comfortable. It has to do with the consensus of Council. My concern is, if we are not collecting it at \$200 per hour, it is simply going into an Accounts Receivable that just keeps getting loaded with bad debt. It's my only comment. You can't set an absolute fee, because if your contractor is charging you \$100, you can't turn around and charge this one \$100.

Councilman Coté: The contractor charges are basically on an hourly rate. We're charging citizens on an hourly rate and \$200 on a \$35 bill, sounds a little high to me.

Mayor Jones: I really have no other figure to offer at this time, for a recommendation.

Councilman Coté: Captain offered \$100 that's used in another town, nearby.

Mayor Jones: Again, as long as each lot that is cut here, is cut at \$35 per lot...

Councilman Coté: Per hour.

Mayor Jones: Per hour, but if it becomes a higher... so you would just move this into keeping it as a per hour rate, but just lowering the rate slightly? So that it corresponds with whatever the contractor's time is.

Councilman Collier: No matter what you make the rate, whether you make it \$200 or \$2, if you can't get it back, you still have it in collections. So the lower rate just makes it look like we have less money owed to us, that's all, at the end of the day.

Mayor Jones: Basically.

Captain Cornwell: That's where the City of Milford puts a lien on the property and they've been pretty successful actually on like open lots and stuff, of going through the court system and maintaining property that way and I'm not saying that's what their goal is, but that's an incentive for the people at the bank, or whoever it is that's taking care of or has the property to make sure that they don't lose their investment by the town suing them in court and that puts a sting into non-payment.

Councilman Collier: We, as a town have always had the ability to lien properties for things like that. Now whether we have or not, I don't know.

Kristy Rogers: Ms. Clark and I are working on a list of those with outstanding balances to look forward.

Councilman Collier: Alright.

Seth Thompson: If you were to cut their grass once, I would say it probably doesn't warrant going to the Recorder of Deeds and paying the \$58 to record the lien, especially if you're not going to get it paid back. But, obviously there's some line that people cross that, if there's a charge that just constantly incurred, to the point where you get a balance that's worthy of recording the lien, then you're absolutely right, the town has that ability. It's a question of whether this makes sense to exercise that right.

Councilman Collier: There are at least three properties this past month that crossed the line of more than once, according to the expenditure report. If you take into consideration that at some point, we may have to do a lien and it's \$58 to file it, plus whatever Mr. Thompson's time is, which we get billed for, as well, then maybe \$200 is not such a bad price if it reaches that point, but you know structure it where the first offense is this, second offense is that, I mean now you're getting into actually ordinances and codes. I think just leave it at the flat \$200 at this point in time and we'll have to carry through with the actions as they are merited; that go along with that. It has to reach a point and whether that's an administrative decision or whatever, that okay we've billed these guys enough, it's time to lien the property for the balance due.

Seth Thompson: The other element, to play that scenario going forward, you should really lien properties that have some sort of equity on some level. If you're liening a property that doesn't have any equity and it's going to be foreclosed upon at Sheriff Sale and you have a lower priority lien, you're just going to get knocked out due to the Sheriff Sale; then you've spent good money and sent it after bad.

Councilman Collier: Again it becomes an administrative decision, as to which ones you chase and which ones you don't. So if they start cutting my grass and billing me, I'd be worthwhile, because I'm not going anywhere.

Mayor Jones: And also a policy of how much bad debt warrants a lien? When do you determine that?

Councilman Collier: That's probably another place for discussion as far as bad debt, but I think it's time to consider turning these over to collections. Businesses sell bad debt all the time. They don't recover the full amount. They leave that up to the guy that's chasing them, but they get so much on the dollar for the bad debt and we may have to, after it reaches a certain length of time, take that route, because recovering a little is better than none.

Seth Thompson: That's definitely an avenue. That's something the town could elect to do.

Mayor Jones: Do we have any other discussion on the Fee Schedule? We're also looking at capital expenditure.

Councilman Collier: We spoke about capital expenditures, particularly one that Mr. Wingo had this past meeting and he's not here to present his case, so I imagine we're going to get to hear that at the public hearing, if we can't decide it anywhere else,

because I don't know what information he had to bring forward. He didn't share it with me.

Councilman Coté: In the budget as it exists, we don't have a lot of capital expenditure money, anyway. Capital expenditures are out of the surplus and the surplus is very small.

Mayor Jones: Are we in agreement that the year two of five of the street signs is an agreed upon necessity for capital expenditures this year, in order to stay on track with that cost?

Councilman Collier: Well that was the whole idea.

Councilman Coté: That was what was in my notes.

Mayor Jones: Okay. Anything more on the budget this evening? Mrs. Rogers, anything for us?

Councilman Coté: Do we need to look at the 2015 version of the Economic Development Committee budget? Is this the time to do that, because I think Mrs. Rogers indicated we had \$5,000 in there and they're requesting \$6,000?

Mayor Jones: This is a finance issue, if I might bring it up just real briefly. This was mentioned about the foundation of the water tower in Shipbuilder's and right now I received this from Mrs. Rogers and I made an inquiry today about Heather Warren and the State Revolving Water Fund, whether or not we qualified for any kind of emergency monies for the possible failure of that foundation and it has been confirmed that we do not, however, we are able to apply for the funding. Is that correct? It would not become available until spring of 2015, correct?

Kristy Rogers: They will have two application cycles, one would begin this month and another will be later in the year, for discussion in January, to begin by the Office of Drinking Water.

Councilman Coté: And one other item that was brought up earlier, engineering fees for 112 Federal Street. I'm not sure that there was anything additional in this budget for that, so if we want to make an estimate or either get an estimate from Pennoni Associates or take an educated guess at what it might be, as more of a placeholder, until we get some defined information.

Mayor Jones: Okay, I know that Mr. Wingo is having open dialogue with DelDOT right now, talking about a driveway. My concern as far as engineering fees, my focus was making the building ADA compliant, which I am positive we will need the consultation of the engineer, so that's a great point and I will work on trying to get a figure for us. If we wanted to look at the Economic Development Committee budget if you're ready to do that. I have a question, it may mean Mr. Crawford or Mr. Crellin coming to the microphone if we need an answer. We have for a Christmas event down here, \$800. Is that to follow the Holly Festival, or is that money for the lighting of the park, which the town will take on this year, as a separate event from the Holly Festival?

Steve Crawford: Madame Mayor, last year we sponsored the shopping portion of the town event and I think that's what this money is for.

Mayor Jones: That was for the Holly Festival?

Steve Crawford: The Holly Festival. Right.

Mayor Jones: Okay. I do notice your request this year was to have the authority to

assign the funds on a case by case basis for civic organizations. Do I see that under... That is different than media advertising. So these are direct contributions.

Steve Crawford: As an example, even the Fourth of July Celebration, we paid for the dunk tank.

Mayor Jones: Okay.

Steve Crawford: That's an example of the funding.

Councilman Collier: It appears that your budget is \$1,000 higher than the previous year and it's all over that \$1,000, appears to be applied in this line marked mural project. Is that correct?

Steve Crawford: Yes.

Councilman Collier: Okay and is that \$1,000 figure based on something scientific, or is that just a best guess as to what it's going to take to launch that?

Steve Crawford: Well the mural project right now, as we're working through it, it appears the cost is going to be probably around \$15,000, so we were looking to have the Economic Development Committee contribute some part of that, since the mural is going to be a Welcome to Milton mural on that wall and then we were looking for other funding options, working with Allison over at the Museum for Crowd Funding; talked to Mark Carter from Dogfish and Don Jones, of course, who owns the building, so we put the \$1,000 in there, just as a contribution from Economic Development Committee to help jump start this.

Councilman Collier: Okay, that was what I noticed in reviewing this thing, was that that was the difference between the previous year's budget, was on that one line. Everything else you all have pretty much held the same.

Steve Crawford: Right.

Mayor Jones: I have no other questions. Anyone else?

Steve Crawford: Thank you.

Mayor Jones: Thank you. You can go ahead and put that in with your budget paperwork, so it will all be in one place. Are there any other comments Councilman Coté? Anything on the budget, except this \_\_\_\_\_ this evening?

Councilman Coté: Whatever we add to engineering fees and whatever other costs that we have, we need to find a revenue source.

Mayor Jones: Yes.

Councilman Coté: The sooner we know, the sooner we'll know where to start looking.

Mayor Jones: I will be glad to help Mr. Thompson if he needs it, on working on the Park Fee Schedule and also reach out to Pennoni Associates and we'll try to get an estimate for you on that ADA compliance.

Councilman Coté: A technical question? Will we need some information on that before the public hearing?

Mayor Jones: Well I certainly plan to put that into places... a deadline for that information in time for it to make the packages, especially. Is that even better?

Councilman Coté: That would be good, so we can get it out. If we're going to put it online for the public, we probably need to have it... In time for packages would be great.

Mayor Jones: Okay.

c. Police Department Physical Fitness Policy

Mayor Jones: In this package, you have three attachments. A. Outlining the Law Enforcement Officer's Duties and Responsibilities. B. You have a physical health and fitness assessment proposal, which also comes with, if I'm not mistaken, a three-page document Physical Examination Program that gives you a breakdown of what those tests are. And then C. which is the body fat and the superior to fail categories for these tests. Mr. Thompson, you looked this over. Is this acceptable?

Seth Thompson: It is and I'm happy to answer any questions that anyone might have.

Councilman Collier: I've had a lot of time to work on this and I don't really have any more questions, but if you're looking for a motion to accept this and make it policy, I'll move.

Councilman West: I'll second that.

Mayor Jones: Is there any further discussion on this item.

Captain Cornwell: I don't know, since I'm not sure if the Chief was able to ask questions about it, because we just saw it a few days ago. The \$625 fee, per person. This year, if you institute it and it starts in April, it's going to be \$625 times, hopefully, seven and I don't know if it will get through our target goal of the actual amount of people that we are supposed to be \_\_\_\_\_ from previous times, was nine; but for seven people, along with the overtime for when they go up there, it's going to be around \$6,000.

Mayor Jones: No overtime. You need to look at this policy. It is the officer's day of work.

Captain Cornwell: I understand that Mayor. It says the officer's day of work, but with our staffing right now, we have no one to cover the road for them to actually go on their day of work, or else we won't have road coverage because of our low manpower. Even with seven people, in April, we will be in field training and the field training people, can't work the road by themselves; we would either have to pay overtime for someone to work and then send them up on their day off to cover the road, or they would have to do it on their day off and get paid overtime. There's no way... now Rehoboth has multiple officers working on the shift, they can do that. City of Milford, they could do that. Georgetown Police right now could do that. By this happening in April, it's not going to be able to happen. There's only one person that could actually go to do this without incurring overtime would be the Chief and he's not included in that \$6,000, with the exception of the \$625.

Mayor Jones: I don't see that any of that is an obstacle to passing this, as policy.

Captain Cornwell: I just wanted you to be aware that the actual cost is not going to be \$625 per officer, alone. Until we get to the staff where we don't have to work out covering the road and we have the staffing, there's going to be an incurred cost of overtime, which is going to add a couple of thousand onto it.

Mayor Jones: Trust me, I will work through a staffing situation and scheduling these testing dates with the Chief of Police and an attempt to reduce in any and all ways overtime.

Captain Cornwell: The other question I have is here it talks about foot pursuits. We have a foot pursuit policy. Foot pursuits are one of the leading causes of injury and another thing, not only injury, but officers actually losing their ability to work, is

because of foot pursuits; one is injuries to ankles, knees and things such as that. The other one is ambushes, because of foot pursuits. So we actually have a policy and at this time, none of our people, if they wanted to, would be allowed to do a foot pursuit. That's actually where it says that the officer... where it gives a description of what the officer's job is. Right now it says foot pursuits. Foot pursuits are governed under our Policies and Procedure; that is if a person blows out a knee in a foot pursuit and they are injured, you're talking about what could be a career-ending injury and could cost hundreds of thousands dollars.

Mayor Jones: Captain, what is your point?

Captain Cornwell: My point is the job description, where it says foot pursuits, that's not an accurate job description.

Mayor Jones: This isn't meant to be a job description; chasing violators on foot is oftentimes something that a Police Officer is called to do; that's all this refers to on Page 1 of Attachment A.

Captain Cornwell: Madame Mayor, I understand that, but one of the actual tests that you have, that they do there, is running on a treadmill, which coincides with foot pursuits. Under our current plan, under our current P.T. Test, it has basically everything, except for the stretching, the body fat, which according to this if you get 50% or higher, they don't count anyway and it allows the officer to either walk, run or ride a bicycle; so that they have an option. This is just a treadmill and they don't have an option to do that, plus generally it just costs if we are manpower deficient, like now, overtime, instead of \$625 per officer.

Councilman Collier: Captain, perhaps you don't understand what the purpose of the treadmill is. That's for cardiac stress testing and that's done in a controlled situation; it's nothing like emulating foot pursuit or anything else. It's to monitor your heart rate and your blood flow.

Captain Cornwell: Actually, I've had two stress tests and none of my stress tests were 17 minutes or longer on a treadmill and that's what would be required for me, which I have no problem doing; 17 minutes to get 50% or higher. So if it's all about a stress test, then it wouldn't have a time per age, it would do a normal stress test for cardiovascular on the person. I've had two stress tests years ago when I worked at Milford Police Department and they weren't 17 minutes; they were the normal stress tests.

Councilman Collier: I think you're misinterpreting what the duration times actually mean. I think that that also implies that you have 14.5's; I'm just pulling a column out of the air; 45% males, duration time; there's a VO2 level, but there's also a number of push-ups and a number of sit-ups you have to get in that timeframe; is the way that I interpreted it, the way that it was explained to me when we reviewed this initially. So I appreciate your arguments, I really do, but I think in the best interest of all the members of the Police Department, the Town of Milton and the community, that this is the right thing to do and this is not the place to argue this, at this point in time.

Captain Cornwell: I'm not arguing. I didn't see anything wellness...

Councilman Collier: All of your points are well taken. Thank you.

Captain Cornwell: There's one more point. There's no wellness as far as getting the officers physical fitness; it's a wellness program, but there is no we'll supply a gym

setting for you, but we will let you go to someone that directs a dietician, because a wellness program, I would guess, would also have a way to keep their people well, not just test them and then punish them for not being able to make it.

Councilman Collier: I wouldn't view that as a punishment for starters.

Captain Cornwell: Twelve hours of loss of pay for the first offense and 60 days retest; 36 hours for the second offense missing and a 60 day retest; 72 hours for the third offense and then 120 hours per contact, with a 30 day retest. That's punishment and there is no... how are you going to get our people to stay maintained in wellness? One of the things was about sleep in here, that want the people to get rest and rest that will lead to excellent overall health. Right now, because of lack of staffing, we're working a lot and there's no rest; there are no break times. I can't even get vacation right now and I'm looking at almost 500 hours of vacation. I'm just saying that there are things in this that need to be ironed out and I wish we had been included with that, that's all.

Councilman Collier: Well, this is not the forum to argue these points for me. Thank you, your points are well taken.

Mayor Jones: I do see a typo on page 1 of Attachment A and I will correct that and submit that for the original.

Seth Thompson: Is it bank alarms?

Mayor Jones: Yes. Okay, we have a motion and a second to approve the Physical Fitness Policy for the Police Department. Is there any more discussion?

Councilman Coté: I'm at a little bit of a disadvantage, because I didn't attend the committee meetings when this was discussed and it was here on the table when I got here.

Mayor Jones: Actually, this came in last meeting, as well, on the 24<sup>th</sup>. It was just not completed, we did not have Attachment C.

Councilman Coté: Which is the longest section.

Mayor Jones: Well, it is the Standard. It is the piece that comes with the Fail to Superior Ratings of time in each of the testing categories. I would like to assure you, Captain, that this came from the Personnel Committee; was never discussed as a punitive action; it was more discussed as a Wellness Plan, considering that we've never really looked at some of our At Risk employees, including those in Public Works and making sure that they are vaccinated and tested properly and have the right immunization to be out and doing the hazardous work they do, as well.

Captain Cornwell: If you're going into immunizations, why is it that at the City of Milford, we all had Hepatitis C vaccinations for the Police Department. I don't see that in this Wellness Program for the Police Department. Again, some type of option, whether it's dieticians or some mechanism to keep the people well, because it is a Wellness Program and the only thing I see is you need to have to take a P.T. Test at Cardio-Kinetics up in Newark and if you pass, great; you get some type of a reward, \$250, up to \$650, if you do well; but if you fail, you basically get penalized. The other thing too is, one thing and I forgot about this, but one part of it says that if you're unable to do a part of the test then you have to have information from your doctor, saying when you'll be able to do the test, but then below that, you have a 60-day time limit on that and then you're up to being terminated. What happens if the recovery is three months, instead of 60-days; however, you have a stipulation in here that in 60-

days an officer can be terminated.

Mayor Jones: I believe it reads, is to be looked at and I think that speaks to chronicity, rather than any particular episode. Again, when you look at this; when you talk about... I want to make sure that the public is also clear, this isn't sending you to Newark one day a year and expecting you to pass everything that's there. This comes with a full physical examination, a very strong analysis of blood work here, just trying to see how well each and every officer is. Now, I challenge you, under your present policy and procedure, where it means that we have some type of wellness officer that has been assigned to that, to encourage both wellness and diet and training in our present force.

Captain Cornwell: Actually our policy says it's a Physical Fitness Test. It doesn't have wellness in it. This has wellness in it, but no guidelines of creating wellness.

Mayor Jones: Your policy, Captain, states that someone has been assigned to the job of looking into each and every person's wellness.

Captain Cornwell: Not wellness, it has for Physical Fitness and that would be Lt. Harvey.

Mayor Jones: Wellness, meaning that they're getting plenty of rest, their diet is maintained, that they keep up a good physical standard; that's all contained in the policy that exists now. It was gone over quite well by the Personnel Committee and it was noticed that that's what the Personnel Committee was doing, for several weeks, so now we are at the point of a new policy. Are you still feeling disadvantaged? Okay.

Councilman Coté: Was this at the July 24<sup>th</sup> meeting?

Mayor Jones: It was.

Councilman Coté: I left on vacation July 25<sup>th</sup> and got back about 6:00.

Mayor Jones: I would feel much... I know we have a motion and a second on the table. I would feel much better voting with a greater majority of Council here.

Councilman Collier: I withdraw my motion then and ask this be placed on our next agenda.

Councilman West: I'll second that.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed. Motion is carried to table this until the second August meeting.

- d. An ordinance to amend Chapter 158 of the Town Code, Entitled "Property Maintenance" (second reading)

Seth Thompson: This is the second reading on this Ordinance. It came from Mr. Trotta. I think the last time we discussed it we added in some language about the Code Enforcement Officer or designee. I think the only other... I went back only to my notes and I think the only other item that we discussed in earnest, was whether we wanted to put in a clause that the Code Enforcement Officer would be authorized, in compliance with town purchasing policies. I believe the thought was that the Code Enforcement Officer needs to abide by any sort of internal policies anyway and that doesn't necessarily need to go into the Town Code.

Mayor Jones: Mr. Thompson, I read through this again and I made just one note and it's on 158-4, at the very end. The underline is Code Enforcement Officer or designee, is authorized to create a work order to assure payment for the cutting, destroying or

removal of such unregulated growth?

Seth Thompson: That language is fine.

Mayor Jones: Because remove and pay for the cutting, it sounds like he's taking his checkbook out to me, so I didn't know whether or not that that would actually read into that and whether or not it would be acceptable to other members of Council.

Seth Thompson: That works, so rather than remove and pay, it would be the designee is authorized to create a work order to assure payment... I wonder if the assure payment element... The payment you're referring to is the service provider.

Mayor Jones: From the Town paying the contractor, if that's the case. Yes.

Seth Thompson: Right, as opposed to assuring payment from the property owner.

Mayor Jones: Right. Right.

Seth Thompson: That language is fine. I understand your point, the way it currently reads, there's an argument that he, personally, has to go and remove and then pay for the cutting.

Mayor Jones: Right. Is that an acceptable...

Councilman Coté: Maybe we could just say something about properly authorizing that work to be done? The payments are handled by a whole different department.

Seth Thompson: You could just make it as simple as the Code Enforcement Officer or designee is authorized to arrange for the removal and payment for the cutting?

Mayor Jones: You could put to arrange for...

Seth Thompson: Authorized to arrange for the removal and payment for the cutting, destroying or removal of such unregulated growth.

Mayor Jones: That's fine. The rest of it looked fine to me.

Councilman Coté: Was there some discussion at 158.1? I thought the last version had 10" of unregulated growth and 6...

Seth Thompson: That's our Russian Thistle, isn't it?

Councilman Collier: That's 152, I think. 153?

Seth Thompson: Our nuisance.

Mayor Jones: Nuisance. Right.

Councilman Coté: Okay, so there's no definition of what unregulated is? In 158 that we have in front of us, there's no definition of unregulated. Somebody, a real gardener and some of my neighbors, might say 5" of grass is too much, as opposed to I think it's 10" now in some and I forget what section it's in.

Councilman Collier: It's in the other...

Mayor Jones: It's in the second one we reviewed on the 24<sup>th</sup>.

Seth Thompson: Right, 152, Nuisances.

Councilman Collier: 152 Nuisances. Can you just include that by reference?

Seth Thompson: We certainly can.

Councilman Collier: Rather than put a whole bunch more language in there?

Seth Thompson: So in other words, for purposes of Chapter 158, unregulated weed, grass or vegetation growth, shall be defined as in Chapter 152.

Councilman Collier: Yes, then we don't have to change it in two places. You change it in one.

Seth Thompson: Right.

Mayor Jones: Because this addition really got the grass clippings and debris on the

sidewalks, right?

Councilman Collier: Yes.

Seth Thompson: Right.

Councilman Collier: So do we need to table this until these changes are incorporated?

Seth Thompson: I think something like that, you're probably going to want to just see one more time, see it in writing.

Councilman Collier: Okay, move to table until all the changes are put in place.

Councilman Coté: Second.

Mayor Jones: All those in favor to table this, say aye. Opposed. Motion is carried.

15. New 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 – **Tabled**

- b. An Ordinance to amend Chapter 183 of the Town Code regarding snow removal (first reading)

Seth Thompson: Councilman Collier did all the hard work on this one.

Councilman Collier: Do you want me to speak to it?

Seth Thompson: If you want.

Councilman Collier: Okay, this came up and we set this aside because there were questions, as far as how much of the sidewalk should be cleared of snow and how much snow had to be on the sidewalk, before it required clearing, so it was determined that any snowfall exceeding 2” should be removed; any snowfall, so in that language, that means the full width of the sidewalk and then everything else was in the first go around. So those were the things that we... I believe, maybe the enforcement thing was tweaked a little bit, as well. Now it enables that the Code Enforcement Officer, as well as anyone who is appointed by Town Council to enforce the provisions thereof.

Seth Thompson: If this looks familiar, it's because this was Section 3 of a prior Draft Ordinance and we went ahead and dealt with the two other portions of that ordinance, separately.

Councilman Collier: This is a result of this past winter, after the several snowfalls that we had and you could go down our main thoroughfares and some sidewalks were cleared; other sidewalks weren't and people chose to walk in the streets, instead of walking down the snow covered sidewalks and creating a little bit of a hazard, not only for them, but driver's as well. The original ordinance actually stated that it was the duty of the Streets and Sidewalks Committee to have it removed immediately. Well the Streets and Sidewalks Committee has no authority to incur a bill on behalf of the town, so it needed to be corrected, so that it fell under Code Enforcement, as well as a little bit further defined, as to what the limitations and expectations were, so that's how this came about.

Councilman Coté: Question on the last line.

Councilman Collier: Which last line?

Councilman Coté: Last line of the page, on the front to the first line of the second page. Punishable by a fee of \$25 to \$50. I don't like \$50 fee, so I'm only paying you

\$25. Who decides?

Councilman Collier: The Judge.

Seth Thompson: It's pretty common to set a range for the Judge.

Councilman Coté: Okay, so this is a Judge deal.

Councilman Collier: Yes, this is a Judge deal.

Councilman Coté: Okay.

Mayor Jones: So it speaks about the \$50 fine, prior. Shall forfeit and pay a fine of \$50.

Seth Thompson: Right, so the initial 24-hour period is that \$50 and then the additional 24-hour period, the Judge has discretion to say it's either \$25 or \$50. Well I shouldn't say either/or, between \$25 and \$50, in addition to the amount of the cost, if the town incurs the snow removal.

Councilman Coté: Does that need to be in there?

Seth Thompson: It actually is, if the town removes the same, in addition to the aforementioned fine.

Councilman Coté: Okay.

Mayor Jones: My only question about this was I think there are a number of Ordinances that probably fall into my wish list of should they be distributed to real estate companies, who have licenses to do business in town, banks and known lien holders. When you go out and cite a property that's already in the process of either being for sale by a real estate company, or it's owned by the bank, who are you citing? I mean, you may come into that. We have homes that are like that, it's the same situation as grass cutting.

Seth Thompson: Let's say in the typical situation, there's a Sheriff Sale through the foreclosure and the bank ends up purchasing the property back, the bank at that point is the property owner.

Councilman Collier: It says on the very first line, it says owner or occupant of any premises.

Seth Thompson: Right. So you could technically cite if a property is rented to somebody, the tenant... because you want to avoid a situation where the landlord blames the tenant, the tenant blames the landlord, that sort of thing. So from the town's perspective, it just needs to be done. Technically the town has the discretion to cite both, if it really wanted.

Mayor Jones: So a vacant property, the town cites...

Seth Thompson: It's going to be the owner.

Mayor Jones: Okay. This is definitely one of those things to put on the early winter water billing.

Councilman Collier: We have no recommended changes?

Seth Thompson: Although it looks familiar, this is technically our first reading on it.

Councilman Collier: So at a first reading, if we're satisfied with it in its content, can we go ahead and move to pass?

Seth Thompson: You certainly can. I suppose with something like this, there isn't really a rush though. I don't think we're going to get a snowstorm.

Councilman Collier: I just want to be clear in whether we're required to do a second reading or not.

Seth Thompson: Legally, you're not required.

Councilman Collier: In fairness to the public, because there will be some that say I didn't hear it the first time, let's table this for a second reading in its content, as it is. So moved.

Councilman Coté: Second.

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

- c. An Ordinance to create a new section entitled "Source Water Protection Area" within Chapter 220 of the "Zoning" Code (first reading)

Mayor Jones: You have in front of you an ordinance to create a new Section, entitled Source Water Protection Area, within Chapter 220 of the Zoning Code. Is this part of our Comprehensive Plan march forward.

Kristy Rogers: Yes, this is just a Draft Ordinance at this point. As we move forward through the Comprehensive Plan process, we will need to adopt a Source Water Protection Ordinance. This would fall in the Zoning Code and no changes have been made at this point, they were, as written, provided by Mr. Hal Godwin. Council will need to pass this to the engineer for review, or Planning and Zoning, at this point.

Seth Thompson: And since it is a zoning issue, it has to go to a public hearing, a newspaper noticed public hearing and it has to get the advisory report from Planning and Zoning.

Councilman Collier: It requires an overlay and that's in the very first section. Now who's going to create this overlay, which I look at that as being a map that would be superimposed over the entire Town of Milton?

Kristy Rogers: Mr. Godwin did supply those, as well. I forgot to attach them to this draft, but I do have them.

Councilman Collier: Okay, so we have overlay maps, as well?

Kristy Rogers: Yes. I can have those for the next meeting.

Mayor Jones: I would suggest that you put this into the hands of Mr. Wingo, as well, to have a good hard look at this particular piece and see if there's anything else he feels is necessary.

Councilman Coté: And this would cover going forward, not what's here now?

Seth Thompson: It has a non-conforming clause.

Councilman Coté: So anybody that doesn't abide by this currently, is grandfathered?

Seth Thompson: Right, the pre-existing, non-conforming would be able to continue. I think the exact language discusses any new or expanded uses, that would trigger the requirement. I think it's any new or expanded structures, as well.

Councilman Coté: Do we have to actually establish those people who don't... what situations in town don't actually comply with this currently, so we know?

Seth Thompson: It would certainly be helpful, obviously. As far as records, that is an important item, because there's always the potential for that debate that how long has that use been in existence.

Councilman Coté: Sounds like the Public Works people could be very busy.

Seth Thompson: Yes. This is a pretty broad...

Councilman Coté: And the Planning and Zoning people.

Seth Thompson: Right. This has significant effects. I suppose it depends on the mapping. If the zones are isolated areas and there aren't many of them, then that's one thing. But I have a feeling it's going to cover a lot.

Councilman Collier: Yes, well it references several agencies can update your overlay maps and stuff like that, so I think part of the key to this thing is an overlay map, so that we have a sense of what we're talking about; what areas it applies to. That would also help identify areas where there is currently a non-conforming use. So I think the map is a key component to this thing and perhaps for the purpose of the Council and the public, if possible, can we see if we can get something prepared large enough that can be viewed from the peanut gallery, or the cheap seats, as well; because if I have it on an 8-1/2X11" it certainly doesn't help the gentleman in the back row when he's trying to figure out how it impacts where he is. This is another thing that we need to table until we get some more information, as well.

Seth Thompson: I think so and then once we have that, it needs to be referred to Planning and Zoning. The timing of it is I guess a function also of your Comprehensive Plan.

Councilman Collier: And that's ongoing, so at some point the Comprehensive Plan will have to schedule a meeting to address that particular portion of Planning and Zoning, during the Comprehensive Plan process, because I think, based on population that's why this evening came up; we now exceed a certain populace level. Mr. Mazzeo says we now exceed 2,000 people, so we're required by law to implement an ordinance of this nature. Alright, so I'm going to move that we table this, that it be passed to Public Works for consideration. Do we want to send it to our engineering firm for advise, or are we okay with it at this point? At some point we're going to have to involve them.

Councilman Coté: At some point we have to involve them.

Councilman Collier: Mrs. Rogers, I see you're ready to say something.

Kristy Rogers: The engineering firm will be reviewing the Comprehensive Plan in steps, anyway. I don't know if you want the Water Committee and Planning and Zoning to go ahead and review and make their advisory reports and the engineer would review it when they get their draft.

Councilman Collier: Let me put my motion in the form of we want to get it to all the proper components within town government, for review and comment at this point.

Councilman Coté: May we suggest we get engineer's input...

Councilman Collier: Sooner than later?

Councilman Coté: Sooner than later and we get them the overlay map to show us where the stuff is, where the different zones are and I'm not being sarcastic, it's very difficult to change an advisory opinion.

Councilman Collier: Right. It would serve well to go ahead and get the engineering aspect out of the way.

Councilman Coté: So as much input as we can have up front, is best.

Councilman Collier: It could save some time in the long run and some bickering back and forth. I agree. Alright, so what was my motion, again?

Seth Thompson: I think it was to forward it to... Why don't we just start over again.

Councilman Collier: To the appropriate sources of advise and information and if we need to list those, I would say, of course, our engineering firm for their comments and considerations and also Public Works and someone suggested the Water Committee, and then after it gets to that point possibly Planning and Zoning. But not until we come back with a little bit more of a working document.

Seth Thompson: That's probably the key component for people to understand, that tonight doesn't start the 45-day clock for Planning and Zoning.

Mayor Jones: No, this isn't being referred to them right now.

Councilman Collier: Okay, so I guess that's my motion. Is that clear?

Seth Thompson: It was.

Councilman Collier: Thank you.

Councilman Coté: Will somebody repeat it?

Councilman Collier: Thanks, Mike. I move that we forward this to the engineering firm, for their consideration, Public Works and the Water Committee and that's it for the time being, because we don't want to start the 45-day clock.

Councilman West: I'll second that.

Councilman Coté: Thank you.

Mayor Jones: My only discussion refers back to Mrs. Rogers. Didn't you just indicate that this was going to be viewed by the engineer anyway; did you want it specifically to be addressed to the engineer at this time, with a question?

Kristy Rogers: They can review it now. It won't hurt.

Mayor Jones: Alright, so that is the motion and second on the table. Any other discussion or questions? All those in favor say aye. Opposed. Motion is carried.

d. Downtown Development District Initiative

Mayor Jones: We learned about the Downtown Development District last time and we've been hearing lots of things about Milton on the television here lately. This program is available. Mrs. Sumstein who originally initiated this in front of Council, will need some help with some grant writing technique and definitely some information from the Town. It looks like it would be a collaborative effort. It also looks like it would be a worthwhile effort, if Milton were to be picked as one of these districts. I do realize that there's only one per county going to be chosen in the beginning, but I don't think that's any reason to be dissuaded or to not want to go after this, so did anyone have some comments or questions about this? I know that Lisa is here tonight. Lisa, maybe I can get this just to your shaking your head. This was presented to us first as a draft. Any indication of the closing of this application yet?

Lisa Sumstein: Actually... [Was not near the microphone, so I could not hear her.]

Mayor Jones: Okay, thank you. I would say, however, from the original drawing that you presented to us, that encompassed the possible overlay of the 85 acres. After having gone through the Comprehensive Plan Meeting about the river, I think some of those targeted areas, we may be trying to put good money into bad location and I think that the map itself and the chosen area of the district, will have to be looked at very carefully, as it now coincides with that information that came out.

Lisa Sumstein: That was just a guess. I spoke with them \_\_\_\_\_ so I could figure out

what 85 acres was and that was just a display what could be involved.

Mayor Jones: I understand. And that information came out since you had presented to Council in reference to the flooding, the flood plain. So, again, it's going to take a concerted effort on the part of... I know Lisa's willing to work on it. I have some ideas about some grant writers that may be willing to work on it, as well as information provided by the town. Do you think this is all good and possible and if so, then I would entertain a motion to...

Councilman West: I'll make a motion to go into Executive Session.

Mayor Jones: No, we have to decide on whether or not we're going for this Downtown Development District first and then we can do that.

Councilman West: Well, I'll make a motion that we let Ms. Sumstein and your grant writer's pursue this.

Councilman Collier: I'll second it for discussion, because I think there's another component that needs to come into place with this, besides letting her pursue it. I think that we need to try, as a community, and particularly as a town government to try to assist her in any way that we can, as well, because there's going to be a lot of information that's going to be part of this process, that's going to have to come directly from the town and while she's the director or of the Chamber of Commerce, she's going to need our concentrated effort, or our concerted effort to make this thing fly. I would ask that you might consider that as an amendment to your motion.

Councilman West: I make the amendment that the town assist Ms. Sumstein, along with the grant writer's to pursue this matter.

Councilman Collier: Alright and I'll amend my second to reflect your motion.

Mayor Jones: And keep in mind, as this is my last bit of discussion, that this application is actually necessary to come from a municipality itself, so it will actually be Lisa who will be assisting the Town of Milton to go forward with this application process. Any other discussion? All those in favor say aye. Opposed. Motion is carried.

16. Executive Session:

- a. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents, specifically commercial or financial information obtained from a person which is of a privileged or confidential nature;
- b. Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body

Councilman West: I'll make a motion to go into Executive Session.

Councilman Coté: Second.

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

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

Councilman Collier: Second.

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

17 Discussion and possible vote on Executive Session items

18. Adjournment

Councilman Collier: Move to adjourn?

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 9:52 p.m.