

**Milton Town Council Meeting  
Milton Library  
121 Union Street  
Monday, August 5, 2013  
6:30 p.m.**

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

1. Call to Order – Mayor Jones called the meeting to order at 6:30 p.m.
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

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

5. Public Participation

- Jack Horan, 304 Brick Lane: Thank you Madame Mayor, council folks and residents of Milton. First off, I am a member of Cannery Village. I would like to thank the current administration for their actions that they are pursuing right now on behalf of Cannery Village. I have been in touch with the State, the County, with Representatives and such and had no action other than, the steps that you guys are taking. Now I have no idea if you will bring it through to our satisfaction, but the fact that you are moving forward, I wish to thank you on my behalf and I think that the majority of Cannery Village; I speak only for me, but I think the majority of Cannery Village would also salute that. I'd also like to thank and I don't know if he's here, Representative Smyk. Is he here? I've been in contact with his office and he has, actually, on our behalf; this is in relation to a complaint that was filed with the Attorney General's Office primarily related to Consumer Abuse issues. Rep. Smyk has been in touch with the Attorney General's Office and has gotten some limited response from them thus far. So I'd like to convey thanks to him and have it part of the record. Now I'd also like to convey my thanks and I hope the entire town's thanks to Cannery Village. We moved here six years ago and we were considered the outsiders. Today, every place you go in Milton; whether it be the Farmer's Market, whether it be the Town Council, whether it be committees, whether it be churches; Cannery Village folks are citizens of Milton and are doing their civic duty to promote Milton. Now, so much for the good news. It has been brought to my attention

that actually an owner of property in Cannery Village was is associated with the Department of Transportation, has indicated that the streets in Milton that you're going after right now, that you're pursuing right now, do not meet the requirements of the Americans with Disabilities Act. Now, my first question is, with the punch list that has been prepared, was that punch list prepared with looking at the criteria for the Americans with Disabilities Act in mind? I don't expect an answer right now, but that is certainly something that has to be considered. Now, what I also consider of importance, is our recreation center. Some two years ago and a bit, that recreation center was turned over from Chestnut Properties to the L&N Management Company as far as a Lease Agreement. That Lease Agreement saddles us, the Cannery Village residents, with all financial responsibilities for the maintenance of that building. There's also a clause in there, when it talks about the costs of maintenance and upkeep, that says "even those directed by the government". Now, in my opinion, what could be demanded by the government in the way of any upgrades? That facility has not been built to meet the requirements of Americans with Disabilities Act. My next question for the town is, a Certificates of Occupancy was issued by the Town of Milton in order to open that facility. Are the Certificates of Occupancy granted for a facility that is not a private dwelling, it's one that will be... It's not a public facility, but it is certainly not a private dwelling and according to one of our late resident's, who was a Police Officer, he said we are required to meet the requirements of Americans with Disabilities Act. That facility certainly does not meet the requirements of Americans with Disabilities Act. Now, there is certainly when we look at Chestnut Properties, there is possible some problems with them. When we look at L&N for signing for that property, there's possibly some problems with them. And there are possibly some problems with the Town, because they issued a Certificate of Occupancy. Now, my question is, the Town is moving forward to try to help us. What can we do in any way to assist the Town in moving forward on these matters, including the Certificates of Occupancy; including the Americans with Disabilities Act issues; and such as that? All of these issues have been addressed with the Attorney General of the State of Delaware. I know that in the hierarchy of laws we've got Federal laws, we've got State laws, we've got County laws, we've got municipality laws. I would think that there's flow down in each level. In other words, we can't do something; we, meaning the Town of Milton, can't do something that is contrary to what a Federal law is, or what a State law is. Now, if in fact, we are committing buildings or roads that require compliance with the Americans with Disabilities Act, I think that we've got to step back and review our process, to make sure we've got those things into our Codes and our Charters to make sure that we are covered; otherwise, we, Milton, could be subject to heavy fines from the government and if Milton gets find, we the taxpayer's are the ones that carry that burden. So I would like the Town to look into that. As I say, we've got it in the hands of the Attorney General's Office. They haven't given us much more than lip service over the last 2-1/2 years. That's why we're thinking of going even beyond that and that's why I ask, what can we do perhaps on our behalf? If something like this went into the press, would that put pressure on these other organizations to be more compliant? You know. I think that on my behalf, anyway, I'm opened to your requests and I think with Mike on the Board, maybe we can convince the citizens of Cannery Village... We are united on the streets; but that's about the only thing that we're united on. Thank you very much.

Mayor Jones: Thank you.

- Fred Manajian: I would like to reiterate what John has said. This summer's been great. Milton looks fine. We had a nice time out here in the gazebo area. The park has been well taken care of and the Town looks like it's coming back. The other issue that I'd like to talk about is the police staffing. The size of the police force right now, seems to be, during the moratorium and with the placement of all the vehicles out on Front Street, it looks like we don't have anybody out on the streets; but we know that's not the case. I think the question of the staffing, rather than the money, is that a lot of people don't understand where Milton came from. The presence of Milton, itself, in outlying areas, compared to Lewes and Rehoboth, all have their unique demographics. Within those demographics we have a lot of problems; not necessarily within the corporate limits, but in the outlying areas that surround Milton. Anytime you pick up the paper and you read a problem and it indicates that a person has a residency in Milton, it is assumed by most people, that it's in the Town of Milton. A lot of those individuals don't live in the corporate limits; they live outside of the corporate limits. Milton runs all the way to Broadkill, Route 1; halfway up to Ellendale; halfway out to Harbeson. It encompasses a large area, up to Reynolds Farm Road. Now, I take pleasure in acknowledging Police Chief Phillips' efforts, his police force, for turning Milton around. Milton, I don't know how many people live here for many years, but there are a lot of people who have lived here for their whole lives; but Milton, 20, 30 years ago, you know I wouldn't have ever lived in Milton. You wouldn't have survived living in Milton. You wouldn't have lived in such conditions. It's turned around quite a bit. I've seen it happen. I know where there are problems. I have family living here. Another question that I've noticed, basically I feel that you cannot return back to the problems of before and I think this kind of hits the nail on the head, is that the salary increases that were mentioned in the paper, there were no mentions of the size of the police force. I can understand trying to get bang for the buck; but once again, the dollars don't equal the show of force in an area. Crime is a unique animal. It doesn't choose who's the next victim. Many, many of us would walk these streets and we could become a victim. It's important that the streets are safe, that the area is safe. The number one, major problem in this area and you probably all know it, it's the use of heroin. Heroin is an addictive drug and it runs rampant in this area. Many people sell it and use it. We have another problem that when and if we try to increase our forces, or get the things done, we don't have any revenue. The Economic Development Committee, I don't know what we've brought in in the last three years, as far as revenue. I think the past administration attempted to get something like a \_\_\_\_\_ thing and that was voted down. All the referendums were voted down. There's no money. The taxpayer's don't want to spend money that they don't have. I don't know where we're going to get the additional cash to do anything for the Town of Milton. Sometimes the Council appears to have a sense of reaction, rather than be proactive. I don't know if that's the case, but it's an assumption. There are a lot of people within the Council and within the Committee's, like an individual like myself or anybody else who gets up and talks; it appears that everybody has their idea of what they want to do; and sometimes it's like politics. You don't necessarily get the person's ear, unless you get the person's ear, you get nothing done. Another thing you could look up... I'm here in the crowd. How many new people are here? New faces? The same people come, meeting after meeting; there

are no family people; there are no people with children and families; where are they? Where are they represented out here? I don't see them. I try to bring my children up to the point where they try to get involved in local things. It's a hard thing to do. Most of the people, kind of have lived in the Milton area, or in Milton; when we talk Milton, most of the people lived here years with whole families. Their whole families; the old families, that make the structure of this and we talk about the history of Milton. \_\_\_\_\_ of the geographic area, Lewes and Rehoboth. They all don't live within the corporate limits. They all live in the outside. Why? Because they don't want to deal with the politics and the problems within the Town. They don't want to pay double taxes; they don't want to pay these taxes for things that they're not necessarily think they're getting; that's just my point-of-view. But I think sometimes they don't feel like they want to deal with the politicians that they've elected to solve their problems. So I just kind of feel that, I think that Madame Mayor, Town Council are going in the right direction. It's a massive job. I know that this Town needs a lot of help; there are so many areas that have to be addressed and I think one of the major issues, would be to solve... I think you have the Ad Hoc Committee, you have some tremendous people on that Ad Hoc Committee for the police. I think if we were to support the police, I think we have that family night, I think the Night Out project coming along; if they would support the Police Officers of this Town and stand behind them, this would be a better place to live. I thank you.

- Bob Howard, 217 Chandler Street: I'm here this evening to speak for the Economic Development Committee. I have two announcements and one question for the Council. Milton is participating with the Delaware Department of Economic Development in Project Pop-Up. That's a project which DEDO will help to fill empty business locations. There are nine locations being advertised in the State of Delaware right now by Project Pop-Up. Two of them are in Milton. They're both in the old sausage warehouse, down here on the river, Richard Reed's business locations and the gist of Project Pop-Up is, DEDO will try to recruit businesses to fill those locations, in exchange for the landlords granting the new tenants three months of free rent. After that they negotiate what the rent's going to be; but DEDO does all the work to try to find tenants and get contracts signed and the agreement is they get the first three months rent free. The second announcement is the Economic Development Committee in conjunction with Lavender Fields Farms, is sponsoring, and I apologize here for the commonality and the terms, but the Lexicon of Sustainability Pop-Up Art Show. It's a little bit confusing that both of these projects have Pop-Up in the title, but the second one is just an art show. It's going to be debuted in Delaware, this is a nationwide art show that's being done by the Lexicon of Sustainability, but it's an art show highlighting terms having to do with sustainability and primarily in sustainable food supply at this point. So the debut is going to be at the Milton Farmer's Market this Friday evening. There will be 24 images on display throughout the Farmer's Market and I urge you all to come down and look at them. It's primarily an educational thing; but it will promote sustainability and it should help promote Milton. And finally, the question I have for I guess Mr. Thompson is, in May we sent a letter to the Council and answered some questions about recommending an ordinance on vacant buildings and I understand it was turned over to you to draft something and we were just wondering when we might see a draft to be able to comment on?

Seth Thompson: I'll have a draft at the next meeting.

Bob Howard: Okay, thank you.

- James Welu, 30263 East Mill Run: The question came up in my mind when the previous speaker was talking about the Police Department. Is there a possibility of, rather than leaving four police vehicles parked on Front Street, day after day after day; in the past I've seen one out at Food Lion from time to time and at various places. I don't know if there's an insurance problem, but could the four cars that are not being used be placed at intervals around the town and moved daily. I mean it wouldn't take that much time for a Police Officer to take another Police Officer out with one of the cars and put it out on 16, or on 5; leave it there for the day; bring it back the next day and put it someplace else. I think it would just be potentially beneficial in terms of slowing traffic down and keeping people a little bit on their edge if they're thinking of doing something that they shouldn't be doing. It's certainly better than just leaving them in the lot on Front Street. What I really wanted to talk about first of all is Dry Zone. I had a conversation with Lawrence Lank a number of weeks ago and I was trying to get the details of exactly what the County had approved for Dry Zone and he basically said, you know, Jim, it doesn't make any difference. He said when the Town took over the zoning, whatever we had approved, went by the wayside. Unless the Town has reaffirmed, what the County approved, back in the 80's, that land is residential, strictly residential. If we have evidence that the Town conferred approval of what the County had done back in the 80's, before we took over the zoning; then that would stand in place now. But if the Town did not reaffirm the approvals that the County gave that property, it is now strictly residential and what the County did has no affect on it's use or approved use at this point. I'd like to address one issue on Chestnut Street and sidewalks. Back around I'm going to say 2006-2007, there was a big movement on the part of the Town to get the sidewalks improved. I know I met with C.C. who was the Code Enforcement Officer at the time, with George Short at Short Funeral and a couple of other people and with a contractor, who had pretty much had come up with a fairly good price for the sidewalks. One of the issues at hand was that there was an account in the Town coffers of \$30,000 plus, specifically for sidewalks on Chestnut Street. I believe it was a grant from the State that Tom Draper had kind of orchestrated, primarily for the purpose of improving the sidewalk entrance to the then developing Cannery Village and that's why it was designated for Chestnut Street. I don't know whether that fund still exists. If it doesn't, where the funds went? But there was a fund specifically set aside for Chestnut Street sidewalks in 2007 and I recall that by doing a per square foot assessment of all the properties on Chestnut Street that needed sidewalk repairs, and our discussions with this one contractor, we could have done all of Chestnut Street with \$30,000 at that time, but it all went by the wayside for one reason or another. I do know at one point that the head of Streets and Sidewalks, the Chairman of that committee, wanted that \$30,000 to be used throughout the Town, even it had been designated for Chestnut Street when it was originally given to the Town. But I think we should know the status of whatever happened to that \$30,000 as a set-aside account. Lastly, I'm not sure where the Council stands on this at this point, but I think everybody would agreed that the land that Tidewater is using, that belongs to the Town, is key to the redevelopment of the downtown of Milton. That is the major waterfront this town has, that this town owns, and I think we ought to do everything that we can to get that land

back and my question is... I know there has been some discussion of leasing the land to Tidewater for a period of time; let's say 10 years. My question is, number one, if you invested whatever money Tidewater \_\_\_\_\_ you invested in a piece of land; what are you going to do? Are you going to walk away into the night ten years from now and just leave it there? I think it would be a big, big problem to get Tidewater to give that land back at the end of a lease. I know there could be some income for the Town, if we lease that land on a short term frame, until the economy is right for redevelopment of the waterfront, but I don't see Tidewater going into the night gently. I just don't see it and I don't know who could devise a contract lease that could be enforced in ten years, if we wanted the land back and that leads me to one other point, relative to Tidewater. People don't seem to know exactly what's in that contract that we had with Tidewater 4, 5 years ago and we had an attorney representing the Town at that time by the name of John Brady and I'm just wondering ought to be asked to appear before this Council, or at least before a Committee of the Council, to explain exactly what that contract with Tidewater was supposed to do and how we were supposed to get that land back at the end of a certain period of time. I think he ought to do it Pro Bono, since he was the one that the Town asked to represent them and I don't think we got good representation personally and John Brady is a friend of mine, but I really think that we need to find out exactly what he thought happened, what he thought the Town had agreed to with Tidewater; what Tidewater had agreed to; and you know, just be wary. Thank you.

- Gwendolyn Jones, 204 Atlantic Avenue: I first want to open with a couple of kudos for the Town Hall and Mr. Abbott. I want to thank him for the correction for the record, my property was not in violation as listed erroneously last Council Meeting. I also want to appreciate Mr. Abbott for arranging installation of the replacement mailbox; I appreciate it, very nice job. Attending the most recent Water Committee Meeting the issue of improvements, revenues and finances was discussed. A credit is due to Milton resident for voluntarily remaining under 100 gallons per person, daily use recommendation. Perhaps, as a result, a very wet summer season, but also probably their concern over spiraling municipal water and sewage fees and a wish to avoid the projected impacts, including the high costs of any improvements; whatever avenue of improvement in funding is chosen, the most recent water graph of figure use, reflects a relatively steady use history this summer; typically the highest usage for the year, in contrast to prior summers. Through conservation and the use of rain barrels, for instance, my own home use has remained at less than 1,900 gallons per quarter, or an average of around 21 gallons per day. The total cost for that was \$225, including the pump. However, despite mentioning the alternative several times, both in Town Hall meetings, such as this and in prior Water Committee meetings, the option of giving Milton residents the opportunity to choose to install private irrigation wells for use or treated water, isn't necessary; such as watering lawns, washing the cars and other outdoor utility uses, continues to apparently be ignored. One of the objections I've heard has been concerns over the potential loss of income from the sales of Milton supplied water. Yet that concern, also has been mentioned as a result of people \_\_\_\_\_ a response to the several factors mentioned above and their water use has actually declined as a result of the concern, not only for their own finances, but for the Town of Milton's too. It seems to me and perhaps others here, that the focus is on sales and income, rather than a savings in many ways, which result from the reduced demand from municipal water, which can be attributed to

outdoor utility uses and the resulting demand for the high cost currently anticipated. Another objection has been raised in that it would require changing the Milton Town Charter. This was also mentioned when discussing the current requirement for a referendum on purchasing anything, as there is presently no lower limit. The expected change will be considered. I asked the Council and the resident's to also consider allowing the people the opportunity to make the choice of installing private irrigation wells, as a means to alleviating the impact on the municipal water supply. A number of property owners have separately metered water supplies, specifically for lawn irrigation, which isn't charged the sewer fee since it's sprayed back out onto the lawns. While important in the maintenance of aesthetics and property values, that importance must take a definite second place to the health and safety of Milton residents, which not only includes the drinking water, but also the continued supply for the Milton Fire Department. Since I can't imagine how anybody would condone endangering the health and safety of our people, our children being placed in jeopardy by the continued use of our municipal water supply being squandered by those merely watering their lawns. This underlines the importance of private irrigation wells being made as an available option and if the choice is to remain using municipal water, then an appropriate fee may include, through the current meters, as a result of their usage impact on a current and future water system improvement requirements. I also \_\_\_\_\_ during previous year's water system issues in discord. I contacted several irrigation and well drilling firms and discussed how similar improvements were achieving other towns, with similar restrictions. One of the options mentioned was the use of group or class action lawsuits, which were reported as successful. My aversion to referring to legal action as an option, to what otherwise may be achieved through amicable agreement, would normally have this option not even mentioned. But I stated here, as a result of a certain Water Committee member's unconscionable implied threats of lawsuit against a Milton Town Council member; when they exercised their rights as a citizen, under the First Amendment, and opposed the last water referendum. This was exacerbated by the fact that despite this particular Water Committee Member having arrived a whole 30 minutes late to the meeting; the same person promptly exceeded the sum decibel level of the balance of the rest of the Water Committee Members combined. My suggestion to that particular Water Committee Member would be that if he felt that strongly about advocating in such a manner, then he would at least have the decency to arrive on time to the Water Committee Meeting. My thanks for your time.

- Ed Kost, 230 Sundance Lane, Cannery Village: I'm here to speak about Cannery Village streets and I assume that Chestnut Properties has not responded.  
Seth Thompson: They did. But I'll cover it when we get to that point of the...  
Ed Kost: They did respond?  
Seth Thompson: They did.  
Ed Kost: In that case, I'm done. Thank you very much.  
Mayor Jones: Okay, that is the end of public participation.

6. Additions or Corrections to the Agenda

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

Councilman Collier: Mayor Jones, I have one. Under New Business, Item e. What I intend to present is not a first reading of a proposed ordinance, but merely suggestions rendered by the

Streets and Sidewalks Committee for consideration from the Council; to direct someone to draft a proposed Ordinance.

Mayor Jones: Thank you. How do you want to handle that?

Seth Thompson: Councilman Collier, would you like it amended to reflect for Item 15 e, suggestions to amend the Town Code regarding Sidewalks?

Councilman Collier: That would be fine.

Seth Thompson: Then we'll remove the reference to a first reading.

Councilman Collier: Fine. Thank you.

Seth Thompson: Great.

Mayor Jones: Councilman Cote?

Councilman Cote: Yes, I'd like to move the Item 10a, Discussion of Written Committee Reports, a. Finance, to somewhere near either before 15a or probably before 15a, the Town Manager's Draft Budget, because it's all related.

Seth Thompson: Councilman Cote, you don't have to amend the agenda. The Mayor could just take the items out of order. You are allowed to do that, but the actually agenda doesn't need to be amended to reflect the order.

Mayor Jones: We'll put that down at the end of Old Business.

Councilman Cote: Okay.

Mayor Jones: Anything else? There are no other comments, I would entertain a motion to have the agenda approved, as amended?

7. Agenda Approval

Councilman Cote: Motion that the amended agenda be approved.

Councilwoman Patterson: Second.

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

8. Presentation and Approval of Minutes: May 18, June 3 and July 1, 2013

Mayor Jones: Does anyone have any comments or corrections?

Vice Mayor Booros: Madame Mayor, on Monday, July 1<sup>st</sup> minutes, Page 6, number 6, public participation; Marion Lister is Maryann Lester.

Mayor Jones: Thank you. Mr. Davis will take care of that. Any other questions or comments?

Councilman Cote: Another small item. On the July 1<sup>st</sup>, Page 16, Mr. Weston is speaking. His address is not 200 Gristmill. It's 300 Gristmill.

Mayor Jones: Thank you. Anyone else? Hearing no other comments, do I hear a motion to approve?

Councilwoman Patterson: I make a motion that we approve the minutes of May 18, June 3 and July 1, 2013, as corrected.

Vice Mayor Booros: Second.

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

9. Mayor's Report

Mayor Jones: First of all, I left some copies of this on the back table. You can see from the Baltimore Magazine, that Dogfish has been named number one again. Nice for the community. Nice to know that that business is in our community. I have a little required reading for Council in the days to come. After we finish with the budget in the month of August and early

September, I would like to see Council turn it's attentions to our Comprehensive Plan. I know that during my time on Council, prior to this position, I was not aware of our Comprehensive Plan. We have had several people in the audience speak of Milton's direction and focus and rather than trying to reinvent the wheel, what we need to do is make ourselves familiar, as your Council, on the Plan that has already been approved in 2010 and it's updates. So let me give you just briefly the two updates that have come into the State, or have been sent to the State, since this 2010 plan, which by the way is on the website; one was the rezoning of the Dogfish property sent forward two years ago and then this year was the rezoning of the Light Industrial lands back to residential lands; so those are the two changes that have been made to our Comprehensive Plan since this passing. It is important that Council make themselves familiar with this document. If you have any questions, I would like to offer Mr. Davis or Mr. Abbott to, perhaps, answer anything that you have. I would like to begin, providing that we don't have anything totally pressing and even if we do, simultaneously begin to work and look at our Comprehensive Plan as it is due to be updated; am I correct in saying 2015? That will also involve our Planning and Zoning Committee. So Council, that is for your light reading over the next few weeks. That is all I have under the Mayor's Report, this evening.

10. Discussion of Written Committee Reports

b. Cannery Village Signage Ad Hoc Committee

Mayor Jones: You should all have had a chance to read this. I have a question for the writer of this document. I know it has been submitted as a committee, so any of... Perhaps Councilman Cote you may answer this. In my package, July 1<sup>st</sup>, your Committee's required future actions were three items. The third being, that the Milton Town Council will decide, if and how, to fund and accomplish the required work. I do not see that recommendation any longer on this report, dated August the 5<sup>th</sup>. Is that now not necessary for the Council to decide as put here, if and how? Will decide if and how. Can you tell me what's changed?

Councilman Cote: Well, I'm not the author and I think Bob... Is Bob Frazier still here? Was this...

Mayor Jones: The report to Council July 1<sup>st</sup>, indicated three future actions that were required. The Ad Hoc Committee will be available to Quillen's to answer any further clarifications. Since then you all have met quite extensively with Quillen's. Quillen will provide the Town with an updated proposal; which they did. The third piece is that the Milton Town Council will decide if and how to fund and accomplish the required work. This is no longer on your Committee Report as a required action. Can you tell me why?

Bob Frazier: On the most recent report?

Mayor Jones: Yes. On your August report.

Bob Frazier: The 5 August report. Okay, the third action you say was for Town Council to decide how and when to fund?

Mayor Jones: If and how and now it has turned to the Town Council to determine a funding source, as opposed to the decision of how and if. So...

Bob Frazier: Okay, well I guess that's a wording problem on my part, Ma'am. We don't know what Council is considering as far as funding and we have not identified any way to fund it through our Homeowner's Association or anything else, so we felt that we needed you to make a decision and let us know how and when we may be able to fund the implementation of this.

Mayor Jones: Okay, fair enough. Do you want to add anything to that, Mr. Abbott?

Win Abbott: Madame Mayor, in the Town Manager's draft budget for fiscal year 2014, you'll find the complete quote. I think the total cost for this project is \$26,000. As with everything else that I looked at in the budget, I parsed things down to try to meet a compromise figure. I found a significant step forward in the budget that would cost I think it was approximately \$18,000; and I put in my draft budget under the Police Department, because we found it to be a public safety expense; \$18,000 in expenses, with an expectation that we will get help from our legislatures in the form of \$10,000. Just a best guess, but I gave you all the information. I chose a middle ground and plugged some numbers in for the Council to consider.

Mayor Jones: Thank you.

Councilman Cote: I'd like to ask Mr. Abbott a question on that. I'm just trying to find the line with the \$18,000 and change. Now the total quote for the project was either \$25,895 or \$26,895. I don't recall and it was in separate items, so is there an item that you omitted?

Win Abbott: Yes.

Councilman Cote: And the item was?

Win Abbott: I don't recall. It's probably in the narrative for the budget, which we'll all be talking about at great length in the course of the next three meetings.

Councilman Cote: Well, I guess maybe I know what item was omitted and it was Item No. 1, the hotel type signs to point to the front entrances of the rear addressed homes.

Win Abbott: Okay.

Councilman Cote: Which, in my view should be the first one included, not the omitted one.

Win Abbott: That's fine. The Town Manager's draft budget is in the Council's hands now and you can rearrange priorities any way you want it.

Councilman Cote: We'll get to that later. In any event, that item, when we get to that, that item the line should be the total amount of the quote and then we can parse out which what... if we decide not to do it all, that one cannot, in my view and I think in the view of the rest of the committee, cannot be omitted. I don't want to speak for the rest of them, but I know Mr. Thompson's here and Mr. Frazier is here. Anyhow. Okay. I'd like to speak a little bit to this, I guess, to the signage. The Sussex 911 made, I think a total of probably three visits to Cannery Village and walked around and rode around and looked at each of the situations and their recommendation letter, they recommended all of those things as a package, to solve the problem. They didn't say do this one or that one or leave something out; they recommended all three of those items as a package, to resolve the issue and because it is a 911 issue, with ambulances that can't find homes, fire vehicles can't find homes, police can't necessarily find the correct home, the way it's laid out and signed and numbered now. I think it's a package and Sussex 911 agreed. Well that was their recommendation. It was a package. It wasn't a pick one from Column A.

Mayor Jones: Councilman Cote, I have had a discussion with you in reference to this signage, Conclusions and Recommendations. Now that a portion of this has been sent to Sen. Lopez for the possibly of shouldering some of the cost, has your committee given any thought to any other funding alternative that would decrease the total amount to be paid by the Town of Milton, the residents of Milton. Meaning a Homeowner's

Association fund. Have you looked at anything besides this first leg of Sen. Lopez requesting and receiving the dollar amounts?

Councilman Cote: To the best of my knowledge, the Committee did not discuss the Sen. Lopez funding. I have a draft of an email... I've just gotten back from a trip, but I have a draft of an email to Chestnut Properties, which might be futile, but to sit down with them to discuss the possibilities of how we could parse out the cost. I haven't sent out the email, because I just got back, so that possibility exists.

Bob Frazier: I think you answered the question. I was going to say that. I think the committee did discuss, Madame Mayor, that we might be able to find some way through homeowner's to do some of this work, but we've not had a chance to meet with... The way our Homeowner's Association works right now, is the homeowner's are really not in charge; because the development is not complete enough yet, the developer still runs and has a majority of the Board on our Homeowner's Association; so any decisions have to be approved by our developer and we really haven't had an opportunity to meet with him on any of this yet. Admittedly we're kind of waiting to see what the decision of Council was and whether we needed to go back and look for additional funds, as I mentioned awhile ago; so honestly that's why we really haven't even requested a meeting, just yet. But I guess it's a possibility that we could do that.

Mayor Jones: For me personally, I would like if there are any alternatives available, that those be brought forward in your suggestion to Council, so that Council comes up with a decision on a finite, or on a definitive number of the dollars that you would need funding directly from the taxpayer's; because that's what we're talking about here. Any other funding source, whether it be legislator or your developer's, would be a great help to the taxpayer's in Milton and providing that this is still a working committee, a document in progress, I, for one, would appreciate having that information if you have other avenues to pursue.

Bob Frazier: We could certainly do that. We could certainly request our Board of our Homeowner's, which includes our developer mainly; but we'll request a meeting and we'll discuss it. We'll be glad to do that.

Mayor Jones: Great, because I'm not... Do we have any idea how Sen. Lopez or the legislators or when they respond, Mr. Abbott, to the request?

Win Abbott: No. Actually it was an exchange, an inquiry, which I shared with you all, the information was to share and what it really comes down to Madame Mayor, is this Town Council deciding what your priorities are with regard to what you're going to ask... This comes down to the Community Transportation Fund, which was part of your packets, that larger notebook that's on your desk there and when the Council determines what it wants to invest itself with, insofar as you can't get everything; what are your priorities? What does everyone on Council in agreement with; that's when we really have to push for getting this. So, truly, at this point, the Council has to determine what it's priorities are. Does it want X, does it want two times X, does it want to spread out the things it wants, between this and other transportation projects that are on it's wish list? This is the right time of year. You will be talking about it over the next three weeks.

Mayor Jones: So as we push forward in Budget II, additional information would be very helpful. I can't speak for everyone on Council. Did you want to say something?

Vice Mayor Booros: Yes. In my understanding, the monies that we possibly might get from Sen. Lopez, are monies that the taxpayer's, that the Town of Milton could use for

other projects within the Town of Milton?

Win Abbott: Yes. These discretionary legislator funds are generally under the Community Transportation Fund, which is a tab inside of your notebook and signage, streets, sidewalks these things all qualify.

Vice Mayor Booros: It's all part of that. Okay.

Win Abbott: So when the Council takes a look at, for example, there's another tab in your notebook that has a list of street and sidewalk projects, improvements, that are long past due and are desired by certain members of the Council and Committee's; you'll have to weigh the relative interest of one project, over another, when you push forward with your proposals and your requests to your local State legislators.

Vice Mayor Booros: So if the Council chose to give that money, whether it was \$18,000 or \$10,000 from those streets and sidewalk money to Cannery Village, would that not be the town's contribution to those signs, if the town chose to contribute to those signs? I mean, that's not State legislator's money that he's just throwing at you. That's money this town would have gotten anyway to use in other areas of the town, right?

Win Abbott: No. No. Not necessarily. Those are discretionary funds. What you're thinking of is the Municipal Street Aid Fund, which is a fixed amount that we get by formula that goes also to Streets and Sidewalks.

Vice Mayor Booros: That's not what I'm saying. You said, that we have to make up our mind what projects we want to ask for discretionary funds for. So it's discretionary funds that we could have asked for, for other reasons?

Win Abbott: True.

Vice Mayor Booros: Right, so we could have taken that money and used it to fill a pot hole over there, to put signs over there, whatever we're going to do with it; so if we're going to take that money and give it to Cannery Village, when we could have used it in other places of the town, isn't that \$18,000 that the citizens of this town are giving to Cannery Village for their signs? How much more are we contributing? You sit down, stand up, all you want...

Bob Frazier: You're not giving it to Cannery Village. You're giving it to a portion of Milton.

Vice Mayor Booros: Absolutely. I understand that, but there's another portion of Milton who's...

Councilman Cote: He's right, John.

Vice Mayor Booros: He's absolutely right, but there are other parts of Milton that have projects too that need to be taken care of. That's not my point. Like I said, if we gave the whole \$18,000 over to our citizens that live in Cannery Village, there's still \$10,000 more that needs to come up with. Okay? So we've already given the \$18,000 that the Town could have used in numerous other places; now we've got to come up with \$10,000 more? I guess that's my question. That's not Lopez' money that he's just throwing out, willy nilly. I don't know. I'm just asking a question. That's all this is.

Councilman Cote: My understanding what Mr. Abbott said and correct me if I'm wrong, is that this request for this money, was from this fund, but for this particular project; not for another project. Is that correct?

Win Abbott: This is true. Once again, it was an inquiry. This is a matter of interest that was brought to Sen. Lopez' attention. He asked for information about it. I've shared with him the information about it, but it's not gone to the next step, because the Town

Council has not put its seal of approval of this as a particular priority project, with the dollar value for the whole project on it. So, you all have to decide what is most important to you, where you want to stake your claim for whatever discretionary dollars that may be available from your local legislators and information about that was in your booklet.

Vice Mayor Booros: Is that number, like all that we had available, or could we ask for more?

Win Abbott: No, no. Yes. There's a lot more and I put that in the narrative that you have in your book there. There were certainly other projects that were engineered, cost estimated, and put in the front of the line, July 1<sup>st</sup>; right after June 30<sup>th</sup>, that other towns have in their representative areas. So there's... like I said, it's discretionary and the more prepared the Town is, the more united the Council is behind a particular project and priorities, the more likely it is. The \$10,000 number I put in there, is just a placeholder. They could choose, if this Council got behind it, to fund the entire thing; or none at all and that goes to the Town Manager's draft budget. What you have in here is no increases in taxes or fees and no suggestion that anything come out of savings; when this Council knows that taxes or fees could go up and savings could be withdrawn. It's all a matter of you making a decision, what your priorities are.

Vice Mayor Booros: Thank you. That answered my question.

Mayor Jones: Thank you Mr. Frazier. That's all I have tonight.

Bob Frazier: Thank you.

Mayor Jones: Rep. Smyk, if you'd like to speak, if you'll step up to the microphone please.

Rep. Steve Smyk: I live outside the Town of Milton. Well I have a few questions. I am the Representative for the 20<sup>th</sup> District in which Milton lies within. The questions that I have, and I also have a gentleman here that knows this property better than I do, and that is is there a... Are the streets inside Cannery Village, are they public yet?

Mayor Jones: They have not been dedicated.

Rep. Steve Smyk: If they are not dedicated public streets, then our legislators will not be able to assist, at all, with the CTF Funds that we're in reference to and I understood that you had a lot of questions. There is not a vast amount of money for the Town to request as much as they want.

Vice Mayor Booros: That's what I figured.

Rep. Steve Smyk: There is a little bit of money and it seems to have been dwindling, fewer and fewer dollars as the years have gone on; we have to take the entire District that we serve and see what needs the attention more. I'm going to tell you that a top priority for me is Cave Colony. It's deplorable inside there. I'm going to try to put my monies there and it costs a lot more for a State and you know this, as a public service to fill a pot hole, then it does just to go get some coal patch at Lowe's and fill it and tap it in. The expenses are much higher, because we have to pay for the labor and all the other issues that come with it; the planning and there's people that do surveys before we get that far. Do you have any other questions?

Mayor Jones: No, no other questions in reference to Cannery Village, but thank you for clarifying that. I was not aware that without the streets being dedicated...

Rep. Steve Smyk: No. Now if you would like to meet at another time, maybe we could discuss any options for any monies that come to the Town. I saw that and I got your

response letter for the tipping fees and I appreciate that.

Mayor Jones: Thank you. Is there any more discussion on this issue?

c. Streets and Sidewalks Committee Report

Councilman Collier: We met on the 10<sup>th</sup> of July and we spent our meeting reviewing project recommendations brought forward by the Public Works Director and without getting into great details, there were probably nine locations of which some of them, he divided the jobs into phases; but the bottom line is the estimated cost was in excess of \$200,000 to repair these, so after review, the Committee weighed these different places and we came up with recommendations for what we felt were the highest priority for the Town to consider for budgetary action or application for CTF Funds, or whatever way they can find to fund it and those are listed within the report and they total about \$70,000. They also reviewed the Sidewalks and Curbing Ordinance and I'll be speaking as to what their recommendations are later in the meeting.

Mayor Jones: Any Council discussion on this report? I have a question for you Councilman Collier. Is your Committee prepared to come forward to Council, since we are right in the middle of the budget, on perhaps a clever idea to fund some of this?

Councilman Collier: If I had the clever idea, I would have already brought it up.

Mayor Jones: I didn't know whether or not you were still working, outside of turning to the legislators for funding; if you had any idea.

Councilman Collier: Nothing that you could term clever. Of course, there are all the usual ways of raising revenue; none of which make the citizens generally happy.

Mayor Jones: Clever, was to mean it wouldn't hurt much.

Councilman Collier: We have a little contingency towards this in the Municipal Street Aid; there's a certain portion of that that's dedicated for street repairs. The rest of it pretty much goes to pay for the streetlights that everybody enjoys. But otherwise the CTF Funds were one avenue that we can certainly make requests for and see how we fare, because I know that they're highly competitive. This is why we prioritized and came up with what we felt were the four most immediate needs of the list brought forward by Public Works Director.

Mayor Jones: I have a question of Mr. Abbott. Earlier in the summer, a project identified at the corner of Chandler Street and Union Street, the possibility of widening the entrance there and then turning to our State Legislators for possible help with that particular project. As of today, I couldn't find any information on where that project stands for completion, so that we could make that request. Can you tell me?

Win Abbott: No. I do not have an update on that project.

Mayor Jones: Okay. I do have a call into Mr. McCabe asking the same question and when I get the answer, I'll share that with you.

d. Water

Mayor Jones: There is no report from the Water Committee.

11. Town Manager's Report

Win Abbott: The Council and many members of the public have the Town Manager's Report in writing. I'm just going to hit the highlights here. First of all, we had a hot first three weeks of July; however, when you take a look at our pumping records, you'll noticed that we've

decreased our consumption of water 20% in the first 24 days of July, when you compare 2013 to 2012. That's a reduction from 11.608 million gallons to 9.328 million gallons. We can attribute that to combined sources. The fact that we had a wet June, so lawns and gardens were not that stressed before the heat wave, people are conserving water and we have better equipment for making more accurate reads without any back flow into the wells. I'll take a moment here to recognize our Committee volunteers. It's interesting to note that we have 36 persons serving active on standing committee's of Economic Development Committee, Finance, Personnel, Streets, and Water and a number of other people, 25 people, serving on our Boards and Commissions, as well. This is a tremendous amount of volunteer effort that goes into people participating with their government. Wednesday night is National Night Out. Please come out to the Park and enjoy yourself and please remember the main point of National Night Out and that is to get to know your neighbors and look out for each other, so we can keep crime down. I make mention of the schedule coming up for the budget and Family Fun Day coming this Saturday, August 10<sup>th</sup> in downtown Milton. The Council received a supplement to the Town Manager's Report and it references two different bids that have been published. One is for comprehensive engineering services and the other one is to take us to the next step with regard to the security fencing around our water works and our public works facilities. I've done the research and really have taken this project as far as I can go without receiving some additional help, especially in the area of the visual attractiveness of such a structure. I'd like to take this opportunity to introduce a professional with whom I'm acquainted. His name is Pat Ryan. Mr. Ryan.

Patrick Ryan, French and Ryan Architects in Georgetown, Delaware at 223 East Market Street: Win contacted our office several weeks ago asking that we provide him a proposal to assist with a review of the documentation for the fencing and provide counsel as that project goes through. We have provided that to him. I assume he will be sharing that with you, if he has not already. In addition, he has also asked that we provide guidance with respect to the selection of an engineering consulting firm. We are not an engineering firm, although we go through the very same process for architectural work; so we have also provided a proposal to provide Council on an hourly basis, as may be necessary for those two projects. I'll be glad to answer any questions you may have.

Councilman Collier: I have one question, but it's not necessarily for you, Sir, but for Mr. Abbott. It was my understanding when we discussed this earlier, that we were looking for a request for qualifications first and once we qualified certain firms, then we would... My thought was the process was you qualified firms, based on your needs; then you issued a Request for Proposal to determine who's going to deliver you the best bang for your buck, so to speak and I see we've gone right to an RFP, which is a Request for Proposals, without identifying and I'm afraid what we will be is all over the place without identifying what our needs are with a request for qualifications.

Win Abbott: For a fence?

Councilman Collier: For engineering services.

Win Abbott: For engineering services. Okay. With regard to the fence, are there any questions? That was the first thing I brought up?

Mayor Jones: I do. Mr. Ryan indicated that we actually contacted him. Is that because that was the best proposal that came from the Request for Proposal about the fencing?

Win Abbott: No.

Mayor Jones: Okay.

Win Abbott: Not at all. I think that we're getting a couple of different things muddled here. So fencing. Request for Proposal. It's going to be... It will qualify the vendors to make sure they really can do the job, as is described in there. They have the financial backing and the history to do the job and deliver the best price. Now the real question mark on the front end of this, has to do with making sure all the pieces are in place and that there's a style component, which is the reason why I called an architect, with whom I am acquainted. The choice of the Town Council to use or to not use somebody to be a moderator, when it comes to working through the process of choosing an engineering firm, is another issue, as well. So it's two different proposals here. And, once again, the Council can go it's own way with doing that. But nonetheless, when it comes to the fencing, I thought that I've taken this as far as I technically am competent to do. The next step is in receiving proposals and there may be some technical components before we receive proposals, like the style component, that I could use some assistance with and then after that comes the construction management portion. So that's why I contacted them regarding the fence. The engineering proposal, review of that, professional services are gauged upon the qualifications; not on the dollar price and it references back to the State of Delaware requirements for contracting for professional services. Now at this point, the Council can take whatever they have, review them on their own terms and I provided a scale for that and accept or reject any and all bids.

Mayor Jones: The \$1,600 that's mentioned on this document; will this be Milton's portion of seeing the grant through; which is the money that we received for this fencing?

Win Abbott: We've been pre-approved for \$30,000. Up to 10% of that can be for administrative expenses; so of the \$3,000 that could be spent for administrative expenses and it not come out of the Town of Milton's pocket whatsoever. To put this in perspective, two years ago when the Town of Milton put their trash service out to bid, they paid CAFE Associates something in the order of \$16,800 to do the job, that I did for the Town of Fenwick Island at no cost; because I was just doing that as part of my job.

Mayor Jones: I remember that.

Win Abbott: So, for both of these, I've taken this as far as my competency and the time that I have to manage with everything else, can go. I could use a little extra help at this point.

Jeff Dailey: Point of order.

Mayor Jones: Point of order, Mr. Dailey. Let the Council finish their conversation first, please. Are you looking for approval of this first fencing project proposal this evening?

Win Abbott: That would be wonderful.

Mayor Jones: Okay. I just want to make sure of your objective. That's all.

Win Abbott: I didn't place it on the agenda for that and what I want is for us all to be on the same page here. I wouldn't have to come to Council to make a decision to go to French and Ryan for services just like the Chief wouldn't have to go to Council to get \$1,300 worth of tires and other services at Emory's Chassis Works. It's part of running the business. However, this is important. I want to be sure we're all on the same page.

Mayor Jones: And just so I do reiterate and understand this value presented by French and Ryan would be part of the grant?

Win Abbott: Yes, Ma'am.

Mayor Jones: Is there any other discussion among Council? Mr. Dailey, I'll allow you a comment, if it is brief, please.

Jeff Dailey, 211 Gristmill Drive: Thank you Madame Mayor for allowing me this point of information, clarification. Mr. Abbott, so I understand you to say that you've taken this as far as

you can and now you've turned to an architectural firm because you're concerned about the aesthetics of what could be the largest building project the town has undertaken since replacing the gazebo in the park. Am I correct in that?

Win Abbott: That's one component, but it's important to recognize that there is a management component to what French and Ryan brings too. They don't just draw pretty pictures and make sure the technical specifications are in the design. I worked hand in hand with them. They beat 22 other architectural and engineering firms that were in line to design the Town of Fenwick Island's new Police Department building, from the ground up; all the way down into the pilings that hold it up and they managed the selection of the contractor for that and the entire construction process through that. We do the same thing when we have an engineer manage a paving project for us. They check the quality of work all the way through.

Jeff Dailey: I'm going to stop you, only because I have limited time. I understand that and I appreciate all of that; what I'm concerned with is the pretty pictures and a number of neighbors asked me to come here tonight and see if I could get information. We are really concerned about the aesthetic value of this fencing. How it comports with our Historic District. Thank you. That's all I want to know.

Win Abbott: I think the website has a couple of color photographs on it, but they're just examples.

Mayor Jones: Mr. Abbott, I do appreciate you bringing this forward. The Solicitor, however, has indicated that without this being a vote, shown on the agenda, that Council would be best to not make that vote this evening. I do appreciate your thoughtful presentation here and for Mr. Ryan coming out this evening to speak to Council. Did you want to...

Seth Thompson: The Council can discuss the matter, but I think in terms of any affirmative vote, it wasn't listed, it wasn't noticed as any actual vote; so I think the members of the public would have a legitimate concern that they wouldn't expect that issue to actually come to Council for a vote. Your point is well taken, Mr. Abbott; that this is something you seemingly can do without Council's approval; but in terms of taking any formal action, I would recommend... I believe you guys are having a second meeting relatively shortly. I think if the Council is to take a vote, it would be best to have it spelled out on the agenda as something for a possible formal action on the part of the Council.

Win Abbott: Madame Mayor, if I should not hear to the contrary from you, in the meantime, then we'll move forward, at least with the advisory capacity regarding the fence project. The engineering thing, we can take that. I just want to be sure you all understand that I've done the work up front. At this point, the Council really has to get more involved, especially with this engineering selection process; and having a moderator would be very helpful.

Mayor Jones: Okay and I was going to assume that the engineer selection assistance would also follow suit in not being on the agenda and not being able to vote on it; but then I would then ask Council to reconsider this, since this is an action that Mr. Abbott may take and we are presented with this as a courtesy; I would ask anybody with an opinion, concerns, objections, to share those with Mr. Abbott at this time.

Vice Mayor Booros: As far as the fence, I might as well share, I understand we're putting the fence around the maintenance yard and a fence around the water tower and the pumps at the water tower? Is installing a fence around an acre of property something that you have to hire an architect for? I'm sorry. I thought you do a performance statement of work and the fence company's tell you how they're going to do it and what they propose and how long it's going to take and you look at them and you do what meets your requirement. I don't understand the

purpose of an architect for the fence around the... I've sat through the Water Committee meeting, where they don't want barbed wire on the top; can we use black on the front, instead of whatever it is... aluminum or whatever... Everybody's made their little comments about it. Have we actually even had some fence companies come out here and do a site visit and then come back with a proposal, telling you what they would propose to do for us?

Win Abbott: No, Sir.

Vice Mayor Booros: Before hiring an architectural firm to draw a picture of the line around... I'm sure the fence company's going to do the same thing for you. I mean, it's an acre. Just my opinion. That's all I can say. It's my opinion. That's all I had.

Mayor Jones: Anyone else? Hearing nothing else, we will move on. Thank you Mr. Abbott. This was the supplemental monthly report. Anything else that you wanted to discuss on that report Mr. Abbott.

13. Department Reports: Public Works, Planning & Code, Police

Mayor Jones: We'll start with Public Works. Is Mr. Russum here this evening? Do you want to address anything in this report? I have only one question and I'm very thankful that you have contacted the fellow from the Delaware Division of Fish and Wildlife. I see that you have an appointment set for tomorrow.

Dustan Russum: Yes.

Mayor Jones: Can you tell me the time for that?

Dustan Russum: It's 9 am.

Mayor Jones: Mr. Russum, I would like the Chairman of Parks and Rec to join you in that, as we had done a walk through early in the month of July; identified those trees and wondered if we had the ability, against State regs to take those down. Do you have any objection if Vice Mayor Booros joins you tomorrow?

Dustan Russum: No, he's...

Mayor Jones: Where will you be meeting?

Dustan Russum: Rob's going to meet me down at the shop and then we were going to head over to the park.

Mayor Jones: Okay can you be available?

Vice Mayor Booros: Yes.

Mayor Jones: Thank you. Another thing, Mr. Russum, on the second line of that report, it does say along with doing the work orders that are shown below... Is that the listing of the work in the Water Department and it's in narrative form, as opposed to something that should be attached to this report? Is that correct? I want to make sure I'm not missing something.

Dustan Russum: No, you're not missing anything. I think I must have messed up.

Mayor Jones: It just may be in narrative form.

Dustan Russum: I tried something different this month. I know in the past months I've always listed each individual thing; but in the summer months, we're pretty generally we cut grass, we spray weeds, so I just tried to add some little hot topics in there, instead of listing everything.

Mayor Jones: Are there any Council comments on this report? Hearing none, we have our monthly report from Project Coordinator and Code Enforcement. I have the same question for Mr. Davis in reference to your meeting scheduled for tomorrow, the representative for Center for Historic Architecture and Design. Is that still on schedule for tomorrow.

Robin Davis: Actually, no, it's changed until the 7<sup>th</sup> and if I'm not mistaken it's at 10:00 here at Town Hall.

Mayor Jones: If available, it was my original recommendation that Vice Mayor Booros be included in this grant application.

Vice Mayor Booros: I'm not available on the 7<sup>th</sup>.

Mayor Jones: You're not available. Okay. That answers that.

Councilman Collier: I have a question regarding the attachment to the report about Code Enforcer violations and I'm noticing that we're now giving some of the tall grass violations to a contractor; in fact, it seems like some of these places are going every two weeks. What's the effort to recover these charges that are being paid for by the Town currently?

Robin Davis: Once we receive the bill from the contractor, invoices are sent out to the homeowner's of the properties, through the finance requirement.

Councilman Collier: Have you had any response, because some of these date back to the month of June?

Robin Davis: I'd have to follow up with Kristy in the Finance Department. They handle all of the recording of the invoices or payments.

Councilman Collier: Alright, thank you.

Councilman Cote: Just by way of information Councilman Collier, there are a lot of Accounts Receivable for grass cutting. I don't know how they match up to that list; but there are a lot.

Councilman Collier: Alright, thank you.

Mayor Jones: Mr. Davis, the new Fee Schedule that was set for grass cutting. Is that strictly grass, or does that also involve nuisances, trees, vines, any of those things that you may require Mr. Clark to come in; and I have a specific episode that I'm asking about?

Robin Davis: I'm not quite sure, I think it's just for grass cutting, if I'm not mistaken. I think it says \$200 per hour for cutting grass.

Seth Thompson: Mayor, that's correct. Off the top of my head, I think you have a separate property maintenance ordinance that has it's own punishments. I think it refers to Russian Thistle and various overgrowth, so the intent seems to me that this relates only to grass vs. property maintenance.

Mayor Jones: I ask the question because I'm talking about the Jailhouse Antiques building, downtown, at the Horseshoe Crab Festival that building was cut by this contractor that property owner was billed and it was paid. It was billed, the exact amount to the property owner that was billed to us by the contractor; making no administrative allowance for time. However, the building's been cut again. Comment: if we're simply passing on the cost from Clark's Lawn Service to that property owner, we are nothing more than property managers and Milton's not making anything on it's administrative cost, sending out that bill, collecting those funds, making those deposits and scheduling again, in case there's a problem. When does a property owner like that receive a violation, which would offer the Town funding for their troubles?

Robin Davis: Off the top of my head, I'm not sure how the Ordinance for that is worded. There could be an administrative fee added to the Fee Schedule as we do for engineering, recouping administrative fees for engineering and things like that; if it's done in the Code right now.

Mayor Jones: That wouldn't be an issue in regards to having a \$35 cut from the lawn service and then Milton, charging the \$200. You have that built in. I wouldn't ask for anything additional; but if Milton is working to keep our town center nice and I do advocate that if we have property owners that are not taking care of their properties, Milton ought to step in, but Milton ought to be able to pass on more than the flat face of a bill that we are paying out of our pockets. I don't know whether that's in terms of adding something to that nuisance, that growth nuisance...

Seth Thompson: If I'm not mistaken, Mayor, I think Mr. Davis is correct; that there's an administrative mark-up to cover, basically the Town's time it's spending in going through this process. I believe there's also an interest rate; so those are the inherent deterrents, in terms of somebody just relying on the Town to do it. I suppose, if the Town wants to look at adding a fine on top of that, that's certainly something that's within the Town's discretion and the bottom line is it's a Code violation, as well.

Mayor Jones: Right and the Town's taken care of it twice now; the property owner is going to get very comfortable that Milton is simply going to continue to come and clean that property and they'll be billed the face value that that lawn service charged the Town of Milton. It's just not going to be advantageous to the time spent by town staff to bill and collect those funds.

Seth Thompson: Mayor, what I'll do, is I'll look at the ordinance, because I believe we recently amended it, so I will double-check to make sure that the one on ECode 360 is the most recent and if it's not, I'll see if we have in there, some sort of deterrent, some sort of stick, so to speak in terms of having people comply.

Mayor Jones: I appreciate that. Thank you. Anything else on the Code Enforcement Report? The Police Report? Any comments, questions from Council for the Chief? Anything you want to share with us, Chief?

Chief Phillips: I would just like to make sure everybody comes out for Night Out, like the Town Manager stated and we should have a good time, if the weather's right.

Mayor Jones: What time does that event begin?

Chief Phillips: Basically 5:00 in the afternoon.

Mayor Jones: Hearing nothing on the police report, we'll move onto the Finance Report Revenue and Expenditures.

13. Finance Report and Revenue/Expenditures Report

Councilman Cote: As of June, we are 95% of budget on revenues, which is mostly due to the fact that property tax revenue is all taken in at the beginning of the year, when it's billed and not as it's collected. We are slightly ahead of schedule on expenses, but not by much. There are some one time charges that are in there, which tends to make the percentage of expenses a little higher than they would be if everything occurred evenly, which they don't. Any questions? I will sign the affidavit which is missing from the package, as of this evening and get it notarized.

Mayor Jones: Thank you. I want to make sure that the stone, I'm on Page 6 of the Transaction Audit Report; the very bottom. It is a Police account 300-5280. I just want to make sure the placement of that \$571.99 for stone in the park; is that correct under Police Expense, Chief?

Chief Phillips: Apparently I've been helping out; but no, it's not supposed to be there.

Mayor Jones: Nice of you. I wasn't sure what that was doing there or what it referred to, so I wanted to ask the question. It's a significant dollar amount. Do you know something about it?

Councilman Collier: I would assume it's probably the parking areas that were excavated and created at the entrance to the park.

Win Abbott: Yes, that's what I would assume it is, too; on either side of that area where we sometimes have the vendor trucks now. So, we'll make a note to have our Accounting Clerk change that.

Mayor Jones: Oh thank you, so it does not belong to the Police. Okay. Chief, I do see under your Police K-9 under lettering, is that something that you have gotten some material for the car?

Chief Phillips: That's correct, for the K-9 car. Yes, Ma'am.

Mayor Jones: Thank you. Under, just General, but I am actually on the top of Page 10. It's account number 5286, Milton Memorial and Mill Park. This has happened again throughout the report, but I'm just going to bring this one to light, so that I understand a couple of things. Under the description is Memorial Park, Memorial Park, Memorial Park. That isn't helpful as to what that is, but I do want to understand; the first \$1,875 that was removed, then it appears it made it's way back in and then the last item of \$1,125; again, it's hard to understand. There's one right underneath of it. It says Memorial Park. I understand where it was assigned; what I don't understand is what it is. Is there still an issue of having no space to put descriptions; because I remember former Councilman Lester stating that that wasn't a challenge that was insurmountable.

Win Abbott: The charge is for mulch.

Mayor Jones: Okay and these are in addition to the three that are listed below. Three charges for \$375 for mulch is listed below these items.

Win Abbott: Yes, Ma'am. You'll notice that going from left to right, the first column is Date, the next column says P.O., for Purchase Order, and then it gives a number, 13-01024. You'll notice that 01024 is repeated several times? It's all the same purchase order.

Mayor Jones: Okay. But Mr. Abbott, they all say Memorial Park and so even though the four of them are consistent on one P.O., if you didn't tell me they were mulch, I would not have a clue; because there are three charges for mulch that are listed as mulch right underneath of them. Do you see my point?

Win Abbott: Okay.

Mayor Jones: That's all. It seems to be a significant amount of money, but perhaps you or our Treasurer... When these asterisks show up in this little double-asterisk at the 1875, is that a posting for a different time, different month? Is that an indicator?

Win Abbott: I don't know.

Mayor Jones: Councilman Cote, can you entertain this one for me?

Councilman Cote: No. I've inquired. This report, the details of this report, they're not necessarily by account, in each account, add up to the total for the expenditures in that column. If you look at the Statement of Revenue and Expenditures, it says current expenditures and it gives you a number. Some of these accounts add up to that, some of these don't. It's not clear why. There's a different report that's about 2 or 3 times bigger than this, which does add up. I have not had the time to figure out... I tried to figure out what the differences might be, but Edmunds does something... These items affect the budget, but may not affect a particular month's expenditures on the statement of Revenue and Expenditures. First we thought it might be when the purchase order was issued; but that didn't hold true all the time, either.

Mayor Jones: Mr. Thompson did just point out that that second amount of \$1,875, actually carries the descriptor or comment of a void check for that same amount of money. I'm just not sure if that's what that double-asterisk means, but I think it would be helpful to Council to perhaps have the ability to have some training or information that is always helpful in trying to read these important reports.

Councilman Cote: I agree. That's why I asked about a different report; but, it is 2 or 3 times... I don't know why it's 2 or 3 times longer; but it is.

Mayor Jones: Thank you. Anyone else with questions? We'll go forward with the Town Manager's Monthly Finance Report, Mr. Abbott, anything to add?

Win Abbott: Just one thing. When you were looking at the year-to-date figures for June 30<sup>th</sup>, basically we're looking at 75% of the year being passed and 25% of the year still to come. As

Councilman Cote had indicated, there are some one time expenditures that may be front loaded, so not everything is on a trend where you're at 75% of budget. When you look at particular line items where there is a periodic accrual of Revenue or Expenditures, and you know that to be the case, you might be looking for it to be the same; one thing that I point out in my report, is under General Fund Revenue highlights, and that is that, our realty transfer tax, year-to-date, lags behind the 2012 figure, however 60% of that difference is attributed to one sale that was made last April. So if it looks like the trend is off, if you take out this outlier from the year before, we're on. As a matter of fact, we're on track to exceed our budget by over \$15,000 by the time we reach the end of the year. So it's just something to put things into perspective. Another item, something that was brought up during the course of the Finance Committee meetings, you'll see on the back page and that is the past four years trend of water rents collected; and whether people are watering their lawns less than they did when many of these communities were just taking off, or other issues are at hand; the matter of the fact is, that the total amount of dollars and revenue from the proprietary fund for water sales has remained almost static over the past four years, when you compare quarter to quarter; it hasn't grown as one might think with the addition of 20-25 houses per year.

Vice Mayor Booros: Mr. Abbott, on this report, the first page, the last two lines, and this question may be for Mr. Davis, Business License Receipts have declined by \$6,705; any explanation for why business license receipts have gone down this year?

Robin Davis: No, I haven't really looked at it.

Vice Mayor Booros: You and I have both looked at it.

Robin Davis: I mean as of this report, I wasn't aware that this was in there, like that. I don't know if Mr. Abbott had done any research by looking at the numbers. But, again, out of town contractors do not have to get licenses every year, unless they're doing work in town; so that could be some of it.

Vice Mayor Booros: Well there's a lot more building going on in all of the neighborhoods and I would think there would be more sub-contractors in.

Robin Davis: I do know that speaking with the gentleman at Heritage Creek, they're having issues with trying to get contractors to do any work, because everybody is so far behind, but it could be that the same ones are doing all of them, instead of having different ones. I can look. I know there were some issues about what we discussed about in town...

Vice Mayor Booros: That's revenue and that to me would have been an increase in revenue at this time of the year; not a decrease.

Robin Davis: Correct.

Vice Mayor Booros: Thank you.

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

a. Police Department Hiring Moratorium

Mayor Jones: I actually asked Mr. Abbott to put this on the agenda for the reason of a calculated guess on a hiring date, on adding at least one officer to the force and the possibility, according to the Captain at the Training Center in Dover, that with ten municipal officers they might be willing to start up a small class. If that's the case, and his target date of October is correct, with a moratorium in place until the end of September, it would be nearly impossible to begin a hiring process and have it accomplished to get a recruit into that Academy. Having said that, it does not mean that we are absolutely jumping the gun and will start advertising tomorrow; that will be

some more discussion that the Chief and I have; but I would appeal to the Council, if they are so willing to lift the hiring moratorium for this reason.

Councilman Collier: Are you asking for a lifting of the moratorium as a whole, or just to enable the potential hiring of one officer?

Mayor Jones: For the potential hiring of a Police Officer, yes, or person or persons in the Police Department. They right now have two vacancies.

Vice Mayor Booros: I'll make a motion to lift the Police Department hiring moratorium.

Mayor Jones: Okay, so would you like to phrase that for us?

Seth Thompson: Sure, my concern, Council, is that just in the world of hypothetical, if somebody were to leave tomorrow and the moratorium were lifted for one new hire, you would potentially be in a position where that one new hire is just replacing the person that leaves tomorrow.

Vice Mayor Booros: Excuse me, Mr. Thompson. My motion did not include one new hire. I said to lift the moratorium.

Seth Thompson: Okay. Okay. I apologize.

Mayor Jones: So we do have a motion to lift the moratorium. Do I hear a second?

Councilman Cote: Second.

Mayor Jones: Any discussion?

Councilman Cote: How many will we get to hire?

Mayor Jones: Well by Council's previous limit, nine was the number that would be arrived at if we had lost only two and we did lose only two through attrition; but others have left, in addition. So the Chief prepared his budget this year, as well as the Town Manager, to allow for nine Police Officer, benefits, salaries and so unless the Chief has another number in mind, that would be the top number that I think we've discussed before.

Councilman Collier: I have one question. It probably doesn't have anything to do with the motion; it's more of a thought and that is, what prevents us when we decide to hire an officer from contracting them for a period of time. In other words, we're going to put you through the Academy, but you've got to serve us for two years or reimburse us, because at the rate we're going, it seems like we don't even retain an officer long enough for them to wear the uniforms out and they move on and I don't know if that's even legitimate, if it's possible, if it's out of the question; if there are laws that prevent it or what, but it just seems to me that this seems to be a common theme that we get them in and they don't even wear their uniforms shiny and they're gone.

Chief Phillips: Basically, there's a two year obligation.

Councilman Collier: Is there a two year obligation?

Chief Phillips: After that, they can move on.

Councilman Collier: Okay, but there is an obligation that is required in a contract?

Chief Phillips: Yes.

Councilman Collier: Well, I wasn't sure, that's why I asked. Thank you, Chief.

Councilman Cote: Chief, is that two years, including the training, or after the training?

Chief Phillips: My understanding is it's from the time you hire them.

Councilman Cote: So that would include the training?

Chief Phillips: Yes.

Councilman Cote: Training takes how long?

Chief Phillips: Three to six months, it depends on what kind of class it is.

Councilman Cote: So we might have them for a year and a half.

Councilman Collier: Like I said, they don't stay long enough to get the uniform shiny and they're gone. Okay, that's all I had.

Mayor Jones: We have a motion and a second on this issue. Is there any further discussion, concerns, comments? A motion to lift the Police Department Hiring Moratorium. All those in favor say aye. Opposed. Motion carried.

b. Status of the Paving Plan for Cannery Village

Seth Thompson: At the last meeting, the Council authorized that I make an offer of settlement to Chestnut Properties; looking for some sort of creative compromise that would protect the Town, but also recognize some of the concerns that the developer expressed in terms of an inability to get a bond; so the offer was put forward that the Town would accept a note and a mortgage equal to 100% of the remaining improvement costs; it was 100%, because that was the figure used in the old sub-division ordinance, as opposed to the current sub-division ordinance, which says 125%. I received a letter dated July 19<sup>th</sup>. It's very short. It just says, "Dear Mr. Thompson. We are in receipt of your letter dated July 16<sup>th</sup> with respect to the above-entitled matter, which is Cannery Village Sub-Divisions. Please be advised that we cannot agree to your request, because there are several superior liens on the property that do not permit junior encumbrances." So the developer is, in other words, saying that he has some liens in place that won't allow for him to agree to an inferior lien. Unfortunately, there isn't any additional information; there isn't any additional suggestions or offers. Again, a very short letter. But that's where we are.

Councilman Cote: Has anything been done to verify that other liens are in place?

Seth Thompson: I can do a lien search, if that's what the Council wants.

Councilman Cote: At some point, earlier this year, I sat with the former Mayor and looked at some of the lien records and it showed a number those liens being satisfied. Now, we know that there is still a lien on the clubhouse property; but I don't know... I think some effort should be made to verify that claim by Chestnut Properties.

Seth Thompson: And my office is more than capable of doing that. We have a title searcher. We can report back to Council. It's still with somewhat of a creative offer of compromise; so I don't know if the results of that inquiry are going to change the matter, one way or the other, but I can certainly do it. It's up to Council.

Councilman Cote: Would that be in Executive Session?

Seth Thompson: Right, I'll be looking for more direction from Council when we meet in Executive Session, at this point, but I did want the public to be aware in terms of where everything stood. We did get a response, unfortunately, it wasn't the kind of response we were hoping for in searching for an amicable solution.

Mayor Jones: I think this opportunity, just because of the way this is written on the agenda, to make very clear through Mr. Thompson, this is indicated as a status of a Paving Plan for Cannery Village. Am I correct in saying, our attempts at this time, as Council, as the Town of Milton, is to secure a Bond for Cannery Village. Our pursuits right now, are not in paving. It is our attempt to do what previous administrations may have failed at, in attempting to get you the Bond, which then could parlay into street paving. But just to make clear, so that we are not beating the paving dead horse, Milton's responsibility to it's citizens who live in Cannery Village right now, is to

attempt to secure that Bond money. Is that a fair statement?

Seth Thompson: Madame Mayor, that's a very important point. You're absolutely correct that securing the Bond, even if the developer were to turn around tomorrow and say, you know what, the Bond market has suddenly become much better in terms of being able to get a Bond, therefore, here's your Bond. That wouldn't automatically translate into the roads being paved, it would just be that Performance Guarantee that would be in place. That's an important point.

Mayor Jones: And we do toss the difference between paving and the Bond back and forth and that's why I wanted to make that statement here tonight. Your Council, this Solicitor are working hard to right what was not properly done previously. It's not in terms of paving the streets; it's in terms of trying to secure your Bond. Any comments?

Councilman Cote: Well, I have a thought. While we're working on the responsibility of getting the Bond, that we should have gotten and didn't; if we don't get a Bond, or other agreement, whether it's the letter of that law that says a Bond or the spirit of that regulation that says some guarantee that the Town isn't responsible and that the people who bought there aren't responsible; then that opens up a question as to who is responsible? I've maintained this for awhile. If the Town did not do what it should have done and it cannot be remedied any other way, the Town is responsible.

Seth Thompson: I don't know if you're speaking legally.

Councilman Cote: I'm speaking my opinion. I'm not an attorney.

Seth Thompson: I certainly understand your position from a moral perspective. I wouldn't necessarily agree with it from a legal perspective, but I understand Councilman, I understand your point.

Mayor Jones: By the way, which hat are you wearing?

Councilman Cote: I forgot. For those who were at the homeowner's meeting, I forgot my little cards. Unfortunately, probably both.

c. Purchase of Street Signs for Cannery Village

Win Abbott: Madame Mayor, that's really a placeholder. I didn't want to be chastised for not having it on the agenda. I think we've talked about this enough.

Mayor Jones: And you did refer that to a budget item and a choice of priorities. Did anyone, since it is an agenda item, wish to say anything.

Councilman Cote: I would just offer one comment. Mr. Abbott spoke with Sen. Lopez about this. He did not speak to Rep. Smyk about this, who indicated that because the streets aren't dedicated yet, they couldn't do anything. If he can't do anything, I'd rather hear it from Sen. Lopez, who was engaged in the conversation that he can't do anything, rather than assume that Rep. Smyk speaks for both of them.

Councilman Collier: Councilman Cote, I can tell you that CTF Funds are dedicated to public streets. That much I can tell you without hearing it from anybody else. If you want to hear it from Sen. Lopez, by all means, I hope you hear it; but I'm afraid you're not going to hear what you want to. I have only one comment regarding signage at Cannery Village and I appreciate that it's a part of Milton, very much a part of Milton, but I have to say that I think if we pursue signage or pursue assistance for signage in that community, in the fashion which they have presented their proposal for, that we're doing a great disservice to the other parts of Milton. Right now the standard street blade for any street in the Town of Milton is a simple street blade, on a conventional post. It's

black and white and lettered. There's no design. There's no fluted columns. No fancy hangings and none of that. And as a councilperson and having an interest in the entire community of Milton, I can only support considering any assistance from the Council and from the town's coffers in providing to cover the standard street sign and nothing more. As far as signs on individual houses, I think that that's the responsibility of the homeowner and I think you'll find in however many homes there are in Milton, that every homeowner in Town, provided their own and we'd be going out on a terrible limb to all of a sudden identify a particular part of our community as being set aside, and above, or beyond, or deserving more than anybody else got. So that's my opinion about it, but that's only my opinion.

Councilman Coté: Well I would question how many other homes in Milton are addressed to their back door, which has been some combination of a developer, the County and the Town saying those are all okay.

Councilman Collier: Councilman, I'm not going to argue this point with you, but I would also tell you that the same agencies that now tell you that the signage is all wrong, approved the original signage, because all of those things go through those agencies, before they come to the town for final approval. So I don't see any of them stepping up and wanting to share the responsibility, nor do I see your Association, chasing any of them for funds to cover your signage. Again, that gentleman said it very clear tonight, that Cannery Village is not Cannery Village; they are resident's of Milton and therefore they deserve no more than anybody else in town is going to get.

Councilwoman Patterson: No, but, due to the prior approval, I mean I have to tell you, there are some significant emergency issues, that arose from there.

Councilman Collier: And I understand that. Councilwoman Patterson, I do not want to deny signage. I'm just saying that what's being proposed there, first is decorative signs and fancy posts; blue with gold lettering. If the Town agrees to pay for that type of signage in your neighborhood, what's going to prevent the people from my street that I live on, coming to the Town and saying I want what they got.

Councilwoman Patterson: I haven't seen the Quillen proposal, but okay. But there are significant issues over there with the street addresses.

Councilman Collier: I'm not turning my back on this neighborhood and saying not to fund it; I'm saying that I, personally, would agree to funding it at the same level of funding that it would cost to do it at the standard and conventional, accepted sign, that's on every other street and every other part of town.

Councilwoman Patterson: Unfortunately, we're not conventional because of these alleyways that we have.

Councilman Cote: And Councilman Collier...

Councilman Collier: We have alleys in Town right now and I can tell you one is known as B Street; that doesn't even have a street sign on it and I don't hear anybody who has property that fronts to the back of it, which is the access to their driveways, and their parking, complaining about it. We can argue this and I've said all I really need to say about it.

Councilman Cote: I would add that Sussex County 911 pointed out that those signs that whatever signs get added, should look like the other signs, so they look official; so that they can take them as directional, rather than as... what is this? Because it looks like somebody just plopped it in there. They need to be similar to be authoritative.

Councilman Collier: You can make them similar. I'm just saying as far as a funding level; if it costs \$10 to put up the standard sign and it costs \$20 to put up the matching sign, I agree to support funding it to the \$10 level. The \$20 level has to come from someplace else. That's all I'm saying.

Councilman Cote: We'll agree to disagree.

Councilman Collier: Thank you.

Mayor Jones: Councilman Cote, during your time with the 911 Board, I'm looking at Mr. Frazier as well, I understand that they made the recommendations that the signs be uniform, so that they are recognizable. I want to talk about the garage signs. If you travel in Cannery Village right now, you'll find a variety of designs on the garages and some garages that are devoid of signs; so the continuity seems, for me, to be in question. Has this 911 Board recommended that this particular style of sign, that has been pursued through Quillen's, did they mandate that?

Councilman Cote: Mandate that?

Mayor Jones: Well you...

Councilman Cote: It's in their recommendation...

Mayor Jones: Was it a recommendation that these signs all be this actually a slight upgrade to some of the numbered signs that are on the backs of the garages; these will be improvements. In some cases, they'll be the first time it looks like numbers have been hung on them. So I'm asking you...

Councilman Cote: Other than garages that face the street, there have, at some point in time, have been numbers on all the others. If your garage faces the Street, not a Lane, a Street, you don't have numbers on the garages. All others that are on the Lanes, have at some point had numbers on them.

Mayor Jones: Without an identified consistent pattern to the signs from home to home. Meaning they're not all uniform.

Vice Mayor Booros: No, they're not.

Councilman Cote: Different builders have used a different placard; it's either white or light and the numbers are all the same size.

Vice Mayor Booros: Yes, and some of them are brass and some of them are black, some of them are white and some of them are a yellow color. They run about \$15.99 at Lowe's and the numbers are about \$1.99 apiece; bringing you up to about \$21 for what's hanging there now. Like she said, not all of them have numbers on them.

Mayor Jones: And maybe that is for the reason that Councilman Cote said that if they're not numbered on the alleys, they don't necessarily have those numbers on their garages. I'll concede to that, but there is no uniformity within your community for what your homeowner's were to install on their properties.

Councilman Cote: Well the builder's installed it.

Mayor Jones: Okay, I just wanted to ask that question. And, again, unless anyone has anything else to say, the Town Manager has indicated that there is a place for this decision during our budget process. I would like to get back to the CTF Funds and the comment from Sen. Lopez. Are you asking that this be assigned to someone to get this definitive answer for your Committee? Is that someone on your committee will contact Sen. Lopez. I just want to know what your work plan was for getting that answer.

Councilman Cote: Well, the Committee never contacted Sen. Lopez. I met with Sen. Lopez as a homeowner, but we never contacted him about the funding. I believe Mr.

Abbott was the contact point.

Win Abbott: Sen. Lopez had contacted me to make an inquiry; to find out about this and I framed it for him. I'm acquainted with the limitations of CTF. I'm not acquainted with the limitations of everything at our State Legislator's disposal. I don't know. I know George Bunting came up with \$20,000 a year for life guards. I don't know where he found it, but he came up with it consistently. I know my old friend, Sen. John Still, found money for tax ditch maintenance and other similar things. There's a lot of stuff that could be done. I think what's really important, is this Council, all gets together and decides what I can act as your agent for and you will all be behind and we won't have different people saying I'm not happy with just this and other people saying I don't want it at all. You all have to get on the same page and then I'll be glad to do your bidding for you and I'm sure we can make something happen; but the Council has to decide what the Council wants.

Mayor Jones: I'm going back to my original question. Who's going to contact Sen. Lopez for a definitive answer? Would you do that?

Win Abbott: I'd be glad to. Absolutely.

Mayor Jones: Thank you very much. Are we finished with that discussion on street signs?

- d. A Policy establishing conditions by which the Planning and Zoning Commission may grant waivers for Off-Street Parking applications

Win Abbott: Madame Mayor, I put this on the agenda. It wasn't on the agenda last month. Four months ago it was brought up at the request of certain members of our church community; not just one, but a few and we discussed it and it was referred to our engineer. It came back to the Council with this recommendation and the Council talked about it, but didn't take any particular direction with it, so it wasn't on last month's agenda. Here it is again. Looking for some direction here; especially when people stop in at the Town Hall or stop me in the park and say, what's going on with that anyway? I want to be able to give them an answer.

Mayor Jones: Any comments on this process?

Vice Mayor Booros: I have a question. Would this waiver apply to both residential and commercial properties; or just...

Win Abbott: It's meant for just commercial properties, those that are being used by non-profits, in particular.

Vice Mayor Booros: Thank you.

Mayor Jones: Mr. Davis just brought up an excellent question; whether or not this waiver policy needs to be put into the hands of our Planning and Zoning Commission for review, since they would play a part in this. I do want to understand at the bottom of the second page, that each of these applications will indeed be reviewed, prior to sending on to Planning and Zoning by the Town Manager, the Project Coordinator, the Town Engineer, and the Solicitor. That is correct? Each one of these applications, as stated?

Win Abbott: That's what it says, Ma'am and just to rewind to where we were at the very beginning of this process. When these particular hardships were brought to my attention, I took a close reading of our existing zoning ordinance and there was a place in there, where it said the Planning and Zoning Commission may grant a waiver of these

requirements. However, it left it open, as to under what conditions they would. The Planning and Zoning Commission is subordinate to the Town Council, so the Town Council can establish a policy by which they could grant a waiver. After that, everything is made up. So you have to decide what you want to do.

Mayor Jones: The only issue I have and I do understand we're talking about non-profits here; but what concerns me about putting together a team which involves these four individuals; it is followed by the statement, "if needed, the cost of which may be charged to the applicant with his or her prior approval." That seems quite subjective to me and you're asking for the non-profits prior approval to bill back any charges that maybe incurred by the Solicitor's time, the engineer's time, salary time, which I'm not counting in, but I am counting in the two professional services of the engineer and the solicitor. This could add up in fees, if it is not charged back to the applicant. Is anyone else looking at what I'm looking at? Any comments on that?

Seth Thompson: If it's of any help to the Council, you could view this in the framework of an area variance, perhaps. So very often and Robin can probably tell me, or at least give me a ballpark; but I think the Town charges approximately \$750 or some application fee for a variance. It's \$400? So that application fee is seemingly designed to cover some of those costs. The Town might bill for any excess per engineering fees and legal fees, though.

Robin Davis: I think the note there basically comes from the section that was added several years ago under the Administrative Plan Review. Some businesses, if you are going on an existing site, certain things can be reviewed at Town Hall by myself; some things after that review might have to go to Planning and Zoning, to get more in depth. Before I can get the engineer or solicitor involved in that, I must get approval from the applicant. If the applicant says, I don't think I'm going to pay for all that because it could be X amount of dollars, then it basically gets just washed away. It is just to let the applicant know that there's going to be some additional costs, if they move forward with the engineer and the solicitor being involved; that they're going to get billed for it and some of these small projects, some of the applicant's might say, well I'll just look at another site. Myself and Councilman Collier looked at, like in Town Center, during that whole Administrative Plan Review process, the parking requirements for Town Center were removed. So if anybody wants to start a business in Town Center, they're not required to meet the parking requirements. Anything outside, yes. The Planning and Zoning usually gets more involved in something that has a site plan attached to it; not just a non-profit or we can even use the church as an example; that they want to use parking for their church services. There's not really going to be any building permit, if you waive that; so it's not going to go through a process if it gets waived; so it talks about waiving the building permit process; so there's not going to be a building permit for that if it gets approved as a waiver.

Seth Thompson: It sounds to me, getting back to the cost element, and I think Mr. Davis' comments are helpful; it sounds like the Town charges a fairly low application fee that's designed to basically cover the cost of the Town employees and then potentially the applicant gets billed for the engineer's review time and my time; if I need to write up the decision or there's a determination that I need to attend a hearing. Typically when you're talking about variances, that's more of a Board of Adjustment; although your Code is a little bit unique in that it does give some jurisdiction to your Planning and Zoning for

variances; so that's why I was suggesting kind of thinking of it in those terms; because you are really varying the parking requirement, that would otherwise apply to those people. In terms of cost, I think that's how other municipalities typically deal with it. Now some charge again, a higher application fee and then don't bill separately. They just charge a higher application fee for what would probably be the average cost of using their engineer and solicitor to look through it. I understand here, the point is to help out non-profits, so it could be that, again this language, it sounds like Mr. Abbott was looking to not have them incur any costs up front and then if the Town officials determine that there needs to be some review by the solicitor, or by the engineer, that they're made aware of that before they go forward.

Mayor Jones: Perhaps it was your use of the word variance, which would make me ask or make me feel this leans more toward the Board of Adjustment, who grant variances.

Seth Thompson: It's interesting though, because your Code does provide the Planning and Zoning Commission with the ability to vary the parking requirements. Again, Milton is slightly different than the County or most municipalities in that regard, but that's the way your zoning code has been set up; that that goes to Planning and Zoning, as opposed to the Board of Adjustment, in terms of parking.

Mayor Jones: Hypothetically, let me just say this has turned into Mr. Davis and review is needed. If you end that sentence there, if needed; and it's needed and you let the applicant know that and you don't get prior approval. Does that mean it does not go forward; because it says the Town Code Enforcement Officer will review the application with the Town Zoning staff, if needed. Let's put a period there. The cost of which may be charged to the applicant with his or her prior approval.

Seth Thompson: Are you concerned that it will be charged and not collected? Because the way the sentence reads...

Mayor Jones: I'm concerned if there is a "need" for the meeting, for the review of the application and the applicant isn't on board with it.

Seth Thompson: It looks to me that the way it's structured and Mr. Abbott can chime in if I'm misinterpreting the language, but if somebody didn't approve the cost, then the Town wouldn't schedule the Public Hearing and the application wouldn't go to Planning and Zoning.

Robin Davis: Also, I think, if I'm not mistaken, the procedure right now if say we have an application that needs 20 parking spots and the applicant says I can only provide 15. The waiver is usually done as part of the review, the preliminary and final review of the application...

Seth Thompson: Of the site plan?

Robin Davis: Yes, the site plan and it's done together. I've never had anybody come and just ask beforehand, that I want to waive parking, beforehand. If it is, it usually would be done for a few, not a total, of all.

Seth Thompson: I think it might be helpful... I think Mr. Davis' point is good in the sense that that is why Planning and Zoning really has jurisdiction over this; it's typically done in conjunction with a site plan. There's certainly the possibility that somebody would change a use, that would trigger a higher parking requirement, so then the applicant would have to come in and ask for a waiver, if it's not on-site. Again, that would be a site that's already built out, basically.

Robin Davis: And the good example would be the restaurant out on 16. They had the

opportunity to go before Planning and Zoning, since it was changed to a restaurant, they needed additional 13 parking spots. They had the opportunity to go before Planning and Zoning and request a waiver of the additional 13 parking spots, which they did not do; so that's why it went through a special permitted use application; for the additional 13 parking spots, supplemental on the additional lot.

Mayor Jones: I'd be willing to take Mr. Davis' good advice that we at least put this into the hands of Planning and Zoning and their Commission for review. Any comments?

Councilman Collier: Do you need a motion?

Seth Thompson: I guess a motion to refer it.

Councilman Collier: I move that we refer this to the Planning and Zoning for their review.

Councilwoman Patterson: I second.

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

10. a. Finance

Mayor Jones: Now, Councilman Cote. I believe I have you in the right order now.

Councilman Cote: I'll start out with the fact that the Finance Committee budget meetings, with the Town Manager went much better than last year and they can be better for next year. We did have a few difficulties in getting information back and forth and knowing what we were looking at sometimes. People might have had different versions of a report to look at. Why don't you all look at it and read it and then we'll talk. The first page is Events. The bottom of Page 1, Page 2 and Page 3 are Suggestions for things to look at that were in the attachments. I attached the budget version from the last budget meeting that we had. So anything that changed subsequent isn't reflected in these comments. I know there were some changes that were made.

Mayor Jones: I can answer a question on Page 2.

Councilman Cote: On Page 2. I will try to do that.

Mayor Jones: Tidewater Property Rental. It was talked about this evening. I have heard from Mr. Esposito directly, with the prospect of rental fees being taken in by the Town as a matter of revenue from that location. He has indicated unequivocally that either lease terms or rental would be passed onto the consumer and so I do not know where to verify that, other than it is Tidewater's policy. I am assuming he was giving me correct information. It was disappointing to hear, but it was a question that needed asking, as we approach revenue. If there was a chance that it would come back in our bills, I don't see it as an alternative; and yet it kind of puts us in a Catch-22 situation. I'm sorry to report that, but I thought you should know that information.

Councilman Cote: Okay.

Mayor Jones: By the way, Councilman Cote, that does not mean we couldn't rent our property to it, but I wouldn't see the advantage in doing so.

Councilman Cote: I know it had been discussed, and it wasn't reflected in there, so I thought we should have it as a discussion item. Has everybody read through? I'm not sure how we want to address this. Like I said, the first two or three short paragraphs are some of the ups and downs we had in some of the meetings. The rest of it is suggestions on things to look at and discuss from the Town Manager's draft budget. The hard one. In the report, in one of the versions of the budget that we were given at the Finance Committee meetings, a couple of things didn't add. There was one line left out of a sub-

total and one sub-total left out of the grand total. It looks like that's the version you used for this budget; so that the total expenditures you've listed in the presentation, in your version of the budget, are \$1,535,980. When you include the unadded items, they are really \$1,575,679.

Win Abbott: Councilman Cote, are you suggesting that we go through and reconcile the proposed budgets right now?

Councilman Cote: No, what I'm really suggesting is that we get one that adds up. I'm sorry. We had that...

Win Abbott: Okay, what is required is that the Town Manager deliver a draft budget. Now, it has been delivered and we're going to work together, through this thing, until there's a final budget. I mean, there's a possibility that we've got Excel spreadsheets with formulas, things moved around; there's a possibility that there's a mistake in there, somewhere. That's okay. We've got a group of people and we have a whole meeting schedule ahead of us.

Councilman Cote: Let's try to use the corrected version.

Win Abbott: Now the Council has the Town Manager's draft budget. You can use whatever version you want. Really. We'll go through every single line item anyway.

Councilman Cote: I understand we can do whatever we want to it now. It would have been much better, if it added correctly when you gave it to us.

Win Abbott: Okay.

Councilman Cote: So, now how do we want to approach... We have all the suggestions that we had as of 7/22/2013 and then there are some changes that were made from the version 7/22/2013, to the one that has the 7/30/2013 date on it. I can go through item by item, if you'd like. I'm not sure whether... The problem is I don't know whether to compare it to the July 18<sup>th</sup> ... On the bottom of these, it may say the 23<sup>rd</sup>. The date apparently on this particular program, the date on the paper changes to the day you printed it, as opposed to when it was created. Some of these comments will be exactly the same; there will be some different ones. Would the rest of Council like to go through comment by comment from the Finance Committee?

Councilman Collier: Actually, Councilman Cote, that this document from you tonight and this booklet from the Town Manager today; I had a whole lot of time to review either one of them in great depth. I'm not sure that I'm ready to discuss these things line by line until I get what questions I want to ask formulated out.

Vice Mayor Booros: Councilman Cote, I attended all of those Finance Committee meetings and I have questions that aren't on your list. I understand your questions, but I have others.

Councilman Cote: That's fine and I would anticipate some others.

Vice Mayor Booros: I'm just saying that I understand yours because I was there when those issues arose.

Councilman Cote: Okay. If anybody has any specific questions about any of the points that we raised, that the Finance Committee looked at, I will do my best to give you the Finance Committee's thought process.

Mayor Jones: I'm glad to see the Finance Committee under Revenue, third item, take a look at the money that Milton charges Tidewater for the reading of the meters; they receive the information from us; thus allowing them to bill. It has remained relatively reasonable and low for a number of years; \$4,900 and some change for the services for

the year. I do see in light of the expenses of the new meters, expenses of wages increased last year, slightly; that you had made a recommendation to increase that revenue. I'm very glad to see that. I want to understand on Page 2, the MSA Repairs; where we have two options. I would not want to see a situation where you... even though during those Finance Committee meetings, Mrs. Rogers did present that we would not have quite enough to pay for streetlighting for the twelve months and so two months of those fees are being shouldered by taxes, income. However, to change the designation from Street Repairs to streetlighting in one of the few funds that may provide Mr. Collier any money at all, seems somewhat wickedly cruel, but I want to understand in the first option, to remove the amount from the Operating Budget and place it in the Capital Budget for Street Repairs. How does that work?

Councilman Cote: You remove the revenue from this budget and \_\_\_\_\_ add it as a surplus item to the Capital Budget; or the other way to do it would be to include a roughly equal amount of Street Repairs to the General Fund expenditures. If in fact, there is no required distinction between Street Lighting and Repairs and we designate it, as the Council, designate it for Repairs, then the money has to go where the Repairs are. Either they get moved into the Operating Budget or the money gets moved into the Capital Budget.

Vice Mayor Booros: With all due respect, does it really make any difference? The Streetlights have to be paid anyway. It's going to come out of our bank account; whether you take the Municipal Street Aid and throw it all at Streets, then it's going to have to come out of tax revenue or our savings account, because not only are we two months short, right now on Municipal Street Aid money to cover our streetlights and it comes out of taxpayer dollars, if Heritage Creek turns over those streets in Phase 1 up front, and God knows they're lit up like... Gotta love 'em. We'll be responsible for those streetlights and we haven't allocated any money for those. So whether you think you're going to split this little fee between streetlights and roads is irrelevant. If you give it all to streetlights, then we need to find some tax money for Councilman Collier to use on fixing some of the roads. So which account it's in to me, doesn't matter. We could mess with this all day long.

Councilman Cote: We just need to call it what it is in the budget. If we want it to be streetlights, we make all \$64,900 and change streetlights.

Vice Mayor Booros: There's no sense in splitting it, in my book.

Councilman Cote: Do we know that that's absolutely a fact; that we don't have to split this between doing repairs and lights?

Win Abbott: This is a change to the law this year, as of June 30<sup>th</sup>.

Councilman Collier: It's a recent change.

Councilman Cote: So we can put it all in lights and then come up with the money for Mr. Collier from another source. I'm sure there's money there.

Mayor Jones: Will we, I think is the issue.

Vice Mayor Booros: Will we?

Mayor Jones: Will we.

Vice Mayor Booros: Then put it all in streets and let's come up with the streetlight money, or we're going to be sitting in the dark.

Councilman Cote: Not us. We pay our own.

Vice Mayor Booros: That's true.

Councilman Cote: We had in the original discussion drafts, we had grant money in there which were estimates based on last year's and I think we've gotten some new information, I think, in the July 30<sup>th</sup>...

Win Abbott: Yes, we did. You know what's interesting too, is the formula that I used to come up with my best estimate for one of the police grants, I was off by \$11 and the other one by \$9; very close.

Councilman Cote: Okay, so we have that done. And we have a question here about grant receipts for State legislature for signs, which Mr. Abbott's going to address. At one point, some of the departments had added into the salaries line a \$125 per person Holiday Bonus, which in the version we're looking at, that was attached to the report, it's included in all the departments. We can either eliminate it or make it a separate line item.

Vice Mayor Booros: I think Mrs. Rogers indicated it was included in the salary line so it could be taxed.

Councilman Cote: It will be taxed, whichever line it's on.

Mayor Jones: It will be taxed.

Councilman Cote: It will come through the payroll system and...

Vice Mayor Booros: There was a time when it didn't.

Councilman Cote: I guess we're past that.

Mayor Jones: Can we still be on Revenues. I have two other pieces. The Code Violation Fees, that's projected as a difference between our current year at \$500, of which we have taken in \$1,535; to \$6,000. I would not feel comfortable adding something to a Revenue line item that to date I've not seen evidence of a process to collect the debts. So that one makes me a little nervous and I have conveyed that to you. Also, under the Boat Dock Rentals, I see little or no significance to... I think we have a \$2,500 projection this year.

Councilman Cote: Yes.

Mayor Jones: Given the current status of compliance with contract, I wonder how much gain we are getting from those rentals.

Vice Mayor Booros: Madame Mayor, I think we spend more money in litigation and postage, then we have ever made.

Mayor Jones: It's a possibility.

Vice Mayor Booros: As Mr. Davis shakes his head, yes. And it's been suggested that maybe they be floating docks there for people to pull up in and park for the day and shop and eat and visit the Town of Milton and leave, with no overnight. So I think there are things that could happen there. One of those things is not revenue.

Councilman Cote: Questions for Mr. Abbott. Health Insurance? Originally we were using 16%; do we have the actual number now?

Win Abbott: No, we don't and we won't. First of all we won't have an actual premium amount for our group rate, until after our survey is done. That is the demographics of all the employees and then that is returned and then we negotiate with our vendor, our agent, amongst the various plans that are available and the Council determines whether we want to keep the same package at a higher rate, or change the package in order to keep a no change, or whatever the case might be. In our discussions with the Finance Committee, we had plugged in a 16% number. Our agent had indicated that we can expect changes anywhere in the realm of 12-16% on the average, but it could be greater and it could be less and they couldn't tell and a lot of it would depend upon our

demographics. The July 30<sup>th</sup> budget that I presented to you, has premium increases built in of approximately 12%, instead of the 16%. Not a big change, but my goal was to come up with equitable numbers to advance each departments goals, which is indicated in this Executive Summary that you have here.

Mayor Jones: Councilman Cote, at the bottom of Page 2, still under Expenditures, you asked the question about the legal fees. Has this figure that's been proposed, does that include the immediate litigation for Cannery Village?

Councilman Cote: No. It looks like it could be, there could be a little bit of it in there, but that's a little bit of a guess; but there was nothing specific for that. Other town insurance, Mr. Abbott. Do we have an increase in the liability, etc.?

Win Abbott: No, it's not known.

Councilman Cote: This one wasn't in the first one, I don't think it's in the second one; the 18 vs the 30; when we were discussing mid-year budget amendments, we talked about pre-employment testing, random drug testing, occupational health and safety programs, as allocations of some of the money that we had received. Is there any of this included in the health insurance line or anywhere else?

Win Abbott: There is not. That would be a separate line item and if you look at the Executive Summary of the Town Manager's draft report, you'll find that there is a \$20,458 contingency reserve to be allocated by Mayor and Council. That's sort of a catch all for these miscellaneous things that might be policy related, that the Council wants to get involved with. That contingency amount also includes if the Mayor and Council decides that any kind of wage rate increases were in line for any of the departments; aside from the targeted salary increases that I put for the Police Department, because we have a known market deficiency there. So, no, it's not included. It's a worthwhile discussion to have. I don't like being out there with the choice of whether I'm going to follow through on town policy as it relates to these practices, or whether I'm going to spend money that has not been budgeted; so I'd love for the Council to take a position; but I did not do it as part of this exercise.

Councilman Cote: Okay.

Mayor Jones: Councilman Cote, may I ask or make a suggestion to you, given the time and what we have yet to go through? My greatest concern is that we do have a meeting listed as the Public Hearing of the budget process in which it is Council's responsibility to listen to the public and hear their viewpoints on the spending and revenues of the Town. I have never experienced that as a great time to exchange ideas or review the budget. Are we in a position to take these suggestions, digest them a little bit and apply them to a time when we can absolutely, in earnest, look at this draft budget, but with nothing else scheduled, I don't see where Council is in a position to do that until the 22<sup>nd</sup> of August.

Councilman Cote: Is that the date of the Public Hearing?

Mayor Jones: No. The date of the Public Hearing is the 15<sup>th</sup>. The date of Council's first discussion, following the Public Hearing is not until the 22<sup>nd</sup>, if I'm doing that without my calendar.

Councilwoman Patterson: Yes, the 22<sup>nd</sup>.

Mayor Jones: So this is now the 5<sup>th</sup> of August and comments or discussion, in and among Council, looks like for me it would be put on hold until the 22<sup>nd</sup>. That doesn't seem efficient. Is there a possibility that we might meet with a proper FOIA notice

before the Public Hearing portion; but sensitive to any changes or recommendations that Mr. Abbott has time to prepare a change for the public to view, in time to make informed comments on the 15<sup>th</sup>? It's a time balancing act.

Councilman Cote: Right now, I believe that we need to have another discussion period and probably before the Public Hearing and I don't know what the possibilities are of switching those dates; canceling the Public Hearing for the 15<sup>th</sup>; making the Public Hearing the 22<sup>nd</sup> and making the 15<sup>th</sup> our meeting to discuss; or trying to fit in a meeting on the 13<sup>th</sup>. That's what we'd have to do and then try to put something up on the website for the public to look at. I don't think we have a wide range of choices.

Mayor Jones: So that would then be a meeting specifically for Council discussion on budget and then the Public Hearing and then the 29<sup>th</sup> of August would become the Council's time to discuss again, as Mr. Abbott indicated if it was necessary. I don't know if we have any play to take that out of order and I think that's what Mr. Thompson is looking up for us.

Seth Thompson: Your Charter requires that after the town budget is presented by the Town Manager, it needs to be presented and not later than 15 days after that, presented for a Public Hearing for citizen comment; so there's your time constraint. You have 15 days from today to have that period of public comment.

Councilman Cote: A technical question? If we sit here until 12:15, does that give us an extra day?

Seth Thompson: It doesn't, because it was introduced on the 5<sup>th</sup>.

Mayor Jones: So, looking at a calendar, if we made the 15<sup>th</sup> a meeting of Council, to discuss the budget, you would still be in compliance with the Public Hearing, if you scheduled it for the 20<sup>th</sup>. It's the outer limits, literally, of abiding by the Charter.

Seth Thompson: The other element of this, the Charter requires you to take a vote at the meeting after your public comment. Now of course, that vote could be to table something; but that speaks to the order in which at least, the drafters of the Charter, felt that the process would go. So it does make sense that you probably have your Council discussion on these edits, before the public comments; then you receive the public comments and then the next meeting, again, you just need to take a vote on it, but in theory that would be the approval time.

Mayor Jones: And we do have meetings and the rooms booked right now for the 15<sup>th</sup>, 22<sup>nd</sup>, and the 29<sup>th</sup>; so those are secure times. It would just mean shuffling if Council wanted time prior to this Public Hearing to discuss this budget and Councilman Cote, as your Finance Committee recommendations apply to the budget. I'd entertain a motion.

Councilman Cote: Are we looking at the 15<sup>th</sup>, the 20<sup>th</sup> and the 29<sup>th</sup>? Or the 15<sup>th</sup>, the 22<sup>nd</sup>, and the 29<sup>th</sup>?

Mayor Jones: I believe it would be the 15<sup>th</sup>, the 20<sup>th</sup>, the 22<sup>nd</sup> and the 29<sup>th</sup>, if necessary.

Councilman Cote: Do we know if we have a facility available for the 20<sup>th</sup>?

Mayor Jones: I do not. I'm just putting it out there as following the guidelines as dictated by Charter that 15 days is the outset of the ability to have the Public Hearing.

Councilman Cote: I guess I would make the motion that we reschedule the Public Hearing to the 20<sup>th</sup> and schedule a Council Meeting for the 15<sup>th</sup> to discuss the budget and Public Hearing on the 20<sup>th</sup> for public comment.

Vice Mayor Booros: I second that motion.

Mayor Jones: Okay, we have a motion and a second on the table and during the

discussion we need to hear from Mr. Davis as a conflict for a meeting time. So hold on one moment.

Robin Davis: Yes, on the 20<sup>th</sup> there is a Planning and Zoning meeting scheduled and normally we take up this whole Room No. 5; so...

Mayor Jones: I might suggest the 19<sup>th</sup>, which is a Monday; if that's the direction Council wishes to go; instead of it being the 20<sup>th</sup>, you might want to look at the 19<sup>th</sup>. Anything else is just not going to give Mr. Abbott anymore... The 16<sup>th</sup> and the day of the 19<sup>th</sup>; well the 16<sup>th</sup> to get it up and the corrections and any recommendations for corrections or changes made, in order for the public to review it.

Councilman Cote: I'll amend the motion from the Public Hearing on the 20<sup>th</sup>, to the Public Hearing on the 19<sup>th</sup>.

Vice Mayor Booros: And I'll amend my second to the 19<sup>th</sup>.

Mayor Jones: Perhaps we can also turn to the Fire Company, although Monday meetings, we want to be sensitive, so...

Robin Davis: It's possible if you want to do the Fire Hall, you might do Tuesday, the 20<sup>th</sup>; but it will only be tomorrow before we can... Historic Preservation meets the 13<sup>th</sup>; we're not having a meeting. Room No. 4 is scheduled, this half on the 13<sup>th</sup>; but...

Seth Thompson: It would have to be noticed tomorrow.

Mayor Jones: It would have to be noticed tomorrow. So that would be in keeping with the original three Thursday in a row schedule and added as the 13<sup>th</sup> for Council review of the budget. Correct?

Robin Davis: That would be the only day that I know that there would be part of a room available. Again, Room No. 4 would be available on the 13<sup>th</sup>, which is next Tuesday; which we normally would have a Historic Preservation meeting, but there's no agenda items.

Mayor Jones: Well, it still is giving Mr. Abbott but one day to make revisions and then expect the public to speak on it on the 15<sup>th</sup>. I think that is not a good idea. The other way gives...

Vice Mayor Booros: Excuse me, Madame Mayor, we have had Town Council meetings in half of this room. I don't see where it's an issue if Planning and Zoning is one half of the room, because I've attended the last three or four Planning and Zoning Commission meetings and they didn't need this room. So to divide this room in half, you squeezed us in here... Excuse me, the former Mayor squeezed us in this half a room three or four times.

Robin Davis: And it's the recording system to both meetings would have to be recorded, somehow.

Vice Mayor Booros: So they can't just use the little tape recorder and have it transcribed?

Robin Davis: It's possible yes.

Vice Mayor Booros: How many people are scheduled to come before Planning and Zoning next week, Robin?

Robin Davis: Actually, it's Heritage Creek Phase 4, I think is what's coming. One person.

Vice Mayor Booros: There will be two people in the audience and they don't need the full room and they could use the tape recorder. This is getting ridiculous.

Robin Davis: I understand Vice Mayor Booros. I understand.

Vice Mayor Booros: Go back to the original motion.

Mayor Jones: Do you wish to start over or do you wish to amend the amended motion?

Vice Mayor Booros: I rescind my second.

Councilman Cote: I rescind my motion. Which days are we talking about?

Robin Davis: If we want to divide the rooms where Council has one room and Planning and Zoning has the other, on the 20<sup>th</sup>, the whole Room here, No. 5, is reserved for the 20<sup>th</sup> and this half of the room is reserved for the 13<sup>th</sup>; but with the 13<sup>th</sup> that only gives you a day.

Vice Mayor Booros: I make a motion that we use the 15<sup>th</sup>, half this room on the 20<sup>th</sup>, the 22<sup>nd</sup> and the 29<sup>th</sup>.

Councilman Cote: The 20<sup>th</sup> and the 22<sup>nd</sup>?

Vice Mayor Booros: If needed. That's what the first one was.

Councilman Cote: Second.

Mayor Jones: Okay, just so we understand, we would be turning August 15<sup>th</sup> into a Council Meeting in reference to the budget; we would be using the 20<sup>th</sup> for our new date notice for the Public Hearing.

Councilman Cote: We're going to use half the room for the Public Hearing.

Seth Thompson: For the budget? Your Charter doesn't require... Very often we're used to hearing Public Hearing and then it's in connection with Zoning and therefore it's a 20 day newspaper notice; but your Charter doesn't require newspaper notice on the budget; at least in passing the budget. You then need to publish it afterwards.

Mayor Jones: So the motion on the table is to simply switch out the Public Hearing until the 20<sup>th</sup> and allow Council to meet together on the 15<sup>th</sup> to discuss the budget. We have a motion and a second. Clear on the terms. All those in favor say aye. Opposed. So carried.

Councilman Collier: Is that a 6:30 meeting?

Mayor Jones: Yes, a 6:30 meeting.

Councilman Collier: Thank you.

Mayor Jones: Councilman Cote that will conclude your Finance Report and we'll review that on the 15<sup>th</sup> again?

Councilman Cote: That will be fine.

## 16. New Business

### a. Town Manager's Draft Budget for FY 2014

Mayor Jones: Under New Business is your Town Manager's draft budget, which you have a portion of in your package and notebooks were presented to members of Council from Mr. Abbott.

Win Abbott: I have nothing to add.

Mayor Jones: I would recommend we come here on the 15<sup>th</sup> reviewing not only our own questions about the budget that's been presented to us, but also continuing to review the Finance Committee's process and considerations for the budget.

### b. Recommendations from the Ad Hoc Police Advisory Committee

Vice Mayor Booros: Yes, Madame Mayor. I've passed out to everybody the sheet of salaries and the only recommendation that was made by the Committee to Council, was to... actually there were two recommendations; to let the Cadet salary, who is in the Academy for six months, three months, whatever it is remain the same at \$15.31 an

hour. When he comes out of the Academy, to raise that salary and they gave a range for Council to consider; between \$17.31 and \$18.03. This you will find in the bottom of these two middle columns. The first column is what they all make now; the bottom part of the second two columns would be with the raises; the only problem I see with that, is it didn't take into account Officer Sermon would be making the same thing. He has been here a couple of years and has not gotten a raise since, so he would be making the same thing as the officer that came out of the Academy, but what I provided to you was, the percentages of difference in salaries between each of the employees going up the ranks and then I started with the \$17.31 in that one column and I went up the ranks, based on the percentage of if you took it all the way up, what they would each be getting on their annual salary and if you started with the... And that didn't include changing Officer Sermon's salary to something different. So if you started with the \$17.31, it would be an increase to Police Officers Budget of \$26,790 and that's all the way up the line; if you started with the \$18.03, it would be an increase of \$39,588. The recommendation could be anything in between. This was based on three municipalities locally that we had the current job information out there on line; they were hiring in Middletown and some other places. I did ask the Chief to provide me in the last week with a list of all of the municipalities here in Sussex County and their starting salaries for Cadets coming out of the Academy. The Chief laughed. I have not received that information from the Chief. I was just going to see if we came up with a better average, or a better mean number, then what we had in the Committee, which was three municipalities, because the information was not available that night to the Committee either. I met with the Chief a couple of times last week. He was getting the information, as of tonight I still don't have that information; so I couldn't do any other analysis. So the Committee has recommended that the increase for a Cadet coming out of the Academy go from \$15.31 an hour to somewhere between \$17.31 and \$18.03. My recommendation would be and this may be off base, is that we will never come up with a dollar amount here; we will never come up with whether or not... I mean tonight and the reason that it was put on tonight's agenda and that we met and had to pound this out last week, was we can't afford to lose another officer and it's pay. It's boiling down to the pay. They've left for higher dollar amount. I think we're one of the lowest starting salaries in the area, if not the lowest; and they stay there a year and a half to two years and they leave us and we just lost a couple of good officers; rightfully so. You buy a house, you move out, you need to pay the bills. So those are the two figures we have, \$17.31 and \$18.03. The Chief was the one who did not want to raise the salary of the Cadet in the Academy, feeling that when they get out of the Academy they automatically get a raise up to the new starting salary, that that would give them the incentive to do well in the Academy and start to work here.

Mayor Jones: What is the starting salary in an advertisement for a non-certified officer?

Vice Mayor Booros: Wait a minute, I might have that.

Mayor Jones: Because this figure on the lowest man actually had a 3% added to it last year, if I'm not mistaken.

Vice Mayor Booros: That's the salary that our police gave me, the \$15.31 an hour; that's the salary they gave me a week ago, two weeks ago; so I don't know what to tell you.

Mayor Jones: I have a tendency to believe that's 3% lower than that. Is that correct Mr. Abbott?

Win Abbott: \$14.86 an hour is what they made last year; it's \$15.31 an hour now...

Vice Mayor Booros: So the 3% is already there.

Win Abbott: And you will find in the Memo that I gave to you relative to these supplemental updates for the Town Manager's draft budget, there's reference to a conversation that was had, that you were in on, about the impact of the expiration of the payroll tax reduction and I think that in that Memo you'll see that the effect of that 3% tax raise last year, I'm thinking it was \$47 per paycheck for an officer the second week of October, when they got that. The first week of January, their net pay, after taxes, became \$9 more than what they got the year before. So the expiration of the payroll tax cut that happened on January 1<sup>st</sup>, all but wiped out the 3% raise that they got.

Vice Mayor Booros: It should be noted that it was discussed over and over again that the car, the take home car policy amounted to about a \$5,000 benefit a year, which would be an additional \$2.50 an hour added to that; in essence, added to the \$17.31; so you're up to about \$19.31; where somebody else may be starting at \$20 an hour, \$21 an hour; they don't have take home cars and we're providing take home cars. That's a benefit. It was also noted during the same conversation from some former Police Officers and current Police Officers that you can't put a dollar value on a take home car, because the new cops aren't going to understand that. They have bills to pay, car payments, this, that and the other; but it is a benefit. It's a perk. They may not see the \$2.50 an hour built into it, but it's a perk in getting a new officer here to this town vs. another town; so even though our starting salary might be a little bit lower, there's a take home car. The recommendation to them was we need to tell Council now, so that Council can make a decision as to... These are just recommendations. Council may decide to give them \$20 an hour to start. These are just the recommendations. And it was based on the information available at the time. I was hoping that more information would be available for tonight to maybe give us a little better idea of are we closer to \$17.31 or \$18.03; but in looking at how it plays out, at 20/80 hours, by the way. These are all based on 20/80; \$37,502 is still lower, I think, than most of the surrounding areas; even going with the higher rate of \$18.03.

Mayor Jones: So these recommendations are made...

Vice Mayor Booros: For the officer coming out of the Academy.

Mayor Jones: No, no, after the discussion that your committee has immediately identified an issue of retention.

Vice Mayor Booros: Absolutely. But of utmost importance was retention and I think none of them would like to see this. We did not go up the ranks; we understand there's 17% difference between this officer and this officer; and 10% between this officer; and 4% between this officer and they may not be... there's a big disparity between that. I don't know anything about their longevity; that was never included; so they didn't make a recommendation on the increases past the entry level officer.

Mayor Jones: Well, we will take this under advisement. The only concern I have is, if Milton is still at the very low range in Sussex Municipal Departments, the carrot that you dangle at \$14.86 for potential Police Officers is not going to look very handsome to applicant's. Well \$14.86 right now is the starting salary.

Vice Mayor Booros: No.

Mayor Jones: No.

Vice Mayor Booros: Our starting salary already has the 3% added to it, which is \$15.31.

Mayor Jones: No. No. Yours might.

Win Abbott: Ma'am, the \$14.86 number at this point is truly academic, because we're not advertising for somebody at any given rate. Think about it and we certainly don't want to advertise to hire somebody on at the same rate as our officer that has two years of tenure. So an increase of our lowest level officer, coincident with that, would make sense.

Mayor Jones: Yes, that's my only... If you wanted to just hypothetically put out for an advertisement of a new officer, offering a range, meaning we would hire you at this. You would complete and with successful completion of the Academy, this would be your rate.

Vice Mayor Booros: That's what they're saying. Hire them at \$15.31, with successful completion they're at \$17.31; or higher them at \$15.31, successful completion they're at \$18.03. Anywhere in between. This was the range. They didn't spell out either one of those numbers. I took those two numbers. The \$18.03 still only brings them up to \$37,502 a year. That's not an awful lot of money for a guy coming out of the Academy. So to me, just my personal opinion, is the higher number is the better number; but maybe some additional data might come out in the next couple of days from the Chief, that Council may want to go with a slightly higher number. But I think a decision has to be made on how it's going to be disbursed, number one, for budgetary reasons; when we're going through the budget next week; but also for officer retention. I don't know that a vote has to be taken tonight, but I don't think it can wait a month.

Mayor Jones: Let me just ask you, on those additional monies, one in the second column quoted; the second one also quoted; that is the increase to the Police Department salary level based on nine officers?

Vice Mayor Booros: Based on nine officers, yes.

Mayor Jones: Okay.

Vice Mayor Booros: Now, what that doesn't take into consideration is Officer Sermon would still be making the same amount of money as the officer coming out of the Academy and he's been here two years. Okay? That would have to be a decision made at the end of your two year thing, before you jump ship and run, are we going to give you something else?

Mayor Jones: There's only one more item that would be very helpful to me and I don't expect to wait a month for your Committee to get it; Mr. Abbott, that would be their date of hires; would that be possible to get from you relatively quickly? Okay. Because then you may be formulating some longevity in these percentages too.

Vice Mayor Booros: On the upward percentages, right? Yes.

Mayor Jones: Yes. So that would be helpful data, as well. Are there any comments, or is this the end for your recommendations?

Vice Mayor Booros: That is it. The only thing I would suggest is that like I said, if the full Council has to vote on something, that maybe... I don't know, can it be done during the budget process? Does it have to be done when we get together for this next meeting to go over the budget; should it be an item on that agenda? Or do we wait until... I mean, I don't want to wait until next month to do this.

Seth Thompson: You can put it on as a separate item on the next agenda. That's fine. It's something that can be noticed as a separate item.

Vice Mayor Booros: I don't know if we'll have an answer by the God knows what dates we picked...

Mayor Jones: The 15<sup>th</sup>.

Vice Mayor Booros: The 15<sup>th</sup>.

Mayor Jones: Are you recommending that these changes take affect, first part of the question; second, do we have the funds for the changes to be made in this budget year; and have you looked at the sustainability of these new wages going into a new budget year?

Vice Mayor Booros: No. We looked at how bad our pay was and what the other ones that we had available to us were getting; there were a few others that were available to us, but they were union; they were higher; we didn't look at them; we didn't consider them.

Mayor Jones: Because an important point is, if you raise these salaries, your budget has to sustain them.

Vice Mayor Booros: Yes and the Chief was asked to tighten his belt and see if he could come up with some funds and he left.

Mayor Jones: Okay. Does everybody understand what they have in front of them to look at?

Vice Mayor Booros: Thank you.

Mayor Jones: Thank you.

- c. An Ordinance to amend the Town Code in Multiple Sections Relating to Fees and Incorporating All Fees into the Fee Schedule (first reading)

Seth Thompson: I didn't draft the Ordinance, but I've reviewed it. It seems to be making a lot of clerical changes in replacing Town Clerk with Town Manager; there are a lot of remnants throughout your Code that refer to the Town Clerk, as being the head administrator. It adds in a designee, so the Town Manager doesn't have to specifically do every single item in here; but that's the bulk of it. This is, again, in keeping with the process of trying to put all of your fees onto one Fee Schedule, therefore it's very easy to read and easy to access. Hopefully, it's something we can put on our website, so that when people want to do business in Milton, they can just look at our website and see what the Fee Schedule is.

Councilman Collier: It's much easier to adjust the Fee Schedule, then it is to rewrite the Ordinance and that was part of the reasoning behind this.

Seth Thompson: That's exactly right.

Mayor Jones: Can I ask you a quick question on this, just the flip over on the second page. Cost of removal by Town, payment by owner. Interesting. Chapter 158. Revise the first sentence, "Whenever the Town Manager or his or her designee..." (I understand that's the change) "has effected the removal of any unregulated growth by Town employees. It's now being done by a contractor." Question. Does that need to be added while we're making revisions?

Seth Thompson: And I think this Ordinance probably doesn't reflect the change the Council adopted recently on that section. I have a feeling, because it's not on ECode 360. Maybe Mr. Abbott can correct me, but I have a feeling that's why it's the old language.

Win Abbott: Yes, this was the end product of many months of work on the part of Councilman Collier's committee with Mr. Garde being our author of this. So because this is early on, it might not reflect the work that was done more recently.

Sam Garde, 115 Sassafras Lane: The Fee Schedule document does refer to the Ordinance that's currently effective. I have mistyped what's there, but I did check the new Ordinance and I did reflect the new Ordinance in the Fee Schedule itself. And I believe you do have an administrative fee. If you look on the Fee Schedule, I think you have, in the Ordinance, an ability to charge an administrative fee. That's my recollection.

Mayor Jones: So you're saying this correction has been made on the Fee Schedule? Does this Revision need to be made here? No.

Seth Thompson: It doesn't. I would suggest we probably just merge the two. I think Mr. Garde's correct, that the Fee Schedule language is probably fine. I just wouldn't want the codifiers, the General Code, to get confused thinking we were changing the language back; that's all.

Sam Garde: I apologize.

Mayor Jones: That's okay.

Seth Thompson: We keep moving the ball on you. It makes it a little difficult.

Sam Garde: I have a copy of the updated Ordinance and as I said, I coded it in the Fee Schedule. I probably didn't do a proper job in...

Mayor Jones: You did a lot of work here. You did a very proper job.

Sam Garde: Part of it is conforming the language.

Seth Thompson: Having to do this on a regular basis, I know it takes a lot to comb through the Code and I appreciate it and the Town should appreciate it, because it's certainly a cost savings.

Sam Garde: If I may, the way that was drafted was I did a word search for the word fee in ECode 360. As you may know, it doesn't come up in order. It just kicks out... it kicked out 120 or whatever the number was. I looked at everyone of them and I did get some comments from Seth, so I deleted FOIA references from that, but the way it was ginned up, was by doing a word search.

Mayor Jones: Well Mr. Garde, on the second page of your Fee Schedule under the Clean Hands Policy, the third one down, you do note that you mention this only to bring it to the attention of Council and potentially conform this appeal process to other appeal processes, so in paying attention to that, there is no fee for that appeal.

Seth Thompson: I think the appeal of the Code Enforcement, does that go... I'm trying to remember off hand. That might go to Board of Adjustment, so we could look and see what fee we charge for other appeals to the Board of Adjustment or other applications to the Board of Adjustment, if that's something Council's interested in doing; basically make it uniform and again, it makes sense. The Board of Adjustment is going to go through the same process on an appeal in that regard as it would under a different chapter.

Councilman Collier: One comment I can make and I only know this because this was recently done by Council; we did adjust the fees for the Boat Rental Dock and I don't know that the Fee Schedule reflects that, at this time; the dock rental fee, because they were reduced by 20%, if I'm not mistaken. It had not been updated, so that's why you did not see that.

Mayor Jones: I must say Councilman Collier, Mr. Garde, if this is a product of your hard work, you've put a lot into it.

Councilman Collier: Now I know that he did an extraordinary amount of work and he's been told about my gratitude on many occasions.

Sam Garde: I volunteered to do it and I did it.

Seth Thompson: This is just the first reading, so I suspect Council probably wants to follow it's path of not voting on it's first reading, but putting it on the agenda for... you could put it on one of your upcoming meetings, or next month's regular meeting.

Councilman Collier: I think I'd like to defer to next month's regular meeting. Let's get the budget stuff out of the way.

Mayor Jones: Now, in some of these cases, Mr. Garde, where you refer, or actually in the specifics, and you end them with a question mark. Business licenses, flood plain management; should this follow? Are these questions you're going to review and advise?

Seth Thompson: I certainly can answer those questions. If Council wants me to go through, I can work...

Mayor Jones: Not necessarily each one tonight, but would the answers actually appear, if there is an actual answer in the document, when it's reviewed again? Only because the question marks would indicate that you had some question.

Councilman Collier: Yes, exactly.

Seth Thompson: What I can do is work with Mr. Garde and maybe Mr. Abbott to kind of go through and answer those questions and hopefully we can derive what the prior intent was; sometimes it's not abundantly clear; but we'll try and get to the intent in reading the passage as a whole and if something is truly a toss-up, we'll certainly flag it for Council to consider at the second reading.

Mayor Jones: Are there any more comments on this piece?

- d. An Ordinance to amend the Town Code establishing Water Conservation practices (first reading)

Vice Mayor Booros: I have a comment on this one. The way it's written, it means year round. I think that's overkill. I think the months May through September, the hot months of the year; I don't see people out there watering their grass in October, in December, in January, in February. I think it's overkill. I don't have a problem with the first of May through the end of September.

Sam Garde: As a member of the Water Committee, the Water Committee recommended that it be year round. The Council is certainly entitled to make it shorter, but the reasoning we had was this is a conservation matter, not necessarily a water emergency matter and we think conservation should be in place 365 days a year; that's why we recommended it as this.

Vice Mayor Booros: It also doesn't reference washing cars. It just references watering your lawn and I think as a conservation thing, when it's 150° out on a July day, washing your car needs to be added to that, quite honestly. I know it's...

Sam Garde: It wasn't one of our recommendations.

Vice Mayor Booros: I'm just saying. I kept my mouth shut in those meetings, because I'm not a member of those committee's and I just waited until it came here. I could have saved a lot of trouble and brought this up then, but I wasn't asked to.

Councilwoman Patterson: This is a year round Water Conservation, regardless is if we're having a water emergency or not? Is that correct?

Sam Garde: I'm not the Chairman of the Water Committee and Councilman West is and he'd be in a better position to answer that, but as a member of the committee who voted on this, it was a year round recommendation and it was recommended as year round on

the basis of conservation, as opposed to water emergency.

Mayor Jones: The only thing Mr. Garde is I have to say at first reading and during your meetings, I based my initial recommendation for water conservation on the problems we've had in the last couple of years; which showed the peak months where we were really worried about supply. So I happen to agree that easing into a restriction like this absolutely including the May through September, I would not be opposed to; but more important than that, I find the wording falls slightly short and leaves lots of space for abuse and I'll tell you why. If all you're dealing with is watering lawns and gardens; what about power washing your house; what about washing your car? Other water uses, which certainly consume, but are left off the list and I don't expect anybody to have such a perfectly comprehensive list that we've named all the uses of water and that you can't do it except on your even or odd days. But that's my concern in limiting just watering lawns and gardens. There's a lot more water out there to be used than just flower pots.

Vice Mayor Booros: And quite honestly Madame Mayor, if you just Google it, the municipalities all over the country that already have things in place for voluntary and mandatory water conservation efforts, they take into account all those different things. You can water your garden, using a watering can on those days; you just can't use a garden hose on those days. There are other things. There are people that are going to water their vegetables with a watering can. Or they're going to fill up the water the day before, in milk cartons and go out and water it the next day. But those things are available online. You don't have to reinvent the wheel. This does fall short.

Mayor Jones: And I would say if and I think it's very 2013ish for Milton to get on board with Water Conservation and I think it's a great idea. My feeling also is, if you're going to put it into place, mandate it. Because you have... This leads me to the penalties. Would you put this into your Fee Schedule, refer it to the Fee Schedule?

Seth Thompson: I wouldn't, because...

Mayor Jones: Or penalty. We're back to the penalty split.

Seth Thompson: I think it's helpful, when you think of a fee, you're giving somebody license to do something vs. a penalty or a fine, where they're being punished for breaking one of your Ordinances.

Mayor Jones: And the reason I say mandate, is because I don't know that we need anything else on the books, if we're not going to enforce it. I know. You're just a representative of the Water Committee and I appreciate that you've stayed behind. But those are my only two issues, is the inclusion of more water use in the conservation effort; a few more identified uses.

Councilwoman Patterson: But I also think that it should specify, this is Town water, because there are other wells in town that other facilities use that are wells. So that needs to be put on there too. But it should specify, because I do know that some of the other properties...

Mayor Jones: It does state that.

Vice Mayor Booros: It actually does.

Councilwoman Patterson: I missed that one.

Councilman Collier: Should we not return this to the Water Committee, with our recommendations or our comments for a rewrite, or are we going to rewrite it and read it a second time? I'm not sure what the procedure is.

Seth Thompson: You could handle it either way.

Mayor Jones: But if you send it back to the Water Committee with recommendations for changes, wouldn't you want to vote on those changes to make them... You'd want your majority to want them to change it, otherwise, what would be the point?

Councilman Collier: I can only speak for the Charter and Ordinance Review Committee and the way that we dealt with it, was we referred them to the Solicitor first for comment and then they came back to us and we made changes, based on his comments before he came to the Council.

Seth Thompson: I always appreciate that. I also always try and emphasize the fact, that I don't make policy decisions, but I try and clarify things from a legal perspective, so for instance, on this, I think it might be better, legally, from a drafting standpoint, if it said, water lawns or gardens, so that somebody couldn't make the very technical argument, that I was only watering my lawn; this prohibits if I water my lawn and my garden.

Vice Mayor Booros: Madame Mayor, this late in the season, it's probably too late to implement something like this before the end of the warm season anyway; so I say instead of reinventing the wheel, we come up with some and present them and try to come up with something. It's a great idea, but let's just try to smooth it out and not reinvent the wheel and not include all the lawyers and everybody else over a... quite honestly, something that's very simple to do.

Mayor Jones: But it's really only too late to implement it, if the majority of Council agrees that the cut-off date should be September; otherwise if we charge forward and it being year round, it...

Vice Mayor Booros: We can charge forward, but we can't charge forward tonight and sending it back to a Committee is probably not going to get you the answer you're looking for again and if we're looking for a first reading and a second reading and all the other things that are involved in it, I say we just pull some stuff together, get something written, run it by this nice lawyer...

Mayor Jones: I have a question for Mr. Thompson. Under the violations, each additional offense shall be fined not less than... Is there a timeframe between that first offense and when you may give the second offense; because it does not say by day; just says by offense?

Seth Thompson: It's interesting because I tend to like it when an ordinance spells out the fact that each day is a separate violation, so it's abundantly clear that... Now here we're talking about using water on a given day, so it's almost implicit that each day is a separate violation, but it can be spelled out, focusing on that as well. We've gone through a series of ordinance revisions where we've lowered the amounts \$100 and over, down to \$99 to keep it in the Justice of the Peace Court. I would recommend doing that, so that the second offense or additional offense is not less than \$50 and not more than \$99. At that point, we could also spell out just to make it abundantly clear that each day is a separate violation.

Vice Mayor Booros: That would keep it consistent with most of the other ones, if they say that.

Seth Thompson: Correct.

Mayor Jones: So you can get one Monday, Wednesday and Friday?

Seth Thompson: Right. The other kind of drafting tweak that I would make, I wouldn't use the term Ordinance. It will go in the Code. What we're doing is we're adding a new section to the Code. I think when most people look at our Code and they see the word

Ordinance, they probably think of that entire Chapter, so what I would do is I would probably have this first paragraph, I would make that sub-section A and the second paragraph sub-section B and then it would say any person who shall violate the provisions of this section... just so it's clear that these violation parameters apply to somebody watering on days they shouldn't be. That's just a little tweaking.

Mayor Jones: So is the Council free to make the recommendation this be returned to the Water Committee; is that everybody's pleasure?

Seth Thompson: I got the impression I should do a work-up, so that you could have a second reading next month at the regular meeting, but I'm looking around to see if I've gotten the wrong impression. That wouldn't be the first time.

Vice Mayor Booros: Since there's only one member of the Water Committee here, who doesn't want to get involved, I think the Council ought to keep it. We ought to provide Mr. Thompson with some verbiage that we've... I'm telling you it's out there. I've printed out twenty of them. They just all read better than this does.

Seth Thompson: That's fine with me again, if that's Council's direction.

Mayor Jones: We've referred it to you.

Seth Thompson: Okay.

e. An Ordinance to Amend the Town Code regarding Sidewalks (first reading)

Mayor Jones: Councilman Collier has removed Item e, not as a first reading, but in your package. You will find his work here with his recommendations.

Councilman Collier: One of the things that the Streets and Sidewalks Committee was charged with is resolving some of the confusion and perceived problems with the Sidewalk Ordinance, or the Sidewalk And Curbing Ordinances. It's titled sometimes. So what you have in front of you is a document and the things that are highlighted in yellow are the language as its currently written and the red indicates what our recommendations are for change. Of course, just in the course of our conversation of the previous thing, we might as well forget about the fines, as stated in the Fee Schedule, because what I thought I hear was we want to keep fees and fines as a separate issue, which is alright. But I can review each one of these changes individually, or you can read them and see them yourself, if you have any questions or comments, I'll be happy to explain the logic behind why these recommendations were made. Some of them were pretty obvious. Additionally, there's a section in the Code, 183-20, that relates to Curbs, Gutters and Sidewalks and essentially what it says is new construction or anything where there's over 50% alterations, if there isn't an existing curb and sidewalk there, it's the duty of the property owner, or whoever is building, to place one and our burning question is why is this not being followed. For example, in my own neighborhood and we'll take the 300 block of Coulter Street, Collins Street and 300 block of Mill. There have been at least three homes that met the criteria for this, that do not have new curb and sidewalk and I know of no instance where the Town Council granted a waiver for this not to be done. Some people would argue well, it would be the only sidewalk on the street. Well it might be this week, but eventually as time goes by, you could fill an entire block, based on the criteria in this, if somebody does... And I can give you another example it would be right in your own neighborhood Mayor, there was a house near you that was almost entirely renovated, so that would have been over 50%; so this Ordinance, if followed, there would have been a sidewalk in front of that house, unless a

waiver was granted. So it enables you to fill in blocks over a period of time. I know you get the sidewalk to nowhere and some people just get annoyed that they have a sidewalk next door and they connect to it, without having to meet the criteria with this.

Mayor Jones: Well you made no changes to this.

Councilman Collier: No, I made no changes, because this is not necessarily a change. This is a question and I don't know if it's up to this Council to direct our governing body, or the people that are responsible for enforcing this, to pay closer attention or whatever. It just needs to come to the front that it's not being done and not even the exception portion of it, which would be Item E. Then lastly, we have an item about snow on sidewalks. Now it charges the Street Committee with having the snow removed. The Street Committee has no authority to incur a bill on the Town's behalf, so that's kind of contradictory. That's why I asked that that portion of it, be stricken. I think people should be fined for not removing snow, because you have some non-resident owners who never move the snow. It melts off the sidewalks and it all lends itself to other things, that get let go because they are non-resident owners. So you have to start somewhere with letting them know, it's your duty to maintain, your property, your home, your sidewalk. Then lastly, there were some other things that were brought up and they would come under different places in the Ordinance. I think they would fall under the Nuisance Ordinance, which you have to specify or be a little more specific than the Nuisance Ordinance, other than there's been some complaints about somebody that had a sump pump that was draining the water onto the sidewalk and it was allowed to stand. I haven't seen it lately and I don't know if it was remedied by Code or if it was...

Vice Mayor Booros: If it was on Federal Street, she moved the sump pump.

Councilman Collier: Okay, well, then it's been remedied. It doesn't mean that it can't happen or won't happen again and then people have down spouts that drain out the front of their houses and that they allow the water stain. It's also been complained about in various quarters, about unabated weed growth in the expansion cracks and sidewalks, which if you let it go, it eventually leads to deterioration, so if you specify that it has to be dealt with in the Nuisance Order, at least it gives the Town leverage to have the property owner handle it, instead of us sending our Public Works Department to kill grass in the sidewalk cracks. So these are all recommendations that were brought up in this Committee and if the Council so directs, then we'll work on a draft ordinance. I don't have any problem with putting that together myself and bringing it back to Council or you can give it to the Solicitor to format, whichever you choose.

Seth Thompson: Councilman, the one thing that I appreciate too, this is kind of a fringe benefit; it's interesting to me that it would be referred to the Street Committee to deal with the snow, considering they're subject to FOIA. Granted, they could claim some emergency, but they would still have to wait 24 hours to notice a meeting.

Councilman Collier: My big issue, is the fact that we have no authority to contract somebody on the Town's behalf.

Mayor Jones: And what are you going to do? Have a phone tree to get them all out there to look at the snow removal?

Councilman Collier: And I'm certainly not going to take on the responsibility as the Chairman, of okay, no problem. I'll take care of it and you guys collect the fine. Not happening.

Mayor Jones: Okay, Mr. Thompson's going to work on that.

Councilman Collier: Alright, thank you.

Mayor Jones: And so that will come actually, literally, will come back as a first reading. Correct?

Seth Thompson: Correct.

Councilman Collier: Thank you.

- f. An Ordinance to Amend the Town Code regarding Attendance Policy and Hours of Work (first reading)

Vice Mayor Booros: These are the things that we discussed in the Personnel Committee Meeting with Mr. Abbott?

Mayor Jones: Yes. Mr. Abbott, on the first page, under 26-16, there's an italic marked To Be Deleted, with the following substituted. I'm not quite understanding what the section was you wanted deleted.

Win Abbott: In the version of Word that I had, I wasn't able to assure the strike through, as was done before, so 26-16B, as you see it there, is exactly as it appears in the Code now and the suggestion is to reword that, with what you have below.

Mayor Jones: Okay, thank you.

Councilman Collier: I just have one small question. You show the hours of work, the core hours, but should we not designate that if I do the math in my head, is that the Administrative Department, they get a half hour for lunch and then when I get on the back, when it goes to Maintenance Department, should that not be Public Works Department and they get one hour. Is that correct?

Win Abbott: It is correct that the Administrative Department a 30 minute lunch.

Councilman Collier: Should that be included in the language, or not, because I wouldn't want this to be confused with they're getting paid for that, or they're getting paid... In other words, it states that they get paid for an eight hour day, so to speak and a period for lunch. I'm not sure that's necessary, but I wonder if it doesn't clarify any questions somebody might ask, since I found one?

Mayor Jones: Question. The rationale for one department getting one and not the other, is this a good time to review that and see if there... Do we need the...

Win Abbott: This is the perfect time.

Mayor Jones: We need a level playing field.

Win Abbott: Yes. I try to change as little about the previous document, as possible, thinking that there was a reason for all this and the outcome that I was looking for, was especially for this gentleman to have more flexibility in how he scheduled his help; especially with some of the seasonal things and the stuff that goes on at the park. By the way, there's no great urgency here. This is just the outcome of months of work and the Personnel Committee.

Mayor Jones: Actually, you may have somewhere in there answered the question of my tired brain, but what I actually meant was that we remain consistent about the meal times that we offer to the employees. That's why I'm asking you as someone who sees the operations of these departments. Is there a reason why one would only get thirty minutes and the other gets an hour?

Win Abbott: I have to work on it.

Mayor Jones: Okay.

Councilman Collier: The only thing, as I say is you refer to the Maintenance Department

and the Chief of the Maintenance Department; shouldn't that be the Public Works Department?

Seth Thompson: I think that's the existing language.

Councilman Collier: Okay, I gotcha. I'm tired too, I guess. Thank you for that. Sorry Mr. Abbott, my confusion. You talked about versatility of hours; would there be a consideration for flex time type schedules? This pretty much establishes Monday through Fridays, but there may be times when certain maintenance functions could be accomplished at night; let's say repairs to a street, or something like that.

Win Abbott: That will be between this gentleman and myself; but the main point is that the Council will determine the core hours that a department will be available.

Councilman Collier: Okay, so this is just relative to the core hours then? That's my question. This is only relative to core hours.

Win Abbott: Yes.

Councilman Collier: Alright. I'm good. Thank you, Robin.

Mayor Jones: I do understand you to say there is no action required this evening on this piece? Correct?

Win Abbott: Correct.

16. Executive Session

Vice Mayor Booros: I make a motion that we go into Executive Session.

Councilwoman Patterson: I second.

Mayor Jones: All those in favor aye. Opposed. Motion carried. Executive Session began at 10:30 p.m.

- a. Discussion/strategy session involving legal advice or opinion from an attorney-at-law, with respect to potential litigation, when an open meeting would have an adverse effect on the litigation position
- b. Personnel matter in which the name, competency and abilities of an individual employee are discussed

Councilman Collier: Motion to come out of Executive Session at 11:48 p.m.

Vice Mayor Booros: Second.

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

17. Possible vote on matters discussed in Executive Session

Seth Thompson: We need a motion to approve my drafting of a Complaint for Council's review and potential approval at your next Council Meeting.

Councilman Collier: So moved.

Vice Mayor Booros: I'll second that.

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

18. Adjournment

Vice Mayor Booros: Motion to adjourn.

Councilman Collier: Second.

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

adjourned at 11:49 p.m. Thank you for your hard work tonight. Thank you Robin.