PUBLIC HEARING
Milton Town Council
Milton Library 121 Union Street
Monday, December 2, 2013 6:00

Transcriptionist: Helene Rodgville
[Minutes are not Verbatim]

Public Hearing – Brad Whaley, Sussex County Community Development, regarding the Community Development Block Grant FY14

Mayor Jones: Good evening. Thank you for your patience. We'll call tonight's public hearing to order. Brandy Nauman from Sussex County Community Development.

Brandy Nauman, Sussex County Community Development: First I want to thank the Mayor and Council for letting the County hold this public hearing and I'm actually filling in for my director Brad Whaley who usually would attend, but we had three other public hearings going on tonight. So, again, my name is Brandy Nauman. I'm the Housing Coordinator and a Housing Compliance Officer for the County's Community Development and Housing Department. I'll try and read for you something that most of you have heard this spiel every year. Our office applies for and administers the Community Development Block Grant Program, we call it CDBG, for the various municipalities and rural communities throughout Sussex County. We apply for the funding on behalf of you and the other municipalities. CDBG funding comes from the U. S. Department of Housing and Urban Development and is allocated to Sussex County through the Delaware State Housing Authority. This grant year there's approximately $2 million that will be awarded to Kent and Sussex County's on a _____ grant basis. The Delaware State Housing Authority governs the grant process and through their consolidated plan lists the activities that are eligible for the funding. For example, housing rehabilitation, sewer and water hook ups, demolition and infrastructure projects. All projects that are applied for must benefit low and moderate income people, defined as any household with incomes at or below 80% of the area median income for Sussex County. For example, one person at 80% of area median income is $33,350 and for four people, it's $47,600. Historically, the large majority of our funding is used for owner/occupied housing rehabilitation. This is ideal because it helps to maintain the existing housing stock in our communities. Housing rehabs including roofing, doors, windows, electrical and plumbing upgrades, as well as energy upgrades and the home must be owner/occupied, and a primary residence. Again, low and moderate income. It must have homeowner's insurance and County taxes must be current. When we do rehab on a home, we are required to put a lien on the property to protect the funding, so depending on the age of the homeowner, it's either a five-year lien or a ten-year lien. Anyone that's 62 or older receives a five-year lien. It's pro-rate. There's zero percent interest, so either one fifth or one tenth of the funding gets forgiven each year of the lien period. This is really to protect the funding, so we come in and do all this work, so the homeowner doesn't flip it and get a profit. Anytime the home is sold or transferred, we just take the money back and reduce it in the program; to help another homeowner. With any demolitions, we actually put a permanent lien on the property and over the past twelve years, the Town of Milton has received over $417,000 in CDBG funding for housing rehab and infrastructure. Last year, our fiscal year 2012, Milton received $64,000 and we assisted five households located on Tilghman, Mulberry and Chestnut Streets, so you've probably seen some of the rehab there. We didn't receive any funding for Milton for the current fiscal year, but we've

received some scattered site funding, so we still actually have done a few homes in the Town of Milton. Currently on our waiting list for the program, we have sixteen households of the town and I gave a copy of the list to Kristy and because of your close involvement with the resident's, a lot of times your Code Enforcement Officer will actually let us know if there are any additional homeowner's that maybe should be on the list, or any other people that you know of that could use our help; feel free to have them give us a call. Basically, the main reason we hold this public hearing is to allow the citizens and the elected officials to have input in the CDBG application for this year; so I don't know if anybody has any questions. Typically, you guys apply for a rehab every year, so that was our intent, was just to continue on with that application and it's due at the end of February, so you need to get everything signed and back to us by that time.

Mayor Jones: Brandy, are these sixteen households on the waiting list current, this year's applicant's?

Brandy Nauman: Yes, we may not get to all of them, but we just keep a running list, so when people call in and they say... We send out a brief one page application when anyone calls and then that gets them on the waiting list and if they're in the town limits, then they go on the specific list for the Town of Milton. Right now there are sixteen and certainly if you know of any, if Code has come up with some that really need to be updated in order to be in compliance, then certainly we can add them.

Mayor Jones: Does anyone on Council have any questions, comments? Public? Thank you.

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1. Call to Order – Mayor Jones
   Mayor Jones: We'll call the meeting to order.

2. Moment of Silence

3. Pledge of Allegiance to the Flag

4. Roll Call – Mayor Jones

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

5. Public Participation
   - Jim Welu: I would like to address the Dry Zone issue again. I understand from conversations I've had with Seth Thompson that he has been reviewing some plans, of some sort, with their attorney and a possible building on the half of the parcel that faces Hazzard Street and Atlantic Avenue. I'm wondering, first of all, if the Council is aware of these discussions and if so, are the Mayor and Council suggesting that maybe additional buildings could be built on that property to expand their commercial use? I find that a little disturbing, the non-conforming use they have was restricted to the building that was there at the time and they would have no outside storage on the remainder of the land. Now they haven't cleared up the outside storage yet on the remainder of the land, the antique ambulance that's on the property still has a tag of 2007; nothing's been done with that. Today there was a pick-up truck on the property with a trailer with no tags. The trailer said it was for farm use only. I don't know what a farm use only trailer was doing on their property. I didn't see any cattle. I didn't see any hay on the trailer or seed or anything else having to do with a farm. Personally, I would be in favor of their submitting a sub-division of that large parcel and restricting the part that faces the Hazzard and Atlantic corner to be a truly residential lot. Now if the powers to be on the Council here decide that the better alternative is to allow them to build a building to encapsulate, basically, all of the stuff that they've got on that vacant portion of the lot, I think that's something that ought to be brought up before the public for discussion, especially the people in the neighborhood. If that is the direction that the Council wishes to go, I think it ought to be very clear that that building ought not to be another commercial metal sided type of building; it ought to be something that appears

basically to have a residential facade on all three sides. I don't care what they have on the side that faces their building, but what faces the neighboring house, Atlantic and Hazzard Street should have a residential facade and it should blend in with what could be a nice residential neighborhood. There was a proposal when Jim Edgerton was the Code Enforcement Officer back in 2002, 2003 maybe at the latest, that they would put up an 8' privacy fence along the house where Mrs. Hudson lived; along Hazzard Street and along Atlantic Avenue. That never occurred. I think that's another alternative. It would have to be at least 8'. I think it would have to be well landscaped on the street side. But I think something's got to be done with that property. When you drive by now you've got a huge dumpster overloaded with some type of packing materials and cardboard boxes and I'm not sure what all, but I think to expand that commercial use of a residential property beyond what they were permitted to do back in the 1980's I think would be the wrong way to go. I would also be curious to see whether the Council is planning to hold a public work session of some sort on the Artesian proposal that was brought before the Water Committee. I remember reading in the paper that it was proposed, I thought by the Mayor, to have some type of a public meeting to discuss their proposal. Personally, I think that in general their proposal makes a whole lot of sense; instead of building another water tower and putting all that expense in, two questions I have; whether they could provide enough water in the long term, in addition to what we have with our wells; or how long they could supply us with additional water and the second question is, as I understand it, they were expecting the Town to provide them with water and the question is, how much; when; under what circumstances and I think that would have to be very clearly defined. I would think that in case of an emergency, let's say there was a house fire or some type of catastrophe in the area that they were serving, I could see where the Town could supply them with water on a short term, interim basis; but I don't see how we can be a regular provider of water to whatever service area they would be servicing with this line. I think it would be good to have public discussion, both what we and the Town area think would be a good thing and also to find out what the problems and the pitfalls are, because as Councilman West mentioned in the article, we don't want to get into another Tidewater situation with another utility company. I think that can be prevented with very careful analysis of what they're proposing and how it would affect the Town and have a very clear reading analysis of any contract that would be entered into.

- Virginia Weeks, 119 Clifton Street: There are two items on the agenda I would like to address tonight. One is the request from Dogfish Head for a new well. That's up to the Council, one way or another, whether or not you want to give them a new well. It's fine with me, however, this Town is responsible for water infrastructure in order to fight fires out there. That infrastructure is supported and paid for mostly through loans and what we pay for water that we get through the Town wells. By having their own well, the Town is being deprived of that income from the water they use, that goes towards the water improvement part of the bill and so I think that if you are going to give them a well, you really need to negotiate with them that every year they should be paying something towards water, so that it can go into the fund to fund new wells, to service the south side of the Town where they are, for fire prevention and other things. Thank you. The other thing, I just wanted to bring to your attention is tonight you have a request from Fernmoor Homes and I wasn't part of that, but I was at the last Planning and Zoning meeting and when asked where the signs are going to be put up, would that be in the way of emergency vehicles turning into the alleys;

we were told it didn't matter because emergency vehicles don't fit in the alleys. So you might want to question them on fire trucks, etc. and so on. Thank you.

- Bob Howard, 217 Chandler Street: I'm speaking for the Economic Development Committee. The Committee in conjunction with Irish Eyes, the Downtown Merchant's Association, the Chamber of Commerce are sponsoring a Shop in Milton promotion that's going on now and it culminates on December 14th, the day of the Holly Festival and the house tour. That evening we'll have an event in the Town Center, weather permitting, it will be outdoors where we'll have entertainment, music and refreshments and then draw the door prizes. The promotion is if you shop in Milton between now and the 14th at participating merchant's, which is most of the retail merchant's in town, except for the big chains, who have a hard time making decisions on this kind of thing, you can register for door prizes by filling out the back of one of these ubiquitous 50/50 tickets; put your name and phone number down and you'll be eligible for the door prizes. We have about a couple of dozen door prizes worth in the neighborhood of $500 that we'll be awarding on the 14th. So Shop in Milton this holiday season.
- Leah Betts: Thank you one and all. It's different sitting over here, then it is back there. I would like, maybe I shouldn't ask this, but I am curious. I understand we purchased a house on Federal Street. Is that true? Have you gone to settlement on it?
  Mayor Jones: We have not.
  Leah Betts: You have not. Has it all been inspected to...
  Mayor Jones: No, as a matter of fact, I was going to announce tonight we just did have the home inspection. The purchase was contingent upon that and the agreement, again, of Council to look at that document before any settlement went forward.
  Leah Betts: Okay, because I was wondering where we're going to get the money of $150,000 to pay for that building; when we had to cut the budget on each of our departments of the Town? I was just curious wondering how we were going to pay for it. Do we have the money?
  Councilman Coté: Yes we do have the money available. There are three different places where the sets of accounts for that money; where we have enough in any one of the three to purchase the building.
  Leah Betts: And we do have enough money besides that, in case of an emergency, is that correct?
  Councilman Coté: There will be money left over, if the house is purchased there will be money left over for emergencies; there will just be less. There will be $150,000 less because of the house purchase.
  Leah Betts: Well how about the improvements on the house?
  Vice Mayor Booros: Can I speak up at this point, because I missed the boat on that meeting last month, but this is a perfect opportunity to say that, I would have voted affirmatively yes to purchase the property and you keep saying we bought a house, we bought a house, we bought a house...
  Leah Betts: Property.
  Vice Mayor Booros: We bought a piece of property. We bought a piece of property and the purchase of the property was for additional parking on that side of town for the commercial businesses who have said over and over again for years, the stores on that side of town can't be rented. People come to look at them, there's no available parking. My first thought was if we can't negotiate the corner back from Mr. Starr, which we did discuss over the parking; it

was cost-prohibitive to get that corner from Mr. Starr.
Leah Betts: Well you hearing everything.
Vice Mayor Booros: But real quick... I'm going to tell you real quick. My first thing was hey, what the heck, we could get this for $149,000; let's just tear the building down, at which point I was informed and I should have known better. It's in the Historic District. You can't tear the building down. It was purchased for the parking. The fact that there's a structure on that property that cannot be torn down; it actually could be moved, if we chose not to keep it there, as long as it stayed in the Historic District; it could be given away; it could be sold; it could be moved to a vacant lot in the Historic District. It was for the parking. I'm not against you, because I've had so many people come up to me over the last few weeks and I wasn't here for the vote, but my vote would have been an affirmative yes to buy that piece of property.
Leah Betts: I was just curious because of what it was going to cost... I heard it was going to be an office.
Vice Mayor Booros: Well it could be anything. It could be rented out as a house, quite honestly, but we bought it for the parking.
Leah Betts: And I was concerned of the cost that it was going to cost to make it into an office, handicapped and whatever.
Vice Mayor Booros: Second thing though, while we're talking about it and I won't hold everybody up, not only was it purchased for that particular purpose... It just went right out of my head. I don't remember what I was going to say to you Leah. Oh, the money. The money. The money. The money. Yes, I've had a couple of people come up to me and say how could you. This Town had to cut the budget because you didn't have... Nobody ever said this Town had any money, we told these people, the employee's and the division heads and branch heads in this Town, they were going to tighten their belts and stop spending the taxpayer's money frivolously and that they needed to tighten their belts as to what they really needed during that last budget process. Nobody ever said this Town didn't have any money, we just said that you're going to stay within last year's budget. We weren't going to give you an increase in your budget from last year. We asked them all to stay within last year's budget, so that we didn't have to increase anybody else's taxes.
Leah Betts: Well I was really concerned...
Vice Mayor Booros: Because quite honestly, Ms. Betts and you weren't here last Christmas, but we were told a couple of Christmas' there was no money for Christmas lights. $1,700 to pay for Christmas lights. I personally had never seen what was in the budget. I've seen it now. We've always had money to pay for Christmas lights.
Leah Betts: I think what they were meaning was they didn't have the extra money in the budget for the...
Vice Mayor Booros: Not in the budget, but the money for paying for Christmas lights was there and the money to buy this piece of property is there.
Leah Betts: As long as you think there's a need for it. I've just been hearing different things and I just wanted to know if we had the money and where it was coming from.
Vice Mayor Booros: And I'm glad you asked, because it gives me the opportunity to say I would have voted yes even though I missed the vote.
Leah Betts: I was just concerned because it was going to be turned into offices; that was going to be another cost and I didn't want to see the taxes go up on the people that are trying to live here. Thank you.

- Ed Kost, 230 Sundance Lane: I see that the punch list for Cannery Village is on the Old Business agenda. I have three questions that I'd like to hear have addressed when you have that discussion. One being, is the punch list complete? Two, if it has been completed, has it been sent to Chestnut Properties? And, three, if it has been sent to Chestnut Properties, has there been any response? Thank you.
  Mayor Jones: Okay, we'll close the public participation portion of the agenda.

6. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda? I do have one. We would need to have an Executive Session before we can talk about item 14,d – recommendation of engineering firms. So instead of taking Executive Session out of order, this month, I'd like to recommend or ask for a motion that 14,d be placed underneath of 15,b, once we come back out of Executive Session.

Councilwoman Parker-Selby: I move that we replace the 14,d underneath 15,b.

Councilman Coté: Second.

Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried. We'll need to approve the agenda, as amended.

7. Agenda Approval

Councilman Collier: Motion to approve the agenda, as amended.

Councilwoman Parker-Selby: Second.

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

8. Presentation and Approval of Minutes: September 30, November 4, 2013

Councilman Collier: Motion to approve the minutes of September 30th as presented.

Mayor Jones: You're just going to make it for the one?

Councilman Collier: Yes.

Councilman Coté: Second.

Mayor Jones: Any discussion?

Councilwoman Parker-Selby: Discussion. I'm just going to be a pain, I guess, because I still have a problem with reading these transcripts, when basically as I read them they can be put down into the main pointers, as I've seen on other Town Council minutes. Just want to put my 5¢ in again.

Mayor Jones: All those in favor say aye. Opposed. September 30th minutes approve. November the 4th?

Councilman Collier: Motion to approve November 4th, as presented.

Councilman Coté: I'll second.

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

9. Mayor's Report

Mayor Jones: I just wanted to mention a few things. One was that we are accepting applications for candidates for the March election. There seemed to be some confusion on the web-site, though I'm not exactly sure what it is. We are accepting those applications through the 30th of December. Mr. Howard already spoke on behalf of the Economic Development Committee and the event coming up on the 14th. It does look like it's a very long day from 9 in the morning, that goes through the hospitality hour until 8:00 at night. I did also want to let you know you may be

seeing some signs on the back tables, they were available to you tonight. The Town and the Chamber of Commerce are partnering to present a Nite of Caroling in the Park on the 20th of December. Councilman Collier has agreed to run the train. It will be a first time event for the Town of Milton. The Public Works has been diligent in putting up some new lights in the park this year, for some dedicated trees. I think you'll see the park's very nice. It's supposed to be lit on Wednesday night, weather permitting and the parade goes off and everything else. I hope you'll look for these signs and come out on the 20th. If you have any questions, there's information at Town Hall for you too.

10. Discussion of Written Committee Reports

Mayor Jones: You have the Historic Preservation Commission's report in front of you. There is also the report that came from the Economic Development Committee for the recommendations as to the Ordinance to amend the Town Code related to vacant buildings. That was also in your package. You're still working on that, right.

Seth Thompson: I'm not sure if you wanted me to address it now, or when we get to the subject.

Mayor Jones: When we get to it, it will be fine. I knew that they had been working with you. Is there anything else on the discussion of the your written committee reports this evening?

Vice Mayor Booros: Was there a committee report from the Water Committee or did they meet?

Mayor Jones: No and I know that they did meet, but I do not know the outcome.

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

Mayor Jones: Public Works – you have a report in front of you.

Councilman Coté: I guess this would be the time to address Mr. Kost's questions about the punch list and when it will be done.

Mayor Jones: Well, actually we have a whole section under 13,e.

Councilman Coté: Okay.

Mayor Jones: Mr. Russum, does the engineer have any idea of the date on the last 15% of that completion over at Shipbuilder's tower?

Dustan Russum: No. They're hoping to get it done by this month, December.

Mayor Jones: Does cold weather affect anything they do?

Dustan Russum: No, what they're working on now is in the office. They're just reviewing the construction plans and the design.

Mayor Jones: This is the mapping, really on how to do it, right?

Dustan Russum: Yes.

Mayor Jones: On how to make the fix. Okay. The Christmas decorations up on the poles look very nice.

Dustan Russum: Thank you.

Mayor Jones: Mr. Davis' report. Mr. Davis, question for you. In the scheme of things, when it comes time for a Certificate of Occupancy for a commercial or a residential unit, who carries that out?

Robin Davis: The final inspection for all the building components are handled by First State Inspection Agency. We have an outside agency that does that. Once we receive an approval letter from them, they send it to us, the Code Enforcement Officer usually goes out, checks it to make sure that the final product meets the setback requirements; also that there is the addressing is on the property, the proper address and things like that. Public Works will go out, check the water meter connections, the height of the water meter and the sidewalks. Once that is all taken

in and approved, then we issue a Certificate of Occupancy. In commercial buildings it's a little different, because there could be potentially some outside agency approvals that need to be obtained first. They all have to come in; just like our internal inspections have to be done before a Certificate of Occupancy be issued.
Mayor Jones: Is the Certificate of Occupancy something that can be included as easily as these permits issued to, can be included in this report?
Robin Davis: Yes, they should be.
Mayor Jones: I would appreciate that.
Robin Davis: Well I can have Mr. Trotta do that.
Mayor Jones: Thank you.
Vice Mayor Booros: Mr. Davis, can I ask a question? The very last thing I see down here on this list, Casa San Francisco building permit process... When that was approved, whenever that was approved, is that something where the approval lasts forever, or is it something that if they got some sort of special exception to move a piece of property the Historic District, that it expires if they haven't done it in so much time; or can they just wait 4 or 5 years and come in and just do it?
Robin Davis: Normally there is an expiration date, but the Casa San Francisco was involved in a settlement agreement through the court system, that basically has no end date to it, so the Solicitor could probably give you more legal details. That's the reason why Casa San Francisco is still allowed to move forward.
Vice Mayor Booros: I didn't know. I wasn't on Council at the time.
Seth Thompson: The building permit however, did expire.
Robin Davis: Correct. They will apply back for a new building permit, but their approvals that were granted for the sites...
Vice Mayor Booros: The approval to move the building and do all that stuff is still intact; and build on the back end of the property, as opposed to the front end of the property?
Robin Davis: Correct. It's all going to be built just like the plan that was approved and signed off by then Mayor Post, as part of the settlement.
Vice Mayor Booros: Okay, thank you.
Mayor Jones: Any other questions for the Code Report? The police report. Chief, I like the new format, however, in your October charges you have six burglaries and on your sheet you have three. There's a couple of those that don't just quite match up in the two reports; nine theft on the spreadsheet and two on the criminal charges. Are these incident's or arrests on your spreadsheet? Because under criminal charges they're arrests.
Chief Phillips: I believe it's three burglaries and it was six arrests. We're still trying to get the bugs out of the new monthly report.
Mayor Jones: Okay.
Councilman Collier: Chief, does that explain why there are no man hours of any sort on this report.
Chief Phillips: That's correct. It's still a work in progress, yes. We have to change our old evaluation system to roll it into this...
Mayor Jones: And we also have one recruit on the personnel list, right? Is that Patrolman Officer Serman? Is there a recruit?
Chief Phillips: That's correct.
Mayor Jones: Okay, there should be one more?
Chief Phillips: Yes, Ma'am. I apologize for that.

Mayor Jones: That's alright. Anything else on the department reports?
Councilwoman Parker-Selby: I do have a question on the local fugitive; we have two here on the... were those the ones you emailed out? Were they considered fugitives? I'm looking at the criminal charges on the new... there says two here, local fugitives. Can you explain what that basically means?
Chief Phillips: Local fugitive would not be a regular warrant on our arrest; it would be if they are wanted at another department or if they were wanted by a Court and we took them into custody for someone else.
Councilwoman Parker-Selby: Okay. I was thinking that, but I wanted to make sure.
Chief Phillips: Yes, Ma'am.
Councilwoman Parker-Selby: And we have ten speeding, so we have ten people who were speeding in the town limits? Is that what you're saying here on the speeding?
Chief Phillips: Yes, Ma'am.
Councilwoman Parker-Selby: Okay. I like the new format. I'm trying to make sure I'm understanding the meanings.
Mayor Jones: Chief, have you heard anything collectively from the four legislator's in reference to the solar sign on Route 5?
Chief Phillips: Just that it's a work in progress and I could reach out to them tomorrow; see if I could find out more.
Mayor Jones: Okay. I know that it's going to be contingent on their own monies and budgets, but it would be nice to see if they had a window of an idea when that might be coming at us?
Chief Phillips: Yes, Ma'am.
Mayor Jones: Thank you.

12. Finance Report and Revenue/Expenditures Report
Councilman Coté: We have October, the first month of the year and on the Revenue and Expenditures Summary, we have a negative for the first month of the year, but mostly due to paying the full year's insurance for the liability umbrellas and that's in the General Fund and in the Proprietary Fund we have a surplus and that's because of the quarterly water bills, all get into the first month. Not too much else. The bank accounts we have three CD's which total approximately $285,000, which are due in March, I believe and we have the transfer tax account of roughly $260,000 at the end of October and the savings is $295,000. We do use up some of this money to fund the monthly operations until the tax revenues come in in January/February. So we borrow from the savings and then we replace it when the tax money comes in.
Mayor Jones: Chief is everything complete on the improvement on your building?
Chief Phillips: Yes, Ma'am. The brick wall? Yes, Ma'am.
Mayor Jones: Okay, good. Anything from Council on the Treasurer's Report?

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

a. Request from Fernmoor Homes at Heritage Creek for final subdivision review/approval for Phase 5 of Heritage Creek further identified by Sussex County Tax Map and Parcel # 2-35-20.00-56.00
Mayor Jones: Is there someone here to represent Fernmoor Homes?
Mike Coven, George, Miles and Buhr, Project Engineer: We're here this evening for Phase 5 of Heritage Creek; the area outlined here; here's a blow-up of the area. It was referred by

Council in June to Planning and Zoning Commission for preliminary sub-division approval; the preliminary site plan was approved June the 18th. Since that time all the agency approvals have been obtained. We went back before the Planning and Zoning Commission on November 19th and gained the recommendation for final approval there. There was some discussion at that meeting about the EMS signs for the one set of lots here that doesn't have street frontage; they're rear-loaded and only have alley. In response to that, after some discussion, one of the conditions that Planning and Zoning Commission put on was that the signs that are to be placed on the... this is all modeled after what you've done in Cannery Village to address the EMS issues that are there. These are the signs that were designed for the garages themselves. After a little bit of discussion it was decided that the best place for that would be on the Record Plat because that rides with the individual lots and in the infrastructure drawings, a lot of times that work is done before some of the houses are rolling towards completion. So that was added, sent back to the Town Engineer for review. The site plan has EMS directional signs noted; alley signs. Ms. Weeks pointed out that originally the alley signs were not shown on the plan, the location of those has been added to the plan and those were reviewed and approved by the Town Engineer. In the case of those, the notes on this plan call for the signs to be done to the Town Standard and we call for cut sheets and submittals to be made to the Town prior to installation of those signs, because we recognize that as you go through this in Cannery Village, there may be a little bit of evolution to how you do that; so there are not sign specifics here. It's just tied to the Town Standard. So whatever your Town Standard is at the time that those signs are being installed, that's what they'll have to do there. I guess the last thing I would like to mention is, I guess I didn't make myself clear enough about the fire protection at the Planning and Zoning Commission meeting. I didn’t mean to sound cavalier about that, but the alleys in general are not very fire truck friendly anywhere in Town or anywhere in any Town, but typically what would happen, there are a couple of things. Generally what would happen is the fire truck would pull up on Prospect Street and connect to the hydrant that's right there at the intersection of the alley and then do a hose lay into the alley. The other thing that we did actually point out is in the community center plan that's in process now, there's a parking lot here and there's a hydrant that been cited at the end of that lot for fire protection access for those houses that front the open space. Are there any questions?
Councilman Coté: I have one. I worked on the other development project for awhile. Any consideration... you're going to have the garage signs on the houses that face the clubhouse. On that lane in the back where those signs are going to be, there's going to be another set of houses that face on whatever that other road is above it...
Mike Coven: Lantern Lane?
Councilman Coté: Yes. Is there any consideration of putting Lantern Lane garage signs on the backs of those homes so that it's very clear to anybody traveling down, that one side is Bank and one side is Lantern? That's one of the issues that came up in the other development and I believe that's how the Police Department searched the wrong house; because they were on essentially what would be Bank, saw the number and went into the house; but that house faced on another street, so they had the right number, but the wrong street that they went into. Sorry, Chief. So just in that one instance, it might add some clarity if the Lantern addresses had those garage signs which said whatever the number is Lantern. That's the only situation that you have, right; with the rear addressed homes?
Mike Coven: That's the only one in the entire development, yes.

Councilman Coté: So I would think from the time I spent on that, that it would be helpful to put the rear addresses on the Lantern Lanes, as well; that have access off of Bank.
Mike Coven: As it sits right now, the only ones we've been asked to do are 185 through 197, which is just the front of the lots. I don't think... I don't want to speak for... I think Ben can tell you that. I doubt that there would be any objection to doing the others; but that's not what this says right now though.
Vice Mayor Booros: But that is the biggest part of the problem, so when you said... and I was in that Planning and Zoning Commission meeting when you said we'll just do whatever Cannery Village is doing when the Town decided what to do; that's part of the problem when you have 102, 104, 106 and 108 on this side of the street that faces the one area, the police or the emergency vehicles often assume the house on the other side of the alley is 103, 105, 107, 109 of the alley; when it really isn't; it faces the street on the other side, so if you're only going to put the name of the street and the number on one side of the alley, you really haven't solved the problem. That's why we have police break into houses on the wrong side of the alley when they weren't at the right house.
Councilman Coté: All they did was search. The door was opened.
Vice Mayor Booros: It's a simple solution; it's thirteen additional garages.
Ben Gordy, Ocean Atlantic Management: I don't think there's any objection to putting those signs on the Lantern Lane lots; numbers 198 to 211.
Mayor Jones: Mr. Gordy, it's not about objections to additional signs. For me, in the bigger picture, trying to do the right thing for you to go forward; for us to make sure that we're ensuring people that come behind us don't have the same problems; we know of a very specific community that is having problems right now. You're using a model that hasn't been proven yet. We do not know that that is a remedy in Cannery Village yet, because the signs have not been placed and it has not been tested and my issue here is on blind faith without knowing it, this is the remedy to the issue that Planning and Zoning presented to you; that they had a problem with this. So I am very slow to say this is the remedy. The other part of my comment is, could we get back to the alleyways. If they are uncommonly narrow...
Mike Coven: They are not uncommonly narrow.
Mayor Jones: They're not uncommonly narrow to your development, or to...
Mike Coven: To any development anywhere. They're fifteen feet wide, that is your alley standard.
Mayor Jones: And did the Fire Marshall enter no comment, or was not asked to review access to those alleyways?
Mike Coven: They reviewed every set of these plans. Yes.
Mayor Jones: Okay.
Mike Coven: They are one of the required approvals.
Mayor Jones: But in giving you approval, is there acceptance that you can't get a fire truck down the alleyway? Is that correct?
Mike Coven: Generally, I think it's accepted that it would be difficult to get it and it's not strictly necessary.
Mayor Jones: Well, if that's not verbatim what that said, then I can't accept that that's what they said. Robin, do you have anything from the Fire Marshall you can say that that was just plain accepted. We know it's narrow. Oh well. How does this work to make sure that we can assure... ultimately, the best protection for the people that are living on that

alleyway.
Robin Davis: The language should have been in the approvals of what you have a Fire Marshall approvals that are detailed of their concerns or the requirements...
Mayor Jones: Okay I've got this. The Plus Report.
Vice Mayor Booros: Are these townhouses, two-story townhouses?
Ben Gordy: It's a mixture, so some are two stories; kind of like townhomes are two and three homes together.
Vice Mayor Booros: I understand. Like triplexes.
Ben Gordy: Yeah, duplex/triplexes...
Vice Mayor Booros: They're like the big triplexes, two stories, so if somebody had to get out of a second floor window, a fire truck wouldn't be there with a ladder up to the window of one of those townhouses in the middle of that alley. They have water down at the end of the alley at a fire hydrant; but they could not get a ladder up to a window to get somebody out of a window of one of those houses. I guess they could drive over the grass in front of the house; they do what they've got to do.
Ben Gordy: Yes, to answer your question, there are also some single family homes there, so it's a mixture.
Vice Mayor Booros: And this was approved on the Master Plan way back when, right?
Ben Gordy: Yeah the beginning of this year.
Vice Mayor Booros: So this is basically just rubber stamping something that was already approved, right? That's why you're here?
Ben Gordy: I'm not saying that.
Vice Mayor Booros: I'm asking our Solicitor. Mr. Solicitor? Are we rubber stamping something that was already approved five years ago?
Seth Thompson: Well this is a phase in the Master Plan that was approved, so I think the applicant will correct me if I'm wrong, but it fits with the approved Master Plan in terms of the lots.
Mike Coven: It is in accordance with the Master Plan.
Mayor Jones: The only thing I can see in reference to the fire part of the Plus Report, is simply a water flow study comments. I didn't really see anything that addressed the location of the alleys or accessibility. If I've missed something in reading it, that's what my review says.
Mike Coven: That is part of their review, along with hydrant spacing and a lot of other factors that come into play there.
Mayor Jones: The other comment from CABE Associates that notes “If signage is to be placed on garages or houses, who is responsible for initial placement and maintenance of signage? This needs to be determined before final approval.” Again, a good long time ago, when this Master Plan was approved, we didn't know that we were going to run into this issue at Cannery Village.
Mike Coven: Yeah, the initial sign installation would be done by the builder and maintenance would have to be by the homeowner. The directional signs would be part of all the other signage, part of the Homeowner's Association. Can I just go back to something you said earlier. We did try to make this flexible, it's one of the reasons why we put Town Standard on the construction plans. We thought everything was fairly set with the garage signs. I think... I guess we didn't understand that they needed to be on the other side, as well; but we want this to be how you want it. That was our intent.

Mayor Jones: The question that I have for Mr. Thompson is, the standards; projecting in the future that these signs will be done and installed to the standards of the Town of Milton. The Town of Milton doesn't have a set of standards that reflects even what we've done to change Cannery Village, does it?
Seth Thompson: Right and that's I think what Mr. Coven is saying; that the language is left to allow the Town the flexibility to see how it works in Cannery Village and then the Town can adopt a standard for signs for homes that have this particular issue...
Mike Coven: What this says is garage and directional signage to be installed for lots 185-197; now that we may need to change; but as directed by the Town of Milton to aid emergency personnel in finding the residences; cut sheets of the signage to be submitted to the Town of Milton for approval, prior to installation of the signs.
Seth Thompson: Right, so there would need to be a subsequent application showing, indeed, where they're going to put those signs and based on the Town Standard, at that time. Again, it's designed so that we'll see if this solution in Cannery Village is truly a solution and if it isn't, then the Town has the ability, based on these notes, to adopt a different sign standard that would then apply to Heritage Creek.
Mike Coven: They'll be submitted for approval, that's the design of those signs, as well, so if something evolves in that, from what we've seen up to now that would fall under the umbrella also.
Seth Thompson: It would basically be lots 185 through lots 211. That would be a change in the notation. I suppose it could be expressly provided that the sub-division plot is going to have a note that the homeowner is going to be responsible for the maintenance of the garage signs.
Mike Coven: That can certainly be done.
Seth Thompson: And it just makes it clear then that it's of record, the homeowner's understand that the Town isn't going to be the one maintaining their garage signs.
Councilwoman Parker-Selby: I just have a comment in listening to what you had to say. My concern is because one of the things I have a big concern with in this Town is safety for everybody and this development, of course, was way before my time, to have developments being developed and coming and hearing how the people pay all that money and have these concerns. I guess I would say in the future, would you all look at making sure a safety vehicle can get down a road to a home, because I'm just like Vice Mayor Booros, suppose someone, a child, or someone was in one of those places and you're saying well the truck can't get down the road, but they take the hose out. I have a big concern for the safety of the people. I'm used to a truck being able to be in front of a house, or something, if something goes wrong with something like that. I think the future should look at the safety of everyone. It looks to me like we're building all these things, beautiful places and everything, but some of the safety issues have been ignored or are not being paid attention to closely. Even when you're saying to me the Fire Department or the Fire Marshall looked at it and okayed it. You also made a statement that other developments have similar alleys, or whatever you're calling them. I just want to express that I have a concern with the planning of these developments and not really looking at making sure the roads are wide enough for fire trucks, policemen or what have you. It's just a personal comment.
Vice Mayor Booros: Councilwoman, with all due respect, the Town has a responsibility in that too; before they ever approved the Master Plan, the Town should have made sure that

fire trucks could fit in. A builder can propose anything they want to up front; we have a responsibility to make sure and we didn't know... I guess they didn't know these issues back then. But we know them now and in the future the Town has to take that responsibility...
Councilwoman Parker-Selby: For the future.
Vice Mayor Booros: before they approve a Master Plan.
Councilwoman Parker-Selby: Right. That kind of thing should be done.
Vice Mayor Booros: And not allow that to happen again, because we know it has caused a problem; and I want to thank you all for at least proposing to try to solve the problem up front; but we don't know if it's gonna work.
Councilwoman Parker-Selby: But we shouldn't be reactive, we should be proactive and not react to things and that's my concern, listening to all this.
Vice Mayor Booros: You're right. We don't know that it's going to work in Cannery Village; but at least... I mean, we don't have any other choice at this point. Hopefully, it works.
Councilman Collier: Okay, after all the discussion I would like to make a motion that we go ahead and approve this phase with the following things to be incorporated into the final plan and that would be notation to also include signage for lots 198 to 211 and also that there be a note included in the codicils for those particular homes, that the maintenance of the garage signs are the property owner's responsibility.
Vice Mayor Booros: I'll second that motion.
Mayor Jones: Any more discussion? All those in favor say aye. Opposed. Motion is carried.
Seth Thompson: You might want to do a roll call.
Mayor Jones: I only heard two ayes.
Vice Mayor Booros: I'm sorry. It took me by surprise.
Mayor Jones: Opposed. Motion carried. Thank you. I just didn't hear you. I didn't want that to ride on two votes.
Mike Coven: Thank you.
Mayor Jones: Thank you.

b. Water Meter Upgrades – status and next steps
Dustan Russum: We have the parts in that are needed to put in the remainder of the meters. We just haven't had a chance to get the rest of them in this month.
Councilman Collier: Mr. Russum, when do you anticipate that you'll get to that?
Dustan Russum: Hopefully within this month; we've just been busy with the extra Christmas lights going up.
Councilman Collier: Thank you.

c. Amend Chapter 220 of the Municipal Code – reclassify home occupation from special permitted use to permitted use (update)
Mayor Jones: Mr. Davis?
Robin Davis: Yes. As requested by Mayor and Council at the last meeting, I've supplied some additional information; the State of Delaware Definitions and the two sections of the town Zoning Code that apply to home occupations.
Mayor Jones: Thank you. One of the things I was looking for, was the State's definition of "retail", which you had used, or was on my list from the month before; that I couldn't quite apply to what I had in my package last month and I do appreciate you getting some of these definitions from the State, but I wasn't able to find that one specifically and how they

classify that in home business.
Robin Davis: I'm not as sure that they classify it as a home business.
Mayor Jones: Just “retail”. Well that’s what is on the descriptor of the State License, you said.
Robin Davis: But it's just the State License... We classify something as a home occupation; the State, just because it's on that license list, doesn't mean those 70 or so are home occupations through the State; they're just state licensed, whether they are retailer or a personal service.
Mayor Jones: Understand that and that's why I'm looking for a retailer's description in the State descriptions and I am in the first several pages, Occupation, Business License, Taxes and they're in alphabetical order. I'm just saying, I don't see retailer and that was one of the ones that I was interested in how they defined the operation of a retailer, by affixing a license that says retailer. Okay, so you've collected this information for us. We are still looking at a number of folks who hold state licenses; do not have municipal licenses.
Robin Davis: That is correct.
Vice Mayor Booros: I also don't see... Is there a definition of personal services on this list?
Mayor Jones: I didn't see that either.
Robin Davis: No, there's probably a few that...
Vice Mayor Booros: We had a whole bunch of them that said personal services and I know one of those personal services is a travel agent, which has it's own definition in this thing.
Robin Davis: Correct. I was talking with an individual from the State, I put the question of the lady that works in the Georgetown Office; I couldn't find the definitions originally, so I went to the...
Vice Mayor Booros: Did you view the applications at the Georgetown Office that were submitted for those deferments, under FOIA?
Robin Davis: No.
Vice Mayor Booros: You couldn't get them?
Robin Davis: I did not go that far into trying to find all 77 to try to locate all of them.
Vice Mayor Booros: They're neighbor's might appreciate knowing what the business is, that's a personal service; because that's what I'm getting from the community. My neighbor's operating a travel agency out of his house. There's traffic coming. He's listed on your list as a personal service. But he's advertising in the Cape Gazette as a travel agent. You just can't take the word personal services for 70 some people and assume they're all consultants that leave their home and go do their consulting business and it's just a mailing address. How are we going to determine who's using it as a mailing address and who's actually operating the business; like my neighbor who owns a random Tasty Kake business; who would have the Tasty Kake deliveries put on the front porch in the morning and fill up the big panel truck that took up half of Broad Street, a big old panel truck; before she went out on her morning run to deliver Tasty Kake's?
Robin Davis: Well that would be up to the Town to say if we're going to classify you as a home occupation or a contractor or whatever, that we have clearly defined rules and regulations; as what I showed in one of the examples from Lewes. There are currently defined requirements. If you meet these, whatever they are 1 through 10, you get classified as a home occupation, which in their ordinance is a permitted use. It's not that we have to do this. If the Council decides that we want to keep home occupations as Special Permitted Uses; sobeit and it's fine. Just that these businesses are going to have to go through a

Planning and Zoning, public hearing process. Which is fine. I have no concern about that. It's just that some of these smaller businesses are going to get pushed through a process that...
Vice Mayor Booros: I agree with you, Mr. Davis, but I also agree when the person that pays one heck of a Homeowner's Association fee; where their covenants say no businesses. Period. We are not in the business of giving licenses to people to break those covenants. We don't enforce them. If somebody's running a business in there, we don't enforce the fact that they put up a red fence and we don't allow red fences in their neighborhood. That's not my business. But we don't give 'em a permit to put up a fence in a neighborhood, where the neighborhood covenants don't allow fences.
Robin Davis: Yes, we do.
Vice Mayor Booros: Then we're doing something wrong.
Seth Thompson: The problem is that sometimes the Homeowner's Association's have their own variance policy; so the declaration might have the ability to apply for a variance from your Homeowner's Association and we're not going to know that, because it typically wouldn't get recorded. That's the difficulty.
Vice Mayor Booros: But my question is, before you issue a permit in one of these planned communities with a Homeowner's Association for somebody to put up a fence, do we look at the association thing... Do we look at number nine at Wagamon's West Shores that says no home businesses? It's only ten pages long. It says no home businesses, occupation in your home. Do we look at those nine pages before we give somebody a home occupation permit?
Seth Thompson: We don't, because they're a private contractor; that's the basis for the declaration. It really is contract law and the other element that the town would then be placed in a position where it might have to determine if too many home businesses have been permitted, that the Homeowner's Association wouldn't be in a position to enforce their own covenant anymore. So you can see it's somewhat of a slippery slope that once the Town gets involved in that, it's difficult and really, it's not town jurisdiction, so to speak. If people contract privately through their Declaration of Restrictive Covenants to have a more restrictive community, they're free to do that. The enforcement is through the Homeowner's Association though. It's not going to be through the Town.
Vice Mayor Booros: I'm not saying that we're going to go arrest you for opening a business; but I don't think we should be issuing a permit to somebody in Wagamon's West Shores to open a home business when number nine on their covenants says you aren't going to have a home business. Excuse me... and just doing it. Just allowing one person in Town Hall to say it's piano lessons; well let me tell you something. If you're doing it with the windows open and I've got to sit next door in my backyard on the deck and listen to kids play piano all damn day long, I may not want it. I want to voice my opinion. That's all I'm saying. I'm not saying it has to be everybody within 200 yards of that house. If it's a piano teacher, but it may want to be the next door neighbor's have an opportunity to say something before this Town gives them a license.
Robin Davis: Well that's why I need guidance. If that's what Mayor and Council would prefer, that is fine. Right now, these people are going through a two or three month Planning and Zoning process. They're going to be required to... the lady that gives piano lessons...
Vice Mayor Booros: And they should have been required five years ago, some of them; ten

years ago, some of them.
Robin Davis: Again, Vice Mayor Booros, we can discuss this back and forth forever. I don't know what we can do about five years ago now. It is what it is and we're trying to maybe alleviate some of those problems that came five years ago. If Council decides to do nothing, fine. We can move forward with a Special Permitted Use process. Simple. I can send letters to these people and they will make applications with Planning and Zoning. Then we'll run them through a Special Use process and that's fine.
Vice Mayor Booros: Maybe it is too restrictive, but I have a problem telling the man no and sitting through all those meetings, voting no to open a gun shop in Shipbuilder's Village, because he wants to run a gun operation out of his house and putting a lady who's running the British Internet web business, putting her through this... Is the UPS truck going to be pulling up in front of her door five times and then all of a sudden, we're just going to do a blanket thing. We just told a man no and my reason for voting no was the Shipbuilder's have covenants that don't allow businesses. I said no. I can't speak for everybody else on this Council that said no, but we all said no. That was my reason, so I have heartburn with now turning around six months later and let's start issuing business licenses to everybody in these communities that don't... I just have a problem with that. Maybe it's too restrictive to make them send certified letters to everybody within 200'. If you're in a townhouse community that's a lot of people.
Robin Davis: That's correct.
Vice Mayor Booros: God knows your neighbor's should have some say before you're pulling a panel truck up in front of your house and loading Tasty Kake's up all day long.
Robin Davis: Then we need a medium route.
Vice Mayor Booros: I don't know what it is.
Robin Davis: And I don't know.
Vice Mayor Booros: But I don't think this piece of paper today is it.
Robin Davis: Yeah. Well I don't know. That's where I'm at. I get the calls.
Councilwoman Parker-Selby: I think one thing is one of the sheets that you gave us has a very clear definition that can be modified, if necessary, to meet all the needs; because everyone doesn't have the Homeowner's Association; like myself, I'm a consultant. I'm not around here doing my work, but get out of town. But the home occupation definition here, to me, is a really good one that we could use to modify, to help give you some guidelines, per se. I'm not going to sit here and read it to everybody, but it's...
Robin Davis: That's all I'm asking. If you want to move forward with the current process, that is fine, we can start that.
Councilwoman Parker-Selby: Then whatever the Homeowner's Association rules are, kind of compare and see how they would fit in so that it would not be of a hindrance to the communities that have certain rules and specific things written already. For us, I think, this is a great definition to get some guidelines going for you. That's my personal opinion.
Seth Thompson: If it helps the Council, it's not that if the Town grants a business license to somebody, the Homeowner's Association loses it's recourse. The Homeowner's Association and most of the time the Declaration also gives an individual right to anybody in the neighborhood can sue to enforce the covenants. The Town's business license wouldn't prevent the Homeowner's Association from doing that. Vice Mayor, I understand your point and I think...
Vice Mayor Booros: Then just tell the neighbor's and give them an opportunity to come in

here and tell you what they think about how much they pay for a Homeowner's Association that says on number nine, no home businesses and your next door neighbor's got thirty cars out front on a Friday night because he's showing movies of the cruise that he's trying to get you to buy.
Seth Thompson: The Homeowner's Association is going to have to make the decision as to whether or not they're going to enforce that covenant. The bottom line is the Town doesn't have the ability to enforce an Homeowner's Association covenant.
Vice Mayor Booros: All I'm saying is give the neighbor's an opportunity to speak, before you hand them the license. That's all I'm saying. And it may not be the consultant who's doing their work somewhere else; they're going and doing part-time school teaching at a private school somewhere as a consultant. They're not doing the job right there in the house; but you keep throwing the piano teacher... Like I said, you're my next door neighbor, sorry about that Jersey John, but if you're my next door neighbor and my windows are open in the summer and your windows are open in the summer, and I've got to listen to thirteen kids during the course of the day learn to play the piano, I might want to have my say before the guy got his license, especially if I'm in a neighborhood where I pay a Homeowner's Association that says no business.
Robin Davis: And again Vice Mayor Booros I understand that; again I'm at that dilemma of I'm not getting any guidance.
Councilwoman Parker-Selby: He wants something in writing.
Robin Davis: I keep hearing we don't want this, we don't want that, but...
Mayor Jones: You're absolutely right, we're at a point where we need a solution, instead of just tossing it around and just want one last, very clear definition. Permitted Use would allow this business to simply come forward to get a license. Special Permitted Use allows to come before Planning and Zoning, which then gives the opportunity and I want to be very clear on this; gives the opportunity for the neighbor's to appear at that Planning and Zoning hearing and do they have a voice?
Robin Davis: Yes, there's a public hearing where they get a chance to speak. It's noticed in the paper and it's sent by certified letter just to people within 200'.
Mayor Jones: So that is the process that we, Milton, have in place at this time to review a home business, whether we call it Permitted Use, Special Permitted Use, but home business's ability to be reviewed, in public, by the neighbor's, comes under Special Permitted Use.
Robin Davis: Currently, yes.
Mayor Jones: Keeping it in there. Okay, so the next thing is to find a solution. Do we need to adopt other definitions? You gave us, I think, three definitions last month, of three outside municipalities, so are you looking for Council to make a recommendation to you on changing, rearranging, modifying our own ordinance to include anything else that is not yet under home occupation, as Permitted Use right? As Permitted Use?
Robin Davis: What I'm possibly looking at too is since this is in Section 220, as of now, it's an item that needs to be referred to Planning and Zoning for change and have a public hearing. So it's not maybe just guidance for me, but it's maybe some guidance for Planning and Zoning too. The first step in this would be if Council decided not to do anything, then it would stop right here. We would start making the calls, sending the letters and we move through the Special Permitted Use process. If the Council would like to see some changes made, then maybe we move this through Planning and Zoning to maybe have them have

some say in this and maybe some ideas on what we should do with home occupations. If nothing else, you maybe would not move home occupation, maybe you just more clearly define what is classified as a home occupation.
Mayor Jones: Well right now the agenda item has been noticed as an update, so I do not see the place for a vote.
Vice Mayor Booros: Mayor Jones, I would like to ask, let's say next month we decided to refer this to Planning and Zoning for their approval, how do they know what this Council's concerns are when they get it before them for the first time? I can't go to Planning and Zoning and stand up at the public hearing and tell them what my concerns are; but I think they need to know what our concerns are in this meeting, because I don't see anyone in the room right now, that's on Planning and Zoning Commission, so they're not going to know what was said in this room, this night. My concerns, Mayor, or anybody else's concerns.
Robin Davis: If nothing else, at the meeting, if it does get referred the following month or whatever, I can make sure that they get the minutes from this meeting; or just this section. There's no need for them to get the whole set of minutes.
Vice Mayor Booros: But quite honestly, that's a concern of mine for a lot of things we refer over to them, is that they do not know what our concerns are and they're not here in this room tonight.
Robin Davis: Yes, that's true. The minutes can be presented to them to review.
Mayor Jones: I'd like to also note that Planning and Zoning has made the request, that not only would they receive information from us and our concerns, but they're also looking for a recommendation. They're looking for a little more definition on what Council wants them to do. That came from Mr. Mazzeo just this past week, so it's not just a matter of referring information to them for consideration and our concerns. Again, it would be our charge; what do you want them to look for? What are we asking them to do? Exactly. Specifically.
Vice Mayor Booros: Well I would not be averse to writing my concerns to them, from me directly, as a councilperson.
Mayor Jones: Well, again, it's not concerns. It's direction. It's instruction. They're looking for, once you give them this item, what exactly do you want them to do with it and return to you with? Their own recommendation on the change, or not to change? Because that's what they'll ask for.
Vice Mayor Booros: Streamline it, lighten it up. I don't know.
Seth Thompson: It seems to me that the issue might be striking the appropriate balance for certain home occupations that have little to no effect on the neighboring property vs. those that do have some sort of effect, whether it's traffic, or noise. One means of drawing that line would be basically to have Planning and Zoning look over the various uses that would seemingly be a typical home occupation and then go through the process and...
Vice Mayor Booros: My only problem with that, was, was that one thing that was on that State list that said professional services. Let's say the guy's a counselor and he counsels ex-cons. Okay? You don't know. I don't care if somebody has one car in front of their house because they're giving counseling sessions once a day and they're ex-prisoners or they're drug treatment and he's a drug counselor and they're coming to your house. It was so general as to professional services, whereas if they're like Councilwoman Parker-Selby, you're a consultant. You do your work somewhere else; you do it somewhere else. I mean, that's a whole different story.
Robin Davis: Correct.

Vice Mayor Booros: But you cannot just take the definition like professional services, and there were a lot of them on there, unless you know what that service is and I think it wouldn't be very hard to go to the State and find out what did they put on their application that allowed the State to call it professional services. I wouldn't ask them, quite honestly, I'd look at the application before the State gave them the license. I can't believe it's either not online somewhere, where you can't go in to the State Office there and look at the application by number, just glance at it to see what it said; make a note on your thing that they're a therapist or they're a consultant. There has to be a way before you just do a blanket anything or lighten up anything to know who they are and what they do.
Robin Davis: The majority of these do have some sort of definition. There are some blank spots on there, yes, from the State license...
Vice Mayor Booros: Oh, I've seen them.
Robin Davis: Just looking at this one professional services Touched By A Poem; evidently the lady writes poems or stuff for funerals or weddings or whatever. One of her other professional services is an animal and house sitting service; so there are more...
Vice Mayor Booros: Are they bringing the animals to their house to house sit?
Robin Davis: That would be the question that would have to be asked. But we could define that, as do you even want that as a home occupation to the Town? That's the line that we can draw to say do we want that in there, or not? Does it have a minor impact or a major impact?
Vice Mayor Booros: I think it needs to be looked at more before we refer it to Planning and Zoning; figure out what it is that we want Planning and Zoning to look at it, quite honestly.
Mayor Jones: Okay, giving it another month's consideration, what do we then need to bring back to the table next month?
Vice Mayor Booros: What are all these people that are listed as home business; what are they really? What are they actually doing; before we refer anything to anybody. The definition of professional services, is my concern, I think; whether it's a piano teacher or whether it's a therapist or whether it's a consultant doing it out of somewhere else.
Robin Davis: Would it be not what the State _____ is what we want them to be defined as and then they...
Vice Mayor Booros: Well you don't know what they really are.
Robin Davis: I don't know if that's important. If we can be precise on where we want these people to fit, or any type of business, then we can fit these into a category after we make the category.
Seth Thompson: In other words, not have a broad category like personal services or professional services?
Robin Davis: Correct.
Vice Mayor Booros: Because then what do you do, call and say hey you've got a State personal services license; what do you really do? I think we need to find out what they are and you may find out you don't have to; maybe the State classified them all fine and they're all consultants and they go out and do their thing outside of town. You need to know what they all do. They're doing it in our Town and I think we need to know what it is they're doing.
Robin Davis: I think if we can get everything defined, we make them submit an application and on the application they have to define what they do, on our application.
Vice Mayor Booros: Before we tell them whether or not they have to go to Planning and

Zoning and send something...
Robin Davis: Correct. Because they're doing that now. If somebody puts in their...
Vice Mayor Booros: Robin, they're not doing it; that's why there are 70 people on the list. Okay?
Robin Davis: Those people that put in their business license application have to write down what type of business they do; that's when it gets looked at to see if it even fits under a home occupation or if it has to go Conditional Use, so we need some sort of information from these people anyway when they submit an application.
Vice Mayor Booros: I say the information's already available from the State, before you ask them to do anything, you just find out what it is that they're doing. They've got current State licenses. It shouldn't be hard to figure out what they put on that application; what they told the State they were doing. That's all I'm saying.
Robin Davis: I don't think the State application... one of our requirements is employee's. I don't think on the State application it's going to ask you whether you have employee's or not. I'm not sure, but I don't think so, but that's going to be one of our questions; to see whether you fit under home occupation or not; it's employee's. It's in there, so we're going to have to contact those people anyway.
Mayor Jones: So this is a... let me get this right, a standard form, when you keep calling it an application, we're talking about a document that is used for starting the process of applying for a license?
Robin Davis: Correct.
Mayor Jones: Okay. Is this something without being too intrusive to those people that we're looking at, that qualified number, to simply put a letter like that in the mail to them, as a matter of information fact finding and ask them to return that to you? Is that a possibility for you to determine, aside from the State license application...
Vice Mayor Booros: That does not satisfy what I'm looking for, because if I think I just got busted for not having a license in the Town for the last six years, I'm sure as hell not going to put down on a piece of paper what it is I'm doing in my basement. They told the State. They paid for that license. They got that license. They've never come to the Town for a license. Some of these people have had those licenses for years from the State and never gotten one from the Town; that's revenue this Town is not getting and I'm not going to give anybody an out. If you're going to run a business, you're going to get a license. I'm one of seven votes.
Robin Davis: I'm 100% behind you on that. If you're doing business in Town, you need to get a business license. That is correct.
Vice Mayor Booros: And you need to get it in January, not October.
Robin Davis: And that's true. But how are we going...
Vice Mayor Booros: I don't know. Let's start with an Excel spreadsheet.
Mayor Jones: Do you even believe that we can get business licenses from the State, or their applications?
Seth Thompson: You would be able to FOIA that, but I suppose I would view it as... or at least the town could present it as an opportunity for these people to come forward if they explain what they do. This is their chance for direct input in terms of how the Town would view and draw that line as to what appropriate home occupations are.
Vice Mayor Booros: So what does it hurt to look at the 70 licenses to see what they told the State they do?

Seth Thompson: They're not mutually exclusive avenues.
Vice Mayor Booros: Right, so let's start with the basics and find out what it is they say they do; if they're a consultant and we don't care if they have a license and they're a home business, you just send them the thing and say oh by the way, you owe us $50. If they're running a Tasty Kake operation out of their house and calling it personal services; which I think is what she was doing...
Seth Thompson: I think the more difficult thing is we really shouldn't issue a license if it runs afoul of our Code; that's the other... That's kind of the problem.
Robin Davis: That's right.
Seth Thompson: We can't issue them a license and then say, oh by the way, you're in violation of our zoning ordinance.
Vice Mayor Booros: Historic District, you have the Historic District to worry about. I think this isn't ready for anyone to forward anything to anybody.
Councilman Collier: Mr. Davis? I'm been sitting here reading and rereading these things out of our own Zoning Code. My question for you is, have you actually tested any of these things on this list that we're dealing with, against what's already in the Code? Probably the reason I ask for this is because one of them, I know, that is on the list is in my own neighborhood and you've got a thing here that says that no stock, merchandise, equipment or displays of any kind shall be visible from the outside of the dwelling unit or accessory buildings, so they park a school bus on the street, they've got their name on the side of it. It's parked there every day, so there's an indication that you should at least have the ability to make a contact to ask, do you have a business license for this thing? Either that, or you put it in a building.
Robin Davis: As noted in the memo, we have contacted several...
Councilman Collier: Well this is only one thing, but I've read this and read this and this... I don't have the list that you initially gave us, in front of me, but as I read this and I reread this I keep going well, if you put every one of these things on this list to the test, you can resolve a lot of questions and at least put them on notice that they need to come into compliance with this and I'm hearing everything but I've done this and in my mind, what I'm getting from you and we'll never write a list long enough to encompass every possible scenario to answer your question, so at some point, you have to rely on your good judgment and based on your profession and say okay, we need to come to a conclusion here and I think you've already got a good start of the basis to make those contacts and those decisions. This may need some tweaking, but it's already pretty good foundation. Again, you'll never write one that will cover every possible scenario, because as soon as you do, another one will come through. There may be a guy who decides he wants to sell widgets out of his house and because we don't have widget salesman, doesn't mean that you can't find some way to apply this. I appreciate Vice Mayor Booros' concern, because he's looking at it from the aspect that there's a source of lost revenue there, so let's narrow this down as to where we can... We've got it down to a list of 77, but it may come down further because another thing that comes to my mind is somebody who provides in-home care, but not in their home, they're a visiting nurse, so to speak; so they don't really operate the business out of their home other than to take a phone call. Does that require that we license them? They don't have any visitor's and they're not in violation of any of these definitions is what I'm getting at.
Robin Davis: Currently, they're required to get a business license.

Vice Mayor Booros: And Councilman Collier, the gun guy was one example. When originally asked will there be anyone coming to the house, the answer was no.
Councilman Collier: And I understand that.
Vice Mayor Booros: After Planning and Zoning questioned it and some people stood up in the _____, well you know there's going to be an occasional person dropping by to buy the gun. Yeah, the UPS guy is going to leave it on the front porch in the box. Yeah, I'm going to be storing them in the garage.
Councilman Collier: And I understand that.
Vice Mayor Booros: But it was a web-based business; nobody was coming to the house; I'm not going to bother anybody; everything will be cool. You might hear that, but that doesn't necessarily mean...
Councilman Collier: And I voted like you did.
Vice Mayor Booros: That doesn't necessarily mean that's the way it's going to be.
Councilman Collier: I know, but at least it gives you a start. You're always going to have somebody that's going to try to circumvent the rules and if Mr. Davis is diligent in keeping track of these, these people will expose themselves.
Vice Mayor Booros: Absolutely. Absolutely. I just think the next door neighbor needs an opportunity in some of these cases...
Councilman Collier: I agree wholeheartedly and if we start relaxing this thing to say we're not going to pick on the music teacher and we're not going to pick on this one, then we are relieved of that ability. I don't know how you streamline the process, other then they're going to have to apply and go through the motions like everybody else.
Vice Mayor Booros: Like I said, maybe the don't have to send certified letters out 200' from the corner of their house.
Mayor Jones: Well, but right now the music teacher does qualify as a home occupation.
Robin Davis: That is correct.
Mayor Jones: So it's not even a gray area for us right now.
Robin Davis: That is correct.
Vice Mayor Booros: Right, so do you license the piano teacher or do you let her neighbor's get a chance to...?
Councilman Coté: In listening to all this, I've been quiet, it sounds like there's two different, or two separate issues going on. One is chasing down what the 70 people on the list are really doing and the other is developing a standard that we can use as to what's a Permitted Use and what's a Special Permitted Use and it would be easier to keep the discussions separated. For instance, I think last month we received the spreadsheet from Lewes, which had all kinds of conditions and types of business and different conditions which if you were a blank, you were permitted... It was either if you were a blank, you were permitted or if you were a blank you were a Special Permitted Use and you had to jump through all the hoops. I would like to see us develop that list, as one project and then as a second project, if we need to chase down the 60 or 70 people who don't have licenses and maybe should, we should do that too. I think the guidelines in general, forget about the 70 people; the guidelines for what's a Special Permitted Use and what's not, are what we should... we or Planning and Zoning should come up with. Then we could have all the fun we want chasing down the 70 people. But I think they're separate.
Robin Davis: All these people on this list are going to need to be contacted, one way or another, but when I do make contact with them, and those few that I have talked to, the first

question they ask is what do I need to do? Right now you have to go through a Special Permitted Use process and then I hear the five minutes of mayhem.
Mayor Jones: How about if your answer was, you need to fill out a form that I'm going to send you and send it back to me? How about if that's all they had to do right now?
Robin Davis: That's fine, but I think Vice Mayor Booros was concerned that we're not going to get...
Vice Mayor Booros: Yeah, my concern is why can't you just go over to the building in Georgetown and look at the 70 applications and see what it is they do.
Mayor Jones: And I'm saying as a FOIA request, I just don't know timewise...
Vice Mayor Booros: You're assuming they're going to make you do a FOIA request and they won't just let you sit at a computer and look at it as one municipality to an agency. We have to ask.
Mayor Jones: I am assuming that. I don't disagree we have to ask. At the same time, I think that even if we ask the State to see the application, I think you're still going to have to go through this application in Milton to get more definition on the position and compare them. What do they give you?
Vice Mayor Booros: Councilman Coté just said it right. You need to find out what these 70 people are doing over here; that's there and over here we have to determine what's going to be a special use and what's not going to be a special use and once we come up with what it is we're going to allow and to not allow, then we go after those 70 people. Asking them to submit a form right now, telling me what you do or don't do, who cares, until we rewrite the coordinates to determine what we're going to allow and what we're not going to allow, it doesn't matter that they submit anything to us. Like Robin said, what are they going to submit something and we're going to say well right now, the way it's written you've got to send... I just want to know what the 70 people are doing. That's all I want to know. That's all I want to know, what are those 70 people are doing and I don't want to hear it out of their mouths. I want to know what they told the State two years ago.
Robin Davis: If that's what the Council wants me to do, I can spend some time over at Georgetown...
Vice Mayor Booros: That's what I want. I don't know what Council wants.
Councilwoman Parker-Selby: I'm just going to go... and there may be others in the building who know about getting a business license in Delaware and a business license in Delaware is very generally... you don't go through a whole lot of specifics, as I recall; so I don't see where we need to do that. I think maybe I'm into user-friendly things because I teach customer service and when people treat me funny, I won't spend my money there or whatever, so I think we, as a Town, we need to be customer friendly, because we want people to come to this town to live and shop and what have you and in the case of where we have businesses, legitimate ones, where people are comfortable bringing their children to piano lessons or what have you; because my children were taught in a home by a student who was well known in Milton and it didn't disturb anyone; but we weren't in close developments. And there are Homeowner's Association rules and if the people aren't following them and Seth, I think, has said, then the people in that community need to make sure those people are following them, but for us, as a Town, I think we basically need to confront the people and say... or let the people know... I for one, did not know until Vice Mayor Booros mentioned to me, I see you have a business license and you don't have one with the Town and I'm saying, what??? I don't think people are educated and know that this

is a part of what isn't written, so we need to let the people first of all, know that this is what's here and then go to them and ask them what do you do. I think that would work better than going over their heads and to me, going behind their backs and trying to find out what they're doing. People will be honest with you and you made a statement that they said what do I have to do? That's basically how people think, when they're not thinking on a negative, they're thinking on a positive, I believe. What do I have to do? So I think we need to confront the people in a business friendly manner, that this is the Code and we're trying to make sure we're following the Code, or however you want to say that in a letter format, rather than go through a lot of negative feelings and so forth coming down the pike. That's my personal opinion on that, but I think that would work much better.
Councilman Coté: So if making the list or developing some criteria for what these home occupations should be a Special Permitted Use and what should be a Permitted Use; what do we have to do to get that done? Do we refer that to Planning and Zoning? Because, in theory, that would be their thing to do? Or do we try to give them some guidelines? I would think, that based on what we heard, whenever that meeting was, they feel qualified to develop that list. They can develop it and we can look at it. We don't have to...
Vice Mayor Booros: The problem is when they develop it and they come back to us with the recommendation, doesn't it take a super majority to overturn it?
Seth Thompson: It would be if the Council had sought to have an amendment and then they voted to not recommend it; that's when it's a four-fifths vote. So if they're recommending to Council this is our Draft Ordinance that we think would be appropriate for this, it would just be a regular vote and you guys, meaning the Council, would hold the public hearing at this level. I assume Planning and Zoning is going to allow the comment of the public at the lower level, but in terms of your Code, the newspaper noticed public hearing happens on this month.
Vice Mayor Booros: Okay.
Councilman Coté: Do we need a motion to do that?
Seth Thompson: To recommend it to Planning and Zoning?
Councilman Coté: To recommend it, to move it to Planning and Zoning to have them look at home occupations and what should be a Special Permitted Use and what should be a Permitted Use.
Seth Thompson: And you're treating that separately, Councilman, from Robin's issue of trying to find out what people do?
Councilman Coté: I'm treating that separately from chasing down that list.
Vice Mayor Booros: It's a separate issue.
Seth Thompson: You could make that motion. It is noticed as a discussion and possible vote on the following items and this is going to be Step One in a multi-step process.
Vice Mayor Booros: I'll make the motion that we forward this to Planning and Zoning for them to look at and take a crack at maybe rewriting the definition of what should be a Permitted Use and a Special Permitted Use for home occupations within the Town limits and that they come back to us with their opinion, not a recommendation, but an opinion, or a draft of some sort.
Seth Thompson: That would be the easiest. If they produced a draft ordinance...
Vice Mayor Booros: And that they be provided with copies of tonight's minutes showing the people's concerns.
Councilman Coté: Second.

Mayor Jones: Any further discussion on this portion of the solution? All those in favor for referring this onto Planning and Zoning say aye. Opposed. Motion carried. Outline a little help to Robin, who is also asking for some definition. Robin, it seems to me that your mission should you choose to accept it or not, whether or not you pursue business license applications in Georgetown or not; Milton's going to need it's own set of application papers if and when the time comes. I am one vote also, so I'm looking to Council, but we just can't turn Robin out month after month without direction; if we could give him some direction about what we would like him to do; that we'll work hand in hand with the approach you just sent over to Planning and Zoning, then you have the same questions; what are some of these on this list? How can we help to find them? So what is the solution here, or at least a step in the right direction, a solution for what Robin needs to go on with this; or nothing until it comes back from Planning and Zoning?
Councilman Collier: [Unintelligible].
Vice Mayor Booros: I have to agree. We've waited this long and Councilwoman Parker-Selby, I'm not saying we're not being business friendly; I'm saying this is revenue that this Town has lost out on for years.
Councilwoman Parker-Selby: I understand, but I'm just saying.
Vice Mayor Booros: And I'm going to tell you something, these people know that they need a license from this town to operate some of these businesses and they're not getting them and that's revenue out of these taxpayer's pockets. Their taxes were raised a couple of year's ago and some of these businesses have been doing business in this Town for years and we have never enforced the Ordinance; so I don't think we're being not business friendly; if people aren't going to come here to open a home business; those 70 businesses are already here and most of them have been here for a long time.
Councilwoman Parker-Selby: But what I'm saying is that we need to educate people about...
Vice Mayor Booros: Absolutely. We have to educate them about a lot of things.
Councilwoman Parker-Selby: I had no idea, but of course, I wasn't in Milton; but I had no idea about anything like that and I'm sure there are a lot of other ones that don't know that, but...
Vice Mayor Booros: Absolutely, but there are people that know it.
Mayor Jones: Just trying to think ahead, even by referring this to Planning and Zoning it takes 60 days, whatever, to get their action back here. Mr. Davis may still be faced with needing to identify the tasks and the operations of those 70 businesses and to do it simultaneously and have that on file seems to me to be prudent, but if you do not want him to go in that direction yet until Planning and Zoning hears it, then we will wait, but I think it will put you back further on the calendar if you still have that obstacle ahead of you.
Robin Davis: If Council would prefer, I can start making contacts to the State to see what is on the application, just to see how much information is provided.
Vice Mayor Booros: When I gave you that original list back in May there were more than 70.
Robin Davis: Correct.
Vice Mayor Booros: And there were some people on that list that I knew, personally know, that were running businesses in this Town that had State licenses and did not have Town licenses. Those people have since come off that list and are now on your Town license list and I know those people did not go through Planning and Zoning. I know they did not. We

issued them licenses. They did not go through Planning and Zoning. They are in residential neighborhoods. I don't know how they made it from one list to the next, but that 125 people on that list went down to 70 and I know some of the people who got licenses, who switched from this list to the Town list. I don't know how it happened, but I know they never went before Planning and Zoning to say whether they had a landscape truck parked in their driveway, because they were running a landscaping firm out of their house. I don't know.
Robin Davis: I can tell you the ones that I know of, that got marked off the list, were either commercial businesses or fit within the category; they did not just automatically get a license without going through the required process. I can guarantee that.
Vice Mayor Booros: Okay.
Robin Davis: So I can start doing some research into the State's end of it. Again, I'm not of all the information I'll be getting from the State, as far as what is required on their application. Again, I do not think it's that detailed, but I can start checking. Again, I can still make contact with the people on the list as I have been in the past. I run into them, most of the time around town and just in general conversations.
Mayor Jones: I think notes in those files as to those general conversations could serve you well in the future.

d. Method of disposal for surplus equipment and inventory
Mayor Jones: Mrs. Rogers has indicated there's really nothing new to add, other than looking for direction from Council. We were presented with a number of possible avenues for disposal of this equipment through auction, but the question I think now may be on the weather and where it's all stacked up down at the Public Works Building at this time too, right Dustan? Do you want to give an update?
Kristy Rogers: I have received a list from the Chief that we discussed at the prior Council Meeting. Since then I haven't made any further contacts with auctioneers or other methods of disposal. At this point you are correct, that just guidance from Council; if you want to hold off until the spring, just what your plan is for the auction to move forward.
Mayor Jones: Dustan, is that material down at the Public Works Building something that can be moved out of there, or would we need to display and... I wouldn't necessarily want to draw the people through into the Public Works Building for the auction at that location; so can you move all of that down into say the town parking lot, say, if you needed to do that?
Dustan Russum: Yes, we've got the equipment to move whatever we've got that my department has to get rid of. As far as the Chief's, depending on his items, I should be able to move all of that.
Mayor Jones: Okay. It will be a cold time. December is certainly filled up for many of us, whether or not you want to look to January and get it on the schedule so that it could be advertised. Does anybody have an objection to that other then that it is cold and you may have a limited group that will come out; but you do have vehicles that are going; we have some big equipment that's going?
Dustan Russum: January works for me.
Mayor Jones: Do we want to set our sights on January? Let us move in that direction by setting a date, putting together, coordinating with Mrs. Rogers and the details that she has about an auctioneer or about advertising? Is that suitable to Council?

e. Update on the Punch List for Cannery Village

Dustan Russum: To answer some of the questions, I can answer some of these and some of these I will turn over to Carlton with Pennoni Associates because they're the ones that are handling this part of the process from here on out. What I had done by making the list, that is complete; there is a list. Now Pennoni Associates has it and they are going over my list and what they have done now is they took my list and they went out and they took actual pictures; damaged curbs; things that are broken; maybe some things that weren't there, they were able to identify the locations and they're able to take a list and match it up to the pictures. Now Pennoni Associates will be working on it from here on out. Any questions in particular? When will it be done?

Councilman Collier: Perhaps Mr. Savage would like to come forward and speak to that? Thank you, Sir.

Carlton Savage, Pennoni Associates: Good evening Mayor. We've been working diligently this month to try and get this punch list completed, as it's a hot topic in the Town. Basically, the entire list, between myself and the inspector's we have, we've gone out and photographed and documented each one of the items on the list. That is complete. Since that time, A. P. Croll has also started some of the items on the original list they had. To date, there were 306 items total on the original list; during our walk through and review we added an additional 13, coming to a total on the original punch list items of 319 items. To date 10 have been completed, so they have started, but that was only a portion. I think there was probably 30 some items on A. P. Croll's list, so they've done a portion of those. Some items, because of the nature of the item, they can't complete them right now; maybe it's part of paving, or something that has to occur then. There's also a second list of new work items that you've seen in the past. There were 40 original new list items; we've added five and they're pretty generic. Some of these items include street lighting, signage, sidewalk that were on the original plans, however, they're not constructed to date, so there's a total of 45 new punch list items. None of those have been completed to date. Some of these items need additional discussion and I've spoken over the months, spoke about some of these items, and a majority of these items are actually on Fulham Drive and Village Center Boulevard. That's the new area that was just completed; very few homes; that's where the street lighting is not complete and so I may make the recommendation at some point that maybe we can move forward with the roads that are actually completed and the actual punch list items can be completed; turn those over to the Town; leave these items separately, Fulham Drive and Village Center Boulevard. So that's the update on where we're at currently.

Mayor Jones: And before you leave, it's my understanding from a conversation that we had, that you would like to meet with a group from Town Hall and our attorney to go over our own list, prior to releasing it to Chestnut Properties, so I'm attempting, Mr. Kost, to answer the three items that I have for you at this time, so that you understand that Mr. Savage is stating that the punch list is in his mind, has been added to in addition to what Dustan had put together; so that that punch list was not going to ever be sent to Chestnut Properties; and they did understand that in a meeting that we had; until everything had gone through our engineer, as well. So there has, of course, to answer question number three, there's been no response. Do you still want to have this meeting?

Carlton Savage: I thought about it a little more, in detail. What I was in the process of doing today, actually; we finished it up last week before the Thanksgiving Holiday; I have a draft letter, basically detailing the entire process to date; where we stand; and I will issue

that to Dustan to review as a draft. With that, making sure we didn't miss anything, but basically with that letter and review of maybe the rest of the people on Council, we can issue that completed punch list to Chestnut Properties for them to start some of the work. I don't know that we need to meet per se, to do that; maybe I can just issue that list now; we pull our heads together outside of this meeting. If you still feel like we need a meeting, I'd be more than willing to meet.
Mayor Jones: Do you want to be included in the process of having this list reviewed, prior to sending it to Chestnut Properties and I see you, as the appropriate person to send that to Chestnut Properties, at this time?
Seth Thompson: I'm willing to do whatever the Town would like. Typically the issues are more engineering related, but sometimes there's some legal elements to them.
Carlton Savage: Sure.
Mayor Jones: But you had originally wanted Mr. Thompson to be involved in that meeting. Did you have any legal issues that...
Carlton Savage: I think so. If there were any legal issues that popped up in a meeting, I don't know that any of us are capable of answering those types of situations. Just to take a step back, this list is more of a final punch list. I know you had asked originally to do some plan review/what was constructed. Now, over the past month I've tried to figure out what inspection had been done previously; who did the inspection; I haven't got a complete feel for what happened; whether CABE Associates the original engineer was part of that. I don't think they were. I'm getting the impression that the Town of Milton itself did the inspection, but there is no as built that I have, so for me to look at a water main or a sewer main and tell you if it was built per plan, really can't be done without that information. That's almost a separate task.
Mayor Jones: In the case that you do send that on then to Chestnut Properties, we at least want you to have that list and the Council, so they may contact you before they contact us for a meeting.
Carlton Savage: Okay.
Mayor Jones: But thank you for being so diligent in getting that list completed. Does that answer your question, Mr. Kost?
Councilman Coté: I had a question about one item and this is having heard some of the details about some of this, about pipes that don't drain properly. I mean, I don't know if you have any...
Carlton Savage: There was one particular pipe that was brought to my attention, that did not drain. It was on the list, near the pond. I don't have the number of the pond, but I looked through that in detail. The plans actually show a dry pond on the plans I have, the pond is clearly wet, so I don't know if there was a revision that took place, that converted it to a wet pond. The outfall structure, to me, appeared like it was for a infiltration pond, which would make the pond dry. Maybe during construction it did not infiltrate and it was converted to a wet pond. That is a typical practice if something goes wrong. The reason the pipe is wet, is because the water level is up high enough that the pipe itself has water in it. It's not a flaw in the pipe that I can tell, where it drains the wrong way; that is the one concern I believe you're speaking of.
Councilman Coté: So you haven't located anything that changed the dry pond to a wet pond?
Carlton Savage: Correct. The plans I have do show it as a dry pond, some sort of dry pond,

but like I said, I actually have two sets of plans, one which was an original approved plan and then was a Revision of Fulham Drive and Village Center Boulevard, as a separate plan. I think one was done in 2004, one was 2008; those are the two plans I have as the Approved Plans. Both plans, neither one of them has whether or not the pond was to be converted to a wet pond. But it could have and I could check with the Conservation District to determine if they have a revision. Maybe it did not come to the Town; maybe it happened during construction and I don't know if the Town would actually always get that revision. It could go to the Conservation District, as a stormwater management type issue.
Mayor Jones: And are you working closely with Mr. Davis on all the records that are available for Cannery Village?
Carlton Savage: I need to contact him to get the approvals and maybe something in there will turn up a revision to...
Mayor Jones: Because right now your list, I just want to make clear, your list is being compiled based upon those agreed upon items on the site plans, as they apply to being ready to make for paving?
Carlton Savage: Correct.
Mayor Jones: Okay.
Carlton Savage: We also, when we did our review, we added additional directions to each item; it was very hard to find each item; the addressing of the neighborhood as we know is not the best I've ever seen, so with that, we added additional locations. Some of the punch list items were located on the wrong alleyway, address and I think Councilman Coté has pointed out a couple of those already on the original list, so we've tried to nail down exactly where they are. I walked several of these items myself. It's very tough to locate a cracked curb and that's why the pictures. These are 320 pictures of items that are in deficiency.
Councilman Coté: So we will find out whether we're supposed to have a dry pond or a wet pond?
Carlton Savage: I will look into that, correct.
Councilman Coté: Okay.
Carlton Savage: I find it very strange that it would not have gone through the approval to get that done, but I don't have that information.
Councilman Coté: Okay, but we will. Thank you.
Carlton Savage: Thank you.
Mayor Jones: Anything else on the punch list at this time?

f. Security Fence Installation (update)
Mayor Jones: You've received an update this evening.
Dustan Russum: A couple of weeks ago we met with French & Ryan. We went over the next steps and putting up the security fence. French & Ryan has submitted to us a new quote to do this project from start to finish and it's up to I guess Council on where you would like for us to go from here.
Vice Mayor Booros: I was in that meeting with Kristy Rogers and Dustan Russum and it was a very extensive meeting. He showed us what he would do for us and how it would be done and to get it done in the time limit that is required; that included site visits and drawings. They weren't going to be little hand drawings like we did in the first go around, when we didn't get anybody to quote and I think hiring Mr. Ryan to work with us to do this job; he's not going to do this job; the only thing I had a problem with is; which is priced

separately; was the construction administration on the end. I don't know how much construction administration is required to put up a fence. That's priced by the hour...
Mayor Jones: Well, prior to or sometime in the summer, this company submitted a proposal to help in this same way...
Vice Mayor Booros: And they did and nobody quoted.
Mayor Jones: And we've paid that bill. We've not paid that bill.
Kristy Rogers: Mr. Ryan didn't submit a bill to the Town for what assistance he did provide during the first go around for the bids. He came in and just talked to us from the pre-bid process to getting the bid packet prepared, mailed out, to accompany those interested, to the site from start to finish, as Dustan had said.
Mayor Jones: Because this is considerably higher than the first proposal.
Vice Mayor Booros: But this is a lot more work. The drawings in the first proposal were hand drawn by somebody; with handwritten... they didn't show the topography of the land where the fence was going to be on a hill vs. just flat ground. A lot of things changed and he's doing the drawings, he's offered to do the drawings, everything would be in accordance with the State terms and conditions, because of the... actually the Federal, we have to use the Federal Wage rates.
Kristy Rogers: The first proposal was just to review the documents we prepared.
Mayor Jones: And how much of this money can be paid for by the grant? Because you only have $30,000 for a security fence that I doubt will cover all that we need now and I say that I doubt; I'm not in the fencing business.
Vice Mayor Booros: We discussed that also and I think the number one concern for Homeland Security was the water towers. That was the purpose to begin with, Homeland Security. It's been four years ago when the quotes were given in to begin with, so there wasn't probably going to be enough money to cover all of it right at this point, anyway. There were going to be optional items, by the way, whether the fence was just black chain link or with vinyl coating; whether it was going to be a fancy fence; whether it was going to be all the way around; whether it was just going to be in the front; he set out different ways that he would propose as options, so that we could pick and choose, like cafeteria picking and choosing, as to what it was we could afford at the time, based on how the pricing came in.
Mayor Jones: So his assistance with bidding is going back to an Request for Proposal?
Vice Mayor Booros: We have to start all over. We didn't get any quotes at all. He's going to do the whole thing...
Mayor Jones: He's going to do the drawings and the specifications?
Vice Mayor Booros: Everything.
Mayor Jones: And how's he going to know what we want?
Vice Mayor Booros: And the Request for Proposal. We've sat with him for three hours and went over it.
Dustan Russum: I took him around also to the site, physically, and we walked through.
Mayor Jones: Well drawings and specifications of the types of fence?
Dustan Russum: No, just the location of the fence, where it would be going.
Mayor Jones: And let me ask you something. Do you think that we didn't get a response from the Request for Proposal's last time because we had hand drawings?
Vice Mayor Booros: It was poorly done from the beginning to the end, it was just poorly done. And we didn't seek out people who were willing to pay the Federal wage rate; local

businesses aren't necessarily going to pay somebody to do our job and pay some outlandish amount of money to turn around the next day and pay the guy $12 or $15 an hour to install a fence. We have to use the Federal wage rates for this. We did find company's that have done the airport...
Dustan Russum: The air base and down on Wallop's Island, I got a couple of names from them; but actually there was a contractor that's like three miles out of town that does the work and he said he never saw any of this document from the first go around.
Vice Mayor Booros: There's a time limit on this, that if we haven't gotten this money and had the work done, we're going to lose the grant.
Mayor Jones: Do we do anything illegal by... if we have an identified contractor and the bidding process has closed, I mean to have to open it up again to give him the specifications to see if he's interested?
Vice Mayor Booros: So without competition?
Mayor Jones: Well it's not totally without competition, as it was opened once.
Vice Mayor Booros: No, it's without competition.
Mayor Jones: Have you identified someone?
Vice Mayor Booros: If you don't have another bidder and he knows you don't have another bidder, it's without competition.
Seth Thompson: I just want to make sure I understand, we're talking about the actual construction of the fence, as opposed to the Professional Services that Mr. Ryan has offered?
Vice Mayor Booros: She's asking about the construction.
Mayor Jones: The bidding process.
Seth Thompson: Right. Okay.
Mayor Jones: We closed that. I mean we didn't get anything. So now we are bound to open it again, in order to catch even a viable candidate?
Vice Mayor Booros: Yup.
Seth Thompson: Right, unless it falls within one of the exceptions in your charter, you have to go with the competitive bidding process and it sounds like, based on the grant, because we're using grant funds there's...
Vice Mayor Booros: Federal Homeland Security Funds, all the Federal clauses have to be included in that contract, which I guarantee you would not have been if people had responded to our solicitation.
Mayor Jones: And I just want to make sure, we're going to pay $3,300 because we can't send this Request for Proposal out ourselves and get it back in and handle it?
Councilman Collier: Well I think one of the things on our agenda tonight is we may be agreeing on a town engineering firm and this guy's offering us the job for a lump sum; is this something that we want to throw at our newly appointed engineering firm at their rates, or do we take this lump sum, because $3,300 seems a little over the top to me to administer a contract of this size, even with the drawings and specifications included; because the specifications are pretty much written to some degree; so it's just a rehash of work and from what I'm getting from what you're telling me is, that it basically needs to be redrawn, so that's giving a CAD operator something to do for an hour, if I understand this correctly? I wasn't included in this meeting, so I'm trying to just get a sense of what Mr. Ryan is offering to accomplish for us.
Vice Mayor Booros: Everything. From beginning to end.

Councilman Collier: Well what does everything include; because we talked about the topography of the land. Now does that mean...
Vice Mayor Booros: Everything. He's putting the Request for Proposal together, doing the final contract, all the clauses, the appropriate clauses that need to be in the contract, because we are using Federal funds. There's a lot of things that we're not doing in this Town that need to be done right. If you want somebody up in Town Hall to do another contract, like we put out a contract using Federal Funds, we'd have awarded it to the guy who was paying $12 an hour up the street to put in the fence and that would have been the end of it; if we'd have done it our way. It has to be done properly.
Councilman Collier: What I'm asking is, are we getting the best bang for our buck if we go with Mr. Ryan?
Vice Mayor Booros: Yeah and we have a time schedule here.
Councilman Collier: Alright, that's all I need to know. Thank you.
Vice Mayor Booros: Yes, we're under a time schedule. We're going to lose this money if the job is not completed by a certain date.
Mayor Jones: What are those dates and when is the...
Dustan Russum: I believe it's the first week of June. I don't know the exact date.
Mayor Jones: It has to be spent by then?
Dustan Russum: Uh-huh. June 30th?
Councilman Collier: Well, based on that information, I would like to table this until after we obtain an engineering firm and at least give them a crack to come back to us with what they'll do it for.
Councilwoman Parker-Selby: I'll second the motion.
Vice Mayor Booros: Well since they're in the room and they know what the other guy is doing it for, it's not going to be hard for them to come up with a number. Ha, ha, ha.
Councilman Collier: That might be, but everybody's going to guess which one of them is it.
Vice Mayor Booros: I will tell you right now, I would guarantee you, we will get that bill that he hasn't sent yet. We will get that bill, so just take that into consideration; he's already done that work for us, for $1,600 and we will get that bill.
Councilman Collier: Okay, yes but are we going to get that bill and this one too, if we agree to take him on?
Vice Mayor Booros: I don't think so. I don't think we were.
Councilman Collier: But that's not what this tells me.
Vice Mayor Booros: Okay.
Councilman Coté: And we don't the amount of that fencing contract. All we know is the amount of the grant.
Vice Mayor Booros: Yes, it's true.
Councilman Coté: This number could be on a significantly... hopefully not significantly, but on a larger portion of the...
Councilman Collier: There's an additional cost written into this that's not specified, because he's not going to provide the work. It calls for a certified survey for each site, so that's an additional cost over and above the $3,300. That's what my concern is, so now we're actually involving two entities to accomplish one job. I still would like to make the motion that we table this until after we hire an engineering firm.
Vice Mayor Booros: Make it.
Councilwoman Parker-Selby: Second.

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

g. Amend Chapter 220 of the Town Code, Entitled "Zoning", relating to amendments to the zoning code (update and schedule Public Hearing); and,
h. Amend Chapter 220 of the Town Code, Entitled "Zoning", relating to section 52 Antennas, towers, and satellite dishes (update and schedule Public Hearing); and,
l. Ordinance to Amend Chapter 220 of the Town Code, Entitled "Zoning" Related to Parking; and,

14. c. An Ordinance to Amend Chapter 220 of the Town Code, Entitled "Zoning" Related to Special Uses – First Reading and schedule Public Hearing

Mayor Jones: Mrs. Rogers, what would you like us to do on this? Mr. Thompson?
Seth Thompson: For Council's benefit, this is the proposed ordinance amending your zoning process for amending the Zoning Code, so this is the "shall" to "may" ordinance. It affects zoning, so you need to schedule a public hearing with 15 days newspaper notice and you'll see a number of zoning ordinances on the agenda tonight. It probably makes sense to have a single public hearing on any of the ones that you want to go forward on. That's where we are in that process. I think that's about it, unless people have questions. This is the most basic of the ordinances on tonight's agenda, this is the "shall" to "may".
Mayor Jones: And there are three on here tonight that require public hearing? Is that correct? So when we choose, choose wisely for a date.
Seth Thompson: Correct.
Mayor Jones: Okay.
Seth Thompson: Mr. Davis is reminding me that Planning and Zoning already discussed the ordinance and issued an oral advisory report. They're going to be submitting a written recommendation, at least I think it's going on their agenda for this month, that they're going to be discussing their written advisory report.
Mayor Jones: Is this a "shall" to "may" written advisory report?
Seth Thompson: Correct on that one.
Mayor Jones: Okay. Alright.
Seth Thompson: So there's no need, at least with regard to this ordinance, there's no need to put it out any extended period of time to receive the Advisory Report in thinking about scheduling. While on the issue of scheduling, just generally, it looks like all of the ordinances affecting Chapter 220, your zoning ordinance, have already been discussed at the Planning and Zoning level. They were going to do a little bit more investigation and discussion on enforcement when it comes to the antennas ordinance, but I expect that they would probably be in a position to have that done this month, as well. So again, no need to push it out too far.
Mayor Jones: So right now we have g, h, i and l that need the public hearing, all Chapter 220.
Seth Thompson: Correct.
Mayor Jones: Are we opening up our calendars to do this?
Robin Davis: You've also got 14 c.
Mayor Jones: I'm sorry, yes.
Seth Thompson: And Planning and Zoning has already considered that one, as well, so actually that one was coming from Planning and Zoning, that's why it's a first reading here.

Councilman Collier: Do you want a motion for all of the items, or one at a time?
Seth Thompson: I drafted it as a resolution, scheduling a public hearing for all of the following ordinances. I didn't want to...
Councilman Collier: We can only do that for the ones under Old Business. We're still going to have to discuss the fourth one that is under New Business prior to including that in the Resolution. Is that correct?
Seth Thompson: Well you could include it because it's already been considered by Planning and Zoning. They were the ones that initiated it, so at the same time, I know that the Council likes to have two readings. It's really up to the Council. Legally you could put it on for that public hearing. The public hearing would seemingly constitute a second reading too, so it you really would be keeping with the process of not having just a single meeting where an ordinance is considered.
Councilman Collier: So, for argument's sake, I could make a motion to take all of those agenda items to public hearing.
Seth Thompson: It could be at your January, your regularly scheduled January meeting; obviously that could make it very, very long meeting; that's the one problem.
Mayor Jones: That's my issue. We're looking then into February; we come into tax appeal issues.
Councilman Collier: So do we need to do a special just to do that?
Mayor Jones: For what?
Councilman Collier: All of the zoning things; just do it as a public hearing.
Mayor Jones: Do it as a separate day?
Councilman Collier: Well you've got four of them and they could be little or lots of discussion and I think that's the issue at hand. I don't have a problem with making the motion, I just want to make sure I know what I'm moving for at this point in time.
Mayor Jones: And you said 15 days?
Seth Thompson: 15 days, now the newspapers typically need the ads, the newspaper people, I think it's 5 days in advance.
Robin Davis: Maximum, usually it's if you want something say in Friday's paper, you can get it to them on Tuesday noon for the Cape Gazette, I think that's when it is.
Councilman Collier: Alright so do you want me to include the date in this motion?
Seth Thompson: I think that will be helpful, January 16th at the usual Council time, 6:30.
Councilman Collier: I would like to go ahead and make a motion that we go to public hearing with Items g, which is amend Chapter 220 of the Town Code, Entitled “Zoning”, relating to amendments to the zoning code; Item h, amend Chapter 220 of the Town Code, Entitled “Zoning”, relating to section 52 Antennas, towers, and satellite dishes; Item l, Ordinance to Amend Chapter 220 of the Town Code, Entitled “Zoning” Related to Parking and I would like to see that public hearing scheduled for the date of January 16th. I need to amend my motion to include Item 14, c, which we haven't gotten to yet, entitled an Ordinance to Amend Chapter 220 of the Town Code, Entitled “Zoning” Related to Special Uses. Wait a minute, how can we do that for special uses when we haven't resolved all that?Wasn't that what we just talked about? No...
Seth Thompson: This one is just special use.
Councilman Collier: Alright. I got it. Never mind. I'm alright. I will include what's also known as 14. c – amend Chapter 220 of the Town Code, I recall what that issue is; we can schedule that public hearing for the 16th of January. Does that work Mr. Thompson?

Seth Thompson: That works, Councilman.
Councilman Collier: Thank you.
Mayor Jones: Do I hear a second to that motion?
Councilwoman Parker-Selby: Second.
Mayor Jones: Any further discussion? All those in favor of scheduling a public hearing for January 16th for reviewing and amending Chapter 220 of the Town Code say aye. Opposed. Motion carried.

i. Ordinance to amend Chapter 188, Subdivision of Land, - timing process for installation of utilities (Guidance from Council)
Mayor Jones: I think this has to do with what Mr. Mazzeo wrote us. Is that correct?
Robin Davis: Yes, Ma'am. That is correct.
Seth Thompson: And Planning and Zoning was looking for a little bit more guidance in terms of the scope of their review of sub-division improvement installation, so Planning and Zoning referred to Section 188-37 in terms of the items that a bond is required for and they view that as a means of identifying, potentially, what the Council would like them to review, so for instance that includes streets, street signs, sidewalks, curbs, street lighting; all of those items seem to be kind of a public safety issue, but then the question was whether Council wanted them to look at the other items, such as shade trees, buffer yard plantings, grading, fill, topsoil and protection thereof, culvert stormwater retention ponds, stormwater systems, sanitary sewers, water mains or utilities. So Planning and Zoning was curious. The issue has come up primarily in the context of streetlighting and streets but there's also, obviously, the sidewalks and these other improvements. Was it Council's intent for Planning and Zoning to look at the timing of installing all of these items; keeping in mind that there should be a bond in place, that keeps the developer motivated on these items, motivated financially; however, the thought was to put some end date, rather than just having payment on the bond as the only impetus for the developer to really get things done when it comes to the improvements. Again, because of the public safety issue, because of street lights and sidewalks and roads.
Mayor Jones: For me, specifically, this had to do with public safety and lighting in a community and Preserve on the Broadkill was the primary, I'm sure, catalyst that is why we referred this to Planning and Zoning about and we have a very limited occupancy in there. I see a third house going in there, but no lighting, and possibly an identified public safety issue, specifically in that neighborhood, which may not apply to others, is they have a traffic circle. It's very different than just running up and down a straight street. So again, my only opinion was and I think Mr. Thompson led us there, that should we be looking at installation of utilities for public safety purposes earlier than when streets are dedicated at the end? Does anyone else have any other charge to Planning and Zoning or was that your purpose in sending that on? What are some opinions?
Councilman Collier: Well, it appears what you're asking for is for us to make the call as to... and I understand the case that's in particular in your mind... I guess I was under the assumption that all utility infrastructure was put in place prior to any building beginning, but evidently that's not the case. Maybe that's all we need to do is modify and state that all utility infrastructure and then even maybe go so far as to list what we mean by that, as far as including streetlighting, water, wastewater, cable, telephone, all that stuff being placed prior to the beginning of any individual construction. Is that the kind of guidance that

they're looking for? Something along that line. I'm not sure what they're asking for.
Robin Davis: Yes, I think that's what it was. If we're going to put a time limit, say six months after approval or eight months or whatever, what does that include? Does that include all the sidewalks, does that include all the landscaping, does that...? How far down the line are we saying this has to be done at a certain time, because of safety?
Mayor Jones: Well for instance, in the neighborhood we're talking about, it has it's streets; it has it's sidewalks; they haven't been dedicated to us, but what they don't have is any streetlighting and they have occupancy in the neighborhood, so right now, our streetlighting doesn't have to go in until you have the terms met, correct, between ourselves and the developer; X number percent of the phase finished; then you have to add this, this and this. The question is if you have occupancy in a neighborhood, any occupancy, should you have lighting?
Robin Davis: And it goes to the same thing, the lighting was the big thing, but should we have sidewalks? Again the developer comes... when you talked about sidewalks, they're going to get messed up, but still you have people walking down the street.
Councilman Collier: Well I understand the push back from that from the developer's point-of-view, because of the nature of how our design requirements; its like we can make them put up the curb and at some point in time they're going to have to cut the curb, in order to put an entrance in for a driveway and wherever you cut the curb, then you have to reset the sidewalk and it's all about expense. I follow their logic why they push back on that, but on the other hand do we honor the contractor and their wanting to save money, or do we honor our citizens and their public safety. I have to kind of lean toward the public safety of our citizens side, but when it comes right down to it, these guys don't like putting money out on the front end, but they've passed that cost on to the buyer at the end of the day.
Robin Davis: And I think that's what Planning and Zoning was requesting, that they just know how many of these items are needed before a building permit, if that's how Council wants to move forward with this, or whether is it that important that you have the 35 trees before the building permits is issued, or not? If this were all based on individual utilities, and utilities covered, what the Town Solicitor just read, so if it's all of them, that's fine.
Councilman Collier: My primary concern, I'm more concerned with things that are directly related to public safety. The trees are not really a public safety issue. That's an esthetic issue and of course we want those, if that's what they promised us, but at the end of the day I want the people that come to this Town to feel safe in the neighborhood they chose to live in; even if they're the first guy that moved into the neighborhood.
Robin Davis: Correct. They want to see some progress.
Councilman Collier: Alright, so then maybe... I don't know. My recommendation would be to tie it to whatever is required for public safety and if that's curbs, sidewalks and streetlighting, sobeit; or public convenience even, if you want to get broader with the term, because convenience would cover also all of your utilities like water, electricity, so on and so forth. It's a matter of you have to state it as one or the other and then probably go as far as to identify what those conveniences are, public safety necessities are. I think if they're looking for guidance, then they want to hear what the Council has to say, so that's what I have to say. So that's my recommendation and I can't speak for the rest of the Council.
Councilwoman Parker-Selby: Well I agree wholeheartedly with the safety of any neighborhood. If someone is living in a residence, they need their lighting there, so if the builder's rules or whatever they do, do not go along with putting the lighting and whatever

the needs are prior to, then I think that should be done, because I wouldn't want to live in a new house anyway, with the lights not on outside, especially in these days and times. So I agree with Councilman Collier.
Mayor Jones: What we learned at Preserve on the Broadkill is that you don't need a light on your property to get your Certificate of Occupancy, because the light may not be positioned directly on your property in order for that compliance. In this case, there are eight total lights in that neighborhood; the question remains, although this is a very small scale; would you have the developer put in the eight lights, light them, with no houses in the community yet; or with one developing; so that's the question on the table too, about how early you have them place that lighting, which the financial burden is on them until it is dedicated; and at what phase in time, how many lights are added per how many occupants in the neighborhood? If you put it on a grander scale, someplace like Cannery Village; if you had required all that infrastructure in with lighting, prior to the placement and the occupation of homes, that would have been...
Councilman Collier: Placing it is one thing and even in the scope of how you place it, you can certainly lay the cable for the lighting.
Mayor Jones: It's there.
Councilman Collier: Well if the cable's there, then it's a matter of the installation of the fixtures and even if you put the fixtures in and you have absolutely no one in that neighborhood, you don't have to light the lights until the first house goes in.
Mayor Jones: Is that the stipulation you're giving the "when it's done"?
Councilman Collier: That's probably the common sense approach because it doesn't really become a public safety issue to the resident's until you actually have a resident; or if you're opening the streets, even though it's a private street until we accept it, there are certain things under the Manual for Uniform Traffic Control Devices that state that you have to meet certain stipulations, as long as you allow the public to pass through this private street.
Vice Mayor Booros: Yes and you also have the public walking on those sidewalks, whether there's a house on that side of the street or not, if you've opened that sidewalk to the public to walk in, whether we've accepted those streets or not, we have a responsibility to have them safe and if it's dark as pitch, like it is up at the top of this hill, it's just not safe.
Councilman Collier: You're never going to come up with a perfect scenario that fits everything, so you just have to kind of take a blanket approach and say okay this is how we want it done and if they... of course, most developments are built in phases, so they're going to put the lights in for that particular phase and then once they put a house in there and somebody moves in, they turn the lights on, they turn the water on, all those utilities... If you have a street with 15 units on it and the last unit on the right is the first one to be occupied, well they turn that power on and it goes the length of the street; water goes the length of the street; so why not the streetlights too? I think that that's the kind of guidance you're looking for, it's basically, we want it timed so that when you sell your first house and you move somebody in it, all that stuff is in place for public safety or public convenience.
Mayor Jones: That's all this agenda item is. They're looking for some guidance.
Robin Davis: And the Preserve on the Broadkill is kind of unique, because normally you end up with complaints about the streets and sidewalks not being done; they have everything done except for the streetlights. Usually the developer puts in the streetlights first, so we've not had this in any other sub-division except for Preserve on the Broadkill...
Councilman Collier: I think we've given you some recommendations to take back to them

and of course they're going to turn around and send them back to us for our consideration. I think we're in the right...
Robin Davis: I think there's a worry about the safety aspect.
Councilman Collier: I think we're on the right direction with this thing, so I don't think we need anything formal to convey that back to them.

j. Proposed amendment to fee schedule to include escrow funds (update)
Mayor Jones: It's an update to a discussion we've had earlier. Go ahead, Mrs. Rogers.
Kristy Rogers: Last month we presented two different ways to include escrow, either by adopting a new Fee Schedule with increased application costs, or to adopt a new Fee Schedule that's to include escrow funds on certain applications. As a follow-up I contacted the Town of Millville, the Town of Georgetown, the City of Harrington and the Town of Dagsboro to see what their policies were. The Town of Millville does have escrow included on their Fee Schedule. It's a requirement for annexation, Board of Adjustment applications and Planning and Zoning applications. The Town of Georgetown has an escrow infrastructure improvement for 150% of contractor's estimates. Other types of applications are fee based, for the reimbursement of professional fees, so those types did not have a specified escrow requirement to accompany the application. What they did include was they did have a 7.5% inspection fee, for certain infrastructure going in for development. The City of Harrington did incorporate escrow amounts on their Fee Schedule for Board of Adjustment variances, annexation, site plan reviews and rezoning, as well as the Town of Dagsboro did include these fees, as well, on their Fee Schedule. I am just again following up. The Town of Milton does not have an escrow policy for any type of application that comes before the Town. It is an after-the-fact reimbursement of all professional fees.
Mayor Jones: After reviewing these, did any of these municipalities just stick out, better than another, as far as being prepared and having their plan in place and have you talked to anybody at these places, to know that this does work and works well for them?
Kristy Rogers: Briefly, during the municipal clerk classes, I did speak with the Town Clerk of Millville and also their Fee Schedule is included, as well as I spoke to the Town Clerk of the Town of Georgetown. There was only an email exchange for the City of Harrington and Dagsboro. The policies seem to work for their towns. I just think it would help Milton, because we do have a large balance of Accounts Receivable dealing with these issues for legal fees, technical fees, engineering fees.
Mayor Jones: Mr. Thompson, the places where the infrastructure improvements in amounts of 150% of the contractor's cost estimate; Milton requires that that has nothing to do with a bonding issue, as well, right? Totally different.
Seth Thompson: Right the bonding issue, that's right, the bond should cover... number one, it's 125%, but yes, the bond is in place in the event that they don't build what they're supposed to build and then the Town has the recourse of going against the bond.
Mayor Jones: So this is just the up front costs of processing everything that's needed by the developer to get this through to it's site plan.
Seth Thompson: Right.
Mayor Jones: Basically. Well from having reviewed the Accounts Receivable, I think we need to establish something. I would think that you're looking for Council's review of at least the recommendations that you had given here; anything else they may know of; and put this into place. What are our legal needs for putting this, if we say we're going to do

this?
Seth Thompson: I would recommending adopting a Revised Fee Schedule where it's indicated on there. I just think that's visually the easiest way to do it. I see that some Towns put it in their Code, itself and I think sometimes that could be cumbersome. I think a lot of people walk into Town Hall and they say okay I need to apply for something, what do I need to pay? I tend to prefer a Fee Schedule. That seems to be the easiest way to refer to it.
Kristy Rogers: Included is a Proposed Fee Schedule where a few lines do include, plus initial escrow of... and then giving an amount; then at the bottom, just adding more wording to the policy, when those funds do run out, we will request additional funding before work and approvals will continue on the Town's behalf.
Mayor Jones: Let me ask you something about this. This is obviously a document that in adopting it, you also want to make sure that you review it, no less than annually, to make sure that your values are where they need to be and a as a test model, to make sure that the values that you've assigned are covering what you need. So, are you looking for Council's approval of one or the other of these schedules that you've given here?
Kristy Rogers: Yes.
Mayor Jones: Okay. And in your opinion of doing the accounting work, is either one of these a better choice for the system? Councilman Coté, if you have any comments on that, if one of these proposed schedules is easier to track than another, I guess is what I'm asking Mrs. Rogers.
Kristy Rogers: Both methods have an application fee and an escrow fee. The second Proposed Fee Schedule goes more in detail of all levels of applications that are possible to come before the Board of Adjustment or Planning and Zoning to Town Hall. They are also include our Project Coordinator's time, as well as posting agendas, making notices and such.
Mayor Jones: Robin, would you say that these figures are very current with today's costs and the most recent bills that we've received for these projects?
Robin Davis: Yes. Of course every application is different then the original one which was done in 2009; again, at that time we were holding our meetings at the theater, which was charging us money, so that was added in there. Again, it's pretty close on a standard application. Of course, some of them are going to be a little less, some of them are going to be more.
Councilman Collier: Has any consideration been given if we do these escrow fees, what is the upset limit, so for instance, you have one here listed as Initial Escrow Fee of $2,500; at what point do you notify the applicant that they've reached a threshold and that they need to recharge their account for lack of a better way of putting it?
Kristy Rogers: Each applicant will still receive a monthly statement.
Councilman Collier: I understand that.
Kristy Rogers: On a 30 day basis; so if their monthly bills, I would imagine, are averaging $1,500, we would certainly know that the next month we're more than likely going to expend to then ask for a heads up, this next time we may need additional escrow funds.
Councilman Collier: Do you do it as hey, it's a heads up, or do you just state that before we can proceed any further with your application you need to deposit this additional amount into your escrow? Don't given them opportunity to say, okay, yeah, we'll take care of it; and then they don't.
Seth Thompson: Right. I think the sub-division's are a good example that odds are you're

probably going to go through that money at the preliminary phase, when they're doing a lot of work, if it's a fairly complicated matter so when they're coming back for their final approval, as opposed to their preliminary approval, I think before you even accept that application, that's when they need to be put on notice that they need to replenish their escrow.
Councilman Collier: I noticed that the Proposed Fee Schedule is different because the things you have at the bottom, there's a statement, but there's nothing that states, other than it will be detailed and so on and so forth. I think maybe there should also be a statement included that when the escrow expenditure or the draw against your escrow reaches a certain amount, in order for us to proceed, you'll have to renew that to the...
Mayor Jones: Instead of just will be requested?
Councilman Collier: Yes.
Mayor Jones: Okay.
Councilman Collier: That way, there's no surprises. If this guy is really serious about moving forward, he's going come up with the money.
Seth Thompson: So instead of request it, required?
Councilman Collier: Yes.
Seth Thompson: Then it looks like that appears twice, the word requested on that final line.
Councilman Collier: It just closes any doors and it doesn't give anybody the opportunity to say send me a bill.
Mayor Jones: And should it be requested prior to work continuing, or work approvals?
Councilman Collier: Yes, it should be required prior to continuance, yes, because then you're on a promise and it's hard to...
Seth Thompson: Really you're running into the clean hands ordinance there, as well, that basically the application shouldn't be accepted.
Councilman Collier: Well when you have an application in process, though, and you haven't gotten to the end of the initial process, then you have to kind of say okay, look, we're going to have to take a stop in the process until you come up with the initial funding as required.
Seth Thompson: You could make it... I would say meetings, except for not... well anything that's going to have a significant expense is probably going to have a meeting. I'm trying to think if there's an administrative review that we might run into.
Councilman Collier: What comes to my mind would be if you have an application that comes forward and it goes through the engineering review and the engineer comes back and says no, this, this, this are wrong. If they've already expended all the escrow, and they know that they have to go back and rework this thing, how do we account for the next review, because it's definitely come back to our engineer for a second look and this may all occur prior to them ever getting to the level of a meeting or anything else. There's a lot of work that gets done on the front end, prior to these meetings. Would you agree with that Mr. Davis, that that possibility exists?
Robin Davis: Yes, that is correct and after preliminary, some of the applications, their construction drawings, might end up at our engineer two or three times, prior to a final. So a lot of the costs are going to be incurred right then.
Councilman Collier: My whole thought is that we make sure that we've got all the costs that we may have incurred on behalf of the business; actually us making the costs on behalf of the applicant; in hand, because we've actually seen some sub-divisions that went through

this thing and got to a statement and they just threw their hands in the air and said we quit.
Robin Davis: That's correct.
Councilman Collier: And, I don't know if that particular individual owes us any money or not, as a result of that, but I don't want to be put in a position where they did.
Seth Thompson: I suppose the language in that final line at the bottom, could be changed to "required and continued review, work, meetings, and approvals will be delayed until the funds required have been replenished".
Councilman Collier: Mr. Thompson, do you need time to really work on this, because if you do, we don't really have to rush this through tonight, in my mind?
Seth Thompson: That's fine. I agree with that. I also appreciate the input. I think it leads to a better product. That works.
Councilman Collier: I'm not approaching this with the idea that we have to have all these changes and do it in pencil; I'd much rather see hard copy and then know that we didn't overlook anything. That's just my personal opinion. It would be at the pleasure of the Council as to how to proceed from here.
Seth Thompson: That's fine with me. Are there any other areas that anyone on Council sees could potentially use some improvement?
Councilman Collier: The only other thing we need to, we had two examples, and I have to state for my purposes, I'm much more comfortable with the example that gives the fee, plus an initial escrow amount vs. the one that appears to give a total amount. Is that what I'm looking at?
Kristy Rogers: Yes.
Councilman Collier: Because it doesn't really say what's the fee and it doesn't say what's the escrow and it's kind of hard to hold somebody to you've got to bring it back to this balance when you don't really know what the balance of the escrow was, and it isn't stated here. It's a little more clear. And for accounting purposes, it allows you to separate one from the other. You know that the fee is paid and it's in one place and the escrow gets placed in another account.
Councilman Coté: That's right and they should be separate. One of the things I'm looking at here is whether we are requiring enough escrow. These amounts, based on some of the accounts that we have, that we may not be likely to collect, I'm not sure that a bigger escrow amount might not be required; particularly the application for a site plan; some of the sub-division items we might want to have those numbers be higher; maybe a percentage of the estimated cost and if we're getting that information for the bond, we know what it is; so it would be 5% of the bond amount, or 10% of the bond amount...
Robin Davis: But the bond is done after the approvals are granted.
Councilman Coté: Okay
Councilman Collier: With the idea that they have a threshold limit and that they have to re-up or the application stands still; I think wouldn't that cover that issue that you have, so to speak? It might be kind of a stop and stumble and stop and stumble process...
Councilman Coté: I don't think we want to have to be requesting that they replenish their account a couple of times a week. I think we ought to get a sufficient amount and hold onto it and if we don't use it all...
Councilman Collier: Not being familiar with the amounts of money that you're talking about, you may be very well correct.
Mayor Jones: Well I have to admit, Georgetown gets theirs up front and then they work off

their balance and I know that that's the way this is intended to, but on each leg, you're asking for more escrow. Is that basically the way we see this, as a new application comes forward in the need; then that application fee, plus the escrow fee, gets added in? That could be a lot of trail, right? Instead of just taking that money straight up front and putting it into the account.
Councilman Coté: I think the escrow account needs to be at a certain level and regardless of where we are in the process, we have to have some escrow. If, in the middle of working on a project, we run that to zero, we need to request or require them to basically refill the escrow account, so that we have the money and that's why I would...
Councilman Collier: Okay, if you want to raise the amounts. I'm not arguing about that. To the contrary.
Councilman Coté: I think higher amounts would be... I don't think a lot of the people who are having to put that money in there are going to be thrilled about it, but as it is now, the taxpayer's are going to be on the hook for basically those Accounts Receivable that we can't collect, so I'd rather have us have a little more money and give it back when we're done, then to always be short.
Seth Thompson: Just looking at it, the conditional use and the variance are probably going to be a single lot and they're not nearly as complicated procedurally and normally legally, as your sub-divisions, because you have the sub-division process; you have the hearings at the Planning and Zoning level, as well as the Council level. The zoning change, obviously, that's something substantial, as well, so I would caution against raising the variance and Conditional Use too high, because those are going to affect individual people, but I think the other ones, it's clearly a business... but a variance if somebody's built their porch a foot too long, asking a lot of money of them up front, might be problematic.
Councilman Coté: That's fine.
Seth Thompson: But when somebody's annexing in or a zoning change... I suppose we could divide the sub-division into the way our code works, where it's major/minor and a lot line adjustment, if you wanted to vary the fees that way.
Robin Davis: I think that's how it was done in 2009; it's separated on the Fee Schedule as a major/minor and also when it was done in 2009, there was the question of the staff time get charged for applications?
Mayor Jones: Okay, well my question this is four years later and that's why I want to make sure that your figures are correct and as up-to-date as we can present them as we're going through.
Robin Davis: Hourly rates may be different?
Mayor Jones: Hourly rates then should be considered on being different, on this new schedule.
Robin Davis: Correct.
Mayor Jones: We are actually tabling this to have Mr. Thompson take a look at the disclaimer down here at the bottom, so I think it would be helpful, that even if you have salary rates, anything, that has adjusted itself within even the last four years, that there is an update, it would be helpful.
Robin Davis: There would be an increase in that. Time wise, it's probably about the same.
Councilman Coté: Does that indicate that we're going to charge people for staff time?
Robin Davis: That's how it is presented. It was presented two ways in 2009; whether Council wanted to include staff time in the base fee that we charge...

Councilman Coté: In the base fee, okay.
Robin Davis: With the escrow being basically just for our consultants and the base fee of whatever it was, say if it was $1,000, you do not get that money back. The escrow which was for the consultants, if you put $10,000 in there, that you could potentially get part of that back if you did not use all the funds.
Councilman Coté: Okay.
Robin Davis: But the staff time stayed pretty constant.
Councilman Coté: And that becomes part of the application fee, so essentially in some of these items that we're looking at, like application for a Conditional Use, it says the fee is $400, plus an escrow. So somehow, somebody figured out that $400 covers all of that...
Robin Davis: Of staff time, yes and probably...
Councilman Coté: And miscellaneous staff expenses.
Robin Davis: Probably notices and things like that.
Councilman Coté: Okay.
Robin Davis: But the escrow was for the consultant. It could be three meetings. It could be one meeting.
Councilman Coté: Okay.
Seth Thompson: Just one quick question. Take for instance, the sub-division application; I take it they just pay that fee once, so in other words, they file their sub-division application for preliminary approval. We don't then charge a separate fee for when they apply for final approval, is that...
Robin Davis: Currently now we charge one application fee for the whole sub-division process. I'm not sure, I don't have that in front of me, how it was divided up; if it's that detailed to say preliminary sub-division/final sub-division. I'm not sure on that one there.
Seth Thompson: I was just curious on that one.
Robin Davis: If it was broken down at preliminary, then staff time was only for the preliminary section and then it would be a separate application fee for final.
Seth Thompson: The thing that got me thinking about it, would be if somebody came in with a revision to either a sub-division or a site plan; at that point, that would be a new application?
Robin Davis: Do you recharge?
Seth Thompson: That's right.
Robin Davis: A revision is probably not going to be as detailed as a preliminary, so you could lean it towards more of a final.
Councilman Coté: But do we recharge? Do we charge them on this schedule that I'm looking at, it says $25 a lot and an application fee? How many times do we charge that? Just once, initially?
Robin Davis: Currently we only charge it one time.
Councilman Coté: Okay, so when they come back, if they wanted to make a change... like if somebody wanted to eliminate 155 units from a sub-division and come up with a new plan, they wouldn't have to pay the fee again? Or would they pay a fee and...
Robin Davis: If it's approved and they start over, yes they would have to come back... I don't know how Cannery Village was done, because I wasn't here then. I don't know how they...
Councilman Coté: Well they obviously changed the plan by 155 units; but I don't know that they ever filed a new plan and I don't know if they would be required to pay, if they did.

Robin Davis: Off the top of my head...
Councilman Coté: So that may be something that we need to reconsider in this Fee Schedule; if you have major changes in the sub-division...
Robin Davis: If you have an approved sub-division and you want to make a revision, it takes staff time and engineer time to do it. It should be an additional fee. That's my opinion on it.
Councilman Collier: Right now, the issue we're working on is the escrow. At some point in time we're going to have to redevelop the Fee Schedule based on this part of the conversation.
Mayor Jones: Again, I believe we've sent this on to Mr. Thompson for some revisions.

k. Incorporate a new Chapter 91 into the Town Code relating to vacant buildings (Second Reading)
Seth Thompson: I received a copy of the memo from the Economic Development Committee with it's recommendations. We've run into that issue of a tax vs. a fee; previously we've had the issue of a fine vs. a fee; here we're kind of running into a tax vs. a fee; and under Delaware Law, that fee is supposed to approximate essentially what Robin was talking about in the context of application fees, staff time, any supplies, any outside costs that the Town incurs. I know that the Economic Development Committee suggested making this town-wide and then increasing fees by a factor of 10. I guess the Town needs to make sure it can justify charging a fee that high, unless it's using it's taxing power; the problem is the taxing power is limited to the Town Center and to vacant commercial buildings, so it can be drawn up where there's a fee that covers the entire Town and covers vacant residential buildings, in addition to commercial buildings. If it's not going to be tied to what it costs the Town to administer a program related to the vacant buildings, it would crossover to a tax and there, you're limited by the Charter to have it in Town Center and commercial buildings. So that's the question. And you can do that. You could have a fee. We need to be able to justify it, basically what it is. The tax is different from that. It serves a different purpose and you have the legislative authority to do it, since it's in your Charter.
Mayor Jones: Now, one of the recommendations that came from Councilman Collier was that they were recommending that a new ordinance be reviewed by the Charter and Ordinance Review Ad-Hoc Committee, prior to it's adoption.
Councilman Collier: Okay, well I see that and I've got some other comments about other parts of that. I'm not comfortable with the idea of extending this to residential areas and I know that we have buildings in residential areas with problems and I know that one of them that was brought up several times, happens to exist on Mulberry Street, but I also know that the Town Ordinances in places that I think are referring to on Mulberry Street with boarded up windows, is in compliance with our Code. So, we have to go through and review the entire Code, because by putting this in motion in residential area, we can set in motion contradictory things, within our Code; because essentially if you let it go by neglect, without boarding the windows up, you can condemn it, but if you board the windows up, you can't. I'm not sure how this would work. I'm not uncomfortable with trying to institute this in the Town Center. I'm still not comfortable with the idea that it doesn't specifically address the idea of mixed use buildings and the example I gave when I brought this up the first time, was the buildings on Federal Street that have residential apartments on the second floor and business facades on the first floor, so how do you apply

this, because technically you can call it a building. The building is in use, it's not completely in use, but it's in use. How do you hold somebody liable, because they can find a tenant for the second floor, but they can't find one for the first? That's an issue that I think the City of Dover had issues with the same thing and they actually restructured their ordinance and I would like to see this get some more looks at before we take it to adoption. As far as going to the Charter and Ordinance Review Ad-Hoc Committee, we were charged with looking at the Charter and Ordinances and I don't know that we were so much a review committee of recommended ordinances, as our charge was to look at these things and clarify what exists and find contradictions between our Ordinances and our Charter, because there were some and there are some that exist. If the Mayor wants to change the charge of this committee, it's certainly up to her, because she appointed it and she also defined it's duties. We'll do whatever we're instructed to do.
Mayor Jones: Well perhaps the Economic Development Committee's recommendation ought to have actually come to Council, to make that recommendation that it go on to the other review group. I have to agree, even in reading this at length with some of the mark-outs, it's a very tricky Ordinance and my question is, I've seen examples given, it seems to me Laurel, or someplace else, there are other municipalities that already have this in place; so are we looking to them as models first, rather than trying to reinvent the wheel; at what they do; how long it's been on the books; have they been able to enforce it effectively; some of those issues?
Seth Thompson: I think the City of New Castle primarily served as the model. It might make sense to draft two separate ordinances, so dealing with a tax on the vacant commercial properties in Town Center and then again, dealing with that issue separately and then if Council and Economic Development Committee want to debate a fee that's applied to vacant commercial and residential structures throughout Town, then that could be a separate debate. That might behoove the Town to handle those separately; because they really are two different issues.
Councilman Collier: I have to agree. That's why I said we should not incorporate Town Center and the rest of the Town into one Ordinance, because I think it's far too broad of an area and far too diverse. We can write an ordinance that would fill this room to try to capture every possible scenario.
Seth Thompson: It would also be an easier read. If you take out the taxing element, it would be a much more straightforward ordinance, I think.
Mayor Jones: My question on value and importance of a business, is the question of you're willing to possibly tax a vacant commercial property in Town Center and yet, in some of the shopping hubs, the L-shaped shopping centers if you have emptiness there, does that not affect the commercial well-being and the business balance of Milton, as a whole? Are you targeting? My question is are you targeting vacant commercial properties in Town Center and then if a property-owner asks that, what is the answer? Why?
Councilman Collier: That's a very good point. I hadn't considered that.
Seth Thompson: I think the short answer is that the Charter only allows the tax on the Town Center; so that was a decision, I assume, the Council... I looked through the legislative history. I tried to find the bill that amended the Charter and I couldn't; but at some point the Town Council must have voted to ask for that Ordinance. If you look at where it is in the Charter too, it was clearly the last sub-section in that Section of the Charter; and then the Representative and Senator, presumably sponsored the amendment to the Charter, so that

decision was made previously, at least in terms of the taxing. So if somebody feels singled out, that's the breadth of your abilities, currently. Certainly the Town Council could ask the legislature to amend the Charter to have that apply to the entire Town; if that's what they want.
Mayor Jones: Again, the question is, are we looking at this as a means to an end? Are you hoping to resurrect the Town Center and if you resurrect the Town Center and still have commercial blight in other areas...
Councilman Collier: I don't know that it honestly would, if you really want to know the truth of it. What makes me think that, is you've got a storefront downtown, it's called The Book Store and it has hours infrequently, so because it's called The Book Store and they have a sign out front and they have a few books in the windows, it's considered a viable business. They bought a business license, but I think the purpose of this is to stimulate people to activate seek tenants for these places; it's what I've always viewed it as. Maybe I'm not perceiving this right. I thought that was part of it, because the basis of it says if you're not actively in renovation or trying to seek to rent the property, which you can very easily skirt this by just painting For Rent in the window. We have other storefronts that are actually vacant storefronts, but unless you take a very close look, you think they're occupied, because they've become displays for various organizations in the Town and there's really no indication at all... every once in a while a realtor sign goes up or the paper sign that's in one of them, with a realtor's logo on it. The tape finally dried up in the sun and it fell down on the floor and it's still laying there; so I don't know what this is going to accomplish, in a sense and I've asked that question of myself.
Vice Mayor Booros: We had the same conversation a month ago; exact same words; there's no teeth to this. You put a For Rent sign in the window of the building, you charge so much rent that nobody's going to pay it and there's not a darn thing we can do about it.
Councilman Collier: I think there are other ways as a Town, that we could probably facilitate... The Pop-Up Program was probably a great one to fill in, but you've got to first of all the building owner has to take advantage of that. That seemed to do rather well for Mr. Reed's building. All of a sudden he's filled space that he wasn't filling and it's kind of keep your finger's crossed and hope these businesses are supported and take off and remain beyond the initial period that they're obligated for; but I'm not sure how we force through an ordinance, or anything else, that property owners make these buildings available, if they don't want to; and even if they want to, everybody's got their price on what it takes to rent your space. I honestly feel that there are bigger issues why these storefronts remain vacant and they're not because the owner is actively seeking to fill them. I think we might be making moves that might change some of that. I don't know.
Councilwoman Parker-Selby: Have we had conversations with several of the people who own the properties? I mean, the town people, have we talked to the people who own them and say would you like to open a business or have you thought of this or... Like you said, because I'm hearing the amounts of money some of the folks have wanted for rent or even to purchase, to me it's I don't want to be bothered. So I'm just going to charge... I'm not giving the Town anything or what have you. I know for a fact that there has been a lot of apathy for whatever the reasons, for many years, from different people who used to own properties and so forth here. Nothing to do with people here now; but I think conversations with these people hasn't happened in a long time, with the owners.
Mayor Jones: That is a catch more business people with honey, than vinegar, so if you take

this approach and there's a penalty attached to it, when you impose something like this, are you going to instill or create the motivation in that property holder, in order to escape that tax to rent their property? Again, what's your motivation in doing this and will it accomplish it, or will it just accomplish a small amount of tax revenue and your buildings are still empty, which ultimately is not what you want.
Councilman Collier: Well that's my point. What is it going to accomplish? Vice Mayor Booros is right. It doesn't have a whole lot of teeth, because I've already probably listed a lot of scenarios that would certainly keep people out of trouble, based on the way that it's currently written. I don't know. The only place that I've followed anything up and it's probably just because I worked near the City of Dover, and I grew up near there, is the city's have had to go back and rewrite and soften theirs at least twice and they still haven't gotten it right. It's one of these ordinances I don't know if you ever get it right. I think that you're going to accomplish far more with an incentive on the other side. I don't want to go into too much detail or plant any ideas that we're thinking about things like you offer tax breaks. The Pop-Up Program is a perfect example, but that requires the participation of the Delaware Economic Development Office and also the cooperation of the building owner; but I think those are going to accomplish more than an ordinance of this nature, honestly. I just as soon table this until somebody comes up with a much better solution.
Mayor Jones: This is still in a very rough form, is it not, the ordinance?
Seth Thompson: It is in the sense that again, if you're thinking about doing a fee vs. a tax, or both, it will need to be reworked to reflect that.
Mayor Jones: I guess my fear is that I think this could create more animosity between the Town and it's property owners; whether it be Town Center or otherwise, I do believe the Economic Development Committee has hit on a key point, that revitalization to downtown is very necessary. My only fear is that this may antagonize more than it actually brings about, not only good will, but the intended result, which is to fill the storefronts.
Councilwoman Parker-Selby: It's not what you, it's how you say it.
Mayor Jones: So what would be Council's pleasure.
Councilman Collier: I'd like to move to table this.
Councilwoman Parker-Selby: Second the motion.
Mayor Jones: Discussion? Table it with what direction? Time frame? What do you want done? Just to table it, isn't...
Councilman Collier: For further consideration and whatever time it takes to come up with a better idea.
Mayor Jones: And who are you charging with coming up with a better idea?
Councilman Collier: I'm not in charge, you are.
Vice Mayor Booros: I thought you just said we could check with some of the other towns who have the ordinance in place and see if they have the teeth. I don't think it should be put back on this agenda, until we have something and no rehashing the same crap every month.
Councilwoman Parker-Selby: That's a good idea.
Seth Thompson: Just one point of clarification, if we can't do anything about the listed For Rent or For Sale. That's just part of what's in your Charter, so it doesn't apply to buildings listed For Rent or For Sale and that obviously...
Vice Mayor Booros: That obviously takes care of the three of them, doesn't it? There's only three of them, I think and that takes care of them. So what are we sitting here for?
Seth Thompson: If the thought is to get rid of that loophole, the Town's stuck with it, in that

it's in the Charter.
Councilman Collier: That being said, that makes all the vacant buildings downtown and I think that's a problem that would be challenged in court if we passed something like that, because that would seem like it was arbitrary and very pointed.
Councilwoman Parker-Selby: So we have to review the Charter and then...
Vice Mayor Booros: That one's now... the person is dead and it's in some sort of an estate.
Mayor Jones: Will you continue to work with the Economic Development Committee? I'm going to assume the Economic Development Committee is still willing to work with the Town Solicitor on this issue. I have to agree, if you eliminate those that have For Sale or Rent signs, it is questionable what you would do this for.
Mayor Jones: We have a motion and a second. Any further discussion? All those in favor say aye. Opposed. So carried.

l. Ordinance to Amend Chapter 220 of the Town Code, Entitled "Zoning" Related to Parking (update to schedule Public Hearing)
Mayor Jones: This was discussed in the effort to put the public hearings together for January 16th. Does anyone see that I'm missing anything else?

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

a. Request from Dogfish Head Craft Brewery for the installation of a private well on the property located at 500 Off Centered Way further identified by Sussex County Tax Map and Parcel # 2-35-20.00-53.00.
Mayor Jones: Do we have a representative that will be speaking on behalf of Dogfish tonight?
Tim Hunt, Brewmaster at Dogfish: We're requesting permission to install a well; we've already done the test well and the deviation from it, so that we can supply water to that building. Currently, we're using a temporary line off of the main brewery property down there, so this would give us permission to install the well and supply that building and water use for that building, which is processed water, that we prefer not be treated by the Town, just in our normal process; because of the treatment required by the Town is not good for beer or beer handling.
Vice Mayor Booros: So what's the process that it's not being used up at the Brew House; that it's going to be used down at the bottling and the warehouse? You say it's for process.
Tim Hunt: It's our process for packaging operations, rinsing bottles, so there's always a little bit of water left in the bottom of a bottle, whenever you rinse them, for cleaning.
Vice Mayor Booros: Cleaning the equipment?
Tim Hunt: For cleaning the bottles themselves and it's used for line lubrication through the warmers, but the process contact, which is why we prefer not to use city water; don't want to use city water; because when you rinse a bottle, they don't completely drain out. There's always a little bit left in there and that's the part that will damage beer and cause off flavors to our beers.
Councilman Collier: Okay.
Mayor Jones: You're presently running a line from the well that you have to do this now?
Tim Hunt: We're using a temporary service line that was put in for relocation for our keg line; to move all packaging operations down. Yes.
Mayor Jones: But this does not have anything to do with the brewing of beer; which is why

you needed your initial well, so that you didn't use treated city water.
Tim Hunt: Right, the initial well was used for the brewing of water and it's also the same well that we're currently using for this, so that we can operate that facility.
Vice Mayor Booros: Where does this water go after you clean the bottles with it?
Tim Hunt: This water is pumped back to our wastewater and it's all land applied with our Delaware permits, that allow us to land apply on farmland then manage the crops off of that, so water from the building would still have city water for sanitary services...
Vice Mayor Booros: Where does the water, after you wash the things; the water that hits the drain, where does it go to?
Tim Hunt: It goes off to a sump pump and it's pushed and pumped back to our water treatment, so that we can land apply it.
Vice Mayor Booros: And you haul it off-site?
Tim Hunt: We haul it off-site.
Vice Mayor Booros: Okay.
Councilman Collier: Okay, so prior to the expansion, you were doing all these processes out of the same well?
Tim Hunt: That's correct.
Councilman Collier: Okay and now that you've separated the processes by a great distance, it would be much simpler to do this, with two wells?
Tim Hunt: Yes and the water treatment requirements that we still have to do, is a little different between the two buildings, so there's an economic savings there too.
Councilman Collier: Alright. I understand. So we just need a motion?
Mayor Jones: Well...
Councilman Coté: Well, I have probably a foolish question, but the Town has a limit of what the Town can pump. Does us giving them permission to have another well affect... Is that usage counted against the Town's limit?
Dustan Russum: No.
Councilman Coté: Thank you.
Mayor Jones: So you're stating that any residue left by treated water, will interfere with the product.
Tim Hunt: It has potential to cause off flavors, yes.
Mayor Jones: Do you have anything that is documented, an analysis, anything that you can offer the Town and I'll tell you where I'm coming from; we're talking about revenue; we're talking about Milton's revenue of clean water to be used for the process and production of cleaning bottles and other things, so I'm just wanting to be very, very careful in allowing any more of that type of water for processing your containers, basically.
Councilman Collier: I believe the gentleman said that they have their own process that they go through and I would assume that you're not fluoridating your water.
Tim Hunt: Fluoridation, chlorination are extremely bad for beers. There's many articles that we could print and provide to the Town Council.
Councilman Collier: That's where I'm going to try and help to get to the bottom of this question, so that I understand as well. Okay.
Mayor Jones: Dustan, do you have anything to say in reference to the water and the Cheswold Aquifer is not what the Town is tapped into, isn't that correct?
Dustan Russum: No, we're not tapped into that. I'm on the same page as you, Mayor. I'm just looking at they already have one well for production out there. I understand their

concerns, but I think we need to look into some other avenues here, so we're not losing out on possible revenue. That's just where I stand with this.
Councilman Collier: Well, if I understood what the gentleman said, they're not going to flush any toilets with the water out of this well. They're not going to put it into any drinking fountains, it's obviously not going to any of the little lunch wagons out there, none of that and I think I understand what he's saying about the process with beer and anything that we might introduce into the water would have an adverse affect on the product that they're trying to sell and why they wouldn't use it, so I'm not sure that I see where we're losing a revenue stream, other than...
Vice Mayor Booros: Councilman, that's why my grass doesn't like the fluoride and the chlorine when I water it in the summer. We have a whole bunch of people in this town that want to put in irrigation wells to water their grass and Mr. Russum is shaking his head yes. I know where Mr. Russum's coming from and we keep telling them no because we don't want to lose the revenue of them watering their grass and washing their cars in their front yard. I'm not agreeing with Mr. Russum, I'm just telling you where he's coming from in this particular instance.
Councilman Collier: And I see his point, but again, I think that they have a pretty good instance of why they need a private well and I don't see what purpose we would accomplish by denying them, at this point in time; because I have, if push comes to shove, they keep the one they've got and continue to do what they have. They're asking for us to grant them a convenience so to speak.
Dustan Russum: I guess what would probably help us out, I know you say there's documentation of this stuff. Show us the facts, because I know in the past several months I've been fighting, not necessarily fighting, but discretion about people wanting wells, private wells. Right now, as it stands, we don't allow private wells. I understand your concern and what you need, but I think if you could just provide us with some facts. I know the facts are there. But I think it would help us may be explain to these people that come back in and say well you let Dogfish have it, why can't I have it? That's where I think we're going to run into a big problem and I totally understand where you're coming from and why you need it; but...
Kristy Rogers: Are we able to meter the water if this well is installed?
Dustan Russum: It would be their well and of course, you could put a meter on it. But it's their well.
Councilwoman Parker-Selby: I see the difference is that watering lawns is not the same as making beer and I know sometimes I don't even want to make my iced tea with some of that water, so I have no... Your explanation for me is clear enough, so I don't have a problem with it myself, because this is the type of business that does need the right type of water or what have you; I would think we'd want to make sure that happens.
Mayor Jones: Just a quick question and I don't expect you to know the answer, unless you keep a daily or a quarterly log; an idea of how much water you use, if not in a days' time for this kind of sterilization or production; maybe you could give me a general idea on your own quantitative terms, if it's not a day.
Tim Hunt: We're asking for 150 gallons per minute. Currently on the packaging _____, it's run at 60 gallons per minute; when we relocate the rest, we're going to run about 110 to 115 gallons per minute. I can do the math real quick, if you'd like.
Mayor Jones: No, but that's on the proposed new well.

Tim Hunt: That would be on the new well exclusively; that doesn't include the current well that's located by the brew house.
Mayor Jones: So for you it is an easier fix to install a new well, rather than run a line from your present well. Does your present well have the capacity for both?
Tim Hunt: The present well won't have the capacity when we reach a half a million barrels that it's setup that we need both wells to get to that ultimate capacity.
Mayor Jones: Okay.
Councilman Coté: When do you anticipate reaching that capacity?
Tim Hunt: It's hard to say if we continue to grow as we are, we're looking at maybe five to six years, before we'll be at that point; from a construction site, personally, I'd like it to slow down a little bit, but that's obviously not what we'd like as a business either.
Councilman Coté: So in theory, I guess, you have five or six years to get this done?
Tim Hunt: We would have to run a pipeline that's going to be over a third of a mile long. Currently at present costs, it would probably cost us about $40,000 and then still have to come back and do this. The line that I'm using today is the line that is for relocation of _____ operations which to move all of our packaging line down there; it's one of the pieces that has to happen for me to have to move this, or I have to reinstall that new line; so we're looking at roughly almost the same cost from our side of putting in a well and doing it, or the well's going to cost us about the same, so it's double the investment to wait. If the costs all stay the same, which I wouldn't expect they would in five years, or we do it now and it's a little bit more for the well, but it's roughly the same cost; so it's a wash over a five year period.
Councilman Coté: Thank you.
Mayor Jones: Well just a one in seven opinion, normally. Yes, my concern is for income. There's no question that that is in my mind, but we also have it well established that Dogfish is unable to use the town's treated water for it's production. In my mind, I have no true concept of how much trace water can be left, after you sterilize a bottle, so I'm not in a position to argue how much is left in there after the process is finished. Again, we are well established that beer and chlorinated and fluoridated water do not match. Council, any comments? Vice Mayor Booros anything?
Councilman Collier: I'd like to make a motion that we go ahead and grant this request for a private well at the Dogfish facility for the purposes as stated.
Councilwoman Parker-Selby: Second.
Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried. Congratulations.

b. Resolution Imposing a Moratorium on Applications for a New Master Plan
Seth Thompson: Planning and Zoning had made a recommendation to Council to adopt a six to nine month moratorium on any new applications for Master Plans in an LPD. Basically, Planning and Zoning would like to revisit the LPD overlay district on some level, in conjunction with the Comprehensive Plan Process, but I think it's well known, the Town has had a number of issues in the LPD districts and Planning and Zoning would like to take the opportunity to put a halt on any new applications so that that process can be looked over and figure out what exactly can be done to avoid repeating; just issues that have come up in the current LPD's. So, the thought was to have a six to nine month moratorium. It wouldn't apply to any applications relating to existing Master Plans, so for

instance, if Chestnut Properties wanted to come in with a revised Master Plan, this wouldn't apply to that. It would just be any new applications for a new LPD Master Plan community.
Vice Mayor Booros: I'm only one of seven votes, but I'm sure as hell going to tell you what I think. I think it's bad news to put a moratorium on asking anybody to come to this Town and increase our tax base and I think our problem with Large Parcel Development is, we're probably the only one that has that designation. Most people call it a mixed use development and it seems to do rather well in places like Paynter's Mill and the Villages at Five Points. We did it a long time ago. We did it wrong. Our alleyways aren't big enough to handle fire trucks. The economy blasted. Maybe we didn't have the right builder's, so they sold the neighborhoods two and three times. I don't think putting a moratorium on anything that would bring a developer to this Town to add to our tax base, for nine months; because it's going to take them nine months to get a Master Plan through our Planning and Zoning anyway.
Councilman Collier: Well, the only purpose that I can see that the moratorium serves, is it gives us a time frame to not let somebody sneak in under the wire, with the old regulation, if we truly are going to look at redefining how this works,
Vice Mayor Booros: We need to look at all of it and redefine how all of our zoning and our Planning and Zoning ordinances work, all of them.
Councilman Collier: You're preaching to the choir.
Vice Mayor Booros: So you can't put a moratorium on everything.
Councilman Collier: No, this is true. What would you suggest we do instead, Sir?
Vice Mayor Booros: That we kick it back to them and say no. I make a motion that we deny the recommendation. We don't approve the recommendation.
Councilwoman Parker-Selby: Second.
Councilman Coté: Well, I guess I'm part of the discussion then. How do we solve the problem that LPD's have created?
Seth Thompson: I think one particular issue seems to be the flexibility when it comes to setbacks, as well as the alleys; that sort of thing. Because part of your LPD Ordinance does allow for modifications when it comes to sidewalks and road width; that you wouldn't have in something that wasn't within that overlay.
Vice Mayor Booros: Who's run to the Town in the last three years to ask for a Master Plan for a Large Parcel Development?
Councilman Collier: I don't know, but who's going to come now that we've _____?
Vice Mayor Booros: I hope they all come. I think we did it wrong the first time, that's why we have alleyways that people don't fit down and that's why we have house numbers that are wrong. I think they work in other places. We just weren't ready for it when we approved it the first go around and we better look closer before we approve another Master Plan. The fact that somebody wants to submit one, is not the issue. The fact that we don't know how to handle it, is the issue.
Mayor Jones: But until we get together, which goes hand in hand with the Comprehensive Plan that's coming up; a meeting, hopefully set in January to kick off the Comprehensive Plan Review; an issue like this will go hand in hand. My concern is that we do have another applicant that comes before us and gets into this LPD cycle, as well and then we can be five, ten years build-out trying to chase that one too. I only see the moratorium as giving us some breathing space and we can set limits on it.
Vice Mayor Booros: I see it as a personal vendetta for people who think that we have too

much density in particular places and quite honestly you and I have had this discussion and people who think that because you live in Cannery Village or Shipbuilder's Village that you're not part of the Town of Milton, you're in your own little development up there. Wagamon's West Shores is not an LPD and those people still say they live in Wagamon's West Shores, so I don't think it's the zoning. I think it's not business-friendly to put a moratorium on asking anyone; after what we've just gone through in this real estate market; asking anyone not to come to Milton for any reason. I'm one of seven votes. That's all I can tell you.
Mayor Jones: Well, this is a question to you. Do you believe the message of putting a moratorium on the LPD, alone...
Vice Mayor Booros: Yup. Yes.
Mayor Jones: LPD, not development...
Vice Mayor Booros: Yes, Ma'am, I do, because I think it is a... Like I told you all before, Mrs. Rogers... we went to a thing up at the University of Delaware to let the market determine what's being built right now and what needs to be built right now; not what you think the density should be; not that there has to be two houses for every acre. The market will determine it and if a developer wants to come here when the market's getting better and build a neighborhood on the outskirts of Town, that turns out to be a mixed use development, like they're doing everywhere else, why would we turn our backs on it?
Councilman Collier: Vice Mayor Booros, let's recognize the LPD for what it is. It's a zoning overlay and it basically allows you to take what's commonly known as a sub-division and bastardize it. If they want to come, they're going to come as a sub-division; so I'm not so sure that that sends a bad message at this time. We don't have to go for... I think the minimum recommendation was six months. If Planning and Zoning wants to rework this thing, let's give them 90 days and if they don't come up with something in 90 days, it's a different story, but you have to recognize it for what it is and this is a zoning overlay and we have a separate ordinance that governs sub-divisions and that ordinance that governs sub-divisions doesn't allow for alleyways for entrances into homes.
Vice Mayor Booros: There's nothing wrong with alleyways; there's something wrong with the way we approved those alleyways in the LPD's that we have.
Councilman Collier: You have to look at the standards and specifications. The standards and specifications that the Town has adopted, allow for an alleyway and it's described as a 15' wide travel way. You can also, in a sub-division, under the sub-division ordinance the smallest street they put in is called a minor collector and I think it allows for a 25' wide travel way, or 24' and 24' is two 12' lanes vs. two 7-1/2'; that's the difference. That's one of the minor differences. It's all in the matter of what each one will allow and justify and the LPD let's you get all those little goofy things that you've pointed out that are creating the problems for us, so if you put an end to that, it doesn't stop them from coming and developing an area and creating a sub-division like Wagamon's West Shores, which is developed on the sub-division ordinance and not on the zoning overlay. You can still allow for mixed use. It might require a little extra step, but you...
Vice Mayor Booros: A little extra, right?
Councilman Collier: It might require one extra step, but we can tweak these as we go, but my fear is with the scenario you've painted for me tonight, is that if just because we've even brought this to the table to discuss, if there's anybody out there sitting and thinking that they might want to go LPD, they may accelerate the process before we finally come to

thing to change it and then we're stuck with another one that allows for it. The only thing that you can consider is, if your zoning board can justify not granting that overlay and they can convince the Council, because I think that that requires a vote of Council to get that overlay. It's not as simple... It's not the same process, like if you go for a sub-division. There's an extra step to get the LPD.
Vice Mayor Booros: That works.
Councilman Collier: We can do...
Vice Mayor Booros: Add three extra steps, but to send a message out there that we're going to put a moratorium on building something in this Town...
Mayor Jones: But we're not.
Councilman Collier: No, we're not.
Mayor Jones: That's not it, at all.
Councilman Collier: This is a zoning overlay, this is not the same thing.
Vice Mayor Booros: You're putting a moratorium on somebody who may want to bring a Large Parcel Development to this Town. Isn't that what you're doing?
Mayor Jones: No.
Vice Mayor Booros: What are you doing? What are you doing?
Councilwoman Parker-Selby: The reason I seconded it, is because I kind of go along with Vice Mayor Booros. The word "moratorium", if people see that word, basically that means... People don't read all the fine print.
Vice Mayor Booros: Don't come here.
Councilwoman Parker-Selby: Right and I am at this point, I'm hearing we want people to come, we want businesses, we want this and you put that word out there, it's not going to go like we're talking; it's going to go like oh well, they don't want you there. I'm not for that. I want people to come here, businesses and whatever. I grew up in this little town and we used to say nothing goes on here and now is the time for things to start going on here; a few things are happening; we need to keep them happening. That's my opinion out of the seven.
Councilman Coté: Well I'm not sure about a moratorium. Moratorium does sound like a bad word to use; however, an LPD has created a number of difficult situations for a number of people who are here and somehow we need to fix the problems with the LPD, so we don't have another situation like we have and I don't know how you... If we have another way to do it, without halting them for awhile, I don't what... Come up with it please.
Vice Mayor Booros: If you think you can do it in six weeks; that this Town can push something through in six weeks, six months, or nine months to change something like that; it isn't going to happen. What's going to happen is, they're going to do away with it altogether. Period. That's what I've heard out of Planning and Zoning. That's what I've heard from people on this panel right here. We're going to do away with it, we're going to do away with it, we're going to do away with it. Okay, do away with it. If that's what you want to do, let's do away with it. You keep it opened, don't put a moratorium on it, come right out now and say that's what you want to do is do away with it, let Planning and Zoning say that's what they're trying to do. They don't want to rewrite it, they want to do away with it. Then make a motion to do away with it. Let's not just put it on the table for nine months, when that's the bottom line. They want to do away with it.
Councilman Collier: Well Councilman we've got a conundrum here, because as much as I'd like to make a motion to do away with it, until we pass the "may" or "shall", we can't.

Vice Mayor Booros: Oh no, you're not going to have a problem, because when it goes back to them, they want to do away with it.
Councilman Collier: Well I'm just telling you that as this body, I don't see how we can even approach that issue at this moment, because until the “may” or “shall” thing goes...
Vice Mayor Booros: What's on the table now is a motion and a second.
Councilman Collier: I agree. I'm ready to vote. All we need is to call for it.
Mayor Jones: No more discussion. Alright, we have a motion and a second to reject this resolution of a moratorium. All those in favor say aye. Opposed.
Councilman Collier: No.
Councilman Coté: No.
Mayor Jones: So carried.

e. Community Development Block Grant: Council Resolutions 2014-1, 2014-2, 2014-3
Mayor Jones: Do these need to be read aloud?
Seth Thompson: They don't. We can read them, if you'd like.
Mayor Jones: Let me see if I can give you a quick synopsis of this. The Resolution 2014-1 is Milton's recognition of the importance of Fair Housing for the citizens of Milton.
Councilman Collier: Do you want these one at a time?
Mayor Jones: They look like they're just going to need signatures here. Are we taking a vote on each one of these?
Seth Thompson: Yes.
Councilman Collier: I move to adopt the first Resolution 2014-001.
Vice Mayor Booros: Second.
Mayor Jones: On Resolution 2014-001, all those in favor for adopting this piece say aye. Opposed. Motion carried. Resolution 2014-002, this is affirming the principles of the Fair Housing Act as an administrator for the Community Development Block Grant Program of the Delaware State Housing Authority as administered by Sussex County Council.
Councilman Collier: Motion to adopt Resolution 2014-002.
Councilman Coté: Second.
Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried. Resolution 2014-003, endorsing project to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development authorizing the Sussex County Administrator to submit applications.
Councilman Collier: I have one question. There's some dollar blanks here, do we know what these amounts are?
Seth Thompson: I was curious about those, as well. It looks like this is being done in conjunction with Sussex County, so I gather that they're the ones that make the determination, although the second number is obviously what the Town is willing to pay for, in terms of match. What it's doing is it's authorizing the County to file the application, but I would be less concerned about the first number, in the sense that I assume again, the County is going to be the one making the determination as far as the total infrastructure project costs.
Councilman Collier: I'd like to know what our percentage of the match is.
Seth Thompson: That's right, the second number is a lot more important.
Mayor Jones: I think Kristy's looking for that information. That wasn't a number that she threw out tonight, was it, the infrastructure project cost?

Seth Thompson: No.
Kristy Rogers: Their copy is blank, as well.
Mayor Jones: Their copy is blank, as well. That makes me a little nervous.
Seth Thompson: Well, especially the second element, in terms of what the Town will be paying as a match.
Mayor Jones: Are we able to get additional information from the young lady that was here, so could we table Resolution 2014-003?
Councilman Collier: Motion to table Resolution 2014-003.
Councilman Coté: Second.
Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried.

15. Executive Session:
Councilman Collier: Motion to go into Executive Session.
Councilwoman Parker-Selby: Second.
Mayor Jones: All those in favor say aye. Opposed. Motion carried. Executive Session began at 10:31 p.m.

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

b. Personnel matters in which the names and abilities of individual employees are discussed in relation to performance evaluations.

16. Discussion and possible vote on Executive Session items
Councilman Collier: Motion to come out of Executive Session at 11:06 p.m.
Councilwoman Parker-Selby: Second.
Mayor Jones: All those in favor say aye. Opposed. Motion carried.
Councilwoman Parker-Selby: I make a motion to accept the recommendation to Council through the engineering review process that Pennoni Associates be voted as the Town Engineer.
Councilman Coté: Second.
Mayor Jones: Any discussion? There are only four of us tonight for this vote, let's do a roll call:

Councilman Coté	Yes
Councilwoman Parker-Selby	Yes
Councilman Collier	Yes
Vice Mayor Booros	Yes

Mayor Jones: Motion is carried.

Councilman Coté: I make a motion to accept the Personnel Committee recommendations for the staff salary increases.
Councilman Collier: Second.
Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion is carried.

17. Adjournment

Mayor Jones: Motion to adjourn?
Councilman Collier: I make a motion to adjourn.
Councilwoman Parker-Selby: Second.
Mayor Jones: Further discussion? All those in favor say aye. Opposed. Motion carried. Thank you. Meeting adjourned at 11:07 p.m.