

SPECIAL* MEETING
Milton Town Council
Milton Library, 121 Union Street
Monday, December 9, 2013 at 4pm

Transcriptionist: Helene Rodgville
[Minutes are not Verbatim]

1. Call to Order – Mayor Jones
Mayor Jones: This is a special meeting of the Milton Town Council.

2. Moment of Silence

3. Pledge of Allegiance to the Flag

4. Roll Call – Mayor Jones

Vice Mayor Booros	Present
Councilman West	Present
Councilman Collier	Present
Mayor Jones	Present
Councilwoman Parker-Selby	Arrived late, Present

5. Additions or Corrections to the Agenda

Mayor Jones: Do I hear any additions or corrections to the agenda? I would like to amend the agenda with approval of the Council present, to include a very short amount of public participation just before Item 7.

6. Agenda Approval

Vice Mayor Booros: I make a motion that we amend the agenda to have very short amount of public participation.

Councilman West: Second.

Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried. A motion to approve the amended agenda.

Councilman West: I make a motion to approve the amended agenda.

Councilman Collier: Second.

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

7. Public Participation (added to agenda)

Mayor Jones: Who would like to speak? You need to go to a microphone.

- Barbara Wagner, 409 Federal Street: I have renovated an old house. I've renovated lots of old houses, but my Waterloo was here at 409 Federal Street and I wanted to ask the Council if they've had a thorough home inspection to include mold and rot and all types of decay that might be present in this new house, this new purchase. I also would suggest that the Council get an estimate to make it habitable and functional. I spent three times the purchase price to make my house a house and I would not want to be a

taxpayer here shouldering a burden of unforeseen expenses for this purchase. Thank you.

Mayor Jones: Mrs. Wagner, that's why the Council is here today. We have received our home inspection... Actually, we received our home inspection too late last Monday to meet as a group to discuss it, to go forward; so that's why we're here today.

- Steve Crawford, 216 Ridge Road: In addition to the expenses expressed by the previous speaker, I'm also wondering if anybody's done any work or gotten an estimate as far as ADA Rules; because if you're going to make that house a public place, it's going to have to conform to Americans with Disabilities Act Rules, which I suspect could be quite expensive, so it's not clear to me... I hope you've taken that into effect.

Mayor Jones: We have. Thank you.

- Jim Welu, 30263 East Mill Run, Milton: I am of the understanding that the main purpose of purchasing this property was for the parking for the effectiveness of having a place for people who are shopping in downtown Milton, to park. I still think that the house is important. I think it needs to be preserved as part of the Historic District and I don't think it has to be brought up to the standards of Barbara's house, at this point; but it certainly has to be usable, livable and safe. As far as ADA, I suspect that entrances can be made without a whole difficulty, by coming on at the side entrance, on the south side entrance, which is fairly level ground, if that becomes a major issue. I don't think you have to have ADA access from Federal Street, which would be quite an expense, I would think. I've heard mention and I think it was in the article that was in the paper a month ago, that it might be used for some Town offices; possibly moving Public Works into the building and stuff and I just don't understand why we would be moving anybody from our Town Hall across the street. It seems to me there must be plenty of space for the number of employees we have, so I really question that. The other issue is if tenants are moved in and let's assume, as it's been expressed, maybe the Chamber of Commerce and the Art Guild and groups like that, we're going to lose the value of the parking spaces, if they're allowed to park on the property. I think we have to have tenants that are going to have to find another place to park, if we're going to use that for parking for the businesses that are already in the downtown area, or businesses that we hope move into the vacant spaces downtown and parking downtown is a major, major issue in terms of businesses, I presume and I would just like to raise a question. Just driving down Front Street into Town, there's a nice piece of land that the Fire Department has purchased, where the old chicken plant used to be and I'm just wondering and I'd like to defer to our Councilwoman at the end of the dais here; you know it's necessary for people to be talking to one another and I think the Town needs to talk with the Fire Department about the land that they own and how it can benefit the community in terms of downtown parking. We have 3 or 4 police vehicles parked across from the fire house; there might be another place that they could park and be stored while they're being held in abeyance, at this point; but it seems to me there's a lot of land around this Town and talking with the owner's of the property, I think there could be an additional parking in our downtown area. I think anybody that's gone to the Concerts in the Park knows that the parking area for the bank is used exclusively by people coming to the concerts in the evening. I don't know whether there's any arrangement with the Town, or if that's just people taking advantage of open space parking, but I think we... The biggest, closest landlord to downtown is the Fire

Department and I think there ought to be conversations with the Fire Department, as a part of our Town, to be able to utilize their space more effectively for the benefit of the downtown and yet having the space available in case of fires, where people have to park, but I think adjustments could be made in the use of the space and someone might say, well that's pretty far from downtown, but if you've ever been to Wal*Mart and parked at the very back of their parking lot, you walk a lot further to get into Wal*Mart than you do from areas here and I think that raises one other question about the space behind Town Hall. Is it necessary that all the employees park right behind Town Hall, or are there other areas in the Town that are not utilized and that space could be made available for businesses downtown. Thank you.

Mayor Jones: Anyone else? I do want to put on the record that Councilwoman Parker-Selby has joined us.

7. Final discussion and vote related to land acquisition of 112 Federal Street, Milton, DE

Mayor Jones: Hearing no other public participation, we're here for a final discussion and vote relating to the land acquisition of 112 Federal Street. You have in front of you the home inspection that was completed by Hamblin and Associates. We'll open up for discussion.

Seth Thompson: Madame Mayor, if it helps, would you like me to walk through the process going forward and I think the Vice Mayor will correct me if I'm wrong, but today is the deadline for the Town to put forward it's list of repairs for major defects under the contract; so I believe a copy of the home inspection has already been provided to the Seller's, so at this point the Town Council needs to discuss and approve a list of repairs that the Town would like the Seller's to perform on the property. The Seller's then have the opportunity to respond as to whether or not they're going to make those repairs and if they don't agree to make all of the repairs, then there's a period for negotiation leading up to the Settlement date. If the parties can't reach a resolution, then seemingly the contract can become null and void. That's where we are procedurally. I suppose, one other item, if it's helpful, the contract defines a major defect as any deficiency that causes an item to perform in an unsafe manner, or that prevents the item from performing it's intended function.

Mayor Jones: Some Council Members may be seeing this for the first time.

Vice Mayor Booros: Madame Mayor, I can't stand the silence anymore. Would you mind if I addressed Ms. Wagner and Mr. Crawford and Mr. Welu, just for a second while we are all looking at this? Just briefly?

Mayor Jones: Okay.

Vice Mayor Booros: I'll be the person to tell you that I suggested that the house and property would be a good property to purchase for parking. My suggestion initially was to tear the house down, move the house, give it away, have it moved somewhere else in the Historic District. That was my suggestion. It was never for the house, it was for the land, because we've heard from the show owner's and the store owner's of the empty stores down there, that when somebody comes to look at one of those empty shops, they want to know where the parking is. Is it in the back? No, that's for the apartments upstairs. There's no parking and they have contended that since the lot closed on the corner, years ago, it's been hard to keep those stores on that side of Town rented. So the intent was to look for parking for that side of town. We thought we had it. It was cost prohibitive to rent it from somebody else, to buy the property from somebody else was just outrageous and here was this property across the street from Town

Hall with a flat back yard, that would give us just about the same amount of parking spaces that we were going to lease for \$6,000 a month. So it was to come up with additional parking for that side of town, at which time I was informed that you can't tear the house down because it's on the Historic District. I should have known that because I'm in the Historic District, but that was my first thought. I'm well aware of that. I'm well aware of what it costs to rehab a house, because mine was in worse shape than this one is and I did it. But it was for the parking and I don't know that that's ever been clarified, that it wasn't about buying the house, it was about buying the property.

Mayor Jones: I believe Ms. Wagner makes a very good point; this home and any rehabilitation is going to be shouldered by the taxpayer's, so I do appreciate your concerns. It's very valid, but as Vice Mayor Booros said, what we have done is purchase a piece of property. Erroneously it's been noted that we've purchased a house. The house happens to be on the property. Right now, our focus is what do we have in buying the property? What's on it? You made a good point. I just wanted to let you know that. Does anybody have anything to say about the home inspection. If not, I'll start out with a couple of things, but I will certainly give someone else the first shot.

Councilman Collier: I'll take the first shot. I've reviewed this inspection report quickly and what I would like to say that I noticed was that all inspection points indicated... major inspection points indicated that this house is in reasonably satisfactory condition for its age; with the exception of some electrical issues. That's the only exception I saw noted in the home inspection. I think it relates primarily to some ground fault circuits that don't seem to be operating properly. That may be very simply fixed and that may not and without an electrician I can't say, but again, that's what I noted on this. There is a termite inspection report that alludes to at some time there was a presence of termites and wood boring beetles, but it does not note that there is a current infestation; however, like all good termite inspectors, if they even see a termite wing, they want you to treat the place and that's what their recommendation is at this time. To step away from the reports and stuff, I have to say myself as well, I never viewed this as purchasing a home; purchasing a piece of property. The discussion as to what could be done with the building was purely speculative on parts of some members of Council, including myself. We will have to, as a community, if we move forward with this purchase, at least maintain the facade and the integrity of the structure if we do choose to do nothing with it in the immediate time, but we'll have to do that to preserve it for whatever we may do in the future. It may be a long arduous process to bring it to that, but in the meantime, it does answer a couple of things for me. First of all, it gives us an opportunity to provide some additional parking to that end of downtown. It does have waterfront as part of the property and one of the things that I'm pretty sure... I'm not going to go out and say I'm 100% positive, because they don't list the actual location of this particular specimen tree on Federal Street, but the only one that I can find that matches the description is the one that's on the back of the property, close to the waterfront and it would give us an opportunity to at least ensure that one of our assets, our green assets in Town, is preserved and the Town has control over it, because currently if it's on private property and if somebody wants to cut it down, there's not a thing I can do about it; although it is a specimen tree. That's what I have discovered at this particular point in time. I think that it's probably, having discussed other vacant properties with property owners in that immediate area and them giving us what they would be willing to accept to purchase them, this is a bargain. As far as property that's owned by the fire company, that's just it, it's owned by the fire company; and they already have an intent and purpose for it, as I understand and I don't believe that that

was to facilitate parking for our downtown. They open some of the parking areas to the downtown. The part the Police Department parks on is actually because there's a street there that's paved over and the street belongs to Milton and that's why we get to park there. It's not because the fire company let's us. It's because it belongs to us. That's where I stand at this point. There's no surprises in this report, to me, having grown up as cheap teen labor restoring a historic home.

Vice Mayor Booros: There were no surprises in it to me. They're the same things they found when I bought my house. You could tell there had been termite damage and powder post beetle damage in my house, but there was no active infestation and I had it treated. I've had no problem.

Councilwoman Parker-Selby: I guess, Madame Mayor, this is the first time I've looked at the analysis report and first of all, I grew up in this type of home. In fact, my mother's home is probably in the same age range and of course the things in here, were things that we've taken care of, as well. Termites kind of came very new to in fact to the home, just about two or three years ago termites are even in my home, which is much younger than her home. The understanding that I had was that this was going to be property that we would use for additional parking, because we were unable to negotiate with other owner's in town for property to allow extra parking. That's the understanding I have had and this particular property, basically has been a property that was in a price range that the town would look at, as something they could afford. I say the report has mentioned, and I'm not going to repeat everything, does look as satisfactory for the home, which was not the focal point there; however, I was concerned when I looked at it, because I own a home over 100 years old in Lewes as well and one of the things of concern in that era, has been the asbestos shingle type. When I looked on here and saw that, I guess I would ask the question, if, in fact, we tore it down what the expense would be for that type of situation? The report itself doesn't say that the house would be in any other danger of anything else. It could be used or what have you, but that just hit me all of a sudden when I saw that, because I know that does cost an extra expense. But, overall, just hearing the concerns of the citizens and hearing the concerns of the people on the Council who listen to the citizens; no citizens have started calling me yet _____, but I am definitely for historical things, because I am very involved with history in Delaware and Sussex County. I grew up in a historical family that talks and still has a lot of things with history and being that this home is a historical piece, that's another concern of mine. I don't think that would be a hindrance for us to maybe tear it down, but certainly historical pieces are preserved for using and I do know historical pieces are very expensive, because I'm in that situation myself dealing with that kind of thing. So basically, I don't have a problem with this report and I'm just going to hear some more things and I think I've made up my mind.

Mayor Jones: Under Page 5 of circuits and conductors, under electrical, it appears that the inspector dropped off and didn't finish his notation. That interested me, although he alludes to certain electrical things in the summary. I saw only three points. Again, I have to reiterate, the inspection did not surprise me, but making sure that we have all our I's dotted and our T's crossed, there were three issues on here and I want to know if we ought to take further actions in order to protect the Town. On Page 1, we have safety inspection by a licensed electrician. He notes, unsafe wiring in the summary above that may be a prudent call, since it is being recommended by the home inspector. I don't know who bears that cost. I would suppose it would be us.

Seth Thompson: At least in terms of fixing the items, the way the contract reads, you need to

give the Seller's the opportunity to fix those items. The Town doesn't get to select the contractor. Now it does have to be a licensed contractor, based on the contract, based on the sales contract, so you would identify to the Seller that you wanted those items fixed.

Mayor Jones: I don't know what they are.

Vice Mayor Booros: And this is not necessarily one of those items.

Mayor Jones: Right. It just says have safety inspection by licensed electrician. That burden I would think would be Milton's.

Seth Thompson: It would. They're using the term major deficiencies in the building summary and it divides the page into major deficiencies and then the bottom half of the page is...

Mayor Jones: Repair or replace.

Seth Thompson: That's exactly right. So the major deficiencies are above, so I think they're correct that the cost would be divided that way. If you want them to fix the referenced electrical issues, then that's certainly listed as a major deficiency, that the Seller would be responsible for. If you wanted to get a safety inspection by a licensed electrician, that's not listed as a major deficiency because it would only disclose a problem. It's not a problem, in and of itself. The Town would bear the cost of that.

Mayor Jones: They have identified unsafe electrical wiring. Now that is connected to the electric panel. Period. I don't see it connected anywhere else. Things like drainage slopes towards the house. I think that even happens over time. On Page 2 at the bottom, second opinion by termite inspector.

Vice Mayor Booros: We did.

Seth Thompson: And that is that second report.

Vice Mayor Booros: No, this was the home inspection guy noticed the termites and we've had a termite inspection. Yes.

Mayor Jones: So he did not have this report.

Vice Mayor Booros: No.

Mayor Jones: So when he suggested a second opinion, what he meant was get your initial termite report.

Vice Mayor Booros: Right.

Mayor Jones: Very good. On Page 3, because this would be a major expense, if there is any renovation to this home, service and evaluate before settlement the boiler system.

Councilman West: Madame Mayor, on that note, I talked to the guy that inspected this boiler for the family and he says that this boiler is shot. It needs to be replaced. It's not worth servicing, because the age of it and the deterioration of it.

Mayor Jones: I don't know about the inspector for the family, but this home inspector has made a recommendation to us, to possibly evaluate it before settlement, so I would like Council to take that under recommendation. The other things I think, come about not only by the age of the home, but the fact that it has not been inhabited for years.

Councilwoman Parker-Selby: One other thing. On Page 2 of the inspection, about the inspection there was a statement here and it says, the inspection did not include mold or mildew inspection and I am finding that even in my home, recently I'm seeing some mold and that property is right near the water.

Mayor Jones: Where are you reading that?

Councilwoman Parker-Selby: All the way back here, I circled it, under consumer information regarding _____ limitations of the inspection, page two of two, number one.

Seth Thompson: That relates to the termite inspection.

Councilwoman Parker-Selby: That does? Okay.

Seth Thompson: Right.

Councilwoman Parker-Selby: So they don't know if there's mold, or not?

Seth Thompson: If you look at the first page of the home inspection, I'm looking at almost exactly the midway point of the first page, it says inspection report do not address and are not intended to address the possible presence of or danger from any potential harmful substances and environmental hazards, including, but not limited to Radon gas, lead paint, asbestos, mold, mildew. So the home inspection didn't cover mold either.

Councilwoman Parker-Selby: Okay, that's another concern I have then.

Mayor Jones: On the one of two the inset inspection report, under section two, inspection findings, it does indicate here, box b has been checked, visible evidence of a wood destroying insect was observed, as follows... It does state, if b is checked, it should be understood that some degree of damage, including hidden damage may be present. If any questions arise, regarding damage indicated by this report is recommended that the buyer or any interested parties contact a qualified structural engineer. Do we need to worry, structurally, about floor joists that show damage in the basement? That is certainly a load bearing situation, so I just didn't know if anybody had picked up on that or there was any concern, or need for a structural engineer.

Councilman West: It would be foolish to not list this as a major concern.

Mayor Jones: Well it wasn't, because it's a separate report Councilman West. This is from the inspection. This is the termite inspector, not the house inspector, so it would not have shown up on the home inspector's report.

Seth Thompson: Right below that there's a check box, between yes and no, and they checked no. I'm not quite sure if that's supposed to be interpreted as meaning that they aren't recommending that... It isn't really clear.

Mayor Jones: I read it as no, it appears that the structure, or a portion thereof, may have been previously treated.

Seth Thompson: Right, but the question is whether the yes and no response, is directly related to the issue above; of whether a structural professional should determine the extent of the damage.

Mayor Jones: Well, then it's up for question, because I don't see it as related. I see it as the issue of they see no evidence of treatment, but it could be argued. You're right. So all these factors needed to be taken into consideration as we think about taking care of this property; while we determine what's going to be done with it. Let's look at the basics. It is our responsibility to send this back to the Seller, or the Seller's agent, on page 1, under the summary this is the direction you would like this group to go. Do you see identifiable issues in paragraph one under the summary of major deficiencies that you would like returned to the agent for the Seller, before we go forward?

Seth Thompson: Right and that's really procedurally where Council is, at this point. So just taking those issues one by one, that might be a means of getting a consensus as to whether or not you want the Seller's to fix the items that the home inspector has noted. So for instance, the first one is that the wood retaining walls shows some signs of wood rot. If that's an issue for Council, that they would like the Seller's to fix, then that's one item. The second one is the bathroom on the second floor, the toilet needs a new flush valve. If that's something the Council feels that the Seller should fix, then that's fine, then you just need to indicate that to the Seller's. I think the Council can just go down, item by item.

Mayor Jones: Item 1, the wood retaining wall. If that becomes a driveway, essentially, that's

going to be the area that's going to be looked at, for that driveway, so that retaining wall really is not of great value. Does anybody else have a feeling on that piece? The property is higher than the coffee shop. I think that's part of it's value in that retaining wall.

Councilman Collier: The retaining wall is essentially placed to keep it from eroding away, so to speak. If it had to be repaired, I would sooner see it replaced and I don't think we can put that burden on the Seller.

Vice Mayor Booros: Madame Mayor, if you look at this list, five of them have to do with the GFI's that aren't tripping in the bathrooms and the powder rooms and the laundry room. The flashing around the chimney and the settlement of the foundation. We're not going to ask them for the price we have offered for this property, to lift the house up and replace the foundation. We have to be realistic with this list. All the electrical, we already know we have to get an electrician in there to make sure that everything is safe and what isn't safe is fixed.

Councilman Collier: For me it's the electrical issues. Everything I think is...

Vice Mayor Booros: A flush valve in a toilet.

Councilman Collier: I'll fix it. I've even got an extra one that I don't have anything to do with.

Vice Mayor Booros: I'm hoping the grading would be taken care of when they grade for the parking lot.

Mayor Jones: Now, I believe you explained this to me, though I do not understand why the replacement windows do not lock.

Vice Mayor Booros: He told me that he thinks they just settled and that if you just took a rubber mallet and block and knocked up the top panel, the top panel has settled down; knock out the top window that they would like, because they're fairly new windows.

Councilwoman Parker-Selby: What about the basement? I'm looking under Structural on the home inspection page 3, I guess it is; and the remarks here about the partial basement, approximate age is 100 years of the home, I'm assuming. Then it says signs of termite and signs of some wall cracks, door out of square. Now will those wall cracks eventually have an effect, do you think? I've had to get some little cracks in my basement looked at, over the years.

Vice Mayor Booros: It says the house is 100+ years old. I assume wall cracks...

Councilwoman Parker-Selby: Well it's done well, because my house is far from 100; my personal home, but I've had wall cracks in my basement.

Councilman Collier: They're pretty much standard with old homes.

Councilwoman Parker-Selby: But I'm talking about the future, if it's a historical home or what have you, would that be an expense? A big expense? I don't know the expense of some of these things for an older home.

Councilman Collier: Any time you own a building, whether you're a homeowner, or a municipality or anything else, there's always a certain amount of expense that goes with maintenance and upkeep and...

Councilwoman Parker-Selby: I'm aware of that. I'm just concerned about making sure we don't have to put a whole lot out in the beginning... we get something and then have to pay a whole lot of money to fix something.

Councilman Collier: Again, I think that stems on how soon we intend to put it to any use and I don't know that we have any immediate plans for it. The initial idea was to purchase the property, because you don't get that opportunity every day to buy something that close to downtown, at that price.

Councilwoman Parker-Selby: True, I understand.

Councilman Collier: It looks to be a place where we can facilitate parking in the downtown. For

me, that's always been the idea. If the house weren't there, it wouldn't bother me, but the house is there and we have to be concerned. I'm trying to focus on the real issue for me, is what are we buying it for; and it's not for the house, it's for the parking and over time we're going to have to put some money into it; I'm not sure that I'm looking at it from the aspect that we're going to restore this to a pristine habitable facility anytime in the near future.

Mayor Jones: I would like to know the condition of this heating system.

Vice Mayor Booros: I would assume that the boiler's going to have to be replaced. There is no air conditioning, so I assume it would be replaced with something that has heat and air conditioning and not another boiler; but I guarantee you, you're not going to get the Seller's to replace a boiler in this house before the 18th.

Mayor Jones: I understand, but there are points on here that I just want to take into consideration and I want our Solicitor to be aware that these may be things that can protect us. They were noted on here, before Settlement; evaluate before Settlement.

Seth Thompson: I could be wrong, but I think given the extended settlement date is December 18th; that obviously is not a lot of time.

Councilwoman Parker-Selby: That's next weekend.

Vice Mayor Booros: And I assume that can't be saved. That's what Councilman West is saying.

Councilman West: That's what the man told me.

Vice Mayor Booros: When they turned it on last week, it leaked all over the place and they had to get a plumber in to fix all the leaks on it. That's what took so long to get the inspection done, because they had to fix the leaks in the system, before the inspector could go in.

Mayor Jones: Is there any assurance that that has been completed?

Vice Mayor Booros: All the little leaks?

Mayor Jones: Yes.

Vice Mayor Booros: Did the inspector note little leaks all over the place, on the inspection report; because the heat was on. I was in the house, the heat was on.

Mayor Jones: And the water was turned on.

Vice Mayor Booros: Yes.

Mayor Jones: Any suggestions for what we need to take back to the Seller?

Councilman West: How bad is the roof, if you're raising around those chimneys?

Mayor Jones: It does not say. It just simply says the area around the chimney... the chimney itself is deteriorated, not flash. It didn't say the roof was deteriorated, but just said the chimney showed signs.

Councilman Collier: I looked at it. It looks like the brick needs to be repointed, either that or we need to parge around it again and that what appears to be deterioration. Of course, it doesn't have flashing and over a period of time, without flashing, you will get leaks around it.

Councilman West: But the water damage has been done around that chimney and in time...

Vice Mayor Booros: The purpose of the chimney is for the boiler.

Councilman West: It doesn't matter what it's for.

Vice Mayor Booros: It does, because I took mine down.

Councilman West: It doesn't matter what that chimney's for, if it's deteriorated around it, it needs wood replaced.

Vice Mayor Booros: I understand. I think the chimney is deteriorating, not the wood around the chimney.

Councilman West: Well it doesn't specify.

Councilman Collier: Exactly, it does not specify that there's any deterioration in the roof; just

the chimney.

Councilman West: But that needs to be addressed also.

Seth Thompson: I suppose the one issue, this is just a suggestion, but instead of them replacing the boiler; would it be something that Council would look for basically a reduction in the contract price, rather than them having to go and buy a new boiler; if that's what it takes? Because that's often...

Vice Mayor Booros: That would also... There is a back-up offer on this house, just a heads up. There is a back-up offer on this house. If we ask these people to fix the boiler, we're going to lose the house. I'm going to tell you that right now. They're not going to do it.

Mayor Jones: Wait a minute. Wait a minute. That statement... you have a second buyer who hasn't gotten a home inspection report of their own. We don't know what their actions would be after they got a home inspection, so we're just concentrating on ours.

Vice Mayor Booros: You're absolutely right. You're absolutely right. I just say that whatever you say tonight, those homeowner's can turn around and say no, we're not doing it and then we have to get back together again, between now and the 18th to sit here and say no they're not doing it, so now what do you want to do. I think, realistically, they recommended that they treat for the powder post beetles and that they treat for termites; that's a given. I would ask them to do that. I think there's an estimate on the back of this for doing that. But as far as, like Councilman Collier said, about the condition of the property, the house; I wasn't surprised at all and quite honestly for the price we're getting the house for, I can't imagine they'd fix any of it.

Councilman Collier: Actually it's not in that bad a shape for a house that age.

Vice Mayor Booros: I don't think so.

Councilman Collier: I've seen considerably worse and in this Town sell for considerably more.

Councilman West: But you said that you wanted to buy this for a parking lot, for downtown businesses. How much are the downtown businesses willing to contribute to the purchase of this property? Have you checked into that?

Mayor Jones: No.

Councilman West: You know, that should be considered too.

Councilman Collier: I wouldn't mind considering that, except that this Town has given away the parking so many times in downtown and under our current zoning code there's a waiver for parking for any business downtown. They're not even required to have parking or show that they have parking, like anywhere else in Town; in the Town Center every business has an automatic waiver on parking, so realistically, do you expect anybody to give up one nickel, when they've got a waiver?

Councilman West: You're asking the Town taxpayer's to foot this bill, when there are other things that are more prioritized than buying this property for a parking lot.

Councilman Collier: Councilman West, I don't want to get into an argument with anybody over what the priorities are as far as what they can be spent on, because I know that you have yours, as well as some other folks have theirs and sometimes we get things out of order, but the one thing I can safely tell you is from where I sit and sitting in this room for years and years and years, there's been a continual line of people that have come in here and said we need to invest in our downtown and this is probably the first opportunity that's arisen to make a significant investment in our downtown that might actually have some use and that's why I'm supportive of this thing. It doesn't matter whether we put the money in a place to put parking in, or if we put it into other infrastructure within the Town, it's all infrastructure. Unfortunately, not everything has a proprietary fund that they can rely on.

Mayor Jones: I do agree with Vice Mayor Booros. I think the Accurate Termite and Pest Control inspection, is the one that we need to ask for.

Vice Mayor Booros: Absolutely.

Seth Thompson: The inspection or the treatment?

Mayor Jones: For the treatment.

Vice Mayor Booros: The treatment. And I think everything else in here, as far as the house was concerned, was to be expected. I didn't expect any less.

Councilman Collier: I was kind of pleasantly surprised they didn't find more.

Mayor Jones: Again and I agree with that one, that would be my recommendation. That would be the one that if I would like to go back to the Seller's and ask for them to take care of something, it would be this one.

Seth Thompson: Just one thing, I think the recommendation is for two separate treatments. The first page it's for the termites, which looks like they're quoting a rate of \$1,099 and then the second one is for the beetles and that was a total of \$3,000. I guess they're discounting it.

Mayor Jones: That's what it looks like to me.

Seth Thompson: So the itemized total is \$3,439.

Vice Mayor Booros: Could we let our realtor who was there during this inspection.

Unidentified Speaker: My role as the real estate agent...

Mayor Jones: Hold on, hold on. Let us decide if you're going to speak first and then they'll be where you need to speak.

Seth Thompson: He's the Town's agent regarding the transaction, so you'll probably going to want to hear from him.

Vice Mayor Booros: Yes, he's our agent.

Mayor Jones: You'll need to step to a microphone and state your name, please.

Mike Bacher: I'm sorry, it was killing me, because I'm so used to helping people through these home inspection reports and there were so many answers I could have helped you with, but maybe now I can answer some questions. Back on the termite report and I met with the home inspector. I was there when he did the inspection and then I spoke with the termite inspector, after he completed his report and had him explain everything to me, so I'll try to tell you what I know that might answer some of the questions you've come up with. On the termite report, there are no active activity, no live insects seen at this time, but because when banks are financing properties, banks require that termites and/or any powder post beetles, be treated if there's no evidence of a prior treatment. Typically there are holes bored in the wall where they put the chemicals in for termites and there are no holes there, so we don't know if they did anything else; so because there's no evidence, he's saying we should do it because banks are going to require it if they're loaning money. The only portion of those recommendations that he put on there, that are actually required are the \$1,099 for the termite treatment and the \$300 wood boring beetle treatment. The other stuff, for lack of a better term, is to cover yourself, disclaimer type thing. They like to sell dehumidifiers, put in vapor barriers and those kinds of things, so they're looking for additional work. I confronted Inspector Travis and he said these are the two things you need to do, if you want to protect the integrity of the house. \$300 wood boring beetle treatment and \$1,099 termite treatment. I checked with another of the inspector's that I frequently use, to get his opinion also. He said he probably would handle the termite treatment a little different; rather than the feed things, which he says take a little longer to get control; he would prefer the treatment on the inside of the walls, because it's quick and stops. But there's no active treatment, I mean no active activity right now, so it's six of one, half a dozen of the other.

When you get to the chimney, the issue is not wood, it was red dust flaking off the outer edge of the bricks, because they're old and that was the issue with the bricks. I'm trying to think where else you are struggling. The boiler. The way the report reads is that it's in operating condition. It's old. It's not the original equipment, but it is operating. It was quite warm actually the day we were there. I couldn't sit on the radiator. But it is operating. There were leaks, because it hadn't been on in a year and a half, when they opened up all these valves and turned the water on, there were leaks, so they had to fix all that stuff and they get one thing fixed and another one... they got all that done, so it is operating. There are no leaks. The inspector would have noted any leaks that he found. That's really all you can hope for as far as inspection... Now, it's not going to last forever, so, but it's heating now and I don't doubt that ten years from now you'd do something different and actually if you put somebody in there, you probably would want air conditioning too; whether it was a window unit or a central unit. The electric where Ron said "unsafe electrical wiring". He was referring to the GFI's. We had that conversation in the kitchen. He said that the polarity is reversed; positive is on one side and negative is on the other and they should be reversed; so I don't know if you address that by switching the wires in the... I'm not an electrician, but that's what it sounds like to me. Are there any other questions along the inspection that I might be able to help you with?

Seth Thompson: Was there any unsafe electrical wiring issue with regard to the electric panel? They seem to be in line with each other.

Mike Bacher: They're saying that Romex is the kind of wiring that's modern wiring that's in the house, it has a plastic coating around it, as opposed to the old knob and post with two wires and one of those wires, where it goes into the box, does not have the Romex connector on it; that has a press that holds it securely in place. That's unsafe, because that could _____; but it's a 59¢ connector and somebody could change it.

Vice Mayor Booros: And we need an electrician to get in there.

Mike Bacher: You need an electrician to do that. My pacemaker couldn't stand it if I happened to touch the panel, so I wouldn't do it for you. Any other...

Vice Mayor Booros: I think the pest treatments, both of the pest treatments that you described, are the things that I would ask for and if I need to make a motion, I would like to make a motion that what we ask the Seller's for is the two pest treatments, as described by Mr. Bacher and not worry about pulling down the old insulation and replacing it with new insulation and putting in the dehumidifier and putting the Dry Zone treatment in the basement of the house; all the other things that were on this list; just the two treatments that are required to take care of the powder post beetles and the termite issues.

Seth Thompson: Councilman, it needs to be notified in writing to the Seller, so I don't know if you want to amend your motion that you would create that writing and forward it to the Seller, through the agent.

Mike Bacher: That's why I'm here tonight, so whatever you guys decide, I'm going to take something in writing to the Seller's.

Vice Mayor Booros: I would make a motion that we have this gentleman, Mr. Bacher...

Mike Bacher: That's my role. Today's the cut-off. We've got to do it today.

Vice Mayor Booros: Prepare a modification or an amendment to the document, asking that those two treatments be performed by the Seller's, prior to settlement.

Mayor Jones: So you are talking about a value of \$1,399?

Vice Mayor Booros: Yes.

Mayor Jones: Okay, are we considering that we have a motion on the table?

Seth Thompson: You need a second.

Councilman Collier: I'll second it.

Mayor Jones: Alright, time for discussion. My only reservation about this treatment specification is that it is all contingent and the treatment has no warranty without this dehumidifier, which I'm going to assume also takes place whether or not it says we have to _____ in the crawl space; putting down 6 mil vapor barrier in the crawl space; hauling away all old insulation. I just want to make sure that we are getting the best we can in going back to the Seller's and making sure... I just want to be comfortable that all these... Now you say it's only a selling point. The addition to the \$300 for the wood boring beetles.

Mike Bacher: The other inspector said that was not necessary.

Mayor Jones: The other inspector.

Mike Bacher: He didn't look at the property, but I asked him about treating and when I told him...

Mayor Jones: Which other inspector? You'll need to go to a microphone.

Mike Bacher: When I saw the report, before I called the guy who actually did the work, because I wasn't familiar with that inspector with that company; I called Gene with Pestex, who has been doing this since dirt was found, and he still gets around. He's really knowledgeable and I told him that I've got an inspector that looked at a property and they said they have the presence of this; activity has been there, but there's nothing active and they're recommending this and he said, who was it? Accurate? And I said why and he said because they always recommend that. You don't need the dehumidifier and all that. Now powder post beetles aren't present this time of year.

Mayor Jones: Inasmuch as I appreciate that, we don't have a report that says that.

Mike Bacher: I know.

Councilwoman Parker-Selby: I want to go back to my concern. Nothing against anything per se with the report, but in the future, I'm thinking future. I like to think out a little bit and when I see the word asbestos, in Cape Henlopen District when they were fixing all those older buildings and I know that means in an older home, as far as the shingles and so forth; if we had to remodel, or we have to... I'm concerned about how much that would cost the Town and what have you. That just rings a bell to me from what I know. So give me some information on the dust.

Mike Bacher: That was one of the other things that I forgot about. I wanted to say something. The asbestos, if you cut into the panel, then there's Haz-Mat procedures that have to be handled. Until you cut into it, there's no risk is what I've been told by every contractor; but if you're going to cut into it, you're going to take them off and remove them and you'll release asbestos, then there are certain requirements. You need a contractor who's authorized to deal with that, because they know the rules and regulations and I don't know what it costs, but it is an additional expense if you have asbestos discovered...

Councilwoman Parker-Selby: But it's a health thing, too.

Mike Bacher: you can cover it with vinyl, but you can't rip those off without getting... is what I've been told.

Mayor Jones: The shingles look to be in good shape. We would only face that if we decided to touch them and remove them.

Mike Bacher: If you want to remove them, cut a doorway in somewhere, replace a window frame, where you're cutting in; then you want to make sure that you use a contractor who's familiar with that, because then they have to dispose of them a certain way.

Councilwoman Parker-Selby: That just doesn't _____ me.

Mayor Jones: Is there any other discussion? Do we have an amended...

Councilwoman Parker-Selby: Just one more question at this point. The parking that we're looking at doing with this property, about how many parking spots... you might have discussed it before I got here, are we looking at probably, behind there? I haven't gone back there to look, to count, or anything.

Mayor Jones: I think any discussion councilwoman would be a guess at best, because right now the property out the back door has a shed on it. It goes to the slope, which goes down to the river. Again, I wouldn't even try to speculate how that can or could be designed.

Councilwoman Parker-Selby: Okay.

Mayor Jones: Does anybody else want to take a guess? I don't even have an educated guess on it. Hearing no more discussion, we'll take a roll call vote:

Vice Mayor Booros	Yes
Councilman West	Yes
Councilwoman Parker-Selby	Yes
Councilman Collier	Yes
Mayor Jones	Yes

Mayor Jones: Motion is carried to go forward, ask our agent to make the request for the necessary repair or treatment, prior to going forward.

Seth Thompson: Just to be clear, that's the termite treatment of \$1,099 and the \$300 beetle treatment?

Mayor Jones: Correct. Thank you very much for bearing with us. I know it's been a little bit confusing.

8. Adjournment

Vice Mayor Booros: I make a motion we adjourn.

Councilman West: I'll second that.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting is adjourned at 6:18 p.m.

*7 days' notice could not be given due to a contractual deadline expiring on the date of the meeting, prior to the full 7 days.