

**Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, November 17, 2014, 6:30pm**

**Transcriptionist: Helene Rodgvile
[Minutes are not Verbatim]**

1. Swearing-in of newly appointed Council members

Mayor Jones: We're going to start tonight with the swearing in of two new Council people, so if Mr. Ed Kost would join me up here first and his wife, Patricia. Put your left hand on the Bible and raise your right hand. Repeat after me. I, Ed Kost, do solemnly swear that I will support the Constitution of the United States, the laws of the State of Delaware and the Charter of the Town of Milton. I will faithfully discharge the duties of the office of Council of the Town of Milton and I will always take action for the best interest of the Town of Milton, guiding that decision to the best of my ability, so help me God.

Councilman Kost: I, Ed Kost, do solemnly swear that I will support the Constitution of the United States, the laws of the State of Delaware and the Charter of the Town of Milton. I will faithfully discharge the duties of the office of Council of the Town of Milton and I will always take action for the best interest of the Town of Milton, guiding that decision to the best of my ability, so help me God.

Mayor Jones: And now Sam Garde and his wife, Kathleen. Repeat after me. I, James Garde, do solemnly swear that I will support the Constitution of the United States, the laws of the State of Delaware and the Charter of the Town of Milton. I will faithfully discharge the duties of the office of Council of the Town of Milton and I will always take action for the best interest of the Town of Milton, guiding that decision to the best of my ability, so help me God.

Councilman Garde: I, James Garde, do solemnly swear that I will support the Constitution of the United States, the laws of the State of Delaware and the Charter of the Town of Milton. I will faithfully discharge the duties of the office of Council of the Town of Milton and I will always take action for the best interest of the Town of Milton, guiding that decision to the best of my ability, so help me God.

Mayor Jones: Please take your seats. Actually, before we even call anything to order with Council's indulgence, we'd like to break for a few minutes for you to meet and say hello to our new Council. There are refreshments on the back table, if we could just be indulgent 15 or 20 minutes. Thank you.

2. Call to Order – Mayor Jones at 6:50 p.m.
3. Moment of Silence
4. Pledge of Allegiance to the Flag
5. Roll Call – Mayor Jones

Councilman Kost	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilman Garde	Present
Mayor Jones	Present
Councilman West	Absent
Councilwoman Parker-Selby	Absent

6. Public Participation

- Leah Betts, 113 Magnolia Street: It's not anything pertaining to the Town, except for I would just like to know what the status of our Chief, is. Is he getting better? Or is he sick? Or is he still out?
Mayor Jones: Mrs. Betts, for fear of any kind of a HIPAA situation, I do not even ask, in public, that question.
Leah Betts: I was just concerned to see if he's getting well or what.
Mayor Jones: You may want to contact Mrs. Jacobi, there at the station, if you're able to give her a call. She may be able to inform you.
Leah Betts: I wanted to send a card. I didn't know if the town wanted to, or not. I just was thinking of him and hadn't seen him and wondered how he was.
Mayor Jones: Okay. Thank you.
Leah Betts: Thank you.
- Richard Miller, Grist Mill Drive: Just wanted to make a notation that tonight is the best use of public funds that I've seen in awhile, so keep up the good work. Thank you for the repast. I wanted to announce that on December the 5th, it's a Friday, there is the annual Cookie Drop and at Cannery Village we collect cookie's from Milton resident's and folks who get the word and those cookie's are sent to troops overseas. To give you an idea, last year based on some of our contribution, there were 2,300 dozen cookie's sent to Afghanistan and it's run by the Post 28, American Legion. The sponsor's name is Judy Mangini and she's been doing this for about 19 years, so Cannery Village has signed up as one of the 17 drop off points from 4:00 to 8:00 p.m. Now the cookie's should be packaged either in a tin, they can be boxed cookie's or they can be packaged cookie's, or you can put them in a Ziploc bag, so they fold flat. To give you an idea of the volume of 2,300 dozen cookie's, last year it cost \$850 for postage to mail those out, so everyone responds in a wonderful manner. I'm hoping they'll be the same this year.
Mayor Jones: Mr. Miller, two things. Repeat the time and place of the drop-off.
Richard Miller: Friday, December the 5th from 4:00 to 8:00 p.m. at Cannery Village Recreation Center, that's 190 Village Way and we'll stay open as late as the cookie's come in and we'll drop them off on Saturday, but we collect them Friday night. Thank you.
Mayor Jones: Thank you.
- Ginny Weeks, 119 Clifton Street: I see that in your Executive Session you have a preliminary land acquisition. I am not asking where the land is or how much, none of that. What I want to know is has there been a public discussion that we need to acquire more land, or is this sort of like the house, where one day we're going to wake up and nobody's going to know why we did anything?
Mayor Jones: There has been no public discussion about the need to acquire any land, to my knowledge.
Ginny Weeks: Could you inform us on why we're looking for land? What decision has been made by the Council to look for land?
Mayor Jones: I believe what I can inform you of, or I'm looking at Mr. Thompson is, occasionally offers to come to either myself personally, or to the Town Hall. It is not a decision that can be made by one person and even looking for denial, it must all come

before Council. That's exactly what's happening tonight.

Ginny Weeks: Thank you.

Seth Thompson: The other thing that's important to note, is there's not going to be any sort of final decision on any land acquisition. That would be specifically noticed in the agenda.

Ginny Weeks: It just was that before the infamous house was bought, there was no discussion on why we needed to buy something like that. There was no discussion on parking. There was no discussion on housing non-profit groups. There was no discussion on giving the Chamber of Commerce an office. There was no discussion on anything. We just woke up one day and there it was in the paper and I would hate to see that happen again. Thank you.

- Barbara Wagner, 409 Federal Street: I just have a comment also on the land acquisition. I was surprised, because I would think that with the First Reading of the Comprehensive Plan, following multiple, multiple public hearings and input from town citizens, I would think that any discussion on land acquisition would immediately be deferred with the statement "We have a First Reading on our Comprehensive Plan and we couldn't possibly entertain that notion."

Mayor Jones: Thank you.

- Jim Welu, 30263 East Mill Run, Milton, Delaware: I'd like to make one comment on the Park Use Policies. I had mentioned this to Councilman West after the last meeting and a big discussion about how much work Mr. Wingo had said they had to do to clean up after one of the events in the Park and I don't think... you're going to have difficulty getting money from people after the event, so I presume that the deposit is there to help cover the costs that might occur, after the event is over. You've got in here, under 16.a \$75.00 for estimated groups of more than 100 attendees. I had suggested to Councilman West, not these exact words, but something to this effect, that if you go over 150, as some large events get, such as the Bargains on the Broadkill or things like that, of people coming, it ought to be \$50 for every hundred estimated over the 150. Now if they're going to have 2,000 people there, I think you need a pretty good deposit, because there will be a lot of trash left. If you have a small group, they'll clean up after themselves, but if you've got a diverse group, it's not likely that they're going to have as much organization to clean up. Secondly, what I really wanted to talk about, was Executive Session, c., which has already been mentioned. I had made a suggestion some time ago and I haven't seen any response to it, that somehow you hold your Executive Sessions earlier in the evening, so that if you are going to have action after the Executive Session, citizens can be here to hear your discussion, to comment on it and have a say, so we don't end up as we did back in December, January, whenever the house was bought. The decision was made in the week hours of the morning, or the very late hours of the night. I stayed for one Executive Session and Vice Mayor Booros, at the time, told me that he had suggested when they had discussed the issue with the consultant that was at the meeting and that's why you had the Executive Session, that you ought to stop the Executive Session, go back to the Council and finish the Council Meeting. Council said no, no, let's just continue on Executive Session, now that we're in the private room. That went on and on and on. Nobody was left in this room by the time your Executive Session was over. I think for transparency and for full disclosure, there

should be no decisions made after an Executive Session if it's late in the evening and people have gone. I don't think it's fair to the citizen's and the taxpayer's. If you have to schedule a meeting for an actual decision, and public discussion, schedule it seven days down the road then, if you have to; or if it's such an immediate thing, you can schedule it in less than seven days, if there's an absolute necessity to act quickly. But I think our Town Solicitor has just told us that there will be no action taken on this land acquisition issue tonight. That's what I understood.

Seth Thompson: To be clear, no final action would be taken on it, so they have noticed it where it's possible that they vote on some preliminary element. But there wouldn't be any final action.

Jim Welu: But if they take final action, you'll have to come back before the public, with a public discussion.

Seth Thompson: That's correct.

Jim Welu: Public comment. Thank you.

- Jeff Dailey, 211 Grist Mill Drive: Congratulations and thanks to Councilman Garde and Councilman Kost and thank you. Thanks for letting me address Council. I believe it's been about four years now since the Shipbuilder's water tower was found to be faulty in terms of the base, to the point that in a public meeting a Council Member said, if it should fall, it will fall away from Shipbuilder's. Small consolation. The only reason I bring this up is because about a year before the first water referendum, I stood up in front of the former town consulting firm and I said, please, a year from now, six months from now, whenever it is, when you present your findings, give us a list of options. Tell us what we can do and basically, I said to them, please don't give us another well, another pump house and that's the only option. I think it was about eight months later, they said we need a new well, we need a pump house and then we had another engineering firm come on board and they gave us lots of options. Now, we don't have any options apparently where this water tower is, but considering that we've known for four years that the base is faulty and we've just proceeded, assuming that it's going to stay standing, why weren't other options looked at? I don't know if a water tower is half full, does it put as much pressure on the concrete base that is deteriorating over time? Was there ever an assessment made, stating this has to be done now. A year can't pass. It's too dangerous. Two years can't pass. Too dangerous. Three years. Well, it's four years. Four years. Two years under Marion Jones and two years under Cliff Newlands, so I'm just wondering why it is that as a town we don't list all the options. We don't look at it from all sides, look at it at the bottom, look down at the top and see what the possibilities are and I really think Pennoni Associates has been remiss in not really apprising us of the need to do this now vs. perhaps putting together another water referendum, maybe looking at other options regarding replacing the tower altogether, maybe looping in with a water provider and perhaps going to the revolving water fund and looking for money under a Comprehensive Plan type approach. So I hope that we don't keep doing this where we say we've got to fix that water tower. Well, we have, as was pointed out at a recent Comprehensive Plan meeting, we have a very old water system in the town and we need to look at the whole of it, not just one part, not just one fix and I understand the money will come from the water fund; hopefully there's enough money there, but it's just not, in my opinion, good management, good operating

procedure. I don't think the public is educated on this, to the point they might have been. Again, four years. It's just not quite right. Thank you.

Mayor Jones: Thank you.

- John Horan, 304 Brick Lane, Milton, Delaware: I see that the item on the punch list has been scratched from the agenda, is that correct?

Councilman Coté: It hasn't been scratched yet.

John Horan: No, it's not correct. Hasn't been scratched yet. Okay. In looking at the punch list, I understand the Town is doing one and Chestnut Properties is doing one. Is that correct?

Councilman Coté: I don't believe that's correct.

Seth Thompson: The Town already had Pennoni do it's punch list.

John Horan: The punch list that the Town has done, does that include the lanes, as well? All of the lanes, whether they have a name on them or no name.

Seth Thompson: In terms of whether or not they're up to snuff. Is that what you're asking? Or are you asking if the Town only inspected the streets that would end up being dedicated to the Town? Is that the question?

John Horan: Well, because I'm saying that the lanes should also be dedicated to the Town.

Seth Thompson: Right, well I'll look over to Carlton. I don't know if he knows off hand. I think the punch list is comprehensive, so my understanding is that it wasn't limited to just the streets that would be taken over by the Town.

Carlton Savage, Pennoni Associates: Basically a punch list is you go out and you evaluate everything that was supposed to be on the Plans, the Approved Plans. I do not believe. I'll have to check again, it's been some time, the alleyways, portions were inspected, but I don't know if everything, in terms of was there a certain code that was supposed to be met for the alleyways because they were private? That's the things I don't know. Now, visually, we inspected the storm drains that were in the alleyways, things that the town would have to maintain, so there are items on the alleyways that are listed in the punch list, but in terms of was everything looked at? I'm not sure about that.

Seth Thompson: Jack, if your question is the punch list should say on it that the lanes should be dedicated to the Town, I don't think that's really accurate. I think the discussions that have been with regard to the lanes have been that an application would need to be presented to the town to revise the sub-division plat; that if the people in Cannery Village wanted those lanes to be dedicated to the town, that's really the process that would apply.

John Horan: Right. And the point, and I know that most of the Council had been through Cannery Village walk throughs. Now there are approximately, at this point in time, there are approximately 160, I don't know the exact number of homes and Mike maybe you can correct me if I'm very far off the mark...

Councilman Coté: It's about 185 now.

John Horan: 185, 185 homes. Now, I believe that there are 15 of those homes that their garages exit onto main streets. When the Plan was submitted, as a good businessman would, you have a certain footprint. You want to maximize your profits. So you want to get as many homes in that footprint, as you can. Therefore, they have what I call rear end loaded garages. The garage's empty onto lanes. Now, if the ballpark numbers are

correct, over 90% of the homes in Cannery Village, empty onto lanes. Now these lanes were provided to support vehicular traffic, not only automobiles going back and forth into their homes, but for garbage trucks to come by, recycle trucks to come by, contractor's to come by to build a patio in the back of someone's home; delivery trucks; utility trucks. These bear as much traffic as the streets do. So therefore, I'm making a plea to the Town Council to consider these lanes very much an integral part of Cannery Village and to have those dedicated, as well. The developer maximized his profits by doing this. For example, on Grist Mill Drive, which many of you know, I think there are 24 or 25 homes built on Grist Mill Drive. If each of those homes, which the garages' empty onto a lane, each of those homes have an adjoining garage, you would have lost six or seven homes, or six or seven profit making properties. So the developer got his wish, the developer should fulfill the requirements to the consumer's that live in Cannery Village. And that's all I have to say. I would hope that the Council would consider this very favorably, and ensure that whatever drawings were submitted, that were initially passed as part of the development, were modified to eliminate that statement that says lanes will not be dedicated. Thank you.

Mayor Jones: Thank you Jack.

Kristy Rogers: That's all.

Councilman Garde: Counselor, what is the process for executing Mike's suggestion? As a new member, I have no clue at the moment, what my responsibility would be and so that's the reason for the question.

Seth Thompson: The way the process should work is if there is any sort of revision that's going to happen to a sub-division, to the plat, so the Town goes through the process of approving that revision, in much the same manner that it would a new sub-division. An application comes in and it gets sent to Planning and Zoning. Planning and Zoning reviews it and then Council makes the ultimate determination on the sub-division.

Councilman Garde: But the application which starts the process is not going to be initiated by Chestnut Properties? So who would be the better person to convince Chestnut Properties to do that, or should the Council vote on whether we want it done, or not?

Seth Thompson: Based on communications I saw today, it sounds like Chestnut Properties might be doing that; might be applying to remove that note on the Approved Sub-Division Plat.

Councilman Garde: Okay, and then the process would be that revision goes to Planning and Zoning, open discussion, recommendation and the recommendation comes to Council for final.

Seth Thompson: That's correct.

Councilman Garde: Thank you very much.

7. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to tonight's agenda?

Councilman Kost: Mayor Jones, I make a motion that Item 9.c. Cannery Village punch list be dropped from tonight's agenda and be put onto the agenda of the next meeting.

Councilwoman Patterson: I'll second.

Mayor Jones: I have not much of a discussion, just a question. Why?

Councilman Kost: It appears, without a response from Chestnut Properties, we really don't have anything to discuss.

Mayor Jones: Okay and it was your understanding that they were to get the list and work through with the Town of Milton that would be their next stage in their application process.

Councilman Kost: It's my understanding that Chestnut Properties is preparing a document, for review by Council and hopefully action by Council to solidify, clear up, all the remaining items that may be addressed and until we actually received that document, we really can't address anything.

Mayor Jones: Okay, so we have a request to delete 9.c Cannery Village punch list. Is there any other discussion on that matter?

Councilwoman Patterson: I would like to put it on the next meeting December 1st. Any other additions or corrections?

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

Seth Thompson: Just to be clear, that was a motion to remove that item?

Mayor Jones: Yes.

Seth Thompson: We're going to now have a motion to approve the agenda.

8. Agenda Approval

Mayor Jones: Yes, to approve the agenda, as amended. I'll need action please.

Councilwoman Patterson: I'll make a motion to approve the agenda, as amended.

Councilman Garde: Second.

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

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

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

Mayor Jones: In your packet tonight, you have information on the Shipbuilder's Water Tower Foundation, as well as a document that was drafted by Mr. Savage, which is the larger piece of the small legal document that you had, as well as a recommendation by Pennoni. Carlton, would you like to take the microphone and walk us through what we have here, please?

Carlton Savage, Pennoni Associates: Sure. What you have in front of you I dropped off, was our Bid Tabulation Form from Thursday's bid opening. There were four bidders for the water tower relocation foundation project that we bid. The bidder's listed were: Mid-Atlantic Dismantlement Corporation, George and Lynch, JJID and Corrosion Control Corporation were the bidders. Your bid tabulation has two options. As we discussed, there's an Option 1 which included the timber pile foundations and Option 2 included the auger cast concrete pile foundations. There's also a list of B items. Those are just contingent, if needed, should we get into the project, those are prices that the contractor provided for contingent bid items. My recommendation from Pennoni here, the low bidder for both of those options were the same person. It was Corrosion Control Corporation with a price for Option 1 was \$216,558 and Option 2 for the auger cast \$263,932. So that's the bid. The other prices obviously vary from there, pretty similarly each bidder was pretty much in the same ballpark. They were just higher than Corrosion Control. I presented to them an engineering estimate, which was \$385,000, so a little

higher than the low bid here, but still in the same ballpark of what the bidder's presented.

Councilman Garde: Did you find all of the bids completely responsive to the specification?

Carlton Savage: Basically in the bid package, I also prepared a means and method section, because I wanted to know how the bidder's were going to move the water tower. Part of the bidding procedure, I also did submit some clarifications and one of those clarifications was that measurement, or that measurement of how they were going to move the tower. All four company's had a very similar method. They all presented to move the tower in one solid piece. All the inspection will be an outside agency. Pennoni would offer those services if you would like. The prices were pretty competitive. The only difference I saw in looking through them, you'll notice, for example, George and Lynch pretty much made a lump sum out of their pile foundations. Because of the way the projects was bid on the linear footage for piles, they didn't want to take the risk of potentially losing money if the piles came in with a lesser design. So they sort of manipulated that portion, but other then that, right across the board, everything's pretty similar. The big difference I noticed was in the price for actually moving the tower. That was one of the big items that separated some of the contractor's out.

Councilman Garde: I read your letter and I know that you had recommended the auger cast piles, although that was not the lowest bid. Can I please ask you why you made that recommendation?

Carlton Savage: Sure. Based on previous discussions and the location of the site, we previously discussed driving piles would be very invasive to the school, as well as to the school, as well as to neighboring community. You get a lot more noise. There are a lot more vibrations. The auger casts will be a pre-drilled pile that they would drill. You're still going to have noise, still going to have vibration, but much less. The recommendation I gave was if it's in the budget for the project, my recommendation would be to go with the less invasive to the neighboring properties. It's not a huge increase in the cost, for what you may gain with the school and the neighboring community.

Councilman Garde: Thank you.

Mayor Jones: Mr. Savage, when do we expect work like this would begin?

Carlton Savage: Basically, if you awarded the contract, once they accept the award, we gave a ninety-day turnaround time. My estimate is they would get started fairly quickly, simply because they have ninety-days to complete this project, or start getting into liquidated damages.

Mayor Jones: So that would be a part of the contract?

Carlton Savage: Correct. When they sign the award, they would have ninety-days to complete the project.

Councilman Garde: Ninety-days to complete, or to mobilize?

Carlton Savage: Ninety-days to complete.

Councilman Garde: Okay and what is your consideration for the potential of weather, especially cold weather and cold weather concrete?

Carlton Savage: The concrete itself, I've talked to several concrete company's. There are additives they add that don't affect the strength. Actually, some of them actually increase

the strength for cold weather. One would assume that a contractor would not want to do the work for the concrete in severe conditions and with the right inspector, on site, that would be a recommendation is to not do something that would be detrimental to the foundation.

Councilman Garde: But weather could be a reason to delay the ninety-days on some form of a day for day basis, having to do with an inability to either drive or auger, or to place concrete.

Carlton Savage: Sure, absolutely, weather could be a big part of what has to occur out on site. The one thing to consider is the way the project would work, you'd have to drive the piles or cast the piles first, build their foundation, then the foundation has to set up for a period of time, usually 28 days to get your full strength. That needs to happen sooner than later. The timing of that obviously affects when they can pour the concrete, but concrete doesn't stop being poured in the winter.

Councilman Kost: How long will the pile driving operation or auger operation take?

Carlton Savage: As I said, I prepared a method of relocation in the bid package. The low bidder, I have theirs in front of me, they're estimating a down time for the tank of one week, so that's good. That keeps the potential for _____ water...

Councilman Kost: What I'm asking is, to actually drive the piles, you said... how long will that take? It's going to cost about \$47,000.

Carlton Savage: Approximately one week is what the contractor's estimate.

Councilman Kost: So we're going to pay \$47,000 for one week?

Carlton Savage: That's the bid price, correct. As I said, the long lead time item is the ring beam concrete foundation and they're estimating four weeks, including the cure time, four that.

Councilman Garde: And it's on page four of the bid packages, each individual bidder's schedule is on page four. If you don't mind, I'm just going to inform the folks here of what the guys' schedule is. He says three weeks for engineering submittals, one week to do the piling, four weeks for the ring beam, one week to move the tank, one week to paint and one week for site restoration. That's read from the bid that's being recommended.

Mayor Jones: Thank you.

Councilman Garde: We aim to be transparent.

Carlton Savage: And one thing to consider too, part of the bid package, they do need to go out and get an engineering firm to provide calculations for moving the tower in one piece and that could take him... maybe they've already done it, maybe the company that appears to be low bidder, maybe they're already out doing that today; it is something they need a little bit of time to have an engineer sign off on. That's going to fall into possibly the one to four week period. It can overlap.

Mayor Jones: I also note, aside from this bid, which is up for a vote tonight, you've mentioned it in your letter of recommendation, Mr. Wingo has recommended that almost continuous inspections take place on this property, but as of tonight you do not have any cost analysis for that.

Carlton Savage: I am working on getting you some close estimated costs. It will be affected by which option you pick. The main process difference there is you have to, on the timber piles, they're going to drive the piles in the ground, then we're going to load

test them. That's a pretty quick process. The auger cast, they will have to pour the piles, wait for them to cure, and then come back and test them after they cure. So there is a little bit of difference in time, two mobilizations, inspection-wise, but overall the recommendation for continuous inspection is there, because that allows to ensure that this project is built the same, per the specs.

Mayor Jones: And I just wanted to make the rest of Council aware that that is an additional cost to what you're voting on tonight for the bid, that will be separate.

Councilman Garde: And if I could ask the Counselor, as to what is the process or what options for process are available to select or appoint an inspector?

Seth Thompson: An inspector would most likely fall under professional services...

Councilman Garde: Absolutely.

Seth Thompson: So, you wouldn't have to put it out for competitive bidding.

Councilman Garde: Is there a limit on that? I thought there was a price limit on that for professional services, or is it...?

Mayor Jones: \$5,000 isn't it?

Seth Thompson: I think it's any professional services. I will double-check.

Councilman Garde: Okay, thank you. Assuming it's an professional services, then we would have the option to either go out for bid for professional engineering inspection services, or appoint the Town's Engineer to that. Is that correct?

Seth Thompson: That's correct.

Councilman Garde: Thank you.

Ginny Weeks, 119 Clifton Street: If you do the timbers, having grown up on the waterfront and knowing what the vibrations are like there, and there they're somewhat muddled, is there any chance of damage to the nearby homes and buildings?

Carlton Savage: There's always a chance, obviously, but I can't say there won't be, however, I have spoken to a few geotechnical engineers about it and the cone of influence, obviously the farther you go away, it lessens. They do not feel that driving piles, even as close to the tank will be moved, that it should damage the tank in a manner that is going to cause it to become a problem. There will be an inspector on-site if the vibrations are that strong, there are means and methods to test the vibrations on the tank, to let it know if a concrete failure would be a problem.

Ginny Weeks: I wasn't so concerned about the tank, that the homes and the school... the townhomes and the schools that are nearby.

Carlton Savage: I am not the expert on the pile driving, the geotechnical engineer would have a better idea, however, I would say that the homes and the schools would be far enough away that there should not be any structural damage.

Ginny Weeks: It's just something you might want to consider. Thank you.

Lorraine Wasserman, 244 West Shore Drive: My concern is that the foundation is like sandstone and crumble. What's going to happen if there's a disaster and let's say the water tower falls? I know two people that have life preserver's at the ready and a canoe. Now, I want to make sure... what's the chance? 90/40? 90/50? 50/50 chance? Let's talk turkey here. Do you have an answer for me?

Carlton Savage: No, I can't answer that question.

Lorraine Wasserman: Well, try to get one. I'd appreciate it. I'm sick of this.

Carlton Savage: Sorry.

Seth Thompson: In looking over the Charter, competitive bidding isn't required for anything under \$5,000, so it doesn't matter and it's unlimited in terms of professional services.

Councilman Garde: Thank you.

Mayor Jones: Are there other questions from Council? Just give me a moment. Anything from Council in reference to the bid packages? Yes, please, go to the microphone.

Maurice McGrath, 137 West Shore Drive: If you're going to do the concrete piles, what's the process that you're going to be using to test the concrete for its strength?

Carlton Savage: There would be a load test done and then there's also...

Maurice McGrath: Not just for the load test after. But before it's put into place to make sure that the concrete is going to... is it going to be tested by a lab for the strength of the concrete?

Carlton Savage: Correct. There would have to be samples taken daily, after so many cubic yards have been poured, they'll take another sample. That will all be handled by the inspector. The inspector then... I know Pennoni has a lab, in-house, that we test all the concrete samples for the capacity.

Maurice McGrath: Okay. Also, what process of moving the tower itself are they talking about doing? A platform, rail, what?

Carlton Savage: Basically, from what I've gathered is they have to come up with... we made them provide us with a certified, professional engineering stamped drawing of how they're going to do the moving. All four contractor's that we talked to, same process; it's just how they plan on welding to the tank, to pick the tank up and move it, so there will be a minor amount of welding for sort of lugs that have to be welded onto the tank. The crane will then be strapped to the tank, the tank will be unbolted and moved. The new foundation will be in place, ready to go, before that ever happens, so...

Maurice McGrath: So you're going to move it by crane? They're not going to try and push it...

Carlton Savage: No. No, it will all be done by crane.

Maurice McGrath: Okay, thank you.

Councilman Garde: If you would like Maurice, I can read you what they submitted.

Maurice McGrath: Yes, please.

Councilman Garde: The bidder that we're talking about said he would move the tank in one single lift. He will attach rigging to the interior, upper section of the support shaft below the tank's sphere. Access for this will be through the roof and ball openings. This method creates no stress on the tank while providing lift attachments in an area suited for the weight.

Maurice McGrath: Thank you.

Councilman Garde: Can I also say that the bids are not private information, if anybody wanted to take a look at them, I'm sure we would have no issue with that. Do we? Or am I out of line?

Seth Thompson: No issue.

Councilman Garde: In other words, if Maurice wanted to look at this he could come up and look at it.

Seth Thompson: Right, unless a bidder indicated that there's proprietary information, otherwise it would be subject to FOIA and it can be produced.

Councilman Garde: Sure.

Mayor Jones: Any further discussion by Council? I'll be the last person to argue that this is a tremendous amount of money to save a 75,000 gallon water tank, but with the Council being devoid of other recommendations to couple this project with, as a referendum item or anything else, it is what it is. I was not aware of Mr. Dailey's facts of this being four years. I am aware of it being discovered by Mrs. Rogers when it was picked up and started and taken forward again, so the time has come. Are we ready to vote?

Councilman Garde: I have one last question that goes to Michael since I don't have any numbers in front of me. Are there sufficient funds in the account to cover the recommended?

Councilman Coté: There are sufficient funds in the Water Fund.

Councilman Garde: There are sufficient funds in the water accounts to cover the recommended fix. Which one of the two would we take it out of, or are we allowed from the Impact Fee, or the other account?

Mayor Jones: Proprietary.

Councilman Coté: We will probably take it out of the checking and leave the Impact Fees alone. The checking as of...

Councilman Garde: That's the proprietary account, we call it the checking account?

Councilman Coté: Yes. That checking account, this is as of September 30th, has \$581,000 in it. The recommended bid is in round numbers, \$264,000.

Councilman Garde: On the basis that there are sufficient funds, there are no options that we could take within a reasonable time period, I make a motion that we approve Pennoni's recommendation to spend approximately \$264,000 for Option 2 by Corrosion Control Corporation of Pedricktown, New Jersey.

Councilman Coté: Second.

Mayor Jones: The only discussion I have is can this motion, in any way, reflect our continued need for inspector cost, because you really can't go forward one without the other.

Councilman Coté: I would like to see that.

Mayor Jones: That needs to be in the motion, I feel it does, because that's business that this Council still must address.

Carlton Savage: I can definitely have a number for you. The problem I see is you guys are now making a decision, without a number there. I'd like to say you're probably looking at typically 6% inspection fees, something like this; maybe 10%, so you're looking at about \$20,000 is what I would assume. But I can get that. If you were to hire us, we work on a time and materials basis. It's basically an estimate. It's all going to be depending on what actually is needed for the inspection; the schedule for the contractor. Obviously we want to push them along, so that the cost is not driven up by the inspection.

Mayor Jones: Then the motion can contain, as Councilman Garde said, however the inspector has yet to be named and it has to go along with his contract, so whether it's Pennoni or not, we're still in the need to be shopping for an inspector for this project.

Councilman Garde: In which case, I will not necessarily... I wonder if it would take two motions, but what was on the agenda was to vote on this set of bids. That's what was on

the agenda.

Seth Thompson: It was worded a little bit more broadly than that. I think it puts people fairly on notice.

Councilman Garde: Let me just ask, since we're in discussion, process-wise, if we said we wouldn't start the actual construction project until we had selected and entered into a contract with the inspector, would that be sufficient? Just say that notice to proceed is dependent upon the appointment of an inspector.

Seth Thompson: You certainly could do that. I guess, I was thinking another avenue might be to amend the motion to include approval of the inspection charges. Obviously without a number in front of you, you can't put a number on it. You probably don't want to put a ceiling, because then your numbers are going to magically come very close to that ceiling. No offense to Pennoni. That's the reality.

Carlton Savage: I need to be honest with you, that is a fair approach.

Mayor Jones: Can we make the motion to adopt, to approve, with the stipulation that the inspection portion still needs to be completed, or should be put on the next agenda, something along that line, to make this complete?

Seth Thompson: Right. So in other words, you're approving the bid. You're also going to be approving paying for inspections that have been recommended, but you're not going to approve the inspector until your December 1st meeting?

Mayor Jones: Or the cost? Right?

Seth Thompson: Right, or the dollar amount. Okay.

Mayor Jones: Does that make sense?

Carlton Savage: Just to give you an idea, I just tried to quickly do the math in my head. If everything works out, you basically have three weeks of full time inspection, three weeks of full time inspection would run approximately \$12,000, so that's why I said you'd be somewhere in the number around \$20,000 by the time you had some odds and ends things, answering questions back and forth, approving shop drawings, \$20,000 would be a decent budgetary number.

Councilman Garde: If I understand this at the moment, the appointment and/or process for selecting an inspector for inspection services should hold up notice to proceed?

Seth Thompson: Correct.

Councilman Garde: In my view, it does not hold up approval of this bidder and notifying him, so I will make a second motion that if my first motion, which has been seconded, is approved; that the second motion is that the bidder not be given notice to proceed. I make a motion that the bidder not be given notice to proceed until an inspection firm is either selected or appointed as a second motion.

Seth Thompson: I think that makes sense. So we'll have to deal with the first motion, but I think it makes sense so the Council knows when they're voting on the first motion, then Councilman Garde's then going to make that second motion.

Councilman Kost: I'd like to make a comment on the selection of the price. It seems to me we're spending \$47,000 for noise abatement over a one week period and from what I understood from the town's engineer, the potential for vibration damage to any nearby homes is very minimal, if any. It seems we should get consideration to not use an augers, but would piles. \$47,000 is a significant sum of money.

Councilman Garde: All I can say is I agree. It's a significant amount of money. I have

been on a site that drove wood piles and I will just say that it is extremely noisy. I'm not that concerned about the vibration, but the comfort of the people in the neighborhood and the comfort of the people in the school, are why I am on a personal basis, why I made the motion I made. Pile driving is certainly adequate technically. I don't believe there's a technical difference in the strength of the foundation, one way or the other. In my personal view, there is a difference in the comfort of the people in the area and the children in the school, which was my principle reason, the kids in the school is my principle reason for recommending the auger cast piling.

Councilwoman Patterson: I could be misinformed, but I recall at one of our meetings when we discussed the pile driving, with the situation that the tank is in right now, that it was a little bit precarious, unless it was craned and held, you know there could be... because I do remember somebody saying that there could be something that could affect the tower and...

Carlton Savage: Correct. Until you start driving that first pile, I don't think you're going to have any engineer sit here and say there's no potential for a problem.

Councilwoman Patterson: Right, so I did hear that and then there was a discussion about the crumbling concrete and that's the information why I'm going with the concrete.

Councilman Kost: I didn't hear that.

Carlton Savage: The auger cast is a newer option that's been being used more frequently today. There are advantages, other than just what we discussed. I'm not the expert on every single one of those advantages. The big advantage here is the location. We already had another firm that has basically said that there's no doubt that this concrete foundation has to be fixed. There's already severe damage to the foundation. If you get into a pile driving situation, being even in the time of season, that one week could end up being two or three weeks of pile driving, if we were to get bad weather, so the week is what he's estimating, however, it may take two or three weeks if we get snow, if we get other weather conditions.

Councilman Kost: May I ask another question? If we drive in the winter time, is there a difference driving in the winter time vs. driving in the summertime, when school's out?

Carlton Savage: For capacity reasons, I don't believe so. The problem is if you wait until the summer, you would probably want to rebid. I don't know if we... Now the other thing to consider is the cost that you're seeing is based on a linear footage basis, for the piles. Until we actually drive the first pile, or cast the first pile, the actual final design is not finalized. We've estimated what we feel is definitely the furthest it's going to go. It could be substantially less. Your cost for this one contractor, per linear foot of timber; if for example, we bid on a 50' linear foot basis per pile, he bid \$5.33 to install; \$8.48 per linear foot to purchase. If we were to only have to have 25 feet of pile, there's not a huge cost savings there. The auger cast, however, is \$46.00 per linear foot, so potentially if the bottom cut-off elevation, or the bottom minimum tip elevation comes up, now all of a sudden there is a little larger cost savings for that, so that number could be slightly less. There is still the potential that it could be deeper and that cost goes up slightly, as well. You're talking a few thousand dollars, one way or another.

Mayor Jones: So we have a motion and a second on the table to accept Option 2 from the Corrosion Control Corporation of Pedricktown, New Jersey. Are we finished with discussion and questions? Do you want a roll call vote?

Seth Thompson: That would be good.

Mayor Jones: We'll take a roll call vote:

Councilman Kost	Yes
Councilwoman Patterson	Yes
Councilman Coté	Yes
Councilman Garde	Yes
Mayor Jones	Yes

Mayor Jones: The motion is carried. Do you have a second motion, Councilman Garde?

Councilman Garde: Yes, the second motion was to not issue notice to proceed to the successful bidder for the auger cast piles, until an appropriate engineering firm is appointed to perform inspection services.

Councilwoman Patterson: Second.

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

b. Memorial Park Gazebo Usage Policy and Request Form

Mayor Jones: You have in front of you the Revised copy of the Memorial Park Gazebo Usage Policy and Request Form.

Seth Thompson: Kristy, I don't know if you want to chime in, but Kristy was the one that was kind enough to make the revisions. We added in the information in terms of the police and the cost. I gather than came from the Captain? Is that...

Kristy Rogers: No, the changes I made were adding the Fee Schedule to page 1 of the Request Form and that was requested by Councilman Kost, as well as on the Policy amending item 12, with wording, required by the Town for groups of more than 150 attendees for the Police Department staff. Those are the only changes, at this time.

Seth Thompson: Where did the \$50 per hour come from?

Kristy Rogers: We had discussed that at the last Council Meeting.

Seth Thompson: Okay.

Councilman Garde: I have one comment. At the last meeting, I took a note that said we would add a note to Item 16 in the policy, referencing the possibility of additional costs to clean up because it was estimated that \$75 wouldn't cover it, if there was the need to put a large number of people in the field to police up a dirty field and I don't see that it had been taken care of. That's just a comment, but I believe my note was reasonably accurate.

Councilwoman Patterson: I think Councilman Garde also brings up the point that Mr. Welu made, which is a good point for groups, the usage fee of groups of 100 or more attendees. Right now we have just \$150. Maybe we should add a caveat in there, like groups over 150 require special consideration. Please call Town Hall and we'll be happy to discuss your needs; once we start to get larger and larger, because that just leaves it open for, again, 2,000 people or 200 and that would definitely tax the resources of our town departments to clean that up.

Mayor Jones: Let me follow up on that. I want to ask Mrs. Rogers a question and maybe it will help to answer that. What are you putting in place at Town Hall for this new

procedure? Who will review this? Will you have the opportunity? Will it be you? Who will it be who reviews something of the usage of 100 or more attendees, so that you actually get a face to face with the person and can understand what their needs are. Now I also agree with Councilman Garde where we might be able to build in to number 16, that these costs may be significantly greater if the park is in bad shape, but I'm back to my original, who will oversee these? Who will process this?

Kristy Rogers: At this time, I sign off on the Park Request Forms. I don't know if that would change and there are times I've reached out to those requesting use, for any additional questions I had before making approval.

Mayor Jones: Okay. But they just can't send this in. If you saw someone who was going to be in that group of 100 or more attendees, you would have dialogue with them?

Kristy Rogers: Yes.

Mayor Jones: Okay. And so Councilwoman Patterson, what is it that would be the concern of that many people, needing more money, or more deposit? What is your concern and can it be picked up in the Park Use Policies anywhere?

Councilwoman Patterson: Possibly and I would think that it would belong in the deposit for more than 200 attendees.

Mayor Jones: The number 16?

Councilwoman Patterson: For number 16 on the back, yes, under deposits. But it sounds like Kristy does speak with the requester about their event, that might just get it taken care of. A deposit of \$75 for estimated groups of more than 100 attendees; we were talking about something... I think Mr. Welu is right. If they've left it a mess and they only paid a \$75 deposit, we would not be able to acquire more funds if we have to clean up the park. It's not that I want to dissuade anybody from using the park, that has larger groups, but it could tax the department to clean it up.

Councilman Coté: During one of these discussions didn't we hear that it took, after one of the big events, it took three guys almost a day to clean up?

Mayor Jones: A full day.

Councilman Coté: A full day, three people at...

Councilman Garde: 25 man hours. That's a lot more than \$75.

Councilwoman Patterson: Right.

Councilman Coté: Yes, that's over \$300 just without any fringes.

Councilman Garde: That's why you said at the last meeting that you would add something to item 16 and I think, in my view, it would be fairly easy to put a note there, not to change anything, just to add a note that if the Town is required to clean-up, it will be billed at our cost, or something like that.

Councilwoman Patterson: We're trying to protect the town and so if you see that you've paid the \$75 for your group of 100 or more and you just decide we already paid for the deposit and we don't really feel like cleaning up, so we're just going to go home and that leaves us with the big mess.

Mayor Jones: And a difficulty in collecting that extra money. She does make a good point.

Councilman Garde: Absolutely, you will have a difficulty but since you have a signature that says that they are responsible, I think it's less likely that you would have a "skipper", or someone who just decided not to pay on the basis of what they shall have

actually signed in terms of Liability and Responsibility of the Applicant. Generally speaking, these are people we know and generally speaking they will... the big ones want to come back and if they leave the place a mess, we ought to be able to recover our costs on the clean-up.

Councilman Coté: But somehow we need to say that somewhere in number 16 or on the Park Request Form...

Seth Thompson: And it is on the Park Request Form, but in terms of putting it on the... it looks like it's in the middle of the Liability and Responsibility of the Applicant section, where it says "I acknowledge that the above-named organization shall be responsible for any damages, trash clean-up, police costs, maintenance repair fees, etc." But putting some language together quickly, I suppose at the end of (and I'm back on the policies) section 15, it currently says "If trash is left behind, the deposit will not be refunded for removal" and then maybe add "Additionally, the requesting party shall be responsible for reimbursing the cost of trash removal by the Town" and then in section 16, it currently reads "A refundable deposit is required to offset trash removal and other clean-up and/or damage costs." Then I would add the language "the deposit shall not be construed as any limitation on the Town's ability to require reimbursement under Section 15", something like that. Then in 16, we could add a d. An additional \$25 for every 50 attendees above 100 shall be charged to the requesting party. Something like that. It seems like that's the number we've set, \$25 per 50 people. That seems to be the going rate.

Mayor Jones: Well this is the first year, let's make sure we don't price ourselves out of what is a good idea of recouping our utilities at the park.

Seth Thompson: Yes.

Councilman Garde: In terms of the fees, I think the fees which are basically only mentioned on the front page, the usage fee I think is fine. The deposit is what we're discussing and I'm not as concerned as the other speakers about the amount of deposit we have, as long as we get the language along the lines of what you just indicated, that would pass my test.

Seth Thompson: I think it is helpful that you typically have the same people coming back year after year. That is good. Now, obviously it's going to apply to everybody and I think it is wise to say, we don't want to have them put forth too much money in terms of the deposit, that somehow it's a deterrent; well we're just going to go somewhere else. I can repeat the language that again I was just kind of spit balling here, but the sentence that I would have put at the end of 15 potentially is, additionally the requesting party shall be responsible for reimbursing the costs of trash removal by the Town and then, adding after the first sentence in section 16, the deposit shall not be construed as a limitation on the Town's ability to require reimbursement under section 15.

Councilman Garde: I love 16. Would you read 15 again, because when you read it I had a thought that I would like to add something.

Seth Thompson: Sure. My sentence was additionally the requesting party shall be responsible for reimbursing the costs of trash removal by the Town.

Councilman Garde: I was just going to say, if required or if determined necessary by the Town. Something like that, because they are already obligated to clean-up, so that sentence would only apply in the event that they failed in their obligation, that they

already have, to clean it up, so I think that concept should be in that sentence.

Seth Thompson: Well, then perhaps... so the sentence right before it, in section 15 starts out with the phrase “if trash is left behind”, so maybe what we do is we say, “if trash is left behind, the deposit will not be refunded for its removal and...”

Councilman Garde: “And”, there you go. That's perfect. And the Applicant will be responsible.

Mayor Jones: And that will be set by the Town Administrator as to what those costs were to finish cleaning the park? Is that how you're going to...

Councilman Garde: If he uses the word “reimburse” that means that we get paid at our cost, at least, according to the way I understand that term. We would have to justify the cost, unless we want to put an hourly rate in, which I don't think... just the cost.

Seth Thompson: And I'm envisioning... how does the Town deal with large scale trash? Dumpsters and that sort of thing? I guess I'm thinking is there ever going to be a scenario where the Town has to hire a third party to deal with that?

Kristy Rogers: I think the container at the shop would be sufficient to handle any trash clean-up in the park.

Seth Thompson: A really bad scenario obviously would be if it was something toxic. I guess that would potentially involve a third party.

Councilman Garde: It would be a cost that we shall have incurred and it would be their responsibility to reimburse with the language you have, at least according to my understanding of the language.

Councilman Coté: Third party's are generally easier, because we'll get a bill from somebody and we copy the bill and forward it on. The Town staff would be a little bit harder to what's included, hourly rates, fringes, whatever.

Seth Thompson: You would have to gross enough for what it costs the town.

Mayor Jones: So are we prepared to vote on this with the comments and additions made or do we need another clean copy?

Seth Thompson: I think I'm pretty clear. It sounds to me like and I don't want to pre-judge it, but I didn't hear much feedback in terms of requiring an additional \$25, so I think we're just looking at the additional language in 15, that additional and then in 16, the additional sentence that's just making it abundantly clear that the deposit is not some sort of maximum.

Mayor Jones: Okay. So with those changes, do we hear a motion to approve?

Councilman Garde: I make a motion that we approve the Park Use Policy and Park Request Form, as modified by the discussion in items number 15 and 16 of the Park Use Policy document.

Councilwoman Patterson: I'll second.

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

c. Cannery Village punch list, development standards and subdivision approvals

(Tabled per Council until December Town Council Meeting)

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

a. Resolution to adopt the fiscal year 2015 fee schedule

Seth Thompson: Mr. Collier was kind enough to point out that part of our Charter requires adopting by Resolution, so this Resolution is really serving as a cover page to the Fee Schedule that the Council previously discussed. You're essentially ratifying it and making it effective as of the September 25th date, when it was initially voted upon with the budget.

Councilman Garde: That was my question. I don't, since I wasn't available for that meeting, the top of this document says Adopted on September 25, 2014. So does that mean that it is all approved and our only obligation tonight is to clarify it under a Resolution, adopting it?

Seth Thompson: That's exactly correct.

Councilman Garde: I make a motion that we approve the Resolution to ratify the adoption of the fiscal year 2015 Fee Schedule.

Councilman Coté: Second.

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

11. Executive Session:

- a. Personnel matters in which the names and abilities of an individual employees are discussed
- b. Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
- c. Preliminary Land Acquisition

Mayor Jones: Do I hear a motion to go into Executive Session?

Councilwoman Patterson: I make a motion to go into Executive Session.

Councilman Coté: Second.

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

Mayor Jones: Hold on Sam's not here. I need a motion to go back into session.

Councilman Garde: So moved.

Councilwoman Patterson: Second.

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

12. Discussion and possible vote on Executive Session items

Mayor Jones: Two items on the Executive Session agenda. We need a motion for both.

Seth Thompson: How about we go with the motion to approve the counter-offer, as discussed in Executive Session.

Councilman Garde: I make a motion that we present the counter-offer that we discussed in Executive Session.

Councilman Coté: Second.

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

Councilman Garde: Motion to authorize the Town Clerk to proceed with the request for additional time on the possible land acquisition.

Councilwoman Patterson: Second.

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

13. Adjournment

Mayor Jones: I need a motion to close the meeting.

Councilman Garde: Motion to adjourn.

Councilman Coté: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 10:18 p.m.