

**Milton Town Council Meeting
Milton Library, 121 Union Street
Thursday, July 24, 2014 at 6:30 p.m.**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call to Order – Mayor Jones

2. Moment of Silence

3. Pledge of Allegiance to the Flag

4. Roll Call – Mayor Jones

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

5. Public Participation

- Jonathan Patterson: Over the weekend I was looking at the surveillance protocols here and I think it's deeply flawed for a number of reasons. Number one, the chain of responsibility is basically the oversight we have here is the position of Police Chief; nobody else, no Council, not anyone else. But dovetailed into that, it's kind of crazy. If you look back here it says "According to the extent permitted under the Delaware Freedom of Information Act, these recordings shall not constitute a public document or record and no recordings shall be released to other than law enforcement agency, except pursuant to discovery, a subpoena." So in other words, you'll never be able to see these recordings. The position of Chief is the only person who oversees these. Okay? I find that troublesome, because the potential for abuse and unprofessional behavior is there. The whole concept of having these cameras too, I think is problematic, in a small town like this. This is not Detroit. It's Milton. One of the things that everybody should be aware of is any of these kind of things that are electronic, their network can be hacked into; whether you're flying a wireless 777, or this device right here which I found out has three back doors in it; deeply written into the Code that just came out this week. So these cameras can be hacked, they can be usurped, they can be used by other people. I just don't think it fits the personality of the town. I'd like to see the police more visible, instead of less visible, sitting behind a monitor. But I think the way this is set up, is definitely a violation of our rights. We just turned over there and we looked at the flag and we said the Pledge of Allegiance, so let's think about this, real quick when you have some time. The fourth amendment of the U.S. Constitution, the right of the people to be secure in their persons, houses, papers and affects against unreasonable searches and

seizures, shall not be violated and no warrants, and there's no warrants in this process at all, shall issue, but upon probable cause, supported by oath or affirmation. That means you're supposed to see the person who's accusing you of something and particularly describing the place to be searched and the persons or things to be seized. These cameras have more technology than just visible; they're infrared; they look at facial recognition; gate recognition; they'll look into cars; look into boats; look into people's windows and you will never be able to know that, because you won't have access to it. So, I think that we should consider any of this kind of stuff.

Mayor Jones: Thank you.

- Judy Shandler, 202 Gristmill Drive: I have a question. I live in Cannery Village and I will say I know there has been back and forth between our developer's and the Town, regarding a punch list, regarding things that have to be done to facilitate the final paving, which is just long overdue for a number of reasons. My question to you is, living in Cannery Village and seeing absolutely no repair work being started, or any kind of marking that would even lead me to have the fantasy that it was going to be started; there's nothing happening on the curbs, on the sidewalks, and certainly not on the pot holes or on the roads; my question is with the going back and forth between the town and our developer's, Chestnut Properties, what is the current status right now of that project?

Seth Thompson: Thank you Ms. Shandler. At the Council's direction, after the last meeting, I reached out... I sent an email to all three members of Chestnut Properties. I haven't received a response. I really wish there were more back and forth, because I thought we were relatively close to getting things done; and unfortunately I wish I had more to report.

Judy Shandler: Well let me ask you this and I understand that and I'm happy to hear that you did send a communication to them, but in the absence of their responding, what is the next step because, and I say this because the people in Cannery Village, 180 some families in the Town of Milton, at this point are being held hostage by a developer who simply seems to not be willing to respond and the Council does have the best interests of all it's citizens and taxpayer's in mind, with equality to all. So it seems to me that at this point, the ball is really in the Council's court. How do you deal with... As a teacher, I know how to deal with a recalcitrant student. As an attorney and as a Mayor and as a council member, how do you deal with recalcitrant developers who have a history, frankly, of taking advantage of the people in Cannery Village? I can certainly supply details to that, as well. We're the only community where we have, since the inception of the Homeowner's Association paid maintenance of the roads and paid for streetlighting even though the Town Charter clearly stipulates that these are expenses to be borne by the developer's and yet the developer's have never been challenged by this administration or the one prior or prior; so where do we go from here?

Seth Thompson: That's a pretty good segue, so the way the Town Code is written, it's made clear that the developer is the one that needs to carry all of those costs; until they complete all the improvements; go through their punch list; go through the process; and turn everything over to the Town. So that's really... and when it says that the developer is to bear those costs, really the Town Code is focusing on whether it's the town's responsibility...

Judy Shandler: I understand that. I do understand that, but I'm also an English teacher; words do have meanings and it does say, it is the developer's responsibility and it doesn't mean, I'm sure... the intent of that wasn't that the developer's responsibility was to go in and tax the members of the community; it was to reach into their own back pocket. Having said that, where do we go?

Seth Thompson: Those issues are normally the onus that gets the developer to finish things. They want to be rid of those carrying costs; they want to be able to sell homes, too; frankly I imagine it's probably more difficult to sell homes on those remaining lots, based on the current condition of the development. I can only imagine it. So in terms of moving it forward, there's also normally a bond in place that the developer has to pay; so that's another reason they like to finish things; in addition, I would like to think that most developers want to put a good product out there.

Judy Shandler: But of course you know there is no bond in place.

Seth Thompson: That's right, so we don't have that extra onus, which is obviously difficult; that happened a long time ago. In terms of the Town's ability to bring them to the table; when their sub-division was approved, there wasn't any sort of timeframe in terms of completion of improvements. Unfortunately, under that form of the sub-division ordinance, it could seemingly go on forever; now again, there are these practical elements that a developer should want to move things forward, but legally there wasn't something in place at that point in time; the Town could turn around and say, it's been ten years; your sub-division needs to be finished. So there isn't a lot the Town can do, other than we've discussed the notion, obviously, of filing suit, to have them produce a bond. My understanding of the amount of money that seemingly is the impasse here, certainly the Town Council is able to authorize that. It would just seem a waste to not be able to get this done and I'm frustrated. I can't imagine how frustrated the residents are.

Judy Shandler: No, and you can't and that's exactly right. I won't argue with you on that point, but I just want to toss out something else, just to stir the pot even a little bit more though. Looking back, I've been here seven years and I look back, the Town has interceded or come forward or whatever the proper language is, but in the case of Shipbuilder's Village, for example, there was excessive flooding and it was ongoing and it was the Town that sent in engineer's, my understanding and the Town that paid to rectify that. The Town stepped in and helped the people in Shipbuilder's Village, because, apparently, the developer was not doing it. The Town, for that matter, paid to finally pave the streets in Shipbuilder's Village, as well. So there's so many things in place, that I'm just waiting to see... not just me, whoever is part of Cannery Village and quite frankly, whoever lives in Milton and wants to see equal treatment to all residents, we're just waiting to see when is it our turn for somebody to apply some pressure, somehow, and I'm hearing your frustration, but I hope you're hearing mine.

Seth Thompson: I certainly am. I definitely am. I wish I had more to report. I think I've done as much as I can in my position to lay out, here's what I think the appropriate process is. I don't see it as a particularly complicated process and I think there are some alternatives out there, I suppose.

Judy Shandler: What is the status of the punch list?

Seth Thompson: I believe that the developer was supposed to come back and I'll look over to Mr. Wingo, but the developer was supposed to come back with their list of the

items that they felt weren't necessary to fix, as I call them de minimis items. I don't know if I've seen that. I'm getting head shakes from the town officials. So the Town produced a punch list and that was arranged with the developer ahead of time... I should say the engineer produced a punch list. The Town presented it to the developer. The developer said well we don't really agree with all these things, but we haven't really seen a list in terms of what they don't agree with and unfortunately, it's a bad situation that we're not just treading water, we're kind of going in reverse and that obviously as time goes on, and things aren't done, at some time there's going to be a need to update that punch list, if things deteriorate.

Judy Shandler: May I ask what the nature and this may be confidential, so I'm not offending if you say no I can't tell you, but I can ask, may I ask, what the content of the letter was that you sent to Chestnut Properties?

Seth Thompson: Sure, it's FOIAble; again it came from me to them. I can certainly... I know I cc'd the town; I sent it by email; that's typically how I cc the Town, but it was basically hey where are we on this. This is potentially going to get worse. I thought we were fairly close, that sort of thing. We haven't heard from you. Here was my plan.

Judy Shandler: And that went out when?

Seth Thompson: After the last meeting. So it was a couple of weeks ago, at least.

Judy Shandler: I'm not going to badger the witness anymore. Okay. Thank you.

Councilman Coté: I just wanted to throw out a thought, because as a lot of you know I too live in the same development and I'm part of the Homeowner's Association Board and as a Board Member of the Homeowner's Association, I talked to one of the Chestnut Properties' representatives and his current position is that they are still waiting to hear back from the contractor on one agreement to the de minimis items listing that they were provided; and, two, the overall price of the project. That's their current position.

Judy Shandler: They told us that May 8th, at the meeting.

Councilman Coté: I don't believe that's what they said in the June meeting either. Well maybe they did say that in the June meeting, but I spoke with them in the last few days. I tried to get to the representative, to their member who deals more directly with the paving contractor, but I haven't received a return call yet. In terms of the lights and the snow removal, the ordinance does say "shall". The representative from the developer indicates that he has an opinion that he can pass that on to the homeowner's.

Seth Thompson: Just to be clear, that's not from the town's perspective.

Councilman Coté: That's not from the Town. This is his own... it may be his own opinion. One of them has a law background, but it could be his own opinion. We don't know that, but supposedly they're waiting on the paving contractor to get back to them. I don't know how to light a fire under that.

- Richard Miller: I see on the agenda that the Chamber of Commerce will be making a presentation tonight. It ties into what I'd like to address, the notion of communication. I was at a workshop last Saturday; it was part of the Comprehensive Plan and the work group that I was working with, very productive session, a couple of ideas came out and I'm using the example... I will use, to give you an idea of what we could do. One of the line items was to promote the Town with a similar concept, like the Doors of Ireland; Doors of Belfast; and somebody brilliantly suggested Doors of Milton, but that just lead into more conversation. The next idea that developed was the idea of using Wi-Fi as a

communicative device for our Town and if I can just give you an illustration, if the Chamber of Commerce were to develop this idea of having businesses support the installation and maintenance of a Wi-Fi system, there would be no reason for a visitor to leave the Town. They would know what the cafe has, they would know which historical property they're looking at, there's a myriad of possibilities, with the infrastructure that we already have in place and I would just encourage Council to look at the idea and not wait for the Comprehensive Plan to develop it further; to look at it over the next budget period of funding a Wi-Fi project for the Town of Milton. The other advantage that it gives us, is this concept of connectivity. We are connected by Wi-Fi and we should take advantage of the technology, looking out the window, we have a tower and it's just part of the infrastructure; that's obviously a great antenna location, but I'm not going to solve the problem. I'm just saying that rather than wait for the Comprehensive Plan to develop, we're getting into our budget season; the Town of Salisbury just finished Phase 3 of their downtown Wi-Fi program. It cost them \$38K a year to do that and they're encouraging people to stay downtown and I think Milton is on the verge of that kind of breakthrough and it's not a lot of money, but in the scheme of things; but it's a whole lot of bang for our buck and we can do it right now. Thanks.

Mayor Jones: I just want to bring to the Council's attention, Mr. Thompson's writing into the record as well in reference to the streets in Cannery Village. Was the explanation that we gave Mrs. Shandler, acceptable?

Judy Shandler: Yes.

Mayor Jones: Okay.

6. Additions or Corrections to the Agenda

Mayor Jones: I will tell Council that under Item 10.c., that name has not been brought forth yet and neither is 10.k. Available this evening, so if anybody has any other additions or corrections, I'd entertain a motion to...

Councilman West: Madame Mayor, I would like to incorporate 10.a. and b. into one.

Mayor Jones: Sure, it's on one piece of paper anyway.

7. Agenda Approval

Councilman West: Then I'll make a motion to adopt the agenda, as amended.

Councilwoman Patterson: Second.

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

8. Presentation by Milton Chamber of Commerce regarding Downtown Development District

Mayor Jones: Tonight, Mrs. Lisa Sumstein, the Director of our Chamber now, is making the presentation that we heard about at the Comprehensive Plan on Saturday, in reference to the Downtown Development District; this came from the initiative of Governor Markell.

Lisa Sumstein: Good evening. Governor Markell has introduced an initiative that he's calling the Downtown Development District. Municipalities in the State are able to apply for these designations and once the designation has been made, property owners within that designation are able to apply for grant funds to upgrade their properties, to make improvements and the grant fund is approximately 20% of the cost of the project. The application has to come from the municipality, so that's why I'm here this evening, is to ask you to consider starting the

process. What I handed you is just a short explanation and then the Draft Application. Only the Draft Application has been published, at this point; public comment for that ends on July the 25th, which is tomorrow; so then we would hope that the actual application would be made public and at that point, also the due date of the actual application. In the information that I gave you, I included a map of what would only be a sample of what could be designated as a district. With Milton having less than 9,000 resident's, we could designate 85 acres; any 85 acres honestly; to be in this district, but it would seem that the example that we gave here would give us the most bang for our efforts, so to speak and property owners, be they residential, commercial, or non-profits, can apply for these funds, as long as they are within the designated district. Another thing that's really important to discuss about this, is in the initial round of designations, the State is only allowing three designations in the initial round. So that would be one for each County; giving Milton a 1 in 22 chance of making it in the first round. Personally, I think that's worth the effort. If we don't make it in the first round, then we can assume that we'll be ready to go when the next round opens again. I'm sure that you have a lot of questions. The application process is not as scary as it seems the first time I looked at it. With us working on our Comprehensive Plan right now, that would be a part of the application; a lot of the census information they're requiring, I assume that we already have and the time would really be now to designate this area and begin to talk to those property owners about they would need; what they would look for, in being part of this plan and then to push forward in making the application for the Town of Milton. So if you have any questions I'm happy to try to answer.

Councilwoman Parker-Selby: What did you say that tomorrow was the due date for what?

Lisa Sumstein: No, tomorrow is the end of the public comment on the draft, so it just really is the end of the draft period and then my assumption is that they would make revisions, or take into account, whatever comments they got and then put out the final application.

Councilwoman Parker-Selby: Now the public comments, where do they go, online or...?

Lisa Sumstein: Yes.

Councilwoman Parker-Selby: Okay.

Lisa Sumstein: This Grant is put out through the State Housing Authority and another thing that's worth mentioning is that in addition to the 20% match that would come from this, agencies like DelDOT would give first priority to projects that would happen in this designation. There are other agencies that are still working on what exactly all the benefits, from all the agencies would be, but this DelDOT piece jumped out at me; that we could jump to the head of the line, quite frankly, with this designation.

Mayor Jones: Did you choose the 85 acre territory that's in our map?

Lisa Sumstein: I did.

Mayor Jones: Okay.

Lisa Sumstein: I was just trying to... and it's only an example of what could be done. I was trying to... It's not precise, but it's close, so I was trying to show what areas of Milton could really be impacted and if you look at this, some examples of what could happen is for example, the property that is owned by the fire company on Front Street. The fire company could apply for a 20% match on any sort of development they do. All the property on Front Street, down by the river... Even if you look back here on Magnolia, the Historical Society could apply for a match on the lot that they have that's vacant right now. Of course, Mr. Howard's property on Union Street that needs so much work done, he could get help that way. The Theater and you could just draw it down Union Street and see how this designation could really impact our

community in a positive way.

Mayor Jones: Does Council have any questions? We'll take some time to digest this. Because this is new, did anyone in the office have anything that they wanted to add to this, or questions?

Councilwoman Parker-Selby: Just a comment, I think the Comprehensive Plan that we worked on Saturday was very productive and I think many of the pointers that came out of there, can be used to get us an application, to put in our application. I really think we need to look at this.

Lisa Sumstein: I really would urge you to act quickly. I know that it seems like things are so up in the air, with the actual final application is not even out yet, but when you consider that only three are being given in the first round, I think that we need to really put our best foot forward and make every effort. In my opinion, this sort of designation would make a huge difference in what could happen with the Town, just in property values. We still have several properties for sale in and around, in the area, that we would potentially be discussing. It would certainly make a difference to a potential investor if they had this sort of fund availability on the table, when they're trying to make an investment in our town.

Mayor Jones: Lisa, I think it's a very worthwhile project and I appreciate your bringing it to our attention. When you talk about action, what kind of action are you looking for? Is it a commitment from the Town to buy into this; to make this application?

Lisa Sumstein: Absolutely.

Mayor Jones: It is the municipality that has to submit.

Lisa Sumstein: It has to come from the municipality, not from the Chamber or any other Main Street or association. This particular piece of the project, has to come from the municipality. My suggestion would be that we maybe try to find a grant writer who would volunteer. Certainly we would have to designate what area we wanted to target and then begin to talk to those property owners to set forth a plan. What came out of the Comprehensive Plan meeting on Saturday would be a good place to start, but I believe that we need to act now and get involved with a grant writer and take the steps needed to be ready to go when the final application comes out.

Mayor Jones: How about if we put this on August's agenda with a vote to adopt or decline? Would that be an acceptable amount of time?

Lisa Sumstein: Absolutely. Yes.

Mayor Jones: If there are no other questions, I would also like to mention for everybody's information here, that Lisa's very active right now with DEDO and DEDO has offered the Pop-Up Program again in the Town of Milton. Much to her credit, there are five stores that are willing to participate and if we can find those people that fit good businesses here in Milton, then every storefront in our downtown will be full; so if anybody knows friends, relatives who want to start up businesses, this is a great opportunity. So you've done a great job. Thank you.

Lisa Sumstein: Thank you for your time.

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

- a. Shipbuilder's Water Tower Foundation, including possible vote to approve substantial repair expenditure

Mayor Jones: Are we looking for Pennoni Associates to be up to the microphone to answer any questions? Would you please. This is quite a document to digest.

Carlton Savage, Pennoni Associates: Good evening. I also brought today Steve

Donahue. He's our geotechnical Engineer to answer some of the questions related to the geotechnical report. Basically, over the past month we've done some geotechnical investigation for the potential use in a proposed new foundation, where the existing water tower, the H. O. Brittingham water tower site, next to Shipbuilder's. In that finding, we presented that information to Kristy and Greg and the Town and that's what you have in front of you. There are three options in that report. I'll let Steve explain those options to you, but basically those are three viable options, varying costs, varying positive/negatives, but he can explain it to you. Steve.

Steve Donahue: Good evening. I'll give you just a brief overview. We went out in the field and did some test borings; we did three of them where we thought was a good spot to move the tower. We went to 50 or 75' down, took samples and then used that to come up with the three options that we've put in here. The three options that we looked at are: ground improvement, which is basically a specialty contractor comes in and they take... it's like driving pile. They drive this cylinder into the ground and then they put stone down the center of it and pull it back up and they basically ram the stone into the ground, which pushes the sand to the side and basically firms everything up where you would put your shallow foundation on top of that. So you would still have your concrete work and everything for typical shallow foundation on top of that. The second option was for driven timber piles, which I'm sure most people are familiar with that around here. You would still have a concrete pile cap, with re-bar and everything on top of that and that whole thing would be a foundation system. And then the third option would be auger cast piles; so with the timber piles you're driving the timber pile into the group. With the auger, you're augering down and they just pull the auger back up without spinning it and it lifts the soil up and they're pumping grout underneath that, while it's coming up and it creates basically grout columns; it's like a pile, but it's grout vs. timber, that you would put a pile cap on and then you would move the tower to that. There's pro's and con's to each type. The group improvement and the timber pile, both involve either driving or putting something in the ground that's going to create vibrations and with the concern with the tower, you could put a monitoring device there and monitor the vibration while you're doing it; that's an additional thing that would be a cost associated with that. The auger cast is typically more expensive than the other two options, just because of the grout that's required and the equipment that's used to install them, but they typically have a longer life than the timber pile or the ground improvement system, which is the normal concrete foundation. The timber piles would also need to be treated, because you're partially in the groundwater and partially above it, so the part above the groundwater has the atmosphere acting on it and you would have to treat it so that it doesn't deteriorate quicker. You guys can ask whatever questions you've got.

Mayor Jones: Under Option No. 3, what is deep foundation settlement, which is one of the pieces that you talked about that it could occur in something like this?

Steve Donahue: Basically once there's a design, like a structural engineer would just say we can tolerate X many inches of settlement, or 1/2" or whatever it is and their deep piles usually limit the settlement to acceptable amount vs. the shallow foundation because you've got all the sand that would be around it, holding it up; whereas the shallow foundation is just sitting on the ground and it can settle; if the tank settles too

much or cracks, they're trying to avoid that.

Mayor Jones: And the vibrations that you talk about. You would monitor the tower for possible damage, or the foundation for further damage?

Steve Donahue: They basically bury a device in the ground and it measures the vibration that's occurring at that point and if you see spikes there's usually a tolerable levels for a structure and if it goes over that, it will send an alarm off, or through cell phones or email, or whatever and then you would want to stop what you're doing at that point and reevaluate. I think, with the medium dense sands that are there, it will most likely dissipate before it gets to that tower, but I don't know that for sure, so monitoring would definitely be a good idea, if you go with that option.

Mayor Jones: And the last thing for me is, do you have a sense in the three options, the longevity of these fixes, or is that something beyond your ability to predict?

Steve Donahue: That would be once there is a design in place, we would know how long... we'd have to talk to contractors and find out; once we know what it is or give them the three options and say how long does it take to do this, or this, but we need to know how deep the piles are; how big the foundation is; that kind of thing.

Mayor Jones: I probably did not explain myself well enough. I'm sorry. Out of the three options, which of them will give us the greatest amount of longevity as far as the stability of the foundation? The fix?

Steve Donahue: The auger cast is typically the longest lifetime, but it's usually the most expensive option too.

Councilman Coté: In terms of most expensive, are we talking twice as much, half as much?

Steve Donahue: That would depend on the design. I don't know right now. I just know just getting the equipment here and doing it, is typically more expensive than... there are timber pile contractor's around here vs. auger cast; you'd probably have to pull someone out of Wilmington or Philly or DC or something like that.

Councilwoman Patterson: And with the auger cast, how long would that last? Do you know?

Steve Donahue: That I don't know.

Councilman Coté: If I heard correctly, the auger cast would last a longer time than the timber pile, which I'm going to guess would last a longer time than the first option.

Steve Donahue: Yes, the first option is basically if we had really, really firm soils out there, you would just build a shallow foundation and put the tower on it. It's basically that with the ground improved underneath it, so that one you might have maintenance with anything with the concrete; just like you're having now. The concrete is up at the top and that's all that's there. There's not a deeper foundation going down into the ground.

Mayor Jones: I'm just going to take a guess though, that with a better quality concrete, that this will not repeat itself.

Steve Donahue: Correct.

Mayor Jones: I also see that the auger cast is the one that requires the off-site disposal of sediment. Is that what happens...

Steve Donahue: When they drill down they pull the auger up and all the soil that's on that auger, that's pulling out, has to go somewhere, because it's got to be taken out of the

hole, whereas the timber pile just displaces it to the side, as you're driving it into the ground.

Mayor Jones: And the addendum you gave us this evening is some cost related? Is that right?

Carlton Savage: Correct and I think what we've sort of presented to you is that until a design is done, it's very hard to estimate cost. It could be that because of the nature of the soils, additional timber piles have to be added to get the same stability that fewer auger cast piles would need. So the cost may not be a huge difference. The proposal I gave you details that we would look at all three options, that may not be clearly specified in there, but we would look at three. We may throw one or two out; you, as a town, may say we don't want to go with one of the options; we're not getting the feeling that that's what we want to go with as a town. So you would get ballpark pricing, with all three options, or whatever options we pursue. So far my understanding is the town, from talking with Greg and Kristy is we want to do it right and go forward with this thing, one time. So I've led my structural department into the belief that we most likely would be going towards the concrete; so they've really sharpened their pencils on that option first; but they will look at the other two.

Councilman Collier: For me the one option that you presented, the shallow option, is pretty much what we currently have in place, or somewhat similar. I can't imagine this would be repeated again. I know you don't know that, specifically without doing the investigative work...

Carlton Savage: I don't think we have the design plans. I haven't seen any. What I've been told is, it's a shallow foundation. The current situation you have isn't necessarily related to being a shallow foundation is why it's a problem. I think it's more along the lines of the mix of concrete that was used, has some problems. That being said, additional specifications requiring testing, inspection, along the way as it's being done, is going to eliminate the possibility of the ASR that is currently a problem.

Mayor Jones: And it's probably pretty clearly stated here, but what exactly is the determination of existing tank dimensions?

Carlton Savage: Part of the design process is the weight of the tower, and the dimensions of the tower, height, weight. We obviously know how much water it will hold, but the actual, physical weight of the tower needs to be determined. If we had design plans of the original tower, we could go off of those, as long as the engineer trusted that those were properly done back when it was designed the first time and he trusted those calculations. We potentially could use that into design. I've requested that we start looking for those and the reason I presented the proposal in two different ways was that if we have them, it may save us a substantial amount of money, but the only way we can basically determine that, being it's such a large object, is we would bring in a laser scanner; scan the tower; send a crew up to actually measure the thickness of the the steel; evaluate the piping that's inside and come up with a calculation, so that's what that cost is.

Mayor Jones: Are we having any luck at finding those plans? We are not.

Carlton Savage: The other thing I did mention and I don't know if it's actually in the proposal, we could take a couple of hours, call some tank manufacturers, see if maybe they have something; if they say yes, I built it; here are the plans and we can go off that

option. I could spend a few hours doing that for you.

Seth Thompson: Is that a fairly limited group?

Steve Donahue: It is. I have spoken to a gentleman originally that had some knowledge of the tower; had very little knowledge of the foundation; but he had knowledge of the tower tank itself. He has been in contact. He's the one that sort of started this process, with let's look at the option for relocating it. He actually gave us a price to do it, just one sheet. I wasn't too confident with the price, but that was presented to the town some time ago. I could contact him again, see if he may be... I asked him originally, he really didn't know, but the issue that he remembered was that the tank was built with Shipbuilder's Village. That was part of the requirement of Shipbuilder's Village, was to contribute to the tank and I believe it may have been monetary; it could have been that they had an engineer design it, so that's the one unknown that I've just heard that could be a possibility. Maybe in the search, looking at Shipbuilder's Village, may uncover something along those lines. Seth, to answer your question, there is a limited number of tank manufacturer's now, if my memory is right, somewhere in the 80's was when this one, 70's, 80's... I don't know how long they keep their files.

Mayor Jones: So let me understand and Council understand. Tonight, we're really looking at the schedule of the work; the design phase costs; the determination of the existing tank costs; and in order to pull the trigger and start the work, we need to make a choice of the three options.

Carlton Savage: No. That is not what...

Mayor Jones: Okay, so we could start this and then you would come back to us with the design.

Carlton Savage: Correct. As I said, if you guys really want to focus on one or the other, we can go that direction first. Potentially, I don't know if it's much of a cost savings, if any. They've got to do a lot of the same type of calculations for all three, but what I've basically presented here would get the process started. In terms of scheduling, I know that scheduling is definitely a concern; winter is getting ready to approach. I have asked several questions about concrete. There are ways of pouring concrete in the winter, but if we could avoid that it helps out the process. Now the auger cast, being in the ground, it wouldn't be affected, because the ground temperature is constantly 54°, but everything on the surface; any concrete on the surface, you would have to use blankets or other means to keep it warm. I've spoken with Greg, in depth, about trying to get this thing moving fast, because if we can do something before winter; it's aggressive and I think I stated that in there that it is an aggressive schedule. Obviously the first thing would have to be determining the tower dimensions; so starting that process would be first; unless you can find some documents.

Mayor Jones: Well Mr. Savage, how long do you anticipate both the determination of the tank dimensions and the design phase may take you, in order to start a project?

Carlton Savage: Determining the tank is a couple of weeks. We have a laser scanner. We'd have to ship it down here. In the meantime, we could start design, but not necessarily full design. Full design, I talked to our lead structural guy, five weeks would be a reasonable time frame; so you're looking at approximately, if you don't have information, approximately seven weeks to get design done; then you have bid document specs, that has to be created; two weeks on specs is probably realistic, so

you're looking at seven to nine weeks. Now you could piggy back some of that, depending on how the design goes; how fast things get... bid specs could be created. There is a little bit of survey work that has to be done, for piping. Permitting wise really you get a building permit, which the Town semi-controls and we would definitely send a letter to the Office of Drinking Water; also coordinate with DNREC or the Conservation District, in this case; as to erosion, sediment control, making sure we're in compliance with those items.

Mayor Jones: Do you have a sense of whatever we choose in the options, how long that tower would be off-line, once you get everything in place and it gets moved.

Carlton Savage: In terms of construction, they're going to put the piping in first. Once the piping's in, they may start the deep foundation first and then go to piping, but one or the other will happen first. Then they'll do the concrete foundation on top. The last thing they will do is the tower moving. So if the tower moving fell into winter, they could still do it, as long as the concrete had cured enough days, they could move the tower at that point and even though it is cold out, they could definitely do that.

Mayor Jones: So Mr. Wingo, tonight we would be voting on the allocation of funds for the design phases and the determination of the tank dimensions?

Greg Wingo: That's correct.

Mayor Jones: Does Council have any questions?

Carlton Savage: If I could add one more thing, too. This would get you to a bid package. I strongly suggest once that happens, somewhere near the end of this design, start into the bidding process; bidding assistance, construction admin, those things, because that is the reason the tower is in the condition it is now, is because it was lacked previously.

Mayor Jones: Do you happen to know if the State has any monies, grants, anything available? I know they were offering some money for planning, but that doesn't exactly meet this... Anything that you're aware of?

Carlton Savage: I'll make a phone call.

Mayor Jones: Through Heather Warren?

Carlton Savage: I will. I know Heather personally. I'll make a phone call and see if there's anything that is available.

Mayor Jones: If not this phase, the actual work phase.

Carlton Savage: I know there is a process along with that and it's pretty intense, so I don't know if we're past that point, but typically they like to see if you have an issue, you're moving forward with the issue, there is some money to help out. That's typically the process.

Mayor Jones: Does Council have any further questions or need any further clarification?

Councilman Coté: You mentioned, possibly voting on money; based on where we are in the fiscal year, is this going to be a 2014, a 2015, or parts of both?

Kristy Rogers: The task order that you have in front of you I would assume would be 2014; as it progresses by approval, it would be dependent on the fiscal year.

Councilman Coté: Okay.

Kristy Rogers: We had originally budgeted for \$46,000 in the water fund for the repair of the Shipbuilder's tower. Going back, looking through records, \$17,000 was designated for Baker Ingram & Associates' recommendation for performing the repair work of the foundation; so we do have remaining funds in that budget line to use certainly to help

fund additional research. The report that we just previously discussed was funded from that line; again, we still have monies to put towards this task order.

Councilman Coté: We have a... I think that we just need to get it done. This is all water funds?

Mayor Jones: I don't think we can wait any longer and I wouldn't know the reason to wait any longer.

Councilman Coté: I agree.

Councilman Collier: Well then I'll make the motion that we go ahead and authorize this task order in the amount of \$52,000 for Pennoni Associates to proceed with the design phase.

Councilman West: I'll second that.

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

Carlton Savage: Thank you.

b. Method of disposal for surplus equipment and inventory (update)

Mayor Jones: You have in front of you a synopsis from Mrs. Rogers in reference to the auction items.

Kristy Rogers: Mayor and Council, we have been discussing the auction since October. The topic has certainly been discussed again in Town Hall. My recommendation for the fastest solution would be to take all items to Wilson's Auction. I don't believe we have the staff to conduct the auction on our own, especially for it to be an all day, possibly a Saturday, event. So I would ask for consideration to move forward with all items being auctioned at Wilson's, in Lincoln.

Mayor Jones: I think it's a good idea. What I would like to know is that at the time you make contact with Wilson's, that the Lease O items be placed in a second lot; that they would be separate from, so that the monies received will go directly back to where they belong.

Kristy Rogers: When I called last week, it's my understanding each item will be tagged for sale. I spoke with the Chief and he is making two lists of items that are Lease O and that are town assets, so I would hope it's easy to identify both.

Mayor Jones: The Lease O items are the ones that you have on your list here, it says Lease O from here below?

Chief Phillips: Yes, Ma'am.

Mayor Jones: Okay. I think it would be wise not to mix them if Wilson's is willing to do that.

Chief Phillips: I'm pretty sure he'll separate them. He's pretty easy to work with that way.

Mayor Jones: My question is, in the stripping of the cars; that's not complete yet, am I correct?

Chief Phillips: It's pretty close. That's one thing I wanted to talk to you about. Those vehicles really are not worth trying to get to an auction, because I don't even know if they'll run, some of them. I didn't know if you wanted to try to get different prices from a junkyard and go that route?

Mayor Jones: The Ford Expedition I thought was the only one that had the transmission

issue; do the other ones not run?

Chief Phillips: We haven't gotten them to run yet, because we haven't tried them in awhile; but it may cost us something to get them up and running, because some of them have over 100,000 miles. My concern is how safe are they, if we sell them to somebody? The liability comes back on us, probably not, but just the idea that these vehicles are in pretty bad shape, to be honest with you.

Mayor Jones: What I would say is, if any of the Council is able to ride by the Public Works Building, within the next day or so, I don't believe those vehicles are stripped down enough to sell to the public.

Chief Phillips: No. They still have bar lights to get off and a couple of other things.

Mayor Jones: That's what I asked you first.

Chief Phillips: No, we're still working on them.

Mayor Jones: Good.

Chief Phillips: But I would just like to ask to see if we could get a price on them from the junkyards and get a price on that first, because if they don't run well, I'm not sure what Wilson will do; if he'll let us take them through there or not.

Mayor Jones: You're not due to do anything with this before the August meeting, right?

Kristy Rogers: My intention was next week.

Mayor Jones: Okay, because I was kind of looking for the information the Chief wants to get and that's fine, as long as you give that information to Mrs. Rogers to make the decision on whether or not the vehicles should go to auction, or go to a salvage yard.

Chief Phillips: We could try to get them started and see what happens and check them over a little bit. Right now we're just in the process of taking everything out of them that needs to come out.

Seth Thompson: In terms of the liability issue, I'm fairly certain that Wilson's sells everything "as is" and "disclaims all warranties". You might want to double-check, but I can't imagine being in that business, he wouldn't do that.

Chief Phillips: I'm sure he does it, it's just the idea that later on down the road, two months from now, a wheel falls off hypothetically and just the stigma of coming back to us is what I was thinking. I realize liability-wise, but just the idea of an afterthought.

Seth Thompson: It's always important. Right and I assume he has template sales documents that he could provide to us ahead of time, but I have a feeling it's going to be a disclaimer of all warranties and the vehicles being sold "as is".

Chief Phillips: Yes, we've sold cars there before. We've also sold them to a junkyard, so we've been pretty lucky there.

Mayor Jones: Well, I believe Mrs. Rogers is looking for a vote to go forward with this.

Councilman Collier: Motion to proceed with disposal of the surplus.

Councilman West: I'll second that.

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

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

- a. Appointment to Water Committee, **and**
- b. Appointment to Parks and Recreation Committee

Mayor Jones: You have both in front of you a recommendation for an appointment to the Water Committee, as well as Parks and Recreation, Paul P. D. Camenisch to the Water Committee and Lorraine Wasserman, who you have an attached letter requesting to be placed on the Parks and Recreation and I am offering these folks up for your discussion and approval.

Councilman West: Madame Mayor, I make a motion that we approve these two names to the respective committees.

Councilwoman Patterson: I'll second.

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

c. Appointment to Planning and Zoning Commission

Mayor Jones: Now, I just want to tell you briefly about the appointment to Planning and Zoning. So far we've had three interviews. I thought the one last night was very good, but it turned out that there was a bit of a twist in the person's employment and so, I'm back to the drawing board, again. But I do have one more contact. I think it's a very important position that we're filling on Planning and Zoning and I apologize for the time, but I don't want to rush into anything.

d. Code Enforcement Officers' recommendation regarding 105 Milton-Ellendale Highway

Mayor Jones: Is this the location right next to Mr. Harris' store on the corner?

Kristy Rogers: Yes.

Mayor Jones: Okay. Very good. Thank you.

Councilwoman Parker-Selby: I have a question on that, because I knew the family and everything and I understand it said somewhere that they weren't able to demolish it themselves. That's still their property, correct? I mean, I'd like Seth to tell me about the legality of demolishing someone else's property... somebody's property if they can't afford it, I guess. How does that work?

Seth Thompson: Right. Your Charter does allow you to do that and the Code lays it out in terms of the process. So Mr. Trotta has been following that process. Actually the process doesn't require Council approval, although I can see where one of the ordinances that Mr. Trotta suggested amendments to, requires Council approval to remove a pile of Russian Thistle; so I can see why he asked Council to look over this and I think it makes a lot of sense, because if you're going to spend that kind of money to demolish something, that's important. But in terms of legal authority, the Town does have that. It needs to follow the procedure that is put in place and so far they've done that. I ran a lien search. I don't believe that there were any outstanding liens on it; which is important, because that's ultimately what the Town is likely going to get. Obviously the Town can invoice the property owners, but they've already made it clear that they can't afford to do this themselves, so the Town doing it... I just wouldn't hold my breath waiting for reimbursement very quickly. So the Town is going to then record a lien, based on removing that building nuisance.

Councilwoman Parker-Selby: And that family's aware of that?

Seth Thompson: I will double-check to make sure that the Notice spelled that out. I haven't seen a copy of it, but that...

Councilwoman Parker-Selby: I hope so.

Seth Thompson: Understood.

Councilwoman Parker-Selby: I would certainly want them to know what's going on.

Seth Thompson: The other element that makes this important that Mr. Trotta brought it here, is I feel like demolishing something, I suppose it can get done for under \$5,000; my suspicion is it's going to be more than that...

Councilwoman Parker-Selby: I think so.

Seth Thompson: And that's probably not something that falls under any of the exceptions to the competitive bidding process, so really the town should competitively bid, if it's going to go forward and demolish that.

Mayor Jones: I have to wonder, by the location, that this won't be an extremely expensive demolition, because you're on a state roadway and I'm sure that at some point that could require something from DelDOT or I would imagine they would be consulted on it. Mr. Collier, you have something to say about this.

Councilman Collier: I kind of reviewed the ordinance and it references through Chapter 136, Article 29, Section b., but as you read a little further, you get to Section c., which requires the closing of vacant structures and I can't see where you followed that step and then if you dig a little deeper, you get to 136-31, which requires that the place be placarded and I don't know that the placard has been set, nor does he indicate that it has been, so that would be the next thing and then finally you get to 136-35, which is the Demolition Orders. As near as I can tell, Mr. Trotta has not taken this through the entire phase of the process and if he's asking for Council guidance as to what to do next, my guidance is follow the process, because there are steps that we had no indication of something being incomplete or having been done, at this point in time and I believe that we have to follow the process and go through the steps.

Seth Thompson: Councilman, I'm certainly one for process, as everybody knows and that's potentially the direction he's looking for in making the request. I think those references to placarding, say that the Code Enforcement Officer "may"... there is a permissive discretionary element to that, but it could be that Mr. Trotta is simply looking for that kind of guidance. Does the Council intend to go from Step One, right away to demolishing, or is the Council looking to go through placarding and that sort of thing. I know that use of discretion is often an issue, when it comes to these things.

Councilman Collier: Well, if I remember Mr. Harris' complaints, one of them was vermin were found. I don't know whether the vermin was feral cats, or rodents, or whatever traverse in and out of this place, so obviously it's not closed up enough to prevent that and as a Town, don't we have an obligation to take care of at least that issue of it, or put in place that that be taken care of by the owner? If it's an issue, according to the Code, if it's an issue that the owner is not able to do this, or does not do it, then we have to pull the trigger and either have our staff or contract someone to do it and lien the property and I don't know that that step has been accomplished, or that determination has been made, whether that step needs to be put into place. I've ridden by the place and there's windows out of it and everything else, so I can imagine that there is some ingress and egress by what could be traditionally classed as vermin or nuisances, so that's why I ask these questions, because I don't believe that he's followed the entire process through this point and I don't have any indication by his letter that he has, is what I should say. I

don't know that he hasn't followed the process.

Seth Thompson: And Councilman I think that's a good point, because just take for example the closing of vacant structures, that might be appropriate where it looks like a structure is vacant, but it's not in danger of collapse, so it would be helpful if Council had the more specific determinations from your Code Enforcement Officer as far as the exact condition of the property. Does he feel that it truly is in danger of collapsing, and that's why placarding wouldn't be appropriate.

Councilman Collier: Well I don't have the ability to enter it, but from the road it looks like it could fall over. That's the best I can say. It's an eyesore, not that boarding it up makes it any less of an eyesore, but it certainly eliminates some of the problems that could occur over a period of time. I mean, we're not the inner city, so we don't worry about squatters here yet, but that's an inviting place for somebody that might be looking to find something like that, at this point. But, again, as I say, we haven't gone... I don't have any indication that he's gone through all these steps that are available to him yet and I think that's part of the process at this point and if the guidance he's looking for is what to do next, then for me it is to indicate okay, what have you done? Have you gone through these steps? Then, it would be much easier to make a determination from this seat as to what needs to happen next.

Chief Phillips: Councilman Collier, it sounds like the last line is asking the Town Council to consider pursuing this matter and I think he's just looking for guidance before he moves forward on everything he has to do.

Councilman Collier: Well, I read the last line and I understand consider pursuing the matter to have the building demolished, but until he indicates to me that he's gone through every other facet of it, I'm not willing to step up and say okay, let's pull the trigger.

Chief Phillips: He's pretty thorough on most of the stuff he does and I'm sure that's his thought, but I may be wrong.

Councilman Collier: Well thank you for coming to his defense, Chief.

Mayor Jones: Mrs. Rogers, would you ask Mr. Trotta to give the Council a little bit more information, actually a lot more information at the August 4th Council Meeting and perhaps by that time, he will have further contact with the property owner and advise us.

Kristy Rogers: He did intend to be here this evening, but an emergency then arose.

Seth Thompson: Mrs. Rogers, if he could have a copy of the notice that he sent too, that's always helpful, so that the Council could see what the property owners were told and in terms of information, definitely the specific issues and his findings, in terms of the specific state of the building.

Councilman West: I'll make a motion that we table this until the August 4th meeting.

Councilwoman Patterson: Second.

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

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

Mayor Jones: Our Code Enforcement Department earlier this summer, when I spoke with them, we talked about a few things that were on the books and our need to be

proactive if some of these ordinances needed changing, so those are the next two items on your list.

Seth Thompson: If there are any interpretative questions, I reviewed it after Mr. Trotta drafted it; I believe Mr. Trotta drafted it, so certainly I can answer any legal elements.

Councilman Collier: Okay, the recommended amendments to 158, the only question that I have regarding them is it has been changed to removal by Town, that the Code Enforcement Officer's is authorized to remove and pay for the cutting, destroying, or removal of such unregulated growth. Should we not put in place a limitation, something I know that we're considering, some procedural steps, and should that not at least reference that procedure?

Seth Thompson: A procedure for authorizing a charge to be made against the Town...

Councilman Collier: There may be some limitations involved with that, before it's all resolved, but at this point, personally, I would hope that we wouldn't... given the position to authorize for instance, \$5,000 for removal.

Seth Thompson: And I suppose the language to the Code Enforcement Officer is authorized to remove and request payment for...? Would that...?

Councilman Collier: Well...

Seth Thompson: We might be too far into the process at that point, so in other words, before he cuts it, he...

Councilman Collier: I'm making the bold assumption that when he authorizes the removal of this, it's being done by a contractor, so he's incurring an indirect cost on the Town's behalf, because we're going to hope to recover this. If it's \$35 for cutting somebody's yard, that's fine. If it's considerably more, I guess that's kind of where I'm going and some of these items could be costly.

Mayor Jones: It comes in the form of a work order too, doesn't it? Now we go through Mrs. Rogers; she would need to have knowledge of that, especially for the expense; remove and pay for the cutting.

Seth Thompson: You could put some sort of clause at the end, provided the Code Enforcement Officer complies with the procedures for charges against the Town... something like that. How does it work? Does he just call somebody currently, or...

Kristy Rogers: Yes. I don't approve any of the current work orders that are being issued for grass violations, for instance. Maybe...

Seth Thompson: So we could change it to the Code Enforcement Officer is authorized to request a work order to remove? Is it that simple for...

Councilman Collier: What prompted my concern is the language changes it from Town Clerk to Code Enforcement Officer and at the level of Town Clerk, Town Administrator, Town Manager, whatever, I'm comfortable with him authorizing an expenditure, because they are a little bit closer in touch with the budget and the funds and what's available and the rules and regulations as far as expenditure of funds go.

Seth Thompson: So perhaps I'm over-thinking this. If that change is removed and it's left as the Town Clerk as having the authorizations...

Councilman Collier: I'm alright with the Code Enforcement Officer being able, I just wonder if we shouldn't place, by ordinance, a limit or is that some rule that should be written, as a policy. It doesn't necessarily have to be within the ordinance. It could be written as policy, but I think it needs to be determined what the limitations are.

Seth Thompson: I see your point. The Code dictates who has the authority, but then of course, in exercising that authority, the Code Enforcement Officer has to go through the Administrative procedures that have been set up.

Councilman Collier: Would it be as simple as... I don't know, how do we put the language in there, is authorized to remove and pay in compliance with the Town's purchasing policies? Would that cover it? Because the purchasing policies, as they change, we wouldn't have to rewrite the ordinance or reinvent the wheel; they would just be whatever the current policy was at the time.

Mayor Jones: Is it something that says the Code Enforcement Officer is authorized to create a work order?

Councilman Collier: That puts another layer of step in there and I think part of the intent here was to take that layer of step out.

Kristy Rogers: He does create a work order, but I don't approve those. After his notice is given, he creates a work order for the vendor, the contractor, performing those Code Violation Services.

Seth Thompson: That is interesting. I like the idea of the Code level being simple and clear and the Town and its employees exercising their duties; they need to comply with Town policy, otherwise we create an odd scenario where somebody might have a defense, well did he comply with the purchase policies in place at that time and that's really an internal issue; that shouldn't be a legal defense, as to whether or not somebody pays for their grass.

Councilman Collier: That's why maybe the reference to whatever the Town's policy is, might be appropriate. I don't know.

Councilman Coté: Maybe not just yet. I don't know that we have an official policy yet.

Councilman Collier: This is true. I guess I'm thinking down the road, because I think it's coming and it needs to come.

Councilman Coté: Well, it's intended to be worked on, but it isn't there yet.

Councilman Collier: So what would your recommendation be?

Councilman Coté: One of the thoughts that occurred to me is and it had occurred to me previously and is reinforced by something Seth just said; because we refer specifically to one individual only, as having the only authority to do this, should we refer to that department, or that individual within that department, or within the Town... however we refer to the Town hierarchy, so that for example if the Code Enforcement Officer's Supervisor had to do this, for whatever reason, he could do it and not... because he's not the Code Enforcement Officer currently, or she, do we need to make some reference to the fact that it's a position in a chain of command, not necessarily that individual? That individual is a primary person to do it, but should they... I mean, we're a small group... should they not be available, is the supervisor allowed to?

Seth Thompson: We often use the term or designee, so if somebody's away. Fortunately, we're dealing with grass cutting, as opposed to a life threatening issue.

Councilman Coté: So, or designees...

Mayor Jones: I'm just looking for something in the form of if the Code Enforcer is not available, this can't be a dead item. You have to put somebody else on here. I don't know whether that is the Town Clerk, Town Administrator and the Code Enforcement employees; I'm just not sure how to put that, but I don't want it to stop dead in the water,

just in case we found ourselves without a Code Enforcer.

Seth Thompson: Right and it could simply be the Code Enforcement Officer or designee.

Mayor Jones: That would work.

Councilman Collier: That probably would cover most any scenario you could develop, because in the absence of a Code Enforcement Officer or the head of that department and it would still fall to the Town Administrator.

Mayor Jones: So you would add that to each spot that said Code Enforcement Officer or designee, is that right? It's in there three times.

Councilman Collier: Do we need a motion to send this back for modifications as discussed?

Mayor Jones: I don't think so, it's just the first reading.

Seth Thompson: Since it's the first reading...

- f. An ordinance to amend Chapter 152 of the Town Code, Entitled "Nuisances" (first reading)

Mayor Jones: The primary piece I find in this one is that we have finally caught on that once a lawn is 10" tall, it will be much greater than that, sometimes by the time someone gets there, so that has been recommended to be reduced. Now I had the issue with the Nuisances, 152-2; particularly the decomposing animals and the reason I have an issue with that is, because the property owner has a period of five days, after notice, to remove it. Isn't that sometimes actually going to call for somebody to be on the spot. You can't do that to their neighbors and the five day period was over in 152-3; time allowed to abate. In some cases, that may become a public health issue.

Councilman Collier: That's a general statement I think to cover all of it, but I understand your point about the decomposing animals.

Mayor Jones: That's the worst of the scenarios I can read here.

Councilman Coté: We also have issues with accumulation of stagnant or impure water; especially when we're hearing about mosquito problems and if roads aren't constructed very well or aren't finished, water does tend to accumulate in some of those areas; even if the Town doesn't own the roads.

Councilman Collier: For me, the only other thing that I came across that I wanted to comment on, was that under the any growth... I won't go through reading the whole thing. First of all, the one weed is identified as Canadian Thistle, when actually the proper name for it is Canada Thistle and the Delaware Department of Agriculture has a noxious weed program that identifies noxious weeds and in that program, currently, there are six weeds identified, of which, only one of six is on this list and considering that this Town is surrounded by farm land and such and a lot of that could potentially be our growth area over a period of time, I thought it might be wise to at least identify, if nothing else, any noxious weeds within the Delaware Department of Agriculture's Program. Some of these are pretty obnoxious. The list was Canada Thistle; Bird Cucumber, which grows at a phenomenal rate; giant Ragweed, which some of you allergy sufferer's would love to see eradicated; Texas Panicum; Palmer Amaranth. There are some really wild names and actually I looked at pictures of them and they grow; I've seen them growing outside of Town in different places. I know Bird Cucumber, because I just worked in a patch of it not too far out of Town. It's something to consider in the

language to add identify as noxious weeds. Now, the other weeds that they list, are classified generally as Nuisance Weeds and that would be Chinese Thistle; Russian Thistle; White Mustard; Cocklebur and Foxtail. As much as I'd like to see Phragmites on the list, the only thing I could find it classified as, is invasive and bamboo is classified as a grass and not a weed.

Mayor Jones: But invasive.

Councilman Collier: Invasive. So do we need to consider, while we're looking at Nuisances, to consider these invasive things, as well as distinguish what is Nuisance and what is Noxious?

Seth Thompson: While you're in an Ordinance, you might as well make it as best you can, so I think that makes sense. Just kind of my notes, we have this catchall of "or any other growth of noxious weed vegetation." We could break that out a little bit more so it's "or any other growth of noxious or nuisance weed vegetation, including those identified by the Delaware Department of Agriculture." So basically we...

Councilman Collier: That would cover the noxious ones.

Seth Thompson: And I think maybe I misheard. You said that there was a Nuisance Weed List, as well? Did you want to include those?

Councilman Collier: If you look up some of these that are on here, even in their description they're just mentioned as being a Nuisance. A lot of people like White Mustard; it's that little yellow wildflower that dots along the edge of the road and stuff like that; and then a lot of wildflower growth areas, that say Do Not Mow; they have White Mustard growing in them. That's why I say Nuisance, more so than Noxious. It poses an argument, because if somebody really wants to push the envelope and you tell them you've got to kill that and it's not classified as Noxious, then we only use the word "Noxious", then they've got us, even though it's a Nuisance.

Seth Thompson: Which is of course, funny, because the chapter is called Nuisance, right?

Councilman Collier: Yes. Sometimes it just needs a little clarification, because I think we get caught up in that sometimes, where there's that gray area and things are allowed to continue in the gray.

Councilwoman Parker-Selby: So we're going to keep _____? Is that what you're saying? Just saying those as described by the Delaware Department of Agriculture...

Councilman Collier: The Delaware Department of Agriculture's Noxious Weed Bulletin.

Councilwoman Parker-Selby: Yes, it's too technical for...

Councilman Collier: Because they add one every couple of years, as it makes it's appearance, because most of them are not necessarily native.

Mayor Jones: I have a little bit of a question about 152-5, Determination by Council to Remove or Abate? I have a problem with the timing. At the next regular monthly meeting of the Council, after the receipt of a copy of the notice. You can be looking at an extended many days; if you have something putrid on a piece of property, that's not going to work.

Seth Thompson: That's why I thought it was odd that seemingly the Code Enforcement Officer is authorized to raze a building, but to remove thistle, he's got to come to you guys. We can try and structure that differently; as a kind of a two-tiered approach. Something that's below a certain cost, he's allowed to deal with it, or if it's something

that reaches a certain level of threat to the public health.

Mayor Jones: Well, he's asking for an appropriate legal remedy from the Council. That's far beyond calling somebody to have a dead animal removed. And, again, you could be talking about a span of time that could literally go weeks.

Seth Thompson: Right and to be clear, the language that's not underlined or struck through, is existing Code, so this is what you guys and what Mr. Trotta has to deal with now; the changes might come from him, but that timing really exists currently.

Mayor Jones: I just wonder if that shouldn't be replaced by his authority to remove or abate. Does anybody have any ideas on that? That's not something that Council must do, right? If we gave the authority...

Seth Thompson: You have the ability to authorize him to remove a dead animal carcass, that's fair.

Councilman Coté: Or his designee. That happens in here, too.

Seth Thompson: Everybody's entitled to due process. Now of course due process is going to be based on what rights are involved, so for instance, if you're terminating parental rights, it's going to be a long process. If you're cutting somebody's grass, a little bit less of a process.

Councilman Coté: Trying to eliminate a dead squirrel.

Mayor Jones: So we would like to add or designee, to these, as well.

Councilman Coté: Yes, I would think that would be a good idea.

Seth Thompson: Perhaps we could look at some of the language from the Building Standards, in terms of the Code Enforcement Officer's authorization under those. In other words, how quickly he can act, because I think there is an expedited process under that. It is interesting. I view this... and certainly there are a myriad of possibilities that would fall under this, but I think generally the items that fall under this are not going to compare to knocking down a building.

Councilman Coté: I had one other... On 152-2(f) – any accumulation of earth, rock, stone or other debris on any sidewalk, parking strip, street, boardwalk, vacant lot... I would like to add...

Councilwoman Parker-Selby: “and vacant lot”, because the word “and” has nothing behind it.

Councilman Collier: Question. When you say “and vacant lot”, I'm going to give you a scenario. When a sub-division is being built, they strip topsoil from the surfaces where the infrastructure is going to go and a lot of times they stockpile that. Now, on the site, because it gets redistributed at a later time; are you saying that you don't even want them to stockpile on site anymore? Is that generally where you're going?

Councilman Coté: Well, given the alternatives of how big the stockpile gets vs. not having one, I would vote for not having one. I personally have seen...

Councilman Collier: Alright, it's a common practice, that's why I asked.

Councilman Coté: Seen examples where it just keeps getting bigger and bigger and less tended to.

Mayor Jones: Well Cannery Village a year, year and a half ago, had that situation where that dirt pile was on a vacant lot, but it had suddenly become a dumping ground and there was a lot more debris that was dropped off. It just looked like folks focused on that area and we did end up... the Town of Milton ended up needing to clean that up in one of

our neighborhoods.

Councilman Collier: I'm alright with that. I just wanted to ask that question because it's a common practice on a building site where they strip off certain amounts of soil and then they place it back in some cases. I just wanted to make sure, because otherwise the cost of moving that off-site and _____ gets tacked onto the consumer.

Councilman Coté: I don't know how you put this in there; if it appears temporary; if that situation appears temporary, then maybe it needs to be. In the particular situation that was just mentioned, that dirt pile with the accumulating debris was there for a long time before the debris was removed and it's still there; and is about three times the size it was then. When you dig a hole for a foundation, for a basement, you've gotta know that all that dirt's not going back in there.

Councilman Collier: Oh yeah.

Mayor Jones: But we're talking that that's the difference between an active building lot and a vacant lot; I think there is a difference. I wouldn't expect a contractor who was actually building the house, to move that dirt off-site, until it was time to back fill that foundation and grade that place and then remove the extra, in a reasonable amount of time.

Councilman Coté: Right now there's a lot of extra from half a dozen houses in that vicinity of the location you mentioned.

Mayor Jones: On vacant, unoccupied lots?

Councilman Coté: Yes.

Seth Thompson: It's interesting, because I just jotted down... I was thinking about potentially...

Councilman Coté: I think it should be true on all vacant lots. I think the construction sub-divisions is it's own problem, but in this situation, it's just there and it isn't going anywhere.

Seth Thompson: I think I came up with a caveat. This is just some spitball language, but it could be "and vacant lot, unless as part of an active construction site, or an integral part of an approved use". So I'm trying to figure out if you have building... let's say a material yard, is obviously the approved use for that property; they shouldn't be in violation for having an accumulation of stone, when that's what they sell and that's what they're approved to sell. So we could put some language in there. I understand we're focused on the... and I assume when we say vacant lot, we're talking about an unimproved lot.

Councilman Coté: Unimproved. Yes.

Mayor Jones: Unimproved. Yes.

Councilman Collier: A building lot, yeah, I guess I see your point and if it's classified as a building lot, I understand, because eventually other homes could build around it and it detracts from them. The only way that comes to my mind that you fix that, is work within the sub-division ordinance, where a lot of times when a development's phase there's open space and I've worked in quite a few sub-divisions over the years and I'm more accustomed to when a contractor stockpiles material, they usually put it in the open space part of the very last phase, so it's way in the back.

Councilman Coté: In this situation, it's...

Councilman Collier: It didn't occur this way, in this particular situation, so I have no

issue if you designate it as a building lot. Then we'll have to keep in mind that at some point in the future, as we address the sub-division ordinance, which that's underway; or I understand that we are moving in that direction; that we designate something to do with how excess material is stockpiled on site. So it doesn't completely deprive the contractor of the ability to reuse materials.

Mayor Jones: Are we clear on that and how about this business about the determination by Council? Is there any idea to have that turned into giving the Code Enforcement Officer or designee, the authority to take appropriate remedy.

Councilman Collier: In the case of a Nuisance, he should pull the trigger right away; if it classifies as a Nuisance, as defined within the Ordinance. There's no reason to have to ask somebody else if it's okay.

Seth Thompson: The only thing I can think is if say you have one of those large mounds of dirt; they could potentially be expensive to remove. I guess I just keep thinking that is there a scenario that could become costly?

Councilman Collier: That's probably the one scenario; but if we correct that in another place, so that you push the cost... If we have to hire somebody to do it, we're going to pass the cost back to the offender. The difficult part is collecting it, but if you put into place in another scenario, in another ordinance that yes, you may stockpile along the site, but it has to meet these stipulations and reinforce it, I think that might eliminate it. I know that it's kind of convoluted in it's travels, but...

Mayor Jones: I think it's proper for the sub-division ordinance.

Seth Thompson: That certainly makes sense. There's always that unintended consequence that, for instance, you remove it from your jurisdiction entirely; your review entirely and there's some expensive item out there. I'm trying to think of what that might be.

Mayor Jones: Well and only to have to call it back.

Seth Thompson: Right. Well here's the other element. Does Council still want a copy of the removal order? You could do it two different ways. In other words, the Code Enforcement Officer is authorized to remove or abate the Nuisance, but he also needs to provide to Council that notice that he seemingly has already... it's kind of a fait accompli at that point...

Councilman Collier: I would expect that information would be contained in his monthly report.

Seth Thompson: Right.

Mayor Jones: Exactly.

Seth Thompson: The only thing I can think is to perhaps putting a dollar cap on it, just to avoid the scenario where something gets very expensive; although again, we're talking about the purchase process.

Councilman Collier: That may occur in another place, but we don't have that to reference to at this time.

Mayor Jones: Mr. Dailey, would you like to take just a real quick moment.

Jeff Dailey, 211 Gristmill Drive: Point of information to Council. 152-2(f), again; normally the term right-of-way is included, because it's contentious; because people dump on it saying it's not their property, etc.

Mayor Jones: Thank you. We've beaten that to death.

Seth Thompson: I'll mark it up. I'll change it so that the Code Enforcement Officer is the ultimate determiner as far as when it's removed and abated. Obviously Council will get a chance to look at and critique what I've done.

Councilwoman Parker-Selby: So we'll know what's going on.

Mayor Jones: I know this is an odd thing to ask, but I want to make sure that our Code Enforcer is able to identify the Noxious weeds, the intrusive weeds, so that at some point, we haven't cut somebody's property and he didn't even know what it was; so as long as he is knowledgeable I am very comfortable with that; but I think he has to have some knowledge of... particularly the things that Councilman Collier asked to have added to this.

Councilman Collier: There are pictures and text descriptions available of all of them.

Mayor Jones: That helps. Love pictures.

Councilwoman Parker-Selby: Well, they're going to have to educate the people that own the property, because a lot of people did not know what those weeds are. I know I don't know what they are, all of them.

Mayor Jones: So we'll see this one again?

Seth Thompson: Right.

- g. FEMA required review and update of Town Code Chapter 125, Entitled "Floodplain Management"

Mayor Jones: The next one's a real doozie. As you'll see this description by Mr. Davis. This is something that is required. FEMA, our insurances, flood insurance rate maps are all involved here. I didn't get any maps.

Councilman Collier: I've been able to look at the flood map and generally in the flood zone in Town; the flood zones are designated in the latest FEMA flood maps and you talk about flood insurance... if my memory serves me right, I think we only actually have five resident's that fall within the... no there's seven. Excuse me. There are seven resident's that fall within the flood zone and everything else within the designated flood zone is actually commercial property, or municipal property; but then again, part of the reason for doing this is the more stringent your flood ordinance is, the better rate these folks can expect to get and it particularly impacts more of those who are coming along in the future and building within a floodplain, more so than those that are already there. I noticed in this, it recommends a dimension above the base flood elevations and stuff like that. Milton's current ordinance calls for it to be 1.5' above the base floodplain elevation and I think in some places I saw it referenced in the sample ordinances, as 1.5' and in another place I saw 2'; so I think that's one thing... that's part of the purpose behind this. Actually when I looked at these samples, I think that we could save a lot of time in reinventing the wheel, if we would just go through the sample and fill in the blanks. We have to designate our Floodplain Administrator, so you fill in the title of the position, whether it be the Code Enforcement Officer, the Town Administrator, the Mayor, whatever...

Mayor Jones: And this adopted in 1987, you'll notice that we do not have manufactured or mobile homes, in Town and I believe we've heard clearly from Mr. Davis, that they are not permitted in Town.

Councilman Collier: They are not.

Mayor Jones: So we have quite a few references to that: 125-3(a) references it; under 125-4, there's a couple of definitions there; several definitions, so our own is very antiquated.

Seth Thompson: Do you have a pre-existing? In other words, do you have any mobile homes that pre-date your zoning ordinance, because that...

Mayor Jones: I would have said Holly Lake.

Councilman Collier: Holly Lake... they're gone.

Mayor Jones: Is gone, but that would have been the only one I could name.

Councilman Collier: The only place in that, was actually a community. Those were rental properties, upon which they were placed and I don't believe Holly Lake was actually annexed into the Town until after the mobile home park left, because Rabino came forward with that.

Seth Thompson: I believe, having looked at that development two month's ago, I think you're right Councilman, that there was a process in place that they needed to remove all those; they needed to terminate all those leases, as part of the annexation process. There's at least a sub-division plan that's been approved, that obviously doesn't have mobile homes on there, so nobody could put mobile homes back on there.

Councilman Collier: It calls for townhomes, if I remember correctly and even in the sample ordinances there's a whole lot about anchoring and manufactured homes, and so forth and that's actually the current Milton one, I think and I believe...

Mayor Jones: It's in the current Milton, all over the place.

Councilman Collier: What occurred here was, we got a sample one and it was adopted, as written and not modified to reflect that. I think that would be one of the steps it has to go through, so they gave us two examples and one of the things for me is that one of them refers to Basic Zone A only and I did not have the time to look and see what the difference is between Basic Zone A, as mentioned in the one sample and what the difference is between it and the other one. Some of that has to be figured out. But it encourages you to take these, work with them, tailor them to fit your community and the manufactured housing is one thing that certainly needs to be considered, when we tailor this. I just don't know where you send this to get it done, at this point in time, because we're a little short staffed in the area that that would be taken care of, normally.

Mayor Jones: This is basically a cut and paste document.

Seth Thompson: I could have somebody in my office do it, but I don't want you guys to pay for me to do it. I'll review it, but...

Councilman Collier: That's essentially what it is. All this in blue in the document that you have, you fill in with the proper names, but there are some sections that we should strike, instead of trying to...

Seth Thompson: Because otherwise it creates confusion. If you refer to mobile homes in one section of your ordinance, it makes this argument that well on some level they're permitted, but obviously your zoning doesn't allow them.

Councilman Collier: So I think that there's a need to go through this and strike.

Mayor Jones: Did you see the disclaimer at the top of the SB64 Zone A only tells you that this file shows you the comparison between basic and SB64 Zone A; the differences are shown in tracked changes.

Seth Thompson: I think SB64 refers to...

Mayor Jones: Senate Bill, right?

Seth Thompson: Correct.

Mayor Jones: I wasn't able to tell the difference in these two documents.

Councilman Collier: There's not a whole lot, unless the track changes are the red.

Mayor Jones: Yes.

Councilman Coté: Yes, the changes in the red, the strikeouts from the basic one, and the underlined are the additions.

Councilman Collier: Well nonetheless it's going to need a lot of work and we're going to have to determine who's going to do the work to it; because there are obviously some places that it needs to be modified somewhat. There's a lot of it that they've made easy.

Mayor Jones: Do you know what these were, on the back of Basic Zone A, only? Milton is on here 8/1/78.

Councilwoman Parker-Selby: I just assumed that's when they were zoning for flood zones.

Mayor Jones: Well, if it was in line with these flood maps that they're talking about, which again, I think our ordinance says our last flood map was done in... I want to say it was 80 something, but...

Councilman Collier: Madame Mayor, I have some contacts within the U.S. Geological Survey who has a lot to do with the preparation of the FEMA flood maps and if you would like, I can reach out to them and see if I can find out what some of this stuff means...

Councilwoman Parker-Selby: That would be good.

Councilman Collier: And see if I can get some guidance, so I guess I'll just have to raise my hand and volunteer for it.

Mayor Jones: And just to be clear, I'm sorry, the date was June, 1995, councilwoman. For the last described in the flood insurance study, prepared for the Town by FEMA; 1995 most recent version.

Councilwoman Parker-Selby: So I guess this _____ for me, 1978; you said '95... I was trying to guess what this chart was.

Mayor Jones: I don't know what it is.

Councilman Collier: I will reach out and see what I can find.

Councilman West: Madame Mayor, I'd be willing to work with somebody on this.

Mayor Jones: Great. Would you and Councilman Collier get together and work on that? He's going to get us some information still.

Councilman West: No problem.

Mayor Jones: That would be great.

Councilman Collier: Thank you Councilman West. So I've got some homework.

h. Resolution 2014-08 to establish and promote voluntary water conservation

Mayor Jones: Thank you Mrs. Rogers for whoever prepared and put in the water conservation notes in our water bill.

Councilwoman Parker-Selby: Yeah, that was great.

Councilman Collier: I'd like to move that we adopt this Resolution.

Councilman West: I'll second it.

Mayor Jones: Is there any further discussion? I think it's a good stand for the Town to

take. Any other discussion? All those in favor say aye. Opposed. Motion is carried.

t. Police Ad-Hoc Committee

Mayor Jones: You have in front of you an email that I sent to members of the Police Ad Hoc Committee in early July. Truly this committee was formed with the best of intentions and after, as it's explained here, after they came forward with a Police Salary Retention idea, the Personnel Committee did take action on that; however, there has not been anything since presented to this Committee or having this committee charged with to get information. Now, you'll also see highlighted there, at our last meeting the Finance Committee's recommendations came along with our budget and they were for the cost effectiveness of take home vehicles vs. hot-seating; the P.D. Vehicles; as well as take home vehicles for other departments. The second that they wanted to study the cost effectiveness of the K-9 Program, for the benefit of Milton. So tonight, the questions are, are there other items that the Council would like to charge this committee with doing, or does the Council feel the above recommendations from the Finance Committee should be pursued by this committee? The option also is, if not, is it time to sunset this committee? But I don't think the charge should come from one person.

Councilman Collier: Well the Finance Committee's recommendations are made on the upcoming budget which we're going to start working on a little later this evening and to put this in committee at this time could potentially put a ding in the budget process. I'm not sure we want to get wrapped up in that. I don't know what benefit there would be at this point, to sending it to a committee for consideration, to have to come back to us and potentially make the budget process drag out longer than it need be.

Mayor Jones: Then who would you recommend follow through with the Finance Committee's recommendations?

Councilman Collier: Well, seeing as how these would directly impact the police budget, I would imagine that you would want that department head to defend whether these items are necessary and to substantiate whether they need be, or not and that should come during at that point in the budget hearing. Let the Council make a determination based on the presentation of the department head.

Councilman Coté: An alternate is that these projects might not be completed in time for the final vote on the budget and depending on the Resolution of that work, would be considered at a six-month budget review.

Councilman Collier: That's true.

Mayor Jones: You have talent on that Committee. I just don't want to assign something to them that can be tough. The research I'm sure can be done by this group. The cost effectiveness of the K-9 Program, would rely upon the Chief to present his information; it would rely, I think, on getting some information from Mrs. Rogers for the finance part of it and I don't have any problem with that; but I did want Council's recommendation and there may be something else you would like this Committee to look at, that I am not aware of.

Councilman Collier: Let me ask this, if you're going to direct these particular items that are brought up in this document to an Ad Hoc Committee, do you have the ability to also give them a timeline. Okay, here's what we want you to study. We want an answer in X amount of time, or by a certain date.

Mayor Jones: I would say you can. It's tough in the summer season, but yes, I think you could give them a timeline.

Councilman Collier: Well, I'm leaning towards the alternative situation brought up by Councilman Coté so that at this point in time, the six-month budget review. The budget doesn't actually begin until October 1st, so that's giving them until next April to come up with a...

Mayor Jones: I don't want to give that much time for that information. You can amend that budget any time, but...

Councilman Collier: This is true, but you have to determine what the timeframe is that you're going to give this group to take and I would assume if you're going to put these things back in Ad Hoc, rather than let them hold up the budget process, or hold up passing a budget, that their time begins on October 1st and you tell them how soon after that.

Mayor Jones: I would say their time begins as soon as we can put the Committee back together. I wouldn't wait until October.

Councilman Collier: Just give them a number. Tell them when you want it done; give them three months; five months...

Mayor Jones: Does Council believe that these topics are something that is best looked at by the Ad Hoc Committee?

Councilwoman Patterson: You know, I do and I like that you said to take advantage of the talent on that committee; so if they have the talent, I know these are issues that have come up in the past and they haven't gone away and...

Mayor Jones: And they need to be resolved. We need an answer.

Councilwoman Patterson: They do need to be resolved and I think recommendations from this Committee with their knowledge and then presenting it to Council, really would be beneficial for the Town.

Councilman Coté: I guess, if it goes back to that particular group, if I can, tagging onto Councilman Collier's volunteerism, if I can be of any assistance with the finances, I would be willing to help.

Mayor Jones: We'll make you a resource. Alright, we should wait for Councilman West to come back for a vote, but we want to vote, right; to forward this on to them, or just the determination we agree. I don't know that we need to vote.

Councilman Collier: Do you need to set a timeframe? Because you could put this in committee and it could stay in committee for considerably longer than you expect it to.

Mayor Jones: We will craft that timeframe with the charge.

Councilman Collier: Alright, that works.

Seth Thompson: I think that's helpful. At the next meeting we could have a specific charge and then a timeframe. It doesn't need to rise to the level of a Resolution, but basically something that people can see; yes, this is clearly what we're supposed to do and when we're supposed to have done it.

Mayor Jones: A Resolution for the Ad Hoc Committee?

Seth Thompson: It doesn't have to be that formal, but my point was to have something that is clearly identifying the purposes... Obviously here that's been done and the Finance Committee has said 1 and 2.

Mayor Jones: And that's exactly how I planned on relaying that to the committee, right

from the Finance Committee's recommendations that these are the two issues that the Council is looking to resolve and have input on.

Seth Thompson: It certainly could be in the form of an oral motion, once we read the Police Ad Hoc Committee will review and make reservations, following up on the Finance Committee's recommended issues and then pick your date.

Mayor Jones: Would anyone like to make a motion?

Councilman Collier: Okay. I guess I'll do it. I'd like to go ahead and move that the Police Ad Hoc Committee be continued and be charged with determining the cost effectiveness of take home vehicles vs. hot seating of the Police Department vehicles, as well as take home vehicles... you can't put the take home vehicles for other departments in this.

Mayor Jones: Well the take home vehicles for other departments was asked in determination of surrounding areas; who takes home, who doesn't take home. So it does belong there.

Councilman Collier: Okay, so... Alright, that's fine. I misinterpreted what your intent was; and the cost effectiveness of the K-9 Program, for the benefit of the Town of Milton.

Councilwoman Patterson: I second.

Mayor Jones: Any further discussion.

Seth Thompson: We need a timeframe.

Councilman Collier: The timeframe has to be determined by the Mayor.

Councilwoman Patterson: I re-second.

Mayor Jones: Any further discussion? Any additions to the charge?

Councilwoman Patterson: I think charging them with three to four months would be sufficient, I think.

Mayor Jones: I would believe you could get this done sooner.

Councilwoman Patterson: You do? Okay.

Mayor Jones: Well there's research material out there on take home vehicles vs. hot-seating, so you don't have to rely on information here, although mileage and fuel costs and everything will play into that, for the numbers that we have. But there's also research information out there.

Councilwoman Patterson: Okay, that's fine.

Mayor Jones: So we have a motion and a second on the table. Any further discussion? All those in favor say aye. Opposed. Motion is carried.

j. Police Physical Fitness Policy

Mayor Jones: You have in front of you what the Personnel Committee has been working on. It is a police physical fitness policy. I don't expect to pass anything tonight, but I wanted to describe each one of these components. You'll find after the original purpose and policy, the fitness and wellness program that outlines the responsibilities of the officer; thus supporting the need to make sure that we have a health and wellness program for them. You will also find, as Attachment "B", the health and fitness proposal that was received, as well as at the back of that, you'll find a document called a physical examination program. It's an indicator and supports those tests that are given. It is a description of those tests and procedures and it will become Attachment "3", is from the healthcare provider, although this is not our original and Mrs. Rogers has requested that

we receive our original under Milton's heading, so this will change by the time it comes back to you and have more specific indication that this is for the Milton Police Department. It gives the ranges in Attachment "C" and that's important, because in the body of the policy, you will see these three attachments referred to. I would invite you to look at this, mark this, question anything and we will represent this as a total package... Does August give us enough time? Could you put this on the August 4th agenda?

Councilman Collier: Well I've got the advantage of having worked through this with the Personnel Committee, but other members of Council may not; definitely have not; so I'll defer to those who have not, as to whether that's enough time for them to adequately review this information.

Mayor Jones: This will provide that laboratory testing will be completed every other year, up to age 45 and every year after age 45. You'll also see in our budget that allowances have been made for the wellness of other departments, particularly in our Public Works Department, who are dealing sometimes with hazardous materials and I am not certain that they are vaccinated or we have anything in place to make sure that we take care of that issue. So, without taking too much time, just on it's face value, I would ask Council to look over this carefully, again. If there are a lot of questions and we are not ready to adopt this at the August 4th meeting, then we'll try to satisfy what other questions or concerns that you have and bring it back again. For Councilwoman Patterson, you're not going to be here at our August meeting, so if you have any questions; if you have a concern and you can even pass that on to myself or Mrs. Rogers. We'll try to address that for you, since you will not be here at the August meeting.

Councilwoman Patterson: Thank you for that.

Councilwoman Parker-Selby: Just a second, I will not be here either.

Mayor Jones: You will also not be here, but you're on the Personnel Committee.

Councilwoman Parker-Selby: Yes, so I am aware of this.

Mayor Jones: But if you have some ideas, because you reviewed this material before; you just haven't seen it in it's completeness.

Councilwoman Parker-Selby: Right.

Mayor Jones: I'm okay just tonight introducing that to you.

- k. Police Uniform Policy, **and**
- l. Police Department Surveillance Camera Policy

Mayor Jones: You also have in front of you now, this enormous document, the Police Department surveillance camera policy. I'm going to start out with a real basic issue, here, folks and that is that this policy was issued according to this document in October of 2013. I don't understand why policies and procedures for any department are not first reviewed by the Council and approved by Council. So that's my first comment. We had discussed that a little bit in the Personnel Committee, as well. I am not certain who supplied the extra document, the Constitution Project; however, it did not support this policy. It supports, as Dr. Patterson talks about, the question of personal liberty and privacy. It's also on many topics bring up the recommendation that prior to putting a policy like this in place, that it needs to be brought before the public for a full discussion. This was hard to read. I'm way into Core Principles Governing the Creation

and Design of Public Video Surveillance Systems. So number VIII, ensures that the decision to create a Public Video Surveillance System, as well as major decisions affecting it's design, are made through an open and publicly accountable process. This was not done and it's repeated in this document over and over and over. It also talks about on the other page, employee, technological and administrative safeguards to reduce the potential for misuse and abuse of the system.

Seth Thompson: Mayor and Council, by way of background, I reviewed the initial draft. I also pulled together some materials, because I wanted the Council and the Police Chief to have some perspective, really from both the legal realm... and really the legal realm is more on the community oriented policing services, from the Department of Justice; that touches more on the legal requirements of these issues. Obviously the policy side, the Constitution Project is an advocacy group, but it is helpful to read through and see what people that might not be in favor of this, have concerns over, because they're real concerns and they certainly adequate thought and discussion before implementing something. Legally, the important thing is that you need to understand that it needs to be at a public place, because you have a reduced expectation of privacy, when you're in a public place vs. focusing on a private place, where obviously you have a higher expectation of privacy; then you're going to have stronger 4th Amendment rights. I think I even provided a case where Delaware... often the way that plays out is if somebody is charged with a crime, they go through the discovery process and there is some evidence that was produced based on a search, so the search, or the warrant, or the warrantless search gets challenged via a Motion to Suppress the Evidence; basically the thought is if the search violated the Constitution, the fruit of the poisonous tree, so to speak; shouldn't come into evidence. So you can see in Delaware they reference semi-public places. We're not walking down that path. I think the policy makes it clear that it needs to be in a public place. Now obviously the Council has the ability to provide Rules and Regulations for the police; so that's really what this policy is designed to do. I think the other element, when you worry about reasonable searches and seizures is... and the expectation of privacy is whether it's limited to audio and visual, or whether it's going beyond something the normal human senses could pick up. Dr. Patterson referenced x-ray and that sort of thing; that obviously is something beyond just a regular Police Officer walking the beat in a public place could do. That's where you get into those concerns a little bit more. My understanding is, this is just a visual... Chief, do you know if it picks up audio? Does it enhance audio?

Chief Phillips: No. It's just basically to be in the park... we have had some rapes, a couple of robberies and we're just trying to help out protecting, but if the Town votes not to use any surveillance cameras, then we'll do away with them and that's fine.

Councilwoman Parker-Selby: Are they out there already? Are they in the Park already?

Chief Phillips: No.

Mayor Jones: Yes, they are in use.

Chief Phillips: No.

Kristy Rogers: They're not.

Seth Thompson: It could be that the Council decides that through this policy it's going to specify exactly where those cameras are placed.

Councilwoman Patterson: I'm sorry to jump in, but the problem with that is that the

information is going to be recorded, all the time. We all know with NSA and all of their ability to tap into this information. I don't think a town the size of Milton needs this information. You go to Page 13, this is something that jumped out at me, that really concerned me. It's XII, so we're still in the Roman Numerals.

Mayor Jones: This was a hard one to read.

Councilwoman Patterson: Under 3, Principles and Rules for Use of Public Video Surveillance, if you go to number 4. A Public Video Surveillance System may be used for legitimate law enforcement purposes, other than its original purpose, subject to certain restrictions. But then you get to a. and it says no additional approval is required for incidental use of the system. So there are incidentals that you might... so we're talking semi-private. These cameras do have the ability; I don't know what the Chief was looking into; but there's infrared technology, things like that; facial recognition and they can look into people's windows. I remember Vice Mayor Booros talking about if the camera was up there, it could look into the Zando's window, or whoever lives nearby there.

Seth Thompson: To be clear, that shouldn't happen.

Councilwoman Patterson: Of course, it shouldn't happen and nobody should be looking into my computer records, or my cell phone records, and it's happening and I don't think a Town the size of Milton, 1.2 miles square, needs this. I think the presence by the police and them walking the beat, instead of sitting in front of a video monitor, it's just... I don't think this Town needs that. The document goes on and on. There's a lot of information.

Mayor Jones: It's never ending.

Councilwoman Patterson: It's never ending and then only one person, like the Police Ad Hoc Committee cannot look at this information. Only one person is allowed to, which also leads to this misuse of power. You can get into blackmail. There are so many ways that the system can be misused, that I think we should err on the side of caution here.

Chief Phillips: I respect your answer, Councilwoman Patterson, but there's clergy that molest kids, there are doctors that molest kids, there are all kinds of people of trust...

Councilwoman Patterson: I'm sorry, I don't know how that's relevant.

Chief Phillips: Excuse me.

Councilwoman Patterson: I don't understand why you have to bring in...

Chief Phillips: You're questioning the credibility of the Police Department to do their job and it sounds like it's being disrespectful in that aspect, Ma'am.

Councilwoman Patterson: No, not just you, but the ability for other avenues to tap into as well.

Chief Phillips: All other departments run it the same way, that's how it's run, because someone has to be in charge of it and they put the Chief of Police in charge of it.

Councilwoman Patterson: Right and I just don't think that the Town needs this, at all. I don't think Milton needs this.

Chief Phillips: The last rape we had, if it wasn't for the library's cameras, we wouldn't have had a good picture of the gentleman, so I disagree with you about the cameras; but whatever you guys vote on is fine with me.

Mayor Jones: I think one of the points, Chief, is that this was not and I for one, will say publicly, I believe this is already in use, because we had this discussion during the

budget discussion in early July. The piece that bothers me in the policy itself, is under C. Operations, number 2. It's more of a cautionary thing than it is a policy. It says "Each operator must understand that if improper activity is discovered and not addressed, and this is learned by other entities, the Police Department will be held accountable. Any unprofessional actions may jeopardize the continuation and success of the use of this Video Surveillance Equipment and will not be permitted." My question is, what benefit has this produced so far? That goes along with that success comment. It also says a little further up there, "Recordings will be reviewed by the Administrative Commander." How often is the question I have? Officers with full operational credentials... what is that training? What does that training consist of?

Chief Phillips: The only thing they would be able to do is if they were parked inside of Town, they could look in the Park and see what's going on in the Park; but they cannot move the cameras or adjust the cameras, or touch the cameras, as far as my understanding goes, from the laptops.

Councilman Collier: So you're saying that if this system was put into place, they'd be fixed cameras, so you might have one on the corner of the library, focused on the outhouses in the Park and that's all you would be able to observe was anything within the range of that lense?

Chief Phillips: Well, my understanding was one of them was supposed to be on the water tower, shooting towards the Park and the Park only, so we could keep an eye on what's going on in the Park.

Councilman Collier: I think some of the concerns that some folks have, and myself in particular, is just how much latitude do you have to control the camera itself? To put me at ease, first I need to know if they're going to be fixed cameras, that they're fixed and I think that the public needs to be given the opportunity to say okay, here it is. This is the camera, it's fixed, this is what it observes, 24/7. Now I realize that that opens the door for somebody to say okay, well I know there are cameras there 24/7, so I'll take my illegal act to be over here, where there's not. But that's probably where it's not, is where your guys are sitting, looking at his laptop, to see what's going on over here. There should be some sort of public input on this, because people have a right to know. I want to know when I'm on camera and most businesses that have surveillance cameras, there's a little notice placed; if you're going to surveill the Park, there should be a notice.

Chief Phillips: My understanding is, everybody today, at least 15-25 times you're being videoed, whether you know it or not. I understand. If the Town of Milton is not ready for this, I totally understand it. Dewey Beach is spending thousands of dollars; Milford is spending thousands of dollars; Dover, Laurel, Seaford...

Councilman Collier: I can understand Dewey Beach. Dewey Beach has a real issue with nightlife and stuff down there.

Chief Phillips: Certainly.

Councilman Collier: And it's a seasonal thing. I mean, in Milton most nights you can roll the sidewalk in at 10:00 and nobody would complain.

Chief Phillips: We've got like 8 sexual assaults, we have 10 undone burglaries at this time, and I'll be honest with you, the camera system would help us, I believe, to catch the subject going across town, one way or the other. But that's my opinion on that. I do understand where you're coming from, as far as the privacy thing. I do understand that

and get that.

Councilman Collier: That's the issues for me and I think that there was a point well made by the gentleman that spoke, and that more police presence wouldn't hurt a thing. Now I realize and before you go there, that you're short staffed, but one thing's for sure, I don't travel the whole Town, all the time, but it's rare that I go by your station when there's not at least one vehicle there and sometimes multiples; and I don't travel at all hours of the day, but it just seems coincidental that I can hit that more often than not and I realize that everybody has to come to the shop and do something from time to time; do they all have to be there at once? I don't know.

Chief Phillips: That's like saying driving by DeIDOT and seeing all those trucks there and saying well they must not be doing anything today. That's the same thing that you just said. No one knows what each officer is doing; whether they're working or their car has been left there and they've gone someplace else, or if their car is broke down, or if they're doing reports or going to the bathroom. There's thousands of things.

Councilman Collier: One thing I can tell you about DeIDOT is there is a vehicle locator on every vehicle there, too, so they know where they are all the time and where they've been, but we don't have that here.

Chief Phillips: Some of this that's going on now is why the officer's are leaving, because they feel like their being beat up on and picked on all the time and that's what they're telling me when they're leaving; so just so you know, all these things that read in the papers, when they read the minutes, they see this and it makes them wonder why they should stay here. Actually, we just had another one leave today, or leaving in the next two weeks.

Councilman Coté: Well, maybe we could return the camera policy. I just have a couple of questions. This policy covers a fixed camera? Or is this a... Would there be a different policy if this were a fixed camera, or a somewhat mobile camera that you could relocate periodically.

Chief Phillips: Right this second, I'm not sure how to answer that. It should cover both, but chances are if we were doing a fixed one, or a portable one, we would probably have a warrant, if we were trying to spy on someone going in and out of their house, selling drugs, or selling things, or prostitution, or whatever they were doing, we'd have a warrant for that one. Better than that, we have no reason to be looking into anybody's windows, nor would we. I believe our officers have enough pride and integrity, that that would never, ever happen.

Councilman Coté: That's not what I was asking. I was just asking about specific equipment; not trying to cover the good or bad uses of it.

Chief Phillips: I understand.

Councilman Coté: I'm trying to figure out, there seems to be some difference of opinion, as to whether this is really in use, or not.

Chief Phillips: In the police cars, it's in use and when the cars pull up to the station it downloads their videos of the traffic stops and arrests that they've made, yes.

Councilman Coté: So this covers the parking, or is this... I'm just trying to figure it out.

Chief Phillips: The most surveillance cameras that we've ever had installed at one time, was when the State Police helped us; we used theirs because we did not have one.

Councilman Coté: And we have one now that may or may not be in use?

Chief Phillips: I'd rather not comment, with the media sitting there, but...

Seth Thompson: I believe it's based on Milford?

Mayor Jones: I asked Mr. Thompson if it was a generic policy, because there are some contradiction in here, I didn't quite understand under "and see Operations, number two." "Manual operation of the cameras is certainly permitted and encouraged, so as to cover as much area within their capabilities as possible." That may apply to a fixed camera. I don't know. "This will be done to observe the public and to look for suspicious activities and criminal offenses." But it goes on, and in bold, to say "**Any zooming of cameras on particular persons deemed to be unprofessional, for personal gratification, will not be tolerated and will be subject to Operator Disciplinary Procedures.**" This would indicate to me that the camera is able to be manipulated, as opposed to fixed.

Chief Phillips: Depending on what camera system that we were... remember that Grant that we had, we were trying to purchase... It depends on what kind we purchase. You could go either way, to be honest with you. It's like part of this came from Milford Police Department and they have cameras downtown that they can actually zoom up and down the streets, go to the bowling alley, go to the bars and highlight what they've got to look at; their dispatchers do most of that. If a call comes in, they zoom in on that and find out what's going on.

Mayor Jones: So it is a generic policy?

Seth Thompson: The way I read it, it seems to me... and we can always improve it, if the intention is for this to govern only a fixed camera, we can define what that means; or perhaps the term "mounted" might be better, because the Policy seems to be geared toward a mounted camera, in that it's supposed to be angled at a public place, so I would think it would be mounted and then it references the fact that each camera is going to be able to pan left and right, up and down, and zoom in and out. It doesn't mention that the camera is able to be moved. When I read this, I was envisioning a mounted camera that could be operated by moving it left, right, up, down, zooming in and out; but not necessarily taken off it's mount and transported. But again, if we want to make that clearer, that's really within Council's control, that the Policy could spell out that it's a mounted camera.

Chief Phillips: Well, usually, if it's going to be a transfer, removable system, it's usually going to be dealt with a search warrant, usually, or a warrant to look at a certain bar, or look at a certain restaurant house, or a certain house, etc. or something like that. Then we have a warrant to cover us for that.

Seth Thompson: Right and I think it is really important that just right up in the first paragraph it talks about the fact that this is to monitor public areas. It could be that the Council determines that they don't like the notion of panning and perhaps the policy just allows for zooming in and out. That's within the Council's discretion. It sounds like most of the discussion is based on policy; what's a good use? What's adequate training, that sort of thing? I think the one legal issue that's come up, so far, and Dr. Patterson mentioned it, obviously there's a concern about oversight. The language in terms of the extent permitted under FOIA, that's really if Joe Q. Public walks into Town Hall and fills out a FOIA Request. That really shouldn't mean that other people with oversight at the Police Department, shouldn't have access. When it comes to FOIA, that applies to somebody that doesn't have any additional privileges, so I think that's important to note

and if the Council wants to spell out how often the tapes get reviewed, that could be put in the policy. The reference to information being turned over to law enforcement agencies, obviously, that does happen, because again we talked about that Motion to Suppress concept; that the very first thing I think a criminal defense attorney does, when he takes on a client, is probably send over a Discovery Requests and Brady material requests...

Chief Phillips: We learned this from the AG's office, but as far as civilian's seeing it, they wouldn't be allowed to see anything that was an ongoing criminal investigation, at that time. If they just wanted to see people standing in the Park dancing and see where the cameras were, I'd have no problem with the Mayor or someone, observing that. As long as it doesn't get into any kind of criminal investigation. You know what I'm saying... Anything that's going to jeopardize anybody's life, but other than that.

Councilwoman Patterson: Then you read through this whole Guidelines Booklet that you handed out. There's a lot of information. One says, "An operator can pan, tilt and zoom a number of cameras. As the technology is developed cameras have a full range of movement and control faculties to become the norm and it is likely that there will be continual improvements in optical and digital zoom, color and pixel resolution." It's just a little too Big Brother for me.

Chief Phillips: My theory is if nobody's doing anything wrong, you've got nothing to worry about. But that's just me.

Councilwoman Patterson: I used to think that, but there's just...

Chief Phillips: We've got kids smoking weed in the park, or shooting heroine in the park; it would be nice to have them on video and go up there and arrest them, even if they got rid of the stuff we could do something about it. Right now we're having problems in the park and we're having problems that if we had a camera, it would be a big help. Whatever Council votes on, that's fine.

Councilwoman Patterson: How often do the Police Officers drive through the park? You would think that would be an hourly loop.

Chief Phillips: We have one man through shift now, so they try to go through as much as they can, if they're not tied up on something else. As I said we've just been hit with 10 burglaries and everybody's trying to follow up on that right now. We've had a few churches hit, had a few businesses hit and two residence's hit.

Mayor Jones: And I just want to put this in for you to consider. I received information about the church burglaries through, actually a citizen who was here this evening. I passed that on to who I consider... my go to person for Neighborhood Watch, so that that email collection could possibly be advantageous to you to keep an eye out. It didn't have any identifying information, but it was a community-wide, this is what's happening; so actually I've asked Neighborhood Watch to come and give a short presentation in August and this is one of those helping hands that I think, in your situation, of being short-staffed could work for you, not to have necessarily someone right on top of you, but to be your eyes and ears to the community while you are looking at your short-staff.

Chief Phillips: That's why I started that program in 2007, but these crimes are committed after midnight, when everybody else is sleeping and no one's walking around.

Mayor Jones: I understand and not that the Neighborhood Watch is just out walking

around, but they have the ability through an email network to notify a greater number of resident's and if we build on that email network, then you have more eyes and ears in the community, than you have the ability to cover with officers right now. I think it just can be an assistance to you. That's my only comment and that's how the church burglaries came to me, was through a private citizen, so I tried to get that into the hands of somebody that would help. Overall, I wonder if this policy... I do still have some questions with it and I wonder if this should come before the public; now not in a public hearing, by any means, but I think that the public should... consideration for what could be a policy that could affect a lot of people. But that's just my opinion and it came from reading this paperwork that accompanied this policy. Now, I understand it's an advocacy group, but then you have police and then you have advocacy groups, so they're going to have very different opinions. I think there's is conservative, just to try. Their information is get it all out there, before you implement it. One of the things that concerned me here was that they ask to create a technological and administrative safeguards for the misuse of the program, but I told you that already. It was on page XIV, number seven, establish mechanisms to protect the rights of identifiable individuals captured on the video surveillance data, as well as number nine, which is provide appropriate remedies for those harmed by misuse or abuse of the Public Video Surveillance System. That could be a liability on the Town. So does the policy have to take into consideration any liability on the Town's part? That's really all I have.

Seth Thompson: That's the important element about having it in a public place; that there's no concern about some invasion of privacy toward; because there is that reduced expectation. Really, the most direct concern about a violation of the policy would be that the case gets thrown out. That's going to be when it comes up most often. I can see a defense attorney saying that your officer didn't follow the procedure that was put in place, and the Judge says I agree and therefore, fruit of the poisonous tree, that evidence is out and very often those Motions to Suppress decide the case, because frankly you might not have much evidence otherwise after that. So that's the realistic element if somebody violates the policy. Obviously the officers face some discipline, so this isn't something that there isn't a downside to violating the policy. If the charges go away, officers aren't very happy, obviously and if they're subject to discipline, that's another problem. Again, I certainly understand everybody's concern and that's why this warrants discussion.

Mayor Jones: It is my opinion, that the policies and procedures, when they are different from the policies and procedures under the umbrella of the Town, should be approved by Mayor and Council. I do not believe a single department can both issue and approve their own policy. I think that it leaves a very important step out.

Chief Phillips: Just so you know, a few years ago Tim Willard, who's the one that approved all of our SOP's; he was the Town Solicitor at the time, just to let you know.

Seth Thompson: It's difficult to paint with too broad of a brush. The Charter makes it clear that the police are at the subject of Mayor and Council, in terms of rules and regulations. Something like this that could affect a lot of people, I think this is something that needs to be approved by Mayor and Council. Can the Chief send administrative directives that are on a much lower scale, that's certainly the case. The question is where you end up drawing that line.

Mayor Jones: I believe the Mayor and Council need to be aware of policies and procedures which govern the other departments in this Town. So what is Council's pleasure?

Councilwoman Parker-Selby: Well, I would like to, after listening to everything; I would like to have more information... have the community have input. Dr. Patterson brought up several very good issues about this and I haven't read the entire document, but when I started reading it, I'm thinking whew. It will take all night and all day, but anyway it's important and seeing a lot of things that are occurring in the country now, that are getting caught on people's cameras, it is kind of important, I think to have some means, but I don't know how detailed we should be when we're starting to maybe get into some processes which would invade privacy; such as the camera in the park might go into someone's home up there on the hill, or what have you. We've got to be very careful with that. Long story short, I think we need to bring this to our community for some discussion.

Chief Phillips: I agree with that. On the same hand, don't forget also that as Police Officers if I'm in the park arresting someone, and I'm using excessive force, it's also going to be used against me, which is a good thing too. It keeps us... That's why we have them in the cars to be honest with you, to document DUI's, to document Domestic's, have the woman or man stand in front of it bleeding and saying what happened and in the same token, as you can see in the news, there's a lot of people with their own cameras are catching them yanking people out of their cars, illegally and using excessive force and so it's a double-edged sword, but I do agree with Council that we need to talk about this more. I don't have any problem with that, at all.

Mayor Jones: And I also agree with you in that nationally the cameras, the dash cameras have been a great asset to the Police Department in keeping them out of that liability.

Chief Phillips: Absolutely. It actually, in my opinion, makes the cop from 30 years ago when I first began, there were no such cameras and whatever happened, happened; but now there's good documentation, a lot better and it makes the officer a better cop, I think; because before they do something stupid, or let anybody else do something stupid, they're going to think about Showtime is running and here we are. So it's a good thing all the way around.

Mayor Jones: Again, two of our council members are not going to be here in August. Is there a possibility that if we have... I was thinking about the August date which I believe Mrs. Rogers already set up for us, is a public hearing date on the 18th of August, which would be our second Town Council meeting. Are those who would be absent on the 4th going to be available on the 18th?

Councilwoman Patterson: Yes I will be here on the 18th.

Councilwoman Parker-Selby: Is that going to be in the evening at 6:30?

Mayor Jones: It will be 6:30. That is the public hearing date for the budget, so that's a week night.

Chief Phillips: Is that a Monday night?

Mayor Jones: Would that be acceptable? Can we put that on that agenda, with the public hearing on the budget?

Chief Phillips: Actually, if the public decides they don't want cameras, I'm all for it. I've got no problem just doing away with it altogether. I can respect that.

Mayor Jones: We can talk more about that.

Chief Phillips: I don't totally agree with it, but I will respect their opinions.

Mayor Jones: And be prepared, you can bring data with you that night; definitely I know that you don't always attend the second meetings, but that would be very valuable for you to be there. Is that acceptable to Council to visit this again in August? Okay.

m. Fiscal year 2015 Budget and Fee Schedule

Mayor Jones: Hopefully you've had time since July 7th to look at your Budget and Fee Schedule. Councilman Coté or Mrs. Rogers, how extensive do you want us to be with this tonight, or are we holding a lot of this until we meet in August? There are some things here.

Kristy Rogers: I'll certainly answer any questions that any of you have. Having tonight's meeting, the August 4th meeting and then have a public hearing, I think we have as much accomplished before the public hearing that we can.

Mayor Jones: Okay. Again I would say, I think you did a great job. The color coding of the information was helpful. I had to keep going back to the key, to see what it meant, but it was very helpful. Mrs. Rogers, mine starts actually with the budget detail, all departments, if I may: 650-4607, building permit receipts. You note here that the previous Town Manager had proposed the implementation of using a contract value and that it possibly could, it calculated the additional revenue from this permitting system. You obviously have seen that. Perhaps you have not seen that, but you know of it's existence.

Kristy Rogers: I know. Mr. Davis had explained that to Councilman Coté and I during our budget meeting, when Mr. Abbott had discussed making the change to requesting a contract vs. filling out a building permit application and assessing the 2% cost. I did not research any detail, other than that.

Mayor Jones: Is this where Mr. Abbott had indicated that essentially you needed to turn in your estimates and actual documentation of what this was going to be, so that there wasn't any question that you were giving the permit, based on the actual value?

Kristy Rogers: Yes.

Mayor Jones: How likely is... well, that's a question of whether or not the person asking for the permit is totally forthcoming, you would have no way of knowing. Under 200-5470, Repairs and Maintenance Equipment, your copier lease, do you have that on any... are you on a three-year cycle?

Kristy Rogers: It was a five-year lease. We are in the third year.

Mayor Jones: Okay. There may be advantages to leased equipment vs. bought equipment, but in five years, I believe the Town of Milton could have had the best machine available for that kind of money, so I just wondered where you are. So you're in your last year, which means you basically will be...

Kristy Rogers: I think we have two years.

Mayor Jones: Two years, just for further consideration.

Councilman West: Kristy, do you have another copy of that? I never got one in my package.

Kristy Rogers: I don't. It was in the July 7th packet.

Councilman West: I didn't bring that with me tonight.

Mayor Jones: Do you and Councilwoman Patterson have one to look at down there, because you could have mine. Mine is pretty marked up, but I could share over here.

Councilwoman Patterson: No, didn't bring it. Sorry.

Mayor Jones: I don't have my highlighted notes. These are not going to help me. I'll trade you this one.

Councilwoman Parker-Selby: Chief, while we're talking about the budget, I'm looking at the National Night Out. What's the date on the National Night Out, Chief? I happened to look down here and I see...

Chief Phillips: Wednesday, the 6th.

Councilwoman Parker-Selby: September?

Chief Phillips: No, August.

Councilwoman Parker-Selby: I'm messed up again. Thank you.

Mayor Jones: Could you use some help from the council table, hands on that evening?

Chief Phillips: Absolutely, anybody that wants to come and volunteer their time is more than welcome. Absolutely.

Mayor Jones: Should we call Mrs. Jacobi at the Police Department or get in touch with her?

Chief Phillips: She's the head honcho, that would be the way. Thank you.

Councilman Coté: I have a quick, short question for council members. I think last year when we did the budget, I tried to suggest that we increase the fee we charge Tidewater for providing them the billing information and was told we were stuck with an agreement.

Mayor Jones: Yes.

Councilman Coté: Has anybody seen it? The signed version?

Mayor Jones: No.

Seth Thompson: I wasn't asked to review it. I take it this is specifically on the administering the billing?

Mayor Jones: Yes.

Councilman Coté: Yes, it's just for what we charge them for providing the information, because I got my bill today and it's terrible.

Mayor Jones: It was \$10 less than my water bill.

Councilman Coté: Your water and trash bill?

Mayor Jones: Excuse me, my water and trash bill. You're right. That's a very good question.

Councilman Coté: Because, if there is no signed version, we should just... we need to up the fee.

Mayor Jones: You're right.

Councilman Coté: I don't know who would have it...

Mayor Jones: That's two years ago that former Mayor Newlands told us that.

Councilman Coté: Mrs. Rogers had found an unsigned version, but none with a signature on it and I don't know...

Seth Thompson: I recall when the issue was discussed, but it wasn't assigned to me in any way. I don't believe I wrote up the agreement. I don't think I was asked to review it.

Councilman Coté: Suggestion is we increase the fee and if they think we shouldn't pay it, they'll prove to us why we shouldn't.

Mayor Jones: That's an interesting point. I never brought it back up because we were told what we were told.

Councilman Coté: We were told that that was what... I think that was... if I'm recalling correctly, that was the former Town Manager that told us that, but we've looked for the signed version of it... or I didn't look. I kept asking and I haven't found one yet.

Mayor Jones: That's a good point.

Seth Thompson: I think the 2007 agreement indicated that Tidewater would take over the billing services and that didn't happen; so my recollection and this was when I first came on; and I believe when Mayor Newlands first came on; was that there was then going to be some discussion with Tidewater to come up with an appropriate fee for that. Kristy, did you see a draft of that agreement?

Kristy Rogers: I have an unsigned draft. It does have Mayor Newlands on there, but I cannot find a signed version.

Seth Thompson: Does it indicate in any way who prepared it, or if it was delivered?

Kristy Rogers: No. No.

Seth Thompson: So there wasn't a cover letter attached?

Kristy Rogers: No. I could send it to you.

Seth Thompson: Thank you.

Mayor Jones: Can Mrs. Rogers and Mr. Wingo answer for me one, did we bill the fire company for their water use?

Kristy Rogers: They're domestic water use.

Mayor Jones: Okay and can you give me a ballpark idea of what they may be?

Kristy Rogers: I haven't reviewed that lately, to be able to give an exact amount.

Mayor Jones: I'll tell you where I'm going with it was the general ledger account, 350-5370 which is a Donation and my thinking was whether or not there was close to a match of a trade off, but I can't imagine their domestic use is that high, but I would like to see how close it comes. It would mean the difference between excusing, as a non-profit, as opposed to putting the money out as cash, so that was just a curious question I had about their account.

Councilwoman Parker-Selby: It looks like the Town insurance is increasing.

Kristy Rogers: I don't have an exact amount at this point. We won't start renewal until maybe late August. I did have a meeting last week with our prior insurance broker, who represents the DEFIT Program that Worker's Compensation is apart of for the Town. We may look into possibly switching back into the DEFIT Program for our General Liability and Public Officials Liability Insurances to see what kind of a rate reduction we would see, because with that pool in a DEFIT Program, we're all pooled together; the municipalities that belong to the program, based on our single renewal rate, subject to the Delaware Rate Bureau.

Councilwoman Parker-Selby: The website expense I had that highlighted for me. Is that expense... I don't know much about the website... is that an expensive kind of thing? Is it an annual fee or a monthly fee?

Kristy Rogers: The line that's labeled for the website is actually kind of misleading, because we don't pay anything for website. Those are fees for our email usage for the year, so we pay a fixed amount for the email box that we have. Right now we have 15 or 16 email addresses for the Town.

Councilwoman Parker-Selby: They go through there.

Project Coordinator: Madame Mayor, not to change the subject but I was talking to a couple of other Chiefs at a meeting I went to and they had stated that they thought the State of Delaware was going to open up the healthcare, State Blue Cross. I didn't know if you had heard anything like that, or not.

Mayor Jones: The problem is Milton didn't ever qualify. It had to do with the number of employees. Isn't that what's keeping you off the State Insurance Program?

Chief Phillips: I never heard that before. At one time they offered to do this before and we turned it down, is what I understand, but I'm not sure how it works; but I didn't know if maybe we could check in on that. I didn't know if you knew anything or not; or heard anything.

Mayor Jones: That's a good point. Again, I haven't pursued it because I understood that the Town of Milton didn't qualify because of the number of employees it had.

Chief Phillips: It would save us a lot of money, if we could get on that.

Kristy Rogers: I'm not sure the background in the three years that I've been here, as we've made follow-up, it's not been reopened for us to even be considered to join the Program.

Mayor Jones: And you feel that they would invite you, rather than you reaching out to see your eligibility.

Kristy Rogers: I'm sure we would have to reach out to them.

Chief Phillips: _____ in Harrington talks with them _____, but I can't swear to that; that's what they were telling me.

Mayor Jones: Mr. Wingo, does your budget include a means to help remedy the problems you're having with that meter reading? I know you have a set of rather difficult locations. Are you looking to remedy that in this budget year?

Greg Wingo: Yes. I believe we added was it another \$10,000 to go ahead and get some more of the... not to say the upgrades, but to bring the meters up to the pit centers and instead of the metal lids, get the plastic lids.

Mayor Jones: So its under the Pits, Meters and Lids that's here? No.

Councilman Coté: It's called New Line Item Repairs and Meters. It's highlighted in whatever color that is, peach.

Mayor Jones: Oh, it's in this one.

Councilwoman Parker-Selby: Not tan. Peach. That's a good way to say that.

Mayor Jones: Let's get to the right department.

Councilman Coté: Page 8.

Kristy Rogers: Page 8.

Mayor Jones: Page 8? Okay. Thank you. I was looking at this page. John, you look like the lone man out. How about from the other end of the table, any questions?

Councilman West: No. Not right now.

Mayor Jones: Okay.

Councilman Coté: An item that came up and I don't know if it changes anything in here, but an item that came up in discussion this afternoon would have been in the Code Department. We have Code Department Salaries, which is probably Page 6. There it is, page 6. It includes the two employees at their existing rates.

Mayor Jones: Okay.

Councilman Coté: One of those rates could change, depending on who fills that spot and in terms of budget, I'll throw it out; we have this bump against the Charter.

Mayor Jones: Yes.

Councilman Coté: Which we need to do something with and I don't know when we get to make that motion to adjust the Charter.

Mayor Jones: Refer it to the Charter Ad Hoc Group, right?

Councilman Collier: They're aware of it.

Seth Thompson: Procedurally the easiest way and it sounds like we'll end up coming out of the Charter Group a proposal to have a fully reincorporated Charter, since we're going to be touching on a number of areas of the Charter. If we can get that done in December, get the Resolution passed here at Council, requesting the Charter change, then hopefully you could at least get through one of the Houses, whether your Senator, or whether your Representative starts it in January, before they go on their budget break; then it could be teed up for the end of March.

Mayor Jones: So we would need all of our public hearings all completed before that time by Charter and Ordinance Review Committee?

Seth Thompson: Correct and those aren't required, but that's certainly important, with something as big as a full Charter reorganization you're going to want public input and your Senator and Representative are going to want to make sure that there's some public input leading up to the Resolution.

Mayor Jones: Is everybody aware of the constriction that the Charter puts on the finances in the Town? Kristy, did you actually give that information out? It's very interesting.

Kristy Rogers: It was noted in a Finance Committee Report, last month, but the Charter has a restriction which caps property tax at \$1,000,000; so we are approaching that amount. The tax rate increase incorporated in this draft is 11%, which will keep us under the \$1,000,000.

Seth Thompson: Kristy, were you able to find... I know we started the process. Were you able to find in what year they changed the Charter to put that million? I have a feeling it was a long time ago.

Mayor Jones: I think it was '08.

Seth Thompson: Really?

Councilman Collier: That's the last time the Charter went through, but whether that was changed...

Mayor Jones: When it was changed.

Seth Thompson: Right.

Chief Phillips: Jack Bushey might know.

Seth Thompson: Yeah and it should be on the legislature's website. It's just the process of going through every bill that references Milton and finally finding the one... especially because before, when they would change language, they would just say delete Section 29 and insert this new one. But you would be able to see when they inserted that new limitation. Because in my experience, it's always been a percentage. That's normally... So that as assessments go up, it's a function... you don't keep running back to the legislature to change a hard number.

Councilman Coté: Makes sense.

Mayor Jones: Anything else?

Councilwoman Parker-Selby: Now, the Concerts in the Park, I'm looking at that. I thought they were kind of donated.

Councilman West: Every bit of the money that the concerts is all paid for by the sponsors.

Councilwoman Parker-Selby: Okay.

Councilman Coté: There's a revenue item...

Councilman West: It's just a pass through deal.

Councilwoman Parker-Selby: I've got you, because I was wondering.

Councilman West: The money goes to Town Hall, Town Hall just issues a check.

Councilwoman Parker-Selby: Good. That explains it.

Councilman West: The only expense to the Town for the Park, is having the lights on.

Councilwoman Parker-Selby: Gotcha. Thank you.

Kristy Rogers: I do want to take a moment to explain the Capital Expenditures, Page 9 of what's stapled together of the spreadsheets. The surplus from the General Fund is \$3,995.84, so it certainly does not fund all line items on the Capital Spreadsheet. Some of these requests are from Department Heads and because of the cap on taxes, they're not funded and I don't know if any of those need to be taken into consideration, or not. The Utility Fund side, the surplus from the Utility Fund is \$129,101.70, so they are paid for through the surplus.

Mayor Jones: I've asked this question and I haven't looked back at last year's budget, the mapping. Do we not already have a placeholder for that in this year's budget?

Kristy Rogers: It was approved in 2014's budget. We cannot find documents. They are limited. We're not sure where maps are. Greg and I are held in the process needing to turnover information to Pennoni Associates, to begin the mapping process. We're at a standstill.

Mayor Jones: What documents are you looking for to start that process?

Kristy Rogers: They want to view any old records of the water system, valves, I believe it's meters, anything that we have to begin the process to create the GIS C.A.D. Program.

Councilman West: Does CABE Associates have any of that stuff? I know that's a sore subject, but...

Mayor Jones: Well, Emory, might Mr. Bushey have any of this?

Councilman West: I don't know. I'll ask him.

Mayor Jones: That would be a good... And the water tower information, as well.

Councilman West: I'll ask him.

Kristy Rogers: As we have not gotten to that project yet, we won't get to it at this point in this fiscal year. That will technically be a surplus in the Utility Fund for 2014, which will have to be carried forward into 2015.

Mayor Jones: Okay, so that is why it is on here again. I'm sorry.

Councilman West: But Mayor, Mr. Bushey told me that when they switched Town Hall from down at the police station, a lot of those records got thrown away, because they did not know what they were doing.

Mayor Jones: I've heard that, as well. But, unfortunately, these mapping records... that's the history of our system.

Councilwoman Parker-Selby: And nobody remembers who put the system in, or who

worked on the system?

Councilman Coté: It's over time. There could be lots of additions and deletions and changes over time.

Councilwoman Parker-Selby: But maybe you can track which company it was. Because everybody throws everything away now.

Mayor Jones: I guess that the one thing under the Capital Improvement Item, which is listed as 112 Federal Street, it has no value attached. Do any kind of research for engineering fees to look at a driveway, to look at parking, to look at an ADA handicapped... and I guess the way to go, if they're available to municipalities, is to look for some grants. Studies. Something we can use, some DelDOT studies.

Councilman Collier: If you enter into the Downtown Development District that falls within that area, so we've got to put up money to get a little back, but that's one way of viewing it.

Mayor Jones: Well, having purchased the property last December, we didn't have those fees in place for that.

Kristy Rogers: The one recommendation that did come from the Finance Committee, on the Capital Expenditures, would be the year two of the street signs. We adjusted some of the budgeted amounts to definitely fund year two, because if we did not fund year two, it would just increase the amount for year three.

Councilman Collier: Mr. Wingo, do you care to comment on any of these other Capital Expenditure Items that would be within your department?

Greg Wingo: One thing that I do want the Council to consider is a street sweeper. Not only is the street sweeper going to make your curbing line look nice, it's going to protect your storm drains not getting clogged up and then the expense that it would take to have to repair a plate, in the road. It will knock down on having my guys or whenever I can get them, a crew from the prison going up and down the streets, sweeping the streets. It's going to cut down on spraying, so it's going to cut down on the manpower to have somebody out there spraying on the roads for the weeds, the cost of the chemicals and just the overall appearance of the Town. It's just your streets, if you can keep your streets clean, that's when people come into the Town, whether they're from out of state, or just visiting for the weekend and walking up and down the streets. It's the appearance. We're talking about trying to help the appearance of Union Street and Federal Street and working on the houses, we need to start thinking of what we can do on these streets, in cleaning them up. With all the Council, I've kind of done everything on that that I could with the lease program and broke it down in quite a few ways, on how it could be paid and how much every year. I would really, really appreciate if everybody on the Council thought about the street sweeper; and for different reasons, the street sweeper as I said, it will help after we get done with the water leak, it would help us clean up the roads. So there's different areas. Some of your parking lots and stuff like that for your parks, it could help clean them out, so you're funding wouldn't come all out of streets. I'm not saying we could get a whole bunch out of the other departments, but I think it would in the other departments.

Councilman Collier: Can you give me some sense of... you're looking at a \$27,000 plus investment and you mention a whole list of places where it might help out. Can you give me some sense of what the trade-off is, so if you spend \$27,000 on a street sweeper...

Mayor Jones: That's the investment.

Councilman Collier: I'm looking at it per annum, which is a smaller number to break down. If you spend \$27,000 on a street sweeper, how much are you saving in other areas in the course of that year? Is it half of that amount? I realize some of the benefits of keeping the streets cleaner and you've mentioned some of those now. Do you have any evidence, or any documentation, or reasoning to think that this would also facilitate the life of the pavement that's here in town? Of course, if you get a street sweeper for the streets, you've got to paint the parking spaces more often. I'm just trying to get a sense. If you think spending \$27,000 is going to save you overall \$15,000 a year for the next X amount of years, at some point, you get to where you recoup that investment if you keep the thing running. I realize, if you have a pipe that plugs, a stormwater pipe that plugs up, you have to hire somebody to come in and jet the pipe clean, so there's a cost associated with that and it's an unprepared for cost and it has to come from somewhere. You talked about what it does for you after the clean-up of water leak. I understand you could run the street sweeper across it and it would clean it up in a matter of minutes vs. it might take several hours of time and labor of your staff. I guess that's where I'm driving. It's a significant investment and we don't have a lot of wiggle room in this year's budget because of things beyond our control, so I'm just trying to figure out is it worth trying to stretch out there and get it at this time or not. I know what your opinion is, but give me hard facts.

Greg Wingo: John, you've worked for... I'm sorry, Councilman Collier, you've been around DelDOT for 30+ years. Correct?

Councilman Collier: Yes and I understand the value of a street sweeper. I do.

Greg Wingo: So with your cracking of your roads, all of your stone and dirt and sand and salt over the years, going into your draining system and we do have several roads around here that the storm drains are at least half full or even three quarters full of sand, stone, dirt, this is something that we can, over the years...

Councilman Collier: Mr. Wingo, I'm not the guy that you have to convince. I understand the value of a street sweeper and I guess what I'm reaching for is... you have to sell the Council, as a whole. If it were my decision alone, I'd tell you yes, it's there. Because I understand the need for it. I understand the benefits and everything else; what I'm looking for from you is you have to be a little analytical about it at sometime and say look, yes, it's a big expense, but in the long term the savings are this and that's what I'm kind of looking for an illustration of. I'm not the guy that you have to convince. I understand the value and I'm sure Councilman West, who's spent a year or two of them, he understands the value of them too. Obviously, they have some value because the Department that he was formally employed by and I'm currently employed by continue to buy them every year and they keep them running, pretty much day in and day out, so there's a good reason for it.

Mayor Jones: A question and a concern. A question. Have you looked, priced, anything that is not brand new?

Greg Wingo: I have talked to quite a few dealers and each and every one that I do talk to and also some different supervisors in other towns, you don't want to go with a street sweeper; you don't want to go used. You don't want to inherit somebody else's problems and I don't want to get us into spending say \$60,000 to \$70,000 on a new machine and it

works fine for a half a year and then you just start dumping money into it; where you're going to end up in the same costs of what it would cost to purchase a new one.

Mayor Jones: And now, my concern; that that appears to be a \$27,000 line item this year; that is a seven-year commitment. That is beyond the terms of any of us on Council. Committing to the first year means this Council needs to commit to all of it. I can't just see this as this year's line item. So that is my concern, is that it is a long term investment.

Councilman Collier: Well I understand your sentiments about a used one, because of course they work in a harsh environment and it's moving parts and it's subject to all of that dust, dirt and debris and it wears them out and you're right, after they reach certain stages there's a reason why people who use them all the time get rid of them regularly, because they reach a certain stage where they cost more to maintain, than it is to replace.

Chief Phillips: Would you rather use the grant money for the streets, provided you have to make payment on that, or anything like that? Don't they have one that blacktops the streets, paves...

Councilman Collier: That's Community Transportation Funds and they're very specific on what the uses of those are and it doesn't cover equipment or anything like that.

Chief Phillips: [unintelligible].

Councilman Collier: No, unfortunately that's not an option out of Community Transportation Funds. Well the big question is, whether we agree or disagree with you, if we choose to agree with you, we still have to find the money from somewhere, so let me ask you this. Is there anything else in your budget that you would be willing to give up in lieu of this?

Councilman Coté: That's not a called a Capital Expenditure. It would have to be one of your operating line items.

Greg Wingo: Well...

Mayor Jones: And you can plug this into the operating line item?

Councilman Coté: Well, if you gave up an operating line item, it would flow through to the surplus, which is available to be used for capital funds... It wouldn't become an operating line item, but it would free up the money in the surplus.

Councilman Collier: Do you need some time to consider that? Because this will be discussed again.

Councilman Coté: We're going to have more discussions about this next week.

Councilman Collier: I'm not trying to put you on the spot tonight, but I'm just saying that it's going to come down to give and take and you may have to give some more from somewhere else in order to take advantage of that item. You don't have to answer this right now. I want you to consider your budget and come back to us and tell us what you can do.

Greg Wingo: Well, I did. I considered a budget, it got turned over and almost everything that I had put in there, has gotten basically kicked out anyway.

Councilman Collier: That wasn't because of your street sweeper, though.

Greg Wingo: The bottom line is I need the tools to do the job. If I don't have the tools, I'm not going to be able to do the job. Probably the top two things that were in my budget this year was to add on the extra person and the street sweeper; so if you want me to narrow it down, I just narrowed it down.

Councilman Collier: I want you to think about that.

Greg Wingo: I have thought about that. Those two would be the one and two. I can't go...

Chief Phillips: What they're saying is, you've got to make a decision.

Mayor Jones: He's glad he's not on the hot seat, right?

Greg Wingo: I need the tools, okay, to do the job. If I don't have the tools to do the job, there's no sense in adding more help; so the Council is going to do what they want to do here. This is what I put together and as I said, that would be my one and two and I could keep numbering it all day long for you.

Councilman Collier: So in other words, you're telling me that's your one and two, so that your number one is the first thing you would give up, in order to have the street sweeper. That's what I'm asking you. It may come down that you have to make a conscious decision as the Department Head in order to have your street sweeper. You're going to have to say okay, I'm willing to trade off this for that. Because there's no magic bucket out there with money growing in it for us right now this year. I won't tell you that we're in a tough spot, we have enough to maintain the level of services that we've been giving. We just don't have the extra to get the things like a broom in this year's coffers and it's part of the limitation caused by Charter. So you said you had your one and two, you've got a fifth employee and you've got a street sweeper, so you get to pick between one or the other, which one do you pick?

Greg Wingo: I need more time.

Councilman Collier: Good answer.

Mayor Jones: A great answer. A very good answer. Can't we figure out a way to make it a water machine? Creatively...

Councilman Collier: Consider this creatively. You've mentioned one aspect of it...

Mayor Jones: To clean up water leaks.

Councilman Collier: So figure out how you can spread that across two places, instead of one. You may be able to wiggle it out, but you've got to be good with your figures. You can't just say well it's going to be used 50% of the time for water, because I don't think you can justify that, but whatever you can justify, use that as something to work with.

Councilman Coté: Part of it, if it keeps the storm drains clear...

Councilman Collier: But that's a different kind of water. If it keeps foreign material from contaminating your water system, now this is another idea, and I'm not trying to put you on the spot, Mr. Wingo; I'm faced with a tough decision and I'm giving you one now and I don't mean that in a harmful way.

Councilman Coté: And there's a lot of them in here; there's a lot of the difficult decisions in here.

Councilman Collier: Okay, while we're playing with this capital expenditure, we've not been funded – Police Department. Interview Room remodel, basement repairs and new police car with a TVD to the side.

Chief Phillips: I'd like to donate all that to the street sweeper.

Councilman Collier: That would be all well and good, but you just...

Mayor Jones: That's pretty good.

Chief Phillips: I'm not going to get anything, anyway.

Councilman Coté: Do you want to donate the earlier subject of the conversation where the gentleman left?

Chief Phillips: No. I'm good. You lost me.

Councilman Coté: Well, you're down another person.

Chief Phillips: Right.

Councilman Coté: That's a budget line item.

Mayor Jones: This has turned into Let's Make a Deal.

Chief Phillips: Where's Monty Hall?

Councilman Collier: I'd rather do it sooner, than later.

Mayor Jones: We may have to ask John to leave the room.

Chief Phillips: Well, from the sounds of it, I'm not going to get a new car and I'm not going to get an Interview Room, so if you just want to strike that, we're good.

Mayor Jones: Do you have any pricing on fixing up... when you talk about fixing it up, are you talking about a Dry Zone type sealing?

Chief Phillips: Are you talking about the basement or the Interview Room?

Mayor Jones: We saw the Interview Room. What was that...

Chief Phillips: The plan awhile back was to switch one Interview Room to the back safe, because it's more soundproof and interviewing victims and stuff in that other one, if you're standing on the other side of the wall, we've tried to have insulation blown into it and everything, but the voices still carry if you know what I mean and that was the plan for that. As far as the basement goes, there was a plan to get some company like Dry Zone or somebody to come in and spray the walls white or something to brighten it up a little bit and waterproof it and stuff like that. Knock on wood, we haven't had any water leaks in awhile. Knock on wood.

Councilman Collier: Well, just for fun, since you don't expect to get it anyhow, go ahead and shock us. What would you anticipate a new car would cost?

Chief Phillips: A new car would cost?

Councilman Collier: Yes.

Chief Phillips: More than the street sweeper here.

Councilman Collier: You're right.

Chief Phillips: I'd say a car is about \$33,000 or \$34,000, give or take.

Mayor Jones: Well I was going to say if you went with the... what are we driving, Caprice's now? Or Impalas?

Chief Phillips: Chevy's are nice.

Mayor Jones: \$27,000 and some change.

Chief Phillips: Right.

Mayor Jones: That came from I.G. Burton this past year.

Chief Phillips: Right.

Mayor Jones: And that does not include... although I'm supposing the equipment coming out of some of the unused vehicles will...

Chief Phillips: No, the bad part is none of them fit, they said. No. The Crown Vic's...

Mayor Jones: The cages and the prisoner seats won't fit.

Chief Phillips: Plus, it will be \$31,000 or \$32,000 with the cages and everything else in it; fully, everything ready to go, just plug the radio in.

Councilman Collier: I think I've picked on Mr. Wingo enough tonight, so I'm going to leave it alone.

Councilwoman Parker-Selby: You would say those were your top two, Chief? Those were your top two things you were looking at?

Chief Phillips: Technically, yes. Yes.

Councilman Coté: On the capital expenditure side?

Chief Phillips: Yes, Sir.

Mayor Jones: Mrs. Rogers, under Code, the Edmunds Software; is that in addition to what we had talked about was it Compkade?

Kristy Rogers: Yes, this would be to purchase Edmunds' Code Enforcement and Licensing module.

Mayor Jones: Is that the same thing we talked about for tracking, or not?

Kristy Rogers: Yes.

Mayor Jones: It is? Okay. Did you get a price on Compkade, or are they not compatible?

Kristy Rogers: Not yet.

Mayor Jones: You did not. Okay. We need to raise money.

Councilman Collier: Let's have a 50/50.

Mayor Jones: Let's look at that Tidewater contract, instead. Wow.

Councilman Collier: I don't think anything outside of the unfunded items, I don't know that we're going to hear much from... These are not to worry.

Mayor Jones: But the mapping is so much less on 2015's.

Kristy Rogers: It's the same amount as 2014.

Councilman Collier: It's the same as last year.

Mayor Jones: No, mapping says \$8,320 and the other one, I thought, was considerably more.

Kristy Rogers: That's the trailer. \$8,320 is for the trailer.

Councilman Collier: I was going to say the mapping is \$26,500.

Mayor Jones: Okay, just having a problem with the eyes. Excuse me.

Councilman Collier: There is no random expense.

Mayor Jones: Right.

Councilman Collier: I'm ready to tackle this again in a week.

Councilwoman Parker-Selby: I've lost my brain power today.

Mayor Jones: Again, we're going to be missing a couple of people at that August meeting, which is that important time to review that budget before the public hearing. We can always schedule more meetings, but we do not want a repeat of what we did last year during the budget process. So we get to distribute \$3,995 through \$72,000 of _____ expenses.

Councilman Coté: Yes, I think if the Charter limitation wasn't there, I don't know if we would be having this discussion; but it is... As it is, what we've got in here is an 11% tax increase to cover what we're doing.

Mayor Jones: Without the extras.

Kristy Rogers: And if we pass a Charter change, there's an option for a six-month budget review to increase and allow for any tax increase for assessments that will be done in the next few quarters; so we can revisit some of these items at that time.

Mayor Jones: That's what was on my sheet, marked... I want to talk to you about the expense of the tax assessor and I don't want to throw any more money that way. I think that we should have a long, hard discussion about options, before too long.

Councilwoman Parker-Selby: I'll second that motion.

Councilman Collier: We need to leave that expense as a placeholder though.

Mayor Jones: Oh I don't doubt that. I'm just saying that's what sparked my need to mention that to Mrs. Rogers.

Kristy Rogers: Another item that will change, the trash collection bids are due Monday. We will need to award a contract that will begin October 1st. So in the Utility Department, there will be that change, as well.

Mayor Jones: There will be a change in the fees?

Kristy Rogers: Yes.

Councilman Collier: Let's wait until we get that, so we can do it all in one.

Mayor Jones: Any other discussion on the budget?

11. Executive Session:

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

Mayor Jones: I understand that we do not have an issue for Executive Session tonight. Is that correct? We do. Okay, we have to. So if we're finished with the budget discussion, do I hear a motion to bring us into Executive Session?

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

Councilman Collier: Second.

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

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

Councilman Collier: Second.

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

12. Adjournment

Councilman Collier: Motion to adjourn.

Councilman West: I second that.

Mayor Jones: All in favor say aye. Opposed. Motion is carried. Thank you. Meeting adjourned at 11:09 p.m.