

**Town of Milton  
Town Council Meeting  
Milton Library, 121 Union Street  
Monday, February 6, 2012  
6:30 p.m.**

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

1. Public Hearing: New Water Tower

Mayor Newlands: We're going to start our meeting off with a Public Hearing on the new water tower with Scott Hoffman of CABA Associates.

Scott Hoffman, CABA Associates: Good evening. While we're waiting for the projector to warm up. CABA Associates are consulting engineers out of Dover, Delaware and we assist the town with civil engineering related problems. Tonight we're going to be talking about the 2012 Water System Improvements Project. This is the project which has its roots back in 2007 when we did a water systems facilities plan for the town and that's a plan that discusses the town's water system; potential improvements to the water system; examination of your capacity and things like that; and tries to develop a plan for moving forward with the water system, as the town grows. About a year and a half ago, we were asked by the town to submit a funding application to the State of Delaware to look at getting money for some improvements to the water system, based on that facilities plan and those efforts to date have brought us to where we are tonight. So the things I'm going to be talking about tonight are the benefits of the project; what's included in the project; how the project can be funded; and the schedule. Up front, because it's probably the thing that everybody's most interested in, is how much does this cost and how does it affect me? I think we've talked about before about the budget which is \$3.45 million and we've started to look at how that would be paid and we're right now looking at a potential user rate increase of somewhere from \$6 to \$12 per quarter and there are some additional slides near the end where we talk about the details of what's included in that. So to start off with the project benefits, there has been a lot of growth in the past 12 years; we'll look at a chart that shows that. This project will provide some additional facilities to provide the water supply; new wells; and a water treatment building. You do need some additional storage based on recommendations for elevated storage capacity and this project will provide that. You would be getting some facilities that would help increase the redundancy of your water system. Things that would help in case there's equipment failures and things like that; to make sure that you always have an adequate water supply and finally some measures to increase security and to help Public Works control the system and assist them with record keeping and things like that. This is a chart of the town's water use; this goes back to 1999 and you can see, at that time, you were using about 150,000 gallons per day. Based on last year's record, that's increased to 350,000 gallons per day; so over the past 12 years it's more than doubled. I would mention that some of that increase is due to some of the newer residents; I don't know how many older residents had irrigation; but a lot of the newer residents have decided to put in irrigation systems and as a result of that, the town has actually put in a program where they have irrigation water meters. So some of that increased water use, is due to irrigation use. Right now you have two elevated storage tanks. These provide water storage and water pressure; they're the thing that basically keeps the water flowing in town. On Behringer and Bay Street is one tower and it has a capacity of 150,000 and over by Shipbuilder's Village, there's a smaller tower with a capacity

of 75,000 gallons; or a total of 225,000 gallons. The recommended amount of storage is for average daily demand, which right now is about between 300,000 and 350,000 gallons; is one day's supply, they say "in the air"; so you would want to have the storage volume in elevated storage, of at least that much. In addition to that, the Fire Marshall regulations also would like to see you have a quantity of water available, above your domestic demand for fire protection scenarios. That is based on the uses in town; you have an industrial use; they need a certain amount of water for a certain number of hours and that amount is 184,000 gallons or a total of about a half a million gallons. I mentioned redundancy and there was a question at one of the previous presentations about, you know, what are our risks? What are the risks of the water system? Floods are a risk, because of the location of your existing treatment system and your wells. You only have a single source location. Your treatment and your wells are all basically in one place, which by itself is not just an issue; but we're also going to take a look at how the town is divided into two pieces by the Broadkill River. In addition, a lot of the equipment is older and older equipment is more prone to failure. What we're looking at here is an aerial view of the marina area and Milton Memorial Park would be just to the bottom of the slide; the red square indicates where the water treatment building is. All the water in town flows through that building. If you can see the blue hatching, that is the 100 year flood plain. We get these maps from FEMA. What that is indicating is, in the event of a 100 year flood, the water treatment building would be flooded. In terms of the equipment that's in that building, it's actually elevated above the flood elevation; it's designed so that if the building floods, the equipment can continue to run. The difficult becomes how are the public works building people going to get to the building? This is where it's always been. It's just the nature of the beast, that that's where it is and that's one of the reasons it's important to have another location where if you do have a problem there, you're not relying solely on that single location to supply all of your water. This is an aerial view of the entire town and I mentioned how the town was divided in two. When I started working with the town, back in 1997, most of the town was on the north side of the Broadkill; now with a lot of the expansion of Wagamon's West Shores, Cannery Village, Heritage Creek you can see that it looks like 50% of the town eventually is going to be on the south side of the town and one of the recommendations that we've had in place, for a long time, going back to when I started first working with the town; was consider as a long term recommendation, installing a source of water supply and treatment on the south side of town. Right now everything is in that red circle. You've got two water mains, which cross under the Broadkill; one is out on Union Street, right out in front of us; and that's an old water main. Two old water mains. I'm not even sure how old they are and a main we put in about ten years ago, which goes right under the creek right by Mulberry Street. So looking ahead, it would be nice, in order to increase the town's redundancy and if something happens on the north side of town; be able to have another source of supply to ensure that everybody in town is going to get an adequate water supply. This is the picture of the town's generator. I'm just showing this as an example of a piece of equipment which your water system relies on. Now this thing is exercised every week; Allen maintains it in good condition; but like any mechanical device, it could potentially break down at any time. If you have another treatment building, with another generator, if something happens here, you always have a back up supply available. So what does this project include? A half a million gallon elevated storage tank; new wells and a new water treatment building; they would basically be very similar to the one that you have now. Again, on the south side of town. A SCADA system, which is a computerized system that a lot of towns are putting in now. That would help monitor and keep better records of water system usage. It's kind of a parallel to the radio read meters that the town's putting in for the individual

homeowner's. It allows the water treatment staff to better monitor and maintain the system. Security upgrades, like a fence around the water treatment building; things to make sure that people are not causing problems there. You have to connect the elevated storage tank to the existing water main system; so there needs to be a component for doing that and then finally, the last recommendation would be to install another connection under the Broadkill River, so you have another way to get the water from the north side of town to the south side of town. So I'm going to start by talking about these things a little bit more in detail; by talking about where's it going to go? Back in 2007, we identified some sites for a new water tower and as we've started moving through this process, it became apparent that we were going to have to find out exactly... Narrow that down from potential sites to an actual location. Last year Mayor and Council set up a land acquisition committee and they started to review those sites to get to where we are today. These are two of the sites that we looked at in 2007; this to the right here, you see a large block in yellow. That is the Key Ventures project and because the town was going to have potentially some land out there, we looked at that as a tank location. To the north of that, on the upper part of the page you see a big blue circles on there; the big blue bull's eye; just to the top of the page there was another location identified and that was at the very extensive Cannery Village Phase 3B. The issue with both of these locations is they are way beyond where your water system extends now. The reason that they were picked before is because when these areas were looked to be developed, the developer's would have been building water mains out there, anyway; so there was a hope that we could use some of that cost; that the town wouldn't have to pay to build a water main out to these new elevated storage tanks. So two of the other options that we looked at, were related to this issue of having to build a water main out to the sites of the future storage tanks. On the left side of the page, again the big blue bull's eye, that location is behind the elementary school on Federal Street. And then to the right side of the page you'll see another big blue bull's eye; this was our number one location. This is behind the Dogfish Head Brewery and back in 2007 the brewery was not the size that it is now. The reason that this was our number one location is because when Cannery Village was first being developed, and when they were putting in the school out on Route 5; Cannery Village, the school and the town all contributed to construction of a water main and a sewer main that runs basically parallel to Round Pole Branch out to the school. At that time, we put in a connection for that elevated storage tank and it would have been very inexpensive to connect that tank to the tower. Unfortunately, the brewery has grown fast and they used that up for something else. So that land is no longer available. So that kind of reasoning, that in order to reduce the expense of the project by not having to build a long water main to connect the new storage tank, helped the land acquisition committee to locate this site. This site is located on Cannery Village, the former Cannery Village Phase 3, in the red circle; I've drawn a red circle around the general area. If you go out Atlantic Street, right after you cross over the stream, there's a former town pumping station on the right hand side; the storage tank is located right in the vicinity of that, and the water main and the sewer main that I spoke of previously, runs right by the site. The site doesn't have a whole lot of other uses, because of it's location. It's kind of isolated by easements, so the land acquisition committee looked at this site; and made a recommendation to Council and I believe, the town is currently negotiating with the property owner to determine what it's going to take to obtain that property. The last area here that I'm showing is the potential water main connection; the third connection across the Broadkill. When Wagamon's West Shores was built, we asked the developer to install some piping that would allow us to connect; to put a water main; it would be installed by directional drilling; under the stream and connect right up to the water mains that are already in Wagamon's West Shores; and

on the other side, it would connect to some large diameter water mains that were put in as part of some improvements between Chestnut and Federal; so that would give you your third connection. This is the project budget. The elevated storage tank is the biggest component at an estimated cost of \$1.35 million; wells and treatment add \$1 million; water mains, engineering and contingency add up to the total project budget of \$3.45 million. In terms of funding, how this whole thing got started, again, is the town was looking at the possibility of getting what's called a State Revolving Fund ("SRF") loan and the state made an offer, a preliminary offer, for a loan which would have a 30-year loan term; pay it back over 30 years. It would include 35% principal forgiveness; that's basically money you don't have to pay back or a grant, which would be about \$1 million on this project; a 1% interest rate; and those kind of financial terms have big advantages over traditional financing. This slide demonstrates what that advantage is; based on the terms of the SRF loan, that would be about \$86,000 a year you would have to pay back, compared to a loan where you would pay the entire loan back, no grant money per se, at a 1.5% interest rate; which would increase the annual payment to about \$143,000. So we had to take those numbers; those payments; and figure out how's the town going to pay for it. You have two mechanisms to pay for that right now. You have an impact fee, that's for everybody who comes into town. Also, as part of this project, we are working on developing a new basis for the impact fee and this has been worked into it. And then you would have adjustments to what everybody pays for water usage. So some assumptions that have gone into this analysis, are that you would have 20 new EDU's per year; that's 20 new homes per year. That there would be a revised impact fee; and we're currently looking at an impact fee that has two components. One component is that all the new users would have to pay a certain amount of money to buy in to the existing water system. In other words, everybody in town has already contributed, so any new users should have to contribute an amount also. And then the other part of the impact fee would be money that they're going to contribute to these new improvement, in addition to the user fees that everybody pays. That impact fee would also be increased by 2% per year. There would be no increases in your per gallon water rate. That would stay at \$3 per 1,000 gallons; so you can use as much water as you normally would use. That amount of money is not going to go up. It's based on how much you decide to use. The increase would be in the availability fee and that's the flat rate that you pay every quarter. So looking again at the financial terms that I outlined earlier, at the low end of the scale with the SRF funding, as it was outlined, that's where the additional \$6 per quarter comes from and at the high end of the scale, where you're looking at you have to pay that entire loan back at 1.5%; that's \$12 per quarter. Your existing availability fee is \$35 per quarter, right now. So looking at some rates. We have attained recently some usage numbers from the town. At the low end, there's some people that use about 5,000 gallons per quarter; that's going to be a single person or maybe two people. Right now they would pay about \$50 per quarter. Their rates would go up to either \$56 or to as high as \$62 per quarter. If you use 20,000 gallons per quarter; that's going to be somebody with more family or more people. Their current rates would be about \$95 per quarter and they could go up to somewhere between \$101 to \$107 per quarter. This is the project's schedule. Right now if you were to obtain financing by April of 2012, the project would take about two years to get to the point where you would actually have this stuff built and be able to use it. That's something to consider. I know that there's this idea that, do we really need this stuff? You do not want to wait until you really need it, before you decide to start building things, because by then it's going to be too late. You want to get a jump on any kind of capital projects. You have to remember that it takes a couple of years to get the project actually built from when you commit to starting it. So the next steps. The town, based on it's Charter requirements, cannot borrow this much money

without having the public referendum. That's the subject of tonight's meeting. Assuming that the referendum is passed, we would have to look further at the funding options; that really hasn't been nailed down exactly what the interest rate, repayment and those terms are going to be. That's why we showed a range of possible usage rates. We would also like to further examine the repayment options. There's different ways to structure user fees and we have a couple of ideas on how those could be set up. But again, we're looking at the \$6 to \$12 per customer; basically per quarter. And then finally, would be to finalize the location for this new tower, which would be taking the land acquisition process from where it is now, to having a contract of sale for the land. So that concludes the presentation. I believe there's going to be opportunity now for the public to speak and then questions and concerns, I will try to address them when we get to the business part of the meeting.

Mayor Newlands: Alright. Council has questions first.

Scott Hoffman: Okay.

Councilwoman DUBY: I have two questions. Scott, thank you for some good information. The first is, I've been contacted by a number of people asking about whether or not what we are planning really makes use of the most current technology. It seems to me, and I don't have a lot of information. People have given me information. I'm hoping you're going to hear a little bit more about this during the public participation period, at the Public Hearing. But I just wanted to raise the issue with you. It seems to me that what we're seeking to do and maybe I'm not understanding it, but what we're seeking to do is pretty much what we've done before; an elevated tank and so on and just doing another one of those. Isn't it possible in this day and age, that there is some more advanced technology that we could be learning about and doing it in perhaps a more cost effective way; perhaps a more secure way and have we looked at that?

Scott Hoffman: Well I don't exactly what the new technology would be. In Sussex County, the primary method of water storage and distribution is to build elevated storage tanks. The very nice thing about elevated storage tanks is they don't have any moving parts. Unlike the generator and the other equipment I showed you, there's not a failure mode unless you don't maintain the paint. So once the water is up in the elevated storage tank, gravity takes over and enables it to be distributed to the system. Now there are other ways. For example, you can put in booster pumps and things like that to try to boost the pressure throughout town. The problem with all these things, is that they all rely on mechanical systems. And if you get to the point where you're relying on those for fire protection, then that gets you into a whole other level of the standards that that equipment has to meet. For example, if we were just talking about a school; they would have to have what's called a fire rated pump and that pump would be dedicated just to fire protection; so I'm not sure what the technology is; maybe we can hear something about that.

Councilwoman DUBY: Well we may be hearing about in the Public Hearing.

Scott Hoffman: I can answer that better, when we hear about some of this stuff.

Councilwoman DUBY: Then the other question I have and this may be for you to answer, perhaps for the Town Manager to answer, is are we or are we not still on the list to be eligible for this loan forgiveness program?

Scott Hoffman: We don't know the answer to that question yet; we've been informed that the State is being pressured by EPA to take the money that the town was told they would be receiving and give it to somebody else. We tried to get those questions answered before the meeting tonight; we were not able to meet with the Program Administrator; we made several calls to different people at Health and Social Services and I could not get any answers. They told us that we would have to wait until the 14<sup>th</sup> or 16<sup>th</sup>; they gave me two meeting dates when

the Town Manager and I can go meet with them to get additional details for you to answer those questions; but unfortunately I do not have those tonight. We tried to get them.

Councilwoman DUBY: Presumably by the time we have a referendum, we will know the answer.

Scott Hoffman: I would hope so, yes.

Councilwoman DUBY: Thanks.

Mayor Newlands: And we haven't ruled out going to the Governor if they give us a hard time.

Are there other questions from Council?

Councilwoman HUDSON: I would like to elaborate on the question Councilwoman DUBY asked about whether we have been delisted; or off the list.

Scott Hoffman: Okay.

Councilwoman HUDSON: Here's an email from Win Abbott to Town Council Members and it's dated January 31<sup>st</sup> and it starts by saying Mayor and Council, I had a meeting with our engineers today and it mentions that a letter notifying the town that we were off the list.

Scott Hoffman: Right. That is the letter that came from Health and Social Services that I mentioned, where they are saying that EPA is requiring them to take the money that they wanted to give to the town and give it somebody else. Now, obviously, the fact that there is potentially \$1 million in principal forgiveness there, we're not going to give that up without getting some more answers from Health and Social Services. Unfortunately we couldn't get those answers for tonight. Last week, Win came up to our office; I talked to three different people; I couldn't get answers from anybody; so we're stuck right now, kind of in a holding pattern until we get in front of somebody that we can get the answers from.

Mayor Newlands: The reason we're not getting answers is the woman we deal with is out on a two-week some sort of medical issue and we're talking to her bosses and her bosses really don't have any answers for us; which is kind of unusual; they don't seem to know what's going on. So we're not sure what's happening with it; because what she said initially to us was that she wanted to be able to give the money to somebody who may be further along in the process and our thinking is, well if they weren't expecting the money, they wouldn't be anywhere along in the process to be expecting \$3.4 million; so we don't know what her issue is and so we have to wait until next week to find that out; but we're proceeding as if everything's coming along fine and even if, for some reason we do not get it this time; we still would want to do a referendum to be way ahead of the game to put our name back on the list in August.

Scott Hoffman: In fairness to the people at Health and Social Services, I don't want to give answers that I know are not factual; so I think we need to have that information before we can properly answer your question.

Councilwoman HUDSON: Again, the reason I asked is I have a copy of a letter dated January 11, 2012 and it's to Mr. Abbott from Heather Warren and it says, in previous correspondence you stated that the Town of Milton would pass a Resolution that affirms support for and defines the scope of your Drinking Water SRF Project. On January 9, 2012, I attended the Council Meeting and it did not appear as though this happened. As we have discussed several times in the past, this project is not ready to proceed. "The EPA requires that projects placed on the ready to proceed project priority list, must move along in a timely fashion. The project will be by-passed and funds used for other projects that are ready for construction. This project has been stalled for about 14 months, with no clear indication that forward progress has been made. I encourage the town to reapply for funding once a final location for wells, storage tank and treatment plant have been finalized and design work can begin. Thank you for considering the DW SRF Program." So my question is, in this letter it's pretty clear to me that she has delisted us and yet you have presented to the public a project schedule that says the loan closing will be on April

the 12<sup>th</sup> and yet January 31<sup>st</sup>, you met with Win, Mr. Abbott, were you aware back on the 31<sup>st</sup> that we were off the list then, because this goes back to January 11<sup>th</sup>?

Scott Hoffman: We were aware of all the communication from Drinking Water; however, the timing of this whole situation is that I was asked to come present this information for the Public Hearing and I can only present it based on the information that we have; and the plan was to get this SRF loan and proceed in accordance with that schedule. Now if the SRF loan falls through, obviously that schedule is now null and void.

Councilwoman Hudson: That's what I'm saying; is you're right. The schedule is null and void. The loan is not going to close April 12, 2012.

Mayor Newlands: We don't necessarily know that until we speak to Ms. Warren, which is going to be some time next week.

Scott Hoffman: One of the things that we plan on bringing up is exactly the point that you made; that she was here on January 9<sup>th</sup>, the actual Resolution was passed on January 24<sup>th</sup> and in that 15 days they decided the town was no longer eligible for the money.

Mayor Newlands: And she's known for quite a number of months that we were delaying for certain reasons and that we were a little bit late on certain things; she's known that for at least six or eight months.

Scott Hoffman: Actually, I believe it was in December when the Town Manager and I met with her and we laid out a schedule in which the Referendum would be held in March, which is what we're trying to attempt to do. So I realize that there are things that are beyond our control with Drinking Water and their Administration of the project.

Councilwoman Hudson: You mentioned the increase in quarterly fees from \$6 possibly up to \$12; but Mr. Abbott says the presentation will offer a simple calculation of either "approximately X dollars per quarter or Y dollars per quarter. This will depend on the interest rate and amount of principal that is forgiven under the terms of the 2013 Program; the terms are not yet known." So again, you've made a presentation of what it may cost us per quarter and Mr. Abbott says the terms are not yet known; it will be under the terms of the 2013 Program and didn't you say that this loan originally was presented under the 2000 Federal Census and when we reapply it will be the 2010 Federal Census and conditions will change. So in other words, he's saying you can't tell what the quarterly rate is going to be; because we don't know what's going to happen in 2013.

Scott Hoffman: You're correct. The figures that I presented were based on the assumptions that were included on the slide that the project would cost \$3.45 million and that the interest rate would be 1.5%. Generally speaking, through the State Revolving Fund Loan Program, you get a more favorable interest rate than you would get through a bank. You're right that I don't know; I don't have a crystal ball and I can't know what that interest rate number is.

Councilwoman Hudson: So what's going to be in 2013?

Mayor Newlands: The loan number was derived from what Ms. Warren told us; that there was going to be a 35% forgiveness and a 1% over 30 years; that where the loan number came from; what we were told by the Water Department.

Councilwoman Hudson: Okay.

Scott Hoffman: That's right. We had to make an assumption based on the fact that... That's why we developed a slide with the range; because we did not know what is going to happen, so we used 0% principal forgiveness; in other words you have to pay the entire loan back and we assumed at interest rate of 1.5%.

Councilwoman Hudson: And as you say the forgiveness rate may change; so the quarterly rates could be higher.

Scott Hoffman: There may not be any principal forgiveness in the future.

Councilwoman Hudson: Another thing you said during your presentation was that the cost of determining the cost of the new water impact fee, the engineering costs, land acquisition costs; those would come from the loan. But we have been delisted so how are we going to cover these costs if currently, we've been delisted; we don't have the loan.

Scott Hoffman: Well, in the event of the Referendum not passing, you would have no way to pay for the cost unless the town decides to move forward with it via some other funding mechanism; so the whole project would basically come to a stop.

Councilwoman Hudson: Because we don't have the loan.

Scott Hoffman: That's correct.

Mayor Newlands: We don't know until next week whether we have a loan or not.

Councilwoman Hudson: Well, I thought the January the 11<sup>th</sup> letter was pretty specific.

Mayor Newlands: Well, her boss doesn't know about it, so I kind of think that things may change.

Councilwoman Hudson: So you don't have anything to the contrary since that January 11<sup>th</sup> letter where she took us off the list and you don't have any other documentation saying that we're back on the list or anything like that?

Mayor Newlands: No we don't, until we meet with her. She's been out since, so we haven't been able to talk to her.

Councilwoman Hudson: Okay.

Mayor Newlands: And her bosses don't seem to know what's going on, so we'll get to talk to that department.

Scott Hoffman: When I say I talked to three people, we literally spent 20 minutes on the phone, calling different people, getting shuffled around from office to office, to try to get somebody and they all said you need to talk to Ms. Warren.

Councilwoman Hudson: Do you have any... Maybe I should ask Mr. Abbott. But do you have any reason why this was not put on the January 9<sup>th</sup>; this agenda item for the Resolution; Ms. Warren was sitting right here waiting for it and she had been assured that it was going to be there?

Win Abbott: I met once with Ms. Warren, in early December; it was the very first time since this project began; where I had an opportunity to speak face to face with the Program Administrator. At that time, I had asked what would be the necessary steps in order for us to be compliant with the expectations for this loan and she said flatly, what we're looking for is for you to have a Referendum completed by March 29<sup>th</sup> and then we continued our conversation and I said what are the steps that would be necessary in order to reach that point, by then; given the schedule of Council Meetings? And, in follow up, between myself and CABA Associates, sent a letter of correspondence that predicted certain dates with some degree of certainty, but not absolute certainty. Knowing that January 9<sup>th</sup> was the scheduled January council meeting, that was the date where I said we would expect to be able to pass a Resolution at that time, but it was not fixed. Now at that time, we had not yet had the appraisal in hand for the land that was designated by the acquisition committee and therefore, had no notion of whether or not we could proceed with the purchase for that particular land. The appraisal came to my desk on the afternoon of January 9<sup>th</sup>; of course this is not in time to meet the FOIA requirements for posting that particular thing. The Resolution had been drafted though and was in Council's hands before that night, but once again, it couldn't be on the agenda because it did not meet notice requirements. When we met 15 days later, the Resolution was passed by Council, with regard to this Public Hearing and we continue to be on the schedule that Ms. Warren and the Department



of Public Health expected us to be on. However, immediately after the 9<sup>th</sup>, Ms. Warren turned around and wrote this letter. What's missing from the whole thing here is transparency and some explanation of the protocol. We found it interesting when trying to contact Ms. Warren's supervisors, that they had no idea that this was done or what the next steps might be. They are not enough specifics with regard to the process that was followed in that department to answer with a degree of certainty why this occurred; given that there was 14 months into the process and a difference of 15 days and we continue to be on track with the deadline that was given. That's what we're looking for in the next meeting. What's important to remember though, is that the State Revolving Loan Fund has been in operation for approximately 20 years?

Scott Hoffman: Yes. I don't know the exact number, but that's...

Win Abbott: It's from the year 2000; I think 2000 was when it was first conceived and \$144 million has gone through there with varying terms that are all better than market conditions. I had some experience with it as a Councilman in the Town of Clayton, where I was the Council Secretary, like yourself, Councilwoman Hudson; and co-signed the loan for that town to get new elevated storage. The question here is whether or not the voters wish to authorize the town to move forward with borrowing money on the full faith and credit of the town in order to finance water system improvements. The particular details of that, whether it's in the 2012 program or the 2013 program, over the course of 30 years, will make a minor difference in the dollars per quarter that is going to be seen in each customer's bill. Once again, we look forward to seeing persons in the Division of Public Health in order to iron out some of the details relative to this past correspondence.

Mayor Newlands: And just to add to that, the Federal Reserve has come out and said that they will not raise interest rates until at least 2014; so I think we're pretty safe to say we're going to get a very low interest rate. Any other questions? There were two people from the audience who wanted to participate in public participation.

Councilwoman Jones: Mr. Mayor, I have just one quick question.

Mayor Newlands: I'm sorry, go ahead.

Councilwoman Jones: Is it the intention of the Project to purchase the land prior to the Referendum date?

Scott Hoffman: No, it's not.

Councilwoman Jones: And from your November, 2011, it talked about those who cannot demonstrate a high likelihood that their loan will close before March 29<sup>th</sup> may lose their chance to take advantage of the low rate. If we have a Referendum on the 24<sup>th</sup>, will all that paperwork be done ahead of time and we can close that deal; or is this April 12<sup>th</sup> a new date that you're using for a closing date?

Scott Hoffman: Could you...

Councilwoman Jones: Yes, from correspondence in November, the closing date was March 29<sup>th</sup>. I've heard April 12<sup>th</sup> tonight and I'm just asking you if that's a revised date.

Scott Hoffman: The April 12<sup>th</sup> was the date... I think I presented it at the last presentation, that we were looking at that based on the schedule that we originally talked to the State Revolving Fund loan people about. If you have the Referendum in March and the Referendum passes, it means that the town is authorized to borrow the money; you can start the loan closing process. So I don't think and the State will have to verify this; I think they would see the Referendum as the thing that the town is moving forward, so I don't know that they would hold up anything after that was passed. Does that answer your question?

Councilwoman Jones: That's what I'm saying. You basically have to have that money application in the pipeline long before you know the answer to the Referendum.

Scott Hoffman: Your application has already been submitted.

Councilwoman Jones: Okay.

Scott Hoffman: We're going through the administrative steps that the town needs to borrow the money; that's what they're saying is the hold up. The State is ready to disperse the money whenever the town is ready to move forward.

Councilwoman Hudson: Here's a letter the Town Manager Report of January 20<sup>th</sup> from Mr. Abbott, that says, "It was an action that brought about the delisting." So here again we've been delisted. How can we proceed with our...

Councilwoman DUBY: Can I interrupt you for just a minute? I think there's a miscommunication here which I think is hanging us up and I hate to see us waste time on it. Yes, right now we have a letter that says we've been delisted; but I think we've heard from Mr. Abbott and Mr. Hoffman and the Mayor that we are continuing to try and get more information and to negotiate to try to figure out whether that's a final decision. So, no, we don't have another piece of paper that says we're not delisted, but we're not approaching this as if that were hopeless. So we've got to just move forward with it. So I hate to have us spend a lot of time talking about are we or are we not delisted; because I think the answer, if you all will confirm this for me, is that right now we don't know for sure; even though we have that piece of paper.

Scott Hoffman: That's correct and basically you're potentially losing \$1 million in grant funds if we cannot try to recover some of that money; so even if we couldn't get all the \$3.5 million, but we could get something by putting some pressure on the State, then that would be an advantage for the town.

Mayor Newlands: Right and we're also setting a date late in March, for the Referendum I mean; and will have a Council Meeting earlier in March, so if we need to we can cancel it. So we can do whatever we need to do; we'll have enough information by March to know that the Referendum will go forward; but tonight we need to sign off on that Referendum and put a date to it. Does anybody else on Council have questions? Any more questions? Alright, we have two people in the audience, Mr. Frederick Manasian, did you have a question about the...

Fred Manasian, 120 Village Center Boulevard: It seems like we're all on the right track for improvement for the Town of Milton, but there's something that's kind of like missing and what I feel is that a number of the people in the town, you're going to have to do a good sell job to. The demographics of this town show that there's about I would say about 46% of the people only making between \$25,000 and \$50,000 a year; which isn't much money. But the projections or the small changes that we talk about and water usage fees and stuff like that; could be a burden to them, especially at this time. They have also been experiencing problems with the increases in taxes. You just increased the taxes. I'm assuming that most of those people are in homes that they own; not in rental dwellings; but the result is people still pay taxes, rents do have to go up if people pass them on. My thing is that the explosion, it looked like the explosion of the number of people in Milton is a result of the past decade was just strictly through annexation. They got more property rather than the town limits as it is indicated that the development was, I presume was north of the Broadkill, was prior to say 2001, in that area there, in the last 10 years; more than the development has been through annexation and other properties, and that increased the burden to the present systems that you had. I don't know when your decisions were in place at that time and it seems like it could be; I think you said it was like 2007. I'm not too sure if we go ahead with a project like this, that we have to do a good sell job to the people. If it's really worth their while, I think that that's the area where we talk about these improvements to the town. They look good on paper and they are good for development. We do know that. But I think the majority of the people who live in the town are not overly

concerned about development. They're concerned about paying their bills and when we get to this point, you're going to have to do a real sell job to tell them that this is for them. Good luck.  
Mayor Newlands: Mr. Dailey.

Jeff Dailey, 211 Gristmill Drive: I am asking that a flyer for want of a better word that was generated; it's actually a compilation of questions, thoughts and concerns of Milton's citizens be entered into the record. I'm just the messenger here, although I am the compiler of what came through a civic minded group, Neighborhoods of Milton United, as a clearinghouse, in addition to other sources for information. Just so that those here have a flavor for some of the items; some are lengthy; I'll read the shorter ones. What is the state of Milton's current water delivery system; is it in perfect running order and with no aging pipelines and is it 100% efficient? We know we have excellent water, but how is the current system's efficiency and overall quality of delivery? That was a little repetitive, but again, I'm just the messenger. They indicated \$7 per household, per quarter, cost to cover the 30 year loan cost be sufficient? Calculations using this dollar amount seemed to leave \$1 million unpaid. I know that the CABA Associates representative addressed this. What will the taxpayer's costs really be? Why is the town taking on such a long term burden, when it has yet to complete payments on major sewer work near the fire house from some years back, having left the town with a \$400,000 to \$600,000 balance? What is this actual balance? And why has this expenditure been left unpaid? Over \$400,000 was paid by the last administration to save on interest, but what happened to the pay-off over time? Why does such a large balance remain? As the town grows, have water conservation measures along with new technologies to improve capacity and flow; water towers are old technology and inordinately expensive? We heard about that. Have other measures been fully investigated? What are our options? Rural Water Development Funds were granted to our neighboring municipality, Ellendale, some years back in advance of anticipated development in that growth zone. The development has not occurred, leaving Ellendale with a water surplus. This resident is suggesting why not purchase and pipe their water to Milton? A win win if it can be done and more cheaply than the proposed system add-ons. And there's more length to that, but it's a thought. So I would just like to enter a copy of this into the record.

Mayor Newlands: Thank you.

Jeff Dailey: And, in addition, last spring when this was discussed briefly, the water tower issue, I asked CABA Associates, as Joe Citizen, to when they did present, present us with alternatives, options to the old school water tower and they haven't really done that. And there is a flyer on the back table I noticed, it's a number of pages. It looks interesting. It had something to do with the new technology and I think I've lost it. Janet, what is that flyer with what looks like a stop sign? What is that called? Yeah, what's the name of that technology?

Janet Turner: It's called the Cycle Stop Valve.

Jeff Dailey: Cycle Stop Valves. I read a little bit. It looks like an alternative to water towers. I just want to mention that, because it seemed that there weren't other options. Most importantly, I'm concerned that the existing system; well I want assurances from Mayor and Council that the existing system, our water system, is 100% efficient. That it's not going to be presenting us with costly repairs to water mains a year from now, two years from now. I know nobody has a crystal ball. But at the same time, the Historic District we have to have pipelines that are nearly 100 years old. We also have pipelines that do not have much pressure, because they're smaller; they don't meet current standards. And I guess my biggest question for the Mayor, why did we not have a Mayoral Committee to work along with CABA Associates over all of these months to investigate all of these concerns? Right here we have people from across Milton with concerns and questions and expertise and that's valuable. That is one of this town's greatest assets and the

transparency of what has happened with this issue thus far, is nonexistent and I, I, I'm stating fact in that case, in my opinion. Thank you.

Mayor Newlands: Mr. Hoffman, how many presentations have you done since 2007?

Scott Hoffman: I don't remember.

Mayor Newlands: Once a year? Every 18 months?

Scott Hoffman: The Facilities Plan was done in 2007 and we presented that in its entirety, the recommendations and so forth, at that time. Since then, in terms of water capital projects, they may have been discussed on and off with the Water & Sewer Committee and the last couple of years we've probably given presentations since the whole SRF loan process started.

Mayor Newlands: So at least three times in the last 18 months, I would think.

Scott Hoffman: Two or three times probably. I don't remember the exact number.

Jeff Dailey: But Mr. Mayor, I've said this to you and to Council before. All of those presentations were probably near and dear to your heart. You understood that, but it is your obligation as public servants to make sure that the population of this town is well versed in all of these matters. There has been no workshop on this major 30 year expenditure, not one, so far you haven't opened up by saying we will have a post Public Hearing Workshop, if that's even possible. So I'm sorry. The townspeople we elected you to keep us informed. You, Sir, ran on a platform of transparency and I don't believe that that is... Well, I'm sorry that you are denying it now. That is not apparent to this citizen.

Mayor Newlands: Okay. Thank you.

John Boros: At a Public Hearing you don't have to sign in to speak?

Mayor Newlands: These people had already signed up to speak earlier during the regular session.

John Boros: I thought the signing up was to speak at the Town Council meeting after this one.

Mayor Newlands: It is, but it was on this subject, that's why we let them do it now.

John Boros, 115 Broad Street: I actually have just a couple of little questions. Number one, now that we've seen where the proposed water tower is on Atlantic Street, how do we notify the people on Atlantic Street that they're going to look out their front door and see a 100' water tower out their front door; or out their side door; or their back door? There are houses along Atlantic Street, along there. I assume they're not in this room, because they had no idea that the water tower is going to be in their front yard. Is there any sort of notification before the Referendum that these people are going to get to let them speak their piece as to the fact that there is going to be a water tower in their front yard? I can't put a porch on the back of my house without some Code Enforcement Officer banging on my door saying nope, your neighbor can see that from the street, but you can put a water tower in front of somebody's house and they don't get an opportunity to know that that's where it's going to go? That's my first question. So I don't know how you're going to deal with that issue, but my opinion is they need to be notified there's going to be a water tower in their front yard.

Mayor Newlands: Before you continue, this week in the tax bills, we're sending out a notification that a Referendum is happening and we're just waiting for the date, so every homeowner and tax resident will...

John Boros: Prior to this Public Hearing would they have an opportunity to come up here and say not in my front yard. Yet four other options...

Mayor Newlands: They can speak at next month's Town Council meeting during public participation.

John Boros: Okay, that's good. Good. Great.

Mayor Newlands: They have that opportunity.

John Boros: Great. The second thing is, assuming this Referendum gets passed, the \$450,000 engineering fee that CABA Associates just told us about, is that \$450,000 engineering fee going to CABA Associates?

Mayor Newlands: Right now they're only contracted to do the initial...

Scott Hoffman: Right now we have a time and materials contract with the town for, I believe, it's \$30,000 to assist with trying to get a loan or however you would finance it and the things that we're doing. The \$450,000 is based on a percentage of the estimated construction costs.

John Boros: Now I understand that part. But have you all excluded yourself, since you did all the legwork in this? Are you all going to be excluded from the competition of bidding on the project?

Scott Hoffman: I don't know. That would be up to the Mayor and Council how they choose to...

John Boros: Mayor and Council, is CABA Associates going to be excluded from the process. I mean, come on; they're the ones setting this sucker up and convincing us to vote on this thing and there are \$450,000 hanging out there. Are they going to be able to vote on this? I'm from a procurement background. Anyone who did the legwork for us, like this, would automatically right up front sign an agreement that said they won't... a non-compete thing. They will not compete for that \$450,000 and I would hope that this town would exclude CABA Associates from competing, because they're really pushing this. I mean, I don't know if we need a water tower or not, I'll be honest with you. You haven't convinced me, but maybe we do. I don't know. And last but not least, if this Referendum doesn't go through, have we budgeted for the \$30,000 to pay CABA Associates?

Mayor Newlands: I don't remember it off hand, we'll have to check. I don't have the budget in front of me.

John Boros: Alright. I didn't know if this was something that we're just assuming the Referendum's going to pass next month and if it doesn't, where's the money coming from?

Mayor Newlands: We'll let you know.

John Boros: And the last thing I have to say is, as far as transparency is concerned, in letting everybody know everything, I think that the letter that Councilwoman Hudson read to us a little bit earlier, that was NOT presented to Council before that meeting, I sat at; because I think I was the only spectator other than a few people who were contesting their tax bill a couple of weeks ago; I was the only one in the audience that wasn't contesting their tax bill and I don't think any member of this Council; or at least some of the members of the Council, had never seen that letter saying that we were delisted; before they voted to continue with this process. That vote may have gone another way, if they had already seen that piece of correspondence that the Town Manager did have in his possession at that date. Just an opinion.

Mayor Newlands: Thank you. Any other comments from the public on the water?

Lynn Ekelund, 406 Union Street: John, I was at that meeting as well and I don't remember them being presented; Nick you were there too and I am sure you would have written about it. I just want to go back to the Referendum that we were talking about. I understand that the delisting on the 11<sup>th</sup>, we're going to fight and make sure that we are not delisted and, if we are, we'll have to deal with it. So tonight, what is it exactly that you all are voting on? I understand it's a date for a Referendum. Is it just going to be we are going to have a Referendum on this date, or is there a description of the Referendum? I would like to know, as a voter, if I'm walking into a Referendum for a water tower and tanks and whatever it is, that it's to borrow X bucks, as it is here in the Resolution and we know they voted on this Resolution on the 24<sup>th</sup>; not knowing that there had been a letter on the 11<sup>th</sup> delisting; so I understand your point Ms. DUBY and I understand that we're going back, but on the 24<sup>th</sup> they were not in possession with the letter that

Councilwoman Hudson read in. I think that's a bit disingenuous, but the Resolution that they voted on specifies that it's \$3,450,000; 1% and a 30% forgiveness. When I walk into the voting booth to pull for the Referendum, am I going to know exactly how much is being borrowed? Who is lending us? The interest rate? The amount of forgiveness? And the length of the loan?

Mayor Newlands: It depends. I will say it depends on whether or not we get a solid answer next week from Health and Social Services Department and Heather Warren. It depends on whether we get that or not and we still have the March meeting to change or announce or cancel or whatever we have to do for the Referendum. All we're doing today is setting a date for a Referendum and this week in your tax bill, you'll be getting the information about what's going to be in that Referendum, as far as what we're looking to do and if anything changes, we will announce anything at the next meeting.

Lynn Ekelund: Okay, so, what we're going to have... Tonight, what they're going to be voting on and what is going to be included in the tax bill is, the town has applied for and has received preliminary commitment; it's going to the third WHEREAS paragraph and then it's going to be the third paragraph under the NOW THEREFORE?

Mayor Newlands: I haven't seen the letter yet that's going out to the citizens. I haven't seen it yet.

Lynn Ekelund: What about the Referendum? What about what you all are voting on tonight? Are you going to vote on language that's going to be included for the Referendum? What are you voting on?

Seth Thompson: Maybe I can help a little bit.

Lynn Ekelund: Thanks. Somebody can.

Seth Thompson: The way your Charter sets it up, the Referendum needs to be from 8:00 a.m. until 6:00 p.m. They're going to have to give notice in terms of where it will be. The purpose is simply for voting for or against the proposed loan. The language of the loan is going to be up to \$3.45 million. So it's not committing to borrow that amount of money, if that's not what ends up being approved, but it's a ceiling. In essence, they couldn't borrow \$3.5 million, because that's above what the Referendum allowed for. The Council has to determine whether we're going to have a voting machine.

Lynn Ekelund: Wait, wait a minute. Okay, so that's the \$3.5.

Seth Thompson: \$3.45.

Lynn Ekelund: \$3.45. Is there going to be an up to interest percentage included in what they're voting on, or what's going...? This is what I wanted. What are the nuts and bolts? Am I going to walk in and pull a lever on you can borrow up to \$3.45 million and that's all the info I as a voter, get? Yes or no.

Seth Thompson: The Charter doesn't require putting in a cap on the interest rate.

Lynn Ekelund: I didn't ask what the Charter required. I asked what the Referendum was going to state. So it's going to state the amount we're borrowing; it's going to state the purpose for the loan?

Seth Thompson: Correct.

Lynn Ekelund: Oh good. But it's not going to state interest? It's not going to state term of the loan and it's not going to state whether anything is forgiven or not?

Seth Thompson: Correct and I think that, and Scott may be able to address those issues better; but I think part of the problem is that we won't know that information as a certainty.

Lynn Ekelund: So...

Mayor Newlands: We're... Hold on a second.

Lynn Ekelund: Wait a minute. Wait a minute. You're not going to know that information as a

certainty if you decide on March 24<sup>th</sup>, when I step into the voting booth on March 24<sup>th</sup>, I'm not going to know what I'm voting for?

Seth Thompson: And again, I'll defer to CABA Associates on that issue, but...

Lynn Ekelund: I just don't understand.

Mayor Newlands: We should know that by next week sometime. What we're setting right now is a date for the Referendum; just a date to have the vote. Okay? The other details will come out later on, so all we're doing is setting a date for a vote right now.

Lynn Ekelund: And the date for a vote is let's say March 24<sup>th</sup>; I vote to set March 24<sup>th</sup> for a Referendum on the water service delivery improvements. Or is that where you go the up to \$3.45 million.

Mayor Newlands: This is to set a date to have a Referendum vote. That's all we're setting. Not limits or anything else. We're not specifying limits tonight.

Lynn Ekelund: Okay. When will we specify limits?

Mayor Newlands: After we find out from the State what they're willing to give us. We'll know that next week hopefully.

Lynn Ekelund: So we'll know that next week.

Mayor Newlands: So we can set that at the March meeting.

Lynn Ekelund: Okay. If we find out and I'm going back to that letter that Councilwoman Hudson read, because there was an encouragement from Ms. Warren that since her letter delisted us, she encouraged us to reapply. If we find out next week that no, we are delisted, and I sincerely hope that that is not the case; but if we do, are we then going to turn right around and reapply for money next year?

Mayor Newlands: Yes.

Lynn Ekelund: Yes.

Mayor Newlands: Because the application goes in in August, I think.

Lynn Ekelund: Pardon me.

Mayor Newlands: The application goes in in August and we find out December/January.

Lynn Ekelund: Alright, so if we are delisted, and we do decide we are going to reapply and the application doesn't go in until August, is that when we decide we don't want to have a Referendum, because we're really not ready for it yet?

Mayor Newlands: I don't know off hand right now.

Lynn Ekelund: Okay and all of that will be decided at the March meeting?

Mayor Newlands: Yes.

Lynn Ekelund: Okay. Thanks.

Mayor Newlands: Okay.

Councilwoman Hudson: I would like to just make a comment concerning some of the comments that have been made tonight. This letter I read into the record, dated January the 11<sup>th</sup> to Mr. Abbott from Heather Warren; I just got this this week and I got it from Lynn. I did not get it from the Town Manager. I was not given it by the Town Manager or by the Mayor, so I had no knowledge of this letter that said that the project will be bypassed and funds used for other projects and I encouraged the town to reapply for funding until just this week. Thank you.

Ginny Weeks, 119 Clifton Street: Councilwoman Hudson thank you for bringing the letter forward and an attempt at transparency. I am asking you tonight to schedule a workshop at the end of the month so the people here can come and have a dialogue with the people from CABA Associates, the people from the Water Department, with the new Town Manager, with yourself, so we will know exactly what you plan to have on this Referendum; because you owe it to us to give us the facilities to educate ourselves so we can be well informed. You have presentations

from CUBE Associates. They're not on our website. There's nothing on the website. Somebody must be keeping records of the water usage on a daily basis. We have no access to that. I don't know how many days a year it reaches 300,000 gallons. How many days a year?

Scott Hoffman: The average flow on an annual basis is 350,000 gallons per day.

Ginny Weeks: Now in the newspaper Allen is quoted as saying it goes up to 600,000 gallons per day sometimes.

Scott Hoffman: That's correct; during the summer when the irrigation...

Ginny Weeks: Why, why, why is the town not looking at allowing people to put in irrigation wells for their lawns? We don't need to use treated water to water our lawns, but yet you prohibited us from that.

Mayor Newlands: I didn't prohibit you from that, but that's... The Codes were set a long time ago.

Ginny Weeks: The town prohibits us from that. Is that not something we need to look at? Because that would certainly be a great savings in water usage and as I said, it doesn't have to be treated. Another thing that I would like to know, is that it is my understanding that there was a Referendum to borrow approximately \$1.2 million at the end of former Mayor Bushey's administration and in that referendum, I would say, if my sources are correct, less than 30 people voted on that; so it was not well publicized, I guess. I understand that the previous administration when they sold... And that \$1.2 million was divided X amount for water and X amount for sewer and that the previous administration when they sold the sewer plant, had to pay off \$400,000 or \$500,000 of that; leaving approximately \$600,000 that we were... of the original loan for the water usage. I would like to know how much of that do we still owe? How are we doing on paying that off?

Mayor Newlands: The current water loan; we pay about \$48,000 a year on that loan.

Ginny Weeks: And how much of that is principal?

Mayor Newlands: I don't know offhand. I don't have that in front of me.

Ginny Weeks: I mean, do we still owe \$550,000?

Mayor Newlands: I would doubt it. I just don't have those figures in front of me.

Ginny Weeks: We're not going to be in debt for just \$3.4 million; we're going to be in debt for \$3.4 million plus. The other thing, you know, I was concerned when... First of all, I was concerned that tonight's agenda did not say that CUBE Associates was giving a presentation. There are probably a lot of people in town that would have come had they known that presentation was being given, which is another reason to have a workshop. I don't particularly care for the fact that we would decide funding options and repayment options, after the Referendum, according to the gentleman. Those things should be part of what we know when we vote. We should know how much we're putting ourselves into debt, personally.

Mayor Newlands: We should have that for the March meeting.

Ginny Weeks: Are you going to give us a workshop?

Mayor Newlands: If the public wants a workshop, we'll set up a workshop, sure.

Ginny Weeks: I think that you owe it to us to have a workshop and to put all of CUBE Associates' presentation materials and the daily water usage rates and everything on the web so we can educate ourselves, so we know how to vote.

Mayor Newlands: Well, it's 300,000 gallons average daily. I don't know what else you expect us to put on the web other than that. It was published in the papers.

Ginny Weeks: Well I'd like to know, is it cyclical? That 300,000 average includes days of 600,000 for irrigation purposes.

Mayor Newlands: It's the highs in the summertime.



Ginny Weeks: You know, maybe we can do something to get rid of those highs. Maybe I would put in an irrigation well, if I were allowed and how much of that is due to irrigation? Do we need a new tank if we don't have irrigation? If people are required to put in wells?

Mayor Newlands: Yes, we're under serviced right now.

Ginny Weeks: These are questions that the public has a right to ask and to have answers given to them before they're sent to vote. So I ask you for a workshop.

Mayor Newlands: Okay, we'll put a workshop up.

Ginny Weeks: Thank you.

Mayor Newlands: Are there any other questions?

Keith Bejar, 535 Union Street: The costs that you have listed here \$650,000 to \$354,000 are estimated costs. Has this project been put out to bid? Do you really know if these are hard costs or if that's just your estimate? Because a lot of these types of things, you know, when the bids come in they could easily be \$420,000, depending on what's happening in the construction industry.

Scott Hoffman: Well, let me try to answer your question. We're in the business of building water systems, designing water systems; we have several municipal clients.

Keith Bejar: You're doing the design, but you aren't doing the construction, correct.

Scott Hoffman: That's correct. We prepare the cost estimates based on the most recent information that we have from actual construction projects.

Keith Bejar: But you can't guarantee that when the bid comes in, it's going to be at \$3,450,000.

Scott Hoffman: I can't guarantee any bid. What we do to try to give you accurate figures, is we do preliminary engineering to try to put together a basis for what the cost will be to the best of our ability. I actually meet with contractors, you know, various contractors that do this kind of work to talk to them about unit prices for water main installation down the road; out in the middle of the field; so we have a working knowledge of what costs are and that's what we base our costs on.

Keith Bejar: Have you talked to any of those contractors about value engineering a project and trying to cut some costs?

Scott Hoffman: No we have not, because this would be done under a traditional public works bidding process. I don't know if the town can do... You're talking about a design builder, some type of similar project; I don't know if they can do that.

Keith Bejar: Get somebody else involved that can come in with a better price than \$3,450,000 and like I'm saying, I've been in the construction industry for 40 years and I can't tell you how many times where they have a budget like this and when the final numbers come in it's 20% to 25% higher and how we deal with that.

Scott Hoffman: Well I understand what you're saying. For example, with the water tower, I think it was estimated to be \$1.35 million.

Keith Bejar: How long ago?

Scott Hoffman: That was within the past month.

Keith Bejar: Okay.

Scott Hoffman: We sent a description of the project and talked to Caldwell Tanks, who is an elevated storage tank manufacturer and they are the ones that provided us with that cost estimate.

Keith Bejar: What information do you know about soil conditions, when you're doing the drilling, and all that kind of stuff; if the foundations are going to be X amount of dollars or when you dig out there, are you going to end up with a sink hole and it's going to be who knows what.

Scott Hoffman: We do not know what the soil conditions are; that is why there is contingencies in the land acquisition agreement that the town would be some soil exploration before fully investigating.

Keith Bejar: Okay, but you're already talking about making a loan for \$3.4 million and it could end up being \$4.2 million.

Mayor Newlands: I don't think we do the project, or we would redesign something if that was the case. We're not going to go above what we approve in the Referendum.

Keith Bejar: Okay.

Mayor Newlands: Okay? I can guarantee you that. Any other comments? Yes, Sir.

Bob Howard, 217 Chandler Street: You said you may have a workshop and I would just like to encourage CABA Associates, if they are to address the issue of alternatives. If I'm going to be asked to go to a Referendum and vote for authorizing a bond issue to borrow this much money and for a project that we're going to do and haven't considered alternatives, then we're only going to do it because that's what we've always done; it doesn't seem very prudent to me and it's hard to justify approving that when you don't know whether there's potentially other things that could be done for a lot less or maybe CABA Associates has got justification or looked at alternatives and knows why they don't want to consider alternatives; because it would be more expensive; but it would be good to hear that before the Referendum.

Mayor Newlands: Okay.

Scott Hoffman: Mr. Mayor, there have been several questions that came up tonight that I think are excellent questions. We need a list of questions or something before the Workshop, so we can come prepared to the Workshop to answer the questions; otherwise, it's just going to be another discussion like we had tonight, so is there any mechanism through which we can get a list of questions or something?

Mayor Newlands: Well, we can go through what was asked tonight and formulate that for you and just put it into... We'll put it all together for you.

Scott Hoffman: Okay.

Councilwoman DUBY: Mr. Mayor, it occurs to me, I can't even remember now what it was; I think it may have been year's ago when the Council, I was not on Council at the time, was considering before we privatized sewer with Tidewater, we were considering a big Referendum to build a sewer plant; and we had some discussions about what the public education part of a Referendum would be. My own personal feeling is that a workshop of the Council might be helpful, but I don't think it comes anywhere near to being adequate when we're talking about a public referendum in which, if we as a Council and as a town government commit to wanting to move forward with this and we want to bring the town along, and give people all of the information that they could possibly have before they go to the voting booth, I think we're going to have a series of either big public meetings in which people have a chance to ask questions and so on. I think we're going to have to develop some very good comprehensive written materials, so people know exactly what is going on, so I think for us to set a date tonight is fine, but then I think, if it becomes apparent in the next week that in fact we are going to be able to negotiate with the State and figure out that we will be on that list, then I think we have a lot of work to do in terms of making materials available. I am eternally grateful every Council Meeting we have for the folks who sit here, but they are a very small minority of the voting people in this town and we need to reach the rest of those people who don't usually come to meetings with either written materials or very highly promoted public town meetings and so on; or we might as well forget it, because we'll have as Mrs. Weeks mentioned, less than 30 people voted for the other one. We'll have about that many people again and that's not an informed

electorate; that's not a true test of what people care about in terms of their town, so I think we need to consider that and we all need to work to develop questions that will go to CABA Associates for those kinds of public meetings and so on. So I personally feel like a Council Workshop is inadequate, in terms of what we need to do between now and March 24<sup>th</sup> or whenever the Referendum is going to be. So I would encourage all of us, the staff, as well as those of us on Council, to think about what we might do in terms of materials and meetings and so on for this Referendum.

Mayor Newlands: Are you saying that a Council Workshop is inadequate?

Councilwoman Duby: Inadequate, yeah.

Mayor Newlands: What would you propose? We'll put Scott's presentation on the website. What else do you want?

Councilwoman Duby: I think we should have at least two very big public meetings in which we encourage everybody in town, very well publicized in the press and on the website, and with signage in town that says on these two dates between now and March 24<sup>th</sup>, there will be public meetings for you to attend. You're a voter and you're going to have to vote on March 24<sup>th</sup> about whether you're going to commit the town to over \$3 million in debt; be at these meetings and bring your questions and listen to what's actually on the line here. And then I would say, you know, some flyers or written materials for those people who can't or don't want to come to those meetings, they have access to either written materials or more than just a few words on the website.

Mayor Newlands: Well that's what we've been saying. We're sending out a letter to all the residents with their tax bills this week.

Councilwoman Duby: We don't have the information this week. These people are asking for information on alternative technologies, exactly what is being agreed to in terms of money, interest rates, so on. I personally would not want to go into the voting booth as Ms. Ekelund said without having all of that detail and without hearing from our engineers or others, what the other alternatives are. My own personal feeling, to be honest with you, is that I don't think we're ready to do this; but if we have to do it, and if it's that kind of a situation and if we've got to make that vote on March 24<sup>th</sup> or whatever date we agree to, I would like to know, as a citizen, and on behalf of other citizens in this town; what exactly is going to be done here. What am I committing to? I understand it may only be \$6 a quarter; but you put that all together, I want to know that I'm getting the best possible costs in construction. I want to know that I'm getting the best possible technology that's out there; and after what some folks have sent me, I'm not sure that that's the case. I mean, if we want to bring people along, as a couple of the citizens have said tonight, we need to do some education; we need to get some information out there and I don't think we're doing an adequate job of it and I don't think a workshop is adequate, because how many people come to our workshops? This many or fewer; and take that as a percentage of the people we expect to vote.

Mayor Newlands: Right, but I would really not want to put out engineering information without a workshop and have the public try to digest it without an engineer here, to understand what the documentation says.

Councilwoman Duby: Yeah, I'm saying, a workshop and these big public meetings. Give people more of a chance to come to something. They might not be able to make the workshop or they don't know what a council workshop is and they won't come.

Mayor Newlands: What's the difference between a public meeting and a workshop. It's the same thing.

Councilwoman Duby: Well a lot of people think when the Council's having a workshop, they're

going to come and sit and listen to us talk to each other. A big public meeting is not designed for us; because we're not the only ones voting on this. A workshop is usually for us, because we're the only ones voting on the budget or whatever. A public meeting, is for the public to come and say I've got to go into the voting booth on such and such a date. I want to know exactly what this is all about and right now I don't think many people in town have a clue what this is about.

Mayor Newlands: So you're hung up on what we're calling the meeting. So you want it to be called what?

Councilwoman Duby: I'm not hung up on what we're calling the meeting. I'm hung up on what it is, a workshop for Council is just that. It's a workshop for these seven people to figure out what the issues on something that these seven people are going to vote on. This is a public meeting for all of the voting citizens of this town who are going to go into the voting booth and want information on what they're being asked to vote on. That's different then a council workshop in my mind.

Councilwoman Hudson: Can we have two more Public Hearings and also announce that CABA Associates will give the presentation again.

Councilwoman Duby: I wouldn't call it a Public Hearing because it isn't a Public Hearing. A Public Hearing is a term of art. It's giving the public a chance to talk. This is a big public meeting in which they can come and they can ask us questions. They can ask CABA Associates questions. They can come in with material they might want to present.

Councilwoman Hudson: Okay, public meeting then.

Councilwoman Duby: Yeah, that's what I'd call it. I'm not the person who's doing this. I'm making the suggestion. I'm saying, if I were voting on this as a citizen of the town, here's what I would want and I think if we want it to pass, we better be sure we educate the people who are going to vote on it, because otherwise they're going to say, as someone pointed out tonight, all I know is my water bill is going to go up by possibly \$12 a quarter and I'm voting no, because I don't want pay that extra \$12. Period. Amen. That's all she wrote.

Mayor Newlands: Alright. In the letter going out to the public in their tax bills, we'll make sure we have the two dates for the public meetings. We'll get those scheduled.

Councilwoman Duby: If the rest of Council wants to do that. This is my opinion. It's not... you know.

Councilwoman Hudson: Also, keep the Council fully informed of actions or correspondence or whatever with Heather Warren so we know if we're delisted or whether we're relisted or whether we have to reapply; I would like to know up-to-date exactly what's happening between the town and Heather Warren. Thank you.

Councilwoman Duby: Yeah and I would say since the March meeting seems to be the drop dead date for us deciding yea we're going or no we're not; that both of these public meetings should be scheduled for after the March Council Meeting; that makes them closer to the voting date too.

Mayor Newlands: Okay.

Janet Turner, 606 Union Street: I found that discussion very interesting. I'm kind of appalled. We're talking about a \$3.4 million obligation on the part of this town and it has been given short shrift from day one. This is a Council that has vowed to be open, transparent, informative and forward thinking and what do we have? No information. We're coming here, we get a presentation, nothing to prepare, this is unbelievable. Now, one of the things that I was appalled about is because today is not like it was in 2007 or 2006 for this town or this state or this county. We're in economic hard times. We're not going to be growing this fast. What on earth are we doing committing to doing something we don't even know we need. There is no

evidence for it. I am appalled by just the generality of the expertise presented. Do you know of any other alternatives for water towers?

Scott Hoffman: In terms of providing pressure throughout the town, the only other alternative is to install booster pumps...

Janet Turner: Is what?

Scott Hoffman: To install booster pumping systems that would increase the water pressure.

Janet Turner: Well you'll need to do some homework. I went on the Internet... First of all, how many people know of a town of 2,000 people that needs three water towers? It's outrageous. There are towns of 20,000, 30,000 that deal with one water tower. What are we doing; buying land; building another tower. It's outdated technology. Start putting your thinking caps on. We need to do things that are going to help this town have safe water, adequate water, and at the same time come up with some new solutions. It was already mentioned. Maybe we need to do a separate well system just for irrigation purposes and take filtered, cleaned water, out of that cycle. Now, there is another technology out there and I found it. I'm not an engineer, but it was very impressive, I read it, I've talked to the people there. It's called Cycle Stop Valves and it is an engineering technique, a mechanical technique, but it works. It delivers continuous, constant pressure, relieves the systems; because all the water tower systems have a problem with chatter, because the pressure has to be driven on a cycle of on/off, on/off; and that continually leads to problems in the water mains and in the maintenance of those pipes and valves in the water system, as far as I understand. I have prepared some pages from this one web page; I have no connection to these people. I just said what are we doing? We don't even know what we're talking about. Do we need this? Is there another way? Can we boost the two... One of the things the system does, boost the two water towers we now have, with their technology and don't have to build a third one. If there is really a need. And one of the things I really liked about this, when I read about it, it's a system that provides constant pressure; that's the big problem with water towers; because they empty; then you've got to push the water back up and this is an on/off with the valves, the chatter, the hammer that occurs and wear and tear on the whole mechanics and the electronics. This system provides constant pressure. So no matter whether there's a lot of demand or not, it provides constant pressure. One of the things that I really love, and they do do this when you use this system, is I'll be able to flush the toilet and somebody can use the shower at the same time in this town and that would be lovely. Now we've never talked at all about our lines, which are very old, I'm sure, through many of the streets here and what are we doing to fix the lines? One of the things that I learned from this system, this technology, is that you have much less damage to the water mains and lines themselves, because you don't have this continual hammering and mechanical problems and deterioration to the system; so it levels out pressure. It's really kind of exciting. It was featured on 60 Minutes, PBS years ago. It's the state of the art technology that we have and water towers have been around forever; maybe people are thinking about how we can decorate them and make them cute for building, maybe we can sell advertising on our water towers. I think they're an eyesore. We've got enough eyesores with the cell towers now; what on earth do we need with another water tower? I will present some of this material to you and see if it's something that will draw your attention. I think we absolutely need workshops, Public Hearings. I remember when we worked with the sewer things, we had meetings for days. It was a very complex problem, we had budgets, we had things presented; what are you doing? Why do we need this? We can get some money free from the State. We don't need this now. This is another time. Another place and I think it's time we got on board and start putting our thinking caps on and coming up with some better solutions. Thank you.

Mayor Newlands: Thank you. Are there any other comments?

Councilwoman Jones: The funding right now through the State; can you tell me if it is for water tower structures only?

Scott Hoffman: The figures that I presented earlier were funding for elevated storage tank, water main improvements, new wells and a new water treatment system.

Councilwoman Jones: Okay.

Scott Hoffman: Is that not what you asked?

Councilwoman Jones: Whether this was exclusively for the building of a water tower structure.

Scott Hoffman: No it's not just for the water tower; it's for the water tower, plus the other things that I mentioned.

Councilwoman Jones: Any alternative to above-ground storage tanks that may be applied for in this grant, precluding the well houses and everything else?

Scott Hoffman: An alternative to an elevated storage tank?

Councilwoman Jones: Correct. That's my question. Is the grant predicated on just that?

Mayor Newlands: I think she's asking can we do anything else with that money?

Scott Hoffman: Can we change the design?

Mayor Newlands: Yes.

Scott Hoffman: There is some flexibility to change the design.

Councilwoman Jones: I'm actually asking more about the nature of the grant and what it covers. We've already heard from some folks here about alternatives, that's why I asked the question.

Mayor Newlands: The grant is not specific to water towers, it's water systems.

Scott Hoffman: Let me answer the question this way. If there is some new technology that would turn out to be better than an elevated storage tank and more cost effective, I think you would go to the State and you would present your case that the town has decided to, in lieu of building the elevated storage tank, use this other technology because it's more cost effective. They're not going to have a problem with you, if you present something which is truly more cost effective and better than an elevated storage tank, I don't think that they would have a problem with doing that.

Councilwoman Jones: Thank you. A question and I'm not sure whether this is... I'm going to start with you, if I may. This letter which has been read into the record and tossed around, this letter was actually presented to the Finance Committee one day after the Council met. My feeling is that it belonged in Council's hands and I'm asking the difficult question of who made the decision that it did not belong in Council's hands; but that it was better served at the Finance Committee?

Win Abbott: Councilwoman Jones, as the Town Manager, there is an incredible amount of communication and correspondence that comes through my office. In accordance with the FOIA requirements, I can't be doing things that would constitute an on-line meeting. So the sharing of all communications and all questions and whatnot that I have, cannot be done all the time and therefore, we have a Mayor who visits the Town Hall every day and with whom I share all the information now. The Mayor didn't know that I brought that to the Finance Committee. My purpose in doing that was to keep the people on the Finance Committee engaged in matters of financial questions, but nonetheless, the fact is that the Mayor is aware of all the different communiques that I have and as a practical matter, I can't be doing things that would create an environment that could be constituted as an on-line meeting outside of the notice requirements for Council Meetings.

Councilwoman Jones: I completely...

Mayor Newlands: Plus, can I add to that? We got the letter from Ms. Warren; she gave us no

explanation as to why; we could not communicate to her to talk to her; so instead of getting everybody all crazy that we're going to lose this thing; we wanted to speak to her first to find out what's going on. I felt that the letter was just a way to pressure us to finish off the process and that's all she was doing. So without any communication from her, there was no reason to really get everybody all upset we're going to lose this loan; when we really don't know what the true answer is yet.

Councilwoman Hudson: Mr. Mayor, I don't mind being upset. I would really like to know what's going on. I would like to quote from the Charter. It says "The Town Manager under requirement number 15, attending all meetings of the Mayor and Council, preparing their agendas, providing supporting documents and information pertinent to the agenda items." Now we voted on the 24<sup>th</sup>, we voted on a Resolution; but on the 11<sup>th</sup>, here's a letter that would have been pertinent to that agenda item and yet some of the Council get it at the Finance Committee; some of the public gets it at the Finance Committee; but other council people do not get it and I think that was totally the wrong decision to make. If anybody should have gotten this letter, it should have been the entire Council. Please remember that committees only make recommendations. They don't make votes. The Council makes votes and we're the ones by Charter, that should be given information pertinent to agenda items. Thank you.

Councilwoman Jones: I have a follow up to that. Also at that Finance Committee you had talked about a concern you had on water resources; being pumped vs. being billed. My question to that is 1) and I don't have the Tidewater contract in front of me. Does the Town of Milton bill Tidewater for it's water use? They do. Okay. In the midst of a Referendum passing and committing to a \$3.45 million loan with forgiveness, could continually looking into this problem, which has been facing Milton for many years, my biggest fear is that as we are committing to that kind of funding, we may be looking at something at our doorstep to correct the problem and could it be expensive?

Win Abbott: I'm sorry, I don't follow your reasoning.

Councilwoman Jones: Well you gave us a brand new Memorandum today based upon what we had discussed at the January 25<sup>th</sup> finance meeting; you discussed with the group; about the amount of water being pumped vs. the amount of water being billed. In other words, unaccounted for natural resources, water.

Win Abbott: True.

Councilwoman Jones: And as you chase that and as you're looking for that and it's expensive to do somethings and not others, I worry that finding a flaw like this and this is a rather large problem, I would guess, with the numbers; about the projected cost of repair or researching or finding this problem; and where that might come from. I bring it up, as it relates to a water issue and nothing else.

Win Abbott: Okay, but I'm sorry, I'm still not really following you. As you had indicated, since 2007 there's been a difference in the amount of water pumped as recorded at our wells, as to that which is billed.

Councilwoman Jones: Right.

Win Abbott: And I became aware of this maybe six or eight weeks ago and we've been aggressively pursuing every single different angle with regard to that. Are you suggesting that the town should not pursue the application for the State Revolving Loan Funds that they put in 2010 and it's being thought of now and following down this particular path for unaccounted for water as an alternative? Is that what you're asking?

Councilwoman Jones: I don't propose that we do not continue with the funding pursuit, but I'm asking you in the large scheme of things do we need to fix and find this first; before the

commitment to a very large amount of money?

Win Abbott: That's entirely the prerogative of the Council and the public with regard to the Referendum.

Councilwoman Jones: And the folks who know the systems and what it might or could possibly be or we still don't really know. Is that the answer? We don't... We just don't really know yet.

Dustan Russum: We're still investigating it from monitoring the wells and all. I personally think that we don't have a leak, a major leak. I think it might be something within the software or something; something might have been keyed wrong; I've checked everything on my end with the meters. I have not found anything in there. It's just we're working on it every day just trying to figure out where the flaw came about.

Unidentified Speaker: How big is this difference?

Unidentified Speaker: How many gallons are you talking about?

Mayor Newlands: Do we know what it is?

Unidentified Speaker: Is it in the millions?

Scott Hoffman: About 11 million gallons per quarter.

Councilwoman Jones: Keep in mind, that that may have nothing to do with a new well and a resource being placed back up in a water tower on the other side of town. But what concerns me is, riding side by side of taking out a loan and a 30-year commitment to... If it's something as simple as software, which has certainly crippled a number of airlines and municipalities, I'm sure; that would be one thing. But if it were something much more major, you're talking about funds and I worry about funds being committed over here for a water tower, whereas where would our resources come for something like this. And it's just an update in asking you... It continues on to be looked for. That's what I understood in late January, that CABA Associates is also in the mix of looking for this?

Scott Hoffman: Well, what we're trying to do is provide assistance to Allen and Dustan for things to look at that would indicate what the discrepancy is. I mean, so far we've looked at their pumping records and their water meter records and there doesn't seem to be anything on that side of it, that would indicate there's a problem with those figures, so we have looked at the water billing records to try to figure out if there is some discrepancies on that end of it.

Unidentified Speaker: 11 million gallons sounds like a lot, what percentage is that of the usage, of the total usage?

Scott Hoffman: So based on 350,000 gallons per day, which was the average for a quarter times 90 days would be 31,500,000 gallons.

Councilwoman Hudson: So you're losing a third of that?

Vice Mayor Betts: So is that 11 million included in that?

Mayor Newlands: Yes.

Scott Hoffman: What the 11 million is, is included in the 31,500,000.

Vice Mayor Betts: So if we found the 11 million, that would bring down the rate of our usage, right?

Scott Hoffman: Not necessarily. The 11 million, portions of that could be money, revenues that you're not getting.

Vice Mayor Betts: I can understand that, but again, if it's lost... If this 11 million is included in the 350,000 usage, it could be that way also, right? It could be, you're saying we use 350,000 gallons a day.

Scott Hoffman: Right, that's based on pumping records.

Vice Mayor Betts: Right, so but we have this 11 million that you don't know what's happened to and it's not being billed for.



Scott Hoffman: Right. Correct.

Vice Mayor Betts: Right, but if you found it, and it wasn't an error there, could it be an error in the usage?

Scott Hoffman: It could be an error in how the... The water is metered in two places; when it gets pumped out of the ground, there is a meter on each well; there's also a meter in the water treatment building; those meters are calibrated every year and the amount of water that goes through the water treatment building, equals approximately the amount of water that is pumped out of the ground.

Vice Mayor Betts: Right.

Scott Hoffman: We've looked at the times that the pumps run and it seems to be that amount of water that is pumped out of the ground, is correct.

Councilwoman Hudson: So what you're saying is after it's pumped out of the ground and gone to the treatment plant...

Vice Mayor Betts: Something's happening.

Councilwoman Hudson: Then into the town and then we lose a third of it, about.

Scott Hoffman: Then it goes into the water system; then it gets metered at each individual house. So based on the water meter records, as compared to the pumping records, that's where the 11 million gallon discrepancy comes from.

Mayor Newlands: You have to realize that the churches are not metered at this time; so there are some institutions that are not metered.

Councilwoman Hudson: Well it's six churches.

Mayor Newlands: I'm just going through a list. So there are a few churches that haven't been metered; there's probably 100 homes that we haven't put new meters in.

Vice Mayor Betts: That's a shame.

Mayor Newlands: We just changed the ordinance so that we can get that... Actually, when the ordinance was changed last year, we're now able to go in and force these people to let us change the meters, so we have some outdated technologies, so we're losing money there. This is just all brand new, so they're just learning this and starting this investigation.

Councilwoman Hudson: Well, I understand that about six churches pay nothing for the water and one of them pays about \$30, but that doesn't stop us from putting a meter on their buildings to account for the water.

Mayor Newlands: That's correct. We intend to do that.

Councilwoman Hudson: So I think we should at least meter their waters so we can account for it and that would help.

Mayor Newlands: We intend on doing that. That's in our plans.

Vice Mayor Betts: That's also the fire company, also. Right? Is one of them.

Mayor Newlands: What's that?

Vice Mayor Betts: The fire company we do not charge.

Mayor Newlands: Hold please. It's not a matter of charging, it's a matter of counting.

Vice Mayor Betts: No, but what I'm saying, it's not metered. Is the fire company metered?

Mayor Newlands: No.

Vice Mayor Betts: So then that could be part of it.

Mayor Newlands: Right. We have a list of facilities that are not metered, that we're going through and putting plans in place to meter them. We also have a list of homes that have not received radio read meters yet and we're going to replace those as well, but we had to wait for the Ordinance to get codified, in order for us to do that and get into these homes. So there are a number of things that we have on our list that we're going through.

Councilwoman Jones: What happens when you have a home that doesn't have a readable meter? Do you still read their meter? I mean, does it still register? How do you charge a home like that?

Mayor Newlands: We put a new meter in. We make sure we can read every meter; we just had a problem with the apartment buildings over on 16 that we weren't able to read those meters last summer and we went and replaced all those meters and Council approved.

Councilwoman Jones: You said 100 homes hadn't...

Mayor Newlands: There are 100 homes that have meters inside the house.

Councilwoman Jones: Inside the house?

Mayor Newlands: Inside the house.

Councilwoman DUBY: But we still go in and read them?

Mayor Newlands: No they have outside remote readers that we use. The problem is that they are old meters and they have to get replaced to radio read meters, they're refusing to let us in the house to read the meters and the Ordinance that was changed last year, now gives us the ability to do that, so now we're getting letters out to them; putting pressure on them that we're going to come in and do that. If they don't let us put a meter in the house, then we'll put a pit meter outside and charge them for that appropriately so. There's different leverage that...

Councilwoman Jones: But you can still read their meter.

Mayor Newlands: But we don't know the accuracy of it; that's the problem. They're old meters and we don't know the accuracy of the meters.

Councilwoman Jones: So do you charge based on the numbers, or do you charge a flat fee?

Mayor Newlands: We charge based on the numbers, that's all we can do.

Councilwoman Jones: On numbers.

Mayor Newlands: That's all we have to go on right now.

Councilwoman Jones: That's all we can do.

Mayor Newlands: Yes, that's all we can do. The reading of meters and the quality of what comes out of the meters is an ongoing process we've been going through every quarter; every time we have a meter reading, we go out and we find something else to fill in any kind of gaps we have. Yes, Sir.

Keith Mazur, 535 Union Street: So if I'm understanding what you're saying, you're saying that a couple of hundred homes with faulty meters and some churches and a few other things is accounting for 11 million gallons of water?

Mayor Newlands: No, that's part of the issue, not the entire issue. We don't know what the entire issue is at this time. We know that the meters in the 100 homes, they're just old; they just may not be accurate, we don't know yet. So we're getting readings on them...

Keith Mazur: So obviously water must be faulty pipes, leaks?

Mayor Newlands: Don't know yet. This is something that we're just learning.

Keith Mazur: So this is something new. You just...

Mayor Newlands: The 11 million; how long have you known this?

Dustan Russum: I just figured this out about a month ago and started working on it.

Keith Mazur: I have nothing else to say. I don't know what to say about something like that.

Mayor Newlands: And it could be a software problem, we don't know yet, so we're still looking at it. Any other questions? I would like to bring the Public Hearing for the water tower to a close.

Seth Thompson: Are there any other written comments?

Mayor Newlands: Are there any written comments that we have to enter into the record. No, so let's close the Public Hearing on the water tower at 8:21 p.m.

2. Public Hearing – Application from Michael Hughes for the rezoning of the property located at 104 Mainsail Drive from C1 (commercial) zoning to R1 (residential) zoning. The parcel is further identified by Sussex County Tax Map & Parcel # 2-35-14.00-89.08
- Mayor Newlands: We'll now open up the Public Hearing on Mr. Hughes' rezoning application.
- Nicole Hughes, 104 Mainsail Drive: I'm just here to talk about the application for rezoning; moving from commercial to residential. Basically when we bought the home it was placed in the Deed that the home would be used only for residential and that's currently what we are doing and what we plan to do in the future. So we would just like to have that rezoned, as well.
- Mayor Newlands: Okay, thank you. Any comments from the public?
- Ginny Weeks, 119 Clifton Street: Thank you for bringing this up. When we did the Comprehensive Plan last time we had put that in there, that the Council should change this piece of property, but I believe there are other houses on that street that are commercial. I would ask you that if they have the same thing in their Deeds, that you change all of them; it's about three or four houses as you drive into Dr. Wagner's on the left hand side? I mean, if they all have it in their deed that they can't be used as commercial, I have no idea why they are all commercial. They should be rezoned, so rather than doing it piecemeal, if you're going to change the Comprehensive Plan Maps, you might as well do it all at one time.
- Mayor Newlands: I don't know what's in their deeds.
- Seth Thompson: The town can certainly pull their deeds. The problem is that a deed violation is not the same thing as a town code violation. I'm not quite certain that the town would want to get involved in deed restriction enforcement as opposed to Code Enforcement. That would be the concern.
- Mayor Newlands: Any other comments or concerns on the Public Hearing for the rezoning. Okay, we'll close the Public Hearing. This is a letter from the neighbors, the Watson's, saying that they have no objection to Michael Hughes changing the zoning of his property and to please convey the message at the Public Hearing tonight. Okay.
- Councilwoman DUBY: Now this looks like they're right next door. I assume if they had the same problem, they might have raised it; so maybe the others don't have it.
- Mayor Newlands: I don't know.
- Councilwoman DUBY: They may want to open a business. Who knows.
- Mayor Newlands: Well if they have a deed restriction, they can't. Okay, any other written comments? Okay, let's close the Public Hearing on the rezoning application from the Hughes' and let's go to public participation.

3. Public Participation

- a) Bob Blaney, 210 Chandler Street: I'm a member of the Economic Development Committee. I'm respectfully asking you to, Mr. Mayor, that I may take a few minutes at the Department Reports portion of the agenda, Item No. 13, to highlight some of the reports to the Town Council based on our interview of 15 business people here in town.
- Mayor Newlands: That would be fine.
- Bob Blaney: Thank you very much.
- b) John Mead, 539 South Spinnaker Lane: I received just a piece of paper in my mailbox that made me aware that the Shipbuilder's streets were going to come up in this Council Meeting and I don't know where it's going to go, where you're going to go with that, or whatever, but I've been there for a little over five years, I guess; and it took a lot of

pressure from me and a lot of other people to get the town to actually take care of the flooding in that area; which did get taken care of. So when it rains now, I don't have to really worry that much and when we did have the hurricane come through, the water was all the way up; but I called the town and I'm like you know I've got a problem here and they were like, we don't know where to put the water and I happen to look outside and there was like a whirlpool going down in this drain and I realized that it was from the top of a tree that was in my neighbor's yard. I went out and pulled it out of the drain and the water was gone like that. So I really appreciate the town taking the initiative to get that flooding problem cleared up. As far as surfacing the roads, and being in that community, there has been an increased police presence in Shipbuilder's and I know that there are problems in that community. I don't know what the problems are, but I know that we do have problems in that community with loitering; there's got to be drug activity in that area; just because of the amount of cars that come in and out; they visit houses; they're there for 15 minutes and they're gone. And there's a lot of driveways; people just creating driveways off of the street and that's creating a major problem with people coming in and out. People are driving through the community; you don't expect a car to come out of a driveway, out of the middle of a yard and they're actually marking streets; so they're accessing the yards from whichever way they want and that becomes a problem. But I think that if somehow that community could get surfaced, and cleaned up; I think it would clean up the quality of people in the community. I think that as long as we leave that community, which is a large community. It's one of the largest communities in the Town of Milton and as long as we leave that looking slummy, looking project, looking ghetto, that is the type of people that we are going to draw. I think that we need to clean up the act a little bit. Thank you.

Mayor Newlands: Thank you. That's the purpose for tonight's discussion on Shipbuilder's is to pave those streets to see where we can get the money to do that.

- c) Georgia Dalzell, Chamber of Commerce: I want to make an announcement that before your Referendum vote comes up, we have another vote that is coming and that would be your Town Council has two seats that are up for election. The Chamber of Commerce is going to have a candidates forum and that will be held one week before the election. The election is the 3<sup>rd</sup> of March, I believe, and the forum will be held on the 25<sup>th</sup> and it will be held here in the Library. It's a new venue this year; the fire hall has already been spoken for, so on the 25<sup>th</sup> of February here in the Library in this room we'll have a candidates forum from 10:30 a.m. until 12:30 p.m., if we need that length of time. But there will be posters like this around town. We had four candidates running for the two seats, so I think it's very important that we're informed of all the things that are coming up; it's important that we're informed about the people that we're going to be voting for. So I hope that we'll have a good turnout for this and we'll put these posters up in businesses throughout the town. I think I've heard tonight that there may be a change in our information, so we want to edit these things, before we put them around town, but there will be plenty of them in windows and stores and please look for them and please come to the candidates forum. Thank you.

Councilman Lester: Can I ask you a question, Ms. Dalzell? Will the League of Women Voters still control this forum?

Georgia Dalzell: Yes. We invited the League of Women Voters, they were here last year; they will be the moderators for the forum. They did a very nice job last year; we've

asked them to come back and they've agreed to do that.

Councilman Lester: Good.

Georgia Dalzell: Okay. Thank you.

Mayor Newlands: Thank you.

- d) Patty Rowley, 419 Mainsail Lane: I wanted to talk about the surfacing of the pavement; not only does it, you know, it's bad for the appearance, but it's also a safety hazard at this point. I went around on the roads, I counted 27 potholes and I mean they range from like 6" deeper, to like as big as 2'. I have pictures with me, as well. And my daughter riding her bike, has fallen; when I was 39 weeks pregnant in October, I was walking and between the unlevel surface of the curb, the road and there's so much gravel and rocks and potholes, I fell. So it's a safety hazard, as well; and as far as drug activity, I have concerns about an ice cream man driving around in December, January, February; he's not selling ice cream. Does he have a business license? What is he doing driving around the neighborhood playing music in January? Are people buying ice cream?

Vice Mayor Betts: Did you know anything in regards to that?

Mayor Newlands: I'm not commenting.

Vice Mayor Betts: Okay.

Mayor Newlands: I just can't comment on that right now. Okay.

- e) Angie Ekelberg, 414 Mainsail Lane: I wanted to say, as well, to further the comments that he made. As slummy as it may be getting, there are some really good people moving in as well. We moved in there less than two years ago, at this point and we care about it. We're here and we want you guys to know that we're making changes and so if you guys could help us out, I think you're going to see a big improvement in there. My realtor actually almost steered us away from that area, which is very sad, because Milton is a lovely town and we've really been enjoying it here and it's just sad.

Mayor Newlands: Thank you.

Vice Mayor Betts: Thank you.

Mayor Newlands: Is there anybody else that we missed?

4. Call to Order – Mayor Newlands called the meeting to order at 8:33 p.m

5. Moment of Silence – Councilwoman Betts

6. Pledge of Allegiance to the Flag

7. Roll Call – Mayor Newlands

Councilman Lester	Present
Councilwoman Jones	Present
Councilwoman Duby	Present
Councilwoman Hudson	Present
Councilman West	Present
Councilwoman Betts	Present
Mayor Newlands	Present

8. Additions or Corrections to the Agenda

Mayor Newlands: Do we have any additions or corrections to the Agenda?

9. Agenda Approval

Mayor Newlands: Can we get approval of the agenda?

Councilwoman Duby: I move approval of the agenda, as written.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to approve the agenda, as written. All in favor say aye. Opposed. Motion carried.

10. Presentation and Approval of Minutes – October 11, 2011 and January 9, 2012

Mayor Newlands: Any comments on either of the minutes? Councilwoman Hudson, on the first page of October 11<sup>th</sup>, it says you don't believe that Robert's Rules of Order we can add a discussion at any time. Did you mean that you do believe, not don't believe?

Councilwoman Hudson: Do.

Mayor Newlands: Yes, that's what I thought. Okay.

Councilwoman Hudson: Well the context; I have a copy of Robert's Rules of Order, by the way, but the thing is you have discussion after you have a motion and a second; so that's all I can say about Robert's Rules of Order and I think that however it was written, it wasn't correct.

Mayor Newlands: It was incorrect?

Councilwoman Hudson: Yes.

Mayor Newlands: Okay, thanks. I thought I had something else.

Vice Mayor Betts: Are you on October 11<sup>th</sup> right now?

Mayor Newlands: We can go to the next one, if you want. What do you want to do?

Vice Mayor Betts: The second one, January the 9<sup>th</sup>. I think it may be just a typo, on the second page it says it references the "Lien Acquisition Committee" and I believe that should be the "Land Acquisition Committee".

Mayor Newlands: No, I think that's a correction to the last... Hold on a second. Where is that on the page?

Councilwoman Duby: It's at the top.

Vice Mayor Betts: The second page at the top.

Councilwoman Duby: Fourth line down.

Mayor Newlands: Yes, that's referencing the minutes of the previous meeting in December where it said Lien Acquisition Committee; we were correcting it then to the "Land Acquisition Committee."

Vice Mayor Betts: Well it should be "land" now.

Mayor Newlands: No, this is Mr. Abbott correcting the agenda from December's agenda.

Vice Mayor Betts: Oh, okay.

Councilwoman Duby: Oh, I see.

Mayor Newlands: These are his comment, he's repeating the error from last time.

Vice Mayor Betts: Oh, okay, thank you. And there's just another typographical error on it, I don't know which page it is, it just spells "here" and it should be "hear"; it's on page 10 where Councilman West said, as all of you know I wasn't here on the 14<sup>th</sup> to here. And it should be "hear", not "here."

Mayor Newlands: Okay. I got it. Any other issues with the minutes? We have two changes, the word "hear" on the January 9<sup>th</sup> minutes and the word "do or don't" on the October 11<sup>th</sup>, so can we get a motion to approve those two minutes.

Councilwoman Hudson: I make a motion to approve the minutes of October 11, 2011 and

January 9, 2012, with the corrections.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to approve the minutes of October 11, 2011 and January 9, 2012. All in favor say aye. Opposed. Motion is carried.

Councilwoman Jones: Mr. Mayor, may I ask a questions please?

Mayor Newlands: Sure.

Councilwoman Jones: I checked the website. I was looking for something myself. I know we're under construction or soon will be; the last Town Council minutes posted are September 7<sup>th</sup>.

Mayor Newlands: Oh, is that right? Okay.

Councilwoman Jones: Yes and I did it with refresh and everything; is that correct?

Robin Davis: They're probably behind on that.

Councilwoman Jones: Okay. Okay.

Mayor Newlands: Who's posting these days?

Robin Davis: Win.

Mayor Newlands: Oh, okay.

11. Discussion on Written Committee Reports

Mayor Newlands: Economic Development, where's Mr. Blaney? It's our first committee report.

Bob Blaney, 210 Chandler Street: Thank you Mr. Mayor and Council. I'm a member of the Economic Development Committee and all the committee members have received our final report to the Council. The EDC undertook a questionnaire, an initial questionnaire with fifteen business owners or managers in the Town of Milton in the months of October and November and December. We finished our report as recommended and on January 10<sup>th</sup> and we have presented it to all the Council Members. The purpose of the interview process was for the EDC to hear face to face, from the business owners and managers in Milton, what were some of the issues that they had in operating their business in town; expanding their business; and/or investing in new business in the Town of Milton. Our mandate; and when I say our mandate; the Economic Development Committee's purpose is to find ways that we can attract more investment, improve the Economic Development, of course, of the Town of Milton, and by doing this, hopefully, by achieving this, we will bring in new businesses, a larger tax base, new residents to live in the Town of Milton. I have to say that I've been on the Economic Development Committee, this is my third opportunity and really I have to give appreciation to our co-chairs Bob Howard and Don Shandler, as well as other members of the committee who have really encouraged the committee members to take steps to achieve something to improve the atmosphere for investing and doing business in the Town of Milton; not just having meetings and discussing issues and hearing over and over again the problems that the town is having in getting a building permit or a license, but actually taking steps to improve the atmosphere for doing business in town. In this report, we presented eight; when I say we, the Committee presented eight recommendations and steps to assist operating a business here in the Town of Milton and I would just like to highlight a couple of them for the people present here, as well as the Council Members, that have read the report, I'm sure. Number seven recommendation was to work with the town to initiate a Comprehensive Milton Signage Project and we have a person on our Committee, Kristin Patterson, who is now leading up a group of the members, both on the Committee, as well as citizens in the town, to really get this signage project funded by the State, hopefully; and there are other businesses that are going to be contributing; putting in place the appropriate signage in the Town of Milton. As an example, where is the public parking lot? We've had that question asked by dozens of people. As you

probably all know, Dogfish brings up to something like 7,000 visitors a week in the summer for the tours and many of those people don't know where the coffee shops are, where the museum is, where the restaurants are and so forth; and we desperately need signage and that's on track. The other issue that we heard from a number of the business people, was that there is a need for streamlining, if you will, the ordinances and codes for obtaining a license and expanding or investing in a new business in the Town of Milton. And we have a sub-committee, within the committee, that is working with our Town Manager, Mr. Abbott; and we are taking steps to be able to present online, as well as in hard copy, to people that are asking the question "How do you start a business here in Milton?" As an example, at least a page or a page and a half of steps 1 through 15, this is what you have to do; this is where you have to go; and this is the type of material you'll need to get your business license and/or expand and get your building permit. That's really all I have to say and I want to thank you for allowing me to talk with you. If there are any questions, I would be delighted to try and answer.

Councilman Lester: I do have a question, Mr. Blaney. You mentioned making available to the Council the study that you made in January?

Bob Blaney: The final report, yes, Sir; it's in your packet.

Councilman Lester: This or was it in January? I don't remember seeing one in January.

Bob Blaney: No, no, I'm saying in today's packet.

Councilman Lester: Okay, but I see nothing in here; I would like to know who you interviewed, what the questions were and what their answers were.

Bob Blaney: I would be very pleased. I don't have that with me right now, we had 15 interviews; we have all the names and the locations of the business people and I'll be happy to give you that. We also have a copy of the questionnaire.

Councilman Lester: Yeah, because your estimate doesn't mean anything to me without seeing what... Because I know they're on what they call push polls, where you can ask questions and get the answer that you want.

Bob Blaney: Sure.

Councilman Lester: So I would like to see your process.

Bob Blaney: I will be delighted, we have that on file. No problem. I'll make sure that you get a copy of both.

Councilman Lester: I appreciate that. Thank you. And did you, in your conversations, talk to Mrs. Greig?

Bob Blaney: We did, yes. I did, personally.

Councilman Lester: Good, because she really knows how businesses run in this town.

Bob Blaney: I've had the pleasure. Thank you very much.

Councilman Lester: Thank you. That's good.

Bob Blaney: Is there anything else? Thank you.

Mayor Newlands: Thank you.

Councilwoman Duby: The businesses were listed in the Gazette story too, which ones they interviewed.

Councilman Lester: I want to hear it from him though, not from the paper.

Councilwoman Duby: No, I know.

Mayor Newlands: Okay, does anybody have any questions on Economic Development? There's also the article from the Cape Gazette that was done on the surveys they did.

Win Abbott: Mr. Mayor, I just want to bring to Council's attention, the report to Council of the Board of Elections.

Mayor Newlands: Ms. Baker resigned from the Board. The Board met last Thursday; they



ratified all of the candidates; we had one candidate drop out. Kevin Kelly has withdrawn from the election. That happened last Wednesday. This same Board will be the election board for the referendum in March; if we have a referendum in March; so they'll control both of them. Are there any questions on the election? Are there any comments?

12. Town Manager's Report

Win Abbott: Mayor and Council and public you'll find before you the Town Manager's Report for January, 2012. It references some information about the elections, property tax appeals, audit of town finances, new website design, our progress with the document management system, and hazard mitigation grants. The two new home page designs for the proposed website makeover, are attached to your report. You'll notice that they incorporate elements of both the clipper ship logo and the branding logo that the town affirmed by way of Resolution about a year ago. I would be pleased to receive comments from the Council regarding this style list of choice. The Government Information Center of the Department of State of Delaware was able to design this for us. The center part of it, by the way, is a changeable look up to four different pictures can be put in that center portion of both of them and they'll change as time goes by, to show headlines or other views of things, as well. Within your packets and the packets that I provided to the public, is a letter to downtown business owners that references the last item in the Town Manager's Report; the hazard mitigation grants. That letter that I put out is purely a suggestion; it's an opportunity for the town to take advantage of grants that have become available that would help to diminish the damage that would be caused by a natural disaster; the flood gates, for lack of a better word, that could be installed on business and homes in the flood zone was a successful use of those dollars in New Castle County. Just an idea I thought might work here. I've circulated that amongst some of the businesses already.

Councilwoman Hudson: Mr. Abbott, is this Town Manager report posted on the website?

Win Abbott: Not yet.

Councilwoman Hudson: Not yet. Okay. Thank you.

Mayor Newlands: I haven't had time to find a place to post it yet. So I have to give him a section and Christine may beat me to a new website, by the time I get the time to do that.

Councilwoman Hudson: Okay, thank you.

Mayor Newlands: Question on the website. When do we have to commit to the GIC for design so that we can get that on the agenda? What is her deadline?

Win Abbott: That's entirely up to council. They're not going to hold our feet to the fire; it's a service they're offering us. They would like to know, so that they can move forward with it, but I can work behind the scenes on things having to do with the directory, within the website, and fill in those spaces, before we actually make a decision on the style of the home page and therefore continue to make progress while people consider what is their preference for a home page.

Mayor Newlands: Right. Okay. Because she's got a lot of content work to do and this is not... You've said Under Construction before; this is not going to be an Under Construction website; this is going to come up fully loaded.

Councilwoman Jones: That's what I meant; when I meant Under Construction, I meant there's definitely some housekeeping in the old website to be done and I wasn't sure how close you were in making the shift; how much investment you were still making in the old website.

Mayor Newlands: We're not making any investment in the old website as far as structure; just loading up information that has to be there, as far as notices go and minutes and things like that, but that's all we're doing with that website.

Councilwoman Jones: Are you accepting a comment?

Win Abbott: Yes Ma'am, that's why we're here.

Councilwoman Jones: I like the one with the lamppost; that just kind of defines that on that edge; that would be the first one in my package, I like that.

Mayor Newlands: That was my first choice also. Where did she get 101 Federal Street from? Yes, but what's on the website now? She copied it from the website. There's a few little things, like employment opportunities up top; we're not hiring, so that goes away. There's a few little things that we can save some real estate on. The styles are pretty much the same, except for some graphics and some lines and things.

Councilman Lester: I like the look that's more uncluttered and I like the boat; it's much more inviting.

Vice Mayor Betts: I do too.

Councilman Lester: I mean, this picture of downtown Milton looks pretty sad. I think the boat is really exciting. This looks happy.

Vice Mayor Betts: It does. I like that too.

Mayor Newlands: Is that going to change, the top image; does that rotate?

Win Abbott: No, Sir, the top image does not; just the center image.

Mayor Newlands: Okay.

Win Abbott: The top is what you might call the Banner and that will remain static.

Mayor Newlands: Can she make that a rotating banner? Let's ask her. Because our current website rotates now.

Win Abbott: There are some limitations with this free makeover.

Mayor Newlands: No, I understand that. I know. I know. Since this is not an agenda item, we can't vote on this, but you can give your opinions, sure. We'll put it on the March meeting.

13. Department Reports: Public Works, Project Coordinator, Code and Police

Mayor Newlands: The next item is the Maintenance Reports. Does anyone have any questions on the maintenance reports? Do you guys have questions on the website? Any questions on the maintenance reports? How about the Code Enforcer reports? This is both the Project Coordinator and the Code Report. Does anyone have any questions for Robin? Okay, let's go on, the police report. Any questions on the police report?

14. Finance Report and Revenue/Expenditures Report

Councilman Lester: Well I would just like to mention the State Auditor's Office audit is ongoing and they're in the information gathering process and they're working on the audit; at the same time tomorrow we have the second meeting with the new auditors at Town Hall tomorrow, so they're beginning their information gathering process, so there's a lot going on. I think if we're all on track, hopefully the State Auditor said they would be through in February; was that the date he gave us?

Mayor Newlands: They initially said the end of January; but they're not done.

Councilman Lester: Yeah they did, but it may be a little later, because they're behind now. In the meantime, before the State Office gets finished with 9/30/10, the new audit firm is beginning the 9/30/11 audit, so hopefully we'll be complete with both audits and both audit reports will be complete sometime in very early spring. I've gone through these statements with town staff and it looks like they're on track; there are still one or two things that might effect these Financial Statements from a prior year, but they're very minor, so I think unless somebody has any immediate questions...

Mayor Newlands: No, I was fine with everything.

Councilman Lester: I'm just thinking about conserving time tonight.

Mayor Newlands: The only thing on the bank balances, Seth had mentioned, there was a question last month about the \$200,000 difference in one of the accounts. We had...

Vice Mayor Betts: It's still there.

Mayor Newlands: It's still there, because it's correct; because we...

Vice Mayor Betts: It's an error?

Mayor Newlands: No. No. It's correct.

Vice Mayor Betts: Okay, what happened?

Mayor Newlands: We did move money out of that account into the general account; that's our money market accounts for the general and we moved \$200,000 to the general account to pay for bills for the rest of the year. So what we've done is we've added a transfer sheet to the bank balances to explain any differences in the accounts, going month to month; so you'll see it. We've also changed the procedure. It used to just be that we updated this spreadsheet and I signed for the transfer; now Mr. Abbott signs for the transfer; I sign for the transfer; and we send a copy to Mr. Lester.

Vice Mayor Betts: Where does it show where it was changed; the \$200,000.

Mayor Newlands: No it's a procedure that we had; it's just a letter we keep to do the transfer. Mr. Abbott now...

Vice Mayor Betts: But does it show where you transferred it to? Is that correct?

Councilman Lester: There's a second page; look at the second page.

Vice Mayor Betts: Uh huh. Okay.

Mayor Newlands: It goes, it's a second page; it tells you what account it's coming from; to; how much; and the reason for it.

Councilwoman Duby: And do we put that back when we get property taxes in?

Mayor Newlands: Yes.

Vice Mayor Betts: Okay.

Councilwoman Jones: On page twelve of that document...

Mayor Newlands: Hold on, what document?

Councilwoman Jones: I'm looking at the audit trail.

Mayor Newlands: Okay. Go ahead. Page 12.

Councilwoman Jones: Page 12, a question for Mr. Lester, because I had brought this up before. It took him a second to get to that. On Page 12, under Overtime Holiday; I brought this up before, that there was no holiday in the month of October and I questioned that and it's still... Unless I'm not reading... It's still posted.

Councilman Lester: Are you talking about the zero?

Councilwoman Duby: You're talking about Page 12? I don't see it. Page 12 is different.

Councilwoman Jones: Okay. Let's see what you're looking at that's different.

Mayor Newlands: What's the amount? The \$598?

Councilwoman Jones: Yes. And I brought that up I believe, it could have been November or December's meeting, because it was posted and I questioned and somebody was going to look and see whether or not it had been posted in an incorrect place.

Councilman Lester: Which item are you talking about, the October 7<sup>th</sup>?

Councilwoman Jones: No, October 21<sup>st</sup>.

Councilman Lester: October 21<sup>st</sup>.

Councilwoman Jones: And then November the 4<sup>th</sup>, which I couldn't tell whether that was actually just a posting date for a November charge; you did have a Veteran's Day and you had

Thanksgiving and the day after in there; but October you didn't and that number still doesn't make sense to me. Can you explain that to me?

Mayor Newlands: Okay. No. But I will.

Councilwoman Jones: It's just the second time I've seen that and I just want to find out about it.

Mayor Newlands: I'll email out to everybody tomorrow what those are.

Councilwoman Jones: Thank you.

Councilman Lester: I apologize because I thought you were referring to the zeros that posted and that just comes off the spreadsheet when they post. There's a mass spreadsheet that posts all the payroll at one time, so if nothing happens, then... So I apologize. I was looking at the wrong.

Councilwoman Jones: Okay. No. No.

Mayor Newlands: The dates should be the payroll dates, also; not the posting dates. It's the payroll dates.

Councilwoman Jones: The payroll date. Okay.

Councilman Lester: I was looking for the wrong answer to the wrong question.

Councilwoman Jones: But you see what I meant?

Councilman Lester: I see what you meant.

Mayor Newlands: Anything else?

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

- a. Application from Michael Hughes for the rezoning of the property located at 104 Mainsail Drive from C1 (commercial) zoning to R1 (residential) zoning. The parcel is further identified by Sussex County Tax Map & Parcel # 2-35-14.00-89.08

Vice Mayor Betts: Would you like a motion?

Mayor Newlands: Please.

Vice Mayor Betts: I make a motion that to approve.

Councilwoman Hudson: I second.

Mayor Newlands: We have a motion and a second to approve the rezoning. Is there any discussion or does anyone have any questions? All in favor say aye. Opposed. Motion is carried.

- b. Set date for Water Tower Referendum

Mayor Newlands: The Water Tower Loan, which is a loan to borrow up to \$3.45 million and we had talked internally about the date of March 24<sup>th</sup>. The reason we're keeping it separate from the election is the voting criteria is drastically different. The voting for Council is registered voters within town voting for a Referendum is, I tried to get this down to one sentence and it's impossible; is one vote per owner of either a piece of property or multiple properties within town. So if you own two houses in town and it's a married couple, one vote between the two houses; that's how it works. And that holds true for the developments as well. All the vacant lane in Heritage Creek, the owners of Heritage Creek and Cannery Village, they get one vote for their properties, as well?

Seth Thompson: Right. The way it's written is that each property owner gets a single vote.

Mayor Newlands: Right, but now if it's a married couple, it's one person of that group gets to vote.

Seth Thompson: And that's the difficulty, if, say for instance, you have a husband and wife and they own the property as a Tenancy by the Entirety, and seemingly the property owner is the legal fiction that they're one entity. I did some research, under U.S.

Supreme Court cases and I'm a little bit concerned; it struck me as odd that you could limit a vote like that to just property owners; because you can't do that for a general election. You can't condition somebody's right to vote on the need to own property.

Councilwoman DUBY: If you're a registered voter, or a resident of the town, you get a vote, as well.

Seth Thompson: Well the way the Charter is written, it is limited to property owners and voting in the Referendum. And that's what gave me pause. That struck me as odd.

Councilwoman DUBY: I don't remember. I don't have the Charter in front of me and I haven't looked at it, but my recollection of the discussions at the Charter Revision Committee was the intention was that you would have everybody who otherwise would be able to vote in any election; starting with that body of voters and then you add property owners, because that's a way to bring the people who own property and will be affected by taxes; but wouldn't be residents of the town and therefore entitled to vote the other way. But, apparently it didn't come through that way.

Seth Thompson: The way the Charter written it says that the "Special Referendum each property owner in the Town of Milton, including those who have placed their property in a revokable trust, shall have one vote and further, every partnership, corporation owning property within the corporation limits of the Town of Milton, shall also have one vote, notwithstanding how many properties are owned by a single person or corporation. Only one vote per person or corporation is allowed and the said vote may be cast either in person or by absentee ballot".

Councilwoman DUBY: And there's no other reference to other voters?

Seth Thompson: Which struck me as odd; because again this is a large debt.

Vice Mayor Betts: There should be.

Councilwoman DUBY: Because that was the intent.

Seth Thompson: Right. The other thing too is previously in that section it references the Council passing a Resolution proposing to the residents and property owners.

Councilwoman DUBY: Yeah.

Seth Thompson: So it would be somewhat silly to propose to residents and property owners that you're going to have a Referendum, but then residents...

Councilwoman DUBY: And then not have residents to vote.

Seth Thompson: That's right. So, in my research, I think I found a U. S. Supreme Court case on point that seems to say for the purposes of issuing bonds, a Referendum can't be limited to property owners and I think that only makes sense.

Councilwoman DUBY: Yeah and limiting it to property owners, I can tell you, was not the intent of the Charter Revision Committee when we proposed that.

Councilwoman HUDSON: Yeah, I sat in on a number of those workshops and it was to include regular voters, plus property owners.

Vice Mayor Betts: It should be.

Councilwoman DUBY: And the property owner thing was in addition to... So if you had nonresident property owners who would be subject to tax as a result of a Referendum, they would be included; but all of the residents who could vote otherwise, would be too.

Mayor Newlands: We're stuck with what's in black and white.

Councilwoman DUBY: Yeah. Absolutely. I agree.

Seth Thompson: Well, unless it's unconstitutional. In which case, if somebody came in and said I am not a property owner, but I am a resident and I'm entitled to vote.

Councilwoman DUBY: And then challenging the...

Seth Thompson: Right. So.

Councilman Lester: This is going to be an onerous system to check everybody as they come in, to be sure that a partnership and should there be one, that only one partner can vote. We need a list of the partners and to make sure that only one person votes?

Mayor Newlands: We're probably going to have to sort the property tax records multiple different ways, so that when somebody comes in, we're checking two or three different reports; so it's not going to be a quick check to check somebody through.

Councilwoman Hudson: Well actually you could just do it by addresses, when people come in who are property owners; you mark off the address and that way nobody else can come in and vote on that same address.

Mayor Newlands: I haven't sorted through in my mind, all the different permutations of who can come in and husbands and wives and partners and interested parties that have interest in one property vs. another property; they may have two together and then with some other people they have another two together. I don't know. I have to go through all the different permutations in my brain to figure out what kind of list we have. We have the data, it's just a matter of figuring out what the best lists are to use, so nobody slips by. So we just need a motion to approve this Resolution, just to set a date for the Referendum.

Seth Thompson: The other element, just procedurally, the town will have to pick whether they're using voting machines or a paper ballot; we have to indicate that.

Mayor Newlands: We'll use a machine, only because it's \$75 and it's not a lot of money; and it's a lot easier to deal with. Is that what it is, \$75 for the day?

Win Abbott: \$25.

Mayor Newlands: \$25, oh okay.

Councilman Lester: Even better.

Councilwoman Duby: Even better, yes.

Mayor Newlands: We'll take two.

Seth Thompson: And it will be at the Town Hall, I take it?

Mayor Newlands: Yes, it will be a Town Hall this time, but I think next time we have elections, we have to make provisions to go out someplace else. We've had a lot of complaints about the building and the location; a lot of people would rather it was at Mariner Middle School. So right now it will be 115 Federal Street, yes.

Seth Thompson: So 115 Federal Street, yes. The other element that was brought up, the Council can determine what "pertinent facts", I believe is how the Charter references it; are placed in the Referendum. So it sounds like people would like to know...

Vice Mayor Betts: The whole thing.

Seth Thompson: That's right, the length of the loan and the interest rate, if that's going to be feasible.

Councilwoman Duby: I think if we want it to pass we better have that information, because nobody's going to vote for it if they don't have that information, I would guess; or very few people.

Vice Mayor Betts: I do too.

Seth Thompson: And that doesn't have to be adopted tonight, but if we wanted to come up with specific language for the Referendum to be voted on at the March meeting, I think that would work.

Councilwoman Hudson: I think specific language would depend on if our application is still in the works or if we have been delisted. We just can't make up... We have to know

how our application is.

Seth Thompson: Right. Right. Exactly.

Councilwoman Hudson: Because otherwise, there's nothing to put on the Referendum if we don't have an application that's viable or in the works.

Mayor Newlands: That's correct.

Vice Mayor Betts: We won't even be voting in the Referendum if we don't do that.

Councilwoman Hudson: Do you think that perhaps we should table this until the March meeting, until we find out if we're...

Councilwoman Duby: I don't think we can.

Mayor Newlands: I think if we do that, we will definitely be delisted next week.

Councilwoman Duby: We would guarantee that we would be delisted.

Mayor Newlands: Yes, yes, it will. This is more procedural, than anything else.

Councilwoman Duby: Mr. Mayor, I move that we set a Referendum on the loan for water improvement for March 24, 2012 and that by the time of the March Council Meeting, we fill in appropriate details for that Referendum.

Councilwoman Jones: I second that.

Mayor Newlands: Okay, we have a motion and a second to approve the Resolution for a Referendum on March 24, 2012 for the water system improvements and by the time of the March Council Meeting, or at the March Council Meeting, we set the details of exactly what that Referendum will entail. We'll take a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Duby	Yes
Councilwoman Hudson	No, I don't think we have enough information.
Councilman West	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Mayor Newlands: The motion is carried.

c. Request to create a more detailed monthly police statistics report

Mayor Newlands: This is a request from Councilwoman Jones for a more detailed police report. I actually made copies, in case you didn't have your copies from last time. Please pass these down. It's three pages. We've seen this twice before, so this is the police statistics report from Rehoboth Beach. I personally don't see the need for all this information and data to be compiled and we subsequently found out that it's not just pushing a button and getting the report out. It has to be compiled manually. So it has to be gotten from DelJIS somewhat manually; so I really don't see the need for all this detail. I don't particularly want to know how many tags expired or fictitious tags or things like that; I don't think we need to know that. Unless there's some incident that happens that we need, we can always get this if we need it.

Councilwoman Jones: My comment in bringing this up was to request more information particularly the types of arrests and the types of crime that were in Milton, Delaware and that was the basis of my request and it remains the same.

Councilwoman Hudson: And following those comments, I would like to make a motion

that we create a more detailed monthly police statistics report.

Councilwoman DUBY: I have a question. Can I ask it or do I have to wait for a second?

Councilwoman HUDSON: Well I thought we should have a second. We were talking about Robert's Rules of Order, so basically we need a second to have a discussion.

Mayor NEWLANDS: Wait for a second.

Councilwoman JONES: I second it.

Mayor NEWLANDS: Okay, we have a motion and a second to create a more detailed report for the police statistics and discussion.

Councilwoman DUBY: Okay, here's the question I have. I'm looking at this and I see a couple of things scratched out; I don't know what exactly you are proposing that we add. I see the lists on the back; traffic charges and criminal charges. Are you asking for that to be included in our report?

Councilwoman JONES: Yes.

Councilwoman DUBY: Okay and all the stuff that's on the other, this too; or why is this scratched out; are we not asking for that?

Councilwoman JONES: Well that's scratched out because in the Town of Rehoboth one of their reports; this is requested by Commissioners is where and who the courts are that are hearing the cases and particularly if you will notice Alderman's Court actually belongs to the City of Rehoboth; that's why they requested the court information. The other information is revenue and court costs generated by the Alderman's Court and by the Parking Department. I do not know whether or not the police officers here keep activity sheets on a monthly basis, which is where the patrol data, door checks, police hours come in on that, but the listing of criminal traffic and civil charges, a comparison of this year to last, and personnel for the date of this report. Mr. Mayor, could you explain to me what you mean about it being a more complicated process than pushing a button.

Mayor NEWLANDS: The report just doesn't come out like that; it has to be keyed into an Excel spreadsheet from the reports that they get from DelJIS and I don't see a need for the information; that's all. I don't need to see seat belts and spinning tires and stuff like that; I don't need to see all this stuff. We have enough detailed information that we get every month.

Councilwoman DUBY: I would like to have the information that's listed under criminal charges, though, because I would like to be able when people say I hear you really have bad crime in Milton; I would like to be able to say, well you know what, we've only had three burglaries in the last twelve months. I like having that information and I guess even the public would like to see that.

Chief PHILLIPS: Just to let you know, in the old one that we did before we changed to this, we did have all that in that, Ma'am.

Councilwoman DUBY: I remember that. It wasn't this easy to read, however.

Mayor NEWLANDS: Well right now we have complaints, criminal adult arrests, domestic instances, burglaries, juvenile detention arrests, full complaints, traffic citations, DUI's, traffic warnings, traffic accidents, assist other agencies and abandoned vehicles.

Councilwoman HUDSON: That hasn't changed.

Mayor NEWLANDS: So we have a lot of detail right now; if there's a line or two you would like added to this report...

Chief PHILLIPS: And the news release is usually on the back of it to explain all the criminal arrests.



Mayor Newlands: Right.

Councilwoman Jones: Well out of burglaries, I don't see any thefts here. I don't see assaults here. A number of the charges that are listed again, for clarity, to dispute sometimes public comment about the types of crime that are in Milton... Again we have criminal mischief which is a property damage issue and I don't see where criminal mischief or theft is reported; alcohol violations.

Chief Phillips: Any time you have a burglary, you have a theft; because you can't have a burglary without a theft.

Councilwoman Jones: I would argue that with you, but I won't here. But I'm just asking for more information on this report. I have documentation from DelJIS that says it's a ten minute job; all Milton has to do is ask us for it.

Mayor Newlands: Can you pass that information on to us?

Councilwoman Jones: No. This is a personal email for me. I'm not prepared to pass it around right now, but I'll read it into the record if you would like me to.

Mayor Newlands: Sure.

Councilwoman Jones: It starts on February the 6<sup>th</sup>. This came from DelJIS to our communications supervisor. "If you show this to the lady from Milton, this is the data and I can sort it by charges, etc. This is only a five-minute job. Ms. Lynch sends it back to DelJIS. This is exactly what she is looking for, with a sort between traffic and criminal; no need for locations, officers or arrestees names; which, of course, we discussed during last month's meeting, as nothing I would ask for, nor should the public need that information, nor be released that information." And the response back from DelJIS is "Yes, that can be done. The run took me ten minutes, real easy, no worries. I can show Milton if they ask me." It's not a matter of extra manpower and man hours and days and days and days. I disagree. That's why I brought the...

Mayor Newlands: I never said it was days and days.

Councilwoman Jones: That's why I brought the correspondence with me, because I expected further resistance. I don't understand. Is it impossible to report to the folks in Milton what the crimes are that are taking place?

Mayor Newlands: I just don't see the need for the level of detail, plus when you do that report, it has to get transcribed and I do like keeping things for the rolling twelve months, so we can compare month to month; so we would be doing this on a rolling twelve months.

Chief Phillips: I would be glad to add the theft and the criminal mischief, etc., if that would help things.

Councilwoman DUBY: I think it would be good to see. I don't see on the current report a breakdown in terms of the drug stuff we keep hearing all the time; well there's so many drugs, there's so many drugs; well I see criminal adult arrests and juvenile arrests, but I don't see drug possession, drug sale, those kinds of things. I wouldn't mind seeing that. Because that's something that we're accused of all the time.

Councilwoman Hudson: I think it would make the public feel a lot better about this town if they could see the detail and the criminal charges and the traffic charges, rather than headlines "Chief, Heroin Use, Gangs on Rise in Milton" and that was the Cape Gazette and then the Coast Press "Rising Heroin Arrests worries Police Chief." If you have detailed criminal charges, detailed traffic charges and somebody looks and sees that out of a total of almost 300, 251 were seat belt and spinning tires and tag light required; I believe it would make people feel a lot better about moving into this town and we want

people to come here and feel that they are safe. We want people to come and feel that their children are safe in our schools and safe to walk the streets and safe to play in our parks; rather than thinking that they are going to be assaulted by gangs or houses broken into, because people were trying to burgle things so they can fence them to buy drugs. I think having the fine detail and extensive detail, would reassure people that our police are making these minor arrests. They're doing their jobs, they're making the arrests, but I would much rather hear that it's a majority of minor offenses, then the headlines about serious drugs and to have the Chief say "Nothing good is going to come out of this. The crime rate is going to go up. Ambulances will be responding to more cases. I predict it's going to get worse, before it gets better." That wasn't good for the Town of Milton, but I think the detail will just make people feel a lot better about what actually is going on in this town. Rather than just having vague reports and vague comments, you would have exact numbers right in front of people, and again, for the \$800,000 a year that people are paying our police, I think they deserve a little more information for the money, for the taxes they're paying and if doesn't take more than ten minutes from DelJIS, I don't see the problem. Thank you.

Councilwoman Jones: Mr. Mayor, I understand mine is only one of seven votes and I understand that very clearly. I'm asking you for the information from the background I come from and now that I'm on Council, I find that this information and knowing what types of arrests and the type of crime found in Milton is helpful to me. It may be helpful as Councilwoman Hudson said, in someone making a decision about coming here. Again, I understand, we've beaten this up for actually a number of months. Again I understand it is my wishes, based on not only what I would like to see, but a lot of curiosity in the community about police arrests and what they're for, so I still present this to you as an improvement from the present report that we have right now.

Mayor Newlands: I would want any report on a twelve month view. I don't want to just see one month. I want to be able to compare as we do now, month to month to month.

Councilwoman Hudson: It can be included, yes, the twelve month spreadsheet and these monthly reports.

Mayor Newlands: Do you want to see every item that's on here? You have a consolidated list, a shorter list.

Councilwoman Jones: This is the consolidated list. Trust me, when it is disregard traffic control devices, that's everything from a stop sign to a traffic light to a yield sign. It is concise, actually to tell you the truth. This is trimmed down considerably from what it can be.

Mayor Newlands: Isn't that a catch all to disregard for control devices, it's sort of a catch all.

Councilwoman Jones: It signals that someone has blown stop lights, stop signs. If you needed to look at the statistics more carefully, they would be available to you.

Councilman Lester: Was this report designed by the Council or was this designed by the Police Department to justify their budget?

Councilwoman Jones: It was designed by the Police Department at the request of the Council. They told us what they wanted. I sat down in my office, made the design and there it is. It encompasses what they asked for. Nothing more and nothing less.

Councilman Lester: And that's in their minutes on Rehoboth's website?

Councilwoman Jones: Oh my gosh, that's so old; long time ago; what they requested if you want to do a search, I'm afraid it would take you quite a journey.

Vice Mayor Betts: Would it be helpful if you just added the criminal charges, because without the other I think that's kind of the traffic charges? But with just the criminal, I think it's more important than the traffic.

Councilwoman Jones: Well the report comes part and parcel; it can be separated with all of these items on it. If you're truly going to request manpower hours to produce the report, and it is all inclusive in the report that is being given to you by DelJIS, I just as soon make it an inclusive report, rather than piecemeal.

Mayor Newlands: It has to get transcribed; it's not going to be what's in DelJIS; if it's going to be a continuing twelve months, it has to get transcribed.

Councilwoman Jones: Transcribed meaning?

Mayor Newlands: Into a spreadsheet, so it can be put up and we can include it in here with the rolling twelve months that we have; so you can see...

Councilwoman Hudson: No, this doesn't have to be included with the twelve month spreadsheet.

Mayor Newlands: I would like it done on a twelve month spreadsheet, if you're going to do this, I want it in a twelve month spreadsheet, because I want to see month to month trending; this is really nice to see the trending on a twelve month basis.

Councilwoman Hudson: It wouldn't take two minutes for these numbers, once you have this typed into a spreadsheet; then just type these numbers in every month; these columns wouldn't change; just every month you would add January and all these numbers and just take a couple of minutes to put these numbers in.

Councilwoman Jones: The only thing I can say Mr. Mayor, is that you're looking at your yearly summary here and you see across the board perhaps there's been a spike in violent crime; you would be able to go to your statistics or your actual arrests for that month and take a look and see where that spike was and what caused it.

Councilwoman Hudson: And again, I believe, the traffic charges should be included to let people know, here's these two pages, a total of 296; well 251 are extremely minor. The whole thing is to make people realize that the criminal charges are just a smaller percentage compared to what the traffic charges are and having this page right here, makes me feel a lot better about Milton, knowing that we don't have 296 heroin, drug arrests, rape and robbery and murders; but rather 251 were fictitious tags and expired license. This is something we need to make people...

Councilwoman Jones: You don't have civil charges either here, so you can eliminate those.

Councilwoman Hudson: This is something that would make people feel better about living in this town.

Mayor Newlands: And we already have people writing Letters to the Editor saying that we're stopping them for their tag lights being out and complaining. You're going to have more complaints; they're going to go through every one of these and go why are you ticketing us for this?

Councilwoman Duby: I don't think they are. I think people are going to look at this and see... It would seem to me, that with the kind of criticism that's been in the papers the last couple of weeks, that the police would be happy to do this, so that there's something out there that says this is what we're doing and frankly, if it shows that instead of taking care of the things that need to be taken care of in town, like if there are drugs or whatever; that they're spending all the town stopping people about license plate lights; then we ought to know that and we ought to know there's something wrong. I don't think

that's what's happening, but it would seem to me that the police would be happy to have this out there, so they can say, this is what we're doing. I don't understand why this is such a big deal.

Mayor Newlands: Okay, let's take a vote. Let's do it by roll call.

Vice Mayor Betts: Can I ask the Chief something?

Mayor Newlands: Sure.

Vice Mayor Betts: Chief, how do you feel about this? Do you feel that it's going to take more than ten minutes and why?

Chief Phillips: Well if you look at last month we had 327, the month before that we had 159; our traffic has gone up because we have more officers on the street; criminals do travel from Point A to Point B; we do get them on stolen property; it is going to take some time to do and I'll be glad to do it, if that's what the Council wishes to do. I just...

Vice Mayor Betts: Do you think it's going to take more than ten minutes?

Chief Phillips: I believe it will, yes. I have no problem adding the criminal mischief and all that; that's fine. I don't understand the traffic part of it; we ought to get a total of it.

Vice Mayor Betts: I can't understand the traffic. I will go along with you on that.

Mayor Newlands: And we also give the traffic warnings.

Vice Mayor Betts: But I think the criminal charges would be very helpful, but if somebody had a turn signal, I don't care about that; but I do think the criminal charges it would be nice, but I have no...

Chief Phillips: I would be glad to add criminal mischief and the drugs; like I say, in a burglary theft is part of the element of burglary; but you do have other thefts also, that's correct. Our biggest thing is domestics, right now.

Vice Mayor Betts: But as far as the other of the traffic charges, that doesn't bother me; but this I think is very good.

Chief Phillips: In the paper that came out, I don't know what newspaper it was in, but Sen. Bunting wrote and if you look on there, the FBI stats, Milton was 93% or 92% higher than anybody else in Sussex County for violent crime last year; so I mean these minor traffic stops that you talk about, we have had people with guns in cars on traffic stops for different things and DUI's and people that are wanted for serious things.

Councilwoman Jones: But your list, your monthly report does not indicate any violent crime.

Chief Phillips: If you look at the news releases, there are two domestics and one strangled somebody; there's another one where they beat them...

Councilwoman Jones: I understand about the news releases, I'm talking about this data.

Councilwoman DUBY: But does that not show up here then?

Councilwoman Jones: It does not.

Vice Mayor Betts: It should.

Chief Phillips: It is on our domestic violence.

Mayor Newlands: Domestic incidents are on a list.

Councilwoman DUBY: So that's why we're so high is it's domestic stuff primarily?

Chief Phillips: Well that and the couple of stabbings we had; stabbing in the park where they tried to kill the guy and things like that; and burglaries and things like that; we do put the number of burglaries we have on there.

Mayor Newlands: Some of these are happening at traffic stops, where we're catching people with guns and things like that, so it's people transitioning through town; not residents of town on a lot of these.

Councilwoman DUBY: If we have that information, so we know that, so when something comes out that says we're 92% higher than everybody else, we can say this is what it is; somebody found a gun in a car where somebody was going...

Mayor Newlands: But you're not going to get that from that report.

Councilwoman DUBY: But if we have a list of what the things were... I don't understand why more information is bad?

Chief Phillips: Well we used to have more, then they told me to cut it down to this one spreadsheet.

Vice Mayor Betts: Yes, they did.

Councilwoman HUDSON: Well you had more pages, but you actually had less information because all your bar graphs that you had, only two bar graphs per page, you had only about four months of information per page. With your spreadsheet you have twelve months of information per page, so you've actually with your spreadsheet produced more information, so we're asking to give us even more information. The spreadsheet was great because it went from four months to twelve months and I think, again, Vice Mayor Betts the traffic charges to show that 251 traffic charges and only 45 criminal charges, shows that this town is not overwhelmed with 296 really bad things going on; but the majority are just traffic things and if you can show that they are just minor things, you will make people feel better about living here.

Chief Phillips: If you think that domestic violence is minor, you need to talk to some of the people we arrest, victims and that Councilwoman Hudson.

Councilwoman JONES: Wait a minute. Wait a minute. I don't hear anyone, anyone, remotely minimizing domestic violence, but your report, with all due respect Chief, reads domestic incidents; it does not indicate someone was stabbed; it does not indicate someone was struck by a bottle; or tried to be run over; it is listed as domestic incidents. That does not in any way reflect violent behavior.

Chief Phillips: No, but the news releases that we put out with this monthly report and to the newspaper explains all that. But I'll be glad to do whatever the Council wishes me to do. I just don't think the traffic is that important, but as far as the criminal goes, I do understand that and I'm willing to work whichever way the Council votes and I wish you would take a vote now.

Councilwoman JONES: It does come down to the vote.

Mayor Newlands: Okay. Any more discussion?

Seth Thompson: You might want to clarify the motion. It sounds like we've had a discussion as to whether to include the traffic offense or whether it will not.

Councilwoman HUDSON: Okay, I...

Councilwoman JONES: I would prefer it... I do want to make sure that the staffing is something that would be interesting to me that's on the last page and that's nothing... That's just a set-up form and numbers get plucked in with whatever your staff is; shows your ranking and number of folks in those ranks.

Vice Mayor Betts: Don't we know how many police officers we have Councilwoman Jones?

Mayor Newlands: Yes.

Vice Mayor Betts: I mean why would we need that every month?

Councilwoman JONES: It's just a personnel as of this report. It tells me I have a Chief, how many Captains, Lieutenants, Detectives, Corporals and down the rank that we have for this particular month.

Mayor Newlands: It doesn't change from month to month.

Vice Mayor Betts: No.

Councilwoman Jones: It does in Rehoboth Beach.

Mayor Newlands: But it doesn't here. We're not Rehoboth Beach.

Councilwoman Jones: It can change, any time you drop someone; somebody goes out on short term disability, changes rank, that's all this personnel data shows. That's all it shows.

Mayor Newlands: Since I've been here we've had two rank changes and a couple of guys come and go and that's it.

Vice Mayor Betts: I think that should be notified to the Council anyway; I don't think it has to be done every month. I think if he has someone that is resigning, he would tell us anyway; for that report every month.

Councilwoman DUBY: Maybe the compromise position would be that this doesn't have to be listed every month; but if there is a personnel change put that in the report.

Vice Mayor Betts: That's exactly right.

Mayor Newlands: Right. That's fine.

Vice Mayor Betts: I think that would be fine, but I don't see this on every sheet. It's just another sheet of paper.

Councilwoman HUDSON: Are we also talking about adding patrol data, door checks and police hours?

Councilwoman Jones: No, I believe I started the conversation by saying and maybe the Chief can clarify, do the Milton officers fill out a monthly activity sheet and submit?

Councilwoman HUDSON: Right, so I would modify my motion then that I make a motion that we keep the twelve month spreadsheet and add the criminal charges and the traffic charges, as they are presented here; that data as presented.

Seth Thompson: As well as any personnel change, when it occurs.

Councilwoman HUDSON: Yes, as well as any personnel change when it occurs.

Councilwoman Jones: I second that.

Mayor Newlands: Any discussion?

Vice Mayor Betts: Yes. I would like to know, now if I want to vote, but I do not want the traffic, but I want the criminal, how am I going to do that with that motion?

Seth Thompson: You would have to vote against the motion.

Councilwoman DUBY: It depends on which feeling is stronger, the information you want or are you willing to live with the information that you don't want.

Vice Mayor Betts: Well maybe it's better for me to not vote, because I do not think it's necessary for the traffic, but I do for the criminal.

Mayor Newlands: Okay.

Councilwoman DUBY: No, I mean it, it's just how much it would bother you to have the traffic there, because if you really want the criminal, if I were you I would vote yes; and figure the traffic is there and I don't have to worry about it. If your feeling is stronger that you don't want the traffic, then I guess you vote no.

Vice Mayor Betts: I just do not want our officers having to spend time on something that I do not need.

Chief Phillips: I'll be glad to clear that up, I will add the criminal stuff for sure.

Vice Mayor Betts: Okay, thank you and then I...

Mayor Newlands: Let's do a roll call vote, Councilwoman HUDSON.

Councilwoman Jones: Let's make a clarification on what that just meant.

Vice Mayor Betts: That's right.

Councilwoman Jones: Let's make a clarification on what that comment just meant. Chief, you plan to add that to the twelve month spreadsheet or what, because I didn't quite understand that.

Councilwoman Hudson: My motion was that we continue with the twelve month spreadsheet as it is, and add this list of criminal charges, and this list of traffic charges and then be notified of any change in rank or hiring or resigning as appropriate, and there's been a second.

Mayor Newlands: Right, so we have a motion and a second. Any further discussion? Let's do a roll call:

Councilwoman Hudson	Yes
Councilman West	No
Vice Mayor Betts	No
Councilwoman Duby	Yes
Councilwoman Jones	Yes
Councilman Lester	No
Mayor Newlands	No

Mayor Newlands: The motion fails.

Vice Mayor Betts: I would appreciate what he said, that he would add the criminal charges to it. So I would really appreciate that he do that.

Mayor Newlands: Okay.

d. Town's responsibility for the roads in Shipbuilder's Village

Mayor Newlands: Just background, I think I've spoken to people casually about this. Louis Capano, we're getting information that he may be having financial problems with that development. The front of the development there's two different sections. There's the left section which is owned by a gentleman named Zonko. This is as you are facing Shipbuilder's; the right side of the development is owned by Louis Capano and our understanding and we're not going to make any decisions tonight; this is just passing information out and where I would like to go with this whole project. He's defaulting, we understand, on his loans for the seven lots on the right hand side of the development and he's also responsible for paving the three streets in Shipbuilder's and those three streets are: South Spinnaker Lane, part of South Spinnaker Lane; Mainsail Lane; and, Ocean Court. If he's going to be in default of his mortgage and go bankrupt, he's not paving out there. I don't foresee any new builder or developer coming along to buy seven lots and be burdened with paving three streets that he's not going to build on. I just don't see that happening. So we had the paving company that did the work for us recently in the fall, go out and do an estimate and the estimate to pave those streets is around \$42,000. Now we do have some money left from the money we got from the State Legislature, Joe Booth and Harvey Kenton, because we gave them a high figure and we ended up giving them the Water Department figure, as well as the regular street figure; so they gave us extra money. We have to go back to them though and ask if we can use that for this project. We do have some money, that may or may not be able to be used; we got it from Municipal Street Aid, we got almost \$13,000 and it has to be used for streets that are dedicated to town, so we would have to dedicate these to town before

they got paved, so we can use that extra money and then we would take the remaining money out of town funds; so we're talking...

Vice Mayor Betts: Excuse me, but first we want to make sure we get the money from the Legislature.

Mayor Newlands: Yes, yes. We have other discussions that have to happen, but we've at least got a price, it's \$41,900. There's also three streetlights they want to put in at the end of Shipbuilder Boulevard they didn't go down far enough with the streetlights, so we want to install three additional streetlights; that's around \$5,800 from Delmarva Power's estimate. We went out and got an estimate from a private company and we got higher estimates; so there are a number of things that what I'm figuring are not going to happen at Shipbuilder's. If he goes out and goes under, this stuff is not going to get done by anybody, so we might as well bite the bullet and look at doing this. It's just something that I think we have to do. So the things that have to happen, one interesting thing is we have to look at dedicating the streets that are unpaved and I think Seth's going to look at that, because they're not complete and he'll have to turn over an incomplete project to us; we have to accept that. We have to find out from the legislator's if we can use the extra \$23,000 that we have. The balance is about \$12,000 to \$14,000 here with the lights. What's that?

Councilwoman Duby: I said with the lights.

Mayor Newlands: Yes, it will be about \$12,000.

Councilwoman Jones: As a matter of housekeeping, Mr. Abbott, could I ask you to date a correspondence like this. I don't see a date on it.

Win Abbott: Sure.

Councilwoman Jones: Thank you.

Mayor Newlands: On the back of what you received is Jerry's Paving's estimate for the work. Now according to our engineer, who has left, we don't have to put this back out for bidding because we already had Jerry's Paving doing a project for us and this would be the same pot of money that we were using before, so we were able to get a re-estimate from him and DelDOT said we can just modify their plan and just tell them that we're using this additional money for these three other streets and they were fine with it that way.

Seth Thompson: I'll have to double check that.

Mayor Newlands: Yes, so we have to check that, as well.

Councilwoman Jones: And do you have to check whether the Municipal Street Aid will help offset that \$18,917.

Mayor Newlands: It will if the streets are dedicated, that's the stipulation; so we have to dedicate those streets.

Councilwoman Jones: How do we dedicate streets that belong to someone else? How do we do it?

Seth Thompson: He would have to deed it to us.

Mayor Newlands: He would have to deed it to us.

Seth Thompson: Although the developer would want to, seemingly.

Councilwoman Jones: Do you have correspondence with this man?

Mayor Newlands: Not yet, no.

Councilwoman Duby: Why would he not?

Mayor Newlands: He would be crazy not to.

Councilwoman Duby: Yes.



Mayor Newlands: Yes. He would be crazy not to.

Vice Mayor Betts: Because he's not going to do it otherwise. I mean, he's going bankrupt.

Councilwoman DUBY: Yes.

Mayor Newlands: So this was just to get this all out and get it into everybody's hands so when people see Jerry's Paving in here doing estimates, we didn't want anybody to go, what's going to happen to us? It's in the works. So we're discussing it and we'll get it moving forward, but it's something we just have to do. We have no choice. Okay, so I just wanted to get the information out there to everybody.

e. Update Employee Handbook to include floating holidays

Mayor Newlands: We have three different items at one time here, but they have to be taken separately. Alright, so if you look at the item that Mr. Abbott put together with motions on it, we need to change the Employee Handbook for three different things. The holidays, the media policy and the EEOC language has to get updated, so first it's really just a motion to make the changes and then second it would be the motion to actually update the Ordinances. The first one states in here which holidays we're going to have, but what it doesn't state is the holidays that are flexible holidays, which are Columbus Day and President's Day. So I think we need to add that, but you have to be here for those holidays, in order to take a flex day for those holidays.

Councilman West: Columbus Day and President's Day, those are the days.

Mayor Newlands: So you have to be here for those holidays, to earn those holidays. So I think we just need to inject two additional flex holidays; we can just put Columbus Day and President's Day.

Councilwoman Jones: Right there where that paragraph?

Mayor Newlands: Yes. So if somebody would make that motion.

Councilwoman DUBY: Well do we have the language that's going to go in there, that talks about which ones they are and that they have to be there for them? Is that what you're talking about?

Mayor Newlands: Yes, and on the second one, it would just say, in addition flexible holidays, Columbus Day and President's Day, are available to eligible employees during each calendar year.

Councilwoman DUBY: And eligible covers the...

Councilwoman Jones: Who have worked those holidays? Not holidays, days, right.

Mayor Newlands: Yes, those days; well those holidays. You've got to work the holiday to earn it. You can actually take that day off, too.

Councilwoman DUBY: Whereas if you're here on President's Day and you work, you get a floating holiday.

Mayor Newlands: You get a floating holiday.

Councilwoman DUBY: But the office is open.

Mayor Newlands: You can actually take off President's Day.

Councilwoman DUBY: I move that Section 15 of the Town of Milton Employee Handbook be amended as stated to provide two floating holidays.

Councilman West: I second that motion.

Mayor Newlands: We have a motion and a second to change the Employee Handbook, Section 15 to assign that we have two floating holidays, Columbus Day and President's Day. All in favor say aye. Opposed. Motion carried.

- f. Update Employee Handbook to incorporate Media Policy  
Mayor Newlands: Next is the Media Policy. Win are we going to put social media in this same section, because the bottom of this paragraph...
- Councilwoman Jones: No, that's separate.
- Mayor Newlands: I know, but is it going to be added this section later on, because the bottom of the page it talks about social media in that sentence on the bottom of the first page; so I didn't know if we were going to add social media to it eventually.
- Win Abbott: The social media component was indeed drafted and I think it would be appropriate to consider it at some time, yes.
- Mayor Newlands: Right, but what I'm saying is, is it going to go into this section, though? When we add a Media Section, is it all going to go into the same section? Because this refers to social media already on here.
- Win Abbott: Yes.
- Mayor Newlands: Okay.
- Councilwoman Duby: I have a question about removing the Chief of Police from this.
- Mayor Newlands: I'm not removing him, I'm removing... I'm not removing the Chief of Police.
- Councilwoman Duby: You're requesting that all references to the Chief of Police be deleted from the Media Policy.
- Mayor Newlands: Actually I think that got transcribed incorrectly. I'm leaving in the Chief of Police, but I want him to be able to speak on police matters and emergencies and I don't want it to be that he has to get permission from the Town Manager.
- Councilwoman Duby: He's authorized to speak on investigations and emergencies; when it comes to general interviews. The whole point of our doing this in the first place, arose out of a general interview that the Chief of Police gave without consulting anybody else.
- Mayor Newlands: Well, actually I did know about the interview, okay and we did set some ground rules for the interview.
- Councilwoman Hudson: These are the rules we're voting on...
- Councilwoman Duby: Why did we get a headline about the heroin use? This is the whole problem.
- Mayor Newlands: The headline was not Mr. Roth's fault or the Chief's fault. The headline was the fact that Trish Byrne; there were a number of people who were out.
- Councilwoman Duby: I understand that. The whole reason this discussion started in the first place is because that headline and that story appeared and there was discussion about the fact that we needed to have a policy about exactly what the chain of command is on general interviews about town business; and I read the Chief's objections to the policy and I have a concern and I'm going to be very candid here. I have lived through one war between a Chief of Police and Town Manager. The Town Manager had been a police chief. Obviously these two men did not get along; they had different views of things and it was a pain in the ass for all of us, okay? And now, he's saying well this Town Manager doesn't know anything about policing, so he shouldn't be allowed. I don't want to have another war. I don't want to have it while I'm on Council and that's not much longer and I don't want to have it when I'm a citizen in town. So there has to be a decent working relationship between these two people and if they can't have that, then they're not going to cooperate and I don't think we should encourage that and say well you're both on your own. You go do what you're going to do. I believe that the Town

Manager has a broader view of the entire town and he's the appropriate person to be a spokesperson; not on crime, not on criminal investigations, not on individual cases and I believe the way this is drafted, that leaves the Chief to comment on individual cases and so on, but on a general interview, I think he should be consulting the Town Manager and they should talk about what is the image we're projecting?

Chief Phillips: Can I touch on something, real quick? If I'm in Legislative Hall and the Chief's Counsel asks me to be there and we're representing a bill and I walk outside and WBOC approaches me and asks me a question, I'm going to have to look at him, and if what you're saying, I would have to say, I don't know. You're going to have to ask the Town Manager what he thinks. I can't comment on that.

Councilwoman Duby: No. You're commenting on a bill up there, that's a different matter then on Town of Milton business.

Chief Phillips: Well it's like having an officer go to school and read to the kids and he's walking outside and the media walks up and says how do you like reading to the kids, and the officer says I don't know, you'll have to go ask the Town Manager.

Councilwoman Duby: That's not what this policy would direct.

Chief Phillips: Sure it does, it says criminal investigations or news releases, is what it says.

Mayor Newlands: It's too specific. It's too specific. It needs to be broader.

Councilwoman Duby: Well then let's go back to the drawing board and write it in such a way that they can both live with it and so can we.

Mayor Newlands: Okay.

Councilwoman Duby: So I would suggest that we table this.

Councilwoman Jones: I also spoke to Mr. Thompson in reference to, and I don't see it here, whether it missed it, was discussed and not put on, I think you also, while you're looking at this broad media policy, you should look at the appointees, the committee appointees, by the Mayor.

Seth Thompson: So, in essence, instead of just town employees, it would be any committee members, sub-committee members, any members that would fall within a political body under FOIA?

Councilwoman Jones: Well and I bring to your attention where we did have a group who wanted to submit for the record, a comment in reference to a town affair that Council was facing and truly without I believe you used the word that this group did by legislature was not necessary to render an opinion. It could have muddied the waters. It was not necessary and I think that needs to be, since you're reviewing such a broad policy, I would like to at least ask Council to consider including those folks. When it is time and you have asked for an opinion and Planning & Zoning comes back to you with a written document because you've charged them, that's one thing; but I just would ask you to look at it and see if perhaps there are any other examples out there where committee appointees may have some restrictions. It may not be as broad as this.

Mayor Newlands: And you brought up Planning & Zoning and I'll bring up the fact that the head of Planning & Zoning spoke against Dogfish Head, but he talked as a citizen, not as the head of Planning & Zoning.

Councilwoman Jones: I understand that.

Mayor Newlands: So I mean there are gray lines between all of this stuff.

Councilwoman Jones: But he did not represent himself as Planning & Zoning and make the comment to the media.

Mayor Newlands: True. He said it in a public forum.

Councilwoman Jones: And I had this discussion with you and I said I didn't like the fact that he had introduced himself as the Director of Planning & Zoning; but that's the way it is; that's the reality and he spoke as a citizen.

Councilwoman Duby: Well and I think that's perfectly appropriate. I think for him to introduce himself as Planning & Zoning in a way he had to, in order to say, but I'm not speaking in that capacity. The other thing that I want to address is I was going through, since I was gone the whole month of January, I've been going through old newspapers and seeing things and I came across today the Editorial that was in the Cape Gazette, that made it sound as if, by having this Media Policy we were putting a muzzle on all of our staff and so on. I'm one of the proponents of developing this policy in the first place and I want to be clear, again, about why I propose it. Not because I want to shut anybody up; not because I want to muzzle anybody; but because I think we need to have some sort of chain of command or hierarchy; I don't even like hierarchy; but some one person who is the designated spokesperson who can delegate it. You know, if Mr. Abbott gets a call about crime in town, I don't think he's going to do a comprehensive interview about crime in town. He is either going to designate the Chief as the person who does that or they're going to consult and figure out how that interview might be done; but it's done in such a way that everybody's in on it. Nobody is saying I'm going to go and give this interview, or I'm going to do this, and I'm going to convey this particular position on behalf of the town, without talking to people; without having a sense of it's important what we say as town officials or town staff about the town. We don't just do it in a way that we may be undercutting some other aspect of the government and I think it's an easy policy to do. We had examples from other jurisdictions. I have no desire to shut people up. I was a First Amendment lawyer for crying out loud. I believe in freedom of speech and freedom of the press and so on. But it needs to be handled in a way that has some consistency and has some structure to it and that's all we want, so I think, obviously, there are some problems with this and I think we should go back to the drawing board and see if we can't fix them before we take a vote on it.

Chief Phillips: If I could say something, please? My thought it you all say I'm not giving enough information now, but if I went to a grant meeting and was trying to get grant money to do undercover work and they come up and ask me about our crime in town, or drugs; apparently you guys don't want me to say anything; but there was a heroin problem.

Councilwoman Duby: When you say "they" do you mean the press or do you mean the people here advocating for the grant program?

Chief Phillips: The news media. If they ask me, just like the heroin thing, they ask me if there was a heroin problem and I made it clear that there was at the time and we still have heroin problems. I mean that's just the nature of the beast in Sussex County.

Mayor Newlands: Actually, there's a place called Connections that opened up and it was in the paper in Millsboro and there's also one in Georgetown. The Georgetown one doesn't distribute Methadone, but the one in Millsboro does and when the Cape Gazette did an article about it, it sounded Sen. Bunting said that there is a drug problem in Sussex County. The Chief is not saying anything other than what everybody else is saying, so...

Councilwoman Duby: I'm not saying that anybody is telling a lie. I'm not saying they're misrepresenting it, I'm asking that people think before they do this, that's all. You know.

Councilwoman Jones: Mayor Newlands, my copy does have this thing stapled on it, that said you requested that all references to the Chief of Police be deleted from the media policy. Could you explain, does that mean that no media policy covers the Chief of Police?

Mayor Newlands: No. No. It means that this got misinterpreted.

Councilwoman Jones: Okay.

Mayor Newlands: That's all it means.

Councilwoman Jones: Would you explain then. I don't understand. This should never...

Mayor Newlands: What I had asked Win to do was put a strike through where the Town Manager was in with the Chief of Police in that one section; so he decided to put this little piece of paper on top, which was fine. So all I'm looking to do.

Win Abbott: The Mayor speaks correctly in that, first of all, as you can see by the number of topics that we cover here, as well as some other things that we are doing in preparation; there is a lot of preparation that went into this meeting and when it came to revising this document further, I really wasn't clear on what the Mayor was asking me to do and wasn't prepared to rewrite the sections and I thought that what this could do, is respect the Mayor's requests, while at the same time, not striking out necessary parts for everyone on Council to be able to have a clear discussion about what is before them. So it was the best compromise I could make, given the direction that I had.

Mayor Newlands: They both report to me on a daily basis.

Chief Phillips: All I'm saying is after 25 years experience as a police officer, I think I know... I've talked to the media for the last 10 years I've been here and I've never had a complaint being filed against me for what I've said in the media and now, because I've been concerned about the heroin and I brought an officer here after the budget had been approved, not before the budget, but after the budget; I brought someone in here trying to educate everybody, now I'm being crucified for trying to be non-transparent.

Councilwoman Duby: I'm not trying to crucify you. I think for a lot of reasons, that it's a good idea for us to have a media policy and you have seen from the samples that we have from other jurisdictions, that other towns and other jurisdictions have them.

Chief Phillips: I agree.

Councilwoman Duby: As I say, I practiced law for years in Washington, DC standing up for Freedom of Speech and Freedom of the Press and I would be the last person to say oh no, you can't say this and you can't say that. That is not the point of this. I just think it's a good idea for us to have something in place that sets out what the policy is when an interview request comes in and the thing that I'm irritated about, because this, Chief, is because I know the problems you had with Mr. Dickerson and I don't want you to have the same kind of problems with Mr. Abbott. I want the two of you to be able to work together and consult on this. Nobody is going to be stepping on any toes. I can't imagine that Win would want to go out and do an interview in great depth about crime in this town. He doesn't. I just want it to be a working policy that the two of you consult on these things and that you work together.

Chief Phillips: Nor would I want to do his either, by the way.

Councilwoman Duby: I'm not trying to crucify anybody, I'm not trying to criticize anybody. I just want us to get a policy that's written in such a way that lays out some ground rules, because truthfully Mr. Mayor, you can say that they both report to you, but you're a more hands on Mayor than we've ever had and we may not ever have one after you're no longer Mayor and I'd like the policy to be workable when these parties aren't

necessarily the parties working and I think we're close, but I think we ought to table it and come back to it. Tinker with it a little bit longer.

Mayor Newlands: I would like Councilwoman Jones to clarify a little bit more, so we can add to this, or if you want to write it yourself, this section you want to do about the committee members. Because otherwise, we're going to go down the whole list and the next thing we'll be doing is Rich Miller will say he can't talk any more.

Councilwoman Jones: Do you recall Seth that it basically was particularly the Mayor appointed members of committees and then as I was not very good at explaining to Seth, and you get into that very ticklish sub-committee group that got appointed out of that initial group and honestly, I don't have the wherewithal to know how you assign a media policy to that far down the line. But if that person or persons have been appointed by the Mayor, they are representing the Town of Milton on the committees they sit on and I just want you to take that into consideration as you're doing a media policy at this time.

Seth Thompson: And what I can do, is potentially add language and I can highlight it so that if people don't like the way it reads, that's fine; we can amend it; but where it says employees, I can add in, any appointees. I'll probably end up using the language that's in FOIA so that it tracks or maybe I'll end up using the Charter language. But that's what I can do. So, for instance, the right to express personal opinions, it would easily fit in there, all employees and appointees are authorized to speak as individual private citizens on matters. Certain things might not apply to them, for instance, the use of town owned technology; I can't imagine appointees ever end up using... Do they come into Town Hall at all?

Mayor Newlands: They come into Town Hall, they don't use our computers.

Seth Thompson: So what I can do is try and locate the places in the draft where it makes sense that they be included as well and people can see what...

Councilwoman Jones: And if it doesn't make sense to anyone else on Council, you don't have to bother or be bothered with it, let Council express that at this time and then you won't have to do that extra leg work.

Councilwoman Hudson: I make a motion that we table this until March.

Councilwoman Duby: Second.

Mayor Newlands: We have a motion and a second to table the Media Policy until March. All in favor say aye. Opposed. Motion carried.

- g. Update Employee Handbook for Equal Employment Opportunity language

Mayor Newlands: Win, the only thing that's changing is what's in bold here?

Win Abbott: What you see in bold here is straight from Delaware Code Title XVIII, Chapter 7 and it's put in there as a reference, so that what you see, just underneath Part 3 at the very top of the page, you can verify that it is the same thing that is in the Delaware Code. I believe my references is what we have in the handbook, but there are a couple of things, genetic information was not included in our personnel policy in the introduction under Equal Employment Opportunity, like sexual orientation was not. You will note that in our first version of it, we had a couple of categories specified and the language of the Delaware Code they combine them; I believe that had a reference to national origin. So nonetheless the proposed amendment to the Employee Handbook the language comes directly from the Delaware Code, as opposed it being something that we made up.

Councilwoman Duby: So we would be putting our Code in compliance with the

Delaware Code.

Win Abbott: Exactly.

Mayor Newlands: What I'm getting to, is all that's changing is we're inserting what's in bold into our Ordinance. Thank you.

Councilwoman DUBY: I move that we make the changes necessary to bring our Equal Employment language in compliance with the Delaware State Code Title XVIII, Chapter 7.

Councilman West: I second that.

Mayor Newlands: We have a motion and a second to have our Employee Handbook come in line with the Delaware Code, Title XVIII, Chapter 7 for Equal Employment Opportunity. All in favor say aye. Opposed. Motion carried.

- h. First reading of an ordinance to amend the Town Code, Chapter 26, Section 18 "Employee Benefits" to include two flexible holidays

Mayor Newlands: This is the Ordinance to authorize the change to the Employee Handbook.

Win Abbott: Mr. Mayor, if you want the language to be exactly the same, you'll note that there was a slight amendment to the changes in the Employee Handbook where you referenced specifically Columbus Day and President's Day. You may wish to insert that language into this Ordinance, so that one parallels the other.

Mayor Newlands: Right.

Win Abbott: And the other thing is that if the Personnel Policy is referenced to the Media, is something that has been tabled, you may wish to renumber Ordinance 2012-05 to make that 04 so that they appear in sequential order.

Mayor Newlands: Gotcha. Thank you. Can we get a motion to approve the Ordinance for the Employee Benefits.

Councilman West: I make a motion to change the Ordinance to show the two floating holidays.

Councilwoman Hudson: I second that.

Mayor Newlands: You need to be more specific. We're going to do Ordinance 2012-03, Section 18, Employee Handbook; just read the top of it and be more specific.

Councilwoman DUBY: Do we need a motion, if this is just a first reading?

Mayor Newlands: Hold on a second.

Seth Thompson: Legally you could do this if you wanted. Again we're trying to get into the habit of having a First Reading and then not having any action taken until the Second Reading.

Councilwoman DUBY: So all we need to do is read it aloud, right? Or do we need to do that?

Mayor Newlands: We haven't even been reading them aloud; we've just been...

Councilwoman DUBY: So we don't need to do anything.

Mayor Newlands: We just need to reword this next time to include Columbus Day and President's Day.

- i. Second reading of an ordinance to amend the Town Code, Chapter 26, "Personnel Policies" to include violations of the Town of Milton Media Communications Policy as a cause for discipline of Town personnel

Mayor Newlands: The Media Policy is a second reading, so we do need to table that.

Councilwoman DUBY: I move we table the reading of the Media Policy.

Councilman West: I second that.

Mayor Newlands: We have a motion and a second to table the reading of the Media Policy Ordinance. All in favor say aye. Opposed. Motion carried.

- j. First reading of an ordinance to amend the Town Code, Chapter 26, Section 6 “Recruitment, Appointments and Promotions” to include Equal Employment Opportunity language

Mayor Newlands: This is a first reading also of the Equal Employment Opportunity. So there's no motion on the next one. Any questions on the Equal Employment Opportunity language? Any discussion or questions? That's a no I gather.

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

- a. Approve new member for Planning & Zoning

Mayor Newlands: That's Tim Nicholson. I apologize it was not in your package. I forgot to get it last week.

Councilwoman Hudson: I make a motion that we approve Tim Nicholson as a new member of Planning & Zoning, subject to his Ethics Form being completed and accepted.

Councilwoman DUBY: Second.

Mayor Newlands: We have a motion and a second to approve Tim Nicholson for the Planning & Zoning Commission, subject to a completed Ethics Form. All in favor say aye. Opposed. Motion is carried.

17. Executive Session: Discuss Personnel Issues, Litigation and Land Acquisition

Mayor Newlands: Can we get a motion to go into Executive Session?

Councilman West: I move we go into Executive Session at 10:12 p.m.

Councilwoman DUBY: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session. All those in favor say aye. Opposed. Motion carried.

Mayor Newlands: Can we have a motion to come out of Executive Session?

Councilman West: I make a motion to come out of Executive Session at 10:30 p.m.

Councilwoman DUBY: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in favor say aye. Opposed. Motion carried.

Seth Thompson: We need a motion to approve the settlement as discussed in Executive Session.

Councilwoman DUBY: Oh, I thought we did that at the last meeting I attended.

Seth Thompson: This is a different one.

Councilwoman DUBY: I thought we did both. I thought we did both.

Seth Thompson: Did we?

Vice Mayor Betts: No.

Councilwoman DUBY: I move that we approve the settlement as discussed in Executive Session.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to approve the settlement that we discussed in Executive Session. All in favor say aye. Opposed. Motion is carried.



18. Adjournment

Vice Mayor Betts: I make a motion to adjourn at 10:32 p.m.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed.

Motion carried. Thank you all.