

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, April 2, 2012
6:30 p.m.**

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

1. Ingerman Group – Apartment Complex on Cave Neck Road
Mayor Newlands: Good evening, everyone. We have the Ingerman Group, David Holden. He's going to present an apartment complex on Cave Neck Road and that's part of the property where Key Ventures property is.
Councilman Lester: Mr. Mayor, before they being their review, I think I need to recuse myself for any participation in the conversation and the later parts of the agenda.
Mayor Newlands: Do you want to explain why?
Councilman Lester: Yes, I have a piece of property adjacent to that piece of property that is going to be built.
Mayor Newlands: Okay.
David Holden: Good evening. I'm a development principal with the Ingerman Group, based in Wilmington, Delaware and Jeff Long's with me here, tonight to talk to you about our proposal for a development on Cave Neck Road. I wasn't going to go through everything I submitted. I thought I would just briefly summarize for you, the key points and then answer any questions that you might have about what we provided. Basically to give some background on the Ingerman Group, our company has been in business for over 25 years. We've developed over 75-80 rental communities in Delaware, Maryland, Pennsylvania and New Jersey. We act as the developer, the general contractor and the property manager, so we're involved throughout the process. Tonight our proposal is for 61 units on Cave Neck Road; here's an aerial photo and I apologize, we labeled all of these Milford, Delaware and I know we're in Milton, but we've been working in Milford the last couple of years and it got carried over. The site is on Cave Neck Road. It's currently owned by Key Ventures and it's about 89 acres that was approved for several hundred units. What we're proposing is just the 12 acres at the top end of the site; that we develop the 61 rental units. The property right now is approved for over 100 rental units, so we're proposing a density that's about half of what's already approved. Our proposal includes a mix of 1, 2 and 3 bedroom units; a mix of flats and townhouses and all the units have private entrances and so there's no common area hallways or breezeways of any kind. Every unit opens to it's own private entrance. It has a porch. These are some examples of projects we've built in Salisbury, Kent County and other parts of Maryland and New Jersey, as well. It's a two-story property. It also includes a community building, with on-site property management and maintenance, as well as an activity room for the residents and for after school activities. Our proposal would be to apply to the Delaware State Housing Authority for funding in their upcoming round. Their funding is a statewide competition that includes State and Federal resources and that provides all the funding that is necessary, so this would be a one-phase, one-shot build out that would include all the improvements, the streets, the water and sewer, the landscaping, plus all the buildings. So we anticipate that it would be about a 12-18 month process; 12 months of actual building, but 18 months to go through the approval process. I also brought the floor plans to show you. They're behind me here, the mix of the townhouses and the

flats. We like the townhouse units because they provide more of a home feel for a rental unit, with the bedrooms upstairs and the living space downstairs. As I mentioned, this targeted as affordable rental housing. It's targeted to families or individuals with incomes between \$15 and \$30 an hour, or so; with \$30,000 to \$40,000 a year in income; working families. You have to have a _____ income to be able to afford to live here. The ground floor units would appeal to seniors; we're including 24 of the units as one bedroom units, because based on our market research there's a real lack of one bedrooms in the Milton market area, in addition to just a lack of rental housing. What we're asking the Town of Milton is to support our application to the Delaware State Housing Authority and that will allow us to move forward with the application; then we'd still have to come back and go through the town land use approval process; any Sussex County process; and DelDOT approvals; any State approvals once we received an award. That's pretty much the highlights of our proposal and I would be happy to answer any questions.

Mayor Newlands: Now you're going to have a main road going through from Cave Neck Road into the development?

David Holden: Right.

Mayor Newlands: And it's going to dead end where the rest of the development could be completed by Key Ventures. Is that correct?

David Holden: Right, we would build that road as part of our project.

Mayor Newlands: Okay, now that road is going to be a town road.

David Holden: That would be dedicated and built to town standards.

Mayor Newlands: Right. Now you're going to maintain all the other roads inside the development; you're going to maintain? That's going to be part of your responsibility?

David Holden: Yeah, the driveways and the parking lots would be privately owned and maintained.

Mayor Newlands: Now, you told us when we had a meeting about three weeks ago, that you do background checks and credit checks on anybody coming in to rent the units?

David Holden: Yeah, we manage about 5,000 units now, a mix of family and senior, and we use a standard credit check and criminal check and background check on everyone. It's very expensive to move someone out, once they've moved in, so we don't want to move in a bad tenant. Also it negatively impacts the other tenants. Yes, there's a standard screening process for every applicant.

Mayor Newlands: Okay.

Chief Phillips: Excuse me, Mr. Mayor, I have a question please. On your application does it say anything about sex offenders? You don't take them at all, or, etc.?

David Holden: That would come up in the criminal background check.

Chief Phillips: But I'm saying if they're registered sex offender, you don't allow them to move into your establishment?

David Holden: Right. That would disqualify them as part of the criminal background check.

Chief Phillips: Okay, thank you.

Mayor Newlands: Now, this property will be part of town, because it's annexed into town; so it will be public space; but you're going to maintain everything, lights and...

David Holden: Yeah, it's part of the Town of Milton now; it would continue; it's on the tax rolls; it would be taxed based on the value of the improvements; it would use town water and sewer from Tidewater Utilities; but, yes, all the buildings and all the common areas would be maintained by our company.

Mayor Newlands: Now, Tidewater is going to run sewer down Cave Neck Road shortly. I know

they're prepping to do that now and you're going to run water from Atlantic Street all the way out to your development?

David Holden: To serve our site. Yes, that would be part of our project costs and we would have to meet town standards for the water extension.

Mayor Newlands: Alright, just for the public's knowledge, can you go over your bonding; how you handle your bonding; because you are bonded with a \$75 million bond.

David Holden: Yes, we have... What's the bonding company?

Jeff Long: It's \$75 million aggregate and for any single development we're bonded up to \$20 million, so just in case this will be a \$10 million build out, or somewhere less than that; so that will be well within our bonding capacity for this type of project.

Mayor Newlands: I know you gave us a chart, a list of all your milestones and there's probably twenty of them in there, but can you hit some of the key milestones that you have to go through? Because you had mentioned to Win and I that you do the application in this month, you get a soft approval in June, then a hard approval in October. Can you explain that to the public?

David Holden: Right. Basically it's a competitive process. We apply, as you said, in April; we find out in June preliminarily if we've been awarded; we have to do some additional follow-up information and they perform additional due diligence on the site; on us, the proposal; that's all finalized in October. While that's going on we would engage our engineers and start the land approval on the sub-division process and also engage the architects and start to go through the design process; so that ideally, we would be breaking ground in the Spring of next year; once the weather allows and then it's about a twelve month build out and that's all those improvements are 100% payment performance bond and the town would be a beneficiary on that bond, along with our investors and our lenders.

Mayor Newlands: Now you build all seven buildings, within a what, 18 month period of time?

David Holden: Yeah, actually a twelve month; they would be built in stages, but more just as manpower allows; but the idea is to have everything done in like 8 to 10 months and people start moving in.

Mayor Newlands: And you're required to do that; you're required to finish the entire development, right?

David Holden: Right. It's the way the financing works is, it's 100% financing for the cost of the improvements, so we're able to go forward. We wouldn't go to a closing and start construction unless we were able to build the entire job.

Mayor Newlands: Okay. Now, what are you looking for from the Council tonight?

David Holden: To make our application competitive for the Delaware State Housing Authority it would help if the town indicated that they were supporting the proposal and we're also asking the town to give us an abatement of property taxes for five years and then go into full taxes at the end of five years; and then also in light of the fact that we're spending the money to extend the water line down Cave Neck Road, we're asking that the town waive our water connection fees; since we're spending the money for that. At the end of the day, we would incur the costs that the town would spend to extend that line and so we thought it was fair that we would not extend the line and pay the connection fees; then we would tap into that line and we would pay the regular user fees and then any future use, whether it's at the Key Ventures properties or elsewhere, along Cave Neck, could tie into that line and the town would get the benefit of the costs.

Mayor Newlands: Does anybody from Council have questions?

Councilwoman Jones: I have a question for the Town Solicitor.

Seth Thompson: Yes.

Councilwoman Jones: A final site plan was never discussed with Key Ventures for the development of the property and so I don't know whether that... There's no plan that has sunsetted; but does zoning do the same thing? I believe at last check, that's an R-3, with a possible LPD. That's a lot of density, still and it was granted to Key Ventures. Now through that sort of deal, I hesitate to call it a contract, but Key Ventures was to bestow upon the Town of Milton I believe it was 20 acres; 18 of which we were going to sell to Tidewater. Since that never took place, long question, is the R-3 zoning still in place for this new developer?

Seth Thompson: I'll give you a cursory answer of yes. I'll have to go back and check in terms of how the agreement read. I assume you're referring to the annexation agreement? Is that...

Councilwoman Jones: Yes, because that's where the zoning came in. That's correct.

Seth Thompson: So, if it's already been annexed in and it was annexed in at R-3; then that's what's in effect currently. But there's a difference between the site plan and the zoning.

Councilwoman Jones: Right. The site plan never took place, is that correct Mr. Mayor?

Seth Thompson: Right.

Councilwoman Jones: There was never... Doug Marshall and his group they were given an extension, they were to come back to the town and that's my understanding why they were never charged any impact fees and have not been taxed, because it was put into agriculture.

Mayor Newlands: It remained as agriculture.

Councilwoman Jones: Remained as agriculture.

Mayor Newlands: The current use is agriculture.

Councilwoman Jones: Okay, so the town has reaped nothing from this property to date.

Mayor Newlands: That's correct.

Councilwoman Jones: And I believe that this started in 2007.

Mayor Newlands: That's correct.

Councilwoman Jones: In or around.

Seth Thompson: It is important to note the difference between the use versus the zoning. Something can be zoned R-3, but then used agriculturally.

Councilwoman Jones: Right. Okay.

Seth Thompson: But the zoning sounds like it should show up on the town official zoning map currently as an R-3.

Councilwoman Jones: With this LPD, that Large Parcel overlay. Right.

Seth Thompson: The overlay?

Councilwoman Jones: Right. Does that remain with the annexed parcel?

Seth Thompson: Unless somebody applies for a rezoning and we go through the rezoning process, it remains zoned as it is currently.

Councilwoman Jones: Okay and one of the questions I had for Mr. Holden. I wanted to understand that you had asked for a waiver in the water connection fees, or does that compute to impact fees? Is that what we call impact fees?

Mayor Newlands: Water impact fees.

David Holden: Basically the fee schedule where we would be paying the town over \$200,000 in fees, based on the fee schedule that you gave us and we applied that to our development; so since this would be a way to get development activity going on that property, the property taxes would go up to about \$10,000 from, I think they're minimal now, based on agriculture zoning. This support from the town and the five-year abatement; the temporary abatement; and then recognizing that we're incurring the cost, but the town is still getting over \$100,000 in fees, plus having the property have the additional improvements and in five years starting paying the

higher taxes; we're asking for your consideration of that.

Mayor Newlands: As soon as they get the approval in October, they will pull building permits and we get around \$80,000 from the building permits.

Councilwoman Jones: Do either the Federal government or the State subsidize your building, developing this kind of a project.

David Holden: It's a program that Delaware State Housing Authority administers for the Federal Government's; it's housing tax credits.

Councilwoman Jones: Okay.

David Holden: Yeah.

Councilwoman Jones: This would be an internal question for our own group. I would be interested to compare the cost of Milton installing that water line; which doesn't have a whole lot of Atlantic Avenue to come up. Can you tell me where the distance we're talking about for this water line for making the concession? What would it cost the Town of Milton to put that line in, as opposed to granting a concession for it? Do you have any idea? Even the distance.

David Holden: The distance was quoted to me as 3,000 feet.

Councilwoman Jones: 3,000 feet; now that's to bring the main line out of Milton; you do the infrastructure on your own property. Is that correct?

Jeff Long: Yes that's correct.

David Holden: We do both. Right.

Councilwoman Jones: The only thing I would have to say to the Mayor and Council is that having nothing to do with yourself or Ingerman Development; whether the previous owner developed it or this group develops it, I see a true public safety issue with that property. You have to cross into County lands to get back and forth to it and frankly, to bring a mother with a toddler in a stroller into town on Wednesday nights, that person must walk along an unimproved, two lane road with culverts, with ditches. There are not only no sidewalks, there are no shoulders and a lot of human traffic moves that way now. It's a concern and I say it's not directed at you, it's actually directed to Council. That's a concern.

David Holden: No, it's not walkable; it's not walkable.

Councilwoman Jones: No.

David Holden: Not intended.

Councilwoman Jones: It seems like a disjointed piece of property right now. That's all, Mr. Holden. It's nothing against your company.

David Holden: Sure. Sure.

Councilwoman Jones: Thank you, Mr. Mayor.

Mayor Newlands: I don't know what the cost would be to run a water line 3,000 feet; we haven't priced that out.

Councilwoman Jones: It would be an interesting comparison to five years of tax abatement, and...

Mayor Newlands: Which is around \$45,000 to \$50,000.

Councilwoman Jones: Okay and that's on the build out of the 61 units?

Mayor Newlands: What do you mean?

Councilwoman Jones: The tax?

David Holden: Yes.

Councilwoman Jones: That's all it is on the 61 units?

David Holden: That was based on looking at other property taxes for similar properties in town; so we did a comparison; in terms of like a per unit. In terms of extending the water line, I got quotes ranging up from \$30 a foot up to \$60 a foot, so that's \$90,000 to \$180,000; so we have to

obviously pin that down. I think the water fees are about \$89,000; so it seemed like it would easily offset what the fees would be and we would be happy to document that, however it was needed. We're also entering into a Memorandum with DART and we're making provisions, we'll provide sidewalks and improvements that in the eventuality there is any kind of service; any kind of bus service; whether it's public or private that we would be willing to accommodate it.

Mayor Newlands: Now you have a development going on in Milford, as well now?

David Holden: It's breaking ground next month. It's on Airport Road on the north side. Yeah.

Mayor Newlands: Okay.

David Holden: Very similar.

Mayor Newlands: Does anybody else have any questions on Council? And I'll just extend this to Ms. Patterson and Mr. Booros, if they have questions, since they're going to be up here in a few minutes. No. Okay, thank you.

David Holden: Thank you very much.

2. **Public Participation**

Mayor Newlands: Okay let's go through public participation. I have quite a number of forms here, so let's get started and try to be brief, if you can.

- a) Gwendolyn Jones, 204 Atlantic Avenue: My question is regarding the recent review of the water system; the whole entire issue; and I think other people would also recommended or suggested that there be like an information or committee or something to that effect to try and abate some of the anxieties and concerns over lack of clarity and lack of information and sort of provide more and better well rounded basis of information so we can all make a decision that would be best for the entire town and that everybody can feel a lot more confident about.

Mayor Newlands: We'll be discussing that in a little while. We have the water tower referendum on the agenda as an item.

Gwendolyn Jones: I was expressing about the committee or group or something....

Mayor Newlands: We'll be discussing that at that time.

Gwendolyn Jones: Okay. Looking forward to it.

Mayor Newlands: Thank you.

- b) Judy Shandler, 202 Gristmill Drive, Cannery Village: I just wanted to make a comment. I know the signage issue is on the agenda tonight and I know there's been concerns, legitimate concerns, about emergency services getting in and out of Cannery and finding the proper destination that they're looking for; and it seemed to me, up to this point, we're pretty much talking about ambulances and EMT's and fire equipment and I just wanted to toss in that even the police can't find their way to the proper house, because about four or five weeks ago the police responded, legitimately responded, to a call where an alarm system going off in a house in Cannery at 202 Sundance and they came to my house, which is 202 Gristmill and I wasn't home, blah, blah, blah. But the point is, they didn't get to the right house. This really is a serious issue so I hope the discussion will be fruitful. They didn't break in, they came to my house wrongfully, confused by the address system and everything else and they went around my house and there was a side door that my pets use. I was on vacation. My pet sitter left a side door, not quite latched; and they could get access that way. They didn't really break in.

Mayor Newlands: Just to dispel the wrong rumor that's going around in Cannery Village; we are not going to ask people to change their addresses; that's something that we're not

looking to do. Okay, so we'll talk about that.

Judy Shandler: I said signage issue; so I was adding to the signage issue.

Mayor Newlands: I know that people are saying we're going to make them change their addresses.

Judy Shandler: Well I don't know what the answer is; I'm just saying, I just want to be on the record as saying that we've talked about ambulances and we've talked about other things, but even our town police have difficulty; so there's something wrong, not with the ambulance service and the fire service and the police service, there's something wrong with the way our addresses and our signage is.

Mayor Newlands: I agree. I agree.

Judy Shandler: Thank you.

- c) Janet Turner: I saw Deanna Duby was on her way and I thought this might give me the opportunity to remember Ms. Duby _____ to renew your term and say thank you and I wanted to do that and so surprised that the Council didn't have the courtesy to just speak about her publicly.

Mayor Newlands: We did that at the last meeting, just to let you know. It was Ms. Duby's option not to stay here tonight and it was Ms. Hudson's...

Janet Turner: She was here earlier.

Mayor Newlands: And she decided to leave.

Janet Turner: But she was told she wasn't needed.

Mayor Newlands: No she was not told she wasn't needed. Let's try to start getting things straight.

- d) John Collier, 301 Coulter Street: Good evening Mayor and Council. Thank you for the opportunity to speak.

Mayor Newlands: Good evening.

John Collier: I just had a couple of questions regarding the Ingerman Group's proposal and I heard the answer to some of them, or what I think was the answer to some of them; there was one thing that wasn't particularly clear to me and I'd like to understand it. You're initially going to develop a portion of this entire parcel. Is it your intent... Is this a phase of your intent, or is this a one time deal? There will be 12 acres of whatever you said it was.

Mayor Newlands: Hang on, before he answers, can you go to the microphone David? I just want to get everything recorded when you give an answer. Thank you.

David Holden: Right now our plan is just the 12 acres.

John Collier: Alright, thank you. Okay, well this leads me to another question. I guess this would be addressed to the Council, particularly, it's an issue of zoning. Since this was approved as an LPD, and now it's being parceled out, is that not a Change of Use that requires readdressing of the zoning for that particular parcel; and I would think that the Council would be remiss in endorsing anything at this time, until the zoning issues were settled.

Mayor Newlands: The only thing that Mr. Holden is looking for tonight is just support for the project. He's going to go through every single phase of every committee we need to have him go through.

John Collier: I think you're getting the horse a little ahead of the cart, don't you?

Mayor Newlands: No, this is just support...

David Holden: This is the portion of the property that's zoned for apartments, so it would have had to have been done in this manner as well.

John Collier: It was zoned as a package under the LPD.

Mayor Newlands: Right.

John Collier: And as soon as you start cutting an LPD up, you've actually got to change the zoning. You just recently went through that with Cannery Village. You changed the zoning on a parcel and before anything could be done, or any forward movement or anything else, you went through the zoning process.

Mayor Newlands: Right and he's going to do that. He's just looking for a Letter of Support, that's all it is. It's not any kind of approval for him to do anything.

John Collier: And I think the Council to endorse it before the zoning process is complete, is remiss and out of order, is my point. That's all I have to say. Thank you.

Mayor Newlands: Okay, thank you.

- e) Jeff Dailey, 211 Gristmill Drive: I hope that the upshot of your conversation regarding the improvements to our water system will result in what has been called by a number of folks, a Mayor's Task Force or a Special Committee that will work openly and update the citizens regularly on progress; so that when the Referendum comes up, we'll all be in the know and there will be far fewer questions than there are answers; if I said that correctly. That was one issue that I had put on my form. Also, I am thrilled to know that streetlighting is going to be discussed for Shipbuilder's, at the main entry way. It has been brought up for five years now and I hope that this Mayor and Council make a decision to add to the streetlighting, even though we know it is properly placed at the furthestmost distance, so it meets the standards or the law; however you want to put it; but they need more lighting at that main entry and that's a development where we have some safety issues, some crime issues, and the people there are working hard to turn their community around and this would be a worthwhile investment for the entire town; because what happens in one neighborhood, affects all of our neighborhoods. So thank you for having that on the agenda. I hope that some action is taken after five years. I have a submission to the record. It is a Letter to the Editor that appeared in Thursday's paper and I would like to have that entered and thank you. On this Ingerman Group, had I not arrived early enough and read that it was taking place here and then made the connection under New Business, letter e, that there's a Letter of Support for Cave Neck Road Apartment Complex, I wouldn't have been able to comment on this and this is where I, personally, as a citizen in this town, feel that the citizens are being left out and I just wish that the Mayor and Council would address this. It's what some people refer to as transparency. People need to know about big issues ahead of time and this is not to my thinking, much of an advance notice.

Mayor Newlands: Jeff, they both say Cave Neck Road Apartment Complex. What more could you want?

Jeff Dailey: That's tonight. Tonight. Tonight.

Mayor Newlands: Right.

Jeff Dailey: We have something in the Cape Gazette that talks about Shipbuilder's lighting. I don't believe any... In the Cape Gazette, to tell us what's on the agenda.

Mayor Newlands: I don't run the paper. I'm sorry.

Jeff Dailey: But you give the paper the information, so you are the town...

Mayor Newlands: I post this on the website and they take that down from me.

Jeff Dailey: Mr. Mayor, I'm not here to argue. Section 8 Housing. It's my understanding that when you're permitted to do an investigation of tenants, that that in fact is Section 8 Housing. If in fact, it's Section 8 Housing, then I think we should say it's Section 8

Housing, for those people in the town who are well aware of what that means. I'd also like to mention that it wasn't so long ago that this Mayor and Council voted to allow the sale of the 40 acres, nearly 40 acres, that the brewery acquired; and then approved the rezoning and one of the reasons for the rezoning was that Light Industrial would not have as great an impact on town services as 150 houses that were slated to be built there over time; and suddenly we're talking about, within one year, having 61 rental units added to our town. So all of a sudden one of your main arguments goes right out that window. Thank you very much..

- f) Stephanie Parker, 113 Broad Street: Hello. I just had a general question I wanted to ask about the welfare of the officer who was involved in the accident last night. If he's okay?
Chief Phillips: That's correct. The officer is okay.
Stephanie Parker: Glad to hear it.
- g) Sam Garde, 115 Sassafras Lane, Milton: I'm representing Milton Speaks tonight; an organization dedicated to building a better community through grassroots involvement. One of the goals of Milton Speaks is to create a forum for citizens to express their views on town issues in a constructive way. To further this goal, we are sponsoring our first town wide public meeting on April 21st from 1:00 p.m. until 3:30 p.m. in the Draper Community Center behind the Bethel A.M.E. Church on Mulberry Street. We're calling the meeting All Milton Meets. The purpose of the meeting is to open a wide range of discussion of the quality of life in town. It will feature structured brainstorming sessions among small groups. Everyone attending will have a fair chance to speak and to be heard. Our tone is strictly positive. Anyone interested in articulating and safeguarding the good things about life in Milton, as well as hoping to identify issues that need more help, should plan to attend. The meeting will only begin a discussion of town issues. If the participants see value in it, this first session will be followed by more sessions that will work on specific recommendations. Thank you.
Mayor Newlands: Thank you.
- h) Don Molina, 330 Behringer Avenue: Thank you very much and good evening to everyone, Town Council members and residents of Milton. I'm here tonight again to speak about Dry Zone and follow up on the concerns I raised last month. It's been 30 days. I hope tonight your discussion will involve the writing of citations by the Code Enforcement Officer. Anyway, I just want to start by the fact that there may be some confusion between the business indicating that they're expanding and they're actually not expanding, there are changes of uses taking place there. Has there been any indication to the town about the number of businesses that are registered at that location? You don't have to answer tonight, but, I just want to say; I found one and in addition to Dry Zone and Dr. Energy, in 2002 they started a trucking company. I want to pass this one. It's a common carrier and it's just a violation report of their operation at this location; so what you have is – I don't want to say expansion – because it's a continuing violation of what was approved before. Now the change of use has occurred; no one has stepped forward and done anything, as far as I see. I also wanted to indicate I haven't been familiar with Delaware Case Law; I'm more familiar with Pennsylvania, but it's been an enlightening experience to do research and one of the things I wanted to say, at least for Mr. Thompson, you should look at Farmer's For Fairness; just came out in January, hot off the press, where it basically discusses about the validity of the Comprehensive Plan. Mr. Abbott was very helpful today and let me look at the 1998 and you updated in 2010. This area that's in question right now is an R-1. It's been an R-1 going back, as I

indicated in my comments last time since 1996. You promulgate an Ordinance establishing the R-1 to support the Comprehensive Plan. This is, in essence, is the force of law or the effect of law; they use them interchangeably in Delaware; but the fact that you have a Comprehensive Plan and you promulgate an ordinance, this use should not continue and I'm not here to put Dry Zone out of business; I'm here to protect my R-1. I just want to leave it at that. But one other thing. I hope that whatever happened to the Code Enforcement Officer, has nothing to do with this experience.

Mayor Newlands: The Code Enforcement Officer went back to work for the Sussex Conservation. He left last Thursday.

Sam Garde: Okay. I want to thank you. Alright, have a good night.

Mayor Newlands: And I know you want to this to proceed very quickly. It's not going to, so I'm just going to let you know that. It's off with the attorney. He's looking at things and he's gotten back to us today only on a few things, so we need to sit down and look. I'm not closing them down. That's one thing I'm going to tell you right now; I'm not closing them until things are resolved and we know what we're supposed to do.

Sam Garde: What do you mean by resolved; because there's been no proceeding for a change of use.

Mayor Newlands: I understand and there may have been some violations; he's running a business; he's employing people; I'm not shutting the man down until we know what our recourse is. Okay?

Sam Garde: All my issues have not ripened; but one I believe has ripened; I could petition for a Mandamus. I'm not there. I don't want to use my money, that I pay for taxes, to fight myself; so I think you guys need to get on the ball.

- i) Bob Weston, 300 Gristmill Drive: I'm here regarding Item 16, f on the Agenda, which is the Cannery Village address issues. Just as Judy Shandler mentioned earlier, this is a very serious issue; not just to us, but to public safety truly. There's several things that have occurred that I could enumerate for you, but I'm just wondering if it wouldn't be... I've been the point person on this if Mayor, as you know, we did that tour to _____ and I'm wondering how many people on the Council are familiar with the actual issue involved? I would be happy to stay here and when Agenda item 16, f comes up, comment, if I'd be allowed to. Is that possible?

Mayor Newlands: We'll see, depending upon how well Mr. Abbott and I do explaining it to Council. If they're still confused, then yes. Okay?

Bob Weston: Alright, fine.

Mayor Newlands: And the entire item for that issue is to discuss the street signs in Cannery Village.

Bob Weston: Okay. Very good. Thank you.

Mayor Newlands: Thank you.

- j) Rich Miller, Gristmill Drive: Good evening Mayor and Council. I will readily admit that I did not vote in favor of the water referendum; not that I don't think it's a great idea. My concern is that on both sides of the argument there's valid positions; but one thing I notice is the process that was; or the lack of process; that was used and both sides are using that as their argument to strengthen their position. I'll give you a quick example. The two Memorandums, the memos that came from the State; they showed up, a couple of members of Council received them; some didn't. If you look at the process of how that happens, the Council and the Mayor and other Committees are part-time individuals. They're full-time responsibility, but they're part-time. That's the way we

work and there's nothing wrong with that. On the other hand, we have a full-time Town Manager who's a breath of fresh air compared to some of the other Town Managers I've seen in my past. This gentleman gets paid to do a very effective job and if you envisioned him, he just gets paid to grind out policies, promulgations and they just go out and he does a great job. The issue is that the people on the receiving end don't necessarily know it's coming their way, so the fact that these two memos were misaligned doesn't surprise me. It's not that Council or the Mayor were trying to hide anything; it's just nobody knew it was coming down the pike. Those memos were given to some individual or another committee and they knew that memo was there, but that doesn't mean that the Council or the Mayor were trying to hide those memos. We have a broken process. It's not that anybody is being devious. I don't believe that. I believe the process of the way we handle memos, policies, distribution of documents; that's the issue that Council should address. It's a process issue, not an issue of someone being devious. The last thing I want to address is that there's been a comment in the community about a Task Force and it sounds extremely noble to have a Task Force; but I'm trying to figure in my own way of understanding how five or ten new people looking at a problem is going to have anymore insight than the folks who are elected to office. Just because we have five or ten new people, doesn't make them smarter or dumber than the rest of the citizenry. We had the information; it got off track with this memo issue and everybody dug into their side. It's a process issue, folks.

Mayor Newlands: Let me just explain. The letter that we got from the State, the entire Council was notified three days afterwards, what was in the letter. It was emailed to them. I can't force them to read their emails.

Rich Miller: I understand that. The issue about this Task Force; I mentioned it sounds noble and if it were a car it would like a great car; but if you crack the hood, you're going to see a rubber band engine, no transmission and wheels that will fall off. This Task Force will have no more transparency than we have now. You cannot ask citizens to be involved; you can't force them; the folks that are here now are involved. The folks that were at two specially called Public Hearings were involved. You could have fired a gun across the room and not hit anybody. The process allowed people to have their say; they chose not to. I'm more concerned of us trying to fix the problem in areas that won't work; the Town Council has the expertise and I think I've said enough.

Mayor Newlands: Thank you.

3. Call to Order – Mayor Newlands called the meeting to order at 7:25 p.m. and closed the Public Participation
4. Moment of Silence – Councilwoman Betts
5. Pledge of Allegiance to the Flag
6. Swearing in of Council Members
Mayor Newlands: Before we do the swearing ins, let me just give a quick update. Vice Mayor Betts is in the hospital, she had opened heart surgery a couple of weeks ago. She's had a difficult times after the surgery, so she's going to be in the hospital for a little while. She's in Pennsylvania University Hospital. Just to let people know.
Councilwoman Jones swore in John Booros and Seth Thompson swore in Kristin Patterson.

- a. John Booros – I, John Booros, do solemnly swear I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of my office of Council in the Town of Milton. I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God.
- b. Kristin Patterson – I, Kristin Patterson, do solemnly swear I will support the Constitution of the United States of America, the laws of the State of Delaware, and the Charter of the Town of Milton. I will faithfully discharge the duties of my office of Council in the Town of Milton. I will always take action for the best interests of the Town of Milton, guiding that decision to the best of my ability, so help me God.

7. Roll Call – Mayor Newlands

| | |
|------------------------|---------|
| Councilman Lester | Present |
| Councilwoman Jones | Present |
| Councilwoman Patterson | Present |
| Councilman West | Present |
| Councilman Booros | Present |
| Mayor Newlands | Present |
| Vice Mayor Betts | Absent |

8. Additions or Corrections to the Agenda

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

9. Agenda Approval

Councilman West: I'll make a motion that we accept the Agenda, as written.

Councilman Booros: Second.

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

10. Presentation and Approval of Minutes – February 6, 2012 and March 5, 2012

Mayor Newlands: There was an issue with the minutes from February 6th. That's why they're back on the table.

Councilwoman Jones: I believe I will make the motion to amend.

Mayor Newlands: Do you want to explain it first; so the public knows what we're doing?

Councilwoman Jones: I made a correction in the February 6th minutes; what I believed were the February 6th minutes that was incorrect and I stand corrected. Mr. Davis went back and listened to the audio, so I would like to make a motion that in the case of the February 6th minutes, the previously requested correction stand corrected and we accept the minutes as they were originally written.

Councilman West: I second that.

Mayor Newlands: We have a motion and a second to accept the February 6, 2012 minutes, as originally written. All in favor say aye. Opposed. Motion is carried. Now we can do March 5th minutes. Are there any issues with the March 5th minutes?

Councilman West: Yes Mr. Mayor, I have a question on Page 14 under Kathryn Greig, "They do

take in they do not take thanks to the new council person...”

Mayor Newlands: Slow down. Where in the page?

Councilman West: On Page 14, we're under Kathryn Greig.

Mayor Newlands: Right. How far down?

Councilman West: It would be the third paragraph.

Mayor Newlands: Okay.

Councilman West: That doesn't make sense to me.

Mayor Newlands: Okay, I'll get that clarified.

Councilwoman Jones: Councilman West, do you mean starting with the last thing? Where are you?

Councilman West: Where Kathryn Greig says “They do take them. They do not take thanks to the new council person Kristin Patterson. She's taking them out there.” It doesn't make sense.

Councilwoman Jones: Okay.

Mayor Newlands: I'll have that clarified for the next meeting. I'll have her go back over that. We can approve the minutes with just that one exception that will get clarified. Does anybody have any other issues with the March 5th minutes? Can we get a motion to approve the March 5th minutes?

Councilman Lester: I make a motion to approve the March 5th minutes, with the exception of the one item that will be reviewed.

Mayor Newlands: Okay.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to approve the minutes of March 5, 2012, with the one item from Kathryn Greig to be reviewed. All in favor say aye. Opposed. Motion is carried.

11. Discussion on Written Committee Reports

Mayor Newlands: We have the written reports from the committees, Historic Preservation had some agenda items this month, so there's a report from Historic Preservation. Just for the new council members, you've been at our meetings before, but just to let you know, we don't approve these reports; they're written; and we don't have to vote on them, so they're here if you have any questions with the members; you can pose the questions at that time. So we have Historic Preservation and that's the Committee reports; then we'll do the Town Manager Report and then we have the department reports.

Councilwoman Jones: I would like to ask a housekeeping question of you and of Seth. As Historic Preservation, Board of Adjustment are all voting boards; do all committees that meet are they required to keep minutes available if asked for?

Seth Thompson: Under FOIA they should all keep minutes; they don't have to be verbatim; they don't have to be to the extent that council keeps them, but they should keep minutes. Yes.

Councilwoman Jones: Okay. Thank you.

Mayor Newlands: Are they not published?

Councilwoman Jones: Yeah, I would say they're not.

Mayor Newlands: Okay, then I've got to get them published.

Councilwoman Jones: And I haven't looked within the last week, but they are not.

Mayor Newlands: Yes, especially those three committees, the Planning & Zoning, Historic Preservation and Board of Adjustments; those three should be published.

Councilwoman Jones: Right and I'm not commenting on those. I'm commenting on even the Economic Development, Finance Committee, any of them that meet, should minutes be taken

and recorded?

Seth Thompson: They should be taken, they have to be taken; they don't have to be published, but if the town would like them published, then that's fine.

Councilwoman Jones: But they would be available if someone wanted to see them?

Seth Thompson: That's correct.

Councilwoman Jones: So that generates a set of minutes is what I'm asking?

Mayor Newlands: But if they're recorded, they would have to all be typed. We only type those three committees and the Finance Committee; I don't think we have the others transcribed. We have the recordings, but they're not transcribed, some of them. It's just an expense.

Councilwoman Jones: Right, the reason I ask is Economic Development does a set of minutes, each month and each member receives those minutes. I do not know whether they become on file at Town Hall; I'm not sure how that works; but I'm asking for clarification on if each committee should take minutes and if they do need to be available to the public, how does the committee do that?

Seth Thompson: Typically it's the Secretary that would just keep minutes and then would turn them over to Town Hall. That's the normal protocol. Again, it doesn't have to be transcribed, but the Secretary of that Committee should typically keep those minutes and then they should be approved at the next Committee Meeting.

Councilwoman Jones: Okay, thank you.

12. Town Manager's Report

Win Abbott: Thank you Mr. Mayor and Council. You have the Town Manager's Report before you and at least 25 copies were made available to the public, as well. I'll cover this from top to bottom with a couple of extra points that I wanted to share. The first section was with regard to drinking water and it makes reference to the Referendum. It also makes reference to the measures that have been taken by our Water Department, in order to have a much clearer accounting for the water that has been pumped versus that which has been billed or accounted for in some other fashion. A significant step forward happened when we put a new 3" meter in at the Milton Elementary School; you'll see in the Town Manager Report it references that the recorded use jumped from approximately 225,000 gallons per quarter to 347,000 gallons per quarter; there is another report that is a supplement to the public works report that shows all the different steps that we have taken. You might find that the estimates vary somewhat, but they are just that; they are estimates on the amount of more accurate recording that we have for that. Another item that the council has before them, is a report by ShoreScan. This is an Activity Report on the things that we've done to take advantage of the document management efforts that Council approved a few months ago and this is just a supplement to the Town Manager Report, but you'll note that 11,467 pages worth of documents were scanned and better organized through the use of this machine, just during the first quarter that we had it. For both the Council and the public, I made a mistake with regard to the trash recycling and yard waste that was referenced in the Town Manager Report. There was a correction to that that was printed for the public and that is this: Yard waste is picked up every week, after Thursday, April 12th. Recycling is picked up on alternate Thursdays, so an alternate Thursday, you have two different types of pick ups that will happen; and regular garbage pick up is year round on Tuesdays. The full color schedule will not be mailed with the next quarterly utility bill, but you should receive it about a week later directly from our trash service provider.

Mayor Newlands: Win, the yard waste starts this week, the 5th. It's every week in April and May.

Win Abbott: They're wrong. The public works department has been working very hard on

sprucing up our parks with mulch and whatnot and I want to emphasize that we take advantage of some of the “best behaved” persons that come from our Department of Corrections and Probation and Parole to help us with all this labor. By the way, a significant amount of this scanning effort was done by a young lady who was working off fines in the town office and was a very well qualified person; just ran into a bit of a tough time; so we have a lot of labor. My estimate is more than \$25,000 a year worth of labor that we get at no cost to the taxpayer's through our good relations with these departments. Our Code Enforcement Officer has gone back to his previous employer; they recruited him back and we'll be looking for a replacement in the very near future. There are upcoming activities and events. Last, but not least, I want to give a shout out to the Milton Volunteer Fire Department for taking it upon themselves to demolish a structure on Front Street; it has greatly improved the visual look of one of the gateways into town. That's all I have, Sir.

Mayor Newlands: Thank you.

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

Mayor Newlands: You have the department reports in front of you. Win, I think we have exceeded the estimated amount of business licenses so far this year and we're getting close on the rental license fees, which is a good job. It was good to have the Code Enforcer out there getting all those licenses.

Councilwoman Jones: I have a couple of questions on Code, please.

Mayor Newlands: Robin is not here, so we may not be able to answer your questions.

Councilwoman Jones: I understand. Before Mr. Molina stood, one of the questions I had was the status of Dry Zone since Craig Mills has gone. You indicated to Mr. Molina that it was going to be a long time. In relativity, this is an issue that has been going on; I'm sure it requires a lot of research; but do you have any, even idea of a time when we might see some...

Mayor Newlands: I just wanted him to know that we were not going to shut them down immediately. I know he would like them shut down. I am not closing a business that's been opened for eons; I'm just not doing that. I'm sorry.

Councilwoman Jones: I understand that. I believe he actually stood at the microphone and said it was not his intention, but the point being, Dry Zone has been allowed to operate for a very long time; so long time for that issue can be literally years. Are you looking at years to research this?

Mayor Newlands: No, no. I'm not.

Seth Thompson: I can tell you from a legal perspective; I laid out the framework in terms of how it should be analyzed. I haven't been there that long, but basically the problem is we need the facts, as far as how long they've been operating a business. Now, the way it works under your Code, is you can have a pre-existing, permitted, non-conforming use. The question becomes whether you extend that use or add a use. You can lose that non-conforming status if you stop for a year; if you stop that use for a year or if you, for instance, switch to a conforming use, you can't then go back to the non-conforming use. Before Craig left, he gave me a time line as far as what he was able to find; really more of the information came from the County, as opposed to from the town file; which is a little more problematic; but really I've kind of laid out the framework in analyzing whether, indeed, they've extended their use or added uses. It's a question of how far back one use goes, as well as comparing it. You can have a less intrusive use. You can kind of drop down, but if it's become more of a hindrance, then that would be a problem. So I don't necessarily have the facts to know how long they've been doing one thing or another and when it dated back to what version of the Code. That's the problem.

Councilwoman Jones: And is there a resource for you at Town Hall to fill in these gaps and answers when you ask them?

Seth Thompson: I would hope. Again, I got the initial information from Craig.

Councilwoman Jones: And he did a good job, by the way, when he first met with the residents and myself, about Dry Zone, he did a very fine job in doing a lot of background investigation, before he ever got to the meeting. He was running on the owner's willingness to clean up the property on his own. The conflict became, and correct me because it's legal terms, when by doing that, it might be an implication that he is abiding the way he should, when that may not be the case; and so we're looking at what Milton's responsibility is in all of this.

Seth Thompson: Well the important thing is at least Craig didn't provide me with anything in terms of an approval from the town, for instance, a conditional use; anything like that. So the only way that a non-conforming use would be permitted would be if it predated the Code that changed that to Residential or maybe eliminated that as a use in Residential. But there aren't any permits or anything like that out there that have been provided to me.

Councilwoman Jones: Does the fact that that particular parcel fell into Sussex County review before Milton had a Planning & Zoning organization? Is that complicating things?

Seth Thompson: It does, because, again, the person had the county permission to be operating. But then it just begs the question of whether they've extended from the use that was permitted back then; or added a use or changed it.

Councilwoman Jones: Thank you. Mr. Harris asked a question during open discussion last month. I'm going to follow up and I realize Robin isn't here, but perhaps an answer could be gotten. He did ask if the sign at M&T Bank was in compliance; or actually he asked it in the terms of how did it get there; so I'm asking in terms of does M&T Bank fall into Town Center, therefore historic nature. Did M&T Bank come before the Historic Preservation Commission for the sign that is there as a little kiosk?

Mayor Newlands: In Robin's absence, I don't know the answer to that question. I'll have him get back to you.

Councilwoman Jones: Okay. On the issue of signage, I understand this happened while I was out of the State, that a request from Milton Speaks has been given to the town to put up signs for an upcoming meeting. Question. Was that denied?

Mayor Newlands: Yes it was.

Councilwoman Jones: Okay. I bring to your attention a conversation I had with Robin, maybe two months ago. I asked him about the rogue sign on the corner of Magnolia and Union, which states Magnolia Street Antiques. I asked him if that was in violation or because it was on private property was it excluded and he told me, in no uncertain terms, that basically we weren't paying much attention to that, because if we paid attention to that, then we had to pay attention to Save the Theater signs. So basically what he said to me was, we're ignoring it, for not wanting to dig up old stuff.

Mayor Newlands: I wasn't aware that they were doing that.

Councilwoman Jones: Well, then I also bring up to you the discount pizza signs and the Walgreen's shingles shot; watch that one; the shots for...

Mayor Newlands: Shingles.

Councilwoman Jones: You got it? That could have gotten ugly, I'm sorry. And those are posted on main thoroughfares 16, they're at the entrance of the Food Lion on Union Extended. They would seem to me to be something of a transient plopped there sign. If you're using a barometer to deny Milton Speaks, I'm asking you about the Magnolia Street Antiques sign and I'm asking you about the pizza and the drug store signs. Using one barometer to view them all, we have to

look at them in a consistent manner. That's all I'm asking and I have to be honest with Mr. Harris, I don't look twice when I go by that M&T Bank until you really brought that to my attention and I don't know whether that was a grandfathered issue or not. I did not pick up on it, but it is a legitimate question. I'm going to try to get you an answer.

Ed Harris: Thank you.

Councilwoman Jones: The last I had was an email that I got into the middle of because I asked last month about the ownership of the property behind Irish Eyes; so that the roadway could be assigned some kind of responsibility for the condition of the paving back there; and basically, before the St. Patty's Day festivities, the town filled those holes in with stone and though I applauded that and I wrote him; I thought that was...

Mayor Newlands: We did not do that. Craig reported to you that the stone was ordered, by Irish Eyes did all that or Charlie Jones did that, we did not do that.

Councilwoman Jones: It simply says that I can stand corrected; the stones were delivered today and spread into place. So I assumed that the Town of Milton did that.

Mayor Newlands: No. That alley or that area is not our responsibility. That is behind Charlie Jones' house; that little parking area. That's behind the gas station, I think. It's not our responsibility. The paved road is, but not the gravel area.

Councilwoman Jones: So Irish Eyes chose to fix that for the event.

Mayor Newlands: Somebody fixed it for the event. I don't know who.

Councilwoman Jones: But, still, the answer, the road is just in that short period of time, showing the dips and the holes again and it's still the question is who's responsible? I named it as a... To that area, when you're pulling your visitors downtown to one of your major parking locations, which is that bank parking lot, and you're introducing them to a very scenic approach to the Governor's Walk, right there; it ends right at the end of that street; and there we have this over here and those holes over time, at least before the St. Patty's Day event were really huge and in really bad shape. Are we in a position to hold a property owner responsible?

Mayor Newlands: I'm assuming we should be, yes. It's in a public area, but it is private property. So I'll check with him tomorrow.

Councilwoman Jones: Thank you.

Mayor Newlands: Okay.

Councilman Booros: Mr. Mayor, since somebody brought up the gas station on the corner down there, it's been brought to my attention and I did witness it one day, a truck load of tires; literally a large truck load of tires; and the issue was brought to my attention. Are we allowing that property to now morph into more than just a gas station?

Mayor Newlands: It's a garage.

Councilman Booros: Or a garage; and are there Code... I know Robin is not here, but are there Code issues with storing that many tires in one place in that building? I was told by somebody you need some sort of separation between the office space and the place where you have that many rubber tires stored, because once... I don't know if you've ever seen a tire fire, but I have in Baltimore. When it starts burning, it doesn't go out for weeks.

Mayor Newlands: I have.

Councilman Booros: And it's right, smack in the middle of our town.

Mayor Newlands: I know they have permits to run the garage and the taxi business out of there, I know that. But as far as... We'll have to ask Seth as far as the tires.

Councilman Booros: I just didn't know if there's a fire...? Did we require some sort of Fire Marshall inspection or something?

Mayor Newlands: I have to find out for you.

Councilman Booros: I would appreciate it.

Mayor Newlands: Okay. Does anybody have anything on the Police Report? And the Parks Report?

14. Finance Report and Revenue/Expenditures Report

Mayor Newlands: Let's go on to Finance.

Councilman Lester: I just want to touch on the Finance Committee Meeting. Last week we had a meeting with the Finance Committee and we discussed what kind of animal we really are and how we're going to approach our work with the Town Manager. Going forward we will assist the Town Manager in his review of the financial budget and I think we will have a different approach, because we're going to look at the expense items, line item by line item, this year; so we can get a better handle. I think we find that, as we did last year, unfortunately, there were some forced slashes in certain budget items, which unfortunately one of which we're going to have to talk about tonight and arbitrarily, for instance, we picked a number for rents for the water slips for the boats and I think we said \$8,000; we've collected about \$400.

Mayor Newlands: \$9,000.

Councilman Lester: \$9,000, sorry; we've collected \$400 or \$450. I mean, we really need to give this some serious thought this year and the Committee is willing to do that. We've got a really good Committee in place. Two things were brought up in the Committee. One was the bidding process. How do we go about bidding for Professional Services? And the Committee would like to place this on the agenda for the next Council Meeting, so the Council may discuss this; that essentially we would like to see everything go out to bid. Of course, it doesn't necessarily mean that you're looking for the cheapest bid, but there could be a process in place whereby you evaluate each of the services being offered. There was one other thing that was brought up by Dr. Patterson and we discussed the process of permitting and licensing and the whole process and I know there's been an organization, or group in place, I think; it's called the Streamlined Group.

Mayor Newlands: Is that part of Economic Development?

Councilman Lester: Probably. I think Ms. Duby was running this at one point. But the question is that people are still asking questions, how do I do this? I hadn't talked to the Committee about this, but there's money involved in terms of licenses and how the licenses are priced. I would think that, given Council's approval; that the Finance Committee should take a look at this, because it's been talked about for several years and nothing has happened and it's about time. My view, as I said the other night, I can't see how we can't filter this down to a couple of pages, or a page and a half, of steps that people, when they come to Town Hall and say I want to open, let's say a hair dressing shop, because we're familiar with those; this is what I want to do and then we can say this is the Certificate of Occupancy you need; this is the license you need; you have to have a license from the State and blah, blah, blah; and it can all be done and I think this committee is probably the best place for it.

Mayor Newlands: Economic Development is doing that. They're in...

Councilman Lester: They are, but nothing has happened.

Mayor Newlands: I know.

Councilman Lester: Excuse me. I don't mean... I'm not being rude, but you know, nothing's happened and something's got to happen because as Dr. Patterson says we are getting a black eye and people come here and in fact, I think there was a letter from a resident or an email from a resident last week, that we had a copy at the meeting; which was questioning the process and the permitting, etc., etc. If it is still confusing, then it needs to be remedied.

Mayor Newlands: It hasn't been changed, so it is still confusing.

Councilman Lester: It's still confusing. Then I don't want to put the gentleman on my committee in jeopardy and say we'll take on this task, because I think we'll be working hard on the budget; but I think I would talk to them about that; or I will send out an email and ask them about that. I think this is the right place and this is a good group of people; it's some really, business savvy people that could work on that.

Mayor Newlands: Do you want me to tell Economic Development that you want the project moved over to you?

Councilman Lester: I think it should be, in my opinion.

Mayor Newlands: Okay.

Councilwoman Jones: Mr. Mayor, as a member of Economic Development, as are several members in the audience this evening, Councilman Lester has a point. It has been a slow process, but I can tell you that members of Economic Development have finally infiltrated Town Hall and have talked with the Town Manager. I believe the Town Manager has reassured them that Town Hall certainly will help provide the information that they need to put a "flow chart" together. I never saw this as a race to the finish, but I would tell you that Economic Development has begun the process; however slow it is. Perhaps Mr. Abbott might speak to where Economic Development is in working with you at this time, on this particular issue.

Mayor Newlands: Turf wars.

Win Abbott: The timing of all this coming together right now is remarkable, because as a matter of necessity, I'm going to have to do this. Our Code Enforcement Officer is also the one who is the primary contact for processing business license applications. He's no longer with us and I don't anticipate him being replaced for at least another four to six weeks; so I'm going to have to be the one hands on in this particular process. It is also coincidental with the fact that we are uploading forms for our new website; so because I have to do this and it's coinciding with our website development, it's something that's going to get done in very short order.

Councilman Lester: I'm not trying to tread on anybody's toes.

Councilwoman Jones: And I'm trying to clarify that they have started.

Councilman Lester: Yes, well the truth is, if the process is moving along, that's fine; but it really needs to move along. I hear this from so many people about the problems. And it's not a problem of going to Town Hall, because Mrs. Wynn is the person that most people meet when they first come to Town Hall and she's very helpful; but, we still need the process and it's been a long time and if the Economic Development Committee, along with Mr. Abbott, have completed that work, that's fine; but maybe we can see a draft of that at the next council meeting, if we'll put it on the agenda.

Councilwoman Jones: Well you have... And I know it's terribly out of order, you have a co-chair here tonight of that committee and I don't know whether he would be able to speak and say whether or not that was ready to be put on an agenda; however, I would back up to say that it's unfortunate to make this statement, but a number of members of Economic Development in making contact at Town Hall, prior to Mr. Abbott's being here; were met with absolutely no help at all on some occasions; and little when it was there. So they suffered a lot of frustration in not being able to get information out at the same time. I agree it is a project that warrants a lot of attention; but I believe it is an Economic Development issue and not a Finance issue. So perhaps, you, as chair person of Finance, might want to talk to whoever the chairs are.

Mayor Newlands: Let's move this meeting along.

Councilman Lester: You're right. Does anybody have any questions on the Financial Statement?

Mayor Newlands: I'll ask Economic Development if they want to give an update next month.

Councilwoman Jones: I have a couple of questions. I would like to ask Mr. Lester, or actually Mr. Abbott, the Council had some discussion following, if I'm not mistaken, possibly the October Finance Committee. Are we presently using purchase orders?

Win Abbott: We're using purchase orders consistent with the practice that was established before I began.

Councilwoman Jones: Okay.

Win Abbott: If you'll recall, after the subject of this came up at I believe it was the November Council Meeting, Mr. Lester had indicated that he was waiting to receive the final recommendations of our auditors, before changing our process and then needing to change it once again, in order to comply with the recommendations of our auditor. These findings have not come in yet.

Councilwoman Jones: May I ask which auditor is giving the recommendation?

Mayor Newlands: Both.

Councilwoman Jones: Okay, because at that meeting Edmunds, who are I believe, if I've pieced this together, made some recommendations to the Town of Milton based on your need for how the previous administration handled the things; Edmunds came in and met with you; and, I believe, you stated they not only recommended purchase orders but they recommended requisitions; because we had that conversation at the Council Meeting.

Councilman Lester: It wasn't Edmunds.

Councilwoman Jones: Okay. Was that the group in Pennsylvania that you sent that on to?

Councilman Lester: That might have been that group that had some recommendations. Right.

Councilwoman Jones: Okay.

Councilman Lester: But as part of their examination and I would say this as a sideline; the State Auditor's Office is spending a great deal of time right now, going through all the documentation; something that had never been done before. So I'm expecting some really detailed recommendations from them and then when the new auditors come in, we will get, again, another set of detailed recommendations. They may or may not agree with what the State Auditor's Office says; they may have a completely different approach, because they're more involved in the public accounting side, so they may have a different view as to internal controls, but at least I know the State Auditor's Office is looking very hard at what the process should be.

Councilwoman Jones: So let me understand in trying to unwind, I think I'm looking at you again, Mr. Abbott. We use purchase orders as status quo of how they've been done before; but when you made that presentation to Council; we're not using requisitions, which become purchase orders for purchases over, I think we said over \$100. Is that in place?

Win Abbott: Council tabled the matter.

Councilwoman Jones: Okay, very good. Thank you. That's how I remembered it, I just didn't know how close we were to bringing it up again. I have a question on Page 2 of the Revenue and Expenditure Report. The fourth line from the top shows Economic Development and the \$570 revenue that was received from the Bake Sale, as revenue; but on Page 5, under General Department; Economic Development shows a start-up of \$1,000; the payment of \$60 that was authorized, with a balance of \$940. I calculate a balance of \$1,510 with that revenue deposit on Page 2 and I'm not sure how do you know that \$570 is there and that balance is higher?

Win Abbott: Mr. Lester would you like for me to answer that?

Councilman Lester: Yeah, because you probably have the answer.

Win Abbott: Okay, yes Ms. Jones at the Economic Development Committee Meeting that I believe both you and I were in attendance to after that revenue was received. I had indicated that as a matter of transparency, we wanted to be sure to show that there and to not change the

budgeted expense amount, because the act of approving this budget is a legislative act. It hasn't changed yet, since the beginning of the year. At the beginning of the year \$1,000 was approved for expenditures; however, when you brought in the extra money from your Bake Sale or whatever the case might be, that showed as revenue. Now, the Council can authorize the fact that you can back out that revenue as you spend a dollar value that exceeds the \$1,000 in expenses; however, we could not add that to the budgeted expense amount without having Council approve an amended budget. Now if you would like, we could put this on the list of items which the Council will consider amending the budget; changing things like our expected revenue from boat rentals or whatever the case might be; so that all the minor changes that Council deems necessary can be incorporated into one amended budget and that revenue can be moved over to the expense side.

Councilwoman Jones: Yes, we were at the meeting together, but I did not understand that the money would not show up in the balance of the Economic Development. I'm just clarifying for you. I don't understand for bookkeeping purposes, I would believe that they have \$940 and I don't understand this particular type of housekeeping on Page 5, when it doesn't show up. My question, I guess would be, the need to go in to amend that... Has there been any other changes made to the budget since it was passed on September 29th?

Win Abbott: Everything has been reported in the monthly financial reports that we have.

Councilwoman Jones: But we haven't amended anything?

Win Abbott: We haven't amended the budget as a whole.

Mayor Newlands: We'll be doing that next month. We have some adjustments to make next month.

Councilwoman Jones: Well actually for very selfish purposes, I would like to go on record and ask if we could possibly do that in June, along with the six-month budget review.

Mayor Newlands: We're probably doing the six-month budget review next month.

Councilwoman Jones: I would like to respectfully request we do it in June.

Mayor Newlands: Why?

Councilwoman Jones: Because I won't be here.

Mayor Newlands: Oh, okay. We'll have to talk about that.

Councilwoman Jones: Okay. That's fine. The other things that rather quickly just concerned me was to see that the Code Book expenditure was very high and I know that you've talked about all of the things that had to be added. Both the mileage is over and I am concerned about those meetings at 81%; I believe those were the meetings; would you consider my suggestion again that those of us who want to go to a SCAT meeting pay our own way?

Mayor Newlands: You can.

Councilwoman Jones: That's hard. You know, when I've missed it, I do repay the town. But that's not the issue and it wasn't the issue when I brought it up. It's only five months reporting. We're going to go over. My point being, what are we doing in the long run for what I hope is that we're not heading towards a deficit again.

Mayor Newlands: No, we're doing fine. The books are all fine, believe me. I looked at them just Friday and most of our tax money is in and the revenue is fine. We'll probably come out in the black this year and you're worried about \$1,000 here on a \$2 million budget. Don't worry about, it's fine.

Councilwoman Jones: Well \$1,000...

Mayor Newlands: You're not going to be here next month, but when you see it, when you get your packet, you'll see the revenue at the six-month level it's all fine.

Councilwoman Jones: Pennies make dollars.

Mayor Newlands: I know that, but...

Councilwoman Jones: And even if we're not over in all, when you see these that look like this, they concern me. I think I'm over here on the audit trail. I am. Under Police Training, that would be 5160, I'm on Page 7 – would the Finance Committee or the powers that be consider meals and lodging, rather than being Training; it being considered it's own line item of travel?

Councilman Lester: If it's involved with Training, that's where it belongs. I mean it's all... That's where I think we're going to excel this year when we looked at things like Training, etc., we will look at the actual costs; all the costs involved in Training. I think if you pull meals out of there, then it's understating the true cost of Training. We're not sending somebody out to a training session and not giving them lunch or whatever it is that they're required to have.

Councilwoman Jones: Oh no, I don't indicate that, I'm just saying it being a separate expense. Sometimes there can be mileage reimbursement that has to do with Training too and it may not always just appear in Training. I'm only talking the accounting work. I do it, it's just under Travel and yes, it does go hand in hand with the Training, but it's not so far separated that you can't match that the two go together. You know what I mean? One even.

Councilman Lester: I know what you mean, but I still think anything involved with Training belongs in Training; so that we can get a complete handle on the overall costs, because if you have meals and you start splitting it up and then that gives somebody leeway to say, well, my line item for Training is only this and I can spend more money. That's the way the budget was handled before; years ago. Things like this were moved around, so you never got a true cost of what that line item really cost. I think now we're trying to make sure that each line item reflects it's true costs; just as we've moved all items, like for instance, insurance and other things, were always charged as an administrative cost, which understated the police budget, understated the water budget, so I think we've got it pretty well refined that a line item should bear all of it's real costs. And again, I'm pretty sure that we'll get two sets of opinion about how we report the budget, too. I'm really looking forward to... more than looking forward to getting these two reports wound up. I think this is going to be a worthwhile experience for us, for the town, anyway.

Mayor Newlands: Are there any other questions? Just for the new Council members, when you'll see your bank statements; it's a legal size sheet of paper and we just put every month in there. What we do is we add the new month to the right and drop off the last month, just so you have a year's worth of bank statements and any movement we do; any transfers between accounts, that's detailed on a separate sheet; just so you can see what we're doing and most of it is to pay back different accounts. If we wrote a check out of one account, or we're moving money through our money market to a general account.

Win Abbott: Mr. Mayor, each one of the Council members had a supplemental Town Manager's monthly financial report laying on the table when you came in this evening; that is to substitute for the report that you had in your packet. The substitute one is the same one that was given to the public. There was one change and that is on the back of the page, the second paragraph underneath the table. In an earlier draft, I had mentioned the fact that the Security System will not expire during this year as anticipated and a revised version indicates that the Security System lease would not expire in November, as anticipated; it will expire in April; so I just wanted the Council to know that you have a corrected version before you.

Councilwoman Jones: Two more pieces? I had asked you, actually I had asked Mr. Abbott earlier in March, but then I sent you an email and I talked about, as I did last month, police overtime at 55% for a five month reporting period. You did answer me that that OT partially belonged in the early part of fiscal year with Field Training three recruits. You do talk about

officers going to class this, in particular, was in Dover and that it needs to be on their days off to have sufficient manpower to cover shifts in town; that becomes overtime for those folks that are Training. I'm a little concerned that you're paying somebody time and a half to go train. In the Police Repairs, you're at 70% for five months; what I asked was were any of the spikes in this auto repair having to do with the newly acquired vehicles and you did not answer that?

Mayor Newlands: I didn't because Chief was out and I didn't have any way of getting the answer right away. You asked that on Thursday and he took a long weekend.

Councilwoman Jones: And I also asked that about the Police Insurance, which I did understand your explanation that it comes in times; but I also asked the question, if there was any reflected increase in police vehicle insurance due to the newly acquired vehicles?

Mayor Newlands: We haven't been told of any increases at all. The insurance companies have not come to us and asked for an increases.

Councilwoman Jones: Okay.

Mayor Newlands: And some of their insurance is paid for in advance, in some cases; that's why it's front loaded; so it's not on a monthly basis. You're not going to see an even distribution throughout the year.

Councilwoman Jones: Okay. And Chief, I had asked the Mayor for a list of vehicles assignments for your vehicles, so that I could better understand how the vehicles repairs in placed and recorded on the budget. Would you have that, not with you, I don't mean with you; but could you supply me a copy of that?

Chief Phillips: What are you looking for again?

Councilwoman Jones: If you would send me a copy of your vehicle assignment numbers.

Chief Phillips: Okay.

Councilwoman Jones: Because the repairs are actually written that way on the budget.

Chief Phillips: Right, so we can track them.

Councilwoman Jones: Assigned by 75 whatever and I'm often lost as to what that is; and so that's why I asked the question. Is the 70% for auto repairs up at all in this reporting period due to the new acquired equipment?

Chief Phillips: I'm not sure what you're talking about yet.

Mayor Newlands: The three new cars.

Councilwoman Jones: No, we have what looks like an ambulance and a troop carrier.

Mayor Newlands: None of those vehicles we got from the government or were under repair.

Councilwoman Jones: Nothing's been repaired?

Mayor Newlands: Not that I know of. No.

Chief Phillips: At this stage of the game, no. We have nothing.

Councilwoman Jones: Okay.

Mayor Newlands: And the way we're utilizing that, is if something does break down with those vehicles, unless we need that vehicle for a dire need, it's not going to get repaired right away.

Councilwoman Jones: Okay and the Mayor indicated that you had sold two of the vehicles for scrap; is there a third one that will be sold in such a way?

Chief Phillips: Not that I'm aware of. No.

Councilwoman Jones: Okay and what vehicle would that be that we're keeping; the oldest one? I mean the one that would have gone in the trade. When you asked to either replace three new or used or refurbished, you had three vehicles in mind.

Chief Phillips: It would have been one of the original cars that I believe was here when I first came here ten years ago; so 2001; because of the take home program, the cars last a lot longer than replacing them every couple of years.

Mayor Newlands: And Harvey's K-9 vehicle, we're keeping that extra one; that's the four-wheel drive; that's going to be a spare four-wheel vehicle.

Chief Phillips: Yes, that was seized from a drug dealer a few years ago.

Mayor Newlands: Yes, that didn't cost us any money. So that one we're keeping and we're going to use that during the winter, because it's four-wheel drive.

Councilwoman Jones: Okay, thank you.

Chief Phillips: Yes Ma'am.

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

- a. Add \$5,000 to police training budget to pay for required training

Mayor Newlands: I've sent everybody an email; I don't know if you brought your copy with you, but I figured you didn't. This is what I emailed you I think on Friday; I forgot to put it in the packet. These are the items that they need for the next six months and when you look at some of the training, the CPR training is every two years, Chief?

Chief Phillips: That's correct, yes.

Mayor Newlands: So we're only doing five guys for CPR training.

Chief Phillips: Well the other half has probably done it the other time of the year.

Mayor Newlands: The recruits don't need it, they just got it last year and some get it through the fire hall; the Fire Department. So wherever they can cut down, they cut down.

Chief Phillips: That's correct.

Councilman Lester: Chief, the Brightful Ammo, is that the same ammo that we've already encumbered?

Chief Phillips: No.

Councilman Lester: Oh, this is in addition; it was about \$3,500.

Chief Phillips: Hang on one second.

Captain Cornwell: This is a different ammo then the ammo before.

Mayor Newlands: The ammo before was for their sidearms; this is for their rifles.

Councilman Lester: Oh, okay, thank you.

Councilwoman Jones: I'm sorry. This new ammo is for your sidearms?

Mayor Newlands: No the ammo that's already been encumbered is for sidearms; this is for rifles.

Councilwoman Jones: Is the ammo that's been encumbered for \$3,052.68; does that belong to your present weapons or the new weapons that you're planning to buy?

Captain Cornwell: We're not purchasing any ammo for the weapons we have now; instead of purchasing ammo for the weapons we have now and then in the next couple of months switching over, we're actually purchasing the ammo for the new weapons coming in and stuff; doing both.

Mayor Newlands: And we had \$3,300 budgeted for copiers for the police and the police would up getting four copiers from the government; brand new copiers worth \$2,500 apiece; so he won't need that \$3,300 in the budget; so we have some money there. They brought in extra revenue from... We get paid now when we take mental patients up to Wilmington. How much do you get for that?

Chief Phillips: It's approximately \$100.

Mayor Newlands: Every trip?

Chief Phillips: Right and the four printers I got, they're worth about \$2,500 a piece. We got \$10,000 worth of printers for free from the lease surplus government thing; they're

brand, spanking new in the box; never been used.

Mayor Newlands: So this is not going to bring us over budget, or at least not by more than maybe \$1,000.

Councilwoman Jones: Mr. Mayor, I am the one, as Mr. Lester referred to cut this line item. I've been looking at what you sent me. I do not find this documentation; in fact you state this as documentation to support what is needed; it's a description with a price listed next to it. What I would like to know is why wasn't this included in the budget that the Council voted on?

Mayor Newlands: We had \$10,000 in the budget and we slashed it.

Councilwoman Jones: And we had weeks and weeks and weeks of opportunity for any department head to address Council to say, but wait, before you cut that, I'm asking you not to because here is the list of reasons.

Mayor Newlands: We cut it the last night, when we approved it. This was cut the last night that we adopted the budget. There was no time in between that time and adopting the budget. It was done that night.

Chief Phillips: And that night, that's when I advised you that you can cut it if you wish, but there's going to be shortfalls and that I'll be coming back and you said we'll talk about it then.

Councilwoman Jones: Yes I did. Yes I did. But this information straight up was not presented to Council as something that we would be facing this year.

Chief Phillips: We never really had a chance; you cut the budget and that was the end of it. That's all I heard that night.

Councilwoman Jones: I disagree. If you look back over the history between July and September, we baby sat that budget for an awful lot of weeks and I think from the very inception of the budget where the Department Heads are not being asked to participate in forming their own budgets and their own needs and presenting to Council where they want their money to go; what's needed; leaves Council to making decisions without much generated communication between Council and the Department Heads. That's one thing. In a year that the citizens made an appeal to Council, I thought Council's vote at least as I voted; was a reflection of my appeal yet to town workers, department heads, to watch the budget as closely as they could in a year that we fought hard to reduce a fairly large deficit. So now, coming back to ask for some of this money, I have questions. Mr. Lester talked about the cost of Training. The Mayor indicated here you're switching out nearly ten year old weapons for new 45 caliber weapons and each weapon is only costing you \$219, plus accessories. Well, \$219 for that weapon includes...

Mayor Newlands: Can we stay on topic about the Training.

Councilwoman Jones: It is. This is all Training. Ammo is Training; the armorer school on here; I am going to go out on a limb and say it is because you are changing weapons, you now need to send someone to that group.

Chief Phillips: Negative. He's already certified as blocked. This is for the shotguns and also the weapons that we receive aren't costing the taxpayers per se a dime, because we got it on a grant.

Councilwoman Jones: What grant did you buy that from?

Chief Phillips: SALLIE and EDIE. The guns are ten years old and most of departments move them out within five years.

Councilwoman Jones: My point is, in a year that we needed to stay tight with our money, did we have to buy the weapons this year?

Chief Phillips: Yes, Ma'am. Liability-wise, yes Ma'am. Also, no disrespect, but I did tell you that the budget needed to be \$10,000 and you disagreed with me.

Councilwoman Jones: I still disagree with you.

Chief Phillips: I respect that. Yes, Ma'am, I respect that.

Mayor Newlands: And what we did say is that we spend \$10,000 every year on Training and that is something that he knows he's going to have to spend and we brought that up in all of the meetings.

Councilwoman Jones: Yes you did. Yes you did. Let's talk about a couple of line items, may we? Where do you get CPR Training for your five officers?

Chief Phillips: The Chief of Bridgeville certifies us.

Councilwoman Jones: Okay. CPR Training, this type AHA Health Care Provider, which is CPR costs \$5 per class at the Delaware State Fire School.

Chief Phillips: This gentleman does work for the Fire School and he trains us and he charges \$275, just like everybody charges.

Councilwoman Jones: Then you're paying too much, because the Delaware State Fire School just trained... I don't want to bring Rehoboth into this; they just trained them for \$5 a course. And that's a fact.

Captain Cornwell: Is that CPR alone?

Councilwoman Jones: Yes. No.

Captain Cornwell: Yes or no?

Councilwoman Jones: We got CPR and we got the other course; they were \$5 per course, per officer.

Captain Cornwell: Okay, we do CPR, AED and First Aid and we pay for the materials; we do not pay for his time; we pay for the materials only and he gets his materials from the Fire School; so I'm not sure where you got your deal at.

Councilwoman Jones: I got my deal from the Director, Jerry Brennan of the Fire School. It's a difference of \$225.

Mayor Newlands: Can you bring the documentation in so we're not sitting here and talking about this.

Councilwoman Jones: I certainly will. It's available to your Police Chief and Captain as well. Your taser recertification for your officers, is that all eleven Chief?

Captain Cornwell: That's nine.

Councilwoman Jones: Okay and my question, then, goes to Training & Seminars and I asked when I wrote my initial email out to the Mayor, I asked him for some definition. In fact, I even used the word "receipts". The first time, and I'm sure you're aware of this because it was copied to you; Mr. Abbott, who forwarded my original request for this information, sent it on to the Mayor, who sent it back and said, "Please tell her she needs to meet with the Chief about this. Not you. The police portion of the budget belongs to Chief Phillips." I cannot decipher when under Training and Seminars, under Description, it says Training Course, Vendor, CIT Captain Citizen's Bank. Further down, Training Ammunition; I get that, I know Lawmen's. Taser Training \$350. Training Title XVI.

Mayor Newlands: There's a limit to how much space we have on each of these items on the report. I don't know what you expect us to put in here and I mentioned to you before, your questions about it; email us and we'll get you the information.

Councilwoman Jones: Here's a training course for \$465, that does not indicate what it is.

Mayor Newlands: Councilwoman Jones...

Councilwoman Jones: And I asked you for that in this email.

Mayor Newlands: And if you need more information, that's fine. But asking me at a meeting; I'm not bringing...

Councilwoman Jones: I asked you in an email. Respectfully, Mr. Mayor, I can't get to... I'm trying to help in the capacity of how I work in my regular job. I am trying your Police Department spend their dollars wisely and still get everything they need. It is my personal opinion that they're not getting everything they need at a good fair dollar rate and if I cannot get the information to review the accounts and see what this has paid for, then I don't understand.

Mayor Newlands: You never responded to that that I didn't give you sufficient information. I'm sorry. I got that on Thursday, from you; I gave you what I had and if you want more information, we'll get it for you; but I can't do it at a Council Meeting. I don't have file cabinets in here for it. I'm sorry.

Councilwoman Jones: I do not expect you to give it to me at the Council Meeting. I have never expected that of you.

Mayor Newlands: Send me the note back saying what you're missing and I will get it for you.

Councilwoman Jones: You know, honestly, I just figured that sending you the same information you always have, including these printouts of what we've spent, you just must have been wondering if I ever opened my packages. Because you sent me the same information and I told you I had a very difficult time understanding what a line that just says "\$465 Training Course"; I don't know what that means.

Mayor Newlands: I would have to pull the invoices for you. Somebody is going to have to pull all the invoices for you.

Councilman Lester: May I respectfully suggest that this is probably not the best time to sit in a Council Meeting and look at these items, item by item. The best thing to do is to come into Town Hall, meet with the two bookkeepers and meet with the Chief of Police or the Captain and go over the items, item by item, if you want to see them. They have them there. There is no computer program that's going to print out a complete detail of every item that was on an invoice; it just won't happen. It's going to be the name of the Payee and some reference number; it's not going to be everything that you want to see; so I know everybody's available and if you wanted me to join you, I would join you, as long as it's after the 17th; I would be happy to join you; but that's the only way I think you're going to be happy is to see the line item on the general ledger and then one of the young ladies, Kristy or Lonnie, will pull the invoices and can show it to you and then you'll have the Chief of Police or the Captain there to explain it. It's very difficult to explain items from a computer printout, because the computer, generically, they don't have a lot of information.

Councilwoman Jones: Councilman Lester do you keep receipts in Accounts Payable at Town Hall?

Councilman Lester: Yes.

Councilwoman Jones: Okay. On the 16th of March I asked Mr. Abbott, respectfully, if I could make an appointment and it says "To sit down with you to review account Police Training and Seminars. I am concerned this account is already maxed out. In an effort to identify additional monies for expenses associated with Training, I would also like to see the activities and balances in SALLIE and the Sussex County Grant." I don't think I could have been any more clear in stating I was willing to take my personal time away

from my regular job, to come and sit with Mr. Abbott to review the very invoices and receipts and documentations you are referring to. I have availed myself to take that time and I am still finding the answer to that was "Tell her to see the Chief of Police."

Chief Phillips: And I'll be glad to meet with you any time you would like and we can go over whatever you need and I will pull the receipts.

Mayor Newlands: So that everybody knows, this conversation or email exchange happened on Thursday, right? It's only Monday. Okay, so you've got to give us a little time to react to it and set up the appointments and stuff, too.

Councilwoman Jones: Thank you, Chief, I don't need to sit with you. I think by reviewing the paperwork that I would like to see from Accounts Payable, I'll have any answer that I need and if I don't, I certainly would refer to you.

Chief Phillips: I appreciate that.

Councilwoman Jones: Thank you.

Mayor Newlands: Now, about the budget. You actually need about \$6,400, right? Chief? That's what this total is, not \$5,000?

Chief Phillips: That would be correct, yes.

Councilman Lester: So are we voting on an amendment to the budget or just to approve this?

Mayor Newlands: I think we can approve the expenditures and then next month we'll do the amendment to the budget; because we have some other housekeeping items on the budget next month. Don't forget, he has \$3,300 that we can amend next month, that we allocated for copiers that we don't need anymore; and they brought in some other additional funds from some other sources, so we can get all that listed out next month and talk about that next month and we can adopt the new budget next month; make the adjustments. We can approve the expenditures so he can get on and schedule these classes.

Councilwoman Jones: Um, \$975 for COPT Training. I mean, I know what that means; that means to get the hours that the COPT requires of you. Um, can you give anyone here, who has to either take a vote or for edification of the audience, what that cost is for?

Chief Phillips: It's a Leadership Seminar in Rehoboth.

Councilwoman Jones: And how many officers will you take to that?

Chief Phillips: That would be three.

Mayor Newlands: It's the senior officers; the Chief, the Captain, and the Lieutenant. That's the only conference they go to.

Councilwoman Jones: Okay. Um, Chief, when you look for your vehicle assignment paperwork, which I promise I will jot you down a little email to remind you of; are you willing to share, because I don't think it's privileged documentation, if I could have a look at your annual manpower survey for 2010 and 2011; that is submitted to the Delaware State Police?

Chief Phillips: I would be glad to show it to you. Yes.

Councilwoman Jones: Thank you.

Mayor Newlands: Can we get a motion to approve the \$6,400 for the police training?

Councilman Lester: I'll make a motion that we approve the items listed on this email, \$6,418.

Councilman West: I second it, Mr. Mayor.

Ginny Weeks: I would like to know from the attorney if you can approve more than

what's on the agenda. I know you can approve less; but can you approve more than was asked for, which was \$5,000?

Seth Thompson: The problem is notice. \$1,400 is not a de minimis amount.

Mayor Newlands: We'll do the \$5,000 now and we'll just do the rest next month. Go ahead and amend your motion.

Councilman Lester: I amend my motion agree with Item 15, a on the Agenda that we approve \$5,000 towards Training expenses.

Councilman West: I second that.

Mayor Newlands: We have a motion and a second to approve \$5,000 for Police Training expenses. All in favor say aye. Opposed.

Councilwoman Jones: No.

Mayor Newlands: Motion carried.

b. Water Tower Referendum Results

Mayor Newlands: I was proposing that we put a survey out to the residents to get their opinion. Some people came back to me and were annoyed that I would dare survey somebody about what they voted on. The survey would be an anonymous survey. It would not require anybody's name or address to be on the survey. We are also thinking of sending it out just to the people who voted; we have the voter list, as to who voted. We don't know which way they voted, but we know who voted. So we would just like to find out from the residents what we can do better and what information they need, so we can go forward with this project and continue it. I would also like to mention that there was some concern about the type of storage that we have; the type of system we put in; and from the State Planners Office they told us that if we don't put the most efficient system in, we will not get grant money. So, elevated storage was one of the most efficient systems that they talked about. So, just to let everybody know, we could lose part of that grant money, if we went with some other system that was not as efficient. Mr. Abbott, did you want to say something?

Win Abbott: Yes, Mr. Mayor. A final piece of information was laid on the Council's table prior to tonight's meeting, and that is a grant application form; it is blank. I've been in touch with the Office of Drinking Water and they're going to make \$10,000 available to the town for a Planning Grant. This will be a follow-up study so that we can be in a better position to reapply for the SRF Funding at the next go round.

Mayor Newlands: So this is a Planning Grant, basically it's to get a second opinion.

Win Abbott: Yes, Sir. Now what it would require is that the Council pass a Resolution at our next regular monthly meeting affirming that the support of the improvements to the water operating system and the Planning Grant to that end.

Mayor Newlands: Okay, good. I remember you telling me that this Grant was normally a matching grant; but the Office of Drinking Water decided not to make this a matching grant.

Win Abbott: That is correct. It's usually a 50/50 matching grant. They're giving us \$10,000 without any contribution on the part of the town.

Mayor Newlands: Okay, good, thank you. Now as far as the Committee, I've heard people wanting to have a committee of diverse, socio-economic people in town. Unless we're going to get 10 engineers together in a room and talk about a water tower committee; that's just not going to be practical, I don't think. I don't know what other comments other people have as far as comments from the Referendum. We did a number

of presentations; we had public meetings; we had Public Hearings; I did a rough count and CABA Associates had been in front of Council at least a dozen times in the last five years or so making this presentation about the water tower and water system. I don't know how much more you can tell the public, what we're doing and what we would like to do and we have a redundancy issue, besides the water capacity issue.

Councilman Lester: We can use this funding to retain maybe one or two engineering firms?

Mayor Newlands: You're only going to get one for that money.

Win Abbott: Yes, Sir, that is the purpose; the funding is specifically for the hiring of a qualified engineer to do this planning study. It could be our current Town Engineer, it could be other engineering firms that are qualified in the State of Delaware and have done this before and I have recommendations from the Office of Drinking Water.

Mayor Newlands: I would suggest it be a different engineering firm, just so we get a second opinion from a different source.

Councilman Lester: Maybe we can follow our new process; hopefully our new process of bidding or even interviewing a group of firms.

Mayor Newlands: Yes, we can do that. Nothing is stopping us from sending that out to bid, anyway.

Seth Thompson: You don't have to bid for Professional Services, but you certainly can.

Councilman Lester: I know and that was what was brought up in the Finance Committee, we know that; but we're sort of hanging our hat on the fact that we may go out to bid and we probably should, until the Town Charter... The Town Charter was corrected one time to allow for that and then before it went up to Dover that paragraph or two was ripped out. We should, I think, do that and I don't know how you have a huge committee; it's just going to have 15 different opinions. I'm not sure how you get the public involved in this so they are comfortable.

Mayor Newlands: I think you need a third party, anyway; you shouldn't have the citizens and residents in town doing that, because they're going to be impartial to what they want done.

Councilman Lester: That's what I mean. They're not going to come to an agreement.

Mayor Newlands: You need qualified licensed engineers to do this.

Councilwoman Jones: Mr. Mayor, on this issue, if a committee is not formed, is this issue from here on to when it comes before Referendum and through stages, is this something that the Water Committee might take on to act as a conduit between public and Council; just for the point that it becomes a place where the public, since it seems to be a similar issue – water – can come and give their opinions there and have that, then, given to the Council? Does that fall under the Water Committee; and I mean it would require, I guess as you head towards another Referendum; quite consistent meeting on topics. Is it a place where it might belong?

Mayor Newlands: Mr. West, you're on the Water Committee aren't you?

Councilman West: Yes.

Mayor Newlands: Have they been before Water Committee?

Councilman West: Who's this?

Mayor Newlands: Have CABA Associates been before the Water Committee?

Councilman West: Yes.

Mayor Newlands: But they've only done it once or twice?

Councilman West: Twice. They met once in Town Hall and once here in the Library.

Mayor Newlands: Okay.

Councilwoman Jones: Well and not always CABE Associates necessarily; but that the Water Committee, or the chairperson of the Water Committee, is knowledgeable of what is going on as we're progressing and going further with a Referendum. It's just another information source, rather than the public coming here and speaking directly to Council; perhaps this is another avenue, rather than forming a specific committee.

Mayor Newlands: With the small amount of people we get coming to the meetings... I was very surprised that 260 people voted against this and 30 people show up at our Public Hearings and the same 30 people come to both Public Hearings. I get concerned having that go before a Water Committee that it will be five people. I don't mind setting up separate Council Meetings, just for the purpose of the water improvements; I don't mind doing that at all and having just separate workshops more frequently than we did; because we're not under any time constraints as far as when we can do the Referendum; we can do it in six months, eight months, two years, you know. I don't know if people know right now one of the water towers is down; it's been drained for maintenance, so the one in back of Shipbuilder's has been drained since last Monday, so if we have any problems, you only have one 125,000 gallon tank. So we don't need to vote on anything tonight; other than next month we need to vote on the Resolution for the Grant.

Seth Thompson: It's going to be a Resolution.

Win Abbott: Mr. Mayor, I certainly wouldn't mind getting an affirmative direction from the Council that I would be advertising for engineering services for the purposes of hiring people for this Planning Grant; then when I have the information together, it can be presented to Council at the same time as the Resolution affirming the same and the Grant application, so that at next month's Council Meeting all the pieces will be in place to move forward; so I certainly wouldn't mind having direction from you all saying that I can advertise for engineering services for the purposes of this Planning Grant.

Mayor Newlands: Okay, so you want a motion to be able to advertise for engineering services for the Planning Grant.

Win Abbott: Yes, please.

Councilman Booros: Can I ask a question? Do you inform people when you advertise that the money is not yet available for this action, so that they're not putting a lot of good time and energy into a proposal for this Council; when the money hasn't been secured under the Grant yet?

Win Abbott: I'll make sure it is within the description of the Request for Proposal.

Councilman Booros: Okay.

Councilman Lester: They're going to be paid for the work they do, so they're not at a loss.

Mayor Newlands: Right.

Councilman Lester: Their hope would be to bid for it.

Councilman Booros: There are some costs involved in putting together a proposal; I mean, these guys are hungry.

Councilman Lester: But they're going to get paid through the Grant.

Councilman Booros: We don't have the Grant yet, is all I'm saying, so just to stick out a proposal when you don't have the money in your hand...

Win Abbott: Yes, Sir, your point is taken.

Mayor Newlands: So can we get a motion to authorize advertisement for the Planning Grant?

Councilman Booros: I'll make a motion to advertise for the Planning Grant.

Councilman Lester: Second.

Mayor Newlands: Is that sufficient enough, Win? Okay, we have a motion and a second to advertise for Planning Grant. All in favor say aye. Opposed. Motion is carried.

c. Approve or deny Property Tax Appeal results

Mayor Newlands: Our tax assessor came back, reduced some home values and left some unchanged; so we need to go through and approve or disapprove the changes that they are recommending and I don't have a calculator in front of me, but they came out to very minimal taxes, I think, on some of these.

Councilman West: Mr. Mayor, can we vote on this as a package?

Mayor Newlands: No.

Seth Thompson: You need to do it individually so that there is a record, in the event that anyone appeals.

Mayor Newlands: So we'll just go through Case 1. The property location is 119 Heritage Boulevard, it's Tax Map 2-35-20.00-7.98 and it's to adjust the size and value to \$384,100. Can we get a motion to approve?

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 1.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. 1. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 2. The property location is 119 Arch Street, it's Tax Map 2-35-20.00-827.00. They removed the finished basement and adjusted the value down to \$384,000. Can we get a motion to approve?

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 2, 119 Arch Street.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. 2. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 3. The property location is 107 Chestnut Arch Street, it's Tax Map 2-35-20.08-14.00. The tax assessor's recommendation is no change. Do we need to approve that?

Seth Thompson: You do need to approve that change.

Councilman West: Mr. Mayor, I make the motion that Case No. 3, there be no change made.

Councilwoman Patterson: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. with no change. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 4. The property location is 100 Arch Street, it's Tax Map 2-35-20.00-871.00. They removed the finished basement and adjusted the value down to \$409,400. Can we get a motion to approve?

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 4, 100 Arch Street be \$409,400.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. 4, adjusted down to \$409,400. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 5. The property location is 400 Village

Center Boulevard, it's Tax Map 2-35-20.00-718.00. No change is the recommendation.

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 5 that no change be made.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to have no change on Case No. 5. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 6. The property location is 111 Mill Pond Avenue and it's to correct the size and lower the assessed value down to \$409,400.

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 6, 111 Mill Pond Street.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. 6. All in favor say aye. Opposed. Motion is carried.

Mayor Newlands: Okay now we have Case 7. The property location are the vacant lots in Chestnut Crossing and the recommendation is no change in the assessed value.

Councilman West: Mr. Mayor, I make the motion to approve this Case No. 7 that no change be made.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to approve Case No. 7. All in favor say aye. Opposed.

Councilman Lester: I'm opposed.

Mayor Newlands: Motion is carried.

Councilman Lester: Before you go on Mr. Mayor, can I just say that just looking at these errors in this report, I know we're going to look at retaining a new assessor, but they were assessing people with finished basements and other amenities that did not exist and we don't know who else in town has been assessed for something that didn't exist; these people did a very poor job.

Councilman Booros: On that note, Mr. Lester, I was in that meeting that night when these people came before Council, and I don't understand how somebody could have appealed their tax assessment if they didn't know that the guy said they had a finished basement. I mean, getting the number of what your neighbor has, or what your number was; but if you didn't actually see the paperwork that said you had a finished basement, and for those that weren't in the room; if you had window treatments on your basement windows, you have a finished basement. So maybe the town should consider giving them a copy of it next ten year's from now when it's done again; when is it done again?

Mayor Newlands: Well actually if you had your books in front of you now, you could look at it and appeal it again next year. You can appeal it again next December. The problem is that I'm not sure if that's electronically kept. I'll have to find out. I don't know if they keep electronic files, or not. I'll have to find out.

Councilman Booros: Well had stuff in front of him; so surely, somebody has the records.

Mayor Newlands: He knew who was coming, so he brought his files with him. He knew who was appealing. We had that up front. Okay. Anything else on the tax appeals?

Don Galgano, 100 Arch Street: During the discussion of the people that came that evening, about the assessed value of their home and the issue with the basements, or not; it was also brought up that the town just uniformly charges everybody \$120,000 for the land and it seemed excessive and people were going to look into that and it appears that you did look into the value of the house; I'm just questioning if you looked into the

value of the land or are we just blanketly assuming that everybody's land is the same \$120,000; no matter where it is or what size it is. I thought that question was going to be addressed, but, it doesn't appear to be Mr. Mayor.

Mayor Newlands: He's not addressing it because... Actually, I shouldn't say because. I don't know why he wasn't addressing it. Every property in Heritage Creek and every property in Wagamon's West Shores is valued at \$120,000, land value. I think Cannery Village and most of the rest of town is \$80,000.

Don Galgano: Okay, so that didn't change at all.

Mayor Newlands: No, it didn't.

Don Galgano: Okay.

Mayor Newlands: Thank you.

d. Resolution authorizing the [next] Code Enforcer Officer to write citations

Mayor Newlands: Can you explain? Or do you know the procedures that they have to go through now; it takes about a day. If we wanted to give somebody a summons, it takes about a day's worth of legwork, I think, from what Robin and Craig explained to me, between going from here to Court and back again, in order for them to write a simple citation.

Win Abbott: Mr. Mayor, I'm not really sure of where you're going with that? What it's relevance is.

Mayor Newlands: We can write a citation now, I think, but it takes almost a day of work just to write one citation and they have to go between court and back and do paperwork and go back to the owner and it's a nightmare. The reason we're doing this is to make it a lot easier for the Code Enforcer. He can go down to the police station, log onto one of their computers, they'll go on to DELJIS, so then they can write a summons right away and give it out; so it's much easier, much more efficient and I can't remember under my tenure, if we wrote any summonses; I don't think we have for Code issues. So this is just empowering the Code Enforcer to give him or her the authority to use the DELJIS; actually not use the DELJIS system, but to be able to write summonses. Is there anything else you want to add?

Win Abbott: Yes, Sir, Mr. Mayor, I believe our Solicitor has recommended a change for this; but just for purposes of clarity, I wanted to point out the fact that we commonly refer to as "nuisances" or "property maintenance issues" appear in many different places throughout the entire municipal Code Book. You'll find an item prohibiting having refrigerators outside, without having the doors removed or somehow it being chained tight in one place and then weeds in another place. This attempts to bring together all the things that we would believe that a Code Enforcement Officer should be able to write citations for into one place. At the same time, it does not take away the authority from anyone that has already been vested with that particular right. There are various places in our Code Book where that is vested in our Police Officers or in the municipal clerk or in other persons, such as the Secretary of the Town Council. So the wording in this particular Resolution is such that empowering our Code Enforcement Officer does not take away those powers from any persons already given that power.

Mayor Newlands: Okay, thank you.

Seth Thompson: The only addition that I had in discussing it with Mr. Abbott, I didn't want this Resolution to be read as somehow limiting the Code Enforcement Officer to these chapters, so it would probably be helpful that after the "THEREFORE" clause, it

said “In addition to the express provisions currently within the Town Code. The Town of Milton Code Enforcement Officer shall be vested.” So, in essence, somebody couldn't read this Resolution and say well you can only write a citation for Chapters 85, 152, and 155.

Mayor Newlands: Right. Okay. So we don't have to do this tonight, we can just have this as a First Reading for tonight.

Win Abbott: Yes, Sir, this is just a First Reading.

Mayor Newlands: So you have changes that you want to give us.

Seth Thompson: Just briefly, but I'll email them to Mr. Abbott.

Mayor Newlands: And just for the public's knowledge, how many Codes did you put in DELJIS; or how many do you intend to put in DELJIS? Two dozen or something like that?

Win Abbott: No Mr. Mayor, I believe I put about – I'm thinking more than 60, particular citation references and they've already been uploaded into the Delaware Criminal Justice Information System.

Mayor Newlands: So there are 60 different violations that could happen in town that somebody could get a citation for? Okay. So we'll have an update and we'll do the signing of that next month.

e. Additional streetlights on Shipbuilder's Boulevard

Mayor Newlands: Shipbuilder's Boulevard, by the way, is dedicated to town; so we now maintain the median on Shipbuilder's Boulevard. That's been dedicated to town, we found out many, many years ago. We just started maintaining it last year; I think Mr. Capano finally realized he didn't own it and he stopped maintaining it. So. The streetlights are going to go in the last three islands in the back of Shipbuilder's Boulevard and we have a price from Delmarva Power for \$5,843.50 and Mr. Atkins, you got a price I think higher than that from our own electrical utility provider?

Allen Atkins: I got a price which was higher than that. I don't know exactly what it is now.

Mayor Newlands: Because our own electrician's were higher than Delmarva Power?

Allen Atkins: Yeah it was higher then what the Delmarva contractor bid.

Mayor Newlands: Now, just for budgeting purposes, we had budgeted \$5,000 in streets, for snow removal, so with the mild winter we had, we have at least budgeted \$5,000, so if we approve this tonight, which I hope we do, we'll only be \$843 over in the Streets.

Councilwoman Jones: A question for you. These new lights are going in a roadway that has already been dedicated to the town?

Mayor Newlands: Correct.

Councilwoman Jones: Okay, for the covering the lighting in the areas that do not belong to town, have we started any procedures? Someone, I guess, just the public recommended that the front properties that may still belong to the developer; is that something that we're able to put a lien on? Is there anything that we can do to help regain the town's money?

Seth Thompson: I looked into that. Given the age of the development, I think a suit would probably be unsuccessful; however, the town under it's “Clean Hands Policy” spends money, there's a good argument for that person to come in and get any sort of other approval or permit for those other properties, they would need to reimburse the town for what the town had spent on it's behalf.

Mayor Newlands: But for these particular lights, we've accepted these streets, as is. I don't think you're going to get any of his money back.

Councilwoman Jones: Oh no, and I'm not talking specifically about that, I'm talking about what we're covering because the developer does not cover. But that's kind of a passive method, which is that you hope... Well, not to hope you remember, but if you could somehow attach onto one of those properties and have it sold for the money that's been...

Councilman Booros: Or when it is sold, because if we haven't attached the property, he can sell it to whoever he wants to if he doesn't ask us for a permit to build something on it.

Seth Thompson: And that's right, but...

Councilman Booros: So it doesn't do us any good to look for paved streets in Cannery Village, when the property has already been sold; the second half of the neighborhood has already been sold and we didn't attach it.

Seth Thompson: I can just tell you that there's going to be a very quick statute of limitations Latches defense if we try to force the issue.

Councilman Booros: To put a lien on it?

Seth Thompson: Right, because, again, to get a lien, we would need to get a judgment, basically; and that would involve filing suit and I think they're going to assert some good affirmative defenses there.

Councilman Booros: So we do nothing.

Seth Thompson: I mean again, the "Clean Hands Policy" is at least a possibility for recovering those funds. We're talking about decades.

Mayor Newlands: But again, we're talking about the streetlights are ours. It's our property. We accepted the streets without the street lights on them so... As far as the remaining streetlights in there, Robin's looked at the lighting plan awhile ago for me; about a year ago and he said that the lights are within the standards of the lighting plan; so whatever they set forth, back when they did the development, the proper lights are there; whether it meets our current lighting standards or not.

Councilwoman Jones: But we're paying for them.

Mayor Newlands: We are paying for all the lights right now in Shipbuilder's. What happened about two months ago, if you remember, Mr. Capano stopped paying for the lights for a dozen or so lights; so we picked up the tab for that, which is around \$235 a month. We're paying for it, because most of that development is dedicated. There are only three streets that are not dedicated in there. So we're paying for the lights that we should normally pay for.

Councilwoman Jones: Are you waiting for a motion?

Mayor Newlands: Sure.

Councilwoman Jones: I would like to make a motion that we accept the lighting agreement from Delmarva Power for three additional lights in Shipbuilder's Village.

Councilman Lester: I second that.

Mayor Newlands: We have a motion and a second to accept Delmarva Power's bill for three lights in Shipbuilder's Village. All in favor say aye. Opposed. Motion is carried.

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

- a. Approval of 2012 Town Council positions (Secretary, Treasurer, Asst. Treasurer)

Mayor Newlands: This is the annual meeting we go through and we reassign or reaffirm

all of our committee members and our Council Members on committees.

Councilwoman Jones: Mr. Mayor, I would like to point out that Economic Development, on Page 3...

Mayor Newlands: Those we're going to do next. We're doing just the Council, because we have a Council Secretary, Treasurer; so we'll do that first and then we'll go down to the other committees. So for the Council, we have Vice Mayor Betts.

Councilman Lester: Shouldn't that read Vice Mayor?

Mayor Newlands: It does. It's on the top line on the right. I had to delete people and it would up on the line before. So we have Ms. Betts as Vice Mayor, Mr. Lester as Treasurer, Mr. West as Assistant Treasurer, and I had spoken to Ms. Patterson about being Secretary. So those are the assignments on Council. Can we get a motion to approve them?

Councilman Booros: I'll make a motion to approve those.

Councilman West: I'll second it.

Mayor Newlands: We have a motion and a second to approve the Council appointments and assignments. All in favor say aye. Opposed. Motion is carried.

- b. Approve of 2012 Town Committees as presented by Mayor Newlands (Board of Adjustments, Planning & Zoning, and Historic Preservation, all other committees) (Ethics forms required)

Mayor Newlands: Okay on the subsequent pages, what's in red are the people who are up for their term this year on each of the Committees. We have the Board of Adjustments, Planning & Zoning and Historic Preservation, let's just go with those three; because those are the only three that had actual terms that expire. We've reached out to all the people on the committees and they all wish to stay. So I don't have any problems. This is Janet Turner from Board of Adjustments; we have Linda Edelen from Planning & Zoning, who we just put on Planning & Zoning but it was in a term that was expiring this year; Tim Nicholson, the same thing, on Planning & Zoning; Mike Ostinato for Historic Preservation and Gwen Foehner for Historic Preservation. Can we get a motion to approve all of those? And the motion has to be subject to getting their Ethics Forms; because they're slow in getting their Ethics Forms.

Councilwoman Patterson: Mr. Mayor, I would like to make a motion to approve the Town of Milton Committee appointments for 2012 for Board of Adjustments, Planning & Zoning and Historic Preservation, pending the receipt of the Ethics Forms.

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to approve the Committee Members for Board of Adjustments, Planning & Zoning and Historic Preservation, pending Ethics Forms. All in favor say aye. Opposed. Motion is carried.

Councilman Booros: Mr. Mayor, on the Historic Preservation may I make note that there aren't a majority of the members that live within the Historic District; and I think that it's one sided and I think that something says that there has to be four members, or a majority in the Historic District. As somebody who lives in the Historic District, that means something to me.

Mayor Newlands: Robert Carbone, Janet Turner and is Ms. Turner still here?

Councilman Booros: No, we're talking about Historic Preservation.

Mayor Newlands: I'm sorry.

Councilman Booros: Mike Ostinato, Gwen Foehner, Dennis Hughes all live in the

Historic District, the other four do not.

Mayor Newlands: Mike Filicko doesn't?

Councilman Booros: No.

Mayor Newlands: Okay. You are right on that. I'll have to check with Robin.

Councilman Booros: Thank you, Sir.

Mayor Newlands: Okay, one other committee assignment in Ms. Betts' place, on Page 4, Personnel Committee has asked Kristin Patterson to be on the Personnel Committee while Ms. Betts is away. Can we get a motion to approve that?

Councilman West: I make the motion to approve the Personnel Committee addition of Kristin Patterson.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to approve Kristin Patterson to be on the Personnel Committee. All in favor say aye. Opposed. Motion is carried.

Councilman West: Hold on a second.

Mayor Newlands: Did I miss something?

Councilman West: On Parks and Recreation you left off John Booros' name.

Mayor Newlands: I apologize. When you came off Economic Development, your name was not listed on the Economic Development...

John Booros: By the way, John Chandler is missing from the Economic Development Committee and he's the co-chair of that committee.

Mayor Newlands: Okay.

Councilman West: And also...

Mayor Newlands: Hold on. Hold on. This is how I got messed up the last time, doing too many things at once. Parks and Recreation, hold on.

Councilman West: And also on Parks and Recreation I would like to add John Collier to that.

Mayor Newlands: No.

Councilman West: I have to make that next month?

Mayor Newlands: Yes.

Councilman West: Okay.

Mayor Newlands: Okay.

Councilwoman Jones: Mr. Mayor, back up to Item b. The Agenda does say the approval of all other committees; and I know that you just took your vote on Page 1, 2 and the Personnel Committee. Does the Agenda not call for an approval of all? Would you just take a moment and look at that?

Seth Thompson: As part of your organizational meeting; it doesn't have to be... Again, some people have already been appointed for years going forward.

Mayor Newlands: As far as the ones with term limits, yes. What Councilwoman Jones is referring to is the other committees...

Seth Thompson: The Finance Committee, Board of Adjustments...

Councilwoman Jones: It says all other committees; that's the only reason I'm bringing it up, so that we don't pass by without either addressing that we don't need to vote for it or we do.

Mayor Newlands: Safest to say is we do it, so why don't you make the motion?

Seth Thompson: I completely agree. Again, if it's been noted, I think the argument would be well these people then weren't confirmed.

Mayor Newlands: Just make the motion and just list the committee names.

Councilwoman Jones: The Committee Members?

Mayor Newlands: The Committee names, not the Committee Member's names.

Councilwoman Jones: I'd like to make a motion that with corrections, we approve the Board of Elections, Economic Development Committee, Milton Development Corporation Liaison, Parks and Recreation, Water Committee, Streets and Sidewalks, Dog Park Ad Hoc Committee, the Finance Committee and the Board of Health.

Councilman West: I second that.

Mayor Newlands: We have a motion and a second to approve the members of the Board of Elections, Economic Development Committee, Milton Development Corporation Liaison, Parks and Recreation, Water Committee, Streets and Sidewalks, Dog Park Ad Hoc Committee, the Finance Committee and the Board of Health. All in favor say aye. Opposed. Motion is carried.

Councilman Lester: One question. Isn't Milton Development defunct?

Mayor Newlands: No they're not and we have a liaison with them. They're still in existence.

c. CHEER Center Mayors for Meals Day update

Mayor Newlands: Meals on Wheels – the CHEER Centers throughout the country invite the local politicians to just come to give out meals on one particular day a year; they do that in the middle of March and it's just an awareness; just to let us know what's happening within the community with the seniors and those in need of meals and assistance and one good thing to say is that they didn't increase the number of people who need meals; they were running at around 100 last year; this year they're running 80 in the non-cold weather and about 100 in the cold weather; so the need hasn't increased; which is a good thing. One thing that they do ask us to do is just to mention that they need drivers. So they split up different routes every day; Monday they have a certain set of drivers, Tuesday they have a different set; so they have a different schedule every single day depending on how many people are going to show up to be drivers; so if you have time or you feel you want to give something back and you want to drive around, just talk to the Meals on Wheels; the people at the CHEER Center on Route 16. If you need the numbers, I can get them for you; you can just call me or email me.

Councilwoman Jones asked the Mayor to go back to Item b, so please see Item b.

d. First reading of an ordinance to amend the Town Fee Schedule regarding annexation fees

Mayor Newlands: We've had this discussions a couple of times last year about annexation fees. The current annexation fee we have is at \$8,000 an acre. It includes sewer, water, streets, sidewalks, lights, you name it, it includes it. We're probably the only town in lower Delaware, except for Millsboro, I think it is, who has an annexation fee that high; the rest of them have nominal annexation fees to cover the cost of doing the paperwork for annexations and I'm going to leave it to Mr. Abbott. He wrote up all the stuff and talked to all these engineers. I'll let him.

Win Abbott: Mayor and Council, I want to try to simplify a very complex thing for you. What you have here tonight is the opportunity to either 1) accept one of the I believe there are four proposals before you; to contract with an engineering firm to further study the annexation fee issue; 2) you could accept or amend the flat dollar value; that is the \$4,377 annexation fee that was the rationale that I presented back in January or; 3) to

come up with something altogether different.

Mayor Newlands: And just for those new on Council, we've only collected an annexation fee from one or two homeowners who had failed septic systems and wanted to come on board for our sewer system. We've had no developments pay an annexation fee, because it's not due to be paid until sub-division approval time, I think it is; and Key Ventures has been waived, that annexation fee has been waived anyway. The only other development in town that was annexed in, is Dr. White's property and they haven't paid an annexation fee.

Councilwoman Jones: Question. Key Ventures had an annexation fee waived, but that are you implying that that's a carryover to a new developer.

Mayor Newlands: I actually don't know that.

Councilwoman Jones: That's a very good question, that I would like to have answered since we have that on the agenda this evening. I don't know how a promise for a waiver in an annexation fee to one group that then no longer owns the ground would be how you could carry that over? How could you carry that promise over?

Seth Thompson: I suppose if the annexation agreement discussed successors in interest, I guess that's how that would work, but I tend to agree that if the party that agreed to that is no longer the one that's presenting the application; it strikes me that it would not be binding, unless there was something in the agreement itself that said that it's binding on the subsequent owner.

Councilwoman Jones: Also very timely.

Mayor Newlands: Well this development is not going to come before Planning and Zoning for a couple of months, so we have some time. If I'm not mistaken, the annexation fee is to cover our costs for putting in roads and sewers and water mains and things of that nature.

Win Abbott: No, Sir, that was part of the problem with the whole subject from the beginning; the mixing of these two different issues. Impact fees are cost recovery to our infrastructure expenses. The annexation fee's only nexus is the administrative costs undertaken through the process of annexation. So this number, the \$4,377, references back to all the different I'll just say soft costs within administration, to go through and in this case, it was a major sub-division approval and we equated all those steps to that which it would cost for an annexation and then simply added on the Consumer Price Index, the rate of inflation, from that time forward.

Mayor Newlands: Right, but the \$8,000 an acre was assuming that we were going to be doing infrastructure.

Win Abbott: Yes.

Mayor Newlands: Okay, that's what I'm saying. Okay. So the option right now is either to accept your analysis for contract one of the four engineering firms to have that restudied.

Win Abbott: In the simplest terms, yes.

Mayor Newlands: And the costs for having an engineering firm do it, one firm is...

Councilman Lester: Is pretty high.

Mayor Newlands: One firm was \$15,350; another firm was \$5,800. The scopes are a little bit different in each of those, I should mention that. Another firm was \$19,050 and I don't have the fourth one.

Win Abbott: I think the fourth one was referenced to CABA Associates who sent an email that tried to parse the difference between the water impact fees, farther study

having to do with the water tower referendum and anything else; but yes, the completed proposals that you have, include one from the Municipal and Financial Services Group of Annapolis, Maryland, who did the last cost recovery study for the Town of Milton back in 2005; their bid was \$19,050. You have Pennoni Associates and they put together a bid for \$15,350. And you have Davis, Bowen and Friedel; now their bid was considerably less, but they took a different view of the scope; it was \$5,800. I think they're leaning more towards an helping us to develop policy recommendations that would guide your decision making.

Mayor Newlands: Okay.

Councilwoman Jones: Mr. Abbott, since I do not have CABA Associates' proposal, or at least I'm not seeing it, could you give me an idea of what there's was.

Win Abbott: I don't have it in front of me, either.

Councilwoman Jones: Okay and it came in an email.

Win Abbott: Yes. And once again, their proposal actually referenced the particular cause for water impact fees and not some of these larger issues, as well.

Mayor Newlands: Do we know the time frame; how long it will take to do some of these estimates?

Win Abbott: I'm thinking 90 days.

Mayor Newlands: Okay. So if we put all this into a grid, because they're all different as far as what the scopes are.

Win Abbott: Yeah, I gave them all the very same information, but I didn't get a lot of specifics from the Council regarding this. As I say, your options are to choose one of these, go with the recommendation I make, or go with something else entirely different; that different option may be that you want the Council to better define what it is that you want before doing this exercise.

Mayor Newlands: Yes, I think doing anything right now is a little premature because the fees are all over the map. I think maybe what we want to do is put them in a spreadsheet and try and get them level to see what we've got there for next month.

Win Abbott: I'll do whatever you guys ask. I just want to help you move this thing along, that's all.

Mayor Newlands: Yes, I don't want to guess at a number either; then if that doesn't hopefully prove justice for anybody.

Councilman Lester: There was a prior in 2005, there was a study?

Win Abbott: Yes, Sir, that was done by Municipal and Financial Services Group. I will be glad to provide you with a copy of it.

Councilman Lester: I'm just wondering if we could use that as a guideline and have one of our committees take a look at that.

Win Abbott: I'm sure that would be helpful to you, however, the matter of the fact is that that was predicated upon the fact that we owned our sewer system and they were looking forward to growth, which occurred from 2005 through 2009; then of course, we had a change in the market since then and we don't own the sewer system. So I would provide you with that information, but I'm not sure that it would be as helpful as you think it may be.

Councilman Lester: No, I'm not going to look at it. Thank you.

Councilwoman Patterson: Mr. Abbott, I have a question. I've been looking at the schedule for annexation/impact fees. Down here it says the number of acres involved in the annexation is not relevant to the administrative process; so basically the annexation

fee is to sort of get the ball rolling and start to understand the scope of the project, because the fees are recoverable on the back end. Is that correct?

Win Abbott: Yes. Once again the size of a piece of land is not necessarily relevant to amount of steps that we have to go through, through a lawyer, an engineer, internal costs that we have, with setting aside Mr. Davis' time to go through all those things. And they're relatively the same; if you are talking about five acres or 100 acres. That's the whole point of the relevance and yes, these things can be recovered. Certainly an option for the Council to consider is to have no annexation fee on our fee schedule; but to simply have a policy in place that requires certain mechanism for cost recovery. For example, an escrow account for an estimated value of and then whoever the developer is or private property owner is, that is wishing to be annexed into town would have to reimburse the town through that escrow account until we're made whole.

Councilwoman Patterson: Okay and we're the only town in Sussex County, besides Millsboro, that still has that flat \$8,000 per acre annexation fee. Is that correct?

Win Abbott: Yes and also for Millsboro, within that dollar value per acre; and I think theirs is \$7,500 per acre; they actually build out the infrastructure themselves; so they bear that cost.

Councilwoman Patterson: Okay. Thank you.

Mayor Newlands: And the way we're set up right now is that we would charge \$8,000 per acre, all at once; so a development like Key Ventures would be \$580,000; one lump sum that the developer would have to pay to us in the beginning and that's a big hit when they're trying to get moving on a project.

Councilwoman Patterson: Okay, thank you.

Mayor Newlands: So we need clarification on some of this stuff. More to come next month. Okay, does anybody have any other questions about the annexation fee concerns? Do you need any direction from us?

Win Abbott: We'll be in touch.

Mayor Newlands: You don't need us to make any suggestions?

Win Abbott: No, not at all. I take it that the issue is tabled for this month?

Mayor Newlands: Yes. Yes. I would like to try and level set the different engineering firms, what they're trying to do, so that we can compare prices and stuff. Thank you.

e. Letter of support for Cave Neck Road Apartment Complex

Mayor Newlands: This is the Milton Green Apartment Complex that we had the presentation for in the beginning of the meeting. They're looking for a Letter of Support that we would want the project to be in town. They're also looking for some tax abatements and some water connection fee waivers. Now they put together a Schedule of all of the different fees; if you look on... These are not numbered, but... If you look on Table E in the presentation that they handed out; it's probably about five pages in. These are all of the fees we charge; it's somewhere around \$214,000. The Water Impact Fee, I'm not sure if it's per unit, or per connection. Allen do you know, off hand, is it... We'll put 4" meters in these buildings, right? Or 3" meters?

Allen Atkins: [unintelligible]. They'll be metered at one meter per building, but...

Mayor Newlands: Say it again, one meter per building. But, say it again, one meter per how much?

Allen Atkins: Four units per one building; there will be one meter. It will be like Milton Landing.

Mayor Newlands: So you will have three meters if there are ten units?

Allen Atkins: Probably will, yes.

Mayor Newlands: Okay.

Councilman Lester: Mr. Mayor, I know I'm not supposed to talk about this, but, you guys need to know what you're looking at... You have Milford Green, Nanticoke Green and Milton Green and I think...

Mayor Newlands: It's Milton Green is their name.

Councilman Lester: I'm sorry. I didn't mean to interrupt.

Mayor Newlands: Nanticoke Green came into play somewhere along the line, early on and then Milford Green was someplace else; and now it's Milton Green, is the name of the project.

Councilwoman Jones: Would I be permitted to ask Mr. Holden a question?

Mayor Newlands: Yes you are, that's why he's sitting there basically waiting and he needs a microphone.

Councilwoman Jones: Mr. Holden, has your development group purchased the twelve acres on the parcel?

David Holden, The Ingerman Group: No, we have an Agreement of Sale with Key Ventures for it.

Councilwoman Jones: Okay. And if the town were not able to give you the tax and water connection break, which you are asking, would you look for a parcel somewhere else?

David Holden: The support we're asking for from the town makes the application more competitive with the Delaware State Housing Authorities application process; so that's the reason we're asking for it. It doesn't mean we wouldn't still try, if we couldn't get the breaks; we still wouldn't try; but it just ensures that it's got a better chance of success.

Councilwoman Jones: Thank you.

Seth Thompson: Mr. Holden, I had a question. Have other towns given you a tax abatement before?

David Holden: Absolutely. Milford gave us a five-year abatement; Dover gave us a five-year abatement; Dover waived building permit fees; Wilmington's waived building permit fees; New Castle County has provided a financial contribution; so yes, I've provided some documentation to Mr. Abbott of what we've received. It's been pretty consistent.

Councilwoman Patterson: Mr. Holden I have a question. I was under the impression that in Milford you had a graduated abatement. Is that correct? Did I understand correctly? First year no fee – second year 25%.

David Holden: That's Dover.

Councilwoman Patterson: Oh, that's Dover.

David Holden: Yeah, Milford it's a five-year.

Councilwoman Patterson: Okay, thank you very much.

Mayor Newlands: And Ms. Patterson you had mentioned to me this morning, there was an item in there that the abatement will go on until it would start or end when the last unit was rented?

Councilwoman Patterson: In reading the letter, I guess the one that Susanna prepared, I was just confused, because as I was reading through I couldn't quite understand the letter and I wasn't quite sure if you were looking for the abatement to begin five years from when the last unit was rented.

David Holden: No, it would be five years from when the last unit was occupied or the

sixth year of occupancy.

Councilwoman Patterson: So five years from when the last unit was occupied?

David Holden: Yes.

Councilwoman Patterson: So you would have to wait until the last unit was filled and then the five years would begin then. Is that correct? The five-year abatement would begin then?

David Holden: Yes, but they would all be built in the same six month period.

Councilwoman Patterson: Are we sure? Okay. Is that usually the case?

David Holden: Absolutely. Yes.

Councilwoman Jones: Your schedule date would begin in 2013; occupied in 2014; that would then make no taxes until 2019?

David Holden: Well the taxes would stay the same as they are now. We just would ask that the increase not be applied for the first five years of operation.

Mayor Newlands: Taxes are zero right now. But it's also marked as farmland right now. It's zero because it's farmland. So you're asking for no increase.

David Holden: For the first five years.

Mayor Newlands: Okay.

Councilwoman Jones: Which is nothing.

Mayor Newlands: It's changing it's structure from farm to residential; so I don't know if we would value it then, so if all he's looking for is the difference between what we value it at and...

Councilwoman Patterson: See one of my concerns, if I may jump in, is the minute the building process begins, you're going to have materials there, you're going to start to build the building and we'll need police protection down in that area and I think it's tough to ask the citizens of Milton to perhaps, maybe, a graduated abatement; more the first year and then the second year 25%; and grow as you start to grow; but it is a concern of ours, which our police force and the resources and things like that. It is a concern of mine.

David Holden: And that would work as well. That's why I included that the total fees we're paying when we started construction, would... If you would... The total fees are \$214,000 to the Town of Milton and if you did give us the reduced connection fees, then the town would net \$124,000, the day we started construction.

Councilman Booros: Which is one seventh of what our Police Department costs us now. I mean one-sixth of what they're costing us a year now and with additional seven more buildings, or however many buildings you're going to put out here, outside, technically, they have to go through the County to get to this area; I mean that's additional police protection we're all going to have to pay for in this town. The police budget already eats up 70% of our tax dollars, of our revenue here and I'm just looking at abatement, even when you pay the taxes for that property, my understanding is that it's going to be about \$10,000 a year...

Mayor Newlands: I want to understand what he's looking for. When we convert it to residential or we put an assessment on it, if he's looking to lock in the difference between what we would charge, let's say \$9,000 and not have an increase over five years, that's a miniscule amount of money. But if he's looking to have it from zero to \$9,000, that's a lot of money.

Councilman Booros: Let's say \$10,000 starting six years from now, six and half years; whenever five years after the last unit is occupied, they're going to start paying \$10,000

a year in property taxes. What is our extra police... There are going to be extra expenses; you're going to turn over a road to us and we have roads in this town that aren't paved now.

Mayor Newlands: Right now, I'm trying to understand when the abatements on; whether it's...

David Holden: What we were asking for was for the first five years of operations, that there was 100% property tax abatement.

Mayor Newlands: Oh, 100%, okay.

David Holden: I didn't realize that the property taxes were nothing. I thought they were nominal; so what I was saying for the first five years if they could stay the same and then go up. This makes the application more competitive with the State. I understand that with the way the economy is and the way dollars are, the \$10,000 that we came up with was looking at other properties; similar properties in Milton and what they pay per unit; and just extrapolating to what it would be. So it's going to be what it's going to be. I'm not asking for it to be \$10,000 or \$9,000; just that either it's a graduated abatement or a five-year abatement, whatever you're comfortable with and in addition to that, we would pay the full freight on the... We itemized here the building permits; the water meter sizes; the tap is per building; the water meters, you pay \$50 per unit; so those are all itemized based on the information we got from the town.

Mayor Newlands: So you're looking to freeze the tax of \$9,000?

David Holden: No. What I was asking was that it stay the way it is now for five years.

Mayor Newlands: Well it's zero, but I don't know if you realized it was zero; did you?

David Holden: No. I thought it was nominal because it was farmland. Because you're going to be incurring costs, if a graduated amount is more attractive, that's fine. It's a qualitative process with the State of Delaware and the State looks at this as a scarce resource that they allocate to towns around the State, because it provides a housing resource, Economic Development and so they look to the towns to provide support and then, if possible, either some financial contribution or a waiver. Milford looked at it as the taxes are going to go up more than they are now; so they got less of an increase. In the case of this being farmland, that doesn't apply so much, so if the graduated approach worked better, that would be fine. Like what Dover did.

Mayor Newlands: You said, a few minutes ago, that you expect to occupy all 60 units within six months.

David Holden: Yes.

Mayor Newlands: Really.

David Holden: Absolutely. Yeah.

Mayor Newlands: Okay. I don't know where the people are going to come from?

David Holden: There's a very low vacancy rate in Milton now and that's in all _____ Cecil County, it's less than 2%.

Mayor Newlands: Really.

David Holden: Yes.

Seth Thompson: Part of my concern, the reason I asked about other towns, Delaware requires uniformity of taxes and in looking through your Charter, it's expressly provided that you can handle delinquencies and make arrangements with the delinquencies; I view that as a little bit different than an abatement. Again, the notion of uniformity of taxes would seem to me that it would be wrong to charge one person tax and not another person. It's interesting. I haven't seen any case law on it, but I suppose Dover...

Councilman Booros: I could probably show you some. And let's go to Elkton, Maryland, where they gave them an abatement of some stuff and the courts made them overturn it and start all over again; because the guy didn't own the property and it's really hard to give an abatement for stuff when you don't own it.

David Holden: Are you talking about a property we did?

Councilman Booros: I think it was in Elkton, Maryland. It was a senior center and it was in Elkton, Maryland and the courts ruled something.

David Holden: No. No.

Councilman Booros: That the town acted wrong; not that you did anything wrong.

David Holden: What I can tell you, the town waived our building permit fee, because we paid the town \$900,000 in sewer and water connection fees. The building permit fee was \$65,000. The town netted the difference. Mr. Mayor, I would be happy for you to talk to Joe Fresona and Mary Jo Jablonski and the other Commissioners.

Councilman Booros: All I did was printed out the newspaper articles that I...

David Holden: And no there was no tax abatement and now the building is occupied. It opened in July; it was full in January.

Councilman Booros: The abatement was for another property that was to be used for a parking lot that was several hundred yards away.

David Holden: That's true, right, they acted improperly on that.

Councilman Booros: They acted improperly on that and you all had a slap suit that you were about to file against the homeowners for bringing up the... I do my homework. I always do my homework.

David Holden: That was the town.

Councilman Booros: That aside, the issue was that they didn't own the property when the town gave them the abatement.

Mayor Newlands: Which would be the same situation that we have.

Councilman Booros: I don't know if that's against our Code or our Charter; they changed their Code so they could do it.

David Holden: If I could ask you to separate the three things we're requesting: the Letter of Support is critical to the application; the tax abatement; and the waiver of the sewer/water connection fee; it would make the application more competitive. We thought the waiver of the sewer/water connection fee was appropriate because we'll bear the cost of extending the City line that then we'll be users of and future development will be users of and we will pay the town fees on. The property taxes also help; that's a request. This is all a request to you to consider it.

Councilman Booros: On the extension of the water line, Mr. Mayor, didn't we just have a referendum voted down and didn't you tell us; and everybody sitting here tell us; that we don't have enough clean water for us; I mean right at this particular moment and how can we support the additional building if we don't have enough clean water for us? I'm just wondering. It's a timing issue here.

Mayor Newlands: I know. I know.

Councilman Booros: The referendum has not passed. You said earlier in this meeting that the referendum may be six months down the road; a year down the road; two years; three years down the road; that means we don't have enough clean water for us, in reserves, in the tower; just for what we've got now. These are, I'm calculating on a full, if everyone of those units is full, based on the figures they gave us in the package, 262 additional people passing our water system and these are full time residents versus what

we have in this town now; which are a lot of weekenders and part time residents. And that's not your deal, that's our deal.

Mayor Newlands: The issue is, what are you going to do, stop growth? My development just sold last Friday; so there's a new investor in there; going to bring in a new builder and they're going to start building homes and that's already in town. The same with Heritage Creek, they're starting on the next phase of Heritage Creek. We can't turn them down and tell them to stop building, we're out of water. Or maybe we should. Maybe that will get people riled up.

Councilman Booros: Well, quite honestly Sir, when I've been approached on that one too, before we...

Councilwoman Jones: Mr. Holden, on this rendering, it's kind of hidden behind the other piece, Mr. Collier asked you and I didn't hear a definite answer; as to whether or not after this, that you actually were looking at any other part of the parcel for further development; and the reason I think what confuses me; is that over here, I can't tell whether it's overshadowing or some intention of further development in this corner. I can clearly see your units here; but I don't know what this is over here.

David Holden: To answer the question, we develop apartments and that's what we've done for years. We build them and manage them. We don't build and sell single family homes or townhouses. So our interest, at this location, is just the apartment component. Key Ventures is talking to home builders or For Sale builders about that component. The plan that I have shows a variety of different housing types, spread over the total acreage.

Councilwoman Jones: The total twelve acres.

David Holden: No, the 89 acres.

Seth Thompson: Is that the Master Plan?

David Holden: Yes.

Mayor Newlands: Is this the remnants of what was there for Key Ventures, on the lower left?

Jeff Long: What you're referring to is simply place holder. It has nothing to do with what we are proposing here or anything that we're working on. That is Key Ventures property; that has to do with the other things that are part of their approval process. That has nothing to do with our sub-division that we're looking at; which is just the 12 acres.

Councilwoman Jones: And perhaps not addressed to you, but I will say internally to Mayor and Council, this all makes me feel like I'm missing something here; like you want 12 acres, but we already have Key Ventures who has made a choice since 2007 to do nothing with that piece of property, except escape taxes and you just let a cat out of the bag that Key Ventures may be looking to develop that property simultaneously?

David Holden: I don't think it's a cat out of the bag.

Councilwoman Jones: Well it is to me.

David Holden: My understanding is that Key Ventures bought that property to develop it and from the time I met with them, they said that was their long term plan, was to develop it.

Mayor Newlands: Yes, they've come to some agreement with the bank. I don't know what it is. I just know from looking at the online court records that they are not getting foreclosed on and they still have the units. It's an approved sub-division.

Councilwoman Jones: So what is Milton, if I may ask, you've come forward; you want 12 acres for this style housing. What else is going on on this property that might help us consider this request?

Seth Thompson: I think what they're saying is, as part of the Master Plan they would just be developing the apartments.

David Holden: The front, right; the top piece and the Master Plan that I saw, that was prepared by McCrone Engineers showed; and I think this was what was provided as part of the annexation process; I wasn't here then, but it showed apartments, where we are, it showed twice as many apartments and then it showed townhouses and single family homes; so it showed a variety of housing. I don't want to tell you that I know where that plan is headed, but I just know that that was the initial Master Plan. We're taking the apartment section; which I think their intent was to bring in an apartment developer; have him do the apartments; then bring in somebody who does townhouses or singles.

Mayor Newlands: Yes, they scheduled 108 units there of apartment buildings.

Councilwoman Patterson: Was that already approved, the 108; so there could be 108?

Mayor Newlands: The density was already approved. I know it got reduced.

Councilwoman Jones: I think the density was reduced to 262 units on that property.

David Holden: On the apartments?

Councilwoman Jones: On the entire property. The entire property. And when I look at what you call a typical building perspective and I know you haven't come forward with a site plan or anything; but one of the things that Key Ventures was approved for and I was concerned greatly; were these units which were 450' long and they looked very much like the big units at the Villages of Five Points. Spec-wise, that's a pretty good size building, is it not?

David Holden: There would be like 10 units in a building.

Councilwoman Jones: To a length of a building?

David Holden: There are 10 units, but they're stacked; there are some townhouses and stacked; typical building is probably about 200' long.

Mayor Newlands: Now, also one thing to realize; they're not going to get their final approval from the government until October; so the monies that we get for this will go into the bank; it will not be in our budget next year. Our budget process is going to start in July and we'll do that through September. He won't know if he's going to get his final check until October. Actually, that's a good thing, because we should be able to do our budget and not take a one-time hit into our budget consideration for next year; because the following year we'd have trouble anyway; so we're better off just putting this money in the bank to build up our Reserves again.

Councilwoman Jones: Although I certainly do applaud anybody who is attempting to come to Milton and develop; but I have a hard time slogging through all the financial situation that Milton is and has been faced with; raising property taxes by 20% and then offering... It's very easy to rest on what Seth brought up, which is equal taxation; it's very easy to rest on that; but my principles say I don't understand how you can afford to give that kind of a break to a developer; not considering Milton's financial status, right now, that's all.

Mayor Newlands: Does Milford have a tax abatement program going on for the rest of town?

David Holden: No they don't.

Mayor Newlands: They don't.

David Holden: No they don't. It's by property. This is a vacant piece that the taxes will be higher than they agreed to and a reduction for the first five years. That was their...

Mayor Newlands: So in Milford, you're going to pay based on vacant land right now; for

the five years?

David Holden: No, actually what they did, they agreed to reduce the taxes by \$250 per unit, per year for the first five years; so the _____ was kind of how they looked like it.

Mayor Newlands: So they gave you a discount?

David Holden: A discount.

Mayor Newlands: Okay.

David Holden: Also what they would have gotten based on the improvements; and they said for five years that they saw it as an _____ in town that they wanted to help.

Councilwoman Jones: Welcoming and encouraging this developer is one thing. I cannot get off the fact that it is a public safety nightmare.

Mayor Newlands: What's a public safety nightmare?

Councilwoman Jones: Having no access from that community to this one.

Mayor Newlands: It never was going to have any. When it was approved before, it was approved the same way.

Councilwoman Jones: That didn't make it a good idea then either. It just means it's a terribly disjointed, disconnected and you are talking a public safety issue; I don't think you can get around that and I don't think we should ignore it; which is not having anything to do Mr. Holden, with you trying to develop the property. It's inherent to the piece of property.

David Holden: I don't expect the residents to be walking into town. I agree with you. That's not our intention.

Councilwoman Jones: You don't expect them to walk into town.

David Holden: No, I agree with you, that would be a public safety issue.

Councilwoman Jones: If you put people in that property, it is a public safety issue, because you cannot stop them from walking into town.

David Holden: You're right, I can't. I'm hoping they'll guard for their own safety, but right; I can't stop them.

Mayor Newlands: But isn't this a little late with this property. Five years ago it was approved and they're coming to us now to actually do the development. The same as Key Ventures could be doing tomorrow, for the rest of the development.

Councilwoman Jones: And I support development. I have a difficult time applying taxes evenly; an increase to the residents when we would possibly, according to the request, which was 100% abatement. Remember, that's what we're operating on. I would have a difficult time voting to support it.

Mayor Newlands: I just want to divorce the discussion of tax abatement and safety. That's all.

David Holden: The tax abatement is our request to the town.

Councilwoman Jones: I understand.

David Holden: If you want to divorce that from the support, that's fine, I understand it was something we've asked and gotten in the past and it helps with the application. But if you want to strike that, that's fine and if you have the same feeling about the water connection; I thought that was a reasonable request because of the cost we would incur. If you struggle with that; then let's look at them as three separate issues.

Mayor Newlands: The problem with that is that this is too fast, way too many numbers. I mean, I met with you, Mr. Abbott and I met with you like three or four weeks ago for the first time, so I've had time to digest this. The Council has had this for a week and it's only been on paper and they've seen the presentation once. Generally this... With our

Ordinances you see we do a First Reading, Second Reading, so it comes before Council a few times; so this is quite fast for them to make a decision on that kind of finances.

Councilwoman Patterson: And I agree with the Mayor. It's just all of a sudden it just came at us and then between the water issues and things like that; it's something that as a Council we need to digest.

David Holden: Okay.

Seth Thompson: In terms of the Letter of Support, again, it has already been approved. They broke out their issues in terms of whether the Council is willing to give them a Letter of Support; whether the Council is willing to give them a tax abatement; whether the Council is willing to reduce the fees. I understand they're under a deadline and maybe the Council is not willing to act; I guess I just want to make sure 1) the Council understands my comments spoke only to the tax issue, as opposed to the others, but 2) if that is something that... It is also important to understand that again, there already is an approval here for his level of development.

Mayor Newlands: Right and if the current owners wanted to start building they just have to do a final site plan and they're done and they get permits and they start going.

Councilwoman Jones: Well that final site plan is a pretty big income indicator for the town to begin to get its impact fees and everything else.

Mayor Newlands: What I'm trying to say is that if the current developers want to continue what they were doing, they can, without coming to us for support, for a Letter of Support. They've already gotten a Letter of Support; they've already been through Planning and Zoning; they've already been through Council.

Councilwoman Patterson: So it's already been approved, with more units, through Key Ventures?

Mayor Newlands: Yes.

Councilwoman Jones: I think my initial question to Mr. Thompson warrants an answer and that is if this zoning and everything that was given during all the days with the Key Ventures discussion carries over to this development group; actually, I mean, I guess because it's the original owner those terms never sunsetted; is that correct as far as the annexation project goes?

Seth Thompson: The one element we have here and I'll have to go back and parcel through the annexation agreement, but we're only dealing with 12 acres of the 89 acres. That might make a difference under the agreement. Again, it sounds like their project is not a full successor in interest. We're only dealing with one portion. But as far as the zoning approval and as far as the overlay approval, it sounds like they intend to comply with what's already been approved. If there were to be a substantial change, your Code provides that they have to come in go through a Public Hearing to change the LPD. I believe the term is "significantly alter" the record plan, is how it is termed in the Code. But it sounds like their intention is to build a portion of what's already been approved.

Mayor Newlands: They're looking for a Letter of Support, but they're not doing anything different than Key Ventures would do, except that they're less dense than Key Ventures.

Councilwoman Patterson: So the Letter of Support is it just a formality; is it something that you have to submit to the State of Delaware?

David Holden: Yes, it would go with my application.

Mayor Newlands: And Seth's concern in the beginning was that that is not in any way, shape or form, binding that we, as Council, approve the plans that they put forward. It still has to go to Planning and Zoning.

Seth Thompson: And they've laid that out on their time line in terms of the site plan. In effect, on some level the approval of the Master Plan previously, was a Letter of Support; it was a more formal Letter of Support.

Mayor Newlands: They're just asking for this now because they're not going to go to Planning and Zoning until they're somewhat along in their process. If you're asking about – I heard the comment before about this is not depicted on any maps.

Sam Gard: Yes it is. I just looked at all the maps in the Master Plan on my own and I find that this is not included, as R-1, R-2, R-3, LPD, LLP... It is not included in the Master Plan as written and put on our website. It's not included in the town as hidden in the Code under Chapter 22 of Planning and Zoning. It is not there, so my question is, which is wrong? All the documents that are on the website, or this is actually not part of the Town of Milton at this point in time.

Mayor Newlands: This is annexed in and it's in the Comprehensive Plan. It's annexed in.

Sam Gard: Sir, I beg to differ. I challenge that. I just looked at and it ends at Sam Lucas.

Mayor Newlands: Really?

Sam Gard: I just looked at it.

Mayor Newlands: The 2010 Update.

Sam Gard: It ends at Sam Lucas.

Mayor Newlands: No...

David Holden or Jeff Long: [Unintelligible]... housing development could be improved as part of it for development.

Mayor Newlands: I'm not taking anymore question from the audience. I'm sorry.

Ginny Weeks: No it's not a question... [Unintelligible]. Like CABE Associates they have not been printed yet, because they say it costs too much money to print them as part of the Comprehensive Plan, so nobody can get a hold of them.

Mayor Newlands: I never said that, but that's okay. Okay let's continue on with the Council, please. Any more questions for the applicants? What happens if you don't get your letter? Do you just go down further on the list, or do you get looked on less favorably?

David Holden: We probably won't be affected.

Mayor Newlands: Okay. I mean, Key Ventures doesn't need a Letter of Support; Key Ventures can start building tomorrow and double the density; well not start building tomorrow, they still have one final step to go through; but...

Councilwoman Jones: Two things. Let me say again, I don't care whether Key Ventures does it or not; it doesn't cure the public safety issue; that's just a fact. Second, this letter that I have in front of me is written in the affirmative of confirmation by Council for the tax abatement, for the waiver of the impact and water connection fees; Mr. Holden, in a simple Letter of Support and Mr. Mayor, what would this letter look like without all the concessions and the giveaways?

Mayor Newlands: Do we have a copy of the Milford letter? The Milford letter was very, very simple. It was three lines. I don't think we have a copy of it in here.

David Holden: If you want to strike the paragraphs that don't deal with support, that's fine.

Mayor Newlands: The letter from Milford was five lines, six lines; it was real tiny. It basically said we support the project; we're going to give you X amount of tax abatements; and that's about it. It wasn't long. We just don't have a copy of it here. The motion can be that we write a Letter of Support and nothing else and if you want to be

explicit and say no tax abatements, no waivers of any fees, that's fine.

Councilwoman Jones: Well you don't have to state that, if they're not there.

Mayor Newlands: No, I'm just saying that in the Motion, so that when Mr. Abbott drafts the letter, he's directed not to put anything else in there, but the Letter of Support. You have to get over the safety issue; that property was already zoned; and the Master Plan...

Councilwoman Jones: Yes, in theory I do, but it is a physical, geographic reality and I might get over it in the name of endorsing growth, because I believe Milton needs responsible growth; but I'm not going to waiver on it being a safety issue, no matter who develops it.

Councilman Booros: Councilwoman Jones, also with the fact that it's low income, you're probably not going to have two-car families; you might have a girlfriend or wife at home with the baby who needs to get to Bodie's to buy a pack of cigarettes. I don't know about the rest of you, but I come down from work; coming home from work in the dark down Front Street when somebody is riding a bicycle up Front Street and you're about to knock them off the road into the ditch; or a little woman pushing a baby carriage down Front Street and you see it every day of the week. Every day of the week.

Mayor Newlands: But your argument is that you'll never approve any development on that site.

Councilman Booros: That's not my argument.

Mayor Newlands: That's what it is sounding like, I'm sorry, but... You're never going to get sidewalks to go from there to town. That's not going to happen.

Councilman Booros: I understand that.

Mayor Newlands: So basically the two of you, your argument basically, is that you're never going to approve anything on that site.

Councilman Booros: My argument right at the moment is the water, quite honestly.

Unidentified Speaker: You don't have a motion. Move onto the next item.

Mayor Newlands: Give us a few minutes, please.

Councilwoman Jones: Item 1 on the agenda tonight simply read apartment complex on Cave Neck Road. I wonder if tabling this issue for the opportunity for the public during their participation... For an opportunity when it shows up on the agenda again, the public will be better prepared to ask questions and may be better prepared to offer some suggestions on some of the obstacles that have been presented here before; quite remarkable in coming up with information; if you give them enough information, lead time to make a recommendation or even comment on it.

Mayor Newlands: I just want to repeat, they're just building what was presented and approved by Planning and Zoning and Council.

Unidentified Speaker: That didn't include any of the give backs.

Mayor Newlands: No, no, no, we're not saying anything about the give backs; I'm just saying what they're looking to build is an apartment complex, less dense than what's already been approved; so we've already had the Public Hearings on that development and they have to be in front of the State this month. The Letter of Support is to support something that's already been approved.

Ginny Weeks: It hasn't been approved.

Mayor Newlands: The previous development has been approved. Key Ventures...

Ginny Weeks: The Master Plan was approved.

Mayor Newlands: That's fine.

David Holden: If we are funded we'll have to come back for site plan approval to the

Planning and Zoning Commission for whatever community _____.

Mayor Newlands: They have to go through every step that every other development has to go through to finish off their approvals.

Councilwoman Jones: I'll make a motion to table the issue until the Council has more time to review the material that's been given them to consider the ramifications of this development and other Key Ventures possible developments on that property and will also afford the public the opportunity to enter into the discussion.

Councilman West: I'll second that motion.

Mayor Newlands: We have a motion and a second to table the apartment complex discussion on Cave Neck Road. All in favor say aye. Opposed. Motion is carried.

Councilwoman Jones: It should be this hard.

f. Cannery Village address issues

Mayor Newlands: I'm not sure if all of Council's aware of the issues in Cannery Village. The street signs are on the alleyways, for the most part; actually I shouldn't say for the most part; some of them are on the roads and some of them are on the alleyways; it gets very confusing. There is a State... What is it called Win? The State Ordinance as far as EMS, if they have to come to an entranceway it has to be...

Win Abbott: Sussex County.

Mayor Newlands: Sussex County has an Ordinance where if EMS has to come to a home, it has to be... What is it the front of the home? The best place that EMS goes to in a home, has to be where the signs are. So if the front of the home is the best access for them, then the signs have to be in the front of the home and in a lot of cases in Cannery Village the signs are on the alleyways. I know, Mr. Schwanky, I forgot to call you. I just went over your form. I don't know if you had anything to say? I passed Mr. Schwanky's form up on public participation by accident. Sorry.

Mr. Schwanky, Sundance Lane: Mayor and Council, thank you. Some of the current road signs in Cannery Village are misleading. One stretch of the Lane I live on, Sundance Lane; on one side of the street the houses are Sundance Lane houses. On the other side of the street, it belonged to Gristmill. Recently, I have personally witnessed, police and fire personnel responding to calls by going to the wrong street. I feel this is a very serious public safety issue that needs to be corrected soon. Thank you.

Mayor Newlands: Thank you. Now Mr. Abbott, myself and Robin Davis went out with Mr. Reston and surveyed the signs in Cannery Village and they are very confusing. Some of the street signs are on the front of the house; some of the street signs are on the alleys; and like Mr. Schwanky said, you have two houses facing each other, they're two different streets. In some cases, if the signs are in the back on one house; they're in the front of the house behind them; so you think the alleyway is the name of one street, when in fact, it's the opposite; the alley is named for the street on the left and the street sign for the front is on the other street.

Councilwoman Jones: Could I ask first, with the present signs; the County calls here in the description of sign placement: "Signs should be placed with their faces parallel to the streets they name, as close to the intersection corner, as practical, with the nearest part of each sign not less than 1', preferably 2', back from both curb lines." Are the Cannery Village signs presently in compliance with that portion of the County Ordinance? Yes.

Mr. Schwanky: Marion, can I submit the actual references to the Emergency Vehicles is dominant...

Councilwoman Jones: To the Mayor.

Mr. Schwanky: Yeah. These are the actual time frames.

Mayor Newlands: Thank you.

Mr. Schwanky: It creates an exception when an Emergency Vehicle must go to a pump entrance; that's an exception to where the event is.

Mayor Newlands: It says when the structure is obscured or if the structure is best reached for emergency purposes by the front door. So the signs have to go up in front.

Mr. Schwanky: That's on a corner lot; if you go to the other one, Paragraph 9.

Mayor Newlands: It says the same thing; they should go to the front door.

Mr. Schwanky: Essentially, yes.

Mayor Newlands: We're not looking for anything from Council tonight, other than to send this off to Planning and Zoning; have them look at it; the people at 911 addressing have offered to give us assistance with this; so it's an awareness thing for Council. I've already told the owners of Chestnut Properties that we're doing this and looking at this. I got no response from them, but we just need to send this off for Planning and Zoning to look at and get some recommendations on how to get this fixed.

Councilwoman Patterson: I think we do, because if you look at Cannery Village, even on the map we have; there are a couple of homes that actually the front of the homes' front are green space. So the only way you access the back is through these alleys. So it does get a little bit confusing over there.

Mayor Newlands: Like I said before, we're not looking to change anybody's addresses, we're just looking to move the signs so that they're on the front's of the homes in pretty much the entire development. We may do nothing else but move signs around; that may be the result of the whole exercise.

Councilwoman Patterson: So Planning and Zoning will go through and sort of reassess and okay. Alright.

Mayor Newlands: That's what we're recommending to have Planning and Zoning take a look at it and then the 911 addressing people will help us out.

Councilwoman Jones: With this motion, you're just simply wanting a motion to forward this to Planning and Zoning. I'll make the motion to forward the Cannery Village signage to Milton Planning and Zoning for consideration, recommendation and ask that it be expedited because we are talking about public safety here.

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to move the Cannery Village signage to Planning and Zoning. All in favor say aye. Opposed. Motion is carried.

Win Abbott: Mr. Mayor, for clarification, I have permission to write to the 911 center in Sussex County and ask for their technical assistance?

Mayor Newlands: Yes.

Win Abbott: Thank you.

Mayor Newlands: You're welcome.

- g. Authorize funds to Lion's Club for the train station in the park

Mayor Newlands: We put aside \$10,000 from the sale of the steam engine, so that's on account for the Lion's Club to use for maintenance and capital improvements for the train system itself; so they want to put a train station in and the cost was going to be over \$5,000; they for whatever reasons did not want to send it out to bidding; they have their particular people and materials that they want to get and use for that. The suggestion was

that they build the train station and only ask for \$5,000 from Council, from that \$10,000 budget that we have. So they're basically saying if it costs \$6,000 or \$7,000, they'll eat the rest of it, so they're only asking for \$5,000 from Council.

Councilwoman Jones: Is that because of the cap Council has on this or a regulation about bids?

Mayor Newlands: Bids, yes.

Councilwoman Patterson: And just to clarify, the money is coming from the sale of the steam engine?

Mayor Newlands: Of the steam engine. We had earmarked the sale money from the steam engine for the Lion's Club to use on the train system.

Councilwoman Patterson: So the money is already there?

Mayor Newlands: Yes, the money is already there.

Councilwoman Jones: And then question and I realize we have an obstacle to get over; since the money is already there, even if it costs them \$6,000 or \$7,000, isn't it only fair for the town to use those funds, to reimburse; I mean to pay for that?

Councilman Booros: Only if you call it services to build the train station. You have to get competition.

Mayor Newlands: Yes, we would have to put it out to bid if we did it.

Councilman Booros: And I think the Lion's Club; I can't speak for Mr. Collier, but I think he's looking to...

Mayor Newlands: You can come up but please speak into the microphone please.

Councilwoman Jones: It's their money.

John Collier: In order to expedite this and to circumvent having to put it out to bid and the potential of having to incur the town having to use a portion of the money to get it advertised, possibly draft a contract and everything else; Lion's Club has a foundation and we've made the conscious decision to build the platform, using our own forces; our own people; because we build quite a few handicapped ramps and all this is is an oversized ramp, when you come right down to it; and we made the conscious decision to build it from our foundation funds and ask the town to reimburse us up to the maximum amount that they could do without entering into a contract. We have no qualms about making the additional expense, over and above the \$5,000; the train is a community service project for us and we're doing it as our paying out over the \$5,000; as our contribution to a community service and we would be perfectly happy if you approved it in that fashion.

Mayor Newlands: Thank you.

Councilwoman Jones: I make the motion that we authorize funds to the Lion's Club for the train station in the park, up to \$5,000.

Councilman West: I second that motion.

Mayor Newlands: We have a motion and multiple seconds to authorize \$5,000 to be given to the Lion's Club for the train station in the park. All in favor say aye. Opposed. Motion is carried.

h. Certified Local Government Grant matching funds

Win Abbott: Mr. Mayor, this is really for informational purposes. I'm going to be providing this information to our Historic Preservation Commission, as well. The State of Delaware Historical and Cultural Affairs has a grant program for certified local governments that have programs for Historic Preservation. I received a notice of this in

early February and immediately contacted the state. It was my first experience with this and Ms. Lettervay, the writer of this letter, indicated that at least in the Town of Milton the Historical Society handles that. I forwarded it to our new Executive Director, who was very pleased to receive it and said that her predecessor did a great job with all kinds of things and this will be new to her, but she'd get back to me. Well, by the time I followed up with her, it turns out that the Historical Society said they would defer on this. This is really something that the town should be doing. Milton is the exception to the rule. It might have been because my predecessor wasn't really that engaged with it. Nonetheless we're coming up to the deadline. What I see this is as an opportunity to learn what things may be available to us. The tentative Federal Grant is \$5,712. The fact that we don't have a project in mind right now; we have a certain deadline; probably means that we won't be able to avail ourselves to it; but starting the conversation now puts us in a better position next year. The one thing I want to share with Council is this. There is a share that is required of the local government in order to take advantage of this grant, however, the square of it is "in kind"; which means that we can count the labor, even that we do in house; it's already a fixed cost for the town; as part of our "in kind" share.

Mayor Newlands: What kind of projects can this money be used for?

Win Abbott: Historic Preservation.

Mayor Newlands: Just Historic Preservation, that's it. Okay. So there's no motion to be taken on this; this was just an awareness that's available and they've been doing this for year, the Historical Society.

Councilwoman Jones: So unfortunately we won't be able to apply by the 15th this year.

Mayor Newlands: Actually, this is the first time I'm aware that there's money available. I knew that they were doing this in the filling out the forms of what's being inserted for local governments, but I didn't know that there was grant money available to us.

- i. Fire Department waiver for demolition permit

Mayor Newlands: This already happened on the apartment buildings on Front Street. This is a waiver for the fee for the demolition permit.

Councilman West: Mr. Mayor, I make a motion that we wave the fee for the demolition permit for the Fire Company.

Councilman Booros: Second.

Mayor Newlands: We have a motion and a second to waive the fee for the demolition permit for the Fire Department. All in favor say aye. Opposed. Motion is carried.

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

Mayor Newlands: I have nothing for Executive Session?

Councilman Lester: Good.

18. Adjournment

Councilman West: I make a motion to adjourn at 10:25 p.m.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.