

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, April 19, 2012
6:30 p.m.**

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

1. Call to Order – Mayor Newlands called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance to the Flag

3. Roll Call – Mayor Newlands

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

4. Additions or Corrections to the Agenda

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

5. Agenda Approval

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

Councilman Lester: Second.

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

6. Resolution to Approve a Water Facility Planning Project and to apply to the State of Delaware Drinking Water for a Grant for the Project. This is to allow us to get funding to have another engineering firm look at the project plan we have from CABE Associates and Certify that

Mayor Newlands: I'm going to let Mr. Abbott take over and discuss some of the other information that's in here. Mr. Abbott is the one who coordinated all of this with Heather Warren from the Office of Drinking Water.

Win Abbott: Good evening Mayor and Council. Yes the Resolution that you have before you is a requirement for the Town to receive the monies in order to have the State pay for an engineering firm to take a second look at our existing Master Water Facilities Plan. It's a pretty simple matter that is a requirement for us to go through. I was notified soon after our last Council Meeting where I made an announcement to this effect that several other towns are in line. There's a limited amount of money to go around. So the sooner we put in the Application, the better. In order to put in the Application we have to have a Resolution done.

Mayor Newlands: Is there anything else you want to explain about the paperwork we have?

Win Abbott: I'll be glad to answer any questions, but I think it might be better, rather than me going through every single thing.

Councilwoman Jones: Mr. Abbott, may I ask a question please?

Win Abbott: Absolutely.

Councilwoman Jones: The Resolution 2012-02 in my package, as well as the one that I lifted from the website, is different from what's in front of me tonight.

Win Abbott: That is correct. The last paragraph says, "NOW THEREFORE, BE IT RESOLVED," has a couple of extra lines put in it at the suggestion of our Solicitor. I received that information yesterday. Would you like for me to read the part that was added?

Councilwoman Jones: I wouldn't, but I'd like just a moment, if I may? If everyone is finished looking at the new version, I have a couple of questions.

Mayor Newlands: Sure.

Councilwoman Jones: I do like the fact that you expanded what the Project would be; but compared to some of the notes that I've taken and some of the information that has come directly from your emails, some of my concerns that I would like to see in the Resolution; if I told me what mine were, could you help me match them up against this; that you've added to that paragraph?

Win Abbott: I'll do my best.

Councilwoman Jones: Okay.

Win Abbott: And, by the way, it's not for me; it's for the Council; so it would be an Amendment.

Councilwoman Jones: Okay. "Water service to annexed lands not currently served." That would be under Planning Components for extension of service in the new version?

Win Abbott: Yes.

Councilwoman Jones: Okay. "Infrastructure development costs."

Win Abbott: I'm sorry. Are you asking for clarification or are these changes?

Councilwoman Jones: No I'm asking my points and if you can match them up with some of the issues that you have added to that paragraph, just to see if I may have worded them differently than what you've worded them in the paragraph.

Win Abbott: Okay.

Councilwoman Jones: Okay? One of them was "Infrastructure development."

Mayor Newlands: I don't know what you mean by that and the annexation I'm confused with, as well. We are required to provide water to any land that's annexed into town.

Councilwoman Jones: Okay.

Mayor Newlands: So I don't know why you're asking to stipulate that.

Councilwoman Jones: No, no, I didn't say stipulate it. I said I'm asking questions about if this Resolution right here is covering some of the points that I have made note of. That's all.

Mayor Newlands: Okay.

Councilwoman Jones: "Cost sharing of public and private partnership."

Win Abbott: That is not addressed in here, unless, of course, you consider where it says "Which may include, but not be limited to, developing policies." You see that in the second line of the...

Councilwoman Jones: Yes, I see.

Win Abbott: So, the development of policies relative to extension of service, offering it to annexed lands, how partnerships may develop, or whatever; yes, those would follow broadly under that rubric.

Councilwoman Jones: And the "Franchising a third party to provide remote service."

Win Abbott: Once again, that would be developing policies.

Councilwoman Jones: Okay. Um, the one thing that I would like to say in the second line, it reads "Water facility planning project which may include." I would like to see the word "will" include; otherwise what your Council is passing doesn't really have much teeth unless you

know what this Resolution is going to study.

Win Abbott: Very well. That's up to Council.

Councilwoman Jones: One opinion. One opinion.

Mayor Newlands: This is not the RFP, so this is not locking us in to anything with an engineering firm.

Councilwoman Jones: I understand that, but...

Mayor Newlands: I just want to make that clear, in general. I'm not making that for the one statement that you just made. In general, this is not locking us into an RFP.

Councilwoman Jones: Okay. I understand that, but when that is defined and when the Office of Drinking Water wants to know what is the process after the grant is secured, what does the Grant Application include? When is the study conclusion date? But, more importantly, if you just pass a "may include" it does not indicate what it "will include". And that's why I'm asking. In the case of Water Study, I'm again, of one opinion, that we have done that and we've had an engineer that has supplied us with that information. That's why I would like to understand what the spending of this money will cover, as far as new study; what is this project; what will it encompass; will it encompass, not may encompass?

Mayor Newlands: It will encompass a review of the current plan. It will not redo the old plan; it won't redo that. We've already been paid to do that; we've already gotten grant money for that. Okay, and they're not going to... And that would cost around \$35,000, I think they said.

Win Abbott: Yes, Mayor and Council, as a matter of fact, I was informed by the Office of Drinking Water that the estimated costs of redoing the Master Plan would be over \$30,000. As a matter of fact, just this afternoon I had one of the qualified engineering firms email me and say, sorry, we're not going to do it. There's no way we can do what we think we should do for \$10,000; so one has already bowed out. Now the Mayor is correct and I think information that I've provided to the Council in the meantime has indicated that the Plan that was presented by CABA Associates is not a CABA Associates proposal; it is the Town of Milton's Master Facilities Plan, which went on to become adopted by the Planning and Zoning Commission as part of our Comprehensive Plan; it was later adopted by Council and then signed into law by the Governor. So there's not nearly enough money to restart the whole process and change your Comprehensive Plan and all the references to our Master Plan. However, the \$10,000 should help us to add some more information to our current Water Facilities Plan where we can further study some of the alternatives that were suggested; reengage the public; and then be able to specify particular policies, like the things that you are mentioning in the beginning.

Councilwoman Jones: And I never advocated we start from square one; but I am advocating that we, the Council and the public, understand what the new money exactly will go for and not a may go for or may include. That's really my only point.

Win Abbott: I have no argument there and we can certainly post the Request for Proposal detailed document on the website for everybody to see; there is also a specific evaluation criteria for all the proposals that has been shared with all the engineering firms and that also indicates weighted values for certain types of work and things that they put into the proposal that we're expecting to have.

Mayor Newlands: So this is to help answer some of the questions that the public had; to add to the presentation that we had already from CABA Associates.

Win Abbott: Mr. Mayor, I think it would be up to somebody on Council to make a motion to adopt the Resolution, change the wording, or whatever else the case might be.

Councilman Booros: Can I ask a question?

Mayor Newlands: Sure.

Councilman Booros: I had sent you an email asking that the second line be removed, which says “WHEREAS, the Town has recognized the need for the water system improvements” and the response I got back was “Because it's in the Comprehensive Plan that we recognized the need back in 2010 and the water...” whatever it was thing that you gave me here; that that line would not be removed. I guess my question now is if the town has already recognized the need and we've already gone through a Referendum once and paid however much we paid to CABA Associates to try to explain the need to us because it's been two years since we recognized the need; why are we taking \$10,000 more dollars of taxpayer's money to try to convince anybody to recognize the need? You won't take the line out for me; because the need exists, as the prior Council, I guess it was the prior Council, said. Why are we spending another \$10,000 of taxpayer's money? Are we just going to keep spending the taxpayer's money until we get the vote we're looking for on the Referendum or are we looking at something different? Is this for something completely different and has nothing to do with the water tower referendum? That's the part that I don't understand. You've already told me that the town has recognized the need and that's why that line is staying in this Resolution. I personally get a secret ballot when I go into that ballot box; I don't recognize the need yet, because you haven't convinced me and I have a problem signing off on something that says I recognize that need; as a citizen, not as a Council member, but as a citizen; secret ballot. If a prior Council recognized this need without knowing that there was 44 million gallons of missing water a year; then maybe that prior Council's recognition of that need was wrong and the fact that it's in that Comprehensive Plan maybe is wrong. I just have a problem with borrowing; it's not borrowing, because it's a grant; but it's still taxpayer's dollars. \$10,000 more dollars to do what? To come back in this room with another engineering firm to say we need this and the town already knew we needed this; to have another Referendum; to get whatever the outcome is. I would hate to see it be the same outcome and we've just wasted \$10,000 more dollars; then where do we go? Do we borrow \$10,000 more dollars; do we look for another grant somewhere else. I'm missing something. That line's in here. “We recognize the need.” What are we going to do with \$10,000 more bucks?

Win Abbott: Mr. Booros, I was once a Councilman like yourself; so I was in the position to argue these policies.

Councilman Booros: I'm not arguing. I don't understand.

Win Abbott: But my point is this, in my position as your hired professional, I'm here to advise you and then to carry out whatever decisions that you have. Right now, we have decisions that were put in place by prior administrations; just like our Town Charter or our Code was adopted by many prior administrations and I have followed through on those. If, indeed, that you wish to work together with your Council persons to revise the plans that are in place; if you decide to not do this; whatever, that's your prerogative, really.

Councilman Booros: I understand this.

Win Abbott: I think I provided a lot of information that may be helpful for you to be able to come to some decisions.

Councilman Booros: I read every bit of it. Okay?

Win Abbott: Okay. So nonetheless, I'm not going to engage in a policy debate. I think it's in our best interest that I think we all recognize the fact that there's not enough water in the towers to continue to supply the homes that are already approved for development. As a matter of fact, we ran short, dry, on two occasions last August when we had a mechanical breakdown at the plant; so there's proof. But, nonetheless, if you wish to go in another direction, that's okay, too.

Mayor Newlands: This \$10,000 is to supplement the Project Plan that we just got through with CABA Associates to get more information, to add to it, to make it clearer to the public. There's

obviously a deficiency in what the public knowledge is and we're trying to increase that knowledge and get that information for them.

Councilman Booros: And it's going to cost \$10,000 more dollars of taxpayer's money and, not being nasty, and if we get another no vote on a Referendum; what do we do next? Do we borrow another \$10,000 grant money? I guess, where does it end? If we've already determined the need and you're making me sign my name and vote to something that says "WHEREAS the Town has recognized the need" and I'm saying yes; then why am I borrowing \$10,000 more bucks to try to convince these people in the audience that they need more of a need?

Mayor Newlands: What would you suggest we do?

Councilman Booros: I don't know. I'm just asking the question.

Mayor Newlands: Well.

Councilman Booros: It seems to me that it's throwing good money after bad. I mean, how many times can we do this. We just spent \$30,000; we gave the presentation; two-thirds of the town said they didn't recognize the need. I don't understand. Do we just keep doing this? Maybe I'm naive here; I don't get it; but I don't know where \$10,000 more bucks... And let's say \$10,000 will do it; my biggest concerns were the questions probably that I got on this email from Mr. Abbott. It had nothing to do with convincing the public of the need. It has to do with determining whether or not, how we're going to get water out to the subsidized housing project down on Cave Neck Road. That's what I got out of this email. That possibly the \$10,000 might be used for this. That's my concern. What are we doing with this \$10,000 bucks? I don't get it and I think that's what Councilwoman Jones was asking; but I'll be blunt. It came in your email. These are the things that you were going to tell him we might do with this \$10,000 bucks. Are we going to try to convince Mr. Dailey that we need to do this or are we trying to figure out to get the water?

Councilwoman Patterson: Can I ask a question now? Because I think with this Referendum and stuff, I'm not quite sure there was some misinformation or we've got the 11 million gallons; that was sort of this red herring that came up and will this help us figure out if we have leaks somewhere; if we're taking in extra water with run-off; is this going to help us look at that whole...

Mayor Newlands: This study will not. No. Because the technical guys, the guys in the field are actually doing that work. This is going to be for engineers.

Win Abbott: A correction. It's a matter of fact that leaks are referenced in the Request for Proposal and the evaluation.

Councilwoman Patterson: Okay.

Win Abbott: And the evaluation gives an extra point values for their familiarity with the situation that Milton is in right now and the leaks are specifically referenced.

Councilwoman Patterson: I understand from other cities, leaks are things that happen and you know we obviously need to get a handle on that; but I still am concerned that we ran out of water twice last year and I live on the south side of town and there's no redundant system over there; so you know, part of Town Council is to make sure that you've got adequate water, drinking; and my family lives here; I have a business here and so if this is going to help explain and clarify the information; I don't want Milton to run dry with water.

Win Abbott: If I may add, Councilman Booros, as a point of clarification; the Referendum was for proposed borrowing for that particular purpose. Now there might have been a number of different issues that motivated to vote one way or the other; in particular, those who voted against the proposed borrowing. The Mayor and I have drafted a survey. Councilman West has picked out a group of resident's that we're going to do a test market for the survey, to be sure

that it's clear, it's well understood and then we're going to send the surveys to all persons who participated in the Referendum so that we can have a better understanding of what their thoughts are; what they're understanding of the different technical components, storage, redundancy, and so on; as well as some of the motivating factors that might have driven them to vote a particular way that might have had nothing to do with the technicalities. The feedback that we get from the survey will be provided to the hired engineer to do this study, that complements the existing Master Plan.

Councilman Booros: Is there any reason why we don't have a copy of the RFP in our package?

Win Abbott: It should be in your package.

Councilman Booros: Is there one in here?

Win Abbott: The one that I handed you?

Councilman Booros: That spells out what it's for?

Win Abbott: Yes.

Councilwoman Jones: This was at my seat when I got here.

Win Abbott: Yes.

Councilwoman Jones: Is this new Resolution that's been presented tonight for consideration been on the website?

Win Abbott: No, that was just revised yesterday.

Councilwoman Jones: No.

Mayor Newlands: We don't put them on the website ahead of time. We have never done that. They're only put up when they're signed.

Councilwoman Jones: Okay, then I do not have the time to read the RFP sitting here and I believe I can identify what my issue is. In the paragraph starting "NOW, THEREFORE, BE IT RESOLVED"; and let me just make a side note; I think an increased study on this subject is a very good idea. I just want to make sure that if \$10,000 is all we have, that we are hitting the points that people want to know about and my problem is in the language. It is very vague and that's my problem and I wonder if you would be so kind as to read the paragraph and then I have some questions about what things mean as they are written.

Mayor Newlands: But the Resolution is not the RFP. The RFP will spell out what we expect from the engineers.

Councilwoman Jones: And actually doesn't your RFP – is it not driven by your Resolution? It stays within the guidelines of your Resolution, which is passed by Council.

Win Abbott: The Resolution could be even simpler than this and be entirely acceptable to the Office of Drinking Water. The RFP is copied, about 90%, straight from the Planning Grant Application. The evaluation that I put in there does indicate some highlights. Furthermore, this is not the end. The next step, after we apply for this Planning Grant and receive the proposals is to have a team of evaluators, Town Council, perhaps the Town Council plus the Water Committee, which includes Mr. Atkins, who is very familiar with this, will be looking at the proposals and then with the proposals, you'll write a contract. The contract can stipulate the particular highlights that you're expecting for the performance underneath that Grant.

Councilwoman Jones: That was a lot to take in, I have to admit.

Mayor Newlands: The Resolution is not the RFP and the Resolution is not the contract with the engineers.

Councilwoman Jones: I understand that, but the Resolution...

Mayor Newlands: It's a statement to the Office of Drinking Water that this Council would like to proceed with a continued plan and get some grant money from them.

Councilwoman Jones: And when you put a statement in here, like NOW THEREFORE, BE IT

RESOLVED, and you're pointing out those things that this project will cover, it seems to me that's a binding agreement that when the time comes and the answers are to be delivered, I'm hoping that they coincide with what will be done.

Mayor Newlands: I think that's why Seth put “may” not “will”.

Councilwoman Jones: Well, “may” means maybe you'll get to some of these questions presented by public and maybe you won't. And that's what I find too much wiggle room. It comes to “May include, but not be limited to, developing policies, statements, goals and planning components for extension of service.” In layman’s terms, what exactly does that mean? Is that to the code books, to our ordinances, to our... what does that mean? “Developing policies, statements, goals, and planning components for extension of service.”

Win Abbott: As an example, if you look in the packet, there are select portions of our Comprehensive Plan indicated. These are broad statements that include goals like is a goal of the Town of Milton to offer services to annexed properties for the purposes of Economic Development and Housing. However, the Comprehensive Plan stops there. It doesn't state a policy, so an outcome of this may provide us with policies that complement the more generic Comprehensive Plan and say we will do this and we will not do that.

Councilwoman Jones: I do have to agree with Mr. Booros, the Comprehensive Plan that was adopted didn't have any mention of the missing water. Did not have any mention of the missing water, so without that knowledge, that Council made that approval. I think that there are times when Comprehensive Plans can be amended. We certainly have seen that changed. The next item after the comma is “maintenance”; in terms of your \$10,000, what does maintenance cover?

Win Abbott: In the Water Facilities Master Plan that was adopted by Council and referenced in the Comprehensive Plan, there were quite a number of things. One example stands out and that is the replacement of fire hydrants. Now there are fire hydrants with bad seals, that leak; there are other fire hydrants that are inoperable and fire hydrants are expensive. The outcome of this might include the fact that we will actually follow through on the recommendations to replace these fire hydrants and even set aside some monies in our Capital Improvements Plan to do that on a regular basis. When I asked Mr. Russum and Mr. Atkins what we had done about the fire hydrants in particular since that Master Plan came out and they said, well I know there were a couple that were replaced, because they were a real problem but we haven't systematically gone through and prioritized them and gone through a schedule of replacing these fire hydrants. That is something that would fall under maintenance.

Councilwoman Jones: And “technical plans for upgrade and/or expanding source”?

Win Abbott: Source is wells.

Councilwoman Jones: Okay. “Distribution”, which is out again to our own or outlying annexed areas?

Win Abbott: Well, for that matter, even putting in the loop along the south side by Wagamon's Pond that is necessary to ensure that you don't have large sections in the population out on a dead lake, where if there was a significant leak in the main, that you wouldn't have hundreds of people without water until it was done, you might only have a few dozen.

Councilwoman Jones: And in our Water Improvement recommendation was that that loop was included in that grant money, the \$3.45 million?

Win Abbott: Yes.

Councilwoman Jones: Would they study that again?

Mayor Newlands: Why would they need to study that again?

Councilwoman Jones: That's what I'm asking you, if “distribution” is part of that loop into

Wagamon's, would this new group study that again?

Win Abbott: I'm trying to look at everything, but once again, the \$10,000 doesn't go real far and what they might do is simply validate the finding that CABE Associates had, that yes, this is a necessary step in order for us to ensure relatively uninterrupted service for the largest portion of the population.

Councilwoman Jones: And the storage and treatment facilities are the above-ground tanks, again?

Win Abbott: Storage is above-ground tank or under-ground tanks. There were references in the RFP and the criteria, or alternative technologies, which that references and treatment, of course, is the plant, the need for redundancy.

Mayor Newlands: And people need to understand what Brian Hall had said at one of our planning meetings, was that, if we do not put the most efficient system in, they will not give us grant forgiveness on these loans. Okay? So the more efficient systems, get us more free money and in the air storage is the most efficient method. I also put on the town website a link to How Stuff Works. It's a website that explains how a lot of technology works and there's a link there to how water towers work, so if anybody wants education, it's an unbiased education on how water towers work. I know some of you may not like the new water tower, but when you come on Council, we just don't wipe the slate clean and get rid of all the ordinances and all the things that the prior Councils have approved, so we have a Master Plan and it's from 2009 and that's in your package in the Comprehensive Plan on Page 39. There are restrictions in here that we're not allowed to draw more than 500,000 gallons a day out of the wells, so there are lots of restrictions in here of what we could do and we do have to check the depth of all these wells every week. We check out how deep they are and if they're going low and with the lack of rain we have right now, we're very lucky that we don't have any problem. But if you think about how the water works in town, you're taking in about 80% of what you draw out of the system gets dumped into the river. It comes out of the sewerage treatment plant and gets dump right back into that river. It does not replenish our systems. It does not replenish our wells.

Councilman Booros: Mr. Mayor, this is not taking into account the water that's being pumped out of the ground and we don't know where it's going.

Mayor Newlands: I fully understand that.

Councilman Booros: So you can keep saying that over and over again, but there's missing water.

Mayor Newlands: And there's people looking at it.

Councilman Booros: I understand that, but that doesn't mean it's still not missing and you can throw these figures around all we want. I read the figures and I was also reading about they were projecting on how many growth per year of people that would be using their houses; that would be using it a year; and we're nowhere near.

Mayor Newlands: I understand. They're listing at least double what we do. You're right. They're saying 50 homes a year, we do barely 25.

Councilman Booros: We'll barely do 25 and we're missing 44 million gallons of water. There's a lot of factors that this water plant – don't get me wrong. I'm not saying... We may need the water tower. I may be the first one to tell you that. I just don't understand why we're borrowing more money. One more person to tell us the same thing, because if you read this... My biggest... I'll be honest with you, my biggest concern is you've just mixed this and the subsidized housing thing together in one thing. Excuse me. Am I missing something? You've mixed them together by this email of the Town Manager. I got a funny feeling in also reading the RFP, which I just found in the package I got when I got here, that it does talk about expansion this, expansion that. We didn't hear a lot about expansion from CABE Associates when they were talking about

the water tower and all that stuff.

Mayor Newlands: Because the grants only pay for existing facilities, they don't pay for growth.

Councilman Booros: Right. I understand that. I understand that. But now all of a sudden we're talking about expansion, at the same time we're listening to the gentleman that wants to expand up the street here. I got a problem with the fact that we're going to borrow \$10,000 bucks to see whether or not we can get the water out to this guy or whether we have to dig a well, for somebody...

Mayor Newlands: We have...

Councilman Booros: What is the \$10,000 for? Is it to convince Jeff Dailey that we need the water tower and the above-ground storage and that we need to borrow the money or is it to...

Councilwoman Jones: Why are you keeping on talking about Jeff Dailey?

Councilman Booros: Because I keep pointing him out, because he keeps looking at me. It has nothing to do with anything. He's the one that's going to write it in the paper.

Unidentified Speaker: But he's not on the Council.

Councilwoman Patterson: What I get from the grant is that what we're going to find out is that either yes, validates, or no, negates, CABA Associates' recommendations, so it will give us an idea of where everything needs to go.

Councilman Booros: Then apparently you didn't read this email about what the grant would probably do.

Councilwoman Patterson: No I didn't, but I still...

Councilman Booros: That's the problem.

Councilwoman Patterson: But Milton is still poised for growth and development and things like that and part of our Charter is, with the annexed areas that we have, we have to be able to provide...

Councilman Booros: But the money we're asking the taxpayer's to put forward, to sign on for 30 years for a water tower, is not for growth. It's to supply our current need.

Mayor Newlands: Does the current need include all of the vacant land, vacant lots, as well? How do they couch that in the drinking water? They're kind of funny that way, up there.

Win Abbott: Once again, it is whatever we define it to be.

Mayor Newlands: Right.

Win Abbott: Okay, so if you try to tie everything together so that the Master Plan, the Comprehensive Plan, and what the Council chooses to do, whether they move forward with another Referendum and what the parameters for that would be and whatnot; this is all to make sure that there are no gaps in the chain, that they're all linked together and that nothing is inconsistent with the other. The development of the policies related to how you're going to address, is more generic goals that are set forth in the Comprehensive Plan can be addressed with some professional assistance that is available through this grant money.

Mayor Newlands: This is to get another engineering firm in here to basically augment and finish some of the things people think is a hole in the CABA Associates plan. Okay? Just to answer some of those other questions and to re-validate.

Councilman Booros: I don't have a problem with that at all Mr. Mayor.

Mayor Newlands: That's what this is for.

Councilman Booros: But that's not what this email from the Town Manager says and if you're not going to spell it out in this Resolution... Adding the RFP, quite honestly, because I just got a chance to glance it over, it's talking about expansion, expansion, expansion. You're not just trying to convince us that what CABA Associates said was what we really need; that's probably exactly what we need; but that's my only problem with this.

Win Abbott: I'll just say this. The references to expansion tie in with our Comprehensive Plan. I'm really not trying to create your policies for you, I'm trying to make sure you don't have any gaps in what you say and what you do. That's all. But this can all be further defined during your contractual negotiations with the chosen engineer.

Mayor Newlands: A lot of this is timing also, in August we have to submit another application, for another loan. Okay? And we want to show progress to the State, because we don't want to be put on the bottom of the pile and then we don't get told until December, so they have to start seeing some progress with us. We slipped by, I think, a week in January, or two weeks in January, on something and they basically gave our money to another town. So they're very funny that way. And let's get this straight. We're not borrowing money. It's grant money on this.

Councilman Booros: Let's get this straight, it is taxpayer's dollars that's paying, it's not free money.

Mayor Newlands: I understand that. I understand that. These taxpayer's are not paying it back. Please.

Councilwoman Jones: Do I understand in the RFP that one, it says the proposal must describe how the study outcome will enable the Town of Milton to utilize the Comprehensive Land Use Plan and/or develop strategy to develop a water facility plan. You're asking them to describe how a study outcome will enable the Town of Milton to utilize the Comprehensive Land Use Plan – one that we've identified as having been passed without the benefit of the lost water. The Comprehensive Land Use Plan was indeed, without the benefit of the lost water in 2008.

Win Abbott: If it is the Council's pleasure, you can certainly go back and amend your Comprehensive Plan. That's not an issue.

Councilwoman Jones: I understand that. I understand that, but we're following through with the knowledge of a way to get Milton to utilize the Comprehensive Plan, in my opinion, which is flawed, as it is. But I want to ask a more important question about number two. The proposal must describe how the study outcome will include financial planning for the system. A study outcome that includes specific recommendations for a Capital Improvement Program that addresses both current needs, system leaks, and future needs; a sinking fund would rate higher. Does that mean that this engineer's time will also be spent with coming up with remedies or recommendations on how we go forward in a Capital Improvement Program? I'm going to assume that means applying for the larger grant from the Office of Drinking Water. Is that what they're being charged with?

Win Abbott: First of all, this describes a Request for Proposal, this is what we expect to see in a proposal. What the Council chooses to negotiate with the selected engineer, may be something different. It may leave out some things or add some things. This is just what is expected to be seen in the proposal; however, it is important to note that we don't have a Capital Improvements Program; we don't have a specific amount of money that we set aside each year. Just, for example, to address the leaks, we may find that although we cannot pinpoint a particular place where there was a leak on a main, that a particular main has been there for 80 years, and should be replaced, regardless; before a leak develops or whatever. And if we have an ongoing Capital Improvements Program whereby existing rates and impact fees and whatnot are all put back into the system, in a systematic way, then that addresses the larger concern of the whole water system, including leaks. So, once again, this is defining what we expect from the engineer's on the proposal. In the end, the evaluators, whether it's the Council and the Water Committee who do this and the contract that they have; you might highlight some things more and take other things out.

Councilwoman Jones: And we would have the opportunity to do that yet?

Win Abbott: Yes, once again, this describes what we expect to see in a proposal. It does not describe the work to be done.

Mayor Newlands: And everybody keeps talking about leaks, but we still need to worry about the redundancy of our systems. We may have two water towers in the town, we only have one system. You look at Georgetown, they have three systems and Rehoboth Beach, I don't know how many they have in Rehoboth Beach, but they have two 500,000 gallon tanks in Rehoboth Beach or two 1,000,000 gallon tanks; they have a huge amount of...

Councilwoman Jones: Two 500,000 gallons.

Mayor Newlands: Two half's and that is a beach town, but it's still resident-wise, they're smaller than us, I think.

Councilman Lester: Mr. Mayor, I would like to make a motion and we can vote on this?

Mayor Newlands: Sure.

Councilman Lester: I make a motion that we approve Resolution No. 2012-02 to approve a Water Facilities Planning project and to apply to the State of Delaware Office of Drinking Water for a water facility planning grant.

Councilwoman Patterson: I second the motion.

Mayor Newlands: We have a motion and a second to approve the Water Facilities Planning project to apply to the State of Delaware Office of Drinking Water for a water facility planning grant. Any discussion?

Councilwoman Jones: Yes, the word "will".

Mayor Newlands: I really think "may" should be in there. "Will" locks us in too much and we have a lot of time, later on, to modify the RFP and the contract.

Councilwoman Jones: But you're never going to modify the Resolution. It's a one-time shot and in the same way you find "will" to be too constrictive, I found "may" to be too indefinite and it doesn't have any...

Mayor Newlands: "May" is not a timeframe where it's indefinite.

Councilwoman Jones: Well "may" is a; you know, if this is what we end up asking them to do, that's the way it will be and otherwise I find it to be a variable.

Councilwoman Patterson: From what I understand, is that the Town Manager is saying that once we apply for the grant and it's proposed, then we sit down and write a contract, so we can further specify what we want in this contract for them to dig deeper into and how we design it; so from what I understood, is that we can further specify the contract.

Mayor Newlands: That's correct and if it says "will", then we're locked into all of these things and we must have maintenance in there and maintenance may not be applicable to this part of it, because we already have other Maintenance Plans.

Councilman Booros: Is this a sealed bid RFP or is this a negotiated contract?

Win Abbott: A negotiated contract.

Councilwoman Jones: And the RFP portion of requirements and contributed factors to grade, is that a standard or was that designed by yourself and the Mayor?

Win Abbott: I'm sorry, the RFP what?

Councilwoman Jones: Is this RFP, under the requirements and contributing factors to grade – where did this material come from as far as expecting your engineer's or contractor's to be able to fulfill these things when they make their proposal?

Win Abbott: Once again, about 90% of the Request for Proposal was copied directly out of the Water Facilities Planning Grant document. However, there are a number of things that I customized for the purposes of the Town of Milton.

Mayor Newlands: Any further discussion. Let's do a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman West	Yes
Councilman Booros	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried. We do not need Executive Session tonight.

7. Adjournment

Councilman West: I make a motion to adjourn at 7:41 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.