

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, June 4, 2012
6:30 p.m.**

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

1. Public Participation

- a) Sam Garde, 115 Sassafras Lane, Milton: Good evening everyone. I'm here to speak on behalf of Milton Speaks and the meeting we held called All Meeting Meets on April 21, 2012. It hasn't been recorded or reported very well in either the local newspapers or at Council. The general feeling of the members of Milton Speaks is that it was an enormously successful meeting. Some 67 residents of the town attended and all were given the chance to express their opinions on things that they really liked about Milton and on their opinions on things that need to be followed up on. The minutes, or the results of the meeting are posted on the All Milton Speaks website. The three things that came out on top are posted there, as are the five that need work. The sub-committees are in the process of being formed by Milton Speaks, in order to address, to the extent that citizenship is the appropriate place to address it, the five issues that require the most additional work. We do not intend to work either against or in parallel with Council. We intend to work in consonant with the Council in order to push forward on the things that the people spoke of at our meeting. Thank you very much.
Mayor Newlands: Thank you. Is the website allmiltonspeaks.org, .com?
Sam Garde: Ginny, do you remember. I think it's .com. It's allmiltonspeaks.com (all one word).
Mayor Newlands: Okay, thank you.
Sam Garde: I'm sorry and if that fails, try .org. But I think it's com.
Mayor Newlands: Thank you.
Sam Garde: I'm being corrected on one thing here, it's MiltonSpeaks, not allmilton speaks. MiltonSpeaks.com.
- b) James Welu, 30263 East Mill Run, Milton: Being brief is difficult, but I'll try. 41 years ago, so what I'm going to propose it's not something new, 41 years ago the Montgomery County Planning Commission proposed a plan for Tacoma Park, Maryland. It would turn all of our highways into four lane and six lane divided highways and they were going to take a 10 block area around the proposed Tacoma Metro Station and rezone it for high rise apartments and commercial buildings. My wife and about four others went to the Planning Commission and she stood on a chair at the very back of the room that was probably twice this size and said Mr. Hanson, who was the Chairman, we need to be heard and Mr. Hanson said, what's the problem in Tacoma Park. That plan you just put out. We need to have Public Hearings in our town and after some discussions he said, yeah, we'll hold four meetings in the community to discuss this. In the evening Mr. Hanson. Yes in the evening when people are home. Okay. They held four meetings. I would say that every meeting was packed, 400, 500 people in a gymnasium, 400, 500

people in the basement of a church. At the end of the second meeting, Mr. Hanson said, this plan that we have proposed is dead. We're going to start all over. What the Commission did... Oh by the way, everybody demanded that he hold the other two Public Hearings for the people that hadn't had a chance to speak yet. What Mr. Hanson proposed is that the citizens, the different organizations within the community provide one representative for each organization, nominate them to the Planning Commission and the Planning Commission would then hold meetings with their professional staff, with these individual members representing the various groups within the community and with one member of the Planning Commission chairing these meetings and what we did is we sat around a table, probably maybe twice this size, semi-circle, and hashed out the master plan and I would say there were 15 to 19 representatives of the community, along with the Planning staff and their Commissioner. It was held in a room, I guess it was the same room that the first meeting was in; about twice this size. The community also could participate only by listening or passing notes to their representative, as far as the discussion went. Now what's interesting is, the members that they allowed to be on this Citizens Advisory Committee were nominated by the citizens. They weren't selected by the Planning Commission. They were approved by the Planning Commission to be the members that they were going to have in there, but each organization was able to propose one member. I represented TLC. That does not mean Tender Loving Care, it was the Tacoma Limited Committee, which was a committee organized for the purpose of getting a newly elected group within our city. We weren't too happy with the people that represented us at that point, as far as the commission went. The Plan that ended up with all the public participation of the citizens, and the Planning staff, was absolutely different than what the professional planning staff had proposed for this community. The point I'm trying to make, is that when... Well let me add onto this. The Commission was so satisfied with the results of this plan, that every Master Plan of any sort, in the community, would have a Citizens Advisory Committee meeting with the professional staff before they finalized any Master Plan. What I am proposing is that on such things as our water tower, rezoning, anything, this Council could have representatives of the various community groups and some of them are going to be overlapping, as they were in our case. Those citizens would work with your staff, with the Council, to hammer out and get answers to the questions they wanted, through out ideas. They have to have them batted back and forth and again, it should be with the full participation of the community that wants to observe all of this and communicate through their representative. I think that's true transparency, it's going to be true participation and I think the end result that the Town of Milton will have, is that the community is going to come together, rather than being divided with this group and that group. Who are the groups that are going to nominate people if you did such a thing? I don't know.

Mayor Newlands: Can I ask you a question?

James Welu: Surely.

Mayor Newlands: Did I cut you off? Are you finished?

James Welu: Pardon me.

Mayor Newlands: Are you finished? Did I cut you off?

James Welu: I thought you wanted to ask a question.

Mayor Newlands: Yes. What is different that we do, from what you're proposing?

James Welu: Pardon?

Mayor Newlands: What do we do different from what you're proposing?

James Welu: I don't know of any committee that's been nominated to work with the Council. I don't know of any committee that exists.

Mayor Newlands: Every committee we have are volunteers, citizens of the town. When we have openings on a committee, they submit their resumes and submit their ideas and what they want to do and Council votes on them. They're all citizens of town. I do not pick anybody. This Council does not pick anybody. They're all volunteers who come forward to work on specific committees.

James Welu: I never heard of being invited to serve on any committee the entire time I've lived in this town.

Mayor Newlands: Item 14 a on here is to announce that we want a committee to work on our Town Code and we're asking residents to work on our Town Code, so we're asking volunteers to come forward and work on the Committee. We've always done that and not just from me, it's from Post, Bushey, before that. That's how all the committees have always been run here.

James Welu: Where was the committee to work on the water tower?

Mayor Newlands: We have a committee. Councilman West is the Chairman of the that Committee.

James Welu: I've never heard of a committee. I don't know who the members are. It's never been published.

Mayor Newlands: It's published on the town website. All the committees are published on the town website. I guarantee you that, because I publish them.

James Welu: I've never seen that.

Mayor Newlands: And if you ever wanted to know what the committees are, you can always call and ask. Everybody in Town Hall knows where the files are kept and who's on all the committees.

James Welu: Do they have the committee meetings in an open room like this.

Mayor Newlands: The last committee meeting they had in Town Hall, which was open to the public and the public did come and so did the press.

James Welu: Okay. I'm surprised because I never hear of these committees. I hear of people serving on a committee, but I never hear of people being nominated to them.

Mayor Newlands: Where's Nick Roth? Nick publishes everything in the Cape Gazette and it goes on our town website and it's posted on a bulletin board down by the police station. We follow the same rules every week, with every committee.

James Welu: Well, I'm very surprised.

Mayor Newlands: It's the way it's been done since I've been here and before.

James Welu: Okay. One other thing I would like to make a comment on. I understood public participation to be an opportunity for citizens to bring up ideas to the Council that haven't been on the agenda and haven't been proposed before. Public Participation on existing items should be, I would think, after the Council has discussed a particular item. That's the time for Public Participation for citizens to say well, I disagree with this Councilman or that Councilwoman or this position or I think you ought to think about this or that. Then you have participation back and forth between the community and the Council, rather than someone coming up here and making a comment, then sitting down and whether anybody on the Council ever addresses it, usually not. The meeting is going to be longer if you do something like that.

Mayor Newlands: They're going to be much longer. They're long enough, as it is. We run four or five hours sometimes.

James Welu: They're very short. I'm used to in Tacoma Park of meetings being four and five hours.

Mayor Newlands: We run four or five hours on a regular basis, sometimes.

James Welu: Not often.

Mayor Newlands: Oh, very often. You haven't been here in a while.

James Welu: But, if there's going to be Public Participation, it seems to me it ought to be when the items are being discussed, not some little comment at the front of the meeting. Then you get the give and take between the community and the elected officials.

Mayor Newlands: I understand what you're saying, but we'll never get out of here if you do that.

James Welu: Pardon?

Mayor Newlands: I said, I understand what you're saying, but we'll never get out of here if we did that.

James Welu: You'll get out of here. Everybody gets out of here. Eventually.

Mayor Newlands: That's exactly it. Eventually.

James Welu: You have one meeting a month, basically, and if the meeting takes until 11:00 at night, that's one night out of the whole month. If you want people to participate, that's how they participate. They interact on the issue when the issue's being discussed.

Mayor Newlands: I'll give you this. We'll put it on next month's agenda as a discussion for the Council to decide. How's that?

James Welu: Pardon?

Mayor Newlands: We'll put it on the agenda for next month for Council to discuss the issue, if you'd like? Is that fair enough?

James Welu: Alright. Now I would like to...

Mayor Newlands: Your three minutes are way over done. I'm sorry.

James Welu: But I haven't been here for two years.

Mayor Newlands: I don't care. Mr. Welu, I'm sorry.

James Welu: I should get at least 36 minutes.

Mayor Newlands: You don't make good time. Sorry Mr. Welu.

James Welu: I would just like to say that I think the comment of landlord's will probably put the tax, if you have this tax, on their tenants, is really a disastrous position. I mean, the tenant's have enough trouble paying the rent, paying their utilities, then to have the landlord throw a city tax or the town tax on top of that, just is unfair; just as I think it's unfair to throw it on top of the landlord.

Mayor Newlands: Thank you.

Councilman Lester: Mr. Mayor, just in case – I know people in this room don't know about Tacoma Park, Maryland, we had offices there for two or three years. Tacoma Park is a very particular political bent and it's bent that way, very much that way and it's a strange place and we were there... I think I sold my interest in the building and we moved into Silver Springs. I just couldn't... It's a whole different ballgame, so when you hear about Tacoma Park, it's a completely different game.

Mayor Newlands: Okay, thank you.

- c) Richard Cannon: Well good evening Mayor and Council. I would like to say that I'm opposed to the increased taxes on rental units. I don't think it's fair to my tenants to have to raise their rents to pay for this tax or to diminish my income and take it out of my income. I rent two homes here in Milton. My tenants have each been here over five

years. They're good members of our community and I just don't feel it's right to punish them or me. Thank you.

Mayor Newlands: Thank you, Sir.

- d) Ginny Weeks, 119 Clifton Street: I was wondering, a week or so ago over in Lewes there was a meeting open to the public about regional planning. Did anybody from Milton's official family go?

Mayor Newlands: No.

Ginny Weeks: Well, for anybody who's interested, the State Planning Office under Connie Holland and others, is doing a group of regional planning meetings. Greenwood has taken advantage of it, Milford has taken advantage of it. I believe Laurel and Bridgeville have taken advantage of it and now their doing Lewes, Dewey and Rehoboth. The only people not being included folks, are us. So if anybody wants to go, the next meeting is in Rehoboth. It's open to the public. It's on June 7th and I believe it may be in the Convention Center, probably from 6:00 to 8:00 p.m. There's another meeting occurring here at 2:00 p.m. on Wednesday about the regional sewer plant that's going to go in up around Route 30 and Reynolds Pond Road. Six years ago or so the County Council gave a Conditional Use which is still in effect, for a 76 acre sewer plant, with 1,800 acres of spray irrigation. Now that's a done deal, but it's important that the people of Milton be represented at that meeting, to talk about safety issues. I personally in New Hampshire had a friend and a coworker who lost her son to anaphylactic shock due to spraying on farmland and you can look it all up. Her name was Joanne Marshall in Greenwood, New Hampshire; Greenland, New Hampshire. The other public meeting coming up is as you've all seen in the Cape Gazette recently, Lewes is getting a lot of money for walking paths and so on. We have a whole Rails to Trails that nobody's working on and I guess we can't get much money for. It's based on health and preventing diabetes and obesity and so on. I know I can lose weight. That meeting is on June 14th and Public Participation and Information Section, it begins at 7:00 p.m. at St. Peter's Church. I'm on the Board of the organization that's helping to organize this and I have two people I've invited from Milton who expressed an interest. I can probably get one or two others in. If anybody from the Parks Commission, or something... It runs from 7:00 in the morning to 4:30 in the afternoon. That's done. The next thing is the Water Committee Meetings continue to be held at an inconvenient hour in Town Hall. I don't know if you're aware of it, but shortly after Town Hall was built, somebody went to the Fire Marshall; I have no idea who; and the Fire Marshall sent a note to the town saying that public meetings were not to be held in the Town Hall. So I would request that from now on all meetings be held in the Library or the Fire Hall.

Mayor Newlands: I thought that wasn't until the fire escape was built, which is now built.

Ginny Weeks: I have no idea, but it's a terribly inconvenient place. There's not enough place for a lot of people to sit.

Mayor Newlands: There were people there.

Ginny Weeks: I know... If you had this amount you couldn't do it.

Mayor Newlands: We had three... We typically get two people to come to that meeting.

Ginny Weeks: That's because of where it is and the time it is. Why don't you have it at night?

Mayor Newlands: No, when it's at 7:00 p.m. we typically have two people that come to

that meeting.

Ginny Weeks: Oh. The other thing is that with this regional sewer plant coming, that can only mean a lot of development is about to occur, because they're not going to build that... I'm concerned about Route 30, with all the industrial land on it, including the 141 acres behind Wagamon's. I think you're going to see a pop in that and Baker's 29 acres of heavy industrial use. So I would ask the town to please keep an eye on that. Zoning, the signs. Milton Speaks came to you to look for a permit to put up signs. We were refused. The Milton Theater had that problem 2-1/2 years ago. You assigned it to Planning and Zoning to review and fix and they decided they didn't have the expertise to do it. It's been 2-1/2 years and it hasn't been fixed. Are we going to get a new... Is somebody going to look at that and fix it sooner rather than later?

Mayor Newlands: Planning and Zoning was looking at the signing only six months ago, not 2-1/2 years ago.

Ginny Weeks: Well it was assigned to them right after you came in.

Mayor Newlands: I wasn't here 2-1/2 years ago. No it was not.

Ginny Weeks: It was assigned to them during the Milton Theater controversy.

Mayor Newlands: I will show you at next month's meeting when it was given to Planning and Zoning.

Ginny Weeks: Fine. Thank you. And the other thing is that I would ask you when are we going to start enforcing Codes around here, please?

Mayor Newlands: When we get a Code Enforcer, which we will have shortly.

Ginny Weeks: What are we going to do about Dry Zone?

Mayor Newlands: Probably nothing right now.

Ginny Weeks: Why?

Mayor Newlands: Because their properly zoned.

Ginny Weeks: They are not.

Mayor Newlands: They are properly zoned. They were given zoning by the County before town...

Ginny Weeks: Not for the lot across the street.

Mayor Newlands: We haven't looked at that lot yet. We're looking into the lot.

Ginny Weeks: You know, what you're doing is you're saying you don't want to inconvenience this one owner and all we're doing is we're not asking that his business move, just that he obey our ordinances and you won't do it.

Mayor Newlands: We are looking... I had a discussion with Seth just today about that, about looking at that one lot. We looked at the building and we didn't look at the lot yet. We're going to look at the lot.

Ginny Weeks: There are two lots. Because what you're doing is costing the town and people a lot of money in the value of their homes. Businesses can move to Route 16, people in their homes, not so much.

Mayor Newlands: I can tell you that that building is not going to go anywhere.

Ginny Weeks: I'm not asking that the building go anywhere, I just ask that he obey the zoning ordinance and the conditional use that he was originally given. That's all. I'm not asking it to go. The other thing is the Gross Rental Receipts. I'm going to harp in on that. Last year it was my impression that the town agreed to take a 20% hike in their property taxes, rather than put in a Gross Rental Receipts Tax.

Mayor Newlands: That's not correct.

Ginny Weeks: That's not correct?

Mayor Newlands: No, we proposed both things last year and we did them both independently.

Ginny Weeks: I remember Ms. Duby sitting there and saying, this should be spread amongst the whole town and then the 20% coming up. See Ms. Peterson remembers. So now...

Mayor Newlands: The votes were separate. Gross Rental Receipts was...

Ginny Weeks: The votes were separate.

Mayor Newlands: Right. Gross Rental Receipts was knocked down and the increase to property tax was voted on.

Ginny Weeks: I don't have any...

Mayor Newlands: They weren't a conditional... It wasn't a conditional do one versus the other. They were done independently.

Ginny Weeks: They were done independently, but the 20% came because of the discussion about the Gross Rental Receipts. I don't own any rental property here and I am not a renter, but to tax somebody three times on his rental property seems silly. You have them pay property tax, you have them pay a license and now a Gross Rental Receipt.

Mayor Newlands: And there are a dozen towns that do exactly that.

Ginny Weeks: And the other thing is this thing on water for taxes tonight. Are you seriously considering shutting water off if people don't pay their taxes? Are you allowed to do that? It's not an Enterprise Zone?

Mayor Newlands: We are allowed to do that and other towns in other states do it. Yes.

Ginny Weeks: It's malicious. Thank you.

Mayor Newlands: People need to pay their taxes.

- e) Jeff Dailey, 211 Gristmill Drive: I want to thank my neighbor, Mr. Walu, for telling us all about how it's done elsewhere, where a greater degree of transparency is at play. I also want to thank him for mentioning, as has been mentioned by many people, myself included, how our town might benefit from a Mayor's Task Force, an advisory council of people interested in what is best for our town, in terms of improvements to the water system; to work in tandem with the existing Water Committee and this way, we would be united, everyone would be well informed; when we have the Referendum on this, whenever that's going to be, we would find that the results might be different if we could all be in agreement, or closer to agreement, with far less questions hanging out there as we went to the polls. I do want to mention a month ago, same place, same time, I asked that the Water Committee, if it was going to be our only conduit for this discussion and the means of informing the public that it not meet at 4:00 p.m. Some people in Milton do work and it's difficult to get to a 4:00 p.m. meeting. In addition, there were two public representatives at the meeting in Town Hall and one newspaper man. And there was a presentation that I personally feel all of the citizens of Milton should have been privy to. That Water Committee, if it is going to take the lead, Mr. West, you're the Chairman, if it's going to be the informative body on this issue of improvements to the water system, for God's sake, schedule it at 6:30 or 7:00 p.m. here and especially when there are presentations. I have spoken with the Mayor about this and he has guaranteed me that in future, when there are presentations they will be held in the Library. So that's fantastic. That's progress. Now I also would like to do Mayor and Council a favor. I see in the packet that there is information on the survey results. A rumor surfaced during the

Referendum and in advance of the Referendum and you know rumors can be ugly things. As far as the one I'm about to share with you, I hope that there is absolutely no substantiation to this, but it was talked about on the streets of our little town that the reason we wanted or we needed or some people wanted to increase the water capacity and flow, was so that we could sell water. Okay? And I would very much like the Mayor and Council, the Water Committee to dispel that rumor once and for all. I hope I'm doing you all a public service by bringing this rumor to the forefront.

Mayor Newlands: Who would we sell water to?

Jeff Dailey: In the rumor – I'm just the messenger to – Tidewater was mentioned.

Mayor Newlands: Sell water to Tidewater? They would laugh at us. You've got to be kidding me.

Jeff Dailey: Okay. Mr. Mayor, I'm just the messenger. Thank you.

Mayor Newlands: That's the joke of the night. Thank you. By the way, if you want to be a part of the committee, join the Water Committee. We don't need another committee to tell the Water Committee what to do.

- f) Scott Dailey, 33275 Harbor Reach, Lewes: I actually live in Lewes. I manage a company called Sunrise Real Estate. We manage 32 rental properties within the city limits of Milton, Delaware, which probably makes me the largest property manager in the city, but I don't know who keeps that stat. While I applaud the town and the things that have run the town, especially Mayor Newlands since you've come and we've interacted on other things, I really appreciate a lot of the progress that the town has made over the last couple of years to bring about more systematic, more businesslike approaches to things. I'm here representing my landlords that I have a fiduciary responsibility to represent. Most of them, including Mr. Cannon, are folks who are on fixed incomes, who have bought rental property in Milton as an annuity and this is something that is going to hurt them on for their income and also on behalf of the tenants. We have a lot of tenants – these are working class folks. This is not Lewes and Rehoboth, the rental situation, where people here are weekly vacationers that are enjoying the good life for a week or two or a summer at the beach. These are folks that are teachers, they're plumbers, they're working as assistant managers or people down in the outlets and the economy has been tough and I know the economy is tough for you all and budgets are tough and I think that everybody should have an opportunity to make more money and I fully support raises for the folks that work at the town, but I think there's probably a better way to do this, so I'm here on behalf of my tenants and my landlords in opposition to the rental, respectfully. Thank you.

Mayor Newlands: Thank you.

- g) Gwendolyn Jones, 204 Atlantic Avenue: My topic that I would like to discuss tonight is elitism in Milton government, or shall we refer to it as the big fish in the little pond. I address my comments tonight to the three to whom I refer, Cliff Newlands, Wilbur Wright and Bill Phillips. Unfortunately, to no surprise, I don't see Chief Phillips here. Cliff, have you wondered what that annoying buzzing is? It's the Milton residents busy getting more and more upset with the continuing appearance of obfuscation, shady deals and marginalization. You deny everything, seem to try to do your best to make everyone who brings here a concern before the Council and residents look like fools. You know, the Gross Rental Receipts Tax was settled previously, not like the water service

referendum number two, which just keeps coming back, haunting us. Your offer regarding replacing my mailbox, by reporting my irrigation system, are both sadly lacking. You basically told me to take the _____ and confiscation of the corner of my home property and flush it. Similarly, to my neighbor around the corner, I bet they're leading to having to engage an attorney while also ultimately having to pay Milton's legal expenses also. The discussion of my neighbor's issue with Dry Zone, it seems that all the Milton administration has to do to get their way, is simply to ignore it and of course, Dry Zone probably pays a lot more money to the town than my neighbor does; similar to the Cannery and the situation with that in there. Now, again, I'm sad to say that Chief Phillips is not here tonight, nor any representative from the Police Department, but I have a report here I filed and this is witnessed by about a dozen and a half children. I'm a driver for Cape Henlopen. In the front of the bus there, if you go into the Police Department you'll see CAT pamphlets, Collision Avoidance Training; they've done a good job with that, because I saw Steve McQueen driving south at about 60 miles an hour through moving traffic, zigzagging back and forth opposing lanes of traffic and if I hadn't stomped on the brakes and put the flashers on, the car would have gone right into the front. This is a Milton police car, right in front of the bus. The details were all recorded. I'm a professional driver and I had to stop. The students who sit in the bus going like... What am I to do with the Collision Avoidance brochures; sponsored by the Milton Police Department, amongst others? That's a shining example. I'm not too happy personally of having two home invasions, no warrants, no knock. It's a good thing it was in the daytime and somebody could see it was an officer, because it could have been worse. I didn't have this written out and probably other people have things to say too, tonight, so I'm not going to take the whole thing and read it, but it's on file. I faxed it in. I have not had a response back and this was the 21st. I'm not a person that's sitting in their doorway with a puppy in their hands, having somebody point a long gun at them. Wilbur, Cliff and Mr. Phillips, wherever you are, if you want respect, earn it. If you want us to follow the law, start following them. You've got to set the example. I told that to the officer when I filed the report. I'm saying it to you now. It's almost like you're putting down and denigrating the people coming up here to bring this... This is not a kingdom. You're employees and you serve at our pleasure. Thank you.

Mayor Newlands: I'm aware of the complaint and it is being looked at and the tapes are being pulled from the squad car.

Gwendolyn Jones: That's great, they've got cameras on the bus too.

Mayor Newlands: That's fine. If you want to bring them forward, bring them forward. That would be fine. We'd like to see it.

Gwendolyn Jones: It's not my position to do that. If I'm the driver who's noticed something like that...

Mayor Newlands: Are they downloaded to a server someplace?

Gwendolyn Jones: They're available to the school officials.

Mayor Newlands: How long?

Gwendolyn Jones: You have to contact the Department of Transportation for that.

Mayor Newlands: I'll have the chief do that.

Gwendolyn Jones: To remind you of all the other stuff that I brought up here, I don't think anybody is terribly happy with what's going on; just as a blanket statement. Thank you.

h) John Collier, 301 Coulter Street: Good evening Mayor and Council. Thank you for the

opportunity to speak. I actually have a question on something that's on the agenda and it's been brought up tonight and I have to agree with most of the folks concerning this Gross Rental Receipts. It seems to me that... In fact, I know it to be a fact, that under the Town Charter, Section 11, you follow Robert's Rules of Order generally and back in September of 2011 there was a motion to paraphrase it, to suspend indefinitely this ordinance. So with that being said, I believe Robert's also provides the only way that comes back to the table is by motion or the process begins over again from scratch. So I would question it being placed on the agenda under Old Business, because now it becomes New Business, based on the way that this Council chose to handle it and Robert's Rules of Order. I have to go on record as saying that you, as Mayor, and by the Town Charter, are given the right to suspend Robert's Rules and I guess if you proceed with this under Old Business tonight, that would be generally what you have done and I'm not so sure that I like the idea, but it's your privilege and your right. Thank you.
Mayor Newlands: Thank you. We'll move it to New Business.

- i) Linda Rogers: Mayor and Council. Once again, the attempt to impose a Gross Rental Receipts Tax has been placed on your agenda as Old Business. That has previously been discussed and voted down, or moved or withheld by the majority of Council and yet nine months later it's back on your agenda. Once an item has been denied, it should never be considered Old Business, put to be placed on the agenda as a possible decision or a vote. Any item placed on the agenda should allow for public input. Many property owners, including myself have previously stated valid objections to the Gross Rental Tax being proposed targeting one area of town, rentals, and imposing an extremely high Gross Receipts Tax as a source to obtain additional funds to help minimize the budget deficit or salary increases. It is unfair to the property owners who have made major investments in this town and also provide housing for those who can not afford to purchase. While you are balancing your budget on the backs of landlord's, you are taking the landlord's budgets to make necessary improvements and repairs to their properties which will be passed on to the tenants. The Mayor and Council are misinformed if you believe that most of the rental properties in Milton generate \$1,000 a month or more. If you happen to have an older property in the town, you're lucky to receive \$500 or \$600 per month and this includes the landlord paying the quarterly water, sewer, trash fees, all taxes, both county and town, make all the necessary repairs and of course, the landlord also has to pay state and federal income tax. Then Milton has units which are government subsidized and Luther Gardens and Towers that are for the elderly. Are they going to be charged an additional tax, as well? There is still a constant comparison of Milton to other towns, Rehoboth, Dewey, Bethany, Lewes and often to Fenwick. Milton is not comparable to these municipalities. Those towns may have rentals which are seasonal and have tourist industry to draw funding. Milton does not have that resource. If you're going to compare us to others and copy ordinances and fees and policies, then be realistic and compare Milton to Georgetown, Millsboro, Selbyville and other inland communities. Businesses and the private sector are making cuts and changing policies, watching every penny, and where it is being sent in order to survive these tough economic times. The Town Council needs to decrease it's spending before it asks it's citizens to give up more of the hard earned income. I've listened to all the reasons for budget deficits, yet I do not hear much referencing to the budget cuts in order to balance the budget. I simply hear, that's part of running a business. That's not

the way businesses are run. Small things do add up. The Council has raised the property tax, trash fees and sewer rates will continue to rise. You want another town water tower and the list goes on, but revenue for these improvements should not be generated from rental properties. This town already receives an extra fee for a business license required for every rental unit and if that building is occupied by a business, then that business is required by the town to have a business license. That's two business licenses for one unit. I believe that each of you on the Council are dedicated to the best interests of the town and that you contribute a tremendous amount of time and energy towards those efforts. Sacrifice needs to start with you, the Council, making every effort possible to trim the excess from the budget, then ask the citizens to sacrifice. Thank you.

Mayor Newlands: Thank you. Just to let people know, most of the towns who have the Rental Tax, it's not only on weekly rentals, it's on annual rentals as well and there are non-beach towns like Millville and Dagsboro that do have this tax as well.

Linda Rogers: [Unintelligible]

Mayor Newlands: We're not doing anything new. Thank you.

- j) Lynn Ekelund, 406 Union Street: I'm here for two reasons. One is to thank everyone who has been supporting the Milton Farmer's Market, every Friday. We've been doing a wonderful, wonderful job. We've been crashing through all of the records of last year and we hope to continue to do that. Please continue to support us.

Mayor Newlands: Excellent. Thank you.

Lynn Ekelund: Another – I'm going to morph into Kathryn Greig. I'm here to talk about the antique show this coming Saturday, which will be in the lot right next to the Milton Museum; exactly where the Farmer's Market is held. It's the fifth year that there's going to be such an antique show and the admission of \$3 benefits the Historical Society. There are going to be over 25 dealers expected this year and the hours are 9:00 a.m. to 3:00 p.m., unless you want to be an early bird, at which point you can come at 7:30 and get first crack at everything those 25 dealers have to offer, for the small fee of \$10. Now if you want to come after 9:00 a.m., it's only \$3. Thank you very much.

Mayor Newlands: Lynn, check the Cape Gazette. I was glancing at it today and I think they have the antique show this Wednesday, not Saturday. Eek! So you at least have a chance to get it done for Friday's paper to have it changed.

Lynn Ekelund: Oh yeah.

Mayor Newlands: Because the online calendar had it for this Wednesday, I think. I'm pretty sure.

Lynn Ekelund: On the online? Okay. Don't believe what you read in the papers. Saturday. Thank you.

Mayor Newlands: Thank you.

2. Call to Order – Mayor Newlands called the meeting to order at 7:10 and closed the Public Participation
3. Moment of Silence
4. Pledge of Allegiance to the Flag
5. Roll Call – Mayor Newlands

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

Mayor Newlands: Ms. Betts will actually be home hopefully next Tuesday.

6. Additions or Corrections to the Agenda

Mayor Newlands: Do we have any additions or corrections to the Agenda? We need to move Item 13 e to under Old Business, the Ordinance for Gross Rental Receipts Tax down to 14 a. Any other changes to the agenda?

Councilwoman Jones: I would like to ask perhaps that under New Business, Item d, if we thought that we could dispose of that quickly, that might allow this young man in the front row to go home that much earlier.

Mayor Newlands: Sure, that's fine, we'll make that out of order and make it the first one. We'll make that Old Business, right after the Finance Report. That's fine. Any other changes? Can we get approval of the agenda, as amended?

7. Agenda Approval

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

Councilman West: Second.

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

8. Presentation and Approval of Minutes – May 7, 2012

Mayor Newlands: We only have minutes from our May 7th meeting, which was a very short meeting. We were out of here before 8:00 p.m. which was great. Does anybody have any issues or corrections with the Minutes?

Councilman Lester: Mr. Mayor, I don't have a correction, but I do have a slight issue, more than a slight issue. The minutes go on to detail some experiences of Mr. Harris, with the painting of the tower and it goes on for several paragraphs and we hear tonight, they talk about how rules get started in town, etc. and this, I think, was an attempt to blame this Council and this Mayor for painting the tower, when the tower was not painted, it was actually painted three or four years ago. It was not done recently. Whatever action was taken, whatever happened with that tower, happened about three to four years ago, way before this Mayor was elected. I think that was an attempt to actually besmirch this Council and that's how things happen, unfortunately seem to happen, in this town. Things are said with innuendo and there's a lack of fact. Mr. Harris himself didn't say when it happened, but he left it sort of opened with the appearance that it happened quite recently. That tower was painted a long time ago, so when you read the minutes and you see this several paragraphs about the problems caused by painting that tower, they were not recent, they were quite some time ago.

Councilman Booros: Mr. Lester, I seem to remember him saying it was some time ago and that all he was indicating was, next time you have it painted, please make sure that they make sure

this doesn't happen again. I thought that's all he was saying.

Mayor Newlands: He did say that, in response to me saying that it was four years ago.

Councilman Booros: Yeah. I understand that.

Mayor Newlands: He only clarified it after I said it was four years ago.

Councilman Booros: But it was said in this room that it was four year ago.

Mayor Newlands: Only because I was the one who caught him on it.

Councilman Booros: I understand that. But it's not like the people in this room did not hear that it was four years ago; because I heard it. Whether you said it or he said it, it was said and he said all he wanted was to make sure it didn't happen again.

Councilman Lester: Wouldn't you think, councilman, that that would have been brought up four years ago when this incident actually happened?

Councilman Booros: It may have been brought up four years ago during the prior administration. I have no idea.

Councilman Lester: I have no idea, either.

Mayor Newlands: It's similar to the letters that go to into the Editor. The one that was in Friday insinuating that we're going to give the Ingerman Group concessions, which we've come in front of this Council and said no we're not. Okay? And there are insinuations in the paper that we're going to run a water main down Cave Neck Road and we are not, because the developer said he will run the water main at his own expense. That has all been said in April and in May and yet last Friday we get a Letter to the Editor that brings again, rumors and people are going to start believing these things and it's just stupidity and it's got to stop.

Councilman Booros: Well it was perfectly to me before I left that meeting that he was just asking that it not happen again because it ended up costing our insurance company money to pay the claims for the damages to the vehicles or whatever got damaged.

Mayor Newlands: I think what Councilman Lester is getting to is that some people are coming out of the woodwork and making comments for no reason, other then to make comments. The water tower is not scheduled to get painted for another two years, so he's got plenty of time to make those comments. Thank you. Anything else on the minutes from May 7th?

Councilwoman Patterson: Mr. Mayor, I make a motion that to approve the minutes as they stand.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to approve the minutes of May 7, 2012. All in favor say aye. Opposed. Motion is carried.

9. Discussion on Written Committee Reports

Mayor Newlands: We have no committee reports. So we'll go on to the Town Manager's Report.

10. Town Manager's Report

Win Abbott: Thank you Mr. Mayor and Council. I think you should all have a Town Manager's Report included with your packet and there were 25 copies made for the public. You'll see Referendum Survey Results are discussed first. As indicated by here and as we have all discussed before, the survey was for informational purposes and the purpose for which it was designed has been fulfilled in that we have a better understanding of the level of knowledge that people have with regard to the water system, where they get the information and the reason or motivation for their vote for or against the Referendum. That has helped to prioritize some of our activities as we move forward. Later you'll see that we have put in quite a number of new water meters and we just keep adding new ones every day. Allen and Dustan and Greg, the

public works crew altogether have been working weekends and sometimes evenings, moving forward with this as fast as possible, because it was discovered through the survey that the “missing water”, the unaccounted for water, with regard to metering was the primary thing that came out of the whole Referendum experience. There are some other things mentioned as well in the Town Manager's Report, but I think that was the real emphasis in this past month was the survey results and the things that we do moving forward with revising our work facilities Master Plan.

Mayor Newlands: I think the survey results actually showed that a lot of people don't know what the structure and the facilities we have in town and that we need to get more education out and better education to the people, to make sure that they understand what kind of facilities we have. Some people thought we have two water treatment facilities; some thought we had three towers; some thought we had one tower; I don't know how you miss the other one, but they do. We need a lot of education for the public.

Win Abbott: By the way, if I may add, one of the things that came out of the public participation aspect of the Referendum was that some people perceived, perhaps rightfully so, that the town was not doing enough for conservation methods. We have available to the public rain barrels. I can get them for you for half their market value of them through the Department of Natural Resources. Just call the Town Hall, this is what you'll have. The brochure that I've attached to it also has plans for you to build a little stand. Remember at 8 lbs. a gallon, you'll have more than 400 lbs. of water in that, so you need to build something very sturdy. But nonetheless, just contact Town Hall and I'll be glad to help you to take part in conservation of water in our community.

Mayor Newlands: Great, thank you.

Councilwoman Jones: I have a question.

Mayor Newlands: Sure.

Councilwoman Jones: Mr. Abbott, at the bottom of the report you talk about letters that were sent out and that another batch of letters were going to be sent out in early June. This was to notify homeowners of approximate date for the installation of their units?

Win Abbott: More or less. The purpose of the letters was to let people know that their meter has been identified for replacement, because of it's age or it's location or the fact that it's not a Radio Read Meter and we're sending them out in phases. We prioritize those who we perceive use the most water, like Luther Towers got the first upgrades or those that we had to manually read, which creates inefficiencies in our accounting for water, as well; and then those that are older or were picking up very, very, very low readings on them. So we're working on a priority basis so that everyone that's been identified by the Water Department, will receive the letter. The letter says your meter has been identified for replacement and it is accompanied by a permission to enter form. When they fill those out, it doesn't say when the meter replacement will be. It says simply that the Water Department will contact them to make an appointment.

Councilwoman Jones: I bring this up for a reason. I did not get one of those letters, but poor Allen knocked on my door at 9:00 a.m. on Saturday morning and I wasn't looking very charming. I apologized to him and if I had known that someone like that was coming, I probably would have made him a pot of coffee. So my apologies to Allen for the shock, but I didn't know whether or not we were doing that just randomly, as I believe Mr. Atkins said he was actually on his way over to the Luther Towers that morning, anyway, so I...

Win Abbott: Mr. Atkins and Dustan Russum from our Water Department have been complementing my written effort by the personal touch and they've been catching people and they come in and out of their house – I'll just give you an example. There was one customer on

Mulberry Street who received this letter by certified mail and was greatly distressed; never had received a letter by way of certified mail. Dustan talked to her and she said, oh yes, sure, you can come inside, let me move some things away and it was done. So there are different ways to approach it and these guys take the initiative and reach out to people on a personal level.

Councilman Booros: I have a question. Second page of your report, Shipbuilder's Village, the developer has finally ceded the control to the bank, so now they can dedicate the streets and we can get them paved. Is this done by way of the bank's going to pave the streets, or the town's going to pave the streets, or...

Mayor Newlands: We'll go over that in a little while when we talk about Item 14 c.

Councilman Booros: Then we'll move a little bit further down, where it talks about some repeat violators of the Municipal Code regarding property maintenance and nuisances will result in swift action. I brought something up to Mayor and Council a couple of months ago about what's going on down here on the corner with the tires and it's a direct violation of everything in our code. They're not in racks. They're stacked up in view of everybody that's eating out in back of Irish Eyes and I get a nice email from our Town Solicitor telling me that we don't have a Code Enforcement Officer and you're right, he's violating every single code there is about used tires. I get this from Seth, okay? So I knew the Code when I asked the question. So I get the Town Solicitor giving me an answer four days later, of something I already knew, which was the guy's violating the every Code we've got and we're setting ourselves up for another Dry Zone by driving by it every day as a Councilperson, as a Mayor, as the head of maintenance, as the Town Manager. Everybody driving by that corner, everyday, knowing that Code is being broken every day. You're setting yourself up for another Dry Zone. He's now selling cars out in front of that building; he's now running a car wash on the weekends and you walk by it and I walk by it and you drive by it every day of the week and everyone of us goes by it every day of the week. This gentleman here sends me a letter saying we don't have a Code Enforcement Officer. But you're going to write letters to people about their grass? I'm all for cutting the grass, but excuse me Sir, we can write a letter to this man telling him you're breaking every Code in our book and I don't need to pay the Town Solicitor to tell me what I already knew. That was my first problem. I wouldn't have brought it up if I didn't know what the Code was and I hate to pay an attorney taxpayer's money... I watch you walk by it. I walk by it. You drive by it. We all drive by it and the minute we let this guy get away with it, we've just created another Dry Zone that we can't do anything about. I want to know if we're going to do something about it.

Mayor Newlands: We will do something about it and I think it will take quite a long time for us to ignore it before it became another Dry Zone issue.

Councilman Booros: No, I think we've ignored it long enough.

Mayor Newlands: I understand. I hear you.

Councilman Booros: I think the people at Irish Eyes shouldn't have to look at the tires piled up when they need to be behind an 8' fence.

Mayor Newlands: I understand. We'll get it taken care of.

Councilman Booros: Somebody's not understanding Sir, that's all I can say.

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

Mayor Newlands: Does anybody have any questions on the police reports? Let's go on to the reports. We have the Police Report, Public Works Report and the Project Coordinator's Report.

Councilman Booros: Can I ask a question about a report?

Mayor Newlands: Sure can.

Councilman Booros: Monthly Maintenance Report – Town of Milton Public Works. The very

last thing on the second page, Meeting with Tidewater on water service. I thought Tidewater ran our sewer plant?

Mayor Newlands: Tidewater came in...

Councilman Booros: I was asking the guy who wrote the report.

Allen Atkins: There was a meeting we had with the Mayor and the Town Manager about Tidewater interconnection with drinking water. They wanted to interconnect...

Unidentified Speakers from the Audience: What? What?

Councilman Booros: That's why I'm asking, because it sure took me by surprise when I saw it in my package.

Mayor Newlands: We had them come in to start discussion about the contract and we want to redo the sewer contract with them.

Councilman Booros: So this doesn't say sewer, it just says water.

Mayor Newlands: I'm telling you the purpose of the meeting. The meeting was for us to discuss their contract for the sewer plant and they wanted to get specifications from us and get ideas from us to try and give us water from their system, in lieu of us putting in water towers. They have a system that's four miles down the road on Cave Neck Road and it starts at Vincent Overlook and goes all the way down to Rehoboth and it services 10,000 customers. So they, at some point, will make a proposal to the Committee and to the engineers to give us water from that system.

Councilman Booros: So they didn't meet with the Water Committee and give this? They met with Allen and you?

Mayor Newlands: Yes, that's it.

Councilwoman Jones: I would like to go on record and say I can't imagine why Milton would want to enter into any other business deal with Tidewater and if you're talking to Tidewater, are you talking to the only other largest competitor in the business, Artesian.

Mayor Newlands: We will be, yes.

Councilwoman Jones: Will be.

Mayor Newlands: This was only a week and a half ago.

Councilwoman Jones: I'm afraid if you put it out to your citizens, crawling into another business deal with Tidewater wouldn't be very popular.

Mayor Newlands: I'm entertaining... They approached us and they asked us to entertain the question. That's all we're doing right now.

Councilman Booros: And quite honestly Mr. Mayor, when I read an email from you over the weekend that talked about; I'm going to tell the citizens what Town Hall is doing and what the Council is doing; this took me by surprise. If it was two weeks ago, I would love to have seen an email somewhere along the line to let me know something was going on before I saw this.

Mayor Newlands: There's nothing going on. We have meetings all the time. We don't publish every meeting that we have. We have meetings all the time. They came in and asked a bunch of questions. That's all they did.

Councilwoman Jones: I have a couple of more things. I want to thank Robin personally. He did help me with this comprehensive business list that I'm trying to work through with the EDC. There was a lot of information that I didn't have that you added, but what you also gave me concerned me and it concerns me in terms of the follow up on overdue invoices here on the first page.

Mayor Newlands: Where did we switch to? I'm sorry.

Councilwoman Jones: I'm on the Code Enforcer, I'm on the Project Coordinator.

Mayor Newlands: Hold on a second. We were just on... Councilman Booros are you done with

the maintenance thing?

Councilman Booros: Yes, whatever that was.

Mayor Newlands: Okay, we just jumped. I just want to make sure that we're jumping on the right stuff. That's all.

Councilwoman Jones: Okay. Overdue invoices – here we are tonight, we're looking at a possible Ordinance to make Gross Rental Receipts Tax legal and here in Robin's monthly report we're looking at a follow-up on overdue invoices. But on the list given to me, this was last Friday, in Robin's own notation there are 16 businesses on this list that do not have current 2012 business licenses. I'm going to assume, if I may, that business licenses go from January 1 to December 31. Alright. For the ones I don't know, I concede, but for the majority these places are tried and true, established businesses, been here a very long time. This is now six months and we haven't collected a business license on them yet. Now this, and then you're going to have the enforcement of how to collect on your Gross Rental Receipts Tax. Is it unusual for it to go six months before collecting businesses that are operating six, seven days a week right now in our own backyard without collecting this money? I'm a little confused by it. It's in the paper this week. We're looking for more revenue, but I see this revenue right under our noses.

Councilman Booros: Councilwoman Jones I had one business come to me about a month ago to say they had just realized they didn't have a current license and they never got a bill for that license. They never received a bill. I understand there are several 15, 16, however many are on that list, nine – that never got billed for licenses or they don't have current licenses. My question would be, those are all storefront licenses here in this town. My son has a business that does business here in this town and I know that he gets a license to do business in this town and if we can't get the guy who owns the coffee shop across the street from Town Hall; did my son get a license? I mean, he's not speaking to me this week, so I'm not asking him. But did he get a letter to renew his license? I mean, whether he... I know that he does get a license to do business in this town and I assume they're for one year?

Mayor Newlands: Yes, they're for one year.

Councilman Booros: So if you can't get the guy... I mean this list that Councilwoman Jones has, they're tried and true... I mean King's Ice Cream doesn't have a license. Federal Street Cafe doesn't have a license. These people are right in the middle of town and don't have licenses. Did you send one, a bill, to every one of these contractors in December telling them, my son, for instance, by the way your license expires December 30th?

Mayor Newlands: Everybody that's on the list gets a letter.

Councilman Booros: No they don't.

Mayor Newlands: They're supposed to get one, I should say.

Councilman Booros: Well, they're not.

Mayor Newlands: Okay, well then that's something we have to look at.

Councilman Booros: We've got a problem. So...

Mayor Newlands: We'll take a look at it.

Councilwoman Jones: My last issue under, if I may, Code Enforcement and the like is directed to Mr. Thompson. I still have correspondence from Mr. Molina, who isn't here this evening, but he did ask me to ask about the Dry Zone progress. Prior to him asking me to do that, I wanted to point out to you that I go by Dry Zone every day and I have been privileged to see some of the original documentation where it was actually the County that okayed Dry Zone before Milton had the ability and the ordinances to do that, the Commission, to do that. In that original agreement, however, Dry Zone was not to have things stacked outside, materials stacked outside. Every day in nothing more than opened cinder holders, on the ground, are truckloads of

insulation, mortar, concrete, every imaginable debris that's being hauled out of what I can only assume are wet basement and/or areas, because that's the work they do. It's being held above ground; it's being held in the open; in no containment. That is a violation of the original, if that's what we're going to stand on, they're already violating it. My other point is, the property across the street. It did indeed morph into nothing more than a parking lot. The Ordinances today say, that you cannot pave that parking lot without a primary business on it. So I'm not sure where you are in trying to untangle that. Can you give me any information so I can let the folks who are interested know?

Seth Thompson: I can and basically I did initial research and Robin was very helpful in providing everything from the town file. On the building itself, which, at one point there was an application – you're absolutely correct. It dates back to when the County ran the zoning, even though it was within town. The person applied for a Conditional Use. They then withdrew that application pending a determination by the Planning and Zoning Commission, Mr. Lank, who determined that the proposed use was a less harmful use, kind of a lesser included use; and therefore they didn't need the Conditional Use. I requested the records related to the other parcel, because we could have a similar situation, where if they've been using it for a period of time as a parking lot, it's seemingly a pre-existing non-conforming use. That would be the problem.

Councilwoman Jones: Well, let's call it what it is. It's a pre-existing ignored use. It's not non-conforming. It's been ignored and there's a difference. My point still is they're holding what could be contaminated waste, bio-contaminated waste, on top of that property and I believe, if I am correct, the original allowance by that Council or that Commission, was that they may store no products outside and I'm asking you to please, please, please look at that.

Mayor Newlands: We had discussions with Mr. Lawson...

Councilwoman Jones: Because that would be a violation now.

Mayor Newlands: We had discussions with Mr. Lawson. He was agreeable to clean up the area. He was agreeable to put fencing around it, but then Mr. Molina started with some of his action; he held up because of that because he wanted to see the result of it. He's agreeable to deal with us and clean up his act, but he just wants to see the result of what's going to happen with all this first.

Councilwoman Jones: You mean what the town is...

Mayor Newlands: If he's got some bio-hazard issues there, we'll have somebody take a look at that, but as far as cleaning up the area, fencing it and stuff like that, he's not fighting us on that.

Councilwoman Jones: And I'm glad for that, but as far as his product being held, as debris being held, I think he will find you have legs under you to enforce that now, as I believe he's in direct violation of his original use. Really, Mr. Molina has the biggest dog in the fight. There's no question about it. He sits in a residential neighborhood with commercial trucks running. They're out there... That place is up and buzzing about at 6:30 in the morning, 7:00, and on the days that he is here I'm sure it's a nightmare. I really appreciate your looking into that.

Seth Thompson: I will.

Councilman Booros: On that note, I have one question and one comment on this same report. The Dog Park, it says that Robin met with the Dog Park regarding a possible location? Is there a still an Ad Hoc Committee for the Dog Park, in existence?

Mayor Newlands: Yes, there is.

Councilman Booros: Is there? Are they involved in any of this, the committee?

Mayor Newlands: No, not this one. This is on private land.

Councilman Booros: Okay. And the second question I had was, on here it said that Robin

conducted job interviews. I assume that's for the Code Enforcement Officer?

Mayor Newlands: That's correct.

Councilman Booros: It seems the perfect opportunity to make my comment, then. I went back and read all the notes and the minutes from last July, August and September during the budget hearings and the big stink, and this actually came from you Mr. Mayor, was we just hired this guy. We can't just throw him out on the street and what came back from some other people was, well wait a minute, you'd rather tax everybody in town to keep a Code Enforcement Officer to balance the budget, but you won't throw one guy out on the street who we just hired? The guy threw himself out on the street. My comment is, how do we just ignore what the people in this room said during last budget meeting about hiring a second Code person. I mean that's a lot of money involved there, with the health insurance and life insurance and everything else. We may have balanced the budget, but we just skipped right on into putting an announcement in the paper, getting the guy hired before this next budget process comes along, because they people... I reread every word of every Minute in all those budget hearings. These people have a real problem with two Code Enforcement people on that last year's budget and I think Councilwoman Jones tasked the Town Manager when they were about to vote not to hire the guy; or to get rid of the guy; was to no, no, no, no, no – we can't micromanage the new Town Manager, he's just starting next Tuesday, or whatever it was. Let's give him until the first quarter's over to come back and tell us what his staffing needs are. Well I was in the audience during this and I've never heard what his staffing needs were. All I know is this guy stayed, this guy left, and now we're slipping another guy in his place before the budget. These people were adamant about not hiring a second... And so were the people on this Council; so were the people on the existing Council, at that time, and we deferred it to the new Town Manager, who I don't think had started yet. He was going to start the following week, to give him until the end of the first quarter to let us know, instead of throwing the last guy out and just firing him or laying him off or whatever you do to him and now we're hiring another one. I got a problem with that.

Mayor Newlands: Well, first of all it's not two Code Enforcers, we only have one Code Enforcer. That's the first thing. The second thing is in February of last year the Council voted to lay somebody off to hire a Code Enforcer. So that was an action that the Council took.

Councilman Booros: And we hired... Then during the budget time, the Council wanted one of them to go away. I read every word of every one of those Minutes.

Mayor Newlands: That was never voted... That was not voted on.

Councilman Booros: No it was not voted on, because we allowed Mr. - the new Town Manager, Mr. Abbott, until the end of the first quarter to come back and let us know what his staffing needs were, because we weren't going to micromanage him. I don't ever remember him coming back before these people, these people out here, and telling these people who wanted one of these Code people gone, what the answer was.

Win Abbott: The answer was in a Town Manager's report given to the Council and copied to the people. I would be glad to pull the old report. It was probably in December, but it was in a Town Manager's report.

Mayor Newlands: There you go. Any other comments or questions?

Councilman Lester: Yes, I just have a question about this Dry Zone. Again, this is something that's coming up pretty recently and I'm sure the people obviously that have lived here a lot longer than I have, but if this is so egregious, why wasn't this addressed 5, 10, 15 years ago; and why did Mr. Molina just come up with this within the last couple of months? I'm just puzzled. This horror story, Love Canal, didn't happen overnight. If somebody could enlighten me on this. I just can't get my head around this problem.

Mayor Newlands: Oh, you can, because I have my suspicion and you're not going to like it.

Councilwoman Jones: Well, Mr. Molina didn't just show up on the stage this year by himself. This has been an issue that I was confronted with, even when I was running for Council. We finally put a group together, citizens who had continued to talk to me about it. We met with Craig Mills. Craig provided us with the information similar to what the Mayor just said this evening, that Mr. Lawson would be very glad to comply and clean the property up. Then it became...

Mayor Newlands: Wait, wait, stop right there. I don't think Councilman Lester's talking about a year ago. He's talking about this guy's been here for 20 years. The Lawson's have been in business since the 50's or the 60's and Molina has been around for 20 years. Where's he been for 20 years? Why hasn't he come to Council for the last 20 years?

Councilwoman Jones: Well then my answer to that is you'll have to ask him.

Mayor Newlands: I think the reason is he's retiring and he doesn't want to be here during the week when there's business going on next door. That's probably the reason.

Councilwoman Jones: And I think you'll find it's morphed into what it is. It's now out of control. It's out of control.

Mayor Newlands: We'll address it. I think we need to put this on... I think we need to put this on ...

Councilwoman Jones: Address it as in who will?

Mayor Newlands: Lawson will address it. And I think we're off topic right now on a lot of things, so we need to...

Councilwoman Jones: Councilman Lester asked for some history and I just tried to provide it.

Mayor Newlands: I think he didn't mean recent history, I think he meant...

Councilman Lester: That's long history.

Mayor Newlands: Long history. Yes.

Councilman Lester: Councilwoman you live there; we have a former Mayor that lives across the street.

Mayor Newlands: I'm sorry. Three former Mayors live there.

Councilman Lester: We have another former Mayor who lives down the street. It's just a puzzlement to me. I just don't understand it.

Mayor Newlands: Right.

Councilman West: Councilman Lester that has been used as a parking lot since the 60's, when Paul Bernstein had the shirt factory there. That belonged to that same building and he used it for parking for his employees; so it is nothing new over there. The hazardous waste deal and stuff that Councilwoman Jones is speaking of, that should be addressed and addressed 150%, quickly.

Mayor Newlands: We are off topic. I think we need to move.

Councilman Lester: I'm a little lost in this conversation.

Mayor Newlands: I agree with you. I agree with you. We need to move on.

12. Finance Report and Revenue/Expenditures Report

Mayor Newlands: Alright, let's talk about the Finance Reports. We neglected to put in the transfers, so we added that and it was given out today; any bank transfers and we did have a transfer. We moved, actually it was in April that we moved.

Councilman Lester: While we're on the topic, Mr. Mayor, concerning the September 30, 2010 audit, I have sent emails both to the head of the State Auditor's Office and to their head of staff. I haven't heard anything back yet as to when that audit will be completed. Mrs. Rogers had sent

an email to their staff person working on the audit asking if we were going to get a draft report for tonight and she said no – they... I'm reading from her email. It says "We hope to have the Draft by the end of June and Final by the end of July." I'm a little puzzled how it's taken them so long to do this. I appreciate it and I'm sure the town appreciates the mess that we inherited and they were quick to observe it, but I'm not sure where they've been in this... It certainly has taken them a lot longer than I thought it would. I'm not sure what our steps would be if we don't hear from them with a full report pretty soon. I'll contact the staff at PKS that's audited the current fiscal year.

Mayor Newlands: Has Tom Wagner responded to your emails?

Councilman Lester: No.

Mayor Newlands: He hasn't.

Councilman Lester: It's not an election year. I went through the Financial Statements with Mrs. Rogers and Mrs. Winn a couple of weeks ago and I'm not sure when the statements actually went out to Council, but we're pretty much on track and we went through the expenses and we didn't find anything out of the ordinary.

Mayor Newlands: We're on track, transfer tax is way up. We're at 100% already on transfer taxes. So at some point before the end of the budget year, we budgeted \$155,000 for transfer tax, we're going to have to move that cash to the General Account, because it's due in the General Account for spending. And just if people are concerned, we have about \$650,000 in our General Account and we'll be adding another \$150,000 to that from the transfer tax account to the General Account and we don't get any more money in in our General Account between now and January, February; so that's what we get to spend for the next six or eight months. Does anyone on Council have questions on these financial reports?

Councilwoman Jones: I have an accounting question and maybe with Councilman Lester sitting here with me, he can help me out. On any sheet I'm on Page 5 here.

Mayor Newlands: Which report?

Councilwoman Jones: I'm under the Statement of Revenue and Expenditures.

Mayor Newlands: Page 5?

Councilwoman Jones: Page 5, yes. Under any of these, we'll just take Supplies – 5280. The current expenditures and the year-to-date expenditure is the same, all the way down.

Councilman Lester: Right.

Councilwoman Jones: But that may not be what we spent in the last 30 days. The reason I say that is I went to the portion here that looks like they refunded a good number of the items that were placed against the Supply category last month. Okay? I take it that... But does that number of \$2,647.52 mean that's what we spent in the last 30 days of the accounting period?

Councilman Lester: Generally, it would and I can't account for it without looking at the detailed ledger, but these two are the same all the way across they're the same.

Councilwoman Jones: All the way across. And the one that kind of interested me the most was the overtime holiday for officers. The current expenditure is at \$10,971.29. That would be a reporting for the month of April, which had Good Friday in it. That would be an enormous amount of one pay overtime for 30 days. Is anybody else looking at this in the same way I am? Page 5 under Category 5112. I didn't realize they had this report?

Mayor Newlands: I didn't realize the public has this report either? This is an unaudited report. I don't know why the public has this. This was not an audited report.

Councilwoman Jones: Everybody has it.

Mayor Newlands: It says "Internal Use Only". I wish this wouldn't.

Unidentified Speaker: It's not just this period, it's the whole year-to-date.

Mayor Newlands: Yeah but this shouldn't be out in the public hands, until we've audited it at this meeting and then it gets published on the internet. It's not supposed to be handed out at meetings.

Councilman Lester: I don't know they have this.

Mayor Newlands: I see what you're saying. I don't know why it says... Excuse me. Please [gavel].

Councilman Lester: I can't answer that without looking at the background General Ledger.

Mayor Newlands: It's how she ran it, because I know it's fine, because I look at this all the time.

Councilwoman Jones: But do you see that all the current expenditures are equaling the year-to-dates.

Mayor Newlands: Yeah, I understand that. It depends on how she ran it. You've got to just give me a second. I have to look at what parameters she used to run it.

Councilman Lester: Yes, you have to look at the dates and the numbers at the top.

Councilwoman Jones: Well I did. It went to April 30th.

Mayor Newlands: Okay, she ran it... If you look at Page 1, on the top it says "current period".

Councilwoman Jones: Right.

Mayor Newlands: It says "October 1, 2011". She ran it wrong. It should have said "April 1, 2012". That way you would have gotten the one month snapshot. She ran it for the entire year, not the month. Okay?

Councilwoman Jones: Okay, so this isn't a 30 day accounting at all.

Mayor Newlands: No it is not.

Councilwoman Jones: I thought it was my own accounting challenge.

Mayor Newlands: No it's not.

Councilman Lester: I just can make one comment. We try to get this out early, if we can and obviously when I sat down with Mrs. Rogers, we were looking at... I forgot to bring my own penciled up copy with me. I would have had a different copy than what you're having now.

Mayor Newlands: Right.

Councilman Lester: If you give me a buzz, early, I can look at it and give it to you without sitting here sometimes looking like a...

Mayor Newlands: You can get a grip.

Councilwoman Jones: I didn't understand it early or now, so I...

Mayor Newlands: But if you don't understand it, just call us and we'll get it corrected.

Councilman Lester: Just give me a call.

Councilwoman Jones: I knew it couldn't be... They couldn't match.

Councilman Lester: Because then I could have had another one printed. I didn't look at mine. Actually I didn't look at it at all, because I had looked at it a couple of weeks ago.

Councilwoman Jones: Actually, it's not exclusive, it goes all the way through.

Mayor Newlands: I look online, so I don't look.

Councilman Booros: If I could just... I'll probably just ask one even though I've highlighted 30 things, I'll just ask one question on this?

Mayor Newlands: Which one?

Councilman Booros: Page 8.

Mayor Newlands: The Revenue and Expenditure Report?

Councilman Booros: Yes, the same report, Page 8, about 2/3 of the way down. We had Repair, Accident Repair Deductible, \$500 for vehicle no. 78-13.

Mayor Newlands: Wait a minute, Page 8. I'm still looking.

Councilman West: That's the one the deer hit.

Mayor Newlands: Page 8. I'm still looking.

Councilman Booros: Page 8. What is it, under 5450.

Councilwoman Jones: Page 8?

Mayor Newlands: I still don't see that. Under the Revenue and Expenditure Report or the Detail Report?

Councilman Booros: It's the Detail Report.

Mayor Newlands: Thank you. Okay, it's the Detail Report. Hold on, it's the other report.

Councilwoman Jones: Where am I?

Councilman Lester: He's talking about the budget transaction.

Mayor Newlands: Hang on, you've got to give us a chance to get there.

Councilwoman Jones: This has a different Page 8? Oh, it does.

Councilman Lester: No, this other report.

Councilman Booros: We paid a \$500 deductible for an accident to a vehicle?

Mayor Newlands: Yes.

Councilman Booros: And then right above it, we paid \$4,445.00 repair to the same vehicle?

Mayor Newlands: Yes. We got that back from the insurance company.

Councilman Lester: If you look under revenue you'll see it.

Mayor Newlands: Under revenue you'll see that we got that back. I do not let the accounting staff net revenue against expenses, because it masks what goes on. If you look back in some of the...

Councilman Booros: So we paid the \$4,000, then we got back from the insurance carrier?

Mayor Newlands: Correct. That is correct.

Councilman Booros: Okay. That was my only question.

Mayor Newlands: I do that... If we didn't do that, sometimes that number would not appear there or in the other reports it would appear as zero and it's one way of hiding things and I've seen that before in this system.

Councilman Booros: Gotcha.

Mayor Newlands: From years ago.

Councilman Booros: It's a little confusing to see them side by side. I didn't get it.

Mayor Newlands: Well we had to pay the guy the full bill, so the full bill was \$4,900, so we paid him the whole thing.

Councilman Booros: Gotcha. That was it.

Mayor Newlands: We broke it down separately knowing we were going to get reimbursed for one and not for the other. Anybody have any other questions? Anything on the bank statements? And please, don't give these reports out until their audited and they go up on the internet. I try and publish them on the internet quarterly. If they want them up there monthly, I'll do it monthly, but don't give them out until their audited and we go over them. Please. Mr. Abbott, do you have a financial? Do you want to say anything?

Win Abbott: Mr. Mayor, I'm the one that copied this report for public distribution and actually I've been doing it every month since I started, so that people would know what my report referenced, but I won't produce them for the public anymore if that's your desire.

Mayor Newlands: Oh, you did that, okay. No I don't want them out there, please.

Win Abbott: Okay.

Mayor Newlands: Not that one.

Win Abbott: No I have nothing to add.

Mayor Newlands: Okay.

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

- d. Milton Fire Co.'s request for permission to allow a street light installed in the rear of their parking lot on Front Street

Mayor Newlands: We're going to have the Fire Department's request coming first. Let's just get that paperwork out.

Councilwoman Jones: Mr. Mayor, is the better accounting of water, the first item or are we're still going to...

Mayor Newlands: The first item is going to be the Fire Department's request.

Councilwoman Jones: No, but I mean is this the water system?

Mayor Newlands: The next item? Yes.

Councilwoman Jones: I just wanted to make sure. Thanks.

Mayor Newlands: Yes. Let me just get our paperwork out for the Fire Department. Okay. We have a request from the Fire Department. They would like permission to put a streetlight in the rear of the parking lot on Front Street. They will pay for the installation, maintenance, electric bill; they just need our permission to put that on that street. The back area where the police cars stay and the ambulances sitting back there and a couple of trailers, that is an actual street, a legal street. So they want to put the light on that area. You're looking at the left hand side, correct?

Bill Wright: Pardon?

Mayor Newlands: You're looking at the rear left hand side of the parking lot, where the squad cars are parked?

Bill Wright: Actually what we're asking to do to make it clear why... I know somebody's going to ask me why don't we put it in the grassy plot in back of where the police cars are. M&T Bank owns that. I have checked with Robin and M&T Bank and asked them if we could set a pole in that little grassy spot so we could light up the parking lot. Their answer to me was try another alternative and it was... So now I'm asking if we would be able to set a pole to the very rear of your street, which is now a parking lot. There are a lot of issues there as it's being so dark. We entertain all kinds of events going on at the Fire Hall; you may not be aware of it, but every non-profit organization in Milton is allowed to use that Fire Hall for nothing and that covers a lot, a lot of people. We just installed cameras, so that's the security part of it; but it's still so dark and there are safety issues. I'm asking that we be able to set a pole. The Fire Company will pay for it. It will be... I'm looking at probably a 400 watt light to light up that area.

Mayor Newlands: That's a big light.

Bill Wright: I'm not sure of the exact location, but if you give me the approval, then I have to get with Delmarva to get the right spot. So this is what I'm asking, because... If you do approve it, I'm asking that you give us something in writing.

Mayor Newlands: Sure.

Bill Wright: So we can have our records down the road, you know somebody could say what's your pole doing on our property; so we could have that? And if you could do that, we would really, really appreciate it and it would benefit the whole town really.

Mayor Newlands: Can you state your name for the record?

Bill Wright: My name is Bill Wright and I've been in the Fire Company for 58 years.

Mayor Newlands: Congratulations.

Councilman West: Mr. Mayor, I would like to make the motion that we grant the Fire Department the permission to set this pole on town property, so that it will be beneficial to the whole town and give him a letter in writing that we have okayed this.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to approve a light in the parking lot on Front Street for the Fire Department. All in favor say aye. Opposed. Motion carried. We'll get that letter out to you this week.

Bill Wright: Thank you very much.

Mayor Newlands: Okay.

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

a. Water System Improvements monthly update

Win Abbott: Mayor and Council and members of the public, I believe you received the fourth report now entitled “A Better Accounting of Water Use” and it provides some detail and like I said before, these fellows have been out working around the clock. This was produced maybe ten days ago now and they've probably put in another 15 meters since then. The Water Facilities Master Plan, the grant was approved for \$7,415 from the Office of Drinking Water and the contract with Pennoni Associates, the engineering firm that was recommended by the Water Committee and that the Council decided to go with for this update of our Water Facilities Master Plan; that was all contingent upon us getting the grant. Once the grant was approved, I executed the contract. The Water Department also has a management program that helps them run the business of the Water Department and it's provided free of charge by the Environmental Protection Agency and the Delaware Rural Water Association provides technical assistance. The Town of Milton has been placed at the very top of the list for the first town that is going to get this in the new Federal fiscal year which begins October 1st, so sometime between October 1st and December, we're going to have Ms. Jean Holloway come here from the Delaware Rural Water Association. She's already met with Allen. There's a new version of this check-up for small systems software program. It was updated on Allen's computer. He was able to upload all of the existing information and then Ms. Holloway will come here in a few months and add more information so that we can do rate studies and plan out maintenance and do better finance in the business of the water system. That's all I have, Sir.

Mayor Newlands: Okay, great. This will also tell us when to change our meters and when they're up for change and things?

Win Abbott: Everything.

Mayor Newlands: Everything. And it's free, right?

Win Abbott: Yes.

Mayor Newlands: That's the good part.

Councilwoman Jones: A question. The original grant was intended for \$10,000. How did it turn into \$7,400 and some change?

Win Abbott: That's what the bid was for? The grant had a maximum allowable amount of \$10,000 and as a matter of fact, under the terms of the grant, they expect for the town to match this. When our current Water Facilities Master Plan was done back in 2007 and adopted in 2008, I think at that time it was \$22,000 and the State did put in \$11,000 and the town paid another \$11,000 for it, as well. So when the bid was put out, we took the one that we thought was the most suitable; it also cost less than \$10,000. So that was what the grant was for. By the way, just for the public's information, I know our website is a little bit difficult to navigate, but you'll find that as of today the 2008 Water Facilities Master Plan, which is referenced widely in our Comprehensive Plan, is on the

town website, as are all these reports called “A Better Accounting of Water Use”, all four of them are up there. Lots of information was updated on that today. Basically, everything that was shared with the Water Committee at last Wednesday's meeting, has been uploaded to the town website, as per the request of members of the public who attended that meeting, so now it's available for everybody to see.

Mayor Newlands: Thank you.

b. Water Tower Repair Update (Shipbuilder Tower)

Mayor Newlands: The engineer, as we said last month, the engineer came out and looked at the property. They called our engineers, CABE Associates to try and get the plans for the installation of the tower, they didn't have them. The guy who installed the tower, he doesn't have the plans, so what the engineer is going to do next is he's going to come out and they're going to dig down on the side of the tower and do some test bores, to see what the concrete looks like and what we're dealing with. I don't know if you have any further update from that Allen?

Allen Atkins: He's supposed to get with us tomorrow and give us a timeframe.

Mayor Newlands: Okay, great. That's the latest on that. Does anybody on Council have any questions on the water tower?

c. Approve Economic Development Committee Kiosk in municipal parking lot with relocation of handicapped parking space and bike rack

Mayor Newlands: We will not lose a handicapped spot, we will just move one down; we'll install another one, so I think there's two handicapped parking spaces and two or three regular after that, so we'll just take out the first handicapped spot for the kiosk and the bike rack and then move that down.

Councilman Lester: Are we approving the plans that were put out?

Mayor Newlands: We did that awhile ago. That was done last year.

Councilman Lester: We did approve those plans?

Mayor Newlands: That was done last year, yes. This is now just the placement of it.

Councilwoman Jones: I make the motion to approve the placement of the Economic Development Committee's Kiosk in the first parking space at the municipal parking lot.

Councilman Booros: Second.

Mayor Newlands: We have a motion and a second to place the Economic Development Kiosk in the first parking space of the municipal parking lot. All in favor say aye. Opposed. Motion is carried.

d. Evaluate Bid Process for Professional Services

Councilman Booros: Yes, I brought this up. I did a comparison of all the town's and I did skip a couple. Blades was in there, the little town of Blades and there was one other one I think that was in there that I just skipped over. I did a comparison and what I haven't done is looked at the actual population vs... The population was based on the 2010 census. I don't know what their annual budgets are, that they're actually spending in these areas, but what I did find was a lot of them are going with... Let me tell you, we're doing very good as far as the smaller dollars are concerned. Anything over \$5,000 we get competitive bids for. The best one was Dewey Beach; anything over \$2,000, they're getting competitive bids for. Most of them were like \$10,000, so we're about in the middle of that one. But as far as the larger items and I'm talking about professional

services, Ocean View anything over \$7,000 to \$7,500, they're requiring a public notice. They don't require a bid process. They don't have to get competition, but they have to notify their intent to negotiate in the newspaper. All this came out of each one of their charters. I looked up each one of their charters and read each one of their charters to find out what was in each one of them. The best one was Bridgeville, anything over \$5,000 they publish the announcement that we're seeking bids, this, that and the other, with the evaluation factors, so they're actually competing it by publishing it and giving anyone an opportunity that wants to compete for it and that was over \$5,000, which I think for professional services is probably a little low. Georgetown is \$10,000; everything was \$10,000; anything over \$10,000 is a competitive bid and I do understand if you need an engineer to run out here; the State Regulations, as well as all of the Charters in all of the towns there are emergency situations where you have to have the engineer come out on a Friday night to check out the situation; but if we have time, we don't need to get into another situation where they're using... Because they're considering professional services cleaning, janitorial services. Our Charter is considering that janitorial services are professional services and they aren't professional services. I also don't think that a landscape architect is a professional service. I mean, we really have to be careful by just allowing a professional service without competition. I think you've probably realized that there are some things that were done in the past that way and we spent an awful lot of money without competing it and that's got to stop. So I'm not recommending at this moment any particular dollar amount, but I think whether it's the Finance Committee or whether it's the Mayor and Council tossing it around, we've got to not just... We've got to fix the Town Charter or if not fix the Town Charter, agree that we're going to start competing these professional services and not just let them go by the wayside, no matter what the dollar amount is. And I think this will come in handy. I would love to know in the future how many police officers each one of these towns have, based on their population and the square mileage. Believe it or not, when you try to compare the square mileage of the town with the population, we're not fitting in anywhere, quite honestly. We're out there all by ourselves. We have a lot of people in a smaller space, then some of these people have. So I just wanted to bring this to everybody's attention to think about. It doesn't have to be back on the agenda tomorrow.

Mayor Newlands: Okay. Okay.

Councilman Booros: I think we need to do better than just to spend the money.

Mayor Newlands: I agree.

Councilman Booros: That's it. Now I'm a happy camper.

Mayor Newlands: Okay. Anybody have any questions?

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

a. Ordinance for the Gross Rental Receipts Tax

Mayor Newlands: One of the things that I would like to recommend is that we send that item off to the Finance Committee to let them look at it, as opposed to Council and let them take a shot at the Gross Rental Receipts Tax from their point of view. So I would like to have them, since they're going to be reviewing all of our expenses and income over the next few months before we get a budget, I think it's good for them to look at that as well.

Councilman Booros: May I ask a question about this?

Mayor Newlands: Sure.

Councilman Booros: What's the difference between the way it was brought up last

September and bringing it up as an Ordinance?

Mayor Newlands: It was brought up as an Ordinance last September, also.

Councilman Booros: Is that the way it was brought up before?

Mayor Newlands: Yes. The only reason we're allowed to do this is because we have new people on Council, so we're allowed to bring the Ordinance back up again, because it's a "different" Council.

Councilwoman Jones: But it wasn't an Ordinance last time.

Seth Thompson: It wasn't drafted as an Ordinance?

Mayor Newlands: Sure it was.

Seth Thompson: I think this is the same.

Mayor Newlands: We might not have said the word "Ordinance" in the... The paperwork is the same as it was last year.

Councilwoman Jones: Okay, so whichever motion jumps out first, whether it is to refer it to the Finance Committee is everyone able to vote on this issue?

Seth Thompson: If somebody has a conflict of interest, they should disclose it and not be part of the discussion and vote.

Councilman Lester: Actually, if it comes before the Finance Committee, I would have to recuse myself, because I do have a rental property here in town.

Mayor Newlands: You and Dr. Patterson and Dr....

Councilwoman Patterson: And likewise, Dr. Patterson on the Finance Committee, and myself, are the landlord's in town.

Mayor Newlands: You have enough other people on that committee, don't you?

Councilman Lester: Right, so I would suggest if Mr. West can make it, I know our meeting nights conflict with something he has, if he can't, I would suggest that Mr. Crellin take over the...

Mayor Newlands: That's fine.

Councilman Lester: That's going to... We need to be sure that everybody shows up because we won't have a quorum.

Mayor Newlands: Yes. It's been before Council and I think it needs a second look at by another committee. I think the Finance Committee is just an appropriate place to put it. I think anything that we do should go before these committees.

Councilman West: Mr. Mayor, I make a motion that we bring it before the Finance Committee to report back to the Council.

Councilwoman Patterson: I second.

Mayor Newlands: Can she second, she's got to recuse herself.

Councilwoman Jones: She can't.

Councilwoman Patterson: I'm sorry.

Mayor Newlands: Can I second. I can't second either.

Seth Thompson: You're not supposed to. The motion would die if it's not seconded.

Mayor Newlands: Right. Okay. That's a dead issue.

Councilwoman Jones: Is another motion entertained?

Mayor Newlands: Can we entertain another one?

Seth Thompson: You could.

Councilwoman Jones: I make a motion not to discuss this matter further in this upcoming budget negotiation.

Councilman Booros: I second the motion.

Mayor Newlands: How are you voting this year? As a landlord, or not?

Councilman Booros: I am not a landlord.

Mayor Newlands: You're not? Okay. We have a motion and a second to not entertain the Gross Rental Receipts Tax in this budget year. Let's take a roll call.

Councilwoman Jones: Can we do a discussion?

Mayor Newlands: Sure we can.

Councilwoman Jones: Because I think you ought to know the purpose that I'm trying to put this to bed again, is that it seems really leaning so heavily towards a homeowners; I'm not exactly sure who spoke tonight; but it sure hit home. The tax, the increase which we've all adapted to this year; licensing for that rental property; and now still that person, who owns that property is going to shoulder what was in the paper for providing possible salary increases for members of the staff.

Mayor Newlands: That wasn't the only reason for this, I mean...

Councilwoman Jones: Understand. I'm just saying it was in the paper. I'm just saying it was in the paper.

Mayor Newlands: Yeah, I know.

Councilwoman Jones: My point to this is that I am not convinced that we have the means yet to enforce this Ordinance. We are not collecting monies which are in front of us and until such time, and I know the Council was charged with it this time last year, or actually a little further into the summer, was coming up with a way that if you're going to enact this, how are you going to enforce it and I haven't heard that yet? Which is why I'm making the motion.

Mayor Newlands: We put out with the property taxes an affidavit that all the residents need to sign. We've gotten the majority of them back and now we've started going through them to find out who hasn't signed them and who has multiple homes and who's not on the rental list and we're starting to do that now. Okay? And we've also collected probably 70 or so more rentals this year than we did last year; more rental licenses.

Councilwoman Jones: May I, a legal question, if I may? Without an Ordinance enacted, which allows the Town of Milton to collect Gross Rental Receipts Tax, was there any documentation that required the homeowner to sign that affidavit and return it with their taxes?

Seth Thompson: I'm not quite sure I understand you.

Councilwoman Jones: Without an ordinance which allows the town to collect Gross Rental Receipts Tax, when the affidavit was sent out with the taxes and asked to be signed, declaring whether or not you rented your property or not, without this ordinance, is there anything in the law for the Town of Milton that required it's citizens to return that signed affidavit?

Seth Thompson: I think it would fall under the business license.

Mayor Newlands: The rental license.

Councilwoman Jones: And every year do we send out a survey of who owes for rental licenses?

Mayor Newlands: Yes, we send the existing rental license holders a letter every year for a new rental license.

Councilwoman Jones: Right. I'm talking about the burden that made the citizens by law have to sign that affidavit to report whether or not they were a rental unit. What law is on the books in Milton requiring them to sign that affidavit of declaration?

Seth Thompson: I'll double check, but I think it's under our licensing requirement.

Councilwoman Jones: Okay. In which case, I still raise, I'm not exactly sure... Are you

mass sending something out every year asking people again, are you renting; or then are you just going after the people who have the licensing? Because this is a broad blanket.

Mayor Newlands: No, actually we do both. We send out the affidavit to everybody with their taxes and we send out a rental license to anybody whom we've previously sent rental licenses to and we've got at least 70 extra rental licenses this year, over last year.

Councilwoman Jones: Okay. Right.

Mayor Newlands: Any further discussion? Okay so we have a motion to... How did you phrase this?

Councilwoman Jones: A motion to disregard this Ordinance in Gross Rental Receipts Taxes in the 2013 budget process.

Mayor Newlands: And we'll do a roll call:

Councilwoman Jones	Yes
Councilman Booros	Yes
Councilman West	Yes
Mayor Newlands	No

Mayor Newlands: Motion is carried.

- b. Ad Hoc Committee to update Town Code to match the Charter

Mayor Newlands: Just the announcement that we need a committee to sit and work on our Town Code. Our Town Code has not been updated; actually we've been updating it little by little, but it has not been brought in sync with our Town Charter. So we need a committee to go through the Town Charter and the Town Code and get them synchronized and we also need the people who were doing the Town Code to go through and find any anomalies in the Code and bring that to the Council's attention. So I'm just asking the public and I would like this in the press, if we can; that we are asking the public to come forward and volunteer to work on this committee.

Unidentified Speaker: Can we volunteer tonight?

Mayor Newlands: Not tonight, but I'll take them tomorrow, gladly. Thank you. So this is just really an announcement that we want to get this committee formed.

- c. First Reading for an Ordinance to Amend the Clean Hands Policy, Town Code Chapter 95, update to include water shut-off for non-payment of property taxes

Mayor Newlands: We have quite a few people who have not paid taxes since 2006 and this is one of the easier ways to get them to do something. They'll gladly pay their water bills. They're never late with their water bills, but they don't pay their taxes. I have the list in front of me. I have people that owe \$8,700, \$3,300. I don't know what it costs to put liens on houses. What does it cost to put liens on houses?

Seth Thompson: \$58 to record a two-page lien.

Mayor Newlands: That's all.

Councilwoman Jones: Is this list the leftovers after the amnesty, still?

Mayor Newlands: Yes. Well the list actually increased a decent amount from last year, but it's all small stuff. It's all people who owe us \$200 or \$300 for this year's taxes.

Councilwoman Jones: Or is this new? For this year's taxes.

Mayor Newlands: For some reason, there's like 50 people who didn't pay this year's taxes. So we've already sent out delinquent notices and we'll get that out a second time

for those, as well. I expect those to be cleaned up fairly quickly.

Councilwoman Jones: What means does the Town of Milton already use to recoup their taxes that aren't being paid; it's a compound question; and how long do we go before we start to try to collect taxes?

Mayor Newlands: Aside from sending letters to them right now the town has done nothing.

Councilwoman Jones: I'm saying, on the books, what do we have in law that allows us to go after a homeowner that does not pay taxes on a chronic basis?

Seth Thompson: You have the Monition Method or your Town Charter has a somewhat varied version of the Monition Method, but basically it's selling the property.

Councilman Booros: Selling the property? Not just putting a lien on the property and when it's sold you collect your taxes? You can force the sale of the property, but you don't have to.

Seth Thompson: That's correct. You don't have to. No.

Councilman Booros: You can just put a lien on the property.

Seth Thompson: You can.

Councilman Booros: Or you can put a lien and then force the sale.

Seth Thompson: Correct.

Mayor Newlands: And there's lots of properties that get sold with liens on them.

Councilman Booros: Absolutely.

Mayor Newlands: That's not a guarantee that you're going to get your money. So this is really just another way to get people to pay us.

Councilman Booros: And I'll speak up on this one. I drove an old lady to Town Hall to pay a bill one day, because somebody asked me to take an elderly woman from somewhere in town to Town Hall to pay a bill. I don't know what she was paying, a water bill or whatever, but I drove her and I went in with her and I helped her get in the room and she couldn't pay her tax bill. At the time, we had a Town Clerk and I offered to write a check on the side while this lady was signing some notarized statement from the Clerk upstairs, to sign her name to pay some outrageous amount of interest to pay her tax bill back. I offered to pay it. It was \$180 or something and the woman didn't have it. She's on social security. She doesn't have it. And she did sign some deal. They would not take my check to cover her taxes. They said you can give it to the old lady and let her pay it, but we're not taking the check from you; because I would have paid the ladies taxes, but I didn't want her to know that I was the one that was paying them. I would... I can not, in good conscious, shut off some old lady's water who can't afford to eat. I just can't do it. I'm going to tell you that right now.

Mayor Newlands: The alternative is to sell the house.

Councilman Booros: The alternative is to put a lien on her property and when she tips off, six months from now, hopefully you get the money back. But I don't think strong arming... We're talking about people in this town that have been here for years that don't have pensions. They don't have my pension. They have social security.

Mayor Newlands: Tomorrow I'll give you the list of the top 10 people and I'll tell you that they're 35 years old and they're gainfully employed.

Councilman Booros: Then sell their damn houses. Sell their houses.

Councilwoman Jones: Excuse me. What was the answer to how long do we go before we begin to try to recoup and in an assertive manner try to get our taxes.

Mayor Newlands: We do pretty good with the exception of about \$25,000.

Councilwoman Jones: Okay.

Mayor Newlands: The amnesty worked wonderfully last year, we got \$70,000 to \$90,000 of taxes cleaned up; except that there's this top dozen or so people who won't go...

Councilman Booros: Did we ever send a letter that says we're going to put a lien on your house next week? That might light a fire under somebody to pay it.

Mayor Newlands: I think the delinquent notices say something like that on there. There's language in there.

Councilman Booros: Then maybe we need to do it. I think to penalize everybody across the board; some old lady who just can't afford to pay them this month.

Mayor Newlands: A lot of people, to be honest with you... If you're on a payment plan, we take the payment plan. If we set up a payment plan with you and you're paying us monthly, that's fine, we let you pay us monthly.

Councilman Booros: It's one more thing where we're not enforcing the enforcement that we can currently do and to throw something else on there, just because we're too lazy to go out and get liens on their property for the last 10 years, 15 years, 20 years, whatever; we haven't tried that yet. Why are we throwing...

Mayor Newlands: Because these properties don't sell either, they're not going anywhere, that's the problem. It's just you throw a lien on a house, it will sit there for 10 years.

Councilman Booros: Unless you force the sale, then it will go to auction. Then watch what happens. Somebody's going to pay the taxes.

Mayor Newlands: We can do that method. We can try that method.

Councilwoman Jones: Realistically, Mr. Abbott, this short list of folks who owe not a great deal, is it too taxing on staff to literally call once a week? I mean, in an effort to... Do you get any response from them at all?

Win Abbott: We'll do whatever the Council and Mayor direct us to do.

Councilwoman Jones: I'm saying in a business sense of trying to recoup your money, is that even practical? Or are there just too many. The Mayor indicates there isn't a huge list anymore.

Mayor Newlands: No. We send them registered letters. A lot of time they come back to us, because they don't want to get the registered letters. Last year, during the amnesty we got so many registered letters back; people wouldn't take them or pick them up. We sent regular letters, because they were afraid to open up the registered letters and we got more responses from the non-registered letters, because when people saw the amnesty they came in and they paid us.

Councilwoman Jones: I can believe that.

Mayor Newlands: They don't want to open a registered letter. They don't accept them.

Councilman Lester: I do believe Mrs. Winn does make phone calls. She does follow up. She has been diligent about that.

Mayor Newlands: Yes, she does.

Councilman Lester: That segues into something we can discuss about some part time help later. I think it would pay for itself.

Mayor Newlands: I think so too. Do you want to table this for a month? Do you want to think about it? I'm just trying to clean up the tax records.

Councilwoman Jones: The problem I have Mr. Mayor, is that if we are not now utilizing what enforcement we have at our fingertips, we're going to enact something else that just makes the enforcement a little easier.

Mayor Newlands: The other is really not enforcement. It puts a lien on the house and it sits there. We could have done a lien on somebody's house seven years ago and she's still going to sit across from me in a certain place, at a meeting that I've had and I didn't know it was her, with her I-Phone, just playing around. They've got the money, they just refuse to pay government, some of these people.

Councilwoman Jones: With the cessation of water, is Tidewater also cut off at that point?

Mayor Newlands: Yes, you have nothing going in, you have nothing coming out. I'm sorry.

Councilwoman Jones: That's basic science, isn't it?

Mayor Newlands: Shutting off the water is at least something we can do that will get action. The other way is not going to get any action.

Councilwoman Patterson: I had a concern with the 30 days, but as I understand, we have a payment plan, so if you do come in and you show just cause for something like that, we can make arrangements that way.

Mayor Newlands: Right, we've always had payment plans. We've always accepted payment plans.

Councilwoman Patterson: Okay.

Councilman Lester: I would like to ask Council a question. The State and some counties, maybe Sussex County does, is they take some of the top offenders and publish their names in the paper. Is there anything to prohibit us from doing that?

Seth Thompson: No. Just make sure your information is accurate.

Councilwoman Jones: Salisbury does that.

Mayor Newlands: He doesn't like doing that and during the amnesty we only had, I think, one property that was mislabeled and that got straightened out.

Councilwoman Jones: Which leads me to the County. Does anyone know what the County's techniques are as far as getting their taxes, or do they turn off services? And I call these vital services.

Mayor Newlands: I've only looked at the highest one on our list and she hasn't paid the County either in as many years.

Councilwoman Jones: So we don't know how the County handles?

Mayor Newlands: Obviously nothing. They don't do anything either; because this person hasn't paid since 2006 in the County?

Councilman Booros: Are any of the people on your list rental properties?

Mayor Newlands: No.

Councilman Booros: Because you're going to have some innocent tenant sitting there.

Mayor Newlands: No. And that we would verify, but we know who these people are and they're not rentals.

Councilwoman Jones: The majority can certainly table it, but I won't feel any more warm and fuzzy about cutting off somebody's water supply next month either.

Councilman Booros: I'm not going to feel warm and fuzzy either.

Councilwoman Jones: That's a very difficult thing to do.

Mayor Newlands: We do it all the time for non-payment of water. You wouldn't believe... How many water shut-offs do you do a quarter? You'd be surprised.

Allen Atkins: Last quarter they started out with 300 that were in arrears.

Mayor Newlands: Every quarter we start out with 300. Every quarter we start out threatening 300 people that we're going to turn their water off and 200 of them wait until they get that notice every single quarter. The same faces come through Town Hall and

pay their water bill after they get their shut-off notice.

Councilwoman Jones: So by the time you get your shut-off notice, how many days do you have?

Mayor Newlands: I think it's a week. From when you get the notice, it's a couple of days; it's a week, I think. Yes, it's a week at least. And how many shut-offs do we do? 10, 20.

Allen Atkins: One time we had 80 something; last time it was around 40 or 50. It seems like by the time you get them cut-off, they call and get them turned back on and make arrangements.

Mayor Newlands: And it's \$50 to be turned off and \$50 to get turned back on again, so we're there in the morning shutting them off at 8:00 in the morning and by noon they're paying us, but that costs them an extra \$100 to us to do that.

Councilwoman Jones: A question then, in the bigger picture and this is now your third year, have you seen a gradual increase in the number of shut-offs just by the economic barometer that's happening? No.

Mayor Newlands: I don't think so.

Councilwoman Jones: No.

Mayor Newlands: It's pretty consistent. We get 300 every quarter.

Unidentified Speaker: Is a house condemned if it has no water?

Mayor Newlands: Yes it is.

[garbled]

Mayor Newlands: So it's not uncommon to threaten people to shut water off. It's not uncommon for us to turn water off. We don't like doing it and they don't like doing it, but it works. It works.

Councilwoman Jones: But it is solely associated with your ability to pay your utility.

Mayor Newlands: Yes.

Councilwoman Jones: Right.

Councilman Booros: Mr. Mayor, I've honestly seen and I think Councilwoman Jones knows, a house right here on Union Street where there was no running water in the house and they were defecating in the backyard, with children in the house next door. People are not going to just go live in a motel because you shut their water off. Something's going to give.

Councilman West: They steal water from the neighbors.

Mayor Newlands: Actually we've heard of that happening; hooking up two hose bids and when the water is shut off, we've actually heard of that happening. With the back flow preventers, that can't happen any more, with certain new houses.

Councilwoman Jones: Have you patterned this potential ordinance after other towns that you are aware of doing this now?

Seth Thompson: I looked and I couldn't find towns in our specific area that have done this. The only thing that I did was basically add in another reason to turn off somebody's water.

Councilwoman Jones: Right. I noticed that.

Seth Thompson: Right.

Mayor Newlands: I looked up and there were some in Syracuse, New York there were some, but that's what I got from Google.

Councilwoman Jones: Syracuse, New York?

Mayor Newlands: Hey, you've got to Google something. Somebody's got to start this

stuff somewhere.

Councilman Booros: I don't think this is it.

Mayor Newlands: Okay. We'll table it, vote it, vote it down?

Councilman West: Mr. Mayor, I make a motion that we table this until further research is procured.

Mayor Newlands: You can jump in there. Go ahead. Do you want to second it before we discuss it further?

Councilwoman Jones: No I want to discuss it.

Mayor Newlands: You've got to wait. Sorry Mr. West.

Councilman West: I think you lost again, Mr. Mayor.

Councilwoman Jones: I make a motion that we do not connect the cessation of water service termination with property tax delinquency.

Councilman Booros: I second that motion.

Mayor Newlands: We have a motion and a second to not turn off water for property tax delinquents. Any discussion? All in favor say aye. Opposed. I oppose. Motion carried.

d. Shipbuilder's Village general update (maintenance, paving, land ownership, HOA)

Mayor Newlands: Just to let people know we're expecting the bank, which is Artisan Bank, to foreclose on Shipbuilder's which is the seven or so properties on vacant lots on the front of the development. I don't know how much money they owe, because they have Shipbuilder's, LLC which controls their Milton properties and properties in a few other towns, so I'm not sure what's underneath that umbrella. I don't know if we can find out at all. But we're expecting the bank to go through foreclosure next month. They told us July. The bank is taking care of the properties now, as far as mowing the lawns, so we're having some issues with them as far as understanding which parts of the place they have to mow, so we've been getting together with them to get them to mow the lawns. The streetlights have been put in in the back of Shipbuilder's Boulevard; there's three new streetlights back there and it lights up the Boulevard pretty nicely at night. The land ownership – we have a problem, I've got news for you, with Orchard Street. The deed is still in Shipbuilder's name. It's not in town's name, so Orchard Street Extension, which is actually on Mulberry Street, the Shipbuilder's side of Mulberry Street, at the end of Orchard Street, that was supposed to be a town property and right now Mr. Thompson is telling us that that is still deeded to Shipbuilder's.

Seth Thompson: That's correct.

Mayor Newlands: And it's covered by the mortgage, you said, still?

Seth Thompson: That property is not covered by the mortgage.

Mayor Newlands: Oh it's not. Good.

Seth Thompson: The other seven properties are.

Mayor Newlands: Okay, fine.

Councilwoman Jones: It's just a piece that belongs to Shipbuilder's that butts up onto Mulberry?

Mayor Newlands: It was an old, alternate entrance, that was going to happen when you came down Orchard Street and go through there and they've since put a house on the other side where that entrance was and closed it up and they attempted to put a house, actually, on Orchard Street at one point. But the deed is not in our name, although we've been maintaining it, thinking it's in our name. So we have to get that researched. As far as paving in there, once this goes through and goes over to the bank, I would like the

place paved by September, if possible, but I'm not sure what we can do as far as paying for it and that's what we've been... We've talked to the bank once about that and they told us where to go. So we have to have further discussions with them.

Councilwoman Jones: What does that mean?

Mayor Newlands: Pretty much. It means don't come to us for the money.

Councilwoman Jones: To pave the...

Mayor Newlands: The bill is \$45,000 to pave Shipbuilder's and it's just to pave three streets; so we still have pavement money left over from the last paving project we did. We have \$12,500 we got from the State last year from Street Aid that we're allowed to use for paving, and then we'll see what we get this year, so I don't know if we're going to pave it, and Council would have to approve all of this, so I don't know if we'll pave it out of the money we get from the Senators or we will bill them back. I'm not sure how this is all going to turn out. But we can pave it and then bill them, as well. So that's something that we can do. So I think that's something that we need to work out in the future.

Councilwoman Jones: Question? In an ideal development, the roads are then dedicated to the town and then the maintenance is taken over. That's never really happened there, has it, and the bank doesn't have ownership of the portions that need the paving, right?

Mayor Newlands: That's true. Actually, all of the streets in the development have been turned over, with the exception of three streets; it's part of South Spinnaker, all of Mainsail and Ocean Port.

Councilwoman Jones: How would those ever now be turned over when you don't have true ownership? It's not the bank, again, who has possession of those, right?

Mayor Newlands: Well the bank will have possession of those. The problem is how are they ever going to sell seven properties, when there's ownership of three streets that have to go along with it, that need to be paved. They'll never sell it.

Councilwoman Jones: Oh, it's a parcel.

Mayor Newlands: Well the streets are deeded. They get deeded, the streets, so they're in Shipbuilder's name. Can you find out if they are underneath the same mortgage on those deeds?

Seth Thompson: Yes. It would surprise me. I don't think they are, but I'll check.

Mayor Newlands: If they're not, then we have a different issue. With having a \$45,000 IOU over your head, I don't think we'll ever sell those seven pieces of property, so it's an issue. Those houses were sold in 2004, 2005; somewhere around there. So those streets should have been done 6 or 7 years ago.

Councilwoman Jones: I actually had a call from a homeowner just yesterday afternoon about grass cutting and what may I share with them that the bank has been made aware of their responsibilities to cut and that's what I may tell this person?

Mayor Newlands: Actually, it's not their responsibility, but they've agreed to do it.

Councilwoman Jones: Okay.

Mayor Newlands: They started doing it last week or the week before when the tall grass was cut. They missed a few spots around the parking lot, which they're going to take care of. We talked to them this week about it. So they've agreed to maintain the properties even though they haven't foreclosed yet.

Councilwoman Jones: So if there is an issue, and there's a complaint, they should still call into Town Hall to report it? Okay.

Mayor Newlands: That's correct. Yes. So that's still ongoing. I think what I'm going to do

is keep that on the list. I'll move that up to Old Business and keep that maintenance update for Shipbuilder's every month, just so we keep it fresh and we keep moving on it.

- e. First Reading for an Ordinance to amend Town Code Section 220-21(E) to provide for 5 to 9 members on the Historic Preservation Commission

Mayor Newlands: Right now we're capped at five. Right?

Seth Thompson: Correct.

Mayor Newlands: So we're capped at five and we would like to increase it so that we can have nine, because we need additional people there, because it's hard to get the same five people to come to the meetings all the time. So we have no alternates. So having the commission grow to nine members, there's some relief there as to who can come to the meetings.

Councilman Booros: As somebody in the room that's gone before the Historic Preservation Commission, I can tell you right now, you don't need nine people telling you what you can and can't do. I sat through one meeting recently over a sign issue and another issue over a house, where even the members of the committee who aren't versed on what the Code says regarding Historic Preservation, trying to tell somebody what color; they don't like the color; or you can't do that, you already have that. No I don't, I have this. The people that were currently serving the days I was there, didn't know what the Code said to begin with. So it's one thing to appoint somebody to a committee like that; but they're making decisions that are costing people money and quite honestly, I think the intent originally was that three of the five had to be people who lived in the Historic District. That's the way it reads.

Mayor Newlands: That's true and they do.

Councilman Booros: Three of the five. But you haven't made that concession in this. You're still leaving it at three; you want to up it to nine and only three of those people have to live in there. I don't need somebody who's renting a property in Shipbuilder's to tell me what I can do with my house in the Historic District, when it's costing me money and they don't like the color and then I have to come back next month and Cliff, it happened to me. I'm telling you. Month after month after month I got called back. And they didn't know what the heck they were doing. Nor did the Town Solicitor at the time; that they kept going back to trying to figure out what was going on. The people on that particular committee don't know the ordinance to begin with and I don't know if there's a way of teaching it to them or sitting them down and going over it on a Saturday morning or something, so that they're versed, but I've sat through a couple recently, with some people that are in this room and it was bad news. So to ask four more people off the street to come onto that committee who don't have any experience of what it's like to redo a house or do something to a house in the Historic District, I understand you may not get a quorum, which also wastes somebody's time.

Mayor Newlands: That's what the problem is. That's what the problem was. We had to keep postponing people because we didn't have a quorum. So we need to expand the size.

Councilman Booros: Right. I can understand that. Upping it to 7 or having a meeting on the in between Monday and not necessarily wait a month before you have the next meeting, because that's what kept happening to me; we drug it out another month and drug it out another month. Have it two weeks from now, you know, bring them all back in together. I can see going up to 7, only if the majority live within the Historic District.

Not just to put people on there to get numbers in a room, so that you can vote.

Mayor Newlands: It was so we would have a quorum and that was the problem with the last one.

Councilman Booros: I think nine is excessive, because if you get nine people in that room you're going to have a problem.

Councilwoman Jones: How many of the existing members of the Historic Preservation group fit the three members on the commission shall reside within the Historic Preservation Overlay District?

Mayor Newlands: Three. Just three.

Councilwoman Jones: There are three out of the five now.

Seth Thompson: That number can change as well obviously. This one is only the first reading.

Councilwoman Jones: Right.

Seth Thompson: If the councilman's suggestion makes sense, for seven...

Councilman Booros: I think nine is excessive, because if all nine of them show up or if seven of them or eight of them... I mean when you start hearing every opinion of every person in the room over something stupid about the shape of a window and an eave on somebody's house.

Mayor Newlands: Robin is reminding me that this will actually match the Code to the Town Charter. So right now they're out of sync and part of what they're afraid of is that if they're not in sync...

Councilman Booros: So nine. It says nine?

Seth Thompson: Your Town Charter allows your Boards and Commissions to have five to nine.

Councilman Booros: How about seven?

Seth Thompson: You can do that. Your ordinance could be less than...

Councilman Booros: How out of sync are we Robin if we have seven, instead of nine?

Robin Davis: Well currently that's what we have on the board right now; there are seven sitting members.

Councilman Booros: Well if you can't get a quorum with seven sitting members, then you need to switch some of your members out and get some more volunteers.

Robin Davis: Correct. And Historic Preservation usually, 98% of the time, we have no problem getting members. This was just noticed that the Town Charter and the Code; the Code says five, not exactly. The Town Charter says five to nine. So this is more or less to make the two match.

Councilman Booros: That's very good.

Mayor Newlands: We don't have to approve more than seven on the commission.

Councilman Booros: I understand that but the majority... I think the original intent of saying five and three had to be live in the Historic District, is that the majority should be living in the Historic District. I think, I can tell you, I can get you 100 names on a petition by the end of the week of people in the Historic District that want out, but we can't get out. Once you're in, you're in. Okay? So the last thing we need are nine people that don't live in the Historic District.

Mayor Newlands: What I'm getting to is that we can approve this at five to nine, but we don't have to approve any more than seven working people on the committee.

Councilman Booros: I understand. I understand that. So if it ends up being nine one day, I want the words, the majority of which must live in the Historic District, without a

number.

Seth Thompson: So, in essence, the last sentence instead of reading at least three members, it will be a majority of the members of the commission.

Councilman Booros: A majority of the members of the commission shall reside within the Historic District.

Mayor Newlands: That's going to be a problem. We're going to have to put a start date for this.

Seth Thompson: An effective date?

Mayor Newlands: Yes.

Councilwoman Jones: That actually does build a committee even larger than Council.

Councilman Booros: Yes.

Councilwoman Jones: That's kind of scary to get business done. I'm just saying.

Mayor Newlands: That's what the Town Charter says.

Councilwoman Patterson: Can I just ask? I don't live in the Historic District, but there's not certain parameters? From what I'm hearing from you Councilman Booros...

Councilman Booros: Come to one of the meetings Councilwoman Patterson and listen to nine different opinions about a color.

Councilwoman Patterson: Okay. Is there training for this?

Councilman Booros: Oh, no. I mean we're talking about a color and the Code specifically says...

Councilwoman Patterson: So it's based on opinion?

Councilman Booros: Oh yeah.

Councilwoman Jones: It's objective.

Councilman Booros: And everybody's got one.

Mayor Newlands: This is only the first reading. So we'll go back and we'll...

Councilman Booros: So we'll have 2, 3 more?

Mayor Newlands: Yes. Because if we're going to do what you're suggesting, saying the majority be within the district, then we're going to have to have an effective date on this, so we can build the committee up. If we have to have a meeting next month, we're not going to be in compliance. So this will have to be effective three months out, so that we can build the committee up. So as this is the first reading, we don't need to have any vote on this and we'll take those into account and modify it and bring it back to the Council for next month.

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

Mayor Newlands: We do not need Executive Session.

Councilwoman Jones: I have a request for Executive Session.

Mayor Newlands: Okay, then we have Executive Session. A motion to go into Executive Session.

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

Councilwoman Patterson: Second.

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

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

Councilwoman Jones: I second that.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in

favor say aye. Opposed. Motion is carried.

16. Adjournment

Councilman West: I make a motion to adjourn at 9:55 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.