

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

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

1. Public Participation

- a) Kathryn Greig, 326 Union Street: I'm here to talk about two events coming up. I'm like the Special Event Planner of Milton. Unfortunately it's an unpaid job, but the Garden Tour is coming up Saturday, July 14th. It's 9am to 3pm. You can buy tickets ahead of time at Antiques in Milton, Hillside Florists, Pepper's Greenhouse, and at the Farmer's Market on Friday's; \$12 ahead of time; \$15 the day of the Tour. There are seven gardens. It's really a wonderful, wonderful tour. The gentleman who is trying to get a botanical garden in Sussex County started, is on the tour. He has a beautiful, beautiful garden, along with six others that are just fabulous. We have a lot of special events and quite frankly the Garden Club really needs money. Last September we thought we were doing a fabulous thing when the town offered us \$4,000, but they were asking their departments to cut back and so we generously said just give us \$2,000. Well we are very sorry we said that, because we have put in this irrigation system that has cost us a huge amount of money; eventually, over time, it will pay for itself and it certainly, certainly has made things look better, has used less water and look who's here. Hello. [applause.]
Vice Mayor Betts: Thank you. It's good to be back.
Kathryn Greig: I speak for everybody here, Leah. We are so happy to see you.
Vice Mayor Betts: Thank you, I appreciate that and I appreciate all the thoughtfulness that's been done to me while I was sick. I really appreciate it.
Kathryn Greig: Okay, now sit down. But anyway, if you can, please buy a ticket to go on the Garden Tour; \$15 the day of the Tour. We'll be set up in front of the Historical Society giving free refreshments and selling plants. We also sell plants at the Farmer's Market. We're just about at the season's end for selling plants. The other thing is a group of us have been trying or talking for several years about what we can do for the 4th of July in Milton. We really want to have a special show, namely a laser light show, because fireworks cannot be set off in the park because of fire regulations. Laser light show is beautiful if you've ever seen one. I think it would be a real draw to people; however it also costs a lot of money. We're starting a 50/50 raffle to try to raise some money for 2013, but for 2012, which is the day after tomorrow, July 4th, along with a concert beginning at 7:00, we're going to have a Picnic in the Park at 5:30. Three area restaurants have agreed to set up: Irish Eyes is taking their grill over, they're going to be selling hot dogs, hamburgers, cheeseburgers, chips and sodas; Vintage Cafe is going to be over selling sweets, including dessert kind of things, including... Did you want to give a donation? Is that what you want?
Mayor Newlands: That may be a good penalty for leaving your cellphone on?
Kathryn Greig: Including lemonade and she's going to have fresh fruit and these two are downtown restaurants who support everything that Milton does. Then we have a new

restaurant out in the Food Lion shopping center, Sloppy Bo's. If you haven't been there, you need to go. If you don't want anything to eat, just buy something and give it to somebody on the street, because Bo Darlington, who is one of the owners was severely injured in Afghanistan. He and his parents have opened this business in order to give him a job for the future. He is so upbeat. I said to his mother, when I feel depressed, I come out and talk to Bo and she says he is just so happy that he is alive, because many of the people with him that day are not. So please, support him. They will be in the park and selling hot and mild sausages, hot dogs, pulled pork barbecue and large drinks. Now the question is, what are we going to do if it rains. The concert will go on. It will be at the Fire Hall. I'm not sure yet, what the food people are going to do; maybe they'll set up the following week in the park; we don't know yet, but the Lion's Club has agreed to start the train this Wednesday at 6:00, instead of 6:30 and I believe Milton Wesleyan Church has games for children. So come out and support July 4th. Thank you so much.
Mayor Newlands: Thank you.

- b) Jeff Dailey, 211 Gristmill Drive, Cannery Village: I have a request that the Letter to the Editor from my neighbor, Lynn Ekelund, be read into the record. It was exhaustive in it's research and I think it was a constructive criticism that each and every one of us can learn from. Thank you. Under New Business, all of these items are so earthshaking and as I've said from this mic a number of times, you people have all of the information in front of you in those packets and I think that because you are our elected representatives, it is incumbent upon you to do all possible to educate those of us here, as well as those of us to whom we will be speaking, because we're all neighbors and we need to spread the word on good things, like the Fourth of July Event, as well as changes that are encapsulated in the New Business Section; so I would ask that if any of this is up for a vote tonight and I don't believe it is. It looks like it's going through the process; I guess my question is, when will we, as citizens, be educated on things for a revision to the plan to the Heritage Creek plan. I know it's gone through Planning and Zoning, but still, not everyone is able to get to these other committee meetings. We're here tonight. As I said, we go out, we talk to our neighbors and not just those in Heritage Creek. So it is incumbent upon you to educate us. Thank you very much and if I haven't said it, thank you so much to Councilman West for chairing the Water Committee Meeting in and environ that could accommodate citizens. Thank you.
- c) Gwendolyn Jones, 204 Atlantic Avenue: I want to again address the water issue and I'll basically read from a letter I've posted. I brought up at the last Milton Water Committee Meeting when 6 or 7 of our town residents attended during regular business hours. I took notes and a couple of pictures and also asked Councilman West if we could speak later, but he was headed out post haste to another appointment. I did, however, get a chance to sit and talk with Jack Bushey and Allen, the Milton Public Works Supervisor and I asked again, the same thing that I've asked nearly at every Milton Town Council meeting I've attended since the water issue arose. I'm surprised that it's not being picked up yet by any of our town's administration. The question remains: "Since a lot of us in Milton to place our own private irrigation wells, result in no net difference to the impact of the water table; logically it shouldn't, if you think about it; and avoid the huge seasonal impact to our municipal water system; plainly a result of all the summer usage, swimming pools, washing cars, pets, watering lawns, etc.; while at the same time removing from each a feedback treated water usage with a nearly \$3.5 million loan to upgrade the municipal water system, wouldn't this also enable the Milton Fire

Department to economically, effectively and safely protect our homes whilst impacting only those who actually desire using separate water for irrigation purposes. I kept getting two automatic knee jerk responses; it was against Milton Town Charter and that, my friends, can be changed, legislated and adjudicated and it would cost Milton town income, which would normally be paid by those who currently need to use Milton municipal water for irrigation. As it stands, we have no choice. I was reminded by Mr. Bushey and others that there was already available a separate metering process but this ignores the main premise of my original question. Aside from repairing the existing leaks, which also adds to the current waste demand and they're ongoing. There's one right at the junction of the corner of Atlantic and Behringer; thank you very much. This appears to be an intelligent, efficient and cost effective alternative to borrowing that huge sum of money in what's the most severe economic impact since the great depression. Delaware, recognizing the concerns of the environmentally and economically minded citizens, recently made available for public sale, rain barrels expressly to conserve water; specifically for irrigation purposes. Most people didn't have a chance to purchase any and those that did can't realistically expect to satisfy all the irrigation needs with rainfall alone. Hence the upsurge of water use during summer months and outdoor activity, heat and drought. They're supplying our residents with water and maintaining an adequate emergency water supply for Milton Fire Department while simultaneously not drilling into the bottom of our pockets and our purses is a primary concern of our current administration. This appears to be a win/win solution. I encourage any who also think similarly to contact Mayor and Milton Town Council Members and urge their support in this alternative. Those who may prefer to continue to pay for Milton municipal water, treated municipal water, for irrigation it will serve that choice, it's non-potable use; those who don't shouldn't be forced into purchasing potable municipal water from Milton for irrigation purposes.” And I just make a note at the end here, that there are three amendments brought up for new business regarding amending of the Town Charter. “For your consideration and with my respects, thank you.”

- e) Ed Harris, 305 Behringer Avenue: I want to talk about a couple of things that are redundant that I mentioned to you folks several times before. They've never been addressed. The same way a lot of these other residents stand in front of this microphone, I have yet to hear a response which any decent human being would respond to another human being by saying okay, we'll look into it. We'll deal with it. We're looking into it. You all just sit there dumbfounded. I'm sorry. I don't mean to insult you, you just look so dumbfounded. People come here and take the time to ask you questions and are looking for a response. The least you could do is to say thank you for coming; we'll respond to it; we'll look into it; give them some kind of feedback. Anyway, okay. The first one is at the last Town Council Meeting, there was a response by I guess council members and I wasn't here. I don't know if that was intentional or what; but it was pinning to the water tower. I'm not looking to blame anybody for the issues of the past history of the water tower; the damages to my property; that's the past. The reason why I came to you was to address the future issues of the water tower. When you decided to it, whenever, whether it's a year from now, six months from now; you know you raised our property taxes to put us in the same level as Wagamon's and as Heritage Creek and as Cannery Village. I want you to treat us residents the same as you treat the rest of the developments. If this water tower was sitting in Cannery Village or sitting in Wagamon's West Shores or any other new community, it would be tented. It needs to be tented. That's number one.

Number two, I'm really concerned about property depreciation. You did not address Mr. Molina's issue with the plant that's up on the corner. You know it's getting worse. We now have a dumpster that's been sitting; a big dumpster with garbage in it. We have rubble on the lot. You know, again, I'm going to tell you to please consider us the same way you consider your developments. There are some people that are here that are sitting up at those tables and if I recall my recent memory, there was an issue with trains over at Wagamon's West Shores, and there was a group of people that unfurled a banner in front of the Town Council, because they didn't like the way the trains looked in their community. I want to ask you all, if you all had to look at that mess up on the corner, how long would you tolerate it? But you're treating the residents of that part of town as second class citizens, as if we need to tolerate it. I went, as I said, look back in history. You wanted that mess cleaned up over there. I would like, as a property owner, the mess... I don't want him closed down, but I think you can send him notice and pressure him to say look, we have ordinances; no opened dumpsters; no garbage; the vehicle situation; that's what the ordinances are on the books for. You need to start citing them. I'll tell you what else I'm concerned about and this also ties into that. We're all property owners. We all want property in the town. Interest rates are great right now. I don't know if any of you tried to refinance the properties recently; you know you can get a great loan; 3.5%. If you haven't, I'm going to give you some information. I just had an appraisal on my property and I was really shocked. For those of you who haven't had an appraisal on your property; first of all, in the past, if they can't find a Comp for a piece of property in Milton, they couldn't find a comp for my property; they used to go to Lewes. They don't go to Lewes anymore. What I was told by two appraisers, we can no longer compare Milton to Lewes or Rehoboth, Milton is now being compared to Greenwood and Ellendale. So you all are up here talking about your property values. I'm going to tell you something. You're in store for a shock. So we as property owners need to fight for ourselves and for our property values; which means that we need to say to the people who are representing us and put into office, we don't want to put up with 12" lawns; we don't want to put up with rubble; we don't want to put up with signs that are in the codes that shouldn't be put up; we don't want to put up... I've got a list of things. There's a leak on my street that's been going on now for over a month on Behringer Avenue and Ms. Jones has mentioned. I'm really, really afraid and I think as property owners, a lot of you own property also and you need to be afraid too. Call an appraiser and pay the \$350 and have them come out and appraise your property. I think you're going to be floored. I really do, because what's happening is; you know everywhere else is leveling off. Milton is nose diving. It's nose diving. Because these appraisers have now been informed that Milton, first of all is a crime center, because of the bad press we're receiving about all the drugs and everything; and that Milton doesn't take care of itself and we're fighting amongst ourselves. I think rather than budgeting for a lot of the stuff that you've been budgeting for, you need to budget for a public relations expert that will come in here and change the opinion of this Town of Milton. It's a beautiful town and we all know it; but the people on the outside they laugh at us. If you get out of here and I work outside of town, they say Milton doesn't have it's act together; I don't want to go to Milton; why would you live in Milton? Why would you buy in Milton? We need to change that and if you think I'm just up here raving, I'm going to tell you, you need to be selfish, because you need to protect your property values, because... I know for a fact that a lot of these residents have invested a lot of money. You ain't going to get your

money back folks; you're going to lose, big time. Put your house on the market right now. See the average time it takes to sell a property. I think the highest selling property in Milton right now is \$225,000. How many of you could sell your house for that money? So that's a big fear of mine. Sorry to rave, this bothers me. Another thing is, another example is you're just not listening to... This is common sense. I came to you about the sign up on the corner. I'll give you an example. That sign was placed on the corner near my shop and I said, I don't care whether it's there or not; I really don't. But this is just the point of putting up a sign and wasting town dollars; it was \$250 for nothing. The sign has been covered by my tree since the day it was put in. You see four words on the bottom. You have another sign that's a stones throw away from it, the exact same sign, but then you put a new sign in front of the Historic Milton sign; small things like that people notice. Those are details that if you're visiting this area as a tourist, they look and say, what is that? Why don't they maintain their property? Why do I come on Front Street and the grass is three foot tall? We have it in the books that you're supposed to mow your grass. We sent out that questionnaire to the town; it cost the town money about why we didn't vote on the new water tower or why we didn't want it; why don't you send out a notice and say, part of living in the Town of Milton is maintaining your property. Put it in the water bill; put it somewhere; that the regulations if you have in the books for your property. Part of living next door to a neighbor, is to pick up the dead tree in your front yard; to mend your fence if it's falling down; and a lot of that, to finish up, has to do with the Code Enforcer. Whoever you hire, I hope, I pray, that you have someone that has the fortitude to not be friends with everybody in the community and try to please everybody and that can sit down and say you're doing this wrong, you're doing this wrong, you're doing this wrong and try to generate income for the town; send them fines; send them notices. Say mow your grass. Get rid of the abandoned car. Pull the weeds. Downtown again, I said it last year, that lot sits vacant; the weeds are back up three foot tall. A container of cleanup is \$9. They own a piece of property. I know it's sitting vacant, they bought the property; it's the same one on Front Street. Part of their responsibility to take care of their property, is to hire someone for \$50 or go out there with a pressure tank and spray their property and that's all. Anyway, thank you.

Mayor Newlands: I'll actually respond to some of your questions right now. There is somebody on Council who is supposed to be addressing public participation response and they just haven't been getting done. We'll make sure that that gets done.

Ed Harris: Thank you.

Mayor Newlands: We did not raise your taxes to become equal to the taxes in the other developments; everybody's taxes were raised, including mine. All of the developments got raised in equal percentage. Everybody was raised 20%, so we're not picking on any individual property.

Ed Harris: I didn't say you were picking on me.

Mayor Newlands: Well, we're not...

Ed Harris: I'm not blaming you for the past. You were supposed to be getting by with lower taxes. All I'm saying is I want you to treat... It appears to us who live outside of these new developments and I don't know whether you all see it, the historic part of the town is decaying. It looks horrible and that's why you moved here. That's why your developers marked Milton for was for historic Milton. We helped sell your house, because it was historic Milton.

Mayor Newlands: I understand that, but we're not taxing you any different is what I'm

trying to get at.

Ed Harris: I'm not saying you were.

Mayor Newlands: It implied that to me. Dry Zone we are going to take care of shortly. We were waiting for certain other things to happen with Mr. Molina. We know that he's in violation of certain issues and he has to get some stuff fenced in and things, so we are going to take care of that very shortly. The leak on Atlantic and Behringer...

Allen Atkins: It's on street level – we're going to fix it and dig on street level?????

Mayor Newlands: The truck sign – part of that's DelDOT, putting some of those signs up and some of it's ours. I know. We are looking...

Ed Harris: I've told them eight times. Surely it lies upon you folks. You paid them \$250 to put it there and it's not DelDOT at all. She told me that you all need to remove the sign and take the sign down. It's not DelDOT.

Mayor Newlands: We'll have Allen take care of that. As far as the grass and the Code Enforcer, the Code Enforcer started last Monday, so he's getting orientated and getting used to the town and stuff and he's Code Enforcer experience.

Ed Harris: Thank you for answering my questions. It will make it a lot easier when you walk out the door to have an answer.

Mayor Newlands: You're welcome.

- f) John Oates, 115 Arch Street, Heritage Creek Development: I thought it appropriate that I address an issue that we have there tonight, since Heritage Creek is on the agenda. This is basically a chronic violation of Town Code, regarding working outside posted hours. This is, as I indicated, an ongoing situation. When we do call Milton Police Department we get a very fast time, but that's it for that night. Two nights later they're back at it. This situation – we had an incident over the weekend, with a homeowner and workers. It's also, in my opinion, a waste of limited police resources and it seems to me that this is falling on the Milton taxpayer to have to utilize tax dollars to provide a response, when, in fact, I believe, again in my opinion; the more appropriate way to deal with this is to have the builder, developer, who is the employer of these self-contractors involved in the penalty process. I've been living there two years now. This goes on a number of times a month. We get this kind of response. When I left here to come to this meeting tonight, after 6:00, there was work going on at 107 Arch Street. As I said, we've had several responses from Milton Police Department. They come in, they do what they're supposed to do. It's not an effective way to deal with the problem.

Mayor Newlands: We'll talk to Schell Brothers tomorrow. I promise we'll talk to Schell Brothers, we will talk to their contractors. Do you know if it's framers, or if it's sheet rock guys?

John Oates: It's everyone. These guys, again in my opinion, from what I see; they're either piece work, their siders, electricians, they're plumbers; they're coming into make a day's pay. Going after these guys is not the right route.

Mayor Newlands: No, I understand. I agree. I agree.

John Oates: They're doing what they're being told to you by their employer. It's their employer's employer we need to get involved in this process.

Mayor Newlands: We'll talk to Schell Brothers tomorrow.

John Oates: Thank you.

Mayor Newlands: Thank you for bringing it up. Okay, let's close public participation at... I'm sorry Mr. Kost.

- g) Ed Kost, 230 Sundance Lane, Cannery Village: I have a petition to present to Council. I

would like to read it. It will only take two minutes. "We, the undersigned residents of Cannery Village, in the Town of Milton, by this Petition request the Council of the Town of Milton to require Chestnut Properties, the developers of Cannery Village, to complete, in a timely manner determined by Council, the work necessary to allow the streets of Cannery Village to be accepted by the town for dedication." The streets in Cannery Village are a disaster. They're actually extremely dangerous to the health, safety and welfare of the residents. There have been a number of accidents. People have been hurt. You can ask one of your council members. The town's engineer, CABE Associates, prepared on October 18th, a punch list of all the work necessary to complete the construction of our streets. The town knows what needs to be done. This is in accordance with the Approved Plans. What we're asking the Council to do is: 1) have the attorney for the town investigate and provide a plan to require Chestnut Properties to complete the construction of the streets in a timely manner. We've been at it for eight years. That's a very long time, are we going to wait eight more? 2) Have the attorney for the town investigate the steps Council can take to require Chestnut Properties to post a performance guarantee to ensure completion of the streets at the sole cost of Chestnut Properties. Chestnut Properties has sold 170 homes; they have 52 to go; no performance bond. If they default, we, the residents will wind up picking up the bill or possibly the town helping us or possibly the town picking up the whole bill; because there's no performance bond. Your ordinances and laws require a performance bond. We want you to look into this; have your attorney find out how to get a performance bond; how to force Chestnut Properties to provide what they were supposed to have provided in 2004, when they started this project. 3) We would like to have the Mayor and Members of Council have an on-site workshop, in Cannery Village, we had your Town Manager meet with us; he has a copy of the Petition and actually see what the streets are like. If you've been there, you know what they're like. If you haven't been there, please come. Come to the model they built and look at the streets in that area. It just is. You have to see it and we would like Council to require Chestnut Properties to appear before you and explain what they're going to do and when they're going to do it. We just had an Homeowner's Association meeting and the developer said to us, we don't know. They've been at it for eight years and the answer was, we don't know. Are we going to wait eight more years? You're our government. We would like you to take action to correct this. This is a disgrace. Thank you very much for your time.

Mayor Newlands: We'll have the attorney look at it.

Ed Kost: I would like to also present the punch list. If you haven't... If the members of Council haven't seen this, there are twelve pages of items necessary to complete the streets. Twelve pages. I would like to read one to you. On Lot 133, which is on Summer Walk – there's a fire hydrant missing. When the developers put in the streets, they left a fire hydrant out. If there is a fire in front of that particular area, there's no way for the trucks to get their hoses to fight the fire. This is the sort of thing that's going on. Thank you, Sir.

Mayor Newlands: I don't think everything on this twelve pages is relating to streets; getting the streets done; I think it's other things as well.

Ed Kost: It's all of the requirements and this is just the people who signed on, who wanted to have their names attached to the Petition. It's nothing official.

Mayor Newlands: That's fine. Is this the same copy as this?

Ed Kost: Yes. Yes. They're all the same. These I made extra copies, if you want to give

copies to the various council members. Thank you for your time.

Mayor Newlands: Thank you.

2. Call to Order – Mayor Newlands called the meeting to order at 7:00 p.m. and closed the Public Participation
3. Moment of Silence – Councilwoman Betts
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
Vice Mayor Betts	Present
Mayor Newlands	Present

6. Additions or Corrections to the Agenda
Mayor Newlands: Do we have any additions or corrections to the Agenda?

7. Agenda Approval
Councilman West: I'll make a motion that we adopt the Agenda.
Councilman Lester: Second.

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

8. Presentation and Approval of Minutes – June 4, 2012

Mayor Newlands: We have the minutes of the June 4, 2012 meeting. Does anybody have any issues?

Councilman Lester: Yes, Mr. Mayor, in the first paragraph it talks about All Meeting Meets; I think they mean All Milton Speaks.

Mayor Newlands: It may have been what you said. You don't know. We have to go back and see the tape. **I took this right from the tape. It was corrected later in the meeting. Helene** I think it was All Milton Meets, is what...

Councilman Lester: The other thing I noticed that there are two Tacomas. One is in Washington, State and one's in DC/Maryland and that's spelled with a "K". Just so there's no confusion of which side of the country we're in. **I corrected the minutes. Thank you. Helene**

Mayor Newlands: Where was that on Takoma?

Councilman Lester: There are several references. Under Mr. Walu's...

Councilwoman Jones: In his third line.

Mayor Newlands: Gotcha.

Councilman Lester: It's in several places, but she can just correct it.

Mayor Newlands: Right. Any other issues with the minutes from June 4th? Can we get approval of the minutes.?

Councilman Lester: I move we approve the minutes with the exception of the correction to the word Takoma.

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to accept the June 4, 2012 minutes, with the exception of the spelling of the word "Takoma". All in favor say aye. Opposed. Motion is carried.

9. Discussion on Written Committee Reports

Mayor Newlands: We don't have any committee reports this month.

10. Town Manager's Report

Win Abbott: Thank you Mr. Mayor and Council. I believe you have a copy of the Town Manager's Report and another 25 copies were made available to the public, as well. As Ms. Grieg had indicated, we have a Summer Concert coming up on this Wednesday, July 4th, with the Picnic in the Park. The Economic Development Committee has spearheaded an effort to bring an information kiosk, which we've discussed before; the panels that the kiosk will be constructed of arrived today at the Public Works Building. So we'll be putting that together and getting it on site as soon as possible, with cooperation between the Economic Development Committee and our Public Works Department. We have indeed hired a new Code Enforcement Officer. He's receiving his orientation right now. The Water Committee met on the 20th and we're working through the results of the Pennoni Associates review. The last item that they really need is our current water meter readings, which will be done during the course of this week. The Finance Committee had their first crack at the proposed budget on June 27th and we'll be going back again and taking a look at it more in depth on July 11th. The State Legislature has appropriated an equivalent amount of money for Streets as we had last year and I just ask that the public look out for children; with the warm weather there's a lot of them crossing the streets at all hours of the day. That's all I have, Mr. Mayor.

Mayor Newlands: Thank you. I'm going to add one thing. The Milton Green Project that was slated for Key Ventures Property on Cave Neck Road and Sam Lucas, they failed to get their funding. So that's not over with yet. They're still looking for funding from other sources and will attempt to do the same project. So it's not a dead issue altogether. Just want people to know that that initial source of funding failed.

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

Mayor Newlands: We have the department reports.

Councilwoman Jones: Actually, I have a couple of questions for the Town Manager, if I may, while we're finished with that.

Mayor Newlands: Sure.

Councilwoman Jones: I actually was talking to the Town Manager in Georgetown about lighting and he offered some information about LED lighting and how Georgetown came into their LED lighting and how much improved it was; but it was actually offered to them as a pilot program. But Mr. Dvornick said if we showed interested, the townspeople and the Council; I do have a contact number at DPNL you probably know, Mr. Jim Smith; but when I stand out even in front of my house and look down the street, there's a light at Atlantic and Behringer and you can't hardly see anything more than a halo. That continues, actually, up on the big streets too, but particularly bad down the big roadways between the cross streets. I wonder, do we have any ability; would you be willing to look into that? Is there any interest among the Council. It just

improves the lighting in town. It's my understanding that it does not increase the cost of lighting in town; either in the replacement of the bulbs or the cost of the electric.

Win Abbott: Ma'am I'd be glad to look into it for you. It did when I was Town Manager of the Town of Fenwick Island. I'd be glad to do it for you. Just a point of clarification. You say it does not increase the cost; it will neither decrease the cost, either.

Councilwoman Jones: Correct. Correct. And I wasn't aware that we had an issue with street lighting that needed to be decreased. I just was looking at it for a safety factor and how much brighter an LED light would be then the ones that exist in town.

Win Abbott: I understand.

Councilwoman Jones: I'm curious.

Win Abbott: The reason I put in that comment is the motivation; when the Town of Fenwick Island had asked me to explore this option, the reason was to send a message by way of example, that the town is focused on green initiatives and just as important, that they are looking at ways to save money. Well, that's not possible under the Delmarva Power arrangement; but I would be glad to look into it for you.

Councilwoman Jones: Would you like this information at the end of the meeting?

Win Abbott: Sure.

Councilwoman Jones: Thank you.

Mayor Newlands: Has Georgetown finished their pilot on the LED lights?

Councilwoman Jones: I'm going to assume, only because he said at the completion, we were offered to keep the fixtures in place or have them removed; we requested to keep them.

Mayor Newlands: Did the lights give them a better illumination in the area, as a result of this?

Councilwoman Jones: That was my understanding from Mr. Dvornick.

Mayor Newlands: Okay. Okay.

Councilwoman Jones: And that's the only reason I'm pursuing it, is just to find out if maybe there really is a quality difference. If there is no measurable difference, though I find it hard to believe that there wouldn't be, whether or not the light at the corner has a dirty globe; I don't know exactly what's invested in replacing street lights or whether any cleaning is done; I have no idea; but some of them are almost imperceptible as you look down some of the streets.

Mayor Newlands: If they're bad, we can have the globes replaced or cleaned.

Councilwoman Jones: Well, I don't know what bad is; only dim.

Mayor Newlands: If they're dim because they're dirty or full of bugs, we could have them serviced. Delmarva Power will come out and do that for us.

Councilwoman Jones: I don't know that it's a matter of bugs, as it is it just doesn't shed any light.

Mayor Newlands: Whatever it is, they'll come out and look at it.

Councilwoman Jones: It doesn't shed any light.

Mayor Newlands: Whatever it is, they'll come out and look at it. Yes, they'll come out and look at it. We can just tell them that the nights are not illuminating as much as they should be.

Councilwoman Jones: Okay. And my question to that is would LED improve illumination?

Mayor Newlands: It depends on what the problem is. If the lenses are dirty or bad, then it would, but so would a new lense.

Councilwoman Jones: So do you still want me to approach it as...

Mayor Newlands: Well you could give it to Mr. Abbott and we'll have the police go out; this is on your street?

Councilwoman Jones: Well, it's actually on the whole line of Atlantic down to the ballpark, you get that same effect.

Mayor Newlands: So we'll have the police take the numbers down and take a look at it in the nighttime and then we can report it to Delmarva Power.

Councilwoman Jones: And you have that same kind of halo effect lighting all along Union and up Federal where you get away from your town lighting. It just seems to be absorbed, instead of coming down and illuminating the walkways.

Mayor Newlands: That's the kind of lights we have.

Councilwoman Jones: Right.

Mayor Newlands: We also have to look into what type of globes they have on there; because we have rules for the globes we use.

Councilwoman Jones: It's not my intention to make it cost any more money.

Mayor Newlands: Okay, we'll look at it.

Councilwoman Jones: I did want to ask about the information that we all received about the fire hydrant repair on Federal. I didn't engage in any correspondence back and forth, but has anything been decided about any action on that? That was Friday?

Win Abbott: We have a cost and we have a way to take care of it.

Councilman Booros: Can I speak to that? I'm still waiting for a call back from the message I left you on Thursday. I was actually at the Finance Committee Meeting Wednesday night when it came up that the fire hydrant... I think the people in this room need to it's the fire hydrant in front of the elementary school's front door; the closest one is like two blocks in one direction and a block and a half in the other direction; and I truthfully thought that the next morning somebody would have been out there fixing that fire hydrant, because there are children in that school, including my grandchildren every day of the week at the Boys and Girls Club in the back of that school. I don't care how long it's been broken; I'm personally appalled that it hasn't been fixed by now and that we would ask to propose money in the 2013 budget to fix a fire hydrant in front of our elementary school.

Mayor Newlands: Is it broken?

Councilman Booros: And that nobody, excuse me, Mr. Mayor; that nobody in the Finance Committee Meeting even flinched; maybe none of them have children in that school, but I do. I'm just appalled that we're asking for money in the 2013 budget to fix a fire hydrant, when we have money you said in the Water Department.

Mayor Newlands: We have transfer tax that we can use for it as well. Let me ask a question, Allen. It's not that it's broken, it's out of..

Win Abbott: First of all, Councilman Booros, just to make the record clear, I did return your phone call in about 12 hours. I was out Thursday afternoon when you called. I called you back at about 8:30 the next morning and left a message on your cell phone. Okay?

Councilman Booros: Okay.

Allen Atkins: It's not broken. It's an older hydrant and the steamer is turned in the wrong direction.

Councilman Booros: From my understanding, it's not only pointed in the wrong direction and the Fire Department can't hook up to it, but it's also when tested with a wrench the other night, isn't putting out either.

Mayor Newlands: From what we understand it does put out water, from our tests, but it's the wrong design for the current equipment that they have and...

Councilman Booros: It's in front of the elementary school... It needs to be fixed. There is absolutely no excuse why this has gone from what I understand six years; it hasn't worked.

Mayor Newlands: It will be fixed. Six years.

Councilman Booros: Somebody has known about this water hydrant for six years.

Mayor Newlands: And we're going to get it taken care of very shortly.

Councilman Booros: It should have been done Thursday, not very shortly, tomorrow.

Mayor Newlands: It should have been done six years ago.

Councilman Booros: Six years ago. I don't want to hear six months from now, or three months from now.

Allen Atkins: It's going to be fixed, but you also have to go through DelDOT, that's a DelDOT street and you have to get their permission to fix it.

Councilman Booros: We had six years sir.

Allen Atkins: I know that.

Councilman Lester: That's not the problem this present Mayor and Council that it was six years ago and I think the Finance Committee did talk about that.

Councilman Booros: We talked about getting the money out of the 2013 budget, is what we talked about. It can't wait until the 2013 budget. It needs to be fixed.

Councilman Lester: I believe Dustan said they've been working on it; that plans were moving ahead. Is that right, Allen?

Allen Atkins: That's right.

Mayor Newlands: That's why it got on that budget.

Councilwoman Jones: Well I'm glad that Mr. Abbott found a solution; would you like to share that in any part?

Win Abbott: Realty Transfer Tax. That's the short answer. The town has an annual budget, we'll revisit it every six months and make adjustments. The annual budget for the town includes General Operation Expenses and the Water Department, as well as capital expenses; however, our Realty Transfer Tax Income is designated for capital improvement projects, by way of State law. We've exceeded our Realty Transfer Tax dollars. Now, that particular line item appeared on the budget because I became made aware of it within a few days of the time that I was able to produce the documents for the Finance Committee's first meeting. In the meantime, other plans have moved forward more quickly, so that we could expedite the matter. We were able to expedite the matter, without having to revisit the entire 2012 budget again by making money available through Realty Transfer Tax funds. Now just because the dollars have been made available, doesn't mean that the project can ensue instantly. As Mr. Atkins had indicated, it's on a state-maintained road and we must get permits for it; the ground has to be excavated; we also have to order it from the manufacturer; so things are moving along as quickly as possible.

Mayor Newlands: And there's no shut-off on that particular hydrant that has to go down to the main and get dug out?

Win Abbott: That is correct, Sir. It's not a simple matter of changing it out. It's a project.

Mayor Newlands: Right.

Councilwoman Jones: The other issue was following the subject that was brought up about the business on the corner of Front Street and Union; and it was brought again to the attention about what were thought to be code violations and yet we received an email from you and I understand about fair and equitable treatment to all and I couldn't agree more; but I can't agree with trying to demonstrate good governance over top of looking at the problems and addressing the problems and I am not understanding has anything been addressed with that business in the thirty days since we talked about it last month?

Win Abbott: We have hired a new Code Enforcement Officer that began work just last week, okay? So if this Council, collectively, wants to pass a directive and say Mr. Abbott, I want you to stop other things and get this thing done right away, this most important thing; I can do that. Okay? If, however, you will allow me to try to manage through things, we'll get things taken

care of order priority. Many things happening all at once. This is just one example. So, we've hired on a new Code Enforcement Officer; we're prioritizing our work with regard to his availability and Mr. Davis's availability with the other projects that are going on as well; so we don't want to pick on one particular business. We want to take a look at a class of code violations, whether it's grass, or whether it's objects that are visible out in the place of work; and address all property owners at the same time with an equal measure. That is the plan.

Councilwoman Jones: My business sense tells me you talk to the people that are in violation first. But that is your department of management. I'm asking the question from a legal standpoint; that if a tire fire started at that location tonight, God forbid, and it took out another building in this town and we had not done due diligence, are we responsible in any way?

Seth Thompson: I just want to understand the hypothetical. There's something that's in violation?

Councilwoman Jones: The that are there are not being stored properly? That is my understanding. That's one of the violations of understanding that...

Councilman Booros: This is the email, Seth, that you sent to me, stating that yes, "We don't have a Code Enforcement Officer, but we know he's breaking every code in the book. His tires aren't stored behind an 8' fence; he's not got them in a metal rack; he doesn't have a fire suppression system in there; but we don't have a Code Enforcement Officer." So her question is, if it starts on fire and burns for a month, because it isn't going to go out; and it burns down Irish Eyes, next door or the bank across the street; something else goes down, is the town liable; because we haven't taken the time to send the man a letter saying that you're in violation of all these codes. And you do know what the codes are, Seth, because you sent me a letter.

Seth Thompson: Right. Generally a private citizen wouldn't have a cause of action against the town, based on enforcement of a Town Code.

Councilman Booros: Or lack of enforcement of the Code?

Seth Thompson: Or lack of enforcement of the Code.

Councilwoman Jones: So if your car is parked back there and it gets to be a french fry, you have no recourse, except against the owner of the building? Or the renter, in this case?

Mayor Newlands: Actually your personal insurance would take care of that. Your auto insurance.

Seth Thompson: If you think of it... A very easy example is...

Councilwoman Jones: My auto insurance isn't going to take care of something if it's someone else's responsibility.

Seth Thompson: A very easy example. The Town conducts inspections, but a homeowner couldn't then sue the town because something was missed during an inspection. The town performs inspections to promote public safety; the same thing with the Town Code, so really the law doesn't create some sort of cause of action for a private citizen to sue the town. There would have to be a specific; some sort of statute that provides for it. Now that's not an excuse, obviously, but generally there is not a cause of action for a private citizen to sue, based on something that happened in violation of the code. We should still enforce our code, obviously.

Councilwoman Jones: Okay, thank you.

Councilman Booros: Honestly, I've heard in this same room, from this same Council and the Mayor, that we've driven, but we've had four different mayors drive by Dry Zone over the course of the last ten years and nobody's said a word; so it's really kind of hard to pop up now and say something about Dry Zone, since all the mayors drive by it every day and nobody has ever said a word. Every person in this town is driving by that corner every single day of the week and we're not saying a word because we're worried about somebody's grass that's too high.

I'm sorry. If you can you can write me that email, just copy and paste it into a letter from the town telling the man you're violating every one of these codes. We bring it up every month, but apparently enforcing one code at a time, is the way that this is being handled. It's not fair to pick on the one guy because he's got tires stacked up to the ceiling. Quite honestly, the tires were moved this week, because some citizens called the Fire Marshall and the Fire Marshall went down there and told the guy he couldn't do it. There were mosquitoes. DNCREC was called, because the mosquitoes were so bad behind Irish Eyes, because those tires stacked up 10' high on the side were filled with water and mosquito larvae. There's public safety, there's health issues; it's a friggin' letter and you've already written it to me; how hard would it be to write it to him?

Seth Thompson: If Council wants me to take any action, I'm fine with that, but I serve at the direction of the Council.

Councilman Booros: But I'm not asking you. I'm asking the Town Manager to send the man a letter. I don't care if we don't have a Code Enforcement Officer. It's a letter.

Mayor Newlands: We'll get a letter out in a day or two.

Councilman Booros: Thank you.

Mayor Newlands: Alright, let's go through these reports. The Public Works Report. Does anyone have any questions on the Public Works report?

Councilwoman Jones: Under Parks, I noticed that we planted two new memorial trees in Memorial Park. I'm asking a very old question about whether or not a tree has been ordered and when replacement is scheduled for the tree that was taken out in front of Mr. Post's antique store. As of today, it is not there.

Allen Atkins: The fence is back in now; we've got to get the tree put on, but the dry weather we kind of held off just a little bit, before we put that back in; but that's the only reason we haven't put that back in yet.

Councilwoman Jones: Okay. And my other question under water, what is the status right now of the meeting with Tidewater in reference to the water service and has the town conducted any other meetings with any other companies?

Mayor Newlands: We had the one meeting with Tidewater where they came in and asked us questions, so they could see what they could present to us and we're scheduling a meeting with Artesian. It was due to be last Wednesday, but I was sick for five days, so we rescheduled it and I think it's next week? We're trying to set up a date. We're going back and forth with their engineers.

Councilwoman Jones: And I had a question, actually and if it needs to go to Executive Session, you just look me right in the eye and say it, because I'm not sure. You talked about a renegotiated contract. Is that something that we should talk about some place else?

Mayor Newlands: No, we could talk about it here.

Councilwoman Jones: Okay, could you tell me what that was in reference to? Was it the percentage we pay, now that we're going to pay more?

Seth Thompson: Let's keep it in general terms; just because, again, if it's something that you're going to be negotiating, obviously doing so in a public hearing could jeopardize your position.

Councilwoman Jones: I don't need to talk about it at all. It's just a curiosity question, that's all.

Mayor Newlands: They've expressed interest that they don't need the twenty acres anymore; that's a possibility; because of the slow growth they may be staying there. I mentioned to them that I want the payment from them in an accelerated fashion, so they sent it back to Middlesex, New Jersey to see if they could get an accelerated pay rate out to us. Because, as of right now, that contract is unattainable; you can't use that contract.

Councilwoman Jones: Did they ever own the twenty acres?

Mayor Newlands: No.

Councilwoman Jones: So they let you know they're not interested. That was a contract that was tied to the Key Ventures piece?

Mayor Newlands: Correct. That's correct.

Councilwoman Jones: And so it can't be separated. I mean, we don't have our own contract with just them for their service?

Mayor Newlands: We have our own contract with Tidewater for the sewer and we are separate; which includes pieces of the twenty acres and we have separate contracts with Key Ventures, which includes language about the twenty acres, as well.

Councilman Booros: Does the town own the twenty acres?

Mayor Newlands: No. No.

Councilwoman Jones: No.

Mayor Newlands: It was supposed to come into our possession for a minute and then eighteen of them go to...

Councilman Booros: But it's still in Key Ventures?

Mayor Newlands: All of it is still in Key Ventures, yes. And there's a number of holes in that contract; we just want to get it cleaned up. It's horrible to read that contract and it takes 2,600 homes to be built in order to fulfill the contract obligations. That's how many homes have to get built in order for us to get paid. So we're trying to get them to accelerate that to be in a few years so we could put some money in the bank. And we don't want it tied to the number of homes being built; we would like to tie it to something else. So we had probably less than this conversation with them about that; it was probably shorter, because Jerry Esposito's first answer was we have to raise your rates and I said no, go float a bond, like you should have done five years ago when you bought the place; they should have floated a bond; so they're talking about that now.

Councilwoman Jones: So we're still tied like a trio to that original contract?

Mayor Newlands: Yes. Are we finished with Public Works? Next item is the Town Code Department Reports. Our building permits are up on the number of permits; so we're doing pretty well there. We'll go onto the police reports. Does anybody have any issues or questions?

Councilman Booros: Can I ask a quick one on the police report. Up top where it says criminal adult arrests, 42, for May and then I'm looking down at the bottom; we've only separated out certain things down at the bottom that only add up to 12; which ones add up to 42? I was trying to figure out why we don't put the rest of the things down at the bottom, that add up to those 42 adult arrests? Do you see what I'm saying? I assume the domestic incidents, there are 18 of them.

Chief Phillips: I don't understand what you're saying right off hand, sorry.

Mayor Newlands: The adult arrests, the criminal adult arrests in the second row...

Chief Phillips: Yes, Sir.

Councilman Booros: 42.

Mayor Newlands: Can that be a sum of sum of some of the other categories below it, or is that...?

Chief Phillips: No. That's how many adults were arrested. Domestic incidents would be it says domestic incidents; which means there were times we responded to different locations for domestics...

Councilman Booros: I understand.

Mayor Newlands: So this is 42 people that have been arrested, as opposed to...

Councilman Booros: 42. I understand. 42 arrests. But so we have 8 in theft, one in...

Mayor Newlands: No. No. No. No. No. It's 42 people. You could be 6 counts of this, 7 counts of that, 20 counts of that; so every person that's arrested could have multiple arrest warrants against them for burglary, for theft, or whatever.

Councilman Booros: So they're not necessarily listed below under any of these categories.

Mayor Newlands: Correct. This is the number of people who are arrested.

Councilman Booros: Okay.

Mayor Newlands: Correct? Okay. Yes, there's no direct correlation, or indirect either, for that matter.

12. Finance Report and Revenue/Expenditures Report

Mayor Newlands: Finance Report.

Councilman Lester: We've received the Executive Summary of the Auditor of Accounts Audit for the year September 30, 2010. Management now has to sit down with the Auditor's Office and review some of the those questions and conduct what they call an exit interview and I'm hoping by next month that we'll have the full report to present to Council.

Mayor Newlands: Will we able to respond back to them between now and the next Council Meeting and have the State Auditor's...

Councilman Lester: We have ten days to respond to some of the questions they have.

Mayor Newlands: Right, but will they be able to give us the final report after that before next...

Councilman Lester: I hope so.

Mayor Newlands: Will they be able to present it at the Council Meeting or do we have to go back again, after that?

Councilman Lester: I have to ask. I'll call tomorrow and ask about that – I didn't ask. I was just anxious to get the thing finished and presented.

Mayor Newlands: Yes, I know.

Councilman Lester: So at least they're well on the way and that means that the audit for last fiscal year, 2011, can be completed pretty soon too. Those guys are pretty much finished so that will move.

Mayor Newlands: Just for Council's understanding that we have two audit firms working in parallel on two separate years, so the PKS Firm is working on 2011's audit, so they're doing as much as they can and they have to wait for some things from the 2010 audit; but they've got a lot of stuff out of the way already.

Councilman Lester: There were a number of corrections to October 2010. I see my friend next to me has some yellow marks.

Councilwoman Jones: I do.

Mayor Newlands: Hold on. Let him finish what he's going to talk about.

Councilman Lester: I'm through with what the rest of it.

Councilwoman Jones: It will probably be easily answered. On Page 2 of the Budget Transaction Audit Trail, down near the bottom under Holiday Lights, 1) I don't understand what the little * mean by the transaction amount, except that they must mean that you don't subtract them, because the balance doesn't go down. In fact, the balance went up.

Councilman Lester: The * means that it was encumbered in a prior month.

Councilwoman Jones: Okay.

Mayor Newlands: So it was accounted for in a prior month and paid for this month.

Councilwoman Jones: Okay. So this Satterfield and Ryan, does hang Christmas lights, take Christmas lights down; do we pay... Is that a... I didn't realize. Is that a contracted piece? And the reason I ask that is, then I get over to Transaction Audit Trail on Page 9 and that clock repair

and hanging the Christmas light shows up again and there's that * again, which now I hope I'll try to remember that between this month and next, but are we really... We do pay someone to come in and do our lighting?

Allen Atkins: Ms. Jones, we do. They hang it because we have nothing to...

Councilwoman Jones: Like a bucket truck or anything?

Allen Atkins: Yes a bucket truck.

Councilwoman Jones: And so some of these bills are just coming in now, is that correct?

Allen Atkins: They never sent them out at the end of the year; or the beginning of the year.

Councilwoman Jones: Well I just saw them in one place and then I saw them at another at a different value. Does that make sense to you?

Allen Atkins: They had to repair the light fixture on the clock.

Councilwoman Jones: The clock. I think I remember that.

Councilman Lester: I guess that brings up a question that I have. Who owns the clock? Does the town own that clock?

Mayor Newlands: I'm not getting into that. Mr. Collier.

Win Abbott: Councilman Lester, to go back to Councilwoman Jones second question, that is why does it appear twice? The Budget Transaction Audit Trail is broken down by General Ledger Account Number, so if you have one check that was written to a particular vendor; however it must be attributed to different cost items, then it will appear at two or three different places in this report, depending upon the split.

Councilwoman Jones: Okay, so that much money was applied to the Mill Park. Thank you.

Councilman Lester: You'll see that if you look at Citizens Bank. You'll see the same thing in multiple places, because the pay check went to Citizens Bank and was then allocated to the various departments.

Councilwoman Jones: Okay.

Mayor Newlands: Is that it?

Councilwoman Jones: Well the other... Well there's a question first of the Treasurer, if I may. Last month I had a bit of response to Mr. Abbott being told that he was no longer to release this document as it's an unaudited document.

Mayor Newlands: Right. I publish it quarterly, like the next one I think I'll publish on the web. We publish it quarterly.

Councilwoman Jones: Okay, then my question, because it does say here in the Charter, that it shall be opened to inspection by any resident. But as an unaudited document, doesn't it remain unaudited for one full year? I mean, tell me about what the terms are on when the document becomes approved, so that the public could come to get a copy. How long does that take? You said you put it up quarterly, so is it approved every...

Mayor Newlands: After we inspect it and go through any questions and if you find anything... Councilman Lester goes through it monthly with the accounting clerks and they make adjustments if they find categories that need to be moved back and forth, he'll adjust that and then at this meeting, if we find anything and there are any questions, we'll do adjustments if we need to. After that, then it can get published.

Seth Thompson: I think the term "audit" might be a little bit confusing too, because the Charter does require that annual audit. I have a feeling the town is using it in terms of an internal audit to make sure everything is okay.

Mayor Newlands: Right.

Councilman Lester: An audit simply means nobody has reviewed it; there's no cover letter; there's no opinion statement being attached to that that it's in conformity with generally

accepted accounting principles.

Councilwoman Jones: But this particular document will now not be available until another quarter, right?

Mayor Newlands: No another month.

Councilwoman Jones: Another month. Okay.

Mayor Newlands: I just do them quarterly because the way the website is, it's just a pain to put this up. The new website will be different, when that's up, because it's supposed to a lot easier to publish.

Councilwoman Jones: The other thing I want to bring to the attention, which is just some housecleaning for me, is under Police Repair and Maintenance of Automobiles, which we're now at 144%.

Mayor Newlands: Part of that's because of the accident on the vehicle. We got reimbursed for \$5,000, I think.

Councilwoman Jones: I understand. What concerns me, Mr. Mayor, is that it took me a very long time to find some information to refer back to April; when I asked a very pointed question on whether or not the Auto Repair and Maintenance were a little out of sync at the time and high because were we doing anything to the surplus vehicles that we had acquired. I was assured it was not due to that. Well, I'm here tonight to straighten that out and say, it most definitely is partially due to surplus vehicles and I'm really curious, now, since the expenditure happened in the month of February, I asked it in the month of April and was told that no money was spent on those vehicles.

Mayor Newlands: No more repair money was spent, no. You're referring to the hitch we put on one of them?

Councilwoman Jones: I'm referring to that ambulance.

Mayor Newlands: Right. What about it?

Councilwoman Jones: I asked if any of the high dollar costs of auto maintenance for the Police Department was due to an increase in maintenance for these surplus vehicles.

Mayor Newlands: Nothing had broken down, so we hadn't repaired anything.

Councilwoman Jones: You have repaired something by the time I was told that nothing was spent on it and I didn't like that at all and I have that material here in front of me.

Mayor Newlands: Well it wasn't intentional. I'm sorry. I apologize. It wasn't intentional.

Councilwoman Jones: Well, so now we have an ambulance, well a S.W.A.T. Vehicle; you have a trailer and it's tractor and a cargo carrier and a street sweeper and I made note of this, especially when I left for work this morning, the trailer is leaning and I would think if it's not corrected quickly, you may either lose the load, unless it's pushed up against a tree or something; it's got a bad lean on it.

Allen Atkins: It's planned to be turned around, with the doors facing the opposite direction. It's going to be done, hopefully, this week.

Councilwoman Jones: Okay and I'm assuming you're using these vehicles to store things, but it's beginning to look like a junkyard in the very place you're... And I say this because I just spent a half hour riding around with a local in Milton who insisted on showing me the things that upset him the most and that was one of them on the tour.

Mayor Newlands: Well the trailer's going to be used for storage. We were initially going to put a container behind the Lion's building and it would have been on the ground, but we were able to get a trailer instead.

Councilwoman Jones: And the cargo carrier.

Mayor Newlands: That is the cargo carrier.

Chief Phillips: I have no idea what cargo carrier; what you're talking about.

Councilwoman Jones: That's those giant things they carry troops in; that have canvas sides.

Chief Phillips: That will be going to Selbyville tomorrow. They're taking that.

Councilwoman Jones: Okay. And the Hummer went to Blades? Did I pick the right place? Blades?

Mayor Newlands: Yes.

Councilwoman Jones: And the street sweeper, which I understand, I understand, so I wanted to dispel any rumors, you can't get parts for.

Mayor Newlands: Yes, we found out that we can't get parts for it and we're not going to spend any money on it.

Councilwoman Jones: And where does one get rid of a street sweeper; when it's time to throw it away?

Mayor Newlands: I have no idea yet.

Councilwoman Jones: And can you throw away something you get from the government?

Mayor Newlands: After a year we can or we can give it to another agency. We're allowed to give it to other agencies.

Councilwoman Jones: But it's not working?

Mayor Newlands: No. It's not working. It was working at one point. When we got it it was working. Actually we did Chestnut Street and a few other streets; it was working quite well actually.

Councilwoman Jones: Okay.

Mayor Newlands: And the blue truck that we have, is now with the Water Department being outfitted for emergency water equipment, so that they can respond to water main breaks faster.

Councilwoman Jones: And the big diesel tractor?

Mayor Newlands: That's there for the trailer. We have two trailers. There are the trailers at the range.

Councilman Booros: Maybe I missed it. The ambulance. I know it is outfitted with lights and stuff, because it was pulled over last Sunday afternoon by the Junior High School, Mariner Middle School with one of the officers outside talking to somebody with all the lights blaring and everything, so it's already been outfitted with all of police equipment.

Mayor Newlands: It came that way, didn't it?

Councilman Booros: It came that way? And we use that as a regular patrol vehicle on a Sunday afternoon at about 1:00?

Chief Phillips: Being it's diesel, it needs to be run every once in awhile, so we have to run it at least around the block to keep it charged up. It's also going to be used, you can call it S.W.A.T., or whatever you want to call it, but when we have a snowstorm it we need to get people moving around, that vehicle will get us through the snow or floods, whatever we have; it will help get us through the bad weather. That's part of the reason we got that equipment.

Councilman Booros: Councilwoman Jones, are you done?

Councilwoman Jones: I'm still trying to figure out why you keep a big diesel truck just to move trailers around. I mean, how often do you move these things?

Chief Phillips: Actually, we have to keep it for a year and then we can sell it.

Councilwoman Jones: Is that the intention?

Chief Phillips: That's the intention, yes. We needed it to get a box trailer here; the box trailers that we have at the firing range; that was the only way we could get it moved; if not, then it was going to cost us \$1,000 to pay someone to go pick it up and bring it, so it was cheaper to get it for free; find someone to drive it and here we are now.

Mayor Newlands: And we're looking for a pick up truck right now from the government, because we have another pick up truck that's about to die.

Chief Phillips: And we're also looking for what you call a cherry picker; we're looking for one of those also for free. We're working on that now. We're also working on another larger street sweeper, like Greenwood has. That's what we're looking for also, one of those.

Councilman Booros: Do I understand that that street sweeper will require the town to put a \$5,000 brush on it, to make it like new? Or did I misunderstand that when I heard it?

Chief Phillips: I'm not sure which one you're talking about.

Councilman Booros: The new street sweeper that's \$100,000 and some that we'll get for nothing; all we're going to have to do is pay for a brush?

Chief Phillips: We're just talking. I have no idea. We haven't got it at all, at this time.

Councilman Booros: I understand that, but I was in that Finance Committee meeting when you were going over the line items of the budget and even though I didn't have it front of me, I was taking notes.

Mayor Newlands: If we took that – it's the street sweeper in Greenwood, right?

Chief Phillips: I believe that's what he's talking about.

Mayor Newlands: If we took that and left it as a street sweeper and did the proper repairs as a street sweeper, it would cost around \$6,000 to put the brushes on; but if we took off the bed in the back and sold the extra engine, on the back of it, we can convert it into our salt truck if we wanted to.

Councilman Booros: Oh, a salt truck.

Mayor Newlands: Yes, so we can modify it and for a nominal cost we can modify it for a salt truck, if we need to; because the salt spreader that we have right now is eating up the back of one of our \$35,000 pick up trucks.

Councilman Booros: Okay. I just heard the \$5,000 bucks for a brush, is all I heard, because I wasn't privy to the proposed budget.

Mayor Newlands: It's the brush, the bin and everything else. There's a lot of stuff that has to go on it.

Councilman Booros: But since I've brought up the fact that I sat in that meeting, and wasn't privy to the proposed budget and this expenditure report; there was something else that I heard that concerned me a little bit and I thought we might as well kill two birds with one stone and get it over with now, because I'm going to ask for it between now and budget time anyway. A different type of overtime was mentioned; and like I said, I didn't have in front of me, I'm just taking notes; and I thought what the heck is that and it was explained and I thought, okay, that's a different kind of overtime altogether and it also came up that there raises might be in the mix for this next budget cycle. So my question would be on this expenditure report for the last year or so, I would love to see two years; if I could get the names of each of the employees, their base salary and all the different overtimes and we have regular overtime, holiday overtime, we have a bonus that was given a year ago, training overtime that they got while they were in training, to set up and take down meetings in the evenings overtime, court overtime, Office of Highway Safety overtime and event and festival overtime and I don't even know what computer overtime is. I think I got the gist of what computer overtime is, but I would like to see before we even mention anyone getting a raise, the last two years of each employee and what they got and each of these things to see what their actual take home dollars were at the end of the year.

Mayor Newlands: I can give you fairly easily the salary and overtime, but broken down in most categories, that's not going to be that easy.

Councilman Booros: No, I want it broken down by categories, because the question came up in

your Finance Committee Meeting as to who was getting the overtime and for what reasons and it appears to me that if it a scheduling issue; and I've genuinely had a concern with the fact that I saw somebody spend four hours on a riding lawnmower on Saturday morning cutting grass and it wasn't done on a Friday or a Monday; and it was not a lower paid employee, to begin with.

Mayor Newlands: Are you talking about Shipbuilder's?

Councilman Booros: I'm talking about Shipbuilder's.

Mayor Newlands: And we will bill them \$200 an hour for him riding around there, like that, so we haven't...

Councilman Booros: I don't understand why we're paying overtime when we can...

Mayor Newlands: When we talk about Shipbuilder's, we'll discuss that.

Councilman Booros: I understand that part, but I would like the breakdown by overtime and I think the Chief can tell me which ones are getting \$45 for Office of Highway Safety overtime; who's getting computer overtime, to come in on a Saturday; and how many Saturday's during the course of the last two years have we paid computer overtime for somebody to come in and fix a computer at the Police Department? This is imperative to me, before anyone even asks for one thin dime extra this year. I need to know this information and I think this information would be vital for everybody else at this table. I've made a spreadsheet already and I'll give it to you on a little thumb drive, if you would like it.

Mayor Newlands: Some of that I can get for you real quick, because it's...

Councilman Booros: I'm asking the Town Manager. I'm not asking you, Mr. Mayor, I'm asking the Town Manager.

Mayor Newlands: No, I'm just saying... I'm just telling you what's in our computing system. Some of that stuff is not categorized in the computer system.

Councilman Booros: Then somebody's going to have to do some research.

Mayor Newlands: It's going to have to get broken down. Yes.

Councilman Booros: But I think... I'm going to ask for it over and over again during the budget cycle, so I think I would like to see it right now, especially if raises are on the table. Thank you and I will give this to you. It was an interesting meeting, too, by the way. I need to go to more of them.

Councilwoman Jones: I have just one last question an that was that Mr. Thompson had assured us that these committees were to either have recorded minutes, or written minutes available, and I wanted to know how someone like myself could get information from the Finance Committee's meeting last week.

Seth Thompson: Are you asking a logistical question?

Councilman Lester: The meeting was recorded.

Councilwoman Jones: You're the one that gave the opinion that the committee's needed to have minutes. I think we talked about that a couple of months ago.

Seth Thompson: That's right, they're required.

Councilwoman Jones: So for the June 27th meeting, how does one get the information from that meeting?

Seth Thompson: Typically the minutes are going to have to be approved at the next meeting, before they're then available, but a FOIA request would be...

Councilwoman Jones: Okay. I wasn't aware that the Finance Committee kept written minutes, but that's what I would want.

Mayor Newlands: They're typed. The meetings are recorded and typed.

Councilwoman Jones: Okay.

Councilman Lester: We had one unfortunate incident where the recorder died on us, so we won't be able to complete it.

Councilwoman Jones: On this last meeting?

Councilman Lester: No. The meeting before.

Councilwoman Jones: Okay.

Mayor Newlands: Any other finance questions?

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

a. Water System Improvements monthly update

Mayor Newlands: Let me go over the couple of things that I have and then Mr. Abbott can go over his list here, that he's handed out. The couple of things I have we discussed already Tidewater; they wanted to provide us “water on demand”; whenever we needed water we would draw it from their system; that's what they were calling it. So we had the one brief meeting, a few weeks ago. We'll meet with Artesian in a week or two.

Councilman Booros: Where would their system be? If it were “water on demand”, do they have a system that they already...

Mayor Newlands: They literally run everything from Vincent Overlook in Milton, all the way down to Rehoboth, 10,000 customers.

Councilman Booros: So it's way down there, but they could provide it to us.

Mayor Newlands: It's four miles down the road, down Cave Neck Road and they put a pipe from Cave Neck Road from Vincent Overlook, straight down to us and hook in on Atlantic. The only problem with that, engineering-wise, is they can't figure out how to do it on demand, because we don't lose pressure in our system, so they're trying to engineering-wise figure out how and when to give us water; because we don't want to say all the time, well 50% of the time give us water, because we don't want to pay that, because we don't pay for it now. So they actually run seven towers, seven treatment plants; they have a huge system throughout all of Sussex County. So the engineer met with the Water Committee; we met briefly with him a couple of weeks ago, just to get a little status update from him, so he's working along fine on his system and getting his presentation ready. We do have a well on Front Street that is available as a well for this new tower that we'd like to put up, but it's got some sulfur issues to it; it needs a new chlorinating system and back-up generators, so it's not fully functional, fully operational; so it needs a lot of things. Actually at one point, the engineer had said that we should have a 750,000 gallon tank, not 500,000.

Councilwoman Jones: Is this their new one? The new engineer?

Mayor Newlands: Yes. Okay. Win, do you want to go over your sheet that you handed out?

Win Abbott: Yes, Sir, Mr. Mayor. Real briefly. This will be the first and will be the last time that any of the particular addresses where the work was done will be listed in a regular report. I want to emphasize that the purpose of this was to help for people to understand that the total scope of work that we've been doing and that this list of addresses is not in any way a reflection upon the residential or business owners of those property, as the letter that went out stated, it was simply that your meter has been identified for replacement and there were various reasons that drove that decision. Further along in the report, you'll note the accounting for water that has been used for other than meter purposes and it follows through. In the end, it looks like we've been able to account for million gallons of water for particular meter upgrades, more than

1,000,000 gallons of water in particular incidents that have caused it and we look forward to doing our next meter reading, where we'll have a more accurate reading of the water actually used by residents. So our accounting for water use continues to get better and better. Just today, we received a particular system that will help us to monitor exactly how much water is being pumped from every single well in real time, 24 hours a day, 7 days a week, 365 days a year and these reports will be available to particular users within the town administration so that we can identify if leaks occur in a system during an hour of use when we normally see that much pumping activity. Altogether it points to the fact that we have been doing all the things that engineers in the State of Delaware recommend for towns who have had a situation like we have who are moving forward very quickly on it.

Mayor Newlands: And just to let people know, some of the meters that we're putting in are not reading properly, so we're actually going out, re-looking at them and we have to reinstall some of them. We've gotten, I think, some of the meters for Milton Landing, Dustan mentioned this to me the other day.

Allen Atkins: We have five that the manufacturer had bad software on; there was one batch that was made and we happened to be the lucky one to get them. But we have five to reinstall.

Mayor Newlands: And Dustan said we're going to charge them for the cost to replace them?

Allen Atkins: They're going to pay for our cost to replace them.

Mayor Newlands: They'll pay for the labor and everything else.

Allen Atkins: Labor and everything.

Mayor Newlands: Good. Okay. Any questions about the systems?

b. Water Tower Repair Update (Shipbuilder's tower)

Mayor Newlands: This next item is the Shipbuilder's tower. We've signed the contract with the engineering firm. We're just waiting for them to start work on it. So they have to excavate around that foundation and see what's going on in there. That's really all there is with that one.

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

Mayor Newlands: The property in Shipbuilder's, this is the seven lots to the right of the entrance way are still owned by Mr. Capano. The bank, Artisan's Bank, is going to foreclose on them probably next month; they're not on this month's foreclosure list. Capano is refusing to mow the lawn out there but mow that big field. The bank had mowed it once and we convinced them to mow it once and then they've backed off on it and they're not mowing it again; that's why we sent our guys out and we'll bill them for \$200 an hour for that service.

Councilman Booros: When you say seven lots, are they along the street or do they also include where the tennis courts and the...

Mayor Newlands: It's an L-shaped configuration. I think it's three along Mulberry and four along Shipbuilder's Boulevard.

Councilman Booros: It takes away the tennis court.

Mayor Newlands: Everything. That development was sold with swimming pool, tennis court, clubhouse; none of which any of the Homeowner's had a piece of or owned any part of and then as soon as he finished everything, he took it away.

Councilman Booros: So the bank still has a hold on all that stuff.

Mayor Newlands: Yes. Actually then we'll talk about that at the end. The bank is looking to sell it to us.

Councilman Booros: I didn't know if they were separate lots away from the tennis courts.

Mayor Newlands: No it includes the clubhouse. Last year what they tried doing, they wanted to renovate the clubhouse to an actual dwelling and the supervisor for the building was going to live in there while they built six of the lots. Then they were going to knock that down and build a seventh unit. They were that close to actually starting to build last year, but they actually came in and asked us some questions about that.

Seth Thompson: Mr. Mayor, one clarification. It looks like your property maintenance ordinance sets the rate at \$50 an hour.

Mayor Newlands: I thought it was \$200 an hour. It's still much more than we pay the guys to do it. The Fee Schedule says \$200; yes, that's what I thought.

Seth Thompson: You should change the Code to match the Fee...

Mayor Newlands: Actually, the Code in most cases was changed to point to the Fee Schedule, so we ended up changing the Code.

Seth Thompson: You can have it listed as Refer to the Fee Schedule.

Mayor Newlands: Right, we normally did, yes.

Seth Thompson: At least at present it was \$50.

Mayor Newlands: Well we don't pay \$50 for the guys to go mow it. We're going to recover that cost. We felt, at least in this case, initially, since it was quick, we didn't have anybody on contract to hire, as far as a landscaper, so we let the maintenance guys do that; and because it hasn't been cut in so long, it took them five hours to cut the lawn properly. We're still talking to the bank, because they're going to be taking the property over, we're still talking to them as far as trying to get them to pay for paving; we still have three streets out there that need to get paved, so we're going to attempt to recover the money from them. I don't know how well that's going to go, but I would like to have the streets out there paved by September/October, if we can and we still have grant money from the State to pay for part of that and we have Municipal Street Aid gave us money last year and they're giving us additional money this year for road repairs, so we can use the money for that. Any questions?

- d. Approve ad-hoc committee to update Town Code to match the Charter

Mayor Newlands: We have six individuals who volunteered to join this committee. We have James Wagner, Sam Gard, Richard Miller, Don Mazzeo, Glen Howard and John Collier. Does anybody have any questions on the individuals? Can we get an approval for these?

Councilwoman Jones: Everybody's ethics forms are received?

Mayor Newlands: Probably not; so make the approval pending receipt of the ethics forms, please. Or are we slow in getting those? Can we get a motion to approve the six individuals?

Councilman Lester: I move that we accept the six individuals listed for approval, pending upon their completion of the ethics forms.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to approve the six individuals for the Town Code Committee, pending acceptance of their ethics forms. All in favor say aye.

Opposed. Motion carried.

- e. Approve Ordinance to amend Town Code Section 220-21(E) to provide for 5 to 9 members of the Historic Preservation Commission and increase the number of Historic District members on the Commission

Mayor Newlands: Last month we discussed this. The Town Code was out of sync with the Town Charter, as far as the requirement for the number of members of the Committee, so we're trying to get that in sync so we don't have any questions from the public or we don't get sued. So in this case, we're changing the Board to make sure that we can have between 5 and 9 members and we're also increasing, at Councilman Booros' request, that we have at least four members of the Commission...

Councilman Booros: No, that wasn't Councilman Booros' request. Councilman Booros' request is that the majority of the members... Okay? So the number four means nothing if you have nine members on the Committee. Okay?

Mayor Newlands: Okay.

Councilman Booros: So I would ask that the number four be changed to the majority of members on the Committee be in the Historic District, reside in the Historic District.

Mayor Newlands: Okay. I went back and read the minutes and I thought it had... Okay. Now also the effective date would be when we had vacancies on the Board. We don't want to throw anybody off the board right now. So Councilman Booros there are seven members on the Board right now, so we only have three that live in the District.

Councilman Booros: Maybe we need to find somebody else.

Mayor Newlands: That's what I'm saying, we need to find somebody else and add them, but I don't want to throw anybody off or change anybody.

Councilman Booros: No, I understand. I understand.

Mayor Newlands: So...

Seth Thompson: Your next two appointments would have to be.

Councilwoman Jones: Your next two could be. Right.

Seth Thompson: Right.

Mayor Newlands: Well we can add them earlier. We don't have to add them in April. We can add anybody during the year.

Seth Thompson: Right. If we're expanding the number. The Council would have to approve the additional two members, which based on having a majority in the district, would both need to live in the district, and you could approve them at the next meeting.

Councilman Booros: I don't know when the next water bill goes out, but maybe somebody needs to just put a note in the next water bill that the town is looking for anyone who might be interested, that lives in the Historic District, to sit on that Committee. That way we don't waste the postage and you might reach out to somebody who's not here in this room.

Mayor Newlands: We need to sit down and talk about what we're going to put in that water bill. We haven't talked about that yet. Alright, so this one we can approve?

Seth Thompson: Yes. It's the second reading.

Mayor Newlands: It's the second reading so we can approve it this month.

Seth Thompson: So the language will be changed to rather than "at least four members" it would be "a majority of the members."

Mayor Newlands: I don't know what Ordinance Number we're at. Can we get a motion to approve this?

Seth Thompson: It would be as amended.

Councilman Booros: I'll make a motion to approve an ordinance to amend the Town Code entitled Historic Preservation Overlay District amend the definition of the Historic Preservation District to allow for five to nine members with the amendment to change the word "four members" to the "majority".

Mayor Newlands: That live in the District. The majority that live in the District.

Councilman Booros: That live in the Historic District.

Councilman West: I'll second that.

Mayor Newlands: Okay, we have a motion and a second to change the number of members for the Historic Preservation from five to nine and that a majority of the members must live in the District. Since it's an Ordinance, we'll take a roll call:

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

Mayor Newlands: Motion is carried.

f. Town of Milton Media Communications Policy

Mayor Newlands: The last time we passed this out, I think it was November or December; we had also passed out communication policies from New Hampshire and a few other little towns throughout the country. I was hard pressed to find anything on anybody's websites or any of the towns around in Sussex County or in Delaware, even for that matter. After reading this, there was one concern I have, because we have Allen and a few other people who belong to certain associations; Allen happens to be the President of the Rural Water Association, so he may get asked questions by some associations, based on the work he does there, so we didn't want this policy to infringe on any of the work that they do on the Committee's.

Seth Thompson: And to alleviate that concern, the concern is in the italicized, emboldened language on the first page; on the second page, if you look at Paragraph 2(e), the title was amended, so it includes "right to express personal opinions or statements on behalf of entities, other than the town". And then the last sentence in the paragraph was added. It's in bold "Similarly, when engaged in speech on behalf of an entity that is not the town, such as a trade organization and when it may be reasonably assumed that the speaker is an employee of the town, individual is required to disclose that; such in no way represent the official position of the town, but rather represent the position of the entity being represented." So it's akin to expressing an opinion as a private citizen; it's just making it clear that this is not my official opinion, this is not the town's opinion; this is my opinion over this other entity's opinion.

Mayor Newlands: Now, we have an ordinance here. Are we approving the Ordinance, or not?

Seth Thompson: What the ordinance does, the policy doesn't have to go into the Code. The Ordinance would make it a violation of the Personnel Policy in the Code to violate

the Media Policy.

Mayor Newlands: The Media Policy I think we should put in the Handbook.

Seth Thompson: That's correct. It won't go into the Code.

Mayor Newlands: Just into the Handbook.

Seth Thompson: The Ordinance that I suggested just adds as another basis for discipline, violation of the Media Policy.

Mayor Newlands: Okay.

Councilman Booros: In the first paragraph of this, I have a problem with the fact that it does not mention appointed committee appointees. We've had a recent issue where committee appointees represented the town and the committee to the media and they shouldn't have. The penalty could be removal from the Committee, not necessarily...

Seth Thompson: Discipline as an employee, right.

Councilman Booros: You can't discipline them as an employee, I mean we have some committee members that just take it upon themselves to do and say things that representing the town as appointees. If I'm voting to appoint them, I really have a problem with that.

Mayor Newlands: Okay.

Seth Thompson: I can attempt to broaden it, but I don't know if you want something different then this for appointees.

Mayor Newlands: This is going to go into the Town Handbook for the employees, the Employee Handbook; so we would need something different for...

Councilman Booros: Yeah, you would probably need something different. And it's probably something they need to sign, like a non-disclosure agreement, or something.

Mayor Newlands: Yeah, I think it would be possibly an extension of the Ethics...

Councilman Booros: I think we should not forget those people, because they can cause just as much damage as an employee.

Mayor Newlands: I agree.

Councilwoman Patterson: Now it's interesting, because I asked around, I was in Milford and asked Milford how Town Council handled it and all of their information goes through their Town Manager; they're set up a little bit differently than we are. But nothing's written down and that's why I'm a little bit confused. It's just something that just is known but not written down.

Mayor Newlands: That's how we've always done it.

Councilwoman Patterson: And it's tough, because some of the verbiage, you don't want to take away from the First Amendment right and whatnot, so it's little bit difficult and there are a lot of nuances to it.

Mayor Newlands: Yes, this also pigeon holes you into certain things that are here, technology changes and you don't get changed. When Win and I go to meetings at Delaware League and some of the lawyers are up there giving explanations on social media and what do you include, what don't you include. Who can say what on social media, can somebody talk about the town on the social media. In some cases yes, in some cases no. It's hard to sit and capture all that and get that in one concise document.

Councilwoman Patterson: It is and then Councilwoman Jones brought in tonight, the Rehoboth Beach Department, and very interesting. I haven't had a chance to really disseminate all the information, but reading through it, there is a procedure. Thank you for bringing that in.

Mayor Newlands: That's an internal police procedure, that's not a town procedure.

Councilwoman Patterson: Right, but it just a sort of...

Councilman Booros: Cliff, quite honestly in 2(b), "the Police Chief authorized to speak on investigations and emergencies". I think that sounds really good, but then the very first line you've written after that, talks about more than just investigations and emergencies. It says "the Police Chief shall be authorized to speak with members of the media regarding all police related matters." And quite honestly, I have a problem with that line. I don't have a problem with investigations and emergencies, because if he's privy to the investigation and we're not, or if there's an emergency situation where there's a hostage situation across the street and he's out there on the street with the press, handling the situation; nobody better to speak about it, then him. However, I don't necessarily... I've been very vocal about this stuff that shows up in the newspaper every week and about fugitive, fugitive, fugitive. We appear to be the fugitive... I'll be honest with you. The Chief and I have had this discussion and the Chief feels that I'm wrong in thinking that the people in the community don't want this stuff out there in the paper; that's what he said to me the other night. Of course, they want it out there. They want to know what's going on in their community and they want everybody in Bremerton, WA, Jacksonville, FL and everywhere else in the country to know what's going on in their community; because they feel safer; or we always have, we're the only ones arresting people; that's why we're the only ones in the newspaper. These are like Ed Harris said, our property values are plummeting, Cliff, and if you don't see it, there's something wrong, because people don't want to come to this town. I'm sorry, Kristin, I hate to say this, but patients that don't want to come back to this town.

Councilwoman Patterson: No. I actually agree. I have to agree. I've had two patients call recently that said they weren't going to drive back into Milton because they just felt that there was... I think it's a little bit broad, there.

Councilman Booros: I think it's too broad.

Councilwoman Patterson: I do travel all over Sussex County, so I do hear what other folks say and I am concerned. I love this town and I don't think that we're being shown in the best light possible.

Mayor Newlands: Can you figure out how you would like to selectively choose what you want to put in the paper and what not put in the paper?

Councilman Booros: Cliff, you did it to me this week. You figure it out. You told me what I could and could not speak about this week. Didn't you?

Mayor Newlands: Oh on the one item, yes.

Councilman Booros: On the one item. Then tell him what he can and cannot speak about, because you didn't have a problem taking my First Amendment right away from me; demanding that my First Amendment right be taken away from me; in any capacity, whether it's as a private citizen in this town or this and I had nothing to do with it, I'll tell you that right now, but you did it, Cliff and you did it to me, you can do it to them.

[Unidentified Speaker from the Audience]: You're the police commissioner.

Councilman Booros: You're the police commissioner. It goes through you.

Mayor Newlands: I don't know how you selectively pick what crimes you're going to put in, what crimes you don't put in.

Councilwoman Jones: You don't select. You're talking about...

Mayor Newlands: We've stopped... We've cut down the list, as far as what media it goes to. We have done that.

Councilman Booros: Thank you.

Councilwoman Jones: But, that came about because we had no policy and we had no policy not just on media release, we have no policy on inter-department emails. You asked me last week to present you with Rehoboth's media policy. The clearest... You just asked a question about how do you decide and where do you send the information? The best information I sent all of you was this Neighborhood Watch Vessel, that is used by the City of Rehoboth Beach Neighborhood Watch, in conjunction with the Police Department. The Detective releases this information through Neighborhood Watch, a selected group who has signed up to get police news, particularly mostly centered right there within the boundaries of Rehoboth Beach and my comments to Council was just to say that using this particular venue, the information reaches a target group of residents, most of them living within Rehoboth Beach city limits and allows them to keep an eye out for anything that seems out of place. This has been very beneficial to the Police Department in Rehoboth. It is released immediately when there is some sort of urgency or an Amber Alert or something has been given about a missing child or something of great community urgency; this can pop up in a matter of minutes through Neighborhood Watch. That's one, by not using the news media and the other was giving you a rather detailed policy that the Police Department, yes does have; it doesn't mean that the Town of Milton couldn't adopt some of this, but it doesn't call for censorship. This public information document used by Rehoboth doesn't call for censorship or selective release, but when you talk about selective release, let's talk about what is beneficial? Knowing that you pick somebody up on a local fugitive charge for all we know, an unpaid bike like ticket in Alderman Court in Rehoboth Beach; and I'm not saying that's what they all are, I'm saying that's what some of the are; that's what some of them are that come through us. So, that doesn't need to be put out to the papers. It's just almost not noteworthy and that's not in an attempt at censorship. It's an attempt to prioritize.

Mayor Newlands: It did result in a fugitive warrant. There was a fugitive that was picked up from that one little incident.

Councilman Booros: Absolutely.

Councilwoman Jones: And guess what, when he doesn't pay his \$37.50 bike-like ticket in Alderman's Court, they put a warrant on him and when he's picked up next, the police have every legitimate right to take him to the court and bond him out or make him pay his fee. I don't argue that. But I'm not saying that's very noteworthy in crime in Milton and I think that gets... I think that kind of muddy's the water when you mix that kind of, forgive me, I'll pay for this; trivial media information as opposed to something that will truly effect public safety.

Mayor Newlands: That's the thing.

Councilman Booros: Quite honestly, the picture of the guy stealing the kegs from the back of Irish Eyes. You had a picture of the man. Stick it in the newspaper. Somebody's going to identify the man.

Mayor Newlands: It was in the newspaper.

Councilman Booros: I understand that and that's a great thing to put in the newspaper, but a domestic dispute between a daughter and the mother and the mother drops the charges two days later; nobody cares that the girl slapped her mother. Come on.

Mayor Newlands: And the other one, where the daughter is dead; that matters.

Councilman Booros: Daughter's dead matters.

Councilwoman Jones: Absolutely.

Mayor Newlands: So where do you draw the line as to what we put in. Do you want all

the serious stuff in; then we're going to have complaints about minor crime in Milton, or we only have serious things?

Councilwoman Jones: That's a relative term. Serious is a relative term, Mr. Mayor. It's a very delicate line, but I can honestly tell you and maybe I've not talked to the police chief directly; if he's not heard it, I have heard it. This is not helpful. I hear it Economic Development meetings. I hear it on the street. I definitely hear it here. That it's not helpful in attracting anyone to Milton, when the majority of the police report incidents have Milton's name on it. And unfortunately, Milton also gets tagged with everything in a 19968 zip code.

Mayor Newlands: But how do you selectively pick and choose what to publish and what not to. Like I said, we did cut back on the news media outlets. They no longer go to the larger, national outlets.

Councilman Booros: The Associated Press, the Gannett Corporation.

Mayor Newlands: Yes, we've cut back on some of those, yes.

Councilwoman Patterson: And I'm not sure either, because Rehoboth with the influx of the tourists and whatnot, I know that there's a lot more crime in Rehoboth than there is in Milton, just because of the population density, and yet a lot of people read the newspaper, they don't really actually read all the articles; they just see Milton crime, Milton crime, Milton crime, all the way through; and we don't see that with Rehoboth or even Milford and I don't quite know why, because it seems to be an awful lot of just Milton, Milton, Milton through the newspapers, so I'm not trying to say censor. This is the fine line that we're having a hard time trying to massage, but it's just overwhelmingly a lot more of Milton. Listen, with Rehoboth and the boardwalk, you would think that that would be peppered all through the newspaper.

Mayor Newlands: But they're not releasing it to the press. You wanted to say something.

Seth Thompson: One possibility and this is just thinking out loud, but one possibility might be to go by classification. Obviously, criminal offenses are classified; they're A, B, C, D Misdemeanors, they're A, B, C, D Felonies; that's one possibility where you're objectively determining... seemingly somebody else has determined what is important, based on how they're going to punish it. That might be one method, for saying we will report all Felonies; or we'll report Class A Misdemeanors and up.

Councilwoman Jones: I would like to say for Rehoboth Beach which is highly driven by tourism, I think the Chief of Police there does a great job balancing the necessity of releasing pertinent information that pertains to public safety within the town of Rehoboth Beach, while he is also well aware of the Chamber's position, the administration's position and the business owner's positions in town, that to release all the information serves no one. Certainly it does not serve the City of Rehoboth and Carol Everhardt, the head of the Chamber was on the news not very long ago, saying the number one draw at the beach towns in any community, is safety. If you're littering, you're just putting everything you have out there and I call that littering in the media. It's just not necessary and I do not have a solution on what grade to put it on and where you cut it off and where you let it out there. I think it's a matter of responsibility. It's a shared responsibility, public safety and the well-being of the town.

Mayor Newlands: It has to go out based on some methodology.

Councilman Booros: If you're going to put a fugitive thing out there that we arrested six fugitives this month or this week, or three fugitives, then tell us it was for an unpaid parking ticket or tell us this. Don't imply that the guy was an ax murderer and he just

happened to be walking down Front Street. It doesn't say. It says fugitive and society was the victim. You know he didn't pay a fine. If you insist on putting that out there, then tell us what it is he did so everybody can say look there's a bunch of people that got stopped by the radar and we found out that they hadn't paid a speeding ticket and you can tell me anything you want to about the low bails that the judges set around here, but the bottom line is when you've arrested six fugitives in a week, they're all going to be for unpaid fines. Everyone of them is going to be for an unpaid fine. It's not like they were wanted for killing their grandmother and they couldn't be found. It's not what it was. This is nothing but job security for the Milton Police Department, quite honestly.

Mayor Newlands: I don't think so.

Councilman Booros: I had this conversation with the Chief the other night. I think the people in this community think that's exactly what it is and that's what I think it is as a council person. It is job security to put all this stuff out there.

Mayor Newlands: I just think you're totally wrong on that.

Councilwoman Jones: I cannot speak for Councilman Booros but I can speak that when I say this to you, this has been channeled through a lot of other people who have commented on this to me and that is exactly what's happening. They're worrying about the image that is being portrayed of Milton through it's Police Department and through it's Press Releases. I, for one, do not think if you're going to have a Media Communications Policy, it should be a whole lot finer and a whole lot more tuned than this piece right here. There's no sense in putting something together that isn't comprehensive, includes everything and you've worked out these little bits of when we release what we release, if you have to come down to that. It doesn't say that in Rehoboth's Media Policy. It doesn't talk about what will and will not be released. It talks about a procedure for release.

Mayor Newlands: And one thing I would ask you is when people come to you and complain, that you ask them what is prompting it; how many tickets have they gotten; how many this have they gotten? The two patients that say they don't want to come here anymore, they both got speeding tickets, didn't they?

Councilwoman Patterson: No.

Mayor Newlands: I know, one of them did.

Councilwoman Patterson: One did.

Mayor Newlands: Excuse me, we're not taking comments from the audience.

Councilwoman Jones: Nobody came to me about any tickets. They came to me about reading it in the press; having heard things on the local news; which, I have to tell you, one particular radio station in this area, is very guilty of sensationalism, without a doubt.

Mayor Newlands: I know that, yes.

Councilwoman Jones: But I'm just saying, I don't think this Media Policy is ready and I have other points to bring up about the Media Policy that I just don't see this Draft as being ready. Not for me.

Chief Phillips: Excuse me, if I could say something please. I have a copy of the Rehoboth thing in front of me. We do it just as Rehoboth does, so I'm not sure what the issue is. Sure we do. We have an obligation. I've been here for ten years and we've done it the same way for ten years and the news media calls us and asks us about something and we give it to them. We don't tell them what to post. Sometimes they post and sometimes they don't. We don't make the news, we just have an obligation. People have a right to know if their neighbors are stabbing each other; they have a right to know if

there's dog cruelty; they have a right to keep an eye out.

Unidentified Speaker: Why should we have a right to know... A trained officer pulled a shotgun on me.

Mayor Newlands: Excuse me. Excuse me. Excuse me.

Unidentified Speaker: Thank you.

Mayor Newlands: You wanted to say something Councilwoman Patterson?

Councilwoman Patterson: Yes. I was going to say, public safety; listen, I absolutely understand public safety and if the patient was speeding, it does drop to 25; that's a residential area through there and for a long time that's just been a speedway. I know a lot of friends from D.C. that come zipping through down there, because they found it as a shortcut. I appreciate everybody learning to slow down there. We all know how to slow down through Ellendale. But what I don't understand is if we really are sending out the information like Rehoboth, why, when I open the paper is Milton's name peppered throughout and the other towns are not? I mean, maybe it's unfair... Maybe for some reason Milton is unfairly getting picked on all the time, but I will tell you the perception is out there and when people stop me on the streets, this is what we talk about. We all love living here. We're all part of this great community. For some reason, the perception of us outside of the town is not good and part of it is it's just a bike ticket, or things like that, why is that being put in and you're not seeing that for Rehoboth, because I know it's happening down there.

Chief Phillips: You say you talked to Milford, I can tell you now that if you look in the Milford Beacon and Milford Chronicle they have tons of stuff in there, every day, every time it comes out; and Harrington has tons of stuff and so do Seaford and Laurel's paper. I mean, you need to go look at all the other papers also, compared to it. If Council tells me not to do a News Release anymore, then everybody put your signature on it and if the news media contacts me, I'll send it to them and say I'm not allowed to talk to the media about nothing, then you can guys can deal with them. I have an obligation to let the public know what's going on, I feel. If the Council finds otherwise, I will do as I'm ordered. If you order me not to do something, I will follow the order.

Mayor Newlands: I think maybe we need to go out to some of the other news media and like you said, go to the Chronicle and get some information from Milford; and see what's published.

Councilwoman Patterson: I read that too.

Councilwoman Jones: Okay, first of all, I don't want to be accused of censorship. That's not what's happening here and Mr. Roth, who happens to be a member of the press, here, I can tell you you don't do things the same way Rehoboth does. Rehoboth gets so inundated with telephone calls from media every Monday morning, that the clerk; and you'll find that in this policy right here; the police clerk sends out every Monday morning to the local media list, whoever has called in and asked to be put on that list this information contained in this report that you cannot see. You could always go to the Rehoboth Beach Neighborhood Watch address. Rehoboth puts out statistical information for a one-week block; number of complaints; 46 traffic arrests; 10 criminal arrests; 23 civil complaints; 1 seat belt; 2 under-age consumption; 14 bicycle; 5 local fugitives; 1 cell phone and then goes on to describe what the criminal arrests were for. We have reduced the calls coming in from the newspapers and in the months of summer, the Washington and Baltimore newspapers, in addition; we've cut it 75-80%, because the only time the papers are calling now is to say, we heard about that tire slashing. Do you

have any information we can send out? What do you have coming up for the 4th of July? What roads are going to be closed? What can people expect coming into town? You're getting read to hire seasonal officers. They do special reports on it. But it's usually only follow-up if there's something that... I have no idea where they hear their information. They're quick on the phone though, when they get it, and that's when the call comes into the Chief and the Chief or the Detective make that dissemination of information.

Mayor Newlands: But you're not releasing any arrests, at all.

Councilwoman Jones: Oh, it's not that we don't release arrests; that's not true, but ours is encapsulated in a list of...

Mayor Newlands: But it doesn't go to the general public or the press? It goes to the...

Councilwoman Jones: This goes to the general public.

Mayor Newlands: Well it goes to the Neighborhood Watch people.

Councilwoman Jones: Right. That's the general public.

Mayor Newlands: But it doesn't go to the press.

Councilwoman Jones: Yes, it does go to the press every week.

Mayor Newlands: And, I'm assuming, that they choose not to publish it for some reason.

Councilwoman Jones: They can do what they want with the information.

Mayor Newlands: I know that. I know that. So you're sending the same thing we do.

Councilwoman Jones: I'm going to guess because this is a nothing burger. Who's interested that we got 14 bicycle arrests in the last week? There's really just a breakdown...

Mayor Newlands: With the criminal arrests... What do they do with the criminal arrests? They don't publish them?

Councilwoman Jones: It says criminal arrests. The criminal arrests were for 4 disorderly, 1 possession.

Mayor Newlands: So it's statistics only?

Councilwoman Jones: Right.

Mayor Newlands: You're not putting down...

Councilwoman Jones: Only when there is something that really has the moped running into the back of the car and the car caught on fire; lots of information. The media wanted to know about that. Those I consider, newsworthy. I mean, everybody wanted to read about that; suddenly you see this giant charred spot in the middle of Barrett Avenue, you have people that want to know. But it did go out rather quickly through Neighborhood Watch. It always does. But then the media picked it up.

Mayor Newlands: So you're putting out statistics, basically?

Councilwoman Jones: Routinely we're putting out statistics. Then we're answering questions as the media asks them. Specific incident.

Mayor Newlands: We could try and put out statistics, initially, and see how it goes. We haven't put anything out in about two weeks anyway, because Cornwell's been doing other things. So you haven't seen us in the media in probably two or three weeks, well because Cornwell's been doing other things. Alright, we'll talk more about this and we'll see what we can do. We'll bring it back up next month.

Councilman Booros: thank you.

Mayor Newlands: Okay?

Councilwoman Jones: If we do have some other issues about this, may we contact you? Is that okay?

Seth Thompson: Please.

Councilwoman Jones: Before it comes back in the public?

Seth Thompson: That's fine. I can't read everybody's mind.

Mayor Newlands: That's fine. And if you want to contact the Chief about things, email the chief or go see him. You're more than welcome to do that. Does anybody have any other things? Chief, Ms. Betts is going to leave.

Vice Mayor Betts: I'm sorry to leave, because this is my first meeting and I get a little tired.

Mayor Newlands: Okay, on the media, does anybody have any other questions or concerns?

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

- a. Request approval for the revision to the record plan for Heritage Creek Phase 2B

Mayor Newlands: This is the approval for the revisions of the record plan Heritage Creek Phase 2B. Can you do me two favors? Can you tell me how many units were going to be in there in 2B...

Councilwoman Jones: 425.

Mayor Newlands: No. No. I want to know in that phase. We're not putting 425 in. That's the whole development, 425. They're only doing about 70; something like that.

Councilwoman Jones: It says Phase 2B.

Mayor Newlands: What page are you on?

Councilwoman Jones: I'm on Page 3.

Robin Davis: The total count in the whole development is not to exceed 425. The approved layout per the information that was supplied by George, Miles and Buhr, Page 1 in Proposed Work. a) Phase 2B Residential Revision. The graphic at the left shows the approved 2B layout; consisted of 14.08 acres. It had 30 single family homes, 12 townhouses and 8 duplexes.

Mayor Newlands: That's the first one with the colored drawing on it.

Robin Davis: The new proposed is to the right of that and it shows 7.21 acres at 12 single family homes, 9 triplexes and 8 duplexes.

Mayor Newlands: So they're breaking Phase 2B into two different sections now? There's a Phase 2B1 and a Phases 2B2, or whatever.

Robin Davis: Correct, or how they're going to word it. Yes. They're reducing 2B so they can move with building some more homes in this area and then come back with a Master Plan for the other areas.

Councilman Booros: So Robin, the 14 acres originally was going to have 50 units. Right? 30 single family homes, 12 townhouses, 8 duplexes?

Robin Davis: Correct.

Councilman Booros: 14 acres. Now you have seven acres and we've got 29?

Councilwoman Jones: No, the triplexes is times three, remember there are 27 right there. Right?

Seth Thompson: I think it's three triplexes and that's how they get to the nine.

Robin Davis: If you want the representative, Mike Coben is here.

Mike Coben, George, Miles and Buhr: We're the engineer on the project. I need to just draw your attention that there is a typo in there, that's actually 27 total; there are six duplexes and not eight.

Mayor Newlands: When you define a duplex, is that the number of units or is that the number of buildings?

Mike Coben: That's the number of units.

Mayor Newlands: Okay, so that's three buildings. Okay.

Mike Coben: Yes, Sir.

Mayor Newlands: Okay.

Mike Coben: It was our desire to make the phase a little more manageable and to provide a little different mix of the units, from what they had originally.

Councilman Booros: Can I ask a question, right off the top?

Mike Coben: Yes, Sir.

Councilman Booros: It says Fernmoor Homes at Heritage Creek; what happened to...

Mayor Newlands: Schell Brothers was...

Councilman Booros: What happened to Schell Brothers?

Mayor Newlands: Schell Brothers is still the land developer and they're still the builder, but as far as the owner of the development changed over to Fernmoor Homes in a foreclosure back about a year ago, or something like that.

Mike Coben: Yes, it was originally under Carey Properties and now it's Fernmoor Homes.

Mayor Newlands: Fernmoor Homes is a New Jersey company. Did you have a presentation that you wanted to do, or how did you want to work this?

Mike Coben: I really can just answer questions. It's up to you.

Robin Davis: This has all been presented at Planning and Zoning; we went through the preliminary review process. Our engineer, Bob Kerr, has reviewed the plans and the drawings, all the comments have been addressed by Planning and Zoning and by our engineer. This just has to come back to Council for approval. Planning and Zoning did approve it at the June 12th meeting.

Mike Coben: There was one correction that Planning and Zoning pointed out on the cover sheet and that's been corrected in the sets that you have.

Councilwoman Patterson: So Schell Brothers is still building the homes?

Mike Coben: Yes, Ma'am.

Mayor Newlands: Yes, and Schell Brothers is still doing the infrastructure work. Preston Schell does the infrastructure, Chris Schell does the home building.

Councilwoman Jones: Is there anything procedurally that precludes the members of Council from seeing the Planning and Zoning minutes or knowing whether or not anyone from Heritage Creek spoke at that meeting?

Seth Thompson: No, procedurally you can consider what was heard at Planning and Zoning.

Councilwoman Jones: I don't have that.

Councilman Booros: I don't have that either.

Councilwoman Jones: I don't have that.

Robin Davis: They weren't available. The transcriptionist was not available for the last three weeks due to an injury, so the minutes did not transcribed.

Mayor Newlands: And once they are transcribed they have to get approved by Planning and Zoning again, so this could take months.

Councilman Booros: Can I ask you another question? If we gave our approval on this tonight as a Council; that means they don't have to come back to us at all before they start Phase 2B?

Mayor Newlands: For these 27 units? Correct.

Councilman Booros: They just start building tomorrow, or next week.

Mayor Newlands: They get building permits for each individual...

Councilman Booros: They go back, maybe before Planning and Zoning, but they don't come back before this Council.

Mayor Newlands: They're done with Planning and Zoning, as well.

Councilman Booros: This is my one shot to ask what I've got to ask.

Seth Thompson: That's right, because the Site Plan; Robin, correct me if I'm wrong, but the site plan is only going...

Councilman Booros: Has already been approved.

Seth Thompson: Well it's only going to go to Planning and Zoning.

Councilman Booros: It won't come back to this. Okay, well since this is my only opportunity, I'm going to ask for the bond for the streets. I know that back in November of 2010 that Mayor and Council at the time, reduced the bond that was in Heritage Creek. Am I wrong?

Mayor Newlands: No. I don't know about the date, but we did reduce it.

Councilman Booros: Down to \$368,000 to cover the street lights, the streets...

Mayor Newlands: That's Phase 1 only.

Councilman Booros: That's Phase 2A.

Mayor Newlands: 2A. I'm sorry. 2A. Yes.

Councilman Booros: Now we're onto Phase 2B. Is there a bond on Phase 2B?

Mayor Newlands: There has to be a bond on Phase 2B. Yes.

Councilman Booros: And how much is that bond?

Mayor Newlands: It will cover the entire infrastructure.

Councilman Booros: 125% of the entire infrastructure?

Mayor Newlands: The entire infrastructure and when that infrastructure is in for that section, they start building individual homes, they'll probably come back and ask for that to be reduced for what's left of the infrastructure. Which is fair...

Councilman Booros: Okay, so here's my question. These came from community members who stopped me two months ago in the street to ask me before Council approves Phase 2, would you ask them this question. I said well Council doesn't approve Phase 2, the Master Plan has already been approved, so you're asking for changes to that Master Plan, so I guess this is my opportunity to ask the question. When are you going to pave the streets in 2A? Because we have two other communities in this town that have never gotten their streets paved and we keep letting them build and sell and build and sell and a different developer will go out.

Mayor Newlands: Hang on. You're going to get an answer, I think in a second.

Councilman Booros: I hope I am. Next Tuesday?

Ben Gordy, Project Manager, Ocean Atlantic: We're actually hired by Fernmoor Homes to manage the development. Typically we wait until the majority of home building construction is completed before we pave the streets.

Councilman Booros: Well now that you're not building single family homes, as many; now that you're building triplexes and duplexes, when is this going to occur?

Ben Gordy: We're basically prepared when the town allows us. I don't know what your guidelines are with dumpsters and construction traffic.

Mayor Newlands: We had a discussion about five, six months ago about the beginnings of this, and part of that discussion was having them pave all of Phase 2A and whatever else was done; part of that was predicated on them getting a construction entrance in the back of the development further down on Route 5, so that the trucks weren't going down

Heritage Creek Boulevard. Okay?

Councilman Booros: That works for me.

Mayor Newlands: They were willing and we were trying to get them in to pave before we had to put in our application for Municipal Street Aid, so they're willing and ready to pave that section, but I don't know what happened to the construction entrance.

Ben Gordy: We're in the process of designing that now.

Mayor Newlands: Okay, so as soon as that's done, you'll be ready to pave 2A?

Ben Gordy: I'll have to double-check with Fernmoor Homes, but that was my impression. They were prepared to do it, I think your deadline was May?

Mayor Newlands: We didn't meet that, so we're prepared to do it before May, 2013.

Councilman Booros: How about paving the streets and then you don't start 2A until you get the construction entrance in? That way the streets are paved and you have an incentive to put in the construction entrance.

Mayor Newlands: Well the problem with that is we have to take off the street lights.

Councilman Booros: That's not a problem, I'm sure to these people out here that want their streets paved.

Mayor Newlands: Well we have to pay for them, monthly, electric bills.

Councilman Booros: I understand that part, Cliff, but we don't need another neighborhood without paved streets.

Mayor Newlands: Yes, but it may be only a six month difference in time.

Councilwoman Jones: Well we're talking about a year. He just said May of 2013.

Mayor Newlands: We were trying to go for May of this year.

Councilwoman Jones: But now you just said May of 2013.

Mayor Newlands: I didn't hear that.

Ben Gordy: We would definitely go before May of 2013, because that's when your deadline is to get funding, I believe.

Mayor Newlands: We try to get them to get as close to our deadline for funding, as possible, so we're not paying for the street light bill when we're not getting Municipal Street Aid money, so May is our deadline for filing for Municipal Street Aid and we start getting Municipal Street Aid in in July to pay for the light bills out there.

Councilwoman Jones: Okay, but in the meantime that puts another winter at 2A Heritage Creek with unimproved roads. Is that correct?

Councilman Booros: Yes.

Ben Gordy: Most likely, yes.

Councilwoman Jones: And that's because we requested it that way.

Mayor Newlands: If they're willing to put...

Councilwoman Jones: I want to understand that.

Mayor Newlands: The first time they talked to us was about six months ago on this, so we were trying to get it in for this past May, but we couldn't.

Councilwoman Jones: But we couldn't.

Mayor Newlands: We couldn't.

Councilman Booros: If somebody's willing to dump the tar and asphalt the roads for the first time in this town's history, why would we say why not wait until next year?

Mayor Newlands: We haven't.

Councilman Booros: I'm sorry.

Mayor Newlands: We've only started this discussion with him. I'm waiting for him to get his construction entrance.

Ben Gordy: Yes, we started that process probably a month or two before your deadline, so there was no realistic way that we could...

Councilman Booros: And the Municipal Street Aid is so that we can pay for the streetlights? How much are the streetlights going to cost us for the next nine months?

Ben Gordy: Right now, we're paying between \$1,100 and \$1,200 a month.

Mayor Newlands: Which is not too bad.

Councilman Booros: Okay, so you're talking \$18,000. What would it cost this town to pave those streets, if we're stuck with them, like we're stuck with all the other neighborhoods?

Mayor Newlands: I have no idea.

Robin Davis: There's still a bond.

Mayor Newlands: We still have a bond.

Seth Thompson: That's what the bond is there for.

Councilman Booros: We had bonds in some of the other neighborhoods too and they disappeared.

Mayor Newlands: No we didn't.

Councilwoman Jones: No we didn't.

Councilman Booros: I've been told we did.

Mayor Newlands: No we didn't. We had a bond in Wagamon's and Wagamon's was taken care of, so we're just starting the discussion with these guys on this, so you know...

Councilman Booros: Well the community started the discussion with me month's ago.

Mayor Newlands: I understand that.

Councilman Booros: That's all I'm saying, but we're waiting for the date on the construction entrance, but that drives whether they pave or not because we don't want to tear up a paved road.

Ben Gordy: Basically, if we pave the streets before the construction entrance, then you're going to have all that...

Councilman Booros: But if we don't approve this change until after you've put in the construction entrance, then there's not an issue. Is there? You'll get the construction entrance put in?

Seth Thompson: They could still build what was approved, previously. This is a modification.

Councilman Booros: That's right, they can still build the single family homes.

Mike Coben: Before you go there, I would point out that while it's their intent to put the construction entrance, they're not totally in control of that; that entrance permit has to be approved by DelDOT and I probably don't need to tell you that that's not a given.

Councilwoman Jones: Are you in the process of applying for that permit?

Mike Coben: Not yet. We have to prepare a plan to do that first. That's where we are right now. We haven't actually submitted anything to them right now.

Councilwoman Jones: And that construction entrance is related to 2B, the proposed piece in front of us.

Mayor Newlands: It's related to the rest of the development. It drives the rest of the development. Right?

Mike Coben: They really don't want their construction traffic coming through the established part of the neighborhood; it's better for everybody if it's out of there and we assume that DelDOT will see the wisdom in that, but I couldn't sit here today and tell you that that will certainly happen.

Councilwoman Jones: Well, you've changed up the plan. My concern about the piece is more about the density. If we're assured of getting a bond, that's great, but you, or whoever designed this is really changing... What concerns me is the density; we've reduced it from 14 +/- acres to 7. You're now going to put a new style home on. What in the marketplace has driven you to decide that a triplex is more valuable than a single family homes that you want to... Because it says here that you just think it would be something good to introduce to this area.

Mike Coben: Ben can probably address that a little better than I can, but I would point out that there were always multi-family homes in the plan. It's just a matter of where they were.

Councilwoman Jones: I understand that. Well I don't see where the 30 single family homes got carried through much here; they were reduced to 12 in this particular case.

Mike Coben: This phase is half the size, so it's...

Mayor Newlands: Everything, I think, is about half of what it was.

Mike Coben: The proportions are a little different, but they're not radically different.

Councilwoman Jones: Well your density here is 3.3 units per acre and since this is a revised plan that was regularly set to 14 +/-, does that mean the density has been increased by 100%? That the density on the original plan for 14 +/- acres would have given a whole lot more elbow room to it's residents, then now you've cut the land size in half.

Mike Coben: We've also cut the unit numbers in half, also.

Councilman Booros: Yeah, they're down to 20 something vs. 50.

Mike Coben: It went from 50 to 27.

Mayor Newlands: Right, it's proportional.

Councilwoman Jones: Well and it's the difference between a family having a yard of it's own and a triplex, which is three units in one, right?

Mayor Newlands: It's the side yard, you would use. You only lose a side yard on the middle unit; that's all; not a rear yard or a front yard.

Mike Coben: Right.

Mayor Newlands: And the side yards only have to be 5'.

Councilman Booros: Can I ask a question on the amenities? It says the owner intends to construct an amenity area as part of 2B, the area is envisioned to contain a 3,500 sq. ft. clubhouse and a swimming pool. Envisioned is a really tricky word. When the people bought the houses in 2A, were they told that they were envisioning a 3,500 sq. ft. thing and a pool? We're still envisioning. When is that going to filled out, do you have any idea?

Ben Gordy: We're in the process of designing that now. What we planned on doing, we did this at another community and we found it very helpful, is you give the homeowner's different options, so say here's a 3,500 sq. ft. clubhouse and pool; here's a 5,000 sq. ft. clubhouse and pool; and then given them the price difference in what their Homeowner's Association fees are going to differ between the two options.

Councilman Booros: Did you give the first group in 2A that option?

Ben Gordy: That's who we're going to reach out to for this. We're going to talk to our homeowner's in Phase 2A to kind of get their input on what they actually want.

Councilman Booros: The word envision to me is like; give me a break, I envision a lot of things; but they're not going to happen.

Mayor Newlands: So the 3,500 sq. ft. building, could increase?

Ben Gordy: Yes and as I said, our plan is to go out and go back to the existing Heritage Creek homeowner's and give them different options of plans and they say you're yearly Homeowner's Association fees for this size amenity are going to be this much and for the larger one it's going to increase to this much.

Councilman Booros: You're the constant here, Ocean Atlantic? Right? Ocean Atlantic and Schell Brothers is the constant. You've been here since day one?

Ben Gordy: Correct.

Councilman Booros: Okay, were the people in 2A told they were going to get a 5,000 sq ft. clubhouse when they bought those houses?

Ben Gordy: I...

Councilman Booros: Were you people in 2A told you were going to get a 5,000 sq. ft. clubhouse?

Unidentified Speaker from the Audience: That's in writing.

Councilman Booros: Okay, so now we're down to a 3,500 sq. ft. clubhouse and now we're going to go back to the 2A people to ask them what they want?

Ben Gordy: This also...

Unidentified Speaker from the Audience: There are some people who may prefer _____. I have a question here, before we go any further, I don't mean to be out of order. We were told there was going to be a Public Hearing at the Planning and Zoning meeting.

Mike Coben: That's exactly what I was trying to say.

Mayor Newlands: I'll let you speak, but you just have to go to a microphone, okay? How many people are here from Heritage Creek? Just you.

Unidentified Speaker from the Audience: What a surprise.

Mayor Newlands: Let them finish for a minute and then I'll give you the microphone.

Mike Coben: That is actually the point I wanted to make. That site plan for the amenities area has to come through Planning and Zoning and there will be a Public Hearing for that piece.

Mayor Newlands: Alright, so we're only actually approving the homes tonight.

Mike Coben: Yes, Sir.

Councilwoman Patterson: How many homes are...

Mike Coben: There's a parcel for the amenities area there, but there's nothing on it.

Mayor Newlands: So you're not asking us to approve the building, at all?

Mike Coben: No, Sir.

Mayor Newlands: Or the parking? Because the parking and the building go hand and hand, right?

Mike Coben: Exactly. Yes. You won't see any of that in the construction plans that Mr. Kerr approved; all that's been taken out; that all has to come back through Planning and Zoning and they need to approve that site plan before any of that work can be done.

Councilwoman Patterson: How many homes are built over there, right now?

Ben Gordy: I would say roughly 35 or so.

Councilwoman Patterson: We actually looked over there to buy and they said once there were 50 homes over there, they were going to start building the pool and community and I have a tough time when changing the plans halfway through, because you've already put your investment down, in this town, to have a house, and to expect to have the pool and I know in other communities they had to wait six years for this. So the intends word and the envisioned word are ways for lawyers to sort of skooch out of building what was promised and again, when they said 50 homes and then they would start to build this

clubhouse.

Ben Gordy: If it were up to us or Schell Brothers we like to get the amenity in as soon as possible. That's everyone's question. When is it going to go in and how do we believe you?

Councilman Booros: B*****t.

Councilwoman Patterson: Right. We don't have the best track record here with some of our other builders, so it is a big concern.

Ben Gordy: Yeah and we've been in contact with Fernmoor Homes about this and we've been emphasizing how important we think it is to put that amenity in as soon as possible.

Councilwoman Patterson: It should say the owner will construct and the area will contain. It needs to be more definite.

Councilwoman Jones: So let me understand, Fernmoor Homes is the wolf here this evening, that's changing up the original promise to 2A?

Ben Gordy: Fernmoor Homes is the new owner of the project. They hired us to continue as project manager for the community; we being Ocean Atlantic and yes they with our input and Schell Brothers' input decided that we should revise this portion of Phase 2B.

Mayor Newlands: Why are you putting in the clubhouse design and layout; I shouldn't say the design and layout; but just the size of the building and everything if we're not approving that tonight?

Ben Gordy: I think when we originally submitted that we were not aware that it required an additional Public Hearing.

Mayor Newlands: Okay. So all we're being asked to approve tonight is just the dwellings and that's it?

Councilman Booros: Right. Can I ask just one more question. You mentioned the 50 homes. There are still some vacant lots in Phase 1 like a couple of the corners have vacant lots and somebody told me that their understanding was that those were not going to be single family homes; but maybe townhouses, in the first phase, 2A?

Ben Gordy: Yes, there's three areas like that. One is a duplex home and two are triplex homes.

Councilman Booros: Okay and why haven't they been built yet, before you've come to ask for Phase 2?

Ben Gordy: There's one under construction right now, as we speak.

Councilman Booros: Okay. So before you break ground for Phase 2B, Phase 2A will be done?

Ben Gordy: The homes will be done. No, they will not. Basically if we were to wait until that was done, we would basically stop all momentum, so we're saying we have these lots in Phase 2B. We don't know when they're going to be built and when you'll be able to occupy them, because we're waiting until these units sell. So we always want to kind of get ahead of ourselves and have available lots to sell before we can run out.

Councilwoman Jones: The completion of the Phase 2A before they get the roads done, does the density to complete their roads have anything to do with 2B? Is 2B's addition of numbers how quickly you build in there have anything to do with 2A's being finished? Or do the roads go in by phase?

Councilman Booros: Or do you add 29 years?

Ben Gordy: Um...

Councilwoman Jones: Does it mean 50 homes are built in 2A, then you pave the roads?

Ben Gordy: Kind of, I guess the answer is; depending on where the layout of the streets are, where the construction entrance is. If the construction traffic is going to travel on those roads in the future, we typically wait to final pave those.

Councilman West: P**s on my head and try to convince me it's raining.

Councilman Booros: Laughing.

Ben Gordy: In this case, I don't think it's impacted as much.

Councilwoman Jones: Until what is done – to pave the roads?

Ben Gordy: Until construction traffic no longer has to travel on those roads.

Councilwoman Jones: That would be the entire 2B phase, wouldn't it? Isn't that what you're putting your construction entrance in for, 2B and the rest of the development?

Ben Gordy: Yes, the construction entrance would be for the remainder of the development.

Councilwoman Jones: So actually until the place is filled up you're going to use your construction development and nobody gets paid?

Mayor Newlands: No.

Ben Gordy: I'm saying the construction entrance on the lots in 2A can probably be done before the rest of the community is, because there's going to be ways to get around through the other parts of the community, without traveling on those roads.

Councilwoman Jones: And as you go in advance and develop 2B and you have takers for triplexes, duplexes and the like, what efforts are being done to complete 2A, so that those residents are guaranteed having their amenities and their roads done? Once you've opened up another phase for development and you're offering that out to the public, what happens to 2A; where is your attention on focusing on 2A and finishing that and getting the roads finished? Because that will be your business card for going into your next phase.

Ben Gordy: I see what you're saying. As I said, if you want us to put a time line on paving this before your next thing, I think we can do that. I'm not the owner of the project, so I can't speak for certain; but the last discussion we had with them, they were pretty open to doing it. They actually said in the fall.

Councilwoman Jones: My point is not directly, but to Fernmoor Homes, which is we're now looking, visionary, down the road to a brand new portion of the development. What is the incentive to finish the first portion, so that those folks can get the benefits of paved roads?

Mayor Newlands: He's said a number of times. They're looking to pave the first section.

Ben Gordy: We can't release that bond until we pave those roads, so, that bond's going to be ongoing forever and there's a fee to that that we have to pay.

Robin Davis: Some of the incentive would be pave so you could get your bond money back.

Ben Gordy: Correct.

Councilman Booros: That bond money does not help the people that are driving over those potholes, or I mean those manhole covers, whatever they are. So the fact that you've got money up doesn't help these people who have literally come to me and said don't you let them start phase two, until they do our streets. This is ridiculous. That's what I'm hearing from the people in the community. So you're going to go to them to ask about the clubhouse; you need to go to them and ask about the streets that they were promised and the clubhouse that they were promised. This doesn't come from me. I don't live there. Okay?

Councilwoman Patterson: But it sounds like they're trying... They want to pave the roads; they're trying to get it done; they're ready to pave the roads...

Councilman Booros: But now we're waiting for the streetlights.

Councilwoman Patterson: They're just waiting for DelDOT to...

Councilman Booros: But now we're waiting for streetlights because we want to wait for our next year streetlight money to come before we pave the road.

Mayor Newlands: We've had one discussion on this. I haven't gotten a time table from these guys yet. We're not waiting on anything. If they come along and say I want to pave in September, we'll probably let them pave in September. We haven't had the discussion yet, until they get an okay on their construction entrance, we don't know what the time table is. Can you give Mr. Oates, the gentleman in the green shirt, the microphone?

Ben Gordy: Yes.

Mayor Newlands: Please announce your name and address.

John Oates, 115 Arch Street: One of the three streets currently in Heritage Creek. From my perspective it seems the real issue here is the proposed construction entrance. If that does not develop, those roads in 2A are not going to be paved. Is that correct?

Mayor Newlands: Not necessarily.

John Oates: Explain to me why.

Mayor Newlands: I would think Heritage Boulevard may not get paved because we would still have a lot of truck traffic going down Heritage Boulevard, but there's no reason not to do the side streets.

John Oates: There's only two other streets in there.

Mayor Newlands: No. I'm aware of that.

John Oates: I'm sure you are. There are triplex lots on each corner of each street; that's how it's designed. Mr. Gordy, can you tell me if that construction, the new construction entrance, does not materialize, are any streets in 2A going to be paved, before work begins on 2B?

Ben Gordy: No. It's not our intention to pave anything before starting 2B. Like I said, we're actually running out of lots now, so we want to get started on...

John Oates: That wasn't the question. My question is, is paving in 2A contingent on a construction road materializing? Without that construction road, are the roads in 2A going to be paved?

Ben Gordy: As the Mayor said, we would probably hold off on Heritage Boulevard, but we would pave the other two streets and the alleys.

Mayor Newlands: And I think, if I'm correct, when we had the discussion initially you were going to pave everything, regardless of whether you got the construction entrance, at one point. It's an option.

Ben Gordy: Yeah, it's basically if you guys would let us pave Heritage Boulevard, because I know once the streets are dedicated they're the town's responsibility, so if the town would say yes, go ahead and pave it, we wouldn't have a problem paving that.

Mayor Newlands: Part of the problem is the rest of that development has to get done and a lot of truck traffic has to go over one street; that's why we were hesitant in letting them pave that one street; if we were not getting the construction entrance. That's why we asked them to go for a construction entrance.

John Oates: I think the construction entrance is self-evident, the necessity for it. The fact that this has been on the drawing board for over a year and an application for a construction entrance hasn't been submitted makes me scratch my head.

Mayor Newlands: I think we only came up with the construction entrance a few months ago.

Ben Gordy: Yes, it was a few months ago.

Mayor Newlands: Yes, it was just a few months ago, the construction entrance.

John Oates: We were told at a community meeting in December, a year ago, they were proposing... We were told by Preston that if he could get the town to agree, the roads would be paved and turned over before three years.

Mayor Newlands: Three years from last year?

John Oates: This year. 2012. The roads were going to be paved, everything was going to be finished. He understood at that point; it was at that point that he told us at the December HOA meeting that the development had, in fact, been sold to Fernmoor Homes the previous October and the construction road was discussed then, so I don't understand why twelve months down the road applications haven't been filled out. This sounds to me like this is not a priority.

Ben Gordy: We have a proposal. We're in the process of getting costs to construct the entrance and it has to be approved by Fernmoor Homes.

John Oates: Well that's the way it seems to be going; we're doing our best, but we're not the decision makers anymore; now it's on Fernmoor Homes. Well meanwhile, we're sitting here with okay everything is taking three times as long as it should or could. I'm not telling you how to run your business, but it seems to me that the homeowner's in 2A, who were told a number of things regarding amenities, none of which materialized; and now we were told, okay, you're going to have paved roads by the end of the year and it seems to me...

Mayor Newlands: I think we've gone to try to make this into a Public Hearing, which it's not supposed to be and I apologize. I'm sorry.

John Oates: Thank you, I appreciate the opportunity to speak.

Mayor Newlands: Thank you. Let me just get this straight. We're looking at just approving the units, the 27 units and Phase 2B; not the clubhouse; but just the land that the clubhouse is going to be on; not the number of units for the clubhouse, number of parking units for the clubhouse, not the size of the building, nothing. Correct? So that has to go back to Planning and Zoning. And we've reduced the size of the area by 50%; the number of units proportionally by approximately 50%.

Councilman West: Mr. Mayor, I make a motion that we wait and table this until next month until we can all review the minutes of the Planning and Zoning commission and then make a decision. As you all know, I work for DelDOT and I know the people in DelDOT will okay this entrance.

Councilman Booros: I second the motion.

Mayor Newlands: We have a motion and a second to table the Phase 2B of Heritage Creek until after we get to see the Planning and Zoning documents. Any further discussion?

Councilwoman Jones: One question for Robin. This is an LPD Ordinance that covers this property?

Robin Davis: Yes.

Councilwoman Jones: Okay. And were you indicating that on a triplex that only 5' of both sides of that building are the setback?

Robin Davis: No, on the single family homes there's only a requirement for 5' setbacks on the side yards in this LPD.

Councilwoman Jones: Only 5' between; that's 10' between houses?

Robin Davis: Correct. Correct. That's the whole fun thing about the LPD. You can reduce the options. When this was approved, it was an option to reduce it. A normal single family home setback side yard in R-1 is 10'.

Councilwoman Jones: Except for the triplexes that are slated to go on the corners of 2A, where is another example of a triplex in Milton, right now? The only thing I think comes close is Tobin? Are those triplexes?

Robin Davis: No.

Councilwoman Jones: Those are four, yes?

Robin Davis: Yes.

Councilwoman Jones: Are they near this size? I'm thinking of something by comparison.

Robin Davis: Cannery Village might, Cannery Village might have some triplexes.

Councilwoman Jones: No triplexes. Threes.

Robin Davis: So everything is two and four, everywhere we have.

Councilwoman Jones: Just twos. So do we have this kind of a monstrosity anywhere else in any other communities?

Councilman Booros: The Preserve on the Broadkill, up there, do they have triplexes?

Robin Davis: No.

Mayor Newlands: There are only two buildings up there.

Robin Davis: Their basic design is town homes, in a sense, because their end-unit has a 15' setback in an LPD and it's still only 25'.

Councilwoman Jones: So if houses have 5' setbacks, these triplexes and duplexes, what do they follow for side yards or setbacks?

Robin Davis: Again, in the LPD it's a little different. I think it's normally 25' for an end unit, but an LPD, I think, in this development says 15'; if I'm not mistaken for the end.

Councilwoman Jones: Okay, so the question still is out there and maybe Robin is the best person since you're just associated with this development; do we have triplexes in other communities in the annexed proper of Milton?

Mayor Newlands: We have units that are four, not triples, they're quads.

Councilwoman Jones: Right. Okay. And I'm only assuming by the sketch, which was very hard to even read with a magnifying glass by the way; I couldn't make out whatever the words were. Are those on Tobin Drive this size? I mean they're not height wise this size, right? That looks like three stories in some units.

Robin Davis: I'm not sure, but I'll look into the plans for Tobin Drive.

Councilwoman Jones: Right now we're not aware of any... this is kind of introducing this to the area. Is that fair to say?

Robin Davis: They already have some approved in the first section.

Councilwoman Jones: But we haven't seen them.

Robin Davis: One of them is being built right now.

Ben Gordy: Yes a triplex is under construction right now; it actually just started.

Councilman Lester: Can I assume there's a market for triplexes? I mean, we wouldn't build them if there wasn't a market and people wouldn't put their money down if that...

Ben Gordy: Yes, we definitely feel there's a market for triplexes.

Councilman Lester: I mean there are many of us in this town that have very little side yard, back yard or any kind of yard, so; it is what you get.

Ben Gordy: We definitely feel there's a market for them. The prices are a little cheaper than a single family homes, so we're trying to capture that audience.

Councilman Lester: Okay, thank you.

Mayor Newlands: Any further discussion? Does anybody else have any questions?

Seth Thompson: Just as a reminder, the Code requires you guys to act within ninety days, ninety days within Planning and Zoning's approval.

Mayor Newlands: And the date of that was what.

Robin Davis: June 12th was when they approved it.

Mayor Newlands: Okay.

Councilman West: So we've got until September.

Seth Thompson: The Code says once the plan has received approval from Planning and Zoning, it will be forwarded to Town Council and Council shall act on the application within ninety days.

Councilwoman Jones: May I ask the applicant one more question?

Mayor Newlands: Sure.

Councilwoman Jones: Even if we hear you next month, or we don't hear you until, well August is next month; how close are you to your design plans to submit to DelDOT a request for a construction entrance? Not the go ahead from DelDOT.

Ben Gordy: No the go ahead for...

Mike Coben: About two weeks.

Councilwoman Jones: To start on the design.

Mike Coben: No, to complete the design.

Councilwoman Jones: To complete the design and then be ready to submit to DelDOT?

Mike Coben: Yes.

Councilwoman Jones: Okay.

Councilman West: ... when they've submitted it, because I would talk to them people...

John Oates: May I ask one question? Are there any other agency approvals necessary, other than DelDOT?

Bob Kerr: I can answer that. All of the outside approvals for the Phase 2B have been received; proper copies are in Robin's office and DNREC has signed off on it, the Fire Marshall, everybody has signed off on it, except for the DelDOT entity.

John Oates: The question was for the construction entrance; anybody else but DelDOT? Any other agencies involved, other than DelDOT, specifically for the construction entrance only?

Bob Kerr: Yes, the town has to sign off on that.

Mayor Newlands: Soil conservation? Anybody? Or anybody else?

Bob Kerr: Depending upon the amount of disturbed areas, soil conservation would have to sign off on it.

Mayor Newlands: Okay.

John Oates: ___ water and such, no problems.

Bob Kerr: That's part of soil conservation.

Mayor Newlands: Soil conservation.

Councilwoman Jones: How far up on 5 are you talking about the entrance? Can you give me a ballpark idea?

Mayor Newlands: I think it would be down as far as the woods almost, right? As far from the entrance as possible, right now.

Councilwoman Jones: On the south side, right?

Mayor Newlands: Yes, the problem they had before, they applied for one on the school side, but DelDOT felt that, and correct me if I'm wrong, that the two entrances were too

close to each other. That's why we suggested that they put it down as far as possible. Now we will write any kind of letter they want to get them to approve that, because it behooves us to have that construction entrance so we can pave all of Phase 2A. So whatever kind of support they need, we've told them in the past that we will write whatever letters they need to give them support for that.

Councilwoman Jones: Well I appreciate the motion, because I would feel much better after I reviewed that conversation with Planning and Zoning.

Mayor Newlands: Now, Planning and Zoning approved this; when is their July meeting?

Robin Davis: July 17th.

Mayor Newlands: The 17th. Will their minutes be ready for them to approve?

Robin Davis: I hope. All I can say is, I think Helene's coming in tomorrow, so I don't know. I cannot say what she's got to do.

Councilman Booros: I don't have a problem reviewing draft minutes, marked draft.

Mayor Newlands: They're not typed yet either.

Councilman Booros: I understand that, but we don't have to wait until the 17th if they're typed and they haven't been approved yet.

Mayor Newlands: That's up to the Town Solicitor.

Seth Thompson: You could always just have an advisory report. It sounds like you guys want to hear the actual comments that were made.

Councilman Booros: By the public?

Seth Thompson: Right.

Mayor Newlands: That was a Public Hearing, the last Planning and Zoning meeting?

Robin Davis: No.

Mayor Newlands: Okay, it wasn't. So hold on. When was the Public Hearing on this?

Robin Davis: There didn't have to be one.

Mayor Newlands: There didn't have to be one.

Mike Coben: Can I make a suggestion on this? The only real discussion that took place on this was at the Preliminary Approval; when we can back for a final, that meeting lasted literally five minutes.

Councilman Booros: Then the minutes shouldn't be that long to type.

Mayor Newlands: You're saying that the June 12th meeting was only a few minutes.

Mike Coben: Yes, Sir.

Mayor Newlands: There was no public input. I don't know what you're looking for.

Councilman West: But still Mr. Mayor, I would want to read those minutes, before we approve anything. No malice intended towards you.

Mayor Newlands: That's fine.

Mike Coben: No, Sir. What I'm suggesting though, is that the minutes that would be more useful are the ones from the preliminary and those are already available to you.

Councilwoman Jones: A definition about a Public Hearing, if I may, just a moment. Public Hearing does not... It's not a Public Hearing when you're chairman or your commissioner has called for any positive or negative information concerning the applicant during the process.

Seth Thompson: Well maybe I can clarify a little bit. Most of the comments are made at the preliminary stage. Typically the final approval is more of a checklist, to see if things have been done. So, again, it's easier and actually your Code reflects that the public comment comes in at the preliminary phase.

Councilwoman Jones: And when was that?

Councilman Booros: And how long ago was that?

Seth Thompson: I don't know. We can look at Planning and Zoning's minutes.

Robin Davis: If you look at the information that was supplied with your packet, it says the application was reviewed and discussed by Planning and Zoning Commission on March 20, 2012. Preliminary approval was granted at that meeting.

Councilman Booros: Then I would like to see those minutes if that's where it all occurred.

Councilwoman Jones: Even so, when you're conducting a review on an applicant, there's nothing that precludes the chairperson from asking if there's anyone from the public who has a comment.

Seth Thompson: That's correct.

Robin Davis: Correct. Yes. But it's not officially designated as a Public Hearing, which requires notification in the paper.

Seth Thompson: Right. Sometimes the term open meeting and receiving public comment, is confused with a Public Hearing. Typically when the Code requires a Public Hearing, it's that published notice in the newspaper. But again the committee can receive comment or open it up to comment from the public at any open meeting.

Councilwoman Jones: Well, that's only from my experience at Board of Adjustments, when the chairman spoke after the applicant presented, there was always an opportunity if anyone in the public had anything to say, either for or against the application and it went into the record.

Mayor Newlands: Where are we going with this? We're talking about procedures right now. I want to talk about Heritage Creek right now. All I was trying to get to before was Councilman Booros wanted to know if he could hear what the public had to say and I'm just trying to advise him, he may not hearing anything, because there was no Public Hearing. That's all.

Councilman Booros: I would also like to read the discussion amongst the members of the...

Mayor Newlands: That's fine. I just wanted you to understand that there was not a Public Hearing. That's all.

Councilman Booros: I understand.

Councilwoman Jones: Is there anything that can be added to this information, Robin, by providing us also with the March 20th minutes for Planning and Zoning, the preliminary. Is there something there that will also be helpful.

Robin Davis: Yes, again as Mr. Coben said, the majority of the conversations and the discussions were held at the preliminary meeting.

Councilwoman Jones: And that would be a help. Does Councilman West need to amend his request to include?

Robin Davis: He didn't say a certain meeting, he just said at the Planning and Zoning meeting, so I think that would be covered; not acting as the Town Solicitor.

Seth Thompson: You can amend, just to clarify, if you want. Do you want the preliminary and the final review by Planning and Zoning?

Councilman West: Yes. I amend that motion to add the preliminary and the final.

Councilman Booros: I second his amended motion.

Mayor Newlands: Okay we have a motion and a second table the Heritage Creek Phase 2B until we get to see the Planning and Zoning approval and the minutes of the last Planning and Zoning meeting and the preliminary hearing. Is there any further

discussion? Let's have a quick roll call vote:

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

Mayor Newlands: Motion is carried. We'll email you the PDF of the March 20th meeting and June 12th. We'll email it out to everybody.

- b. First reading for an Ordinance to amend Town Code relating to penalties for violations of certain town ordinances

Mayor Newlands: This is simply that we're taking the upper limit on some of our town fines. We have ranges from \$50 to \$100; we're reducing it to \$99, instead of \$100, so that individuals can't move the item up from Justice of the Peace Court to Court of Common Pleas and that reduces our costs for prosecuting these cases. Do you want to say something else?

Seth Thompson: Sure. What I did and Mr. Abbott was very helpful in this. He went through the Code and put together a compilation in terms of what our potential violation ranges are. I simply started with the ones that were at the \$100 maximum and just reduced those to \$99; so that, again, you can avoid that transfer from the Justice of the Peace Court where the Code Enforcement Officer can represent himself, or I should say represent the town, without the need of an attorney. If it's \$100 or more...

Councilman West: Vote no.

Seth Thompson: If it's \$100 or more or it involves imprisonment, then the defendant has the right to transfer it to the Court of Common Pleas where any entity, including a municipal corporation has to have an attorney. So I only changed the ones that involved a current \$100 limit. They involved the animal offenses, the Streets and Sidewalks offenses, and then Section 1-16 is basically anything that doesn't have a specified range. If, and this is kind of helpful, where we have a first reading. If people want me to look at other offenses, I can have that number brought down to underneath \$100, as well, but it seemed to me to start with ones that were at \$100 and just reduce them \$1. It could be that, at least at some point, the Council made the determination, a prior Council, that certain violations were punishable by a much higher fine, so for instance, take your Zoning Ordinance, that goes up to \$350; they seemed to think that that was more appropriate, as well as the potential imprisonment. If Council has any questions, or if Council has the desire to bring other fines lower, then that's fine, but I just did the ones that were \$100. And just to clarify, getting back to the 1-16, again, if there's no specified amount within that section, then it falls under the general penalty section there, which I reduced to \$99.

Mayor Newlands: Again, this is one only a first reading, so we just can go over this and if there are any questions, or anything you need changed... Do we need to change Town Clerk in here? We still have the position of Town Clerk, we just haven't filled it.

Seth Thompson: Yeah, but, it would probably be easier for the Town Manager, I would think.

Mayor Newlands: Town staff.

Seth Thompson: Town staff?

Mayor Newlands: That way it's anybody.

Seth Thompson: Okay, I'll made that amendment.

Mayor Newlands: Does anybody have any questions about this? No. Okay good.

- c. First reading for an Ordinance to amend Town Code to create a new chapter governing false security systems alarms

Mayor Newlands: This is a new ordinance that the State enacted. It went into effect I think June 10th or June 11th. Town actually violated it three times in the first week. We had a bad sensor on one of the upstairs doors and it is very embarrassing; I got called three times to go turn the alarm system off. What happened was the guy from Advantek actually read the wrong sensor. He was reading sensor 21 and it really was sensor 20 that was incorrect and he was troubleshooting the wrong one and so we did violate this three times in the first week.

Seth Thompson: Well fortunately you get three free ones in a year.

Mayor Newlands: Also, we had our security company write a letter saying it was their fault, so that always gets you out of this. What I had asked Seth that we could do, instead of having a ten page ordinance here, was to see if we could reference the State Code, that way if their Code changes a little bit, ours will change automatically.

Seth Thompson: We can just incorporate the state code by reference. I wasn't sure if the Council wanted, I suppose for notice purposes, to have the entire state code in there. I'm seeing that you guys do not need that.

Mayor Newlands: So we'll reduce that down. The penalty will stay in here, I guess?

Seth Thompson: Yes.

Mayor Newlands: It matches the state's. We're doing this, because if we don't do this then the state gets the money and not us. So we have the ability now to make the fines. So this is a way of keeping the money in town. Everybody has to register their alarm systems, by the way, which I find very intrusive and invasive on my life to have to tell some third party company that you have register your alarm system with them; why the state couldn't build the database themselves is beyond me. It can't cost them that much money; they went out and hired a third-party entity to do this.

Seth Thompson: Easier to bid out, I think.

Mayor Newlands: Yeah, but this is not a hard thing to do. Does anybody have any questions on the alarms?

- d. First reading of an ordinance to amend the Town Code related to sex offender residence

Mayor Newlands: Do you want to explain this?

Seth Thompson: Sure. Actually it was Detective Boone and the Chief that brought this to my attention and asked me to take a look at the sex offender residency restrictions in Town Code and there was room for improvement. What I did was I added the definition of "reside"; and actually I took that definition from a House Bill that was proposed to deal with a similar sex offense registry issue. It's helpful to know that somebody can have multiple residences. So that's what I've included. I included the language to occupy or stay overnight at a particular parcel of real property for a period greater than fourteen days within one year. And it expressly provides if the sex offender may have more than one residence that meets the definition.

Mayor Newlands: Didn't this also, correct me if I'm wrong, the last Code, the clock would actually start all over again every time he moved. So this prevents that from happening.

Seth Thompson: That's right. There are a couple of other things the underlined language adds, for instance, there's a sixty day period which they have to comply with a violation. I've added in there, the fact that that sixty day period only applies to the first violation. So if they don't comply within sixty days, seemingly under the old language, the person gets cited for a violation and then there's another sixty days that would pass before they would receive the second violation. So I've made it clear that that sixty days only applies to the first violation; in addition, it doesn't apply to any different residences; so in essence, they have sixty days to comply and they can't move to a different residence in Milton, that is also non-compliant and get another sixty days. The other thing we did was I established a seven day period. I'm more than willing to listen to suggestions in terms of what people thought was fair, as far as what constitutes a violation, after the sixty day period. But that might have even been Detective Boone's suggestion, that basically they receive a citation every week, essentially, that they're non-compliant after the sixty days.

Mayor Newlands: I think sixty days is plenty and harassing them every week is fine.

Seth Thompson: Okay. In terms of looking at Section 174-5, I added in the word "particular" residence that was established, prior to the date of the adoption of this chapter, November 6, 2006; so again, it's clear that it's not just any residence within town, it's whatever residence, and this is for the purpose of grandfathering residences in, so the ordinance was passed in 2006. If somebody lived in a non-compliant property, let's say they were too close to a school under the Zoning, they were grandfathered in. This makes it clear that it's not just any residence; you're not grandfathered in no matter where you live in Milton; it's wherever you lived in 2006. If you moved, it needs to be in compliance with this ordinance. The only other thing I added was a severability clause. I did find a case that with the specific issue of juvenile sex offenders, and this was not a Delaware case, but another state, the Supreme Court had determined that basically the state law filled the void and a town couldn't adopt an additional ordinance related to a juvenile sex offender. So that's the reason I put in the severability clause; in any event that a court would determine in some particular instance, or for some members of the population this couldn't apply, it would still apply to everybody else.

Councilwoman Jones: Does anyone know, in authority, if the sex offenders that are listed within the jurisdiction of Milton are all in compliance or do we have some... It is my understanding that we actually have someone who is within that limit of the school.

Seth Thompson: The Chief informed me that they've at least received one conviction of this; I don't know if that's that person, or not.

Mayor Newlands: I don't know offhand.

Councilwoman Jones: If they're convicted or they're on an offender's registry and that becomes our responsibility to make sure that they're not within these parameters. Correct.

Seth Thompson: Correct. The registry, we're just adopting... We're not determining who's on that registry; we're just looking and seeing who the State has put on that registry and then our ordinance is really a zoning ordinance.

Councilwoman Jones: So if somebody is already in violation; doesn't get grandfathered in, this doesn't give any special dispensation that you were here before this was enacted.

Correct?

Seth Thompson: Correct.

Robin Davis: Councilwoman Jones, if I'm not mistaken, there was one, I think, that was already living in a residence before we enacted the original.

Councilwoman Jones: Of 2006?.

Robin Davis: Yes.

Councilman Booros: Yes.

Robin Davis: I think he was grandfathered in because of that reason. He was living there at the property before.

Councilwoman Jones: The only thing that comes to mind is we've grandfathered in someone who's recognized and that's, I think, just serious. Did we have the ability to grandfather this person in as a registered sex offender when we passed an ordinance governing these conditions, in 2006?

Seth Thompson: I'm not sure I...

Councilwoman Jones: Can you grandfather in a sex offender from not violating the law? Can Milton do that? Could Milton do that?

Seth Thompson: I think it's important this is a zoning ordinance. That's really, that's the reason the town has the ability to adopt it, so it's akin to a pre-existing use. It's a pre-existing residence, in essence.

Mayor Newlands: Basically, you're saying is if we increase the limit from 1,000 feet to 3,000 feet, you'd have to make him move, if he was 1,100 feet.

Councilwoman Jones: If the town, it made the difference; but if he is still living in the parameters...

Mayor Newlands: But didn't we increase this a couple of years ago, from 1,000 feet to 3,000 feet?

Councilwoman Jones: This is 3,000 feet now.

Mayor Newlands: I know we increased it from 1,000 to 3,000, but if he lived at 1,100 feet, he was okay in 2006. I'm just giving an example.

Councilwoman Jones: Yeah, that makes sense.

Mayor Newlands: So that's why I'm asking. Is he grandfathered in because we'd have to make him move? I don't know if that's the case or not? Do we know if that is the case?

Councilwoman Jones: By no design of his own, we've changed the rules.

Seth Thompson: Right.

Mayor Newlands: I think that's the only reason you would grandfather anybody in.

Seth Thompson: Right. That's right. Again, if you equate it to any zoning, having a business in a residential area, because previously it wasn't zoned residential. I didn't change the... I don't know if it started out as 1,000 feet, but 3,000 isn't a result of this ordinance.

Mayor Newlands: We'll try and find out for you what the grandfathering is for. Okay? I don't know if we're allowed to tell you, but I'll find out.

Seth Thompson: My understanding of how this came up before, certainly the town could enforce this through it's Code Enforcement Officer, because, again, it's a zoning ordinance. My understanding is that if somebody fails to register, then they're going to be charged with that, but that's a State crime. The Attorney General's Office apparently was willing to prosecute the town ordinance violation because it was also connected with a State crime.

Councilwoman Jones: Well and I understand the theory given by the Mayor, because just

if you identify somebody who's 15 feet out of the radius and then suddenly you change your ordinance so that you can capture him every time, that's never going to work, so that's a good example.

Mayor Newlands: I don't know if that's this case, but we'll find out. Okay, so that's just the first read on that. Any other questions?

e. Bank offer to sell Town 7 Shipbuilder's lots

Mayor Newlands: The next item in Seth's discussion with Artisan Bank on Shipbuilder's and trying to get them to pay for paving and us trying to get them to mow the lawn and a few other things, they were like, you guys want to buy the property? So they figured the town is a stable entity, although we're finally getting some money in the bank, they thought that we may want to buy it because of the clubhouse, buy it because of the tennis courts, or make a part out of it, make a community center out of it; so they told us today that they would be willing to sell it at a fair market value, an appraised value?

Seth Thompson: I spoke with the attorney for Artisan's, I guess this would fall under creative problem solving, from their end; they suggested that they would be willing to sell it at an appraised value. I asked them for a figure, in terms of if they've had an appraisal done. I didn't receive a response to that. Frankly, I'm always, I shouldn't say always, but I'm usually of the opinion that the town should probably go and get it's own appraiser, even if somebody comes to you with an appraisal, just because you want to make sure that everything is on the up and up. The Mayor and I figured we should put it on for discussion now, because if Council doesn't want to pursue this at all, we can certainly just let them know.

Councilwoman Jones: Did the bank make a... I'm devoid of any kind of paperwork, except what's being offered verbally here. Did this bank, this reputable lender, write a letter, a phone call, an email.

Seth Thompson: It was just a phone call.

Councilwoman Jones: Hey do you want to buy this?

Mayor Newlands: They're in discussion about a number of things, with the foreclosure going on, because Shipbuilder's owes us money, they owe us tax money and a few other things, so it came up in a discussion. Yes, there's no paperwork, because we had no price. The talk about the appraiser came up today, just today; so I wanted to get this on the agenda so we can at least have a discussion on it, is there anything you want to do with it. Do you want to make a part out of it? Does anybody have any ideas? When we come back next month and say, yes, okay, let's make a park.

Councilman Lester: It would make a good location for a police station. It would make a good location for a proper Town Hall. I mean, there's lots of...

Mayor Newlands: I thought of that, but if we move the Town Hall out of the Historic District, we're going to get killed. I don't think we ever want to move the Town Hall out of town center.

Councilman Lester: We'll stretch the Historic District.

Councilwoman Jones: The question I would have is if we're going to become land holders and the Council moved to buy this, first of all Councilman Booros did come up with not only an idea about a police station there, which is already dead in the middle of a community where there's a lot of problem's sited. I thought his ideas were great. But, what other properties does the town... What is already in our town holdings, as property?

Mayor Newlands: We own... Do you want to go through them Allen? We own a piece of

property next to the maintenance yard, which is kind of wet. We own a piece of property across from the maintenance yard, which floods. We own the land for the sewer plant. The well houses, obviously, and the parks. We do not own Mill Park on Mulberry Street, that's State-owned. We maintain it, but we don't own it and then Milton Memorial Park, and the Rails to Trails.

Councilwoman Jones: But we own the Town Hall, we own the Police Department.

Mayor Newlands: Yes.

Councilwoman Jones: I wasn't aware we maintain the park, but we do not own it?

Mayor Newlands, Mill Park on Mulberry Street, yes, the State owns the park, the parking lot, the pier, the parking lot across the street and the boat launch, and the pond. So the State owns a lot of property over there.

Councilman Booros: This is something I can quite honestly, without a dollar figure, we shouldn't look at.

Mayor Newlands: It just came up and I wanted to...

Councilman Booros: For information, it's good, but I mean if the dollar figure right it might be worthwhile for a youth center, some sort of something for the youth in this community, but without a dollar figure...

Mayor Newlands: We've been trying for two or three weeks, at least. I didn't want to chance missing on it the agenda and have to wait another month. I didn't want to tell them no without calling the Council.

Councilman Booros: I wouldn't tell them no, but I sure as heck wouldn't tell them yes.

Mayor Newlands: We haven't told them anything. We put it on the meeting so we could get a chance to discuss it and see where we're at, but quite frankly they haven't said anything. I called Barbara Carol because Milton Carol wanted to put a community center in and she said she has no plans at this time, but how much is it? I told her we'd get back to her.

Councilman Booros: I've had somebody approach me about the tennis courts, who said they could come up with a \$300,000 grant to put a bubble over a couple of them.

Mayor Newlands: Really.

Councilman Booros: Yeah. So if you wanted indoor tennis courts for the kids in the community, a three-season tennis court.

Mayor Newlands: That may not be a bad idea.

Councilman Booros: \$22,000 a court, three courts and a big bubble.

Mayor Newlands: Mr. Abbott, when are we getting the keys... When is he bringing us through the building? Thursday, or next week? This week or next week?

Councilwoman Jones: Is this the clubhouse?

Mayor Newlands: Yes, we're going to get a tour of the clubhouse next week.

Win Abbott: I think our appointment is next Tuesday.

Mayor Newlands: I'm not so sure about that.

Win Abbott: I think our appointment is next Tuesday.

Mayor Newlands: I don't know how much it holds?

Councilman Booros: It doesn't matter, they park there all day, anyway, so you might as well...

Councilwoman Jones: Will you be back for the property at Shipbuilder's with more information?

Mayor Newlands: As soon as I get information, I'll send it out. If we get information that becomes hot and we have to act on it, we can have an emergency Council Meeting; I doubt very

much anything's going to be come hot on the property, in this economy, but yes.

Seth Thompson: Does the Council... Certainly the Council could authorize getting an appraisal if it wanted to do that.

Councilman Booros: Let's get an offer first, because if it's so far out of the ball park, then who cares.

Seth Thompson: Right. I guess the other thing, we could check land records to see are there any other empty lots in Shipbuilder's that might have sold recently? Then you could group them together and reduce, given the fact that it's seven of them.

Mayor Newlands: No there hasn't been.

Councilman Booros: How about taking it by eminent domain, just giving them what it's worth today; which is probably nothing.

Mayor Newlands: I asked that question. He said we have to give him fair market value for it.

Councilman Booros: Well fair market value today is nothing. If you're going to take something, now's the time to do it.

Councilwoman Jones: Just keep cutting the grass at \$200 an hour and we'll own it.

Win Abbott: \$50.

Mayor Newlands: He keeps saying it's \$50.

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

Mayor Newlands: I have nothing for Executive Session, so we can adjourn.

16. Adjournment

Councilman West: I make a motion to adjourn at 9:34 p.m.

Councilman Booros: Second.

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