

**Town of Milton  
Town Council Meeting  
Milton Library, 121 Union Street  
Monday, November 5, 2012  
6:30 p.m.**

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

**1. Presentation – Artesian Water re: Interconnection Opportunities**

Mayor Newlands: We have George Phillips and Rodney Wyatt.

George Phillips: I'm not used to speaking into mics, can everyone hear me okay? First of all I want to thank you for having us here. My name is George Phillips. I'm the Director of Planning Coordination from the Artesian Water Company. I'm joined by Rodney Wyatt, he's the Director of Operations and Compliance and we would like to thank you for having us here and Mr. Abbott has asked us to come before the Council this evening to discuss inter-connections and what we'd like to do is to take the next five or ten minutes to provide you with some general information regarding inter-connections, to provide you some historical perspective on where Artesian has inter-connections, and then talk about some benefits that could be recognized by an inter-connection between our two systems. Following our brief presentation, we're prepared to stay here as long as the Council would like to entertain any questions that you may have. So prior to getting into that discussion, I would like to give you some background on who Artesian Water is. Artesian Water Company began providing water service in New Castle County in 1905. We've been providing water service in Delaware for the last 107 years and during that time our company has grown. We currently provide water service to around 80,000 metered customers and if you translate that into a population, it's somewhere between 250,000 and 300,000 customers that we provide water service to. Some other quick facts about the company, we have 22 inter-connections in the State of Delaware. Last year we pumped 7.5 billion gallons of water and the cost of that delivery to our customers was less than a penny per day. So we've been around for awhile. We know what we're doing in the water business and with that being said, I'd like to move forward and go through this pretty quickly. When we talk about inter-connections, water service providers, whether they're a municipality, or whether it's a regulated utility, provide a critical service to our customers. Our customers rely on us every day for their drinking water, for their bathing water, for washing their car, cooking, whatever it is and by the very nature of our business, we need to be adverse to risk. One of the things that we feel is our responsibility, is that we need to take any steps necessary to insure that we have access to an emergency water supply. One of the ways that we do that is through inter-connections and it's one of the most popular ways that... If you look at the development of water utilities, when you think about the electrical grid, you think of the power grid and everything as inter-connected. Water systems are a little bit different than that, in that a lot of systems are independent and they operate as stand alone systems and one of the things that's changed over the last 30 or 40 years is the fact that there's been this trend to inter-connect those systems. An inter-connection is simply a metered connection between two water systems that allows the water to flow back and forth through those systems, based on the terms of an inter-connection agreement. Typically an inter-connection agreement is a two-way inter-connection that allows the water to flow in two different directions. The terms, again, define how service is provided. Things that are typically included in an inter-connection agreement are the location of the inter-connection and some of the flow requirements. So, for example, there may be a commitment from one utility to provide X amount of gallons to the other service provider. So, really what you have is an inter-

connection is what we feel is the epitome of a cooperative effort between neighbors. So if you have two neighbors working together to make sure everyone's water issues are handled in a cost-effective manner, it's a win win situation for everybody and one of the biggest winners is the customers, because many times an inter-connection can be utilized either for a primary source of supply, or for an emergency inter-connection and they can help reduce the capital expense that either one of, or both of the utilities are required to make to have a reliable source of supply. As I mentioned, we have 22 inter-connections in the State of Delaware and these are just an example of some of those inter-connections. One of the things that's interesting about inter-connections is each inter-connection is different and they're different because the needs may be different from every location, so you may have a situation where Artesian may have an abundance of water in one area and we may have a neighbor that has some type of a shortage, or they have some type of a contamination issue and they're desire is to have water provided to them. In other situations we may be in a situation where a part of our system has some deficiencies and it's beneficial for us to receive water from the other utility. Just specifically, I'll give you a couple quick examples. The City of Wilmington, we have multiple inter-connections with the City of Wilmington; some of those inter-connections are for an emergency basis only and some of those we utilize every day. In the Town of Chesapeake City is a new system we're in the process of working through the main connections now. Chesapeake City is in Maryland, they have aging infrastructure and they have a very poor water quality and one of the things that we've gone through all the engineering for that system and it's turned out that they can actually... It's less expensive for them to install an inter-connection and to purchase bulk water from us, then it is for them to upgrade their plant and to produce their own water. So you have a variety of things. In New Castle, again, that's primarily for an emergency inter-connection, one of the things that Artesian benefited from over the last ten years, is that we had a contamination issue at one of our well fields and in order for us to correct that it was going to take over \$1 million in infrastructure improvements, there was some lag time in the time that the problem was identified, until the time we could actually make those improvements; so while there was that lag time, we were able to open the inter-connections at New Castle, bring water in from New Castle and our customers never, never were put out of service. So there's a lot of really important benefits when you have an inter-connection. Another example of an interesting inter-connection is the Town of Middletown. We have had a relationship with the Town of Middletown that goes back 10 to 15 years. In our relationship we have an inter-connection that helps the town provide service on a daily basis, so we have a very cooperative relationship there and we do a lot of regional planning and we look at things like capital costs for infrastructure and investment and it's been a very good situation. I'm going to leave that there. That kind of gives you a background of some of the things that are involved with an inter-connection. The most important thing is an inter-connection is a cooperative, joint venture and we look at it as two neighbors working together and you look at things, instead of taking yourself... If you're trying to handle things as far as utility services, on a stand alone basis, you're have a tendency for your costs to be driven higher and it's better to work with your neighbors and make sure things are done together. I guess the first thing that I would like to mention is, is an inter-connection with Artesian possible? Yes it is. Artesian has a water system on Route 5, just north of Route 9 at the Beaver Creek communities. We have a system there. It's a relatively new system, but when we develop a system, we look at the long term planning. That system has a capacity of around 1 million gallons a day and we feel comfortable that we could provide the town with up to 500,000 gallons per day from that connection. To put that into some perspective, if you look at the pumpage during the summer this year, and your peak flows in the Town of Milton, when you hit the high 400,000 to the low 500,000's, you're peaking your systems capacity here in Milton. You only have around 225,000 gallons in storage, so an ability

to have an inter-connection with up to 500,000 gallons per day, in effect provides you with 100% redundancy. Again, the other things that would be benefited from that, the inter-connection would allow water to flow back and forth and the terms of the inter-connection would be negotiated and decided once you had a better picture of what the town actually is looking for, or if they're looking for something like that at all. The benefits of an inter-connection is it improves reliability and it improves redundancy and an inter-connection is fast. We feel that once the green light was given on doing an inter-connection to run approximately 2-1/2 miles of main, to get the main in the ground, get everything permitted, in place, you're probably looking somewhere in the six to nine month range. Once that inter-connection is in place, again, depending on what the agreement is, it either is something that's just a valve and it's just there and you can imagine it's a back-up if there's some type of a catastrophe or some type of a situation and you need that flow, you open the valve up and the water is there. Or if it's something that you decide, let's say for example Artesian has some type of catastrophic failure, we have an electrical problem with our plant, and if that system is there, if there's some additional capacity in the town, then it could flow the opposite direction. So the benefits are it provides you with redundancy, droughts, main breaks and fires; those type of things; and one of the big benefits that we look at with an inter-connection is this taking yourself outside of the box and looking more at a global picture when you're talking about resource management and in looking at some of the cost saving and cost sharing opportunities that could be presented. With that, the only... And that's about as much as I have for you this evening, other than a map that shows where our facilities are and this is the Town of Milton in the yellow, the tan area is the town's annexation area and the blue is our existing water mains and existing facilities, the dotted red is a potential water main. We have a Conditional Use permit. This facility is not in place, but we do have a Conditional Use permit for water treatment facilities and an elevated storage tank over on Log Cabin Hill Road and we've identified, and again, this is just to throw up there and get the conversation moving. We think there's potential for two different locations for an inter-connection, obviously those are things that would have to be defined: a) it would have to be at the edge of the annexation area and, b) goes back up to where the existing mains are for the town. With that being said, I'll turn it over to you guys and I'll be happy to answer any questions you might have.

Mayor Newlands: I would like the Council to be able to ask questions, first, before any members of the audience. I just want to get one thing off the table first. You're not looking to buy the system.

George Phillips: No.

Mayor Newlands: That's been going around town all month long. They're looking to sell the system to you guys.

George Phillips: Absolutely not. No. We have no... we have not had any conversations regarding that.

Mayor Newlands: Thank you. Does this eliminate the...

George Phillips: I will contribute just a little bit more to that. When you're talking about an inter-connection, if there's an inter-connection agreement, we sell the town bulk water. Okay? The town provides service to their customers. We don't have anything to do with the town's rates or your customers or anything else at all. We're a bulk service provider, in that case.

Mayor Newlands: Does this eliminate the need for us to have an additional water tower? Because a couple of engineer's have said that we should have additional water capacity in the air.

George Phillips: I'm not prepared to answer that question and I would say this. Typically an inter-connection is part of long term planning. I would think, it's possible, but I think you probably would... If you just look at what your needs are... The rule of thumb is that you should

have at least a day of water in the air and right now if you're pumping 500,000 and you only have 225,000, you're at 50% as far as your storage capacity. So what this does is it provides you with relief. You basically would have immediate relief and it may be able to buy you some time as far as that.

Mayor Newlands: So we wouldn't need an additional treatment facility with this?

George Phillips: No, we provide you water that meets all of the safe drinking water standards.

Councilwoman Jones: Inter-connectivity means that not only does Artesian sell us bulk water, Milton has the ability to sell bulk water back to Artesian and your customers?

George Phillips: Sure.

Councilwoman Jones: And that is an agreed upon rate? Is that part of the term that you talked about?

George Phillips: Yes. Yes. And all of the things associated with the inter-connection as far as the location and the different aspects of it, help to define what that rate is, okay, but to answer the first part of your question, most inter-connection agreements have two-way inter-connection agreements. We do have situations, and this gets a little bit complicated, but we have situations where for example, we do have some service territory on the northern part of the town, for example; and we have situations where we pump water into one side of the town that comes out the other side and the town charges us for running the water through their system. It's a wheeling phase?????. So there are opportunities on both sides and it's a negotiated agreement so that everyone comes out ahead.

Councilwoman Jones: And so under those terms is also a shared infrastructure cost?

George Phillips: It could be. Yes.

Councilwoman Jones: Okay. Does Milton pay for water if they do not need it?

George Phillips: That would be... No, there would be no... The only water that would be paid for is water that flows through the meter.

Councilwoman Jones: Okay and most important, you mentioned the word "redundancy" and that inter-connectivity would come from the south side, which the Mayor has identified as being a particularly vulnerable part of town without the tower on it. Right?

Mayor Newlands: The engineers determined that. Not me. I'm not an engineer.

Councilwoman Jones: Okay, but that is the side where we are most worried about failure here.

Mayor Newlands: Yes, that's correct.

George Phillips: Your town on the north side, one of the assets that you do have on the southern part of the town is that there's a 12" water main that goes out to provide service to the school and that would allow us to... When we looked at this, you look at the different... We haven't gone through any of the engineering or any of the modeling, we just do some very quick noodling and look at where your infrastructure is, where our infrastructure is. We think there's around 2-1/2 miles is the distance between the two significant mains that would allow water to flow and be effective as an inter-connection.

Mayor Newlands: Before you go, just to clarify one thing. They do a bi-directional inter-connection? Tidewater only offers a one-direction. Tidewater never spoke about bi-directional, they only spoke about one.

Councilwoman Jones: So it's just to provide us not to sell back?

Mayor Newlands: Yes. That's Tidewater. They do bi-directional, it's a big difference.

Councilman Booros: And the Public Service Commission doesn't step in in the middle of this agreement between the town and Artesian and say, okay we're going to double your water rate?

George Phillips: I can't go into a lot of detail with the rates, tonight, but what I can tell you is that the cost of service with an inter-connection, the rates, are based on the cost of service, which is... In the cost of service there's many factors that are involved with that, some of them are capital costs and also the cost of producing the water, for example, so there's different things

involved with that. What I can tell you is that the inter-connection agreements that we have, the purchase price that we're providing water to the towns, allows them to provide it to their customers...

Unidentified Speaker: I think what John's asking is, what we would do if prior to...

Mayor Newlands: You have to go on microphone.

Councilman Booros: Let me clarify exactly what John's asking. When you decide to provide water on a back and forth basis to the Town of Georgetown also, and you've got to run a pipe five miles up the road to Georgetown, is the Town of Milton help subsidize the cost of running that pipe up to Georgetown?

George Phillips: No. Absolutely not.

Councilman Booros: Okay, that's my question. The Public Service Commission, or whoever they are, doesn't step into the middle of it and say...

George Phillips: What happens in this case is there's a negotiated agreement. You define what that rate is and as a regulated utility we need to have the blessing of the Public Service Commission.

Councilman Booros: I understand that part. So they don't come down the pike five years later and say, oh by the way, since all the other municipalities are paying more for their water from this back and forth agreement with you, we're going to raise Milton's...

George Phillips: Those are the things that you define in that agreement, up front.

Councilman Booros: I understand about agreements, but I'm asking what their role in it is. Can they step up and say your agreement means nothing, at this point? We're going to make you equal to what all the other towns are paying for this back and forth water? I know you know where this is coming from, okay?

George Phillips: No. I do understand where it's coming from and all I can tell you is historically where we are with this. When we have an agreement... I can give you an example.

Councilman Booros: Okay.

George Phillips: And I'll use this as an example and it's the Town of Clayton. We have an inter-connection agreement with the Town of Clayton. When we started service there, we didn't have any history to provide to come up with what the actual cost of service was. There was a negotiated term that we would provide them with service at the town rate. So we provided the service at the town rate, we purchased water from them at the town rate; once there was enough history there, the cost of service went into effect and the rate actually went down. So that could happen, as well.

Councilman Booros: Okay. But that had nothing to do with the Public Service Commission?

George Phillips: No, when we did our cost of service study to redefine what that rate is, actually the rates came down and we had to have that blessed by the Public Service Commission.

Mayor Newlands: Let me ask John's question a different way.

George Phillips: I'm going to finish...

Councilman Booros: I'm sure there's another way to ask this question.

George Phillips: There's one other part of this John that I would like to answer for you and you talked about the Town of Milton providing service for something that happens in a different place. About ten years ago the Public Service Commission, there's something called Reg Docket 15; and Reg Docket 15 was put into effect and that regulation was put in place specifically to prevent existing customers to pay for new expansions of infrastructure projects. So, that in effect, protected all of our customers. Years ago we used to be able to go to a community and offer water service within that community and offer a discounted rate for that infrastructure and all of the utilities were criticized because the Public Service Commission and the Public Advocate felt that the burden of that expansion was being carried by the existing customers. So to answer your question...

Councilman Booros: So, apparently, they've changed their minds.

Rodney Wyatt: You're talking about wastewater, that's a different...

George Phillips: Reg Docket 15 is a little different. Yes, those are two different regulated authorities.

Rodney Wyatt: This contract will be blessed by the Public Service Commission prior to us signing it...

Mayor Newlands: So if you go to the Public Service Commission for a rate increase, in unincorporated areas; are any of the incorporated areas affected?

George Phillips: No. By us? No.

Mayor Newlands: Okay.

George Phillips: We have nothing to do with the rates in town.

Mayor Newlands: Not the rates in town, the rates you charge us.

Rodney Wyatt: Our rates that are \_\_\_\_\_ are the rates that we charge to the customers that we bill, but not to the bulk service.

Mayor Newlands: Go on microphone and say that again, please.

Rodney Wyatt: When we go for a rate increase, we do it for our customers that are in our CPCN's and you know, it's individual customers; those rates are all subject to a review of the Public Service Commission. When we do bulk service contracts, that we're entering into a contract, prior to us entering into a contract, we will have negotiated all that, had the blessing of the Public Service Commission, before we sign the contract.

Mayor Newlands: Okay. Thank you.

George Phillips: They're different. I think you'll find that the bulk rates have historically worked for everybody.

Mayor Newlands: Now your inter-connections are generally between municipalities and unincorporated areas, or are they between multiple municipalities?

George Phillips: I mean our system in northern New Castle, above the canal in New Castle, we've got 22 inter-connections in the State of Delaware, probably 15 of them are up there, so that is really, from the Pennsylvania state line you've got United Water, then the City of Wilmington, and then basically from the City of Wilmington all the way down to Middletown is an inter-connected system, so our infrastructure there – we consider that one system and we have multiple inter-connections... We probably have half a dozen or more different entities that we inter-connect with. For example, some of the things are in the Town of Newport, for example, we have an inter-connection with the Town of Newport; we have inter-connections with Delaware City; that's all inter-connected. We feel it's prudent if you're providing service in an area, you've got a neighbor, get together, talk about things, work out an agreement that works out for everybody, because you never know when something's going to go bad. We just came out of a week where the State of Delaware was very fortunate and Artesian went through the weekend storm and we didn't lose service to anyone. We did have one water main break, but other than that, we felt very fortunate. But if we had been hit with some type of a catastrophic event and we lost generators and things like that, our normal back up system for our system, we would have been relying on inter-connections with other companies to get us through that.

Mayor Newlands: Other questions from Council? I'll entertain questions from the public if they're short number one and number two, go on microphone please. Okay, no questions from the public.

James Welu, 30263 East Mill Park Run: My question for George is approximately what are the costs of infrastructure in terms of laying pipe, putting in meters on a per mile basis? Do you have any idea?

George Phillips: On a per mile basis?

James Welu: Yes, you're talking about 2-1/2 miles, I think.

George Phillips: This is a 2-1/2 mile thing. The cost again... We would have to look at... We're not that far down the road. We think the cost for the inter-connection would be less than \_\_\_\_\_.

Mayor Newlands: The 2-1/2 miles, is that to our meters?

George Phillips: That's to your existing 12" main.

Mayor Newlands: Okay, so that's within the current town limits, okay.

George Phillips: That's all the way up here.

Mayor Newlands: To Heritage Creek.

George Phillips: And again, those are the things that... Jim, all of those things... the cost of putting the water main in the ground today is less then it was five years ago. My guess is five years from now, it's going to be a lot more then it is today. Right now you've got contractors that are hungry and we're getting pipe put into the ground now for less then we did 5, 6, 7 years ago.

Mayor Newlands: Okay, thank you very much.

George Phillips: If there's no other questions, I want to thank everyone for having us and I think Rodney is going to leave some packets in the back. It's just copies of the couple of slides that we had.

Mayor Newlands: Thank you.

George Phillips: Thank you.

## 2. Public Participation

- a) Marie Mayor, 18864 Cool Spring Road: I own property right here on Union Street, at 337 Union Street. I came tonight just to say thank you to the Town of Milton, in particular the Mayor and Council. I have walked the streets in this town. There's so much to be proud of. I know there's always room for improvement and certainly the discussion tonight and the decisions around water, are a major issue. I've really enjoyed meeting people here and talking about the issues. I hope everyone in this room votes tomorrow. I hope you consider voting for me for the House of Representatives, but it's more important to vote. The saddest thing I've seen is people say they've given up and they're not going to vote. I'll just mention, when I hear that, I tell them, I've never run before, so now you can vote for me. I want to change things, too. I wanted to come tonight because there are two special friends that have worked with me. Forty years ago, almost to the night, I was elected to the College Park City Council in Maryland and it was an exciting part of my life. You don't get paid for it. You all have wonderful service and after that experience I knew I had to get a job and go to work, so I worked in the Federal and State Government for a long time. Now I'm back, as a private citizen, running a business and I really appreciate the work that you do, particularly the signage. I know you've been working on it in Cannery Village, but I'll tell you, there are places in this district that have some really serious signage problems and hopefully they'll get some more reflective lights on their addresses. Anyway, thank you very much. Two of my friends are here. They were with me also forty years ago. My son is here. Tomorrow promises to be a great day and I appreciate all of the work that you do here on the Council.

Mayor Newlands: Thank you.

- b) Gwendolyn Jones, 204 Atlantic Avenue: There are probably a little bit more weighty to discuss here. I have a few questions for you Mr. Mayor. Who is the Milton Town Manager?

Mayor Newlands: Mr. Abbott.

Gwendolyn Jones: Okay and is Town Manager, Mr. Abbott, in charge of personnel?

Mayor Newlands: He's the Personnel Officer. Yes.

Gwendolyn Jones: Is the town budget a function and process involving the Town Council?

Mayor Newlands: Yes.

Gwendolyn Jones: After lots of back and forth and round and round, over the town budget, and how many versions, most of which the Town Manager was circumvented in questionable procedures. In the most recent budget per printing shows the reduction of the police force by two officers. Did Councilman West make a motion regarding Mary Hudson's motion to reduce the Milton Police Department by two officers and through attrition; and didn't Seth confirm the motion was still valid?

Mayor Newlands: I don't know if we had a motion, but we did not vote on reducing two officers this budget season.

Gwendolyn Jones: Well why is there an ad in the Cape Gazette that neither the Town Manager, Abbott, nor the Milton Town Council knew nothing about?

Mayor Newlands: It just went in last Friday and it was being discussed tonight and we're doing it just to hedge and get ahead of the game. It's only an ad. It's not a commitment to...

Gwendolyn Jones: \_\_\_\_\_ involves the Town Manager, who's Personnel Officer and the Town Council, wouldn't that be something that you want to run through Town Council before posting an ad?

Mayor Newlands: The Police Chief is qualified and able to put his own ad in the paper.

Gwendolyn Jones: Okay. Alright. It's a factor of the Town Manager and the personnel department, I just had a question of whether it violated a law, if not, then anything else opened to government ethics. It makes a whole lot of other questionable things. Nobody knew about this and all of a sudden it's in there and everybody's talking about it and it was in the budget and yet to be voted on, and you're already posting this. What if it doesn't go through? Do you tell the officers well forget it.

Mayor Newlands: It was not in the budget.

Gwendolyn Jones: All along the entire process we're talking about attrition and reducing the Milton Police Department by two officers.

Mayor Newlands: That was a year and change ago and it did pass, but we're under a commitment right now with the COPS Grant people to keep our force at eleven officers.

Gwendolyn Jones: I don't believe so.

Seth Thompson: Maybe I can step in. I think the vote and we can go back and look at the September meeting minutes, but the problem is the way the COPS Grant is written, it says it's to supplement, it's not to supplant and so I think the vote was that the town was going to request from the COPS Grant, the authority to not replace officers, up to two officers.

Councilman Booros: That was a year ago, Mr. Thompson.

Seth Thompson: Right.

Councilman Booros: That was a year ago.

Seth Thompson: Right.

Councilman Booros: It wasn't one month ago, when they took the vote at the end of the budget cycle.

Seth Thompson: Right, I'm sorry, it was September 2011.

Councilman Booros: As recently as four weeks ago I asked the question if we ever got a response and I have read that letter, from the COPS Grant, that you drafted and the Town Manager sent. It never asked the question. It never asked for a response. I have, since that time, given the Mayor copies of the information off the website that's required to get out of the COPS Grant, if necessary. I've asked the question numerous times since I took

office on this Council about that COPS Grant and did we ever get an answer? Have we ever tried to get an answer? All of a sudden in the last four weeks, it's important that we must hire an officer to stay within that COPS Grant? I'm sorry. It's been one year, Mr. Thompson. One year. And there's been no answer about how to get out of the COPS Grant, if we need to get out of the COPS Grant. One year.

Seth Thompson: And I understand that the letter was sent and...

Councilman Booros: So you can tell Ms. Jones, whatever you want to tell Ms. Jones, but it's been one year. It didn't just happen four weeks ago. Okay?

Gwendolyn Jones: I'm going to let you tell the room. How about you tell the room?

Mayor Newlands: I don't understand what you're saying.

Gwendolyn Jones: I would invite you to explain this to the room, not just to me.

Mayor Newlands: We just did.

Gwendolyn Jones: Okay, well you didn't do it very well. My last question is, the grant here, is that going to pay for the two officers as a line item, or is this going to fall sooner or later on the taxpayers in Milton; we're already burdened with a police force that is going up exponentially and the concealing \_\_\_\_\_ it's going to exceed the town's budget, as it is.

Seth Thompson: The duty to replace the officers is so that you remain compliant with the grant, but the request to lower the officer number by two, by attrition, required the blessing; I guess we've heard that earlier tonight; but required the blessing of the COPS Grant. That's why the modification request was sent. I understand that a response hasn't been received...

Councilman Booros: We did not send a request to modify that grant. We never sent a request to modify that grant and it's been over a year. We never sent a request and it's been brought up over and over again with the response from the Mayor that we've never gotten an answer. We've never gotten an answer. Read the letter. We never requested from them to get out of the grant. We told them that we anticipated getting out of the grant and we never received an answer from them. From what I've read on line and the information I've got, all you've got to do is tell them we want out of the grant. Okay? And I think that at this 11<sup>th</sup> hour, 12<sup>th</sup> hour, 13<sup>th</sup> hour, because we voted to lose two by attrition, period and I don't think the COPS Grant supersedes what this Council or the Council before us voted on. I think the people in this town know it and I think that it is atrocious that you would even suggest four weeks after we voted on this and that it came up four weeks ago through attrition. It came up. I think that Councilwoman Patterson said she agreed that two through attrition and not to just get rid of two by April. I think if she'd have thought that this wasn't going to happen by attrition, she might have voted to get rid of two by April.

Councilwoman Patterson: Exactly and I was just looking for the minutes, because I did specifically ask about the reduction of the officers. By attrition and was told it still stood.

Councilman Booros: Yep.

Councilwoman Patterson: And I also called a friend at another Police Department to ask about the COPS Grant and all Milton has to do is the Town Manager has to file a motion to reduce the number of officers and again, the COPS Grant was to supplement and not fully support an officer. So, just like everybody else here, I was a little shocked and awed on Friday to see the advertisement in the paper.

Councilman Booros: I was shocked when she confronted me on the phone to say what's going on? We were in that budget meeting four weeks ago when you said that you would lose two by attrition.

Councilwoman Patterson: That's when I found out, too.

Councilman Booros: You got calls, you got calls, I got calls.

Councilwoman Patterson: Yes, because I did see the paper.

Councilman West: I got calls.

Councilman Booros: I didn't know what the heck they were... And Emory got calls. We didn't know what they were talking about.

Councilwoman Patterson: This should have come to Council tonight.

Councilman Booros: This Council...

Mayor Newlands: It's an ad in the paper. We're not committing...

Councilman Booros: This Council should have been made aware, Mr. Mayor. This was done behind this Council's back four weeks after the word attrition came up.

Mayor Newlands: How can an ad in a public paper be behind your back? This is an ad in the...

Councilman Booros: Did the Personnel Officer have anything to do with this?

Mayor Newlands: Look, right now you're having a meeting...

Councilman Booros: Did the Personnel Officer have anything to do with posting that ad?

Mayor Newlands: No he did not. He did not. Which he just...

Councilman Booros: Then there's an issue here that this town needs to take care of right now. Whose responsibility is to post ad for hiring and firing people in this town?

Mayor Newlands: The Chief is capable of doing it for his own department.

Councilman Booros: The Chief should not be capable of doing this. We have a Personnel Officer that handles all personnel. Read your Charter.

Mayor Newlands: And he is capable. I think you're having a meeting right now and this is a public participation session.

Councilman Booros: I'm just answering what Ms. Jones has asked.

Gwendolyn Jones: I just would make a final observation. It really creates a stench of collusion and illegality and personally it raises questions of ethics, so I'll leave it at that.

Councilman Booros: It's a big ethical problem.

Gwendolyn Jones: Mr. Mayor, I'm disappointed.

- c) Melinda Wolf, Program Manager at Casa San Francisco, 127 Broad Street: This is a totally different topic. I work with Catholic Charities right here in the town. I wanted to introduce myself and also to let you know that next week is Homeless and Hunger Awareness Week and in recognition of that event, we are having a fundraiser over here at Irish Eyes. It is Thursday, November 15<sup>th</sup> at 8:00 in the morning. It is a breakfast. Tickets are \$25 and a canned good or a non-perishable item donation and we would appreciate anybody's participation and I just want to say being new to the area and new to Casa San Francisco, how appreciative I am of the town's support, the response and reception to us is amazing. People are so charitable and goodhearted and people volunteer with us. They bring us food from their gardens; they bring us non-perishable items; and our just so incredibly supportive; the people in town. We've been in a parade. We've been to events and you're just a wonderful, wonderful community and we appreciate you so much and particularly, nothing to do with the conversation before me, the Milton police have been very, very supportive of us and patient and tolerant and we just appreciate them so much and I'm thrilled to be participating in this community, so thank you so much.

Mayor Newlands: Thank you.

- d) John Collier, 301 Coulter Street: Good evening Mayor and Council and as always, I thank you for the opportunity to speak. First of all, one of my issues has been addressed, more or less. I didn't get any satisfactory answers out of it, but nonetheless I'm not going

to beat this thing around the bush. I, too, am a little dismayed about the ad for a Police Officer. If it is to establish a register and nothing more, then perhaps it should have stated that, but the way it's written, it looks like we're hiring officers and I sat here and I heard the motion that the force would be reduced by attrition. I think that Mr. Thompson has answered as far as the appointed Parliamentarian by Charter, that yes, it stands. So now, what I don't understand is why we are doing this. I too looked at the COPS Grant and if you look under Frequently Asked Questions it addresses that pretty simply, you know and if you want to get out of it, what you've got to do is contact us. Well I can't believe that if the contact was made in that context, that you didn't get an answer, but that's neither here nor there. What I do know is, I sat down and I took some time to read your Charter and the Charter that governs the town and the Council and so on and so forth and what I found was we have a conundrum in our Charter, because the Charter defines the Mayor's duties, but it doesn't give the Mayor the right to authorize the Chief of Police to do any hiring, because hiring falls under the Town Manager. So until the Charter is addressed, I think maybe we ought to withdraw this idea of applications and stuff and get it straight – who's in charge of what. Because at this point it's very conflicting and if you'd like the information, I've brought a copy for myself, but I'll be glad to share it with you. I have one other thing, well actually I have several things to say, but one other thing. I noticed tonight on the agenda there's something about police salary equalization. Now I'm not sure what that means, but in my mind what I think is going to happen is we're going to get told what they make in other towns and how we don't pay as well as other towns do. Well, from where I stand and from what I see, I have a lot of respect for the police and the job that they do, but, what concerns me more so than anything else is, the longer I observe our Police Department, the more it appears to be some sort of good ol' boy para-military organization, instead of public servants; which is what they're here to do. Now I've worked as a public servant all my working life and you better believe my job is based on performance and if I don't perform my job, I hear about it. Well, I can't tell you how many countless times I have rode by the police station here of recent. I leave town around 5:00 p.m. to go to Kent County to a class and by 10:00 a.m. I'm back and the same three vehicles that were parked in the Police Department in certain positions, are still parked there at 10:00 p.m., five hours later, so in my mind, from what I observe, they've sat inside the station for five hours on that evening. Well, you know, we recently had a big storm event. Once in the entire storm event did they make a turn down the street I live on. I was without power for 13 hours, not that they could fix that, nor do I expect them to, but I would have expected to have seen an officer a little more regularly than once and believe me I stayed awake during the whole blasted thing, because I was concerned. Anyhow, I guess I ought to shut up, but there are a few things I've got to say as passing remarks. First, Mr. Mayor, once sitting in a meeting here you made a statement about the salary you received and it didn't cover what you did, well if you stick to what the Charter says your duties are, it's commensurate with your salary. The Town Manager, let the man do his job. I mean, it states in your Charter that he is the Personnel Officer, hiring, firing, grievances, disciplinary are all his duty. Let's not lose sight of that, because there's something going on here that just doesn't quite work well for me and as a taxpayer, I'm concerned about how my tax dollars are spent. I elected you to lead the Council. I pay taxes for him to manage the town and that's what I'd like to see happen. Thank you.

- e) Frederick Manajian, 120 Village Center Boulevard: I appreciate the opportunity to talk. This is on the zoning change from Light Industrial or Commercial to Residential for affected properties. Unbeknownst to anyone, I presume, is that when they purchase these

properties it is under the assumption that they were all residential. I've talked to Robin on this and he has explained to me that there's a supposed variation between the land use map and the zoning map of the town. Is that correct or incorrect? That's correct, Robin? Okay. What kind of befuddles us... I'm in favor of putting it over naturally to the residential side, but I think what concerns a lot of the people is that we, as individuals, I'm assuming we could sell property even though it's residential use, if it's in the commercial zone, we could sell that property as a commercial zone property to anybody who wishes to have a business. Is that correct or incorrect?

Robin Davis: Yes, the owners have the opportunity to sell any piece of property that it wants. If it's currently zoned commercial, you have the right to advertise it as such.

Mayor Newlands: Before you go on. One of the problems that happened is a lot of people on Village Center Boulevard and a lot of people in townhouses received mortgages because our computer system had your houses listed as residential. Had they been listed as commercial, you may not have gotten the mortgage; which is the problem with... Light Industrial. I'm sorry, Light Industrial. But there were people having trouble getting mortgages because their properties were listed as Light Industrial, not residential. Your property and quite a few others was mistakenly listed as residential, so when a bank called up and asked us what type of property it was, we said residential, so you were able to get your mortgage that way. But when it's listed as Light Industrial, the banks were not giving mortgages to some places, because they were in a Light Industrial area. That's what brought this whole process about.

Frederick Manajian: You mean they wouldn't give you a residential mortgage?

Mayor Newlands: Correct.

Frederick Manajian: But they would give you a commercial product. What? Oh, we're talking about refinancing, okay.

Mayor Newlands: Right and that's...

Frederick Manajian: Well that's a whole different scenario.

Mayor Newlands: Well a refinance would affect you also, because in this process, we're going to correct our computer records; so if there's people who do not want to convert to residential, we're going to change our computer records to show that you're Light Industrial. So that if a bank calls up and asks what designation you are, they're going to be told you're Light Industrial. So that's what one of the issues were.

Frederick Manajian: Okay, I don't have any objections to what the town is moving on and it seems to me that in that Plus System that as it was explained, is that it's of no cost to any of the residential owners...

Mayor Newlands: That's correct.

Frederick Manajian: Now in the case of an individual being refused a Refi on a piece of property that's zoned Light Industrial, and if he changes it over to residential, I'm confused with the idea that the property... Let's say for instance I take John is talking about the property that's on Chestnut, correct? Okay, he has property on Chestnut Street. The Chestnut Street property is a long standing existing structures, so the property that we got, of the six parcels on Village Center Boulevard was not part and parcel, I'm assuming, not part and parcel of the commercial strip or the Light Industrial existing on Chestnut Street.

Mayor Newlands: You're all in the same Light Industrial area. It's just that some of you are misclassified as residential.

Frederick Manajian: Was this a result of the zoning change when Dogfish requested the zoning change on the addition to the building?

Mayor Newlands: Absolutely not. This was a result of somebody getting turned down

for a mortgage, because their property was Light Industrial and not residential. We investigated it and found all the errors. Then we went out and offered to have all of these properties changed to residential on a voluntary basis.

Frederick Manajian: I was told it was about 35 other sites within the town.

Mayor Newlands: Yes.

Frederick Manajian: Okay.

Mayor Newlands: Well most of them are in that area, I think, aren't they?

Frederick Manajian: Most of them...

Mayor Newlands: Thirty of them are in that area.

Frederick Manajian: That doesn't affect the condos, no?

Mayor Newlands: It does, yes.

Frederick Manajian: One other little question. Oh what was I going to say? It's a shame to get old, you forget what you were saying. I think that kind of answers it. There are a lot of people who weren't able to make this meeting and I notice that you have under New Business Section the Resolution to set the date of a Public Hearing. Was it necessary for an attendance to be required then to come... Will that be an objection, yes or no? Will somebody be able to... What I'm trying to say is that I'm not assuming that anybody is in objection to this, yes or no? Has anybody ever got up and said, oh no, I don't want you to change it? Would that put a monkey wrench into the whole thing?

Mayor Newlands: No, everyone's being handled individually.

Frederick Manajian: So the people that don't come, what will they have to do to affect that change?

Mayor Newlands: You don't have to attend the meeting to either get changed or not get changed. I'll let Robin explain the process.

Frederick Manajian: Okay.

Robin Davis: It was going to be discussed a little further in Old Business, but what we're doing is we're having... This is the first of three meetings. This is a little bit more of an update on the original proposal that was brought to Council on August 23<sup>rd</sup>. We have to go through the Plus Process, which we did. Planning and Zoning has to review the rezoning applications. They will make a recommendation... The meeting will be held on November 20<sup>th</sup>. They will look at the request. We have noticed it in the papers, a Public Hearing for Planning and Zoning. Planning and Zoning will take comments and make the recommendation to Council. By our Code, the Council has to set a date of the formal Public Hearing, which hopefully can be done in December, but that's up to the Council to make that decision and at that time the public again, will have the opportunity to speak and then a decision can be made at that time.

Seth Thompson: Written comments can be received ahead of time, as well. If, for some reason, you can't attend the meeting, you can always submit written comments.

Frederick Manajian: Okay.

Mayor Newlands: And we will not rezone any property without permission from the owner.

Frederick Manajian: That's what I was looking for, because...

Mayor Newlands: It is strictly voluntary and we will not rezone anybody's property that the owner does not want rezoned.

Frederick Manajian: It's actually imperative that they either notify by email or letter or attend the meetings. Okay, good. Thank you.

Mayor Newlands: You're welcome.

- f) Jeff Dailey, 211 Gristmill Drive: My neighbors Gwendolyn Jones and John Collier brought up a number of things that I wanted to address, but what I just want to say to

Mayor and Council is it's very, very dispiriting when it appears to this citizen that the communication between Mayor and Council is wanting, lacking, to put it mildly. We have been in this situation before and Mayor, you and I had a conversation of sorts, regarding this when the low income housing on Cave Neck Road came up. You arrived at the meeting with a letter that by appearance; I'm not saying that you intended to have Council approve all of those give backs to the company, in terms of infrastructure, but by appearance because you had that letter, it seemed as though you wanted Council to move forward and the people in attendance felt that we were moving on that subject a little too quickly. Now, here we are again having learned a great deal from the budget process about our Town Manager and what his responsibilities are and in fact, that ad was put in the paper for two police officers, when many of the people who attend these meetings regularly are traveling under the idea that we are reducing our police force by two officers through attrition and it has been brought up well over a year ago and it's been discussed on many different opportunities and again, it's very, very dispiriting to see this happen time and again. Now the last item before Executive Session is the pay equalization for the police force. I am hopeful that this Council will delay that, for a number of reasons. Mayor, during the budget process you said that you felt that studies needed to be executed and maybe that's the reason why pay equalization is on the budget tonight, because you want to urge Council to move forward with studies to show whether or not we are competitive. I really don't understand why we're always putting the cart before the horse. You were claiming that a meeting was going on here. What the citizens witness is a lack of communication, a lack of unity and by appearance, it looks as though somebody is trying to pull a fast one and as a citizen of Milton, I'm really tired of that dispiriting essence to our meetings. Thank you.

Mayor Newlands: Mr. Dailey, the letter that I was carrying with me when the Milton Green Project came in was their request to ask for givebacks and that has to be forwarded to Council. Whenever somebody comes in and asks for something, we tell them to put it in writing and we put it on the agenda and it goes to Council; simple as that and I am one of seven people who vote on those things.

Jeff Dailey: Yes, but it was my understanding at the time that Council hadn't seen it, very much before the meeting, so there again, it could have been an agenda item. The people could have done their presentation and then you, as a group could have addressed everything that the people were presenting on. But you arrived with that letter and the sense was that this is what the Mayor wants and all too often, Mr. Mayor, you put yourself in a bad light because you look like you are ruling this town instead of consulting with the Council that you are to manage and I'm sorry, I've said this to you before and many other people have said it from this podium and forgive me for putting it this way, but I really don't think you're getting it. And it's important that you get it, because if you're going to lead, you need to lead this Council and you need to tell us what your plans are. That's why I, on occasion, in periodicals, have been critical of you for a lack of transparency.

Mayor Newlands: Mr. Dailey, number one you're wrong again and number two... Hang on.

Jeff Dailey: Mayor Newlands I'm always wrong according to you. I'm just sharing as a citizen.

Mayor Newlands: Council received their packets at that time, the same as they do every week. The information comes in their packets and the presentations are done.

Jeff Dailey: And yet again, the Town Manager, who should have put that advertisement in that Ms. Jones pointed out, for Police Officers, was put in not by you, not by the

Town Manager, but the Chief and if you're going to design it that way, then talk about that. Have a public workshop. Examine the Charter. Good God John Collier know the Charter, I believe, better than some on Council and perhaps even you, so I mean, I'm just making a suggestion man. I'm not here to be your enemy. I'm just one citizen.

Mayor Newlands: Thank you.

- g) Mike Cote, 304 Gristmill Drive, Cannery Village: First of a few questions, is I understand that the Mayor and other town representatives have been in touch with Chestnut Properties about correcting some issues from the punch list and about the performance bond.

Mayor Newlands: I did send the representatives of Chestnut Properties emails in September and October requesting that they address the top five items that Mr. Kost had given the Council, back maybe about two months ago.

Mike Cote: Okay. Has there been any response from Chestnut Properties?

Mayor Newlands: Absolutely nothing. No. And we did send a letter to Chestnut Properties this week asking for a performance bond, because they've lacked giving us any information on the items that Mr. Kost had described.

Mike Cote: And it's safe to assume... I know it's been a short turnaround, but I assume you've not had a response from them.

Mayor Newlands: It was mailed on a Wednesday and they probably got it Friday and it's Monday, so no.

Mike Cote: Well, another Chestnut Properties issue. The permanent tank farm for the propane system now has a proposed location, which wasn't sold to Dogfish Head and I understand they have to put a preliminary site plan, I guess, before Planning and Zoning and my understanding, and please correct me if I'm wrong, is that they haven't done that yet.

Mayor Newlands: They came in with minimal paperwork, from what Robin tells me, insufficient paperwork, so they will not be on the December Planning and Zoning meeting.

Mike Cote: Thank you. I'm trying not to beat a dead horse. The Police Officer or Officers that the ad was...

Mayor Newlands: One officer.

Mike Cote: Well, the ad says officers.

Mayor Newlands: Oh it does, okay.

Mike Cote: And, well, has an officer actually left?

Mayor Newlands: Yes.

Mike Cote: Okay and that was I assume in the last month, because it wasn't addressed.

Mayor Newlands: It was in the last month, yes, and Council was informed of it about two weeks ago, three weeks ago.

Mike Cote: Okay. So there is a potential opened position... Because my recollection is those discussions at one of those many budget meetings was in fact that the Resolution to go from eleven to nine was still in effect. I recall that from one of the September, multiple September budget meetings, that that was stated.

Seth Thompson: The other element, again, is we need to make sure that the town complies with the COPS Grant; obviously you don't want to be non-compliant with that. I understand that people are saying... And I looked at the FAQ's, as well and I think they are a little bit misleading when you compare them to the terms and conditions in the contract.

Mike Cote: Okay. Well I too read the letter that was sent and it did not request a response, but it did say, clearly, that the Police Department was planning on going from

it's current level down two by attrition, but it did not request a response from whatever group gives the grant. It's hard to... A year later, it's hard to find that as an acceptable reason, for me, personally. And the new website looks pretty good and a little... In light of this discussion about going from eleven to nine, the website says "Milton Police Department is currently seeking candidates for the upcoming academy. The Milton Police Department is one of the fastest growing municipal departments in Sussex County." I know that's a little bit of advertising, a little bit of PR...

Seth Thompson: Some puffery, right. I agree with you.

Mike Cote: Yes, but it still says that and I don't think...

Mayor Newlands: That could have been copied from the old website, I don't know. That is not live yet, that website, it's out on the web, but it's still being QA'd. We still have the old website that we're relying on.

Mike Cote: Okay.

Mayor Newlands: So we haven't gone through all of that yet.

Mike Cote: Okay. And last, I guess, but not least, is the item 16,c, the salary equalization. During the budget discussions we did talk about having to do a study regarding take home vehicles. While there can be two purposes for that study, one is to decide whether it's a good idea or not and the other is to attach a compensation value to that. I mean, people are... Some of the... I don't know where they all live, but in one of the pieces of paper that we had, it looks like some people have a 20-mile commute, or a 40-mile commute; twenty one way. That's a good piece of compensation to get a free commute every day and it's not completely free because I think you have to give them what \$3 a day on their W-2's for that?

Mayor Newlands: Not the police. They're exempt from that.

Mike Cote: Okay, so that should be considered as one of the... When you're comparing to other departments, that's a factor that, in my view, should be compared and from the ad that was in the Gazette, we're advertising the Family Health Plan which is also another expensive item, which I don't know if all the other departments do that, but if we're going to compare, we need to compare apples and apples, not apples and oranges, so that all of those factors need to be presented in the comparison. I think I'm done.

Mayor Newlands: Thank you.

- h) Mary Hudson, 406 Union Street: I wish to speak on the topic of police staffing. Back in September, 2011, I was on the Council and at that time four council members, Marion Jones, Leah Betts, Deanna Duby and I voted to cap the police force at nine officers, through attrition, because we believed that the town was spending too much money for too many officers. Cliff Newlands and Norman Lester voted to keep the force at eleven officers. It was a 4 to 2 vote. I don't believe Emory was there.

Councilman West: Yeah.

Mary Hudson: You were?

Councilman West: Because I made the motion.

Mary Hudson: So it was 4 to 3. Okay.

Councilman West: No, 5 to 2.

Mary Hudson: Okay, 5 to 2. Thank you for correcting me. So it was 5 to 2... Thank you, Emory. Which to me was an overwhelming majority. I said then that the town could possibly reduce it's police... If it reduce it's police force, it could save approximately \$150,000, because the COPS Grant covers salaries. It doesn't cover all of the additional expenses of the cars, the insurance for the cars and the officer's benefits and overtime and holiday overtime and the special overtime and uniforms and uniform cleaning and ammunition and weapons and everything else that goes along with it. So we still have a

great expense, even above and beyond the COPS Grant. What we're hoping the money would be used for would be sidewalks to be repaired and a change in the Town's Charter would make that possible; more street lights to brighten the dark streets for public safety; storm drainage problems to be fixed, where necessary; Main Street Project to help beautify the town; there are a lot of things we could spend the money on. Let me put this in a perspective as far as our police force. Right now with eleven officers and a population of 2,650, that's one officer for every 240 people. If you lived in Dover, where they have 37,000 people and 90 officers, that's one for every 411. I mean, so 411 up there, one to every officer, 411; one to every 240 here. If we reduced our force to nine, we would still have one officer for every 296, so I feel that we would still be safer here than in other towns. Then I heard... And some more history. While I was on the Council in Executive Session, I read the letter, that Mr. Thompson, our Town Solicitor... he wrote it and he didn't ask permission, as I recall. You did not ask permission for us to opt out. You stated we had voted to reduce the police force from eleven to nine by attrition and perhaps that's why they never responded. Because, again, I don't recall that we asked for a response. When we are stating a fact, as opposed to an Interrogatory, that's two different things and you wrote that letter and you know, you did not ask permission to opt out, so whether we have to comply or not comply, to me that would have required a question. Can we opt out? How can we opt out? Are there penalties for opting out? You never asked and you wrote it, you researched it.

Seth Thompson: Well, I did.

Mary Hudson: Thank you, alright. Then Officer Huff resigned from the police force and as the Mayor said, one or two weeks after that, the Town Council was notified, finally, and then the Chief puts an advertisement in the Cape Gazette. Now as one other person stood there and said, I think it was John Collier, if you're building a register that's one thing. If you're going to hire, to me, that would be almost illegal. If we voted (thank you Emory) five to two, not to have... not to refill those positions and just keep it at nine through attrition, that goes to me in violation of the Charter. The Charter says majority approves a motion. Majority approves a motion, not one person. So to me this is still supposed to be a democracy. It's not supposed to be ruled by one and if the majority said, 5 to 2, that's a pretty good majority, that we would like to have nine officers and then fix the deteriorating infrastructure of this town, I believe that's what we should do. Thank you. And I hope that the Council would stand up for the taxpayer's in this town and use the money to fix the deteriorating infrastructure and not violate this 5 to 2 vote that we had a year ago. Thank you very much.

- i) Lynn Ekelund, 402 Union Street: Hard act to follow, Mary. I, too, would like to talk about police salary equalization. I'm not offhand either for it or against it. I am against looking at it as saying are we going to pay the same amount as Rehoboth or Lewes, in a vacuum. I think what we have to do is we have to look at the Police Department as a whole, not just does this patrolman make what this patrolman makes in Rehoboth. When I was here during the budget session, especially during the public participation portion, I think that 90% of the public comment referred to the Police Department and I don't think the majority of that was a positive perception of how the Police Department is operating today. I know that if we're going to look at police salary equalization, we've got to look at a lot of those comments that people, including myself, made; overtime, take home cars; somebody said, I think it was Mr. Cote, if we're going to look at policy salary equalization, we have to look at the benefit, the financial benefit of the take home cars; Mr. Newlands you said we can't vote to say no. We can't have take home cars, unless we have an analysis. I don't see on this agenda, analysis of take home cars. I see, let's pay

the police more money. Staffing. We've got to look at, right now, to my knowledge, we have a Chief, a Captain, a Lieutenant and a Staff Sargent to manage a police force that has been voted upon to be nine officers through attrition. I think that's top heavy. I also think it's top heavy that they're all working weekdays. Maybe that's the way it works for the benefit of public safety, but I think we have to look at that too. Overtime – if we're going to increase police salaries, we're going to be increasing the amount of money that we pay in overtime, even if the hours stay the same. Basically, what I think I'm saying is, I remember Kristen, when we were talking about reducing the police force absolutely to nine, not through attrition; you said, gee, I really wish I knew more about this issue, before you cast your vote. I think what we should do, if we're going to consider police salary equalization, I think Town Council has to have a workshop and I think in that workshop they have to look at the Police Department as a whole; not just salary equalization, because it is a component. You can't look at one component in a vacuum and I would sincerely hope that you would make a motion that we have a workshop to look at the police salary, as a whole, including police salary equalization. Thank you.

- j) Jim Welu, 30263 East Mill Run: First thing I would like this to all the council members, but in addition, to Win Abbott, to put in the back of your mind, in a folder someplace with regard to Tidewater. I know there was a lot of discussion when they came in for their increase, this past go round, and I don't know what actually was presented to the Public Service Commission, but I raised a question; never got an answer from the Public Service Commission, about how much of the expenses that went into their upgrading of the treatment facility were related to their additional amount of sewerage that they were taking in? I know they were trucking it in in huge tankers. Now we know that they have put in an increased expense in their account, to run a line from, I don't even know the name of the sub-division...

Mayor Newlands: Holland Mills.

Jim Welu: Holland Mills. That was a big expense. I don't know how many miles of pipe that was, but I would guess it's 6, 8, 10 miles of pipe. If you saw in the paper the other day, Pret Dyer just got approval from Planning and Zoning to change his development out on Route 16 to Manufactured Housing and they will supply sewerage treatment in the Milton plant, so there's going to be a big expense coming from Ellendale down to Milton to tie into our sewer lines in Milton and I think it has to be made very clear, that those expenses cannot be tacked onto the expenses that the Town of Milton residents are paying for sewerage. That's additional income to them. I'm amazed that they've been able to get this plant up to so much quality and quantity, when we were facing fines three years ago for polluting the river. I don't know how many homes are in Holland Mills; they're talking about 300 out in Captain's Cove, so that's a lot of new sewerage coming in and the question I also don't know that we know the answer to, is how do they determine how much sewerage is coming from these two sub-divisions and are they bringing other sewerage in from other places? I don't know whether they have water meters, so they know how much water is going into each of these residences, so they know how much the percentage of sewerage they're going to get; but I think we need to get answers to those questions before they go in for another increase before the Public Service Commission.

Mayor Newlands: I think they're locked for five years right now on their rates. It's a five-year plan.

Jim Welu: Well in five years, we have to be ready. I'm just thinking ahead. With all due respect to our police chief, he certainly is capable of placing an ad in the paper. He did it, so he's capable. Now, is he authorized to do it. I think a number of questions have

been raised. I can't speak as eloquently as Mary Hudson, Lynn Ekelund, John Collier, Mike Cote, I don't know how many... Gwendolyn... It seems to me that if I were on the Council I would be aghast. I would be really disturbed that there's a Resolution still standing by attrition to reduce the force to nine people. That has not been changed by this Council. It's still standing and then to have one officer resign and an ad go in the paper, when there's still on the floor, active, a Resolution by the majority of the Council, to reduce the number by attrition to nine. Now I know the Council voted down reducing to nine by giving notice and one of the reasons given by Sgt. Cornwell, was you want to give notice, you won't have a job in six months; this man's got a family. He's got a house. He's got a mortgage. He's got rent. Yeah, those are things to be considered, but an officer resigned, so we have ten, rather than eleven. We don't have to worry about him notifying his family or whoever that he doesn't have a job with the Town of Milton anymore. That issues been taken care of. So I would really be upset... I'm upset as a taxpayer and I would think the Council as a whole would be upset that a Resolution is not being enforced and to just say the ad went in, you know, no big deal. There are a lot of people out looking for work and I've been out looking for work in the past and you see an advertisement, then you find out that there is no job; they're just advertising. You know, they're trying to make up a list of people that they could call on if they need someone. That's very discouraging for someone looking for a job and if someone is looking to get into police enforcement and they think, oh, there's a job. Milton, they've got a good reputation. Well, we really haven't decided whether to hire anybody yet. That's really a big emotional blow to people that are looking for work. So I would really think that I guess basically I concur with just about everything that's been said here tonight. I do want to make a comment on one of John Collier's statements about leaving town and coming back five hours later and the same cars at the police station are parked in the same place. I just was driving through on my way home last night from work, and there were three police cars at the police station. I don't know whether there's a police meeting tonight in town, a group of police, but there were seven Milton police vehicles downtown when I came to this meeting. It seems like an awful lot of police in town. If they're there, they're not out on the street, they're not out on the highways, they're not up and down keeping an eye on the town, why do we need them? We don't need them sitting in the police station. I know there's a very nice TV set in the lock-up room in the back. I sat there for two hours one night watching it and I think too many Police Officers are in the back room with the television on. I think that's why the car's are there. A friend of mine had stopped... there was a Police Officers down in the shopping center. I think he was in the Subway getting a sandwich or something and this fellow said to the Police Officer, who he know, he said what's with the police car sitting in the parking lot down here all the time? He says, oh, we can leave them there. It kind of gives protection to the shopping center and I'm going to leave mine here and I'm going back to the police station. I think I'm just going to watch some television the rest of the night. You know, this is second hand...

Mayor Newlands: And I've watched a lot of things in this town that are second hand.

Jim Welu: Right. But this man had no reason to say this to my friend, if he wasn't going back to the police station. He said it's a really nice job being a Police Officers in Milton. That was his comment.

Mayor Newlands: We do have spare police cars that are parked down there.

Jim Welu: My final comment. I was listening to the radio the other day and the Town of Washington, DC collected \$80,000,000 in traffic fines from speed cameras. Now they have a lot more people and they're driving a lot faster, sometimes, but I think it would be

worthwhile for this town to look into the possibility of a State grant for a speed camera on Route 16. I don't know what they cost. I do know that there are private companies that review the film and send out the bills and they collect a portion of that; but the ultimate return to the community, whether it's the State, the County or the town is quite good.

Mayor Newlands: We did look into that once and I don't think we get the revenue from that, do we?

Chief Phillips: I'd have to research that again. All I can tell you is that it's hard to run radar out there on 16 because there's so much traffic backed up sometimes, so the radar is usually run on Route 5 and other side roads, but I do understand what you're saying. We could check in on that, for sure.

Mayor Newlands: I remember from at least a year and a half ago we would not gain any money from that, that the State would get the money, but we'll look at it.

Jim Welu: I'm not talking about running radar. I'm talking about the camera.

Mayor Newlands: You're talking about a red light camera, yes. We looked at it awhile ago. We'll look at it again.

Jim Welu: I think it's worth looking at.

Mayor Newlands: We'll look at it again

Jim Welu: Cave Neck Road, Route 5... The other comment along that line is that if we have a reduction in take home cars consummated by the Council, I think it would be beneficial to have one or two of the least usable cars that you put out in different places on 16, even if they don't run anymore. You tow them from one place to the other and just have them sitting. It's a great deterrent. I can remember coming over the Bay Bridge back into Maryland and at the bottom of the bridge was this State Trooper car sitting there. I went by it, it was a piece of plywood. But it slowed everybody down.

- k) Ed Kost, 230 Sundance Lane: I want to talk about Old Business, Old Business being the breweries rezoning and at the time of the rezoning it seemed to me that the Council and the Planning Commission, ignored the effects of the sale and the rezoning on the Master Development Plan of Cannery Village. I did some research with Robin's help and actually the Town Engineer's help and determined that approximately 40% of all the dwelling units that were approved for Cannery Village will never get built. What that means to me is that the Master Development Plan for Cannery Village is void. It no longer exists. 40% of it is gone, in which case, what I'm really requesting in a letter I gave you there, is that the town should be sending a letter to Chestnut Properties, informing Chestnut Properties that their Master Development Plan is void before someone comes in, purchases part of what's left and tries to submit a Development Plan based on the Old Master Development Plan. To me you're just looking at something next week, happening, that shouldn't happen at all. Another thing that came out, if you look at the map that I gave you, that I got from the town, it appears that when the brewery purchased the lot that they're building their forest on, their park, they also purchased the parking lot adjoining the park, which means that if they actually own it, the people who live in the condominiums; I think you live in one of the condominiums. Are there any condominium owners here? The people who live in the condominiums no longer have any parking, at all. According to your ordinance every unit in the condominium is supposed to have two parking spaces, to own two parking spaces. When the brewery purchased that parking lot, they purchased all the parking spaces, the condominiums no longer own any parking spaces. This may be that whoever drew the map, may have made a terrible mistake, but that's the way it appears. I think you better look into it, before someone tries to get a mortgage and all of a sudden they find out they have no

parking. Sooner or later is going to come home here. For the folks who live in the six houses, across from the brewery, you don't have access to your garage, if that map is true, because you have to go across the parking lot owned by the brewery and then a new parking lot that's behind you, according to that map, is owned by the condominiums. So you have to cross two pieces of property you own, to get into your garage. That should never have happened. Back at the time these plans were all being reviewed, all of these things should have been discussed and taken care of. One last thing, when the brewery purchased the property that they're building their park on, there's a section of sidewalk. That was supposed to be built by Chestnut Properties. Obviously, Chestnut doesn't own it, the brewery now does own it and we're requesting that the Council contact the brewery and ask the brewery to build the sidewalk. The people who live in the houses and in the condos, if they want to travel from their homes to our community building, they have to walk out in the street. Now that it's getting dark, there's no sidewalk, there's no lights. You're going to have little kids going to things like we had a movie night, Halloween, they're walking out in the street to get there. The sidewalk is not a very long hunk of sidewalk and hopefully the brewery will do something about it. There's also a section of sidewalk that runs from the big parking lot to our community building, about 15 ft. of that is missing. We've asked for that from Chestnut Properties to built it. Chestnut, like they do everything else, ignores everybody and does nothing, so now we're asking you to contact the brewery and see if they would put in 15' of sidewalk.

Mayor Newlands: Where is this second piece of sidewalk?

Ed Kost: The major parking lot.

Mayor Newlands: Yes, that one I know about.

Ed Kost: Well if you come off that parking lot to our community building, our community building is about 12,000 sq. ft. The zoning ordinance says you're supposed to have one parking space for every 300 sq. ft. of building. We have 12,000. We're supposed to have 40 parking spaces. We have about a dozen in the little parking lot adjoining the building. The rest are in that parking lot. There's no sidewalk connecting the parking lot to the street.

Mayor Newlands: Oh, I've seen that little area. The parking lot just ends in the middle of the grass.

Ed Kost: When it gets wet, muddy, snowy and we have a big meeting; when we have one of our meetings, you have to go tromp through the mud to get there. If you contact the brewery and ask them, seeing how now they own it, if they would put that in, we would greatly appreciate it. Thank you very much.

Mayor Newlands: Thank you. We'll get something out to Dogfish on the sidewalks.

- 1) Don Shandler, 202 Grist Mill Lane: My comment is somewhat of a follow up to Jim Welu's. He talked about the radar camera. You might remember it was about two months ago I made a proposal here to the Council to consider having solar powered speed signs on Route 5 and I was really pleased that the Police Chief spoke with much enthusiasm during the meeting and after the meeting in support of that. You know, I walk a chunk of about two miles, several times a week and while I appreciate the town police cars being there, sometimes, the bottom line of it is the cars do not slow down from 50 to 35 when they go through Chestnut Crossing and the school and that includes contractors and it includes school buses, which is a heart breaker. That was well received by the group during the meeting and after the meeting and I'm following up by asking the Chief, had you had an opportunity Chief Phillips to make any progress on that?

Chief Phillips: Just that we're looking for grants and talking to Delaware Highway

Safety to see what we come up with, but we haven't had any positive on any grants, but we're still hopeful that we'll find something, yes. Because Lewes has it and I'm not sure about Rehoboth and them, but I know some of the other towns; and Fenwick and them have it also.

Don Shandler: Could I ask that perhaps, since I think this is perhaps one of the more easily managed projects and proposals that for the next Council Meeting you might be able to provide an update so this becomes part of the process?

Chief Phillips: Yes, Sir.

Don Shandler: Thank you.

Mayor Newlands: Thank you.

Councilman Booros: Excuse me, Mr. Mayor, can I say one thing? Actually two things. Grace Church up here on Union Street. I went to the dentist this morning. The office manager, there, they're collecting winter coats to send up to Staten Island. Somebody's coming by tomorrow morning with a truck to pick them up. If anyone has a leftover winter coat, an old winter coat, a usable winter coat, they need to be there by morning, in the back of Grace Church. They're taking a truckload of coats up to Staten Island.

Mayor Newlands: You said two things.

Councilman Booros: Well the other thing was to thank everybody, all the businesses and all the people on Mulberry, Union and Chestnut that participated in the Breast Cancer Awareness by putting a pink light bulb in their... And I know there are people in other neighborhoods, Tony Mastromarino, who called me and I delivered pink light bulbs to him, but thank you for participating.

Mayor Newlands: On your first note, Cannery Village is collecting non-perishable food items and clothing as well, at the clubhouse and that's going on through Thursday and they're delivering that up to... I think on Friday it's going to Baywood Greens and then it's going up north.

Councilman Booros: The coat thing was somebody from Virginia is coming via here tomorrow to the church to pick up coats, but they're coming in the morning, so if anyone can... They said leave them behind the Grace Church on Union Street. That's all I know.

3. Call to Order – Mayor Newlands called the meeting to order at 8:08 p.m. and closed the Public Participation.
4. Moment of Silence – Mayor Newlands
5. Pledge of Allegiance to the Flag
6. Roll Call – Mayor Newlands

Councilman Booros	Present
Councilman West	Present
Councilman Lester	Present
Councilwoman Jones	Present
Councilwoman Patterson	Present
Mayor Newlands	Present
Vice Mayor Betts	Absent (Vice Mayor Betts is home and she looks pretty good.)
7. Additions or Corrections to the Agenda  
Mayor Newlands: Do we have any additions or corrections to the Agenda? There's one item,

15g, we approved it last month. I don't know why it's on the agenda again, but we approved the rental licenses last month, so we can remove that. Any other additions or corrections to the agenda?

8. Agenda Approval

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

Councilman West: Second.

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

9. **Proclamation: National Hunger and Homelessness Awareness Week**

Seth Thompson: Mr. Mayor, I'll read it.

Mayor Newlands: Okay.

Seth Thompson: "A Resolution proclaiming November 10<sup>th</sup> through 18<sup>th</sup>, 2012 as Hunger and Homelessness Awareness Week, whereas for the past several years the National Coalition for the Homeless and the National Student Campaign Against Hunger and Homelessness has sponsored a National Hunger and Homelessness Awareness Week, and whereas the purposes of this activity include educating the public about the many reasons people are hungry and homeless, encouraging support for homeless assistance service providers and highlighting community service opportunities for students and school service organizations, and whereas there are many organizations committed to sheltering and providing supportive services, as well as meals and food supplies to the homeless and hungry and including Catholic Charities and its shelter Casa San Francisco in Milton, Delaware and whereas the theme of National Hunger and Homelessness Awareness Week 2012 is resolved to fight poverty and whereas the Milton Town Council recognizes that hunger and homelessness continue to be serious problems for many individuals and families in the Town of Milton and throughout the State of Delaware. Now therefore, be it resolved, that the Town Council of the Town of Milton does hereby declare November 10<sup>th</sup> through 18<sup>th</sup>, 2012 as Hunger and Homelessness Awareness Week in the Town of Milton. Be it further resolved that the Town Council of the Town of Milton does hereby encourage the town's citizens to recognize that many people do not have housing or adequate food and are in need of support from citizens and private and public non-profit service entities. Be it further resolved that the Town Council of the Town of Milton does hereby express its gratitude and support for the citizens and private and public non-profit service entities who assist the areas hungry and homeless."

Mayor Newlands: Can we get a motion to approve?

Councilman West: Mr. Mayor, I make a motion that we adopt the Proclamation claiming November 10<sup>th</sup> through November 18<sup>th</sup> is National Hunger and Homelessness Awareness Week in Milton.

Councilman Lester: I'll second that motion.

Mayor Newlands: We have a motion and a second to adopt the Proclamation proclaiming November 10<sup>th</sup> through November 18<sup>th</sup>, 2012 is National Hunger and Homelessness Awareness Week in Milton. All in favor say aye. Opposed. Motion is carried.

10. Presentation and Approval of Minutes – August 16, 2012, August 23, 2012 and October 1, 2012

Mayor Newlands: Okay we have the presentation of minutes from August 16, 2012, August 23, 2012 and October 1, 2012 and there's I thought a fourth one in there...

Councilwoman Jones: Mr. Mayor, before we look at those minutes, I have a handwritten piece here. Can you tell me where this belongs or what it's for?

Mayor Newlands: Oh, yes, I'm sorry. It's for Council's information. It was a letter that came in a

week and change ago. I just misplaced my copy. I've got it. Thanks. This is somebody complaining about speeding, I think it's on Mulberry Street?

Councilwoman Jones: Noise.

Mayor Newlands: Oh noise. I thought it was speeding.

Councilwoman Jones: Unlawfully loud.

Mayor Newlands: Motorcycles. This was for loud motorcycles and trucks.

Councilwoman Jones: Cars and trucks.

Mayor Newlands: Right.

Councilwoman Jones: It just was out of context. I don't know where it belongs.

Mayor Newlands: It's just that somebody asked us to deliver it to Council, so it's here. I also have to give a copy to the Chief too. But somebody just asked us to deliver it to Council. Okay we have minutes and we have this report. I'm sorry, but I haven't seen this before. This came from you?

Councilwoman Jones: It came from me. That's just a public information.

Councilwoman Patterson: I need to have my name added to the Thursday, August 16 meeting for both Shipbuilder's Village Clubhouse and Cannery Village Clubhouse because I, too, was in attendance. **(Done, added to both.)**

Mayor Newlands: Okay. Are there any changes to the minutes of these meetings, except for those two? Can we get approval of the minutes?

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

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to approve the minutes as amended for August 16<sup>th</sup>, August 23<sup>rd</sup> and October 1<sup>st</sup>, 2012. All in favor say aye. Opposed. Motion is carried.

11. Discussion on Written Committee Reports

Mayor Newlands: We have a Water Committee Report.

Win Abbott: Mr. Mayor, Councilman West is the Chairman of the Water Committee. I drafted this report on behalf of all the members of the committee, so that everybody could have the context of the work that is being done. There is also, later in the agenda, a monthly update to water system improvements. Probably the two most relevant items are first thing at the top, that is on November 16<sup>th</sup> all applicants for the State Revolving Fund Loan Applications and the consulting engineers will need to be in Dover for a meeting. The applications are being ranked right now and from that we'll be able to determine where Milton might be in the process. As you recall we filed two applications which was a contractual obligation for us to do after we got the money for engineering help. You also see there's a reference in there to the Shipbuilder's water tower foundation review. It's been done. It's not an emergency repair, but it should be done some time within the next year. With Council's permission, I'll work together with the engineer that did that in order to get drawings done as the first step towards getting repairs done in the coming year. You also see that under the next paragraph, there's a reference to Well 5. The total value that the Council allocated towards making Well No. 5 functional is not altogether adequate to make that happen. In particular, there is the need to remove odor from there, so my recommendation to both the Water Committee and this Council is that we proceed to study that further so that we have a dollar value for the total rehabilitation including odor removal, some time in the course of this long term plan.

Mayor Newlands: We need to make sure that the treatment facility is up to speed with what it can pump out of there. I know that was old.

Win Abbott: It's treated. Yes. It's fine.

Mayor Newlands: No, I know that, but I mean can it handle the volume and everything else?

Win Abbott: Yes.

Mayor Newlands: Okay. What about the generator and everything...

Allen Atkins: There is no generator off Well No. 5.

Mayor Newlands: Because there's no back up if we have a problem.

Allen Atkins: No back up power for that well, at all.

Mayor Newlands: Okay, so we're still with only back up power on Chandler Street and that's it?

Allen Atkins: Just the three wells on Chandler.

Mayor Newlands: Alright so we still have issues with that.

Win Abbott: Yes, like I said there's not enough money to do the project in the budget.

Mayor Newlands: I know there's not enough money to do the project; I want to get an estimate... I'm just throwing all the things in there we need to get estimates on.

Win Abbott: Right.

Mayor Newlands: That's all.

Win Abbott: And then lastly, there's a reference to the transducers and check valves.

Transducers were approved in the budget and we're moving ahead with doing that. However, the cost for more accurate meters and valves that would stop water from going back into the wells and being counted twice, was not in the budget. It is on the agenda for reference later. Attached to the Water Committee Report are the actual quotes that could be referenced when you consider that matter. That's all.

Mayor Newlands: Okay. I know you referenced Shipbuilder someplace else, about the foundation. How many contractors are available to do this? Did they... Is this a specialty or...?

Win Abbott: Yes, it is a specialty. The engineering firm that did the study recommended that first we have a set of drawings. Second, they can identify those contractors that are qualified, as a pool of potential bidders for this and then last, but not least, help us to write the Request for Proposal, the specifications for the work to be done.

Mayor Newlands: Okay.

Win Abbott: So the first step that really needs to be done is we need a set of drawings. They have no idea exactly what is there and only with the drawings can anybody actually estimate how much it's going to cost to do the repairs.

Mayor Newlands: Right.

Councilwoman Jones: Mr. Abbott, is that part of the mapping project that Pennoni Associates recommended?

Win Abbott: No Ma'am.

Councilwoman Jones: Okay.

Win Abbott: Mapping had to do with the entire town's water system, flows and pressures at different points, with the diameters that the mains were. These drawings have to do with the foundation that is underneath the Shipbuilder's tower.

Mayor Newlands: Do they have an estimate for how much that's going to cost to do the drawings?

Win Abbott: No, but I'll do that next.

Mayor Newlands: Yes, then we can get it on December's agenda to approve the money for that and then go on from there.

Win Abbott: Understood. Just wanted to be sure that everybody was on board with the steps that are necessary to get to that point. It's not like we can say, okay we'll fix it. There are a few steps.

Mayor Newlands: Okay. Right. And I'm assuming that most of this cannot happen during the winter months, as far as fixing it itself. It would be too cold, I would assume.

Win Abbott: Yes, Sir. But we can proceed with getting the drawings and writing the specs and so on and do it in the spring.

Mayor Newlands: Right. Okay.

12. Town Manager's Report

Win Abbott: I want to thank very much the people in our Public Works Department and Police Department that worked practically around the clock to keep the townspeople safe and to respond quickly to emergencies as they occurred during the storm. We did have a couple of businesses that were severely impacted by the storm and I hope that you will support them in any way that you can. We just had a wrap up to the last fiscal year. There are some references to that in your Finance Report. I'll have an additional report in the next month. It will go into a little bit more detail. With the help of Mr. Collier and a select group of others, we're undergoing a Charter and Ordinance Review and they've been working very diligently at that over the course of the past six weeks. We are developing Administrative Policies that were lacking and were pointed out in our recent audits. Our assessment services, which were less than stellar last year, are currently under review. Mr. Davis and I will be meeting with our assessor tomorrow in order to consider setting performance standards for their contract, going forward. I wanted to let everyone know about our Town Hall holiday closings. You'll find them noted in the Town Manager's Report and last but not least, please support the Milton Chamber of Commerce and the Century Club during the Holly Festival and the tour of houses during the holiday season.

Mayor Newlands: The one comment I had about holiday closing is when do we work in November? There are so many holidays.

Councilwoman Jones: I just want to make sure that I understood you to say you are meeting with them tomorrow?

Win Abbott: I'm sorry, Wednesday.

Councilwoman Jones: Okay, thank you.

Win Abbott: The next working day.

Mayor Newlands: Every week there's a day off this month, it appears to be. I just want to go back on one thing, Mr. Abbott, underneath the financial year wrap up, you have in there having three less persons on administrative staff and one less person in Public Works staff has significantly reduced expenses. Those people all left the year before. Are you attributing that to this year, or just in general?

Win Abbott: In general.

Mayor Newlands: Okay. Fine. Thanks. Okay, any questions for Parks and the Maintenance Report? Does anyone have any questions on the maintenance report? Okay. Move onto Project Coordinator and Code.

Councilwoman Jones: Are we still on Code?

Mayor Newlands: Yes.

Councilwoman Jones: Okay, under Code, I actually had three people call me within the last week about what looks like a used car lot at the corner of Bay and Cedar; vehicles sitting out on a parcel with shoe polish numbers in the window. Can anybody tell me about that? One person said they had called Town Hall and as of this evening, those are all still there. Now, I just am asking whether or not any notification was given or any special permission was given to conduct the sale of those vehicles at that corner; that's right in the middle of a residential property?

Mayor Newlands: So what are there three vehicles for sale?

Councilwoman Jones: There are three vehicles for sale.

Mayor Newlands: Okay. Are any of them tagged?

Councilwoman Jones: The one at the corner, which I noticed, looked like it had a temp tag on it.

Mayor Newlands: Really? Okay.

Councilman Booros: While we're on Code, I'd like to ask if anyone has questioned Bodie's on the two big red banners that they've placed up? Because they're still up, as of the time I left

home tonight and I can see them from my den when I look out my back door.

Mayor Newlands: Yes, the second I saw them last week, I sent a note to Robin to have Michael check.

Councilman Booros: They had to put up a 4 X 4' post to put the one up, so it wasn't something they just did overnight.

Mayor Newlands: Yes. Did Michael check on them yet?

Robin Davis: Yes, I did have the Code Enforcement Officer look and he's not responded back to say what was done about it. But he was made aware of it, yes.

Mayor Newlands: Yes. So more to come. If they're fined. If not...

Councilman Booros: Fined is not the issue. I want them down.

Mayor Newlands: I said if they're fine, then we have to leave them up, but I would like them down, also. I don't like them either.

Councilwoman Jones: I don't know whether I need to ask Mr. Davis or Mr. Thompson, what's the disposition on Dry Zone?

Seth Thompson: I got a letter today from their attorney, so we're going to schedule a time to walk through and get a better understanding; I should say the Code Enforcement Officer, the Project Coordinator and I will go meet with the Walston's and their attorney and walk through and they can hopefully enlighten us in terms of how... Their response was that the use was the same as prior to Dry Zone, as National Screen, I believe, was the immediate predecessor, so we're going to walk through and see if that's indeed the case.

Councilwoman Jones: Okay and it's Mr. Molina that drives the question, who cannot be here this evening, who pointed out in our own zoning codes, that Conditional Use is for a period of one year upon approval by the Mayor and Council and must be annually reviewed?

Seth Thompson: That's right. That's the way you guys have your definitions, in terms of a Conditional Use for a year. I asked Mr. Davis about that. My understanding is that the way that's been interpreted in the past is the town does somewhat of an audit on the anniversary; that they go in and see if, indeed, the Conditional Use is being used properly and all the conditions are being complied with. So it's not that they apply every year, but rather that on the one year anniversary the town checks for compliance. That's how that's been interpreted in the past.

Councilwoman Jones: Are there any records that this property has been examined as a Conditional Use property since 1986?

Seth Thompson: It's not a Conditional Use... When it was National Screen, it was a preexisting non-conforming use, dating back to the 80's, when it was under county zoning, as opposed to the town and so when the town adopted it's zoning ordinance, I think in 1987, you know at that point it became a preexisting non-conforming use, but that was fine. The question is whether it's changed, in terms of when it went from National Screen to Dry Zone. If indeed, the use changed, then it could be a problem in that they would need to apply for a Conditional Use.

Councilwoman Jones: So there's a question of legitimacy on the Dry Zone business at all?

Seth Thompson: That's right, because, you know if you have a preexisting non-conforming use, a restaurant is the easiest example and it goes from an Italian Restaurant to a Chinese Restaurant, it's still the same use. That's why we're going to find out what exactly Dry Zone does and I have a feeling it's different from National Screen, but I don't want to pre-judge it.

Unknown Speaker: Can I make a comment?

Mayor Newlands: No. Please.

Unknown Speaker: Well, I'm sorry, but you know you don't have the full information on this property, obviously, because the lot that they have all of the equipment, the storage of blocks and garbage and all that kind of stuff, in 1986 that was a building that was the unused sewing factory; which is now out on Route 9... It's not even that. They tore it down and that was a vacant lot. They have since 1986 they have filled that lot with all the stuff that goes to Dry Zone

and whatever else they do and it was not used by them at all when they got their first use as a screener.

Mayor Newlands: Okay.

Seth Thompson: And I went back through and I read the county approvals, because at one point there was a concern as to there was a change in use and I view the two parcels as being separate, because they are, in fact, two different parcels. There's the parking lot and really that's continuing to be used as a private parking lot and then there's the parcel with the building on it.

Councilwoman Jones: My question... or information is, the farthest back that we can find our records where the county Planning and Zoning approved this piece; but very distinctly said nothing is to be stored above the ground.

Seth Thompson: Right. I think it says no outside storage, is the phrase.

Councilwoman Jones: It still exists. It has existed since we started this conversation months ago. Has the Town of Milton issued any warning, or notice, that that must change? No matter where else we're taking this, they are in clear violation of the one and only blessing they received to operate.

Seth Thompson: I think that's accurate. Again, if it's a preexisting non-conforming, then whatever they were doing back then, or should not have been doing, would still apply now. Because, again, they can't expand that non-conformity.

Councilwoman Jones: Has the Town of Milton done anything to address that issue, because I know months ago I brought it to your attention about the bagged stuff that appeared to be coming out of the wet homes, or some kind of garbage that was bagged. It's still... That stuff is still being held above ground.

Mayor Newlands: At one point, I don't know if it was Greg or Michael, they were talking about fencing in the back area and for some reason, that was going to be okay with us. Wasn't that true? And they were in agreement with doing that, but when all this other stuff started happening, we backed off on enforcing that.

Councilwoman Jones: Fencing in the area does not take care of the storage on top of the earth and that is in violation.

Mayor Newlands: I know, but I'm just...

Seth Thompson: And to answer your question, I believe it was in the Code Enforcement Officer's letter; if it wasn't, it was in my letter to the land owners previously; that that was specifically noted.

Councilwoman Jones: And have we had a response to that notification?

Seth Thompson: Yes.

Councilwoman Jones: That you're willing to share.

Seth Thompson: Yes. Yes. They hired an attorney and that's who we're going to meet with, but again, their position at this point is that it's essentially the same use, that it's a different company that's operating out of it, but it's the same use. I understand your point that that won't affect the storage.

Councilwoman Jones: I get that. I get that. The point still exists, you have stuff up on top of the ground that violates the original agreement.

Seth Thompson: Right, I agree.

Councilwoman Jones: And we are amiss if building a fence is the answer. That's not the answer and when does Milton hold them in compliance with the original agreement? When?

Seth Thompson: If whatever comes out of our tour, isn't going to be satisfactory, then at that point, because they were given the fourteen day notice, they can be given a violation citation.

Councilwoman Jones: Were they given a fourteen day notice any time in the last fourteen days?

Seth Thompson: It was prior to that.

Councilwoman Jones: So they're in violation?

Mayor Newlands: No, they asked for an extension because they were out of town; so we gave them a notice... How far back did we give them notice?

Seth Thompson: I want to say it was in September.

Mayor Newlands: Okay. And they came back and said that the owner was out of town and they asked for an extension and they granted it.

Councilman Lester: Can I just make a comment, because there's something I can't quite get clear here? We're talking about something that's gone on from the 1980's, correct?

Mayor Newlands: Or before.

Councilman Lester: We've gone through several Mayors and Councils since then. The appearance is being made that this particular Mayor and Council is responsible for failing to do their duty. I don't think that's the case. I think you've got a succession of people that have been responsible and if these people were in violation, this particular Council is not necessarily at fault. I just think that needs to be made public, because suddenly all these people are coming out of the woodwork that live around Behringer, etc. and they find fault with this. It's been going on for a long time.

Seth Thompson: And the one thing I want to make clear is...

Councilman Lester: I'm not saying it makes it right...

Councilwoman Jones: Councilman Lester, respectfully, it doesn't matter how many mayors there were before this. It is now in our lap and we need to do something and the progress in this particular business has been very slow and the reason it is drawing a great amount of attention is because the incredible increase in volume of vehicles on that property over the last several years. That really is the only thing that has brought a great amount of attention to that property. But it doesn't matter who came before us. The condition exists and what it appears now is that this Mayor and Council are not willing to take the bull by the horns and do something.

Mayor Newlands: No, no, that is not the case. The case is that I don't think it's a good thing to start muscling this business right now, while we're trying to go into having them come in for Conditional Use. I think you will have a lot of push back from their attorneys, wouldn't you, if we went in and said, okay you've got to get rid of everything out there and start beating on them. I don't think that's the way to do it.

Seth Thompson: Well the main thing is that, and again it's not... The issue really arose in about 2005, if I'm remembering off hand correctly... Because, again, if they had continued to be National Screen or even some company doing exactly what National Screen was doing before, they wouldn't be an issue, assuming they were complying with the other elements, the no outside storage and I believe, the private parking lot was limited to 25 cars at the county level. So it doesn't date all the way back, but it certainly has been a number of years. But the Conditional Use, that was my suggestion in terms of how... that's really the proper procedure, that if they want to do that on that property, then they need to come in and apply for a Conditional Use and at that point, everybody's going to get their opportunity to make public comment and the Council has to decide at that point.

Councilwoman Jones: I don't see it as strong arming at this point. They have operated outside of the Town of Milton's rules for a lot of years and to ask them to comply now, is not being mean or wicked.

Mayor Newlands: It is, when like Councilman Lester said, it's been going on since the 80's; nobody's done anything; and now all of a sudden there's one complaint and all of a sudden we have to start muscling them to get their lot cleaned up. I think it's very unfair to do that to them, right now, while we're still trying to negotiate and get that place straightened out. I mean, it's been ignored for umpteen years. Nobody's done anything about it and now all of a sudden...

Councilwoman Jones: That doesn't make it right.

Mayor Newlands: But it doesn't mean we have to jump on it. It does not mean we have to jump

on it. You have to give the process a little bit of time.

Councilwoman Jones: I disagree.

Mayor Newlands: You have to give the process a little bit of time and I think interjecting that in there would actually dis-favorably upon us with a judge, that we all of a sudden are now muscling him to get his place cleaned up, when he's trying to go for a Conditional Use. I don't think that will look good.

Councilwoman Jones: I believe that Mr. Mills met with a group of citizens, I don't know how long ago it was, maybe you were all in there planning the St. Patrick's Day, so we are talking February, since the group first met with Mr. Mills and it is now October. I don't see that as aggressive... Excuse me, November. I don't see that as aggressive behavior on our part.

Mayor Newlands: It is aggressive when we're doing it in a matter of six months and it's been going on since 1987; I'm sorry, that's aggressive. Okay, let's go on. On your Project Coordinator report, you talked with Ben Gordy about Phase 2B. Do we know when we're going to get a bond for that; for Phase 2B of Heritage Creek?

Robin Davis: Bob Kerr, Town Engineer, has been speaking with Bob Horsey. They're going to be the contractor out there doing all the infrastructure work and they were working on a price of the cost for the construction out there. We had put that on hold at that time because there were still outstanding invoices that were due, so we actually put the talks on hold until we got the invoices paid, which were paid on Friday.

Mayor Newlands: Oh were they? Okay.

Robin Davis: Yes, so we're back up and he's getting that taken care of through the Town Engineer.

Mayor Newlands: Because they've started a little bit of construction; they've done a little bit of scratching on the ground, and stuff, clearing a little.

Robin Davis: Maybe just to scratch something out. I don't know.

Mayor Newlands: Yes, they're just clearing a little bit away. And the next one is the signage committee out in Cannery Village. Do you know when the next meeting is with Megan Nehrbas?

Robin Davis: I can discuss that now. I was going to discuss it at the signage...

Mayor Newlands: Let's wait til then. That's fine. That's fine. Anything for... Oh yes, under Michael's report, he said we talked to Dave Ordell about Checklists; changes to Checklist? Checklist is a software that does business licenses and rental licenses and some building permits. The problem is that I don't like the software because it's run by one guy who lives in New York and we're not sure if he's got power.

Robin Davis: I think the changes that he was talking about is how the date changes on the building permits with the new fiscal year.

Mayor Newlands: Oh, I remember that. Okay. Okay, any questions? And just the one note on the front page of Robin's report, the building permits we had \$72,000 come in in building permits, \$69,000 was put to last fiscal year, just so you're aware of that. That was Dogfish, because that came in right at the last day of September. Okay, the police report. For some reason, I have three copies. I don't know why. Is anyone missing one?

Councilwoman Jones: I have a question for the Chief, but I don't know whether to ask Mr. Thompson, the Chief or the Mayor. This question, before I ask any further questions. On the 24<sup>th</sup> of September Council received an email from you, Mr. Mayor, talking about a complete investigation that was going to be conducted by the Milton Police Department and possibly the Attorney General's office into Council's continued harassment of the Police Department. That was the 24<sup>th</sup> of September, two days before that budget vote was taken. Is there someone here who can give me an update on that investigation?

Mayor Newlands: It would have to be the Chief, because I don't do police investigations.

Councilwoman Jones: Chief.

Chief Phillips: At this time there were allegations made of an officer doing something inappropriate, which is a violation of the Town Charter. He was allegedly sleeping on the job and he was not, he was doing surveillance and it was brought to our attention and we researched it and the officer was not doing anything wrong, we were doing surveillance on a wanted person, for felony charges. They ended up doing a search warrant on the next day, because we had to stop our operation, because there was an allegation that the officer was sleeping.

Councilwoman Jones: Can you link that to the statement Council's continued harassment of the Police Department, because I'm just not understanding that.

Chief Phillips: I have no idea where that came from, to be honest with you. I do not know...

Mayor Newlands: That was my statement and I think every time we're trying to take \$200 off of a \$10,000 budget item, it's just harassment to these guys. I think it's just constant and constant. We've got to...

Councilwoman Jones: Respectfully, I think you need to look at Title XI and what harassment means and it hinders, so when I have questions, I am aware that perhaps I'm being looked at as harassing the Police Department. Chief Phillips on the 17<sup>th</sup> of September, I asked the accounting clerk, Mrs. Rogers questions about police expenditures. It was sent to you and I have asked you once if you have the answers. You said no. It is not the 5<sup>th</sup> of November. These questions dealt with police training. Do you have an answer for me?

Chief Phillips: I'm not sure what the question is.

Councilwoman Jones: Well Mrs. Rogers stated here in an email to me that she had forwarded those to you and Mrs. Jacoby. She had asked that you respond directly.

Chief Phillips: At this time, I'm not sure, I would have to look at the paper. I don't know what you're talking about at this time, no.

Councilwoman Jones: Okay, perhaps you might check your emails in and around September the 17<sup>th</sup> where Mrs. Rogers forwarded that to you and some of them now, don't make any difference because they were brought out in the budget, but I am looking for some answers from you if you'd be so kind as to check your emails. Please.

Chief Phillips: Okay. Can I make a statement now? I'd like to let you know the Milton Neighborhood Watch is collecting food for Casa San Francisco at the next Milton Neighborhood Watch meeting on Wednesday, November 14<sup>th</sup>. The collection will be from 6:00 p.m. to 7:00 p.m. in the rear parking lot of the Library. Hopefully everybody can help out and donate some food to that. Also, another thing I would like to say is if the Council wishes to do away with this Federal grant, I would like to be the one to be responsible to contact them, since my name's on it and see about getting it squashed, one way or the other. And if they vote tonight to do that, or whatever they can do, however they can do it, I will research it and find out by the next meeting one way or the other and take care of the problem, if that's no problem. On the same note about hiring, it's possible that we're going to lose three more officers, for a total of four altogether here, before it's all over with. They're leaving for a better pay and better benefits. As far as the last thing on 16c, at this time I would like to withdraw that whole line thing and I would like to sit down and do a workshop with someone and try to figure out how we can fix the pay. Not only just for the Police Department, but for all the town employees, because we're very underpaid compared to other towns. Other than that, that's all I have.

Councilwoman Jones: Well under police report I didn't make any comment during public participation, but I do have a copy of Mr. Abbott's letter from October the 3<sup>rd</sup>, 2011 to the COPS Grant program. It does state that "This notice is provided as a declaration of an internal policy change that may alter the staffing profile of the Milton, Delaware Police Department at an indeterminate time in the future. It does say, further, that consistent with the grant terms and conditions, the town will seek a formal grant modification, if in effective reduction in sworn

officers occurs through this voluntary course of action. It is only through our attrition that a reduction in force of two locally funded, sworn officers positions may occur.” Mr. Mayor, I believe, though I did not vote positively for the budget at the end of September, there was no question in the minds of the two council people that had the discussion, that their intent was that reducing by two was still in place. And to come now, I have to agree is really a terrible spirit, if nobody... Mr. Thompson, even you, considers that we are legally bound to COPS Grant to not, at each juncture, when it has been asked and commented on the COPS Grant, to come out of the box and say we're not going to be able to do that. It ought to have been stated so to Council, if there was any reservation or conflict with going forward with reduction by attrition. When I, as Council, receive phone calls and ask me about an ad in the paper for police officers in the Town of Milton, I feel like I ought to be able to have the answer. I did not have the answer. I received the first notification through a traditional and routine informational source that Mr. Abbott provided us on the 25<sup>th</sup> of October. Can you tell me when Mr. Huff left?

Chief Phillips: The 18<sup>th</sup>.

Councilwoman Jones: Of October?

Chief Phillips: Well his last working day when he was still on payroll for another week or so.

Councilwoman Jones: I do think, if anybody should be able to answer the citizens in this town, it should be your Council and I was bowled over even by Mr. Abbott's comments that we had lost this officer and then to have an ad appear in the paper. I would have to say from public sentiment tonight, my opinion does not stand by itself.

Councilman Booros: If I may, councilwoman, in regards to the COPS Grant and I wasn't on Council at the time, but I remember all the discussion; I felt we were also going to ask the question if we could use the COPS Grant to pay for the ninth officer, if we laid two off by attrition. Was there a possibility that we could use the money for the ninth officer. Am I wrong or was that what was said?

Councilwoman Jones: No, you are correct.

Councilman Booros: That was what was said. So we not only didn't get the answer for a year, we didn't get the answer to the other question, which was if we got rid of two, can we still get the COPS Grant for the ninth officer? That was the big question. Not... So don't lose sight of that one, that the COPS Grant was completely gone, because our question was could we use it to pay for the ninth officer? Even if you had to let go of the ninth officer and turn around and rehire him, all of those conversations occurred. What have other towns had to do to be able to use that COPS Grant for a lower number of officers? We never got the information and I think this ad in the paper is a little bit premature and I don't care if we're losing five officers, it's a little bit premature, until we find out the answer to the COPS Grant question.

Chief Phillips: Well Councilman Booros I would like to say that by the next meeting, or before that, I will have an answer all the way around for you, okay?

Councilman Booros: I'm asking the Town Manager to get that answer, quite honestly, Chief.

Chief Phillips: Well being that my name is on the grant and I signed the grant, I feel that I should take care of that problem.

Councilman Booros: Chief, I'm asking that the Town Manager... I, as a council member is asking that the Town Manager, a neutral person here, get the answer. It's been one...

Chief Phillips: And do you think that I would do something incorrect, is that it what you're trying to say, Sir?

Councilman Booros: I said it has been one year.

Chief Phillips: You need to watch what you say, please.

Councilman Booros: No, Sir, you need to stop putting words in my mouth.

Chief Phillips: Yes, Sir. I don't like allegations being made toward me, Sir.

Councilman Booros: You need to stop putting words in my mouth.

Chief Phillips: I will take care of the problem if the Council votes wish to.

Councilwoman Jones: I make a motion...

Mayor Newlands: There's no motion at this point. We're not in a...

Councilwoman Jones: Well then I don't think we need to have this kind of a power struggle. This letter, respectfully Chief, this letter came from our Town Manager and should for continuity purposes remain in the Town Manager's hands to see it to its end.

Mayor Newlands: Let's make it that they will both together have the conversation.

Unidentified Speakers from the audience: No. No.

Mayor Newlands: Excuse me, please.

Councilwoman Jones: I'm not going to say that. I've made my opinion known. If anybody else on Council wants to enter in, fine, but that is my feeling that for continuity and professionalism our Town Manager continue this and it has nothing to do with your abilities. It has to do with the way a town presents itself to other agencies. It comes from our Town Manager, Chief.

Councilwoman Patterson: And I agree I think the Town Manager should take this.

Mayor Newlands: I think we can make it a collaborative effort between the two of them and that it get done that way.

Councilwoman Jones: And so how do we get a consensus from Council, if they do not agree with you Mr. Mayor? I can't make a motion.

Chief Phillips: Either way, we'll have something for you by the next meeting. I promise.

Councilwoman Jones: That's not what we're asking for. Mr. Mayor, that's not what's been asked for.

Mayor Newlands: They can work together and get this done and we will get an answer by the next meeting. Okay? And as far as putting the ad in the paper, it does take quite a long time to screen and process these people through and we have a possibility of an academy starting in January or February, so we're trying to get...

Unidentified Speaker: I'm going to leave because I think the only person that should be heard from is the Mayor, so just mail me my Council meeting, okay?

Mayor Newlands: Excuse me. So the reason for the ad going in early is to get a jump on the time they need to interview, process. They have psychological exams to go through, physicals and a number of other things.

Councilwoman Patterson: I'm sorry, out of respect for Council, the ad should not have been run until we had this Council Meeting. It went in on Friday. We were meeting on Monday night.

Mayor Newlands: And we can't make any motions on it. We can't make any motions on it.

Councilwoman Patterson: That is fine, but we could have at least discussed it. We're getting calls of something that we're not even aware of and out of respect for all of our time, because we do pretty much volunteer to be up here, out of respect for all of us, the ad should have waited one more week, if we had decided to go that direction. But we are Mayor and Council and the ad should have waited and this is the frustration that was borne out of that being in there on Friday.

Councilwoman Jones: This police attrition was a very hot topic, Mr. Mayor and out of all the emails that we get barraged with every day, every week, I believe, out of respect, you could have just notified your Council what your plans were.

Mayor Newlands: Can you do me a favor and start passing some of those emails, because I don't get them. I don't think Councilman Lester gets them either.

Councilwoman Jones: What emails? I'm talking about the ones that you generate to us, that you generate to us as copies or to others.

Mayor Newlands: I thought you meant getting them from...

Councilwoman Jones: No. No. No. No. No. Not from outside, from you. It was very disturbing that as someone who has gone through the process to become an elected official, to represent

the public, could not answer the public and I only can assume, that it's because it was an unpopular topic. You leave me no recourse but to assume that, otherwise, we're notified of a number of things. It's a hot topic, Mr. Mayor. We deserved to know ahead of time.

Mayor Newlands: Any other police issues? What is this public participation feedback? Public participation feedback. What is this? This is the thing you started a year and a half ago?

Councilwoman Jones: Yes. Yes and then stopped.

Mayor Newlands: And then stopped. Right. Now we're going to start getting it again?

Councilwoman Jones: Well I thought it would be best to begin with a new year and since we started in the new calendar year and usually, or at least in the past, the reports that came out were done in three month intervals and I decided it was perhaps long overdue to have one report.

Mayor Newlands: Three month... We don't do any reports in three month intervals.

Councilwoman Jones: No. No. I did the beginning... When I started this project, I reported at three month intervals, instead of monthly intervals, on public participation feedback.

Mayor Newlands: I don't remember seeing this for a year, at least. I'm not going to read it now, I'll have to read it later.

Councilwoman Jones: It was provided to the public.

Mayor Newlands: That's fine.

13. Finance Report and Revenue/Expenditures Report

Mayor Newlands: Now we have the Treasurer's Report

Councilman Lester: Mr. Mayor, before I start. I was just going to make a suggestion. There is an independent body, the International Association of Police Chiefs. I did look at their website and they will review towns. They will review the Police Department for it's operating procedures, size, etc. and I'm just wondering whether it's worthwhile contacting an independent body and getting a completely independent review of our requirements.

Mayor Newlands: That wouldn't be a bad idea.

Councilman Lester: If it's okay with members of the Council, I'll make the phone call and...

Mayor Newlands: Sure.

Councilwoman Jones: I would like to have somewhat more of a workshop, or some kind of a scheduled meeting, so that Council has the opportunity to indicate what it is we are looking for, from the IACP. I understand that they do town reviews, administrative reviews and I think that that's a very reputable organization, but I would like to see, since we've had folks talk about compare apples to apples, not apples to oranges, it would be very nice to know what kind of analysis and comparisons that we're looking for before we make the contact to the organization. My opinion.

Mayor Newlands: You spoke to Richard Carmean about this, at one point?

Councilman Lester: A couple of years ago and I may be incorrect, but I think Milford or somebody else around here did a review.

Mayor Newlands: Do they do a standard analysis or do you tell them what you want analyzed?

Councilman Lester: I don't know. I have no idea. I have no idea about what they do.

Mayor Newlands: So let's talk about this when we talk about 16c. We'll use that in place of what the evaluations.

Councilman Lester: Okay.

Mayor Newlands: Anything on the Finance Report?

Councilman Lester: The audit for September 30, 2011 has been completed, with one exception, that we, the town, have to write the management portion of the audit report and I've started reviewing the requirements. We have to also sign a letter, which in effect states, that we've told the audit firm everything that we know; is in fact, etc., but there are some statements we have to

agree to that we have to be sure are commented on in the audit and those are comments that we, the town, have to prepare. I've often done it on behalf of clients, in the reverse situation, but this is my first time to do it in this situation. The auditors are coming in, I believe, next week, to work on the fiscal year 2012. It's on my calendar for next week.

Mayor Newlands: Is it? Okay.

Councilman Booros: Councilman Lester, is this audit from 9/30/11, is that the firm in Pennsylvania, the outside firm?

Councilman Lester: No, no, no. This is a firm called PKS and they're from Salisbury.

Mayor Newlands: We already met with them last week, or the week before last, and it's going to be a good audit coming out and they're going to present at December's meeting.

Councilman Lester: Yes, they hope that they'll be on target and get it delivered in a timely fashion at the beginning of next year, sometime in January and they can bring us up-to-date.

Mayor Newlands: That's for 2012.

Councilman Lester: 2012, so the town will finally be on target and this should be a clean audit; by clean audit, I mean they'll give an opinion on both the Income Statement and the Balance Sheet. I don't think they're going to find anything wrong.

Councilwoman Jones: Councilman Lester have we seen the review done by the Pennsylvania group, because that wasn't an audit, right?

Councilman Lester: Right.

Councilwoman Jones: They were making recommendations.

Councilman Lester: They made some recommendations, but the key job they had was to clean up the books. They were not giving any opinion on the Financial Statements. We had a choice, the choices were to go back to prior years and have them re-audited, or simply start in October 1 of 2009, to start out with a clean, or what we assumed was as good beginning balance and that's what they did.

Councilwoman Jones: And then that was then given to Mr. Wagner and his group, who did the next group.

Councilman Lester: That's Mr. Wagner's... Right and they couldn't give an opinion on it because of the status of all the prior years and the state of the documentation, etc. So we've gone through that step, with no audit, the second step is they're going to give an opinion on the Balance Sheet, only and then this year will be a clean Balance Sheet, which we need if we're going to go forward to look for financing in the future.

Mayor Newlands: Go over the fact of what kind of an opinion they're going to give on 2011, because they can't...

Councilman Lester: The reason they're going to give an opinion on the Balance Sheet at the end of 2011, is because they can prove the Balance Sheet to their satisfaction.

Councilwoman Jones: They can?

Councilman Lester: They can, to their satisfaction. They know what's in the bank. They know what the receivables are. They know what the payables are. They know what the assets are, for the most part. They can verify that. The fact that the opening Balance Sheet had errors in it and the errors include Accounts Receivable, we don't know if that's right or wrong; so the income for the succeeding year may be wrong. We may have said we had \$2 million in receivables and if that was right, we should have \$2 million collected. So those numbers just didn't fly.

Mayor Newlands: So for 2011, they'll not give an opinion on certain parts of it, but 2012 they can give a complete opinion.

Councilman Lester: 2012 is going to be "clean" opinion.

Mayor Newlands: And the only reason they can't give an opinion on 2011 is because of some of the balances, you're saying, right?

Councilman Lester: The balances from last year, yes. Now the statements you have tonight, I

went through those statements in a cursory fashion with Mrs. Rogers, because we have an appointment to sit down and go through the statements in detail, so that we can give the auditors, hopefully, a clean set of books to work with. So fire away.

Councilwoman Jones: I am a person who's not an accountant and I am reviewing the Budget Transaction Audit Trail which appears to have everything posted all the way up to the 30<sup>th</sup> of September in most cases. I just want to make sure that these numbers, which carry negative factors at the end of these not only reporting months, but the year, actually indicate negative... It indicates spending over budget numbers. Is that correct?

Councilman Lester: No, this is just what's spent.

Councilwoman Jones: No, no, this number right here.

Councilman Lester: These are the dollars spent...

Councilwoman Jones: But when they're negative...

Councilman Lester: That's not a comparison, that's just spent monies.

Councilwoman Jones: Okay, but it says beginning balance says that that is \$6,761. At the end it shows as... that's a negative. I just want to make sure that I got that, because these are all taken off; is that over and above what was budgeted, because they're actually in many categories throughout the budget and I'm asking the question so that I understand.

Councilman Lester: What you're looking at here is a summary, basically a summary of checks written; this is not a budget report. This is just a summary of checks written.

Councilwoman Jones: Right and when you come up at the end of having written those checks, with a negative number...

Councilman Lester: Well it's a cumulative number. It's a cumulative number of all the checks written during the period. What you need to look at is the budget...

Councilwoman Jones: Year-to-date.

Councilman Lester: The budget statement. Revenue and Expenditure Statement, this one, the Statement of Revenue and Expenditures to see if you're plus or minus the budget.

Councilwoman Jones: Okay. And my other question on here, had to do with a serious matter just before and I'm on page 9 of the Budget Transaction Audit Trail by the way, way near the back. Chief, I noticed under Repair of the Building, it says wall repair, water damage. Is that the crack in the building that was alluded to on the night we passed the budget?

Chief Phillips: No, Ma'am.

Councilwoman Jones: It wasn't. Can you give me an update on Dry Zone was contacted and the Captain said that no one had responded to his call yet.

Chief Phillips: We have never heard nothing back from them. No.

Councilwoman Jones: You still have the crack in your building?

Chief Phillips: We did get some bids from another contractor. I don't have them at my hand right now. As far as the other leak, there was a leak back in the back of the building where the rain gutter was; wood had rotted out and the water was running down the wall, into the basement. The last storm we did not have any water, at all in the basement.

Councilwoman Jones: So you can offer no idea of what a cost to repair that crack in the building is?

Chief Phillips: I saw the estimates, but at this time I can't remember what they are, but I can look at them and send it to you.

Councilwoman Jones: Has it gone into the foundation?

Chief Phillips: That I'm not sure of. I don't know the answer to that.

Councilwoman Jones: Thank you.

Mayor Newlands: Any other questions?

Councilwoman Jones: I guess I do now that Councilman Lester was very helpful in looking at these percent of the expenditures, okay, so just for example on page 2 of the Revenue and

Expenditures, \$205,220 Engineering Fees were at 650%? Do I read that as overage? I mean, just as a ballpark, because I'm just picking this out?

Mayor Newlands: Yes, because the amount budgeted was only \$500.

Councilwoman Jones: Okay, so any of these up and over 100% indicate over budget and so I'm still, whether I was looking at that expenditure sheet or not, there are a number of these at 158%, 170%, 125%, 161%, 142%... Where do you make up for these deficits? I mean, this is spending over what was budgeted. Where do we catch up with that? How does that work?

Councilman Lester: I guess we have to look at the revenue. If you go up to the revenue section...

Councilwoman Jones: Okay, that's where I am.

Councilman Lester: You'll see, for instance, transfer taxes were up 157% of what was budgeted. We anticipated \$155,000, we actually collected almost \$244,000.

Councilwoman Jones: So that's a plus.

Mayor Newlands: Same with building permits. Go to page 13, the first line on page 13. It shows a surplus of \$180,000 on the budget for the year, for the general account; so we had a surplus coming in, of all the extra revenue coming in and some of the overspending that we did; we have a surplus for the year of \$180,995 and that's in the proprietary account, the water account had a lot of expenses that were unanticipated because we were finishing up that project from 2007 with the water meters and they wound up with \$47,000. They would have wound up with a lot more, because Council for the last two years, has been approving spending money on all these water meters and they're not cheap and at this point, they've been putting in the real big meters, which get real expensive, so their excess or surplus at being \$47,000, would have been a lot more had we had these projects done in years past.

Councilwoman Jones: They got really hit when the meters went in with the water loss.

Mayor Newlands: Yes, so that's your bottom line.

Councilwoman Jones: Okay.

Councilman Lester: The key is actually to take a look at the entire year and all the transactions. It's very misleading. I did a summary of the last two fiscal years, because the Town Manager said we were... For instance, our revenue was up by \$400,000 some thousand, but if you look at it, we had items that were down, items that were up, to get a true understanding and unfortunately, it's going to take a lot of time and we can get this printed out...

Mayor Newlands: Also...

Councilman Lester: But you need to look at every source of revenue and then beyond that; go look at the reasons why. Some of the legal fees were up because we had lawsuits. We had to pay extra insurance premiums, etc.

Mayor Newlands: There's all things like this \$83,000 in revenue here and it shows an excess, that's because we didn't put any anticipated revenue in; so it shows excess and it got washed by... That was the money we got from the State Representatives to pay us for the street paving we did and that was all done in a prior year, so that was done in fiscal year 2011, but paid in and money brought in in fiscal year 2012, so it wasn't anticipated, so it shows as an excess, even though it's a wash. There's lots of little things you've got to look at.

Councilwoman Jones: Very helpful. Thank you.

Councilman Lester: You're welcome.

Mayor Newlands: Okay.

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

a. Water System Improvements monthly update

Win Abbott: Mayor and Council there is nothing new for you in the water systems monthly update. What you have this month, is a copy for the public's benefit of our water conservation plan that I had sent to Mr. Cock at the Department of Natural

Resources, the Water Resources Division. This makes it so that everybody understands where we started from, what our goal is, what we're going to and all the things that we've done in between and there's complete transparency about something that was an open question a year ago.

Mayor Newlands: Do we need to give any education to the public? Because you're talking in here about gallons per use, per person. Do we need to educate the public on anything?

Win Abbott: Yes, it should be an ongoing effort.

Mayor Newlands: Like brochures on our website and things like that.

Win Abbott: Absolutely. Here's the thing, the most important thing for both the Council and the public to understand is that I've mentioned before that the Council will make policy and then I'll carry it out. I'll make sure that it happens, but you'll determine the policy. Well in this case, the State of Delaware has made the decision for you. The policy will be that the combined effect of all types of water use in the town is going to come down to no greater than 100 gallons per person, per day. So how we get there is the next step. Now the Delaware Rural Water Association has some classes that help to educate water operators and managers, like myself and in just a couple of weeks there will be one on the conservation plan. They go over and beyond that, but I saw a circuit rider planner from the Delaware Rural Water Association and they're very interested in using this model that we put together as an example in the class. So, yes, education. Ongoing effort. The whole goal is to get our use to be less than 100 gallons per day, per person, for all types of use combined.

Mayor Newlands: Can we get, on a monthly basis, a tally of some sort of the 11,000,000 gallons. I know you have 8 or 10 different categories of what you know are waters that we can identify; your fire hydrant flushes and other things. Can we get that documented someplace in a little spreadsheet and get that updated so we can start looking at chipping away at that 11,000,000 gallons?

Win Abbott: We have been doing that, Sir, and our next step in this process, is to take monthly readings, because we don't know how much has been used vs. what was metered at the wells, unless we actually drive around to every single house in town and other users, and get that number. To now, it's only been done quarterly. We're asking the Water Department to do it monthly, for as long as the workload allows it. That would be between now and April. So yes, that's the next step.

Mayor Newlands: But can we get a tally on the monthly on your report so Council could know how we're doing with the 11,000,000 gallons?

Win Abbott: We'll do our best.

Mayor Newlands: Okay, thank you. Did you want to present anything else within here, highlight anything to Council?

Win Abbott: No, Sir, once again there's no news in there for you. What it is is a comprehensive accounting of all the things that we did in the very same form that I sent to the Delaware Rural Water Association for the benefit of the public.

Mayor Newlands: Okay.

b. Water Tower Repair update (Shipbuilder tower)

Mayor Newlands: Do you want to go over the water tower repair, Item 15b. We talked about it before. I don't know if we need to go any further in it.

Win Abbott: No, Sir, I think what we talked about will cover it.

Mayor Newlands: Okay. Does anybody have any questions on 15b?

- c. Shipbuilder's Village general update (Maintenance, paving, land ownership, HOA)  
Mayor Newlands: We have the Quit Claim Deeds already signed. They're here. Pennoni Associates is working on the engineering design for the streets?  
Win Abbott: That's correct.  
Mayor Newlands: Do you have an anticipated completion date on that?  
Win Abbott: I expect it should be done in the next week to ten days.  
Mayor Newlands: Okay, because I was out there two weeks ago and I saw they had everything marked up. Any questions on 15c?
- d. Shipbuilder Village property purchase  
Mayor Newlands: This is the potential purchase of that property, with the clubhouse. We have the engineer's report on it, which didn't make me happy at all.  
Win Abbott: And as an addition, Mr. Mayor, I've worked with our building inspections person to try to get local contractors to give some kind of estimate. Not interested. Unless they really see the likelihood that they're going to get the work, they really don't want to take their time out to do an estimate. Just for us to consider, before we even purchase it. So I have nothing more to add, then what you see before you.  
Mayor Newlands: How many contractors have told you that?  
Win Abbott: I think three.  
Mayor Newlands: Really. I'm surprised.  
Win Abbott: The thing is, we don't own it yet.  
Mayor Newlands: Yeah, I know, but it's potential work for these guys, during this time period.  
Councilman Lester: It looks like no matter what the price is, it's going to be a lot of work and a lot of effort and a lot of costs and it's probably not worth their time.  
Unidentified Speaker: At zero price.  
Councilman Lester: It's not going to be a zero price.  
Mayor Newlands: Not having a price from a contractor, I wouldn't make any decision, on anything, with this building.  
Councilman West: Mr. Mayor, I'll try and get a contractor in there that I know, that would give us an estimate.  
Mayor Newlands: Okay. That's only one opinion, though. That's a problem.  
Councilman West: Yeah, but when he sees what these are, what these picture show, then he'll know what we're talking about and the way it looks, you're going to have to get Terminix or somebody to come in there and treat this place.  
Mayor Newlands: Well, the disturbing thing was the people who did this, they said it was termite damage or rot. They didn't tell you which one it was.  
Councilman West: It's a combination of both, it looks like to me.  
Mayor Newlands: I would like all of... They say to sister the floor joists; I'm assuming sistering them is to sandwich them between other new beams. I wouldn't want that old wood in there, at all. I would want that ripped out completely.  
Councilman West: No.  
Mayor Newlands: Send the one guy in and we'll find out, we'll get a ballpark, at least.  
Councilman West: Yes.  
Mayor Newlands: I mean, we'll send the one guy in, but I don't think... I wouldn't move on this at all.  
Councilman Lester: No.  
Mayor Newlands: They could demo it and take the property.  
Seth Thompson: Did the lower appraisal factor in the demo cost, did they subtract that

out... or out of the \$215,000?

Win Abbott: Yes, the lower appraisal did include, I think, \$50,000 deduction over the resale value of selling seven lots, in order to come out with that net number. Yes.

Seth Thompson: Thank you.

Mayor Newlands: Okay, any questions, comments, concerns? Councilman Booros, Councilman West, do we have any potential users for this if we did buy it?

Councilman West: Not yet, not until we...

Councilman Booros: Not yet. Not until we know whether or not it's worth it.

Mayor Newlands: No, I mean even if it was worth it, do we have any candidates who would like to use it for anything?

Councilman West: Not right yet.

Councilman Booros: My understanding after talking with somebody, that the Boys and Girls Club that's located in the Elementary School when they were once contacted, that they would be interested, if doctor so and so, whatever his name is up the hill, built a rec center, they were not interested. They did not have the money to expand their current...

Mayor Newlands: Okay. So we have two issues. We have a severely damaged building, number one, and no interested takers in using it, so okay. So that's two issues. Okay. Anything else by anybody else. Okay.

e. Cannery Village signage issue monthly update

Robin Davis: The Cannery Village signage committee did meet on October 17<sup>th</sup> at the Clubhouse, as requested by Mayor and Council. We had two representatives from the Sussex County, 911 Addressing Office come and meet with the committee, Megan and Terry. They reviewed some of the maps. Actually did a walk through. I think the biggest consensus from that meeting was adding signage, better signage out there, but Megan told us at the meeting, that she was going to take all the information back to her office, review it with her supervisors and try to get a better feel of what's going on and maybe have some additional individuals come out from her office and look at it. I did receive an email from Megan on the 31<sup>st</sup> of October. They were looking to have Joe Thomas, the Director of the EOC come out. Of course, he's been relatively busy in the last three weeks, so we're trying to get up a time when we can meet with him again to go out there and look at that, so we'll just have further updates when Joe gets out there.

Mayor Newlands: Because of the concern of this signage issue, it will be something that will go on Chestnut Properties punch list, but I think Council should immediately turn around and say, we want this done now. That we don't want to let this go on any further and have them address it right away. I think that's something Council should do.

Councilwoman Jones: What are the plans if they just plain are refusing to correspond with us?

Mayor Newlands: We don't have to give them anymore building permits.

Councilwoman Jones: Yes, but that doesn't solve what's in error.

Robin Davis: Well, what could be one of the problems, maybe they're not in error; what was approved as part of the Site Plan, they might have done, so getting the developer now to put additional signs in and change maybe the letters on the buildings, might not be his responsibility, so it might not be all the developer. If the developer has... If there were ten requirements as far as signage on the Site Plan approval and he has fulfilled those requirements...

Councilwoman Jones: Haven't the Cannery residents indicated there was... I mean, there was a 12-page punch list not three months ago that was brought forward.

Robin Davis: Yes, there are punch list items, but in reference to signage is what this

committee was dealing with.

Mayor Newlands: Let me ask Seth this. Can we add this signage deficiency as a new punch list item?

Seth Thompson: It depends on what was approved. Just as Mr. Davis was saying, if the signs were built, as approved, then it wouldn't be the developers responsibility. He would have complied.

Mayor Newlands: Okay, so... Okay. That looks like it's something that we're going to have to deal with. Okay, anything else, Mr. Davis?

Robin Davis: No, not until Mr. Thomas comes in and visits the site, then we'll have another report.

- f. Proposal to allow down zoning of properties from Light Industrial or Commercial to Residential to reflect the actual use of the area. Some residents are having issues refinancing mortgages because of their current zoning

Robin Davis: This is more of a follow-up to the proposal that was originally brought before Council on August 23<sup>rd</sup>. As I said earlier, to give a little bit of history. We did have some residents that are having issues refinancing or even obtaining mortgages because the land in certain parts of town is zoned commercial type, like commercial or Light Industrial and they are occupied by dwelling units. So when the individuals are going to the banks, the banks are now looking at the zoning, and not what the use of the property is. So we have identified 35 properties in town that fell into that category. What we did is we submitted an application, a Plus Application to the Office of State Planning to have our Comprehensive Plan amended. The Plus meeting was held on October 24<sup>th</sup> and at that meeting the outside agencies have a chance to speak on the change. There were no negative comments at that time. The State Planning Office looks favorably on this idea for correcting this issue and aligning the zoning to the land use. Written comments will be submitted to the town within 20 days. Letters were sent out to the 35 affected properties, basically giving them a little bit of history of the problems and the meetings. This was the first one on the list, the Council Meeting. The next one will be November 20<sup>th</sup> at Planning and Zoning. What we have to do is to fill out a rezoning application with these 35 identified properties. Planning and Zoning will meet, discuss it, make a recommendation to Council. As per the Code, the Council needs to set a date for a Public Hearing, the official Public Hearing, again, as I've stated earlier, I've noticed in the paper the meeting for November 20<sup>th</sup> with Planning and Zoning, but we need to have an official meeting of Council for a Public Hearing. Hopefully, I think the residents that are affected would like it sooner, rather than later; so maybe we're hoping December, if possible, to get a Public Hearing for the Council and be able to move forward. Again, the State had no negative comments on it, so I don't see any problems from the State.

Mayor Newlands: Okay, just to reiterate what I said before, out of most of the properties that are in Cannery Village, they're improperly coded on our computer system as residential, that's why this item has never come up in the past. They've been coded that way since 2006.

Robin Davis: Additionally to that, the parcels... Actually there are 30 parcels that are contained within the Cannery Village development. They're all on the Chestnut Street side, Village Center Boulevard side, or Canning House Row side. There's actually 30 properties. They were all part of the original Draper Canning parcel, which was industrial zoned. The town, when they got rid of the industrial, it all was made Light Industrial, during the whole Cannery Village sub-division process, I think it was the

intention of the developer to change these to residential, which was never done. So now we're caught at this spot trying to help out as much as we can.

Mayor Newlands: If you read some of the minutes, back then, from when they did all this, it looks like they were about to do this and about to rezone it and they just never did it.

Robin Davis: So this is just more of an update, just to keep the process going. Again, hopefully we'll get more of the residents to get out for the November 20<sup>th</sup> meeting. I've received probably 7 or 8 phone calls. I think there's nobody from Cannery Village that I've heard of so far is looking negatively on this. There are some out in the individual lots that don't want to do it, because they bought properties knowing it was commercially zoned.

Mayor Newlands: Yes, for the individual lots, that makes sense, because they want to actually keep it that way, but the people in Cannery Village, if they don't go with the rezoning to residential, then we're going to change their coding back to say Light Industrial. We have no choice, but to correct the coding in the system. So it behooves them to do this to get their coding corrected. Now the coding is correct on the four houses on Chestnut Street, that's how we knew about this, because somebody went for a Refi and got rejected because it was Light Industrial.

Councilman West: This was all done when they conglomerated everything together so they could have that sale. You could blame it on Harry Bonk.

Mayor Newlands: Okay. So that's the discussion. Are there any questions from Council? Okay, so now under 16b, we'll make a Resolution to send it off to Planning and Zoning.

Councilwoman Jones: I do have one last question. If we can expedite, Planning and Zoning sees it late in November and it comes before us in December, is there a time line that you imagine before this can all be resolved?

Robin Davis: If the Council has a Public Hearing on December 3<sup>rd</sup>, I think that's the meeting date; you can vote on it that night, if the advisory report comes back from Planning and Zoning. The day after that we can...

Seth Thompson: In terms of scheduling, I guess we're getting a little bit ahead of ourselves, because the Resolution isn't done until 16b; but the way the Resolution is set up, the Planning and Zoning is supposed to have the advisory report to you guys before that meeting. I guess if you're looking to do it in December, they obviously... You're implicitly saying they need to act on it that very first night, which I don't know if that's a problem, or not. That's the only thing.

Councilwoman Jones: So you're saying, if we voted on that at a workshop in December, the following day everything has been met and that owner can then be assured that that zoning has been switched over?

Mayor Newlands: It would be at the Council Meeting, not a workshop.

Councilwoman Jones: No, I meant a Council Meeting.

Robin Davis: Correct. Correct. And now I don't know the owners, if they go on the 4<sup>th</sup> and go to their bank and say Council... They might need something in writing from the town, which we were planning on doing is you send the letters out saying...

Councilwoman Jones: That would then allow the town to correct it's records.

Robin Davis: Correct.

Mayor Newlands: Well, actually, for most of Cannery Village we won't have to correct anything, because they're already listed as residential, as far as that goes.

Seth Thompson: But the official zoning map would need to be corrected.

Councilwoman Jones: Would be changed.

Mayor Newlands: But when we get calls from the bank, the clerical staff just looks up

the zoning and gives the information.

Robin Davis: But the maps and everything will be changed as soon as possible, the next day.

Councilwoman Jones: So, a homeowner could look for refinancing or financing as early as January, perhaps?

Mayor Newlands: No, actually, December 4<sup>th</sup> would be fine, because the only people we would have to change in the computer system is four people; it's four houses on Chestnut Street, because they're the only ones listed as Light Industrial. The rest of them are incorrectly listed as residential, which is where they want to go to.

Councilwoman Jones: Okay.

Mayor Newlands: Now, if there's a few individual homeowners in Cannery Village who don't want to switch, we'll have to change their designation back to Light Industrial. And we're going to make every effort to make sure that everybody understands what's going on and if they haven't gotten back to us to say yes, we're going to contact them and just make sure that they understand what's going on; that if they really want to leave it Light Industrial, if that's their desire. Because otherwise if they come back, it's \$400 and...

Robin Davis: It's a minimum of \$400 application fee for rezoning.

Councilwoman Jones: Okay, thank you.

Mayor Newlands: And this is voluntary. They don't all have to do this. This is voluntary. Okay, any other questions?

- g. Approval of an ordinance to Amend Town Code regarding Rental Licenses

Mayor Newlands: We did this last month, so that's struck from here.

- h. Approval of an ordinance to Amend Chapter 26 regarding the Personnel Officer

Seth Thompson: This was just, if you remember from last month, changing the term Town Clerk to Town Manager in 26-3(b) and then also in (d), making it clear that the Town Manager is the Personnel Officer of the town. That's what your Charter says. I don't know how it ended up the Chairman of the Personnel Committee was identified in there, but really all this is doing is bring the Code into compliance with the Charter.

Mayor Newlands: And we had our first reading last month, so this is the time to approve this. Mr. Abbott, do you know what Ordinance number we're up to this year?

Seth Thompson: Ten, maybe?

Mayor Newlands: We're getting up there, 9 or 10?

Win Abbott: No, it's more like 12.

Mayor Newlands: Nine was the last one, so this would be 10.

Councilman West: Mr. Mayor, I make a motion to amend the Ordinance of Chapter 26 regarding the Personnel Officer.

Councilman Lester: I'll second.

Mayor Newlands: Okay, we have a motion and a second to amend Chapter 26 regarding the Personnel Officer. Since it's an ordinance, let's just do a roll call:

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

Mayor Newlands: Motion is carried.

- i. Approval of an ordinance to Amend Chapter 158 regarding weeds/vegetation and removal by the Town

Seth Thompson: This ordinance just removes the reference to \$50 per hour for the rate that an owner would be charged and in its place it says that that rate can be set on the Fee Schedule, which is really what you do with most of your rates. I don't know why they ended up putting a specific rate in the Town Code for this, but this just refers back to the Fee Schedule. I believe, as was requested last time, I added in the fact that the Fee Schedule may also set out an interest rate.

Mayor Newlands: One question I have for Mr. Davis. Can we put these on the water bills? Can Edmunds do that?

Robin Davis: I don't know what the new update... The last I heard, no.

Mayor Newlands: Okay, so that's an issue.

Robin Davis: Can the fees that we charge for the cutting of the grass be put on the water bills?

Mayor Newlands: Because that's what we're saying it's going to do here in the Ordinance.

Seth Thompson: That's right, that's a shall. You could change that to may. "These amounts may be charged to the owner or occupier of such property on the next water bill." I think it's a logistical issue.

Win Abbott: Yes, we can do it.

Mayor Newlands: Okay, I didn't know Edmunds could handle that.

Robin Davis: I don't know if Edmunds will allow you to put an additional items, besides the...

Win Abbott: I thought you were talking about the legal part. It's just a bill, you know. So we can figure out the logistical part later. That's fine.

Seth Thompson: Just in case, do you want to... Would you prefer that it say may? Instead of shall? It's on the...

Mayor Newlands: third line from the bottom.

Seth Thompson: Correct. Right after these amounts...

Councilwoman Jones: Does that eliminate sending out a monthly reminder, because then water bills are quarterly, so if you sent your bill and you haven't paid it, you then get a little bit of leeway there; are you accruing...

Win Abbott: If I could help you? We would send the bill for the grass cutting directly to them. Having it attached to the water bill, just gives us the leverage that we need, because the cost is relatively small. It's not worth going to court, however, under the threat of them not having water service, because we can turn it off, because they didn't pay their bill in full, that gives us the leverage we need.

Councilwoman Jones: Whoa.

Mayor Newlands: And regular invoices were sent out about two weeks ago.

Councilwoman Jones: Wait a minute. We're indicating that you don't pay to have your grass cut, we're going to cut your water off?

Win Abbott: That's correct.

Mayor Newlands: No, if you don't pay your water bill, which includes the grass cutting portion of it, yes we will cut your water off.

Councilman Booros: No. No.

Councilwoman Jones: I don't see that as good business. That's... What was it that just came before us, we could shut off their water? I don't see where... That's...

Seth Thompson: I didn't look at that specific issue. I was reading it I think the way you were Councilwoman, where it says if it's not paid by the owner prior thereto, and that's what Mr. Abbott described; that you'd send them the bill. If they didn't pay it, then it appears on the next water bill. I'll check. I'll have to look in our water section, to see if, indeed, that's a reason we can terminate service. We have to see how those two...

Mayor Newlands: Because we just sent out...

Councilwoman Jones: Because I don't see that on this reading.

Seth Thompson: I agree with that. We would have to see if that's how it reads in the water section of our Code, if that's a reason to shut off service.

Councilwoman Jones: Because we just went through this with...

Councilman Booros: Back taxes.

Councilwoman Jones: Back taxes and water bills.

Mayor Newlands: Right.

Councilwoman Jones: No, I would appreciate that clarification and if we're going to include it, be it very clear that that's what our intention is.

Mayor Newlands: And the staff will find out whether they can actually attach it to a water bill. I thought that was an issue.

Seth Thompson: Can I... Just as a cursory answer. It looks like 215-4 says the failure... This is a Termination of Service. It says failure to pay all or any part of any amount due for water service... But then it does say or any other services. It's contemplated hereby. But it seems delimited to the water. Again, it references the amount due for water service, not just something that appears on the bill, as well, because I understand the town puts a few different things in with it's water bill.

Mayor Newlands: Trash. Just trash.

Seth Thompson: Just trash, okay.

Mayor Newlands: Okay, so we'll just hold this off until next month?

Councilman West: Do you need a motion on that to table it?

Mayor Newlands: Sure, you can do that.

Councilman West: Mr. Mayor, I make a motion that we table this until next month, until we do further research.

Councilman Booros: Second that motion.

Mayor Newlands: We have a motion and a second to table amending Chapter 158 regarding weeds and vegetation and the removal by town until next month? Councilman West, table until next month?

Councilman West: Yes.

Mayor Newlands: Until December?

Councilman West: Yes.

Mayor Newlands: All in favor say aye. Opposed. Motion is carried.

- j. An ordinance to create a new Chapter 132 regarding fees and costs related to the Freedom of Information Act

Seth Thompson: This is what we discussed last month. I think people wanted to see, basically my draft was simply taking what administrative policy you had previously and then converting it into a Code section, but I understand people wanted to see the difference in a side by side comparison of the town policy vs. the State code that went into effect this year, so that's what's on that last page. It's interesting, you'll see that things don't exactly correspond. For instance, you know the State Code doesn't mention anything about charging for postage. The town policy did. Same thing with outside contractor duplication, that if, in essence, some job was too large, that the town had to

send it to Staples, or something to that effect, the town policy said that you would charge whatever the town had to pay. There wouldn't be a markup. The State code doesn't have that kind of provision. The waivers are a little bit different. Basically, the town's waiver was if extra copies already exist, then you're not going to charge somebody for making copies and if anything was \$1 or less, then that was waived. The way the State code factors in a waiver. If something takes less than an hour, you can't charge for administrative time. And also your first 20 pages are free, in terms of copies. So they don't exactly line up, although a lot of the language is very similar. For instance, it seems like the labor cost language tracked really well. It's basically billed at the hourly wage of the lowest paid town employee capable of retrieving the information.

Mayor Newlands: So for 95% of our requests, they're all free. In essence.

Seth Thompson: I think there was also a question last month about payment being due, or deposits. You can see I did a comparison at the bottom there.

Mayor Newlands: Now we have to put in fees for the color copies?

Seth Thompson: It's interesting. Basically your prior administrative policy just referred to copies. But then the State code breaks out, it adds an additional dollar per page for color copies on standard sizes and then \$1.50 per page for non-standard. So, I mean it could be... I don't expect you guys to digest all this and say okay, this is what we'd like to pass tonight, but if I could get a consensus from the group in terms of how you would like me to amend the draft. If you like any of these ideas and want them to be incorporated, or if you think the numbers in the State code are fairer, then that's what I could put in. I think the biggest issue seems to be the initial hour as being free under the State code. Again, this is a policy issue, so it's up to you guys, but that could end up consuming a lot of employee time. It's really up to you in terms of where you want to go from here. The other thing is the first 20 pages are free.

Mayor Newlands: That's the first 20 pages black and white, or first 20 pages of either?

Seth Thompson: Of either, I believe.

Mayor Newlands: Actually they only show it under...

Councilwoman Jones: It's here under black & white...

Mayor Newlands: Yes, they only show that under black & white, they don't show that under color. Because our color, we pay extra for the printers. I don't think we get any... We get a lot of black & white copies included in our monthly bill, but I don't think we get any color copies included in the monthly bill.

Seth Thompson: The one thing that was interesting too, on your standard copying, it said no additional administrative charges; so I guess that helps explain why it was 35¢ per page vs. the State which is 10¢ per page. Basically the state would say 10¢ per page, but if you go over an hour, you have to pay the administrative. The way the town's policy was written, it's 35¢ a page, but you didn't pay for the employee's time on the standard copies.

Councilwoman Jones: But Mr. Mayor did say that the majority of those are handled very quickly and I think you even said, free, so beginning to charge per page from 1 to 100, puts Milton a little more expensive than the State in a number of these categories. Even if we, under the first line, charged the 10¢ per page, or 20¢ for double-sided and took away the first 20 pages are free, you still would be more in keeping with the State for cost; you'd be able to charge for the first 20 pages.

Mayor Newlands: I don't see why they would charge 10¢ and then 20¢ for double-sided. I mean, the first side of the paper is 10¢.

Unidentified Speaker: They may be charging for a sheet of paper.

Mayor Newlands: You've got to pay for the ink.

Councilwoman Jones: I don't know how many requests there are for maps and things, but I think the non-standard size copies make sense to include, if you're going to be starting a policy.

Seth Thompson: I was surprised that the prior policy didn't have anything to that affect.

Councilwoman Jones: Do you get many requests for odd...?

Robin Davis: There are times that we do get requests for maps. Currently, our copier, the max size is 11X17", so if somebody wants a bigger size than that, we have to take it Staples and have it done.

Councilwoman Jones: Can you copy at 18X22" at Staples for \$2?

Robin Davis: Probably not in color, it will probably going to be more in the \$4 or \$5 range.

Councilwoman Patterson: Yes, I think \$4 or \$5.

Mayor Newlands: Yes, I think whatever the cost is we should charge the cost and I think we should charge for the driving time to go there and back.

Councilwoman Patterson: Yes, because that would be over an hour.

Mayor Newlands: Oh yes, definitely.

Councilwoman Patterson: Go down there and wait.

Mayor Newlands: Definitely.

Seth Thompson: So for outside contractor duplication, you would say whatever is due, no markup, but you would pay the administrative time? The travel time?

Councilwoman Jones: Especially if the copy was going out of house.

Councilwoman Patterson: I would do no markup, just travel time, outsider contractor duplication. So the biggest copies you could make in the office are 11X17"?

Robin Davis: Correct.

Councilwoman Jones: That way if you're charging exactly what you were charged, it wouldn't matter whether you got a black & white or color, the cost would carry over for the request.

Seth Thompson: If the town can only make 11X17", I would...

Councilwoman Patterson: I would eliminate everything except for that and \$2 seems fair for that.

Mayor Newlands: Does the machine hold the 11X17" paper as part of the hopper, or you've got to put it in every time.

Robin Davis: There's a slot for 11X17", yes.

Mayor Newlands: I just wanted to make sure there was no extra labor in making the copies. It's the color that bothers me, because... Win, do you remember what Xerox charges us for color?

Win Abbott: No, I don't.

Councilwoman Patterson: Staples charges 49¢ for a color copy page, one page.

Mayor Newlands: Just for 8-1/2X11"?

Councilwoman Patterson: Yes.

Mayor Newlands: Okay.

Seth Thompson: So the State's a little more expensive, then what Staples actually charges? Because they added a dollar for the...

Councilwoman Patterson: Really Staples can do things faster... Yeah. But I do go down there and I do need color copies and they are 49¢. Think about it, they're doing stuff in bulk and our ink is going to be more expensive. So I think \$1 is fair for a color copy.

Mayor Newlands: Yes, so we're going to make that \$1.

Seth Thompson: So it sounds like, and what I can do is I can take the State code on the standard black & white, move it over. Does the Council want me to eliminate the first 20

pages being free?

Mayor Newlands: Yes.

Councilwoman Patterson: Yes.

Seth Thompson: And what about the first hour of administrative costs?

Mayor Newlands: I think that would depend on what we're doing.

Seth Thompson: The State code does have language in it that says that somebody can't break up a request, so that they're always under that hour. Making that determination I think would be a little difficult.

Councilwoman Patterson: They think of everything, wow?

Mayor Newlands: They spend more time and money figuring out how to gain the system and not pay the money.

Councilwoman Patterson: It's an extra \$2, or whatever.

Mayor Newlands: My concern is no additional administrative costs. I thought we have an administrative cost in there anyway?

Seth Thompson: You do, but not for your standard black & white.

Mayor Newlands: No, no, no, no, no. You can have an administrative cost in for, I don't care if it's black & white, color or anything else, if we have to do work, they're going to pay for it, period.

Councilwoman Patterson: Most information people need, it's under a quarter of an hour, it's 15 minutes or less.

Mayor Newlands: Not necessarily.

Councilwoman Patterson: Not necessarily. Okay. Because we have down here labor costs.

Mayor Newlands: And the fact that it's color or black & white. If it's free that it's black & white, you could ask for something that's a color copy and have it be free. No. They've got to pay for the labor. It's going to cost us. I mean if you want to give the first half hour free, that's one thing. I just don't want people coming in and asking for things. The staff is tied up spending a half hour here, a half hour there, doing things and there's no cost.

Councilwoman Patterson: Yes, and I would say the first 15 minutes free and then the rest is billed, because everybody's paying for their time...

Mayor Newlands: So it would be labor cost over 1/4 hour.

Seth Thompson: And I could put in the microfilm or microfiche... Do you guys actually have any records on microfiche?

Councilwoman Jones: We do now, don't we?

Mayor Newlands: No.

Seth Thompson: Well if that's the case, I'm not going to...

Mayor Newlands: The electronic ones though, we do have electronic... so that's material, plus administrative.

Seth Thompson: Well it depends. If you're going to electronic documents, that's electronically stored, and then sending it to somebody electronically, then it's just the administrative costs, because there's no material basically. But if it's electronically stored and you have to print it, then you have the administrative and then...

Mayor Newlands: Everything's electronically stored. If it gets printed, it's printed at the printing costs. So if it's electronically stored and a CD is cut, then it's material.

Seth Thompson: Right, that's right, the CD.

Mayor Newlands: But if it's printed, everything we have is electronic. If it gets printed, then it's at the regular printing cost.

Councilman Booros: And we charge \$15 for a CD?

Seth Thompson: The way it's written, it's just whatever the town paid for the material.

Councilman Booros: I understand that, but I was asked to pay \$15 for a CD last election time. I ended up getting it for nothing, but that's what they were charging me to give me the voter registration list on a CD was \$15.

Mayor Newlands: It's free to any candidate.

Councilman Booros: I wasn't a candidate at the time, I was looking for it for something else and they wanted to charge me \$15 for a CD. Is that materials, \$15 for one CD. There's a problem there.

Mayor Newlands: Yes, it's 25¢, if that.

Councilman Booros: You've got it, but the cost is \$15 right now.

Seth Thompson: Well the policy doesn't identify. It just says the cost of the materials, whatever the town paid for them.

Councilman Booros: I understand that. I understand that. So it's really up in the air when you're talking about a CD. It's either 25¢ or it's...

Councilwoman Patterson: If you needed to get your X-Rays on a CD, not at our place, but at some places, it's \$15.

Councilman Booros: \$15.

Mayor Newlands: Is there a labor cost involved in that also?

Councilwoman Patterson: That's the whole thing.

Mayor Newlands: Okay, so that's labor and everything else.

Councilwoman Patterson: And that's for your second. If you've already lost your first one, then they will charge you \$15.

Mayor Newlands: I think a CD should be material, plus whatever the labor is.

Councilman Booros: Absolutely.

Mayor Newlands: Yes.

Councilwoman Patterson: Me too.

Seth Thompson: Do you want to keep in the waiver argument, or the waiver option, where extra copies exist and therefore there's no charge or \$1 or less?

Mayor Newlands: Well the only extra copies we're going to have is at a meeting. You're not going to have extra copies later at Town Hall, of anything, I wouldn't think. Right? I wouldn't think we'd have extra copies. If extra copies exist and we can get to them in 5 minutes, they can have them. I don't have a problem with that, because the odds of us having anything extra laying around is remote.

Seth Thompson: Now the deposit, the town is actually friendlier than the State code; the State code said you could ask for any portion, including all of it, at any time, including prior to doing anything. The town's deposit language was that 50% would be required, if the estimate was that it would be \$50 or more.

Mayor Newlands: That's fair. We did a job for somebody last summer. It was \$200 and we waited until the end and we got paid every dime.

Councilwoman Jones: If you have someone requesting and they've paid their 50% up front, are you going to secure that other \$25 prior to that mailing? Prior to that mailing?

Seth Thompson: Right and that's the payment due, where they wouldn't get the documents unless they paid the other half of the bill, or they would have to pay it before it would be mailed out.

Mayor Newlands: Now somebody creating a CD, you may not want your lowest level employee doing that, because you may want to have somebody with some technical experience.

Seth Thompson: It says the lowest paid employee capable of retrieving the information.

Mayor Newlands: Okay.

Seth Thompson: I think, based on everybody's comments, I can have a revised draft.

Mayor Newlands: Councilman West, do you want to make a motion to table this until next month.

Councilman West: I make a motion that we table this until December, so that our Town Solicitor can get all the facts and figures together.

Councilwoman Patterson: I second.

Mayor Newlands: We have a motion and a second to table amending Chapter 132 regarding fees and costs relating to Freedom of Information Act. All in favor say aye. Opposed. Motion is carried.

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

- a. Water Department funding for check valve replacements

Mayor Newlands: Mr. Abbott, Water Department funding for check valves replacements.

Win Abbott: I think that you saw that in the report for the Water Committee and Councilman West has some information before him.

Councilman West: I have a motion that we change the 2013 fiscal year budget to be amended to include \$16,000 under Capital Expenses for the water system improvement. It's a quoted price for the replacement of existing meters and check valves at our three active wells. This will help us get a better count on our water back flowing, that we will not be counting it twice and also treating it twice. So I'd like to make that a motion that we include the \$16,094 under Capital Expenses for the improvement of the valves.

Councilman Booros: I'll second that motion.

Mayor Newlands: Okay, we have a motion and second to modify the budget for a Capital Expense of \$16,000 for the Water Department to replace the check valves and meters. Let's do a roll call:

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

Mayor Newlands: Motion is carried.

- b. Resolution to set a date of Public Hearing for the proposed down zoning of properties from Light Industrial or Commercial to Residential to reflect the actual use of the area

Mayor Newlands: You would like what date?

Robin Davis: Well the next Council Meeting after the November 20<sup>th</sup> Planning and Zoning meeting would be December 3<sup>rd</sup>. If that seems to be feasible enough to do.

Mayor Newlands: So we don't need to make any motion to get it to Planning and Zoning.

Robin Davis: No, that was already done on August 23<sup>rd</sup> when Council approved to move forward with the applications.

Mayor Newlands: So all we have to do is a motion to have a Public Hearing about this on December 3<sup>rd</sup>.

Robin Davis: The Resolution was part of your packet and it just basically says that we have to schedule the time and the place for the Public Hearing for the application.

Seth Thompson: You just need to fill in the date and then you can adopt the Resolution as amended.

Mayor Newlands: Okay. What time do we do, 7:00?

Robin Davis: Well it will be at a Council Meeting, so it would be 6:30.

Mayor Newlands: Okay so we're amending this Resolution to add a date and time which will be December 3, 2012 at 6:30 p.m. at the Milton Library, 121 Union Street. So can we get a motion?

Councilman West: I make a motion to set the time for December 3, 6:30 p.m. for a Public Hearing on the proposed down zoning of the properties from Light Industrial or Commercial to Residential to reflect actual use of the area.

Councilwoman Patterson: I second.

Mayor Newlands: We have a motion and a second to set the date and time for a Public Hearing for December 3, 2012 at 6:30 p.m. for the proposed down zoning of the properties from Light Industrial or Commercial to Residential to reflect the actual use of the area. Let's do a roll call:

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

Mayor Newlands: Motion is carried.

c. Police Salary Equalization

Mayor Newlands: The Chief has asked that we table that, but we can also discuss, if we want to talk... Councilman Lester you had mentioned about the...

Councilwoman Jones: I have a question. I have this document. Can anybody tell me where this belongs or who wrote it? It's for the year 2013 budget update.

Win Abbott: That belongs within the section where you have the Town Manager's financial report and the Treasurer's report. That is simply provided for your information and clarity. During the course of the budget process, it was recommended by the Town Manager and adopted by the Council that all grants revenue would be shown on the general fund. That short memo was prepared by Mrs. Rogers, so that everyone has clarity about what was done.

Councilwoman Jones: Okay, thank you.

Mayor Newlands: Okay, so the Chief has asked that we not discuss this item tonight for police salary equalization and Councilman Lester you had talked...

Councilman Lester: I did, but I do have another question. I'm looking at this summary of what's being paid now to officers and there's a line item for health insurance. Are these the actual amounts that we're withholding from people? It's some large numbers here.

Councilwoman Jones: I think that's what we're paying for health insurance.

Mayor Newlands: That's what we're paying.

Councilman Lester: That's not what we're withholding.

Mayor Newlands: That's the 70% of the health insurance. These are all town's costs.

Councilman Lester: Even so, just as an aside, we need to look at those numbers, because under the patient care act, should it survive tomorrow, if the individual pays more than 9-1/2% of his family income, we could be in violation of the law. I'm just looking at the

numbers.

Mayor Newlands: If the individual...

Councilman Lester: If the individual contributes more than 9-1/2% of his family income...

Mayor Newlands: To health care.

Councilman Lester: We could be in violation of the Obama Act.

Mayor Newlands: So they're trying to get it so that employer's pay more than... pay a bigger share of the medical insurance.

Councilman Lester: Or push people off into the buying groups.

Mayor Newlands: Okay.

Councilman Lester: We'll need to look at that as we go forward, as part of our package. My thought before was, and I have no idea exactly what the International Association of Police Chiefs... maybe we could just talk to them and find out. I don't know if Councilwoman Jones has had a conversation or not, but maybe we should just talk to them and find out the parameters of what they do.

Councilwoman Jones: I did make some notes when you made that offer. I feel, again, same as in keeping with the speech I made about the COPS Grant. If the IACP is going to be contacted, in reference to information, finding out if they fit the bill for Milton, I believe ought to be generated (sorry, Mr. Abbott) by the Town Manager. I believe the contact to the IACP for that kind of service should be made by our Town Manager.

Councilman Lester: I don't disagree. I just offered to make the phone call.

Councilwoman Jones: I understand. I understand.

Councilman Lester: Knowing everybody's busy now.

Mayor Newlands: So all we're looking to do right now is to find out what services they provide.

Councilwoman Jones: I understand.

Mayor Newlands: That's fine.

Councilman Lester: There's also another group that I saw and I don't know... under one of the headings talking about non-profit organizations, there's a group I think called the National Association of Police Chiefs, but their rating was somewhat questionable and I've never heard of that particular group. I've heard of the International Association, because I think they had bordered around the DC area.

Mayor Newlands: Okay.

Councilman Lester: The other group, I don't know who they are.

Mayor Newlands: Okay, so we can have the Town Manager do that and then we'll have a workshop. Okay?

Councilwoman Patterson: I wanted to add one thing before we leave.

Mayor Newlands: We're not going anywhere, we've got Executive Session.

Councilwoman Patterson: Yes, I know, but before we close up this. It's great to see some extra money in the town coffers. We had talked during the budget that we don't have either a Sinking Fund or a Capital Improvement Fund and I wanted to request that on next month's agenda, that Council have a discussion about that so we could start the process of having extra money, a rainy day fund, so if we could put that on the agenda I would appreciate that. Thank you.

17. Executive Session

- a. **Possible litigation**: Strategy litigation regarding legal advice or opinion from an attorney-at-law with respect to potential litigation regarding town audits, due to an open meeting's adverse effect on the town's litigation position. (\*)

Mayor Newlands: Okay, can we get a motion to go into Executive Session?

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

Councilman West: I'll second that.

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

Councilman West: I make a motion to come out of Executive Session at 11:18 p.m.

Councilman Lester: Second.

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

18. Adjournment

Mayor Newlands: Can we have a motion to adjourn?

Councilman West: I make a motion to adjourn at 11:18 p.m.

Councilman Lester: Second.

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