

MINUTES OF THE PUBLIC HEARING AND MEETING
SMYRNA TOWN COUNCIL
January 19, 2010

REGULAR MEETING

The regular meeting was called to order by Mayor Patricia A. Stombaugh at 7:30 p.m. Council members present were Valerie M. White, Anthony H. DeFeo, William C. Raynor, Robert Riddagh, and Lawrence O. Thornton.

Also present were Town Manager David S. Hugg III, Police Chief Richard H. Baldwin Jr., Attorney John Terrence Jaywork, and Recording Secretary Valerie L. Heritage.

Mayor Stombaugh asked everyone to rise for the Pledge of Allegiance. Mayor Stombaugh asked for everyone to remain standing for a moment of silence.

Mr. Hugg stated Councilman Evans called and said he would not be here tonight, he is not feeling well.

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

Mayor Stombaugh said she needed to ask a question. She asked a couple of members of the audience if they wanted to be moved up on the agenda or do they want to stay where they were. Councilman Thornton asked if those were her appointments. Mayor Stombaugh said yes. Councilman Thornton said that he would move that we move that to item 9(a). Mayor Stombaugh said thank you. She said so item 9(c) will be moved up and will now be item 9(a) and then everything else would be moved down.

Mayor Stombaugh asked if there was a motion to accept the agenda with the change. Councilman Riddagh said so moved. Motion was seconded by Councilman Raynor and carried unanimously.

MINUTES OF PREVIOUS MEETING

Mayor Stombaugh asked if there were any additions or deletions to the minutes of December 21, 2009. There were none.

Mayor Stombaugh asked if there was a motion to accept. Councilman DeFeo said so moved. Motion was seconded by Councilman Raynor and carried unanimously.

REPORTS

A. Bills and Financial Statement - Mr. Hugg said he just passed out to Council the weekly bank balances as of the end of last week and there are no bills to bring to the attention of Council.

B. Presiding Officer - Mayor Stombaugh said she had nothing at this time.

C. Town Attorney - Mr. Jaywork said he has been busy this week and two of the things are on your agenda this evening - one is the terms resolution for the borrowing that was approved at the last Council meeting. He said they met with the Public Safety Committee to discuss at length the Solicitation and Peddler's Ordinance - he thinks that has now been worked out, and they have been working on an agreement, a concession agreement, and also the possibility of a concessionaires ordinance. Mr. Jaywork said it was triggered by the interest in the kayaks on Lake Como - the boat rental. He said if you decide to go that route the ordinance would fit any situation where you would want to grant a concession in the town.

D. Police Chief - Chief Baldwin stated Council has a copy of his written report in their packets this evening. He said it is his pleasure to announce the promotion of Officer Torrie James to the rank of Sergeant. Chief Baldwin said Torrie joined the Smyrna Police Department in June of the year 2000, he has served in the Patrol Division, he served in our Special Investigations Unit as a drug investigator, and presently he is working at Smyrna High School as a School Resource Officer. He said as soon as he finishes up teaching his D.A.R.E. classes for this semester he will be moving to become a Squad Leader in the Patrol Division. Chief Baldwin said Council has the year end stats. He said the Smyrna Police Department responded to a little over 20,000 calls for service this year and he is happy to report that overall we have seen a 7 percent decline in the number of calls for service.

E. Town Manager - Mr. Hugg said his report is in Council's packets. He said he would like to call Council's attention to a meeting at 7:00 p.m. on Thursday the 28th immediately following the Long Range Planning Committee meeting with the property owners along Lake Como to allow the individual who is proposing to have a boat rental program to meet with residents and answer

questions. Mr. Hugg said those door hanger notices will be going out in the next day or two.

F. Committees - Councilman DeFeo said the Utility Committee minutes are in Council's packets and he had nothing further to report.

Councilman Thornton said the Public Safety Committee met on January 14, 2010 which prevented the minutes from getting into Council's packets. He said as Mr. Jaywork indicated we discuss at length the Peddler's and Solicitor's Ordinance that we will be talking about later in the meeting. Councilman Thornton said both Mr. Jaywork and Barrett Edwards were there, but Mr. Jaywork was quick to point out that we were only being charged for one attorney, so we saved some money there. He said he thinks we have some good changes in store for that ordinance and it should be ready to go very soon. Councilman Thornton said they also had a discussion on curfew - again Mr. Jaywork and Chief Baldwin updated the committee on historical perspective concerning a curfew and a lot of the pitfalls involved in trying to enact an ordinance such as being able to justify the ordinance by an inordinate amount of juvenile crime and so forth which we can't do at this point, so the discussion was good but there was no curfew ordinance coming out of that. He said they also discussed the for public safety reasons a stop sign on Bon Ayre Lane at Saks Street and we will be having something come to the attention of the Council for approval later on. Councilman Thornton said they discussed entrances to the Smyrna Mart and some of the problems we are having over there. He said Chief Baldwin has indicated he has contacted DelDOT on several occasions and is waiting for a response from them on some of those issues.

Mr. Hugg apologized that we don't have the minutes for the last Business Development meeting that was held last Thursday. He said they discussed the town's continuing efforts to recruit and retain businesses and some of the promotional activities we would like to undertake. Mr. Hugg said they also did talk briefly about Lake Como and a couple of other items. He said they will meet again on February 4th.

Mayor Stombaugh said the Finance Committee met last Tuesday. She said three of the four new members were there and it was a very productive meeting. Mayor Stombaugh said she is very pleased with the new members - they all jumped right in, spoke right up and she is looking forward to working with them.

She said she thinks we have some really good people and they are starting on next year's budget. Mayor Stombaugh said the Long Range Planning Committee meeting is next Thursday the 28th at 6:00 p.m. here at Town Hall downstairs. She said the Long Range Planning Committee has been together - this is going into their second year; great group of people. Mayor Stombaugh said right now they are trying to just get caught up on information; it is hard to do long range planning until you know where you are right now so they are working on that. She said February 8th we are having a first Town special meeting and that will be held here in these chambers - we are going to try it here and see how many people we have. Mayor Stombaugh said it will be open to the citizens; everyone will be given five minutes because we figured from 7:00 p.m. to 10:00 p.m. if we gave everybody five minutes that basically allows 36 people to speak with no one speaking in between. She said we are going to open the door, give it a try and see how we make out; she hopes it will be a good meeting and she hopes everybody will come for the best interest of the town. Mayor Stombaugh said if this works out we will do more.

Mayor Stombaugh asked if there were any more committee reports. There were none.

RECOGNITION OF VISITORS

Visitors present were John Morgan, Ed Sammänder, Beryl Cook, Ed Lehman, Kathy Clough, Daryl Jester, Melaine Minear, James E. Veit Sr., Al Kemp, Priscilla Williams, Carl Williamson, E. Williamson, David & Bunny Pleasanton, Al & Tish Pickett, Grant Prichard, Regina Brown, Seth Clevenger, Ann Laumbach, and Dean Laumbach.

Mayor Stombaugh said this portion of the meeting we would like to open it to visitors. She said you are welcome to step to the microphone. Mayor Stombaugh said you need to give your name and address - it is being recorded. She said you will have three minutes to address Council; Council may not respond tonight - we may need to take your issue to a staff member or to a committee member. Mayor Stombaugh said Council will not speak during that time; we may address some of your issues at the end. Mayor Stombaugh asked if anyone would like to step forward and address Council.

Melaine Minear, 41 South Main Street, Smyrna came forward to speak. Ms. Minear said she is the spokeswoman for the newly

formed Smyrna Citizens Coalition - we are now up to 51 people and growing. She said tonight she would like to address Chief Baldwin - first of all she would like to mention the article that was in the Sunday paper about your comments about cameras might be difficult to justify in today's economy. She said the second statement is about just because of the newest novelty item - she gave him some information - she has been doing some research and there is a lot of it about other communities that are using surveillance and they are finding it to be very effective in helping with crime, especially drugs. Ms. Minear said we have a serious problem in our historic district. She said those of us who don't have detachment mentality see it in the summer - it was a circus. Ms. Minear said we have about nine people who she thinks in a court of law would be glad to testify. She said with that being said she would like to read you our wish list - Ms. Minear passed out copies to Council - first of all 1) cameras - they work as evidenced in Lancaster, Pennsylvania; Newark, New Jersey; Milford, Massachusetts; and elsewhere - supporting data will be available to you which she did give that to you correct, and she would be glad to provide more if you need it; 2) police beat - SCC believes that providing a weekly Police Beat in our Sun Times is a proactive way to keep our citizens aware and savvy about what goes on. Ms. Minear said the more we know the more opportunity to keep our Town safe and welcoming to citizens, businesses, investors, and visitors. She said she has friends that would like to open a nice restaurant and she could not, knowing what she knows, do this to her friends and say come on down until we clean things up; 3) foot patrol - we believe that a foot patrol and/or bike patrol, at least part-time, will greatly assist with keeping the streets safer. She said and this "meet and greet" approach will certainly help us to get to know one another and build a better bridge of communication and friendship; and 4) incident report - by the way there were eight - 8:19 on Saturday a semi-automatic was fired-off up towards North Main Street - two people heard it and she called it in. Ms. Minear said in the past it has been stated by several police officers that they do not keep track of calls or incidents - she has had three occasions that they told her that as well as others - if they are not actual acts of breaking the law. She said by keeping track on the computers in the patrol cars data can be an effective measure of our community climate and a way to support and facilitate crime prevention - this includes phone-in tracking. Ms. Minear said now, we met at a breakfast meeting last year that she asked through the SDRA Board to have with you - do you recall the meeting? She said there were four of us, one had to leave

early, and she wrote an email after that meeting as a summary. Ms. Minear said in that meeting you stated there weren't laws that supported loitering, reckless behavior, etc... Chief Baldwin asked her to repeat that. Ms. Minear said that there weren't laws on the books about loitering, etc... - there were three people sitting there. She said she went back and looked at our Town laws this week and there are laws that support that those are things that should be considered by the police.

Chief Baldwin said there most certainly are and he would not have said there were not. Ms. Minear said well there were three other people; you are welcome to speak with them. Chief Baldwin said he would be happy to. Ms. Minear said thank you.

Ms. Minear said there is a woman named Darcy Hall who was very brave in testifying about the drug activity behind a property on South Main Street - she was in the paper. She said we discussed her the day before Christmas. Ms. Minear said you said harm might come to her if she was recognized for her being brave. She said the harm started the day that that paper was published. Ms. Minear said and today there was something else that was despicable that happened to her. She said now, Ms. Hall has MS and fibromyalgia and Ms. Minear is very concerned for her, as well as others and she does hope that she is going to receive special protection. Ms. Minear said because if anything happened to that woman it would be very sad, because she is one of the few brave people in this town that she has met, thank you.

Edward Lehman, 161 Belmont Avenue, Smyrna came forward to speak. Mr. Lehman said one thing he would like to ask is you said if the next meeting was successful that is scheduled for February 8th - what do you mean by successful. He said we must roll down on our spending to hold off an increase in taxes in 2011. Mr. Lehman said if we don't put a freeze on it and stop spending the way we are you are going to have to increase taxes and people can't afford it in this town. He said you need to put a freeze on hiring - labor costs are killing us; if you don't control the labor costs there is nothing we can do to avoid a large tax increase in 2011 - action must be taken now. Mr. Lehman said there is no question this is a must, and be done now, not put off any longer. He said second, employees to share in their cost of health care insurance as State workers do and in private industry do. Mr. Lehman said your State workers are putting in at least 20 percent - why would our Town employees get it for nothing; it doesn't make sense to him. He said

third, as to the drug problem - 1) don't put the names or a picture of our undercover officer in the paper; he really doesn't know how this happened last time, but it sure was a large blunder; 2) take officers off radar and put them on foot patrol and on bicycles, and use the motorcycle that they have around Town - not just on the main highways, use it through all of the roads around town - let the police be seen and this will stop some of our drug problem - he is a firm believer in that because he knows from driving over the years you see people throwing their brake lights on when they are driving down the highway and they see a cop car ahead and you know darn right well if the drug dealers, or even the people that are using see them you are going to keep them out of the town. Mr. Lehman said you are going to have a certain amount but we can control it and he does agree with the woman that just spoke if you put these articles in front of the people so people know what is going on in town they can be more on the lookout. He said they can be a help to the Chief of Police and to the whole Police Department. Mr. Lehman said we have to control this as citizens; we can't let this keep running away from us because it's going to get bad and it's going to get worse especially with the economy the way it is these people are looking for a way to make money and they don't care how they do it - they don't care how many houses they break into, how many cars they break in and steal - it doesn't matter to them, but he knows to most of the citizens in this town it matters. He said we have to do something; we all have to learn to do with less, like our Town Manager - why does he need someone to take phone calls? Mr. Lehman said he doesn't return them; an answering machine would do the same thing and it would be a lot less cost. He said as a town we need to look at all the possible ways to cut costs; he knows nobody likes change but without change we are going to look to higher taxes in 2011, and he for one does not like it and he will oppose anyone that votes for any tax increases. Mr. Lehman said he will do his best and he will do whatever it takes, thank you.

Al Pickett, 24 North Main Street, Smyrna came forward to speak. Mr. Pickett said he knows we need new utilities such as water, sewer, electric underground - it just seems like we are trying to save money but yet we're spending money. He said we're about ready to start on South Street; he doesn't think there are very many businesses on South Street so why can't we do this during the daytime and just bypass the overtime with the contractors? Mr. Pickett said that would be a better way of getting a job done in daytime hours, less chance of having

accidents, less damage to property, you could save the premium time by paying the contractors a nightly wage, and he thinks this would be certainly a consideration.

Mayor Stombaugh asked if anyone else would like to address Council. No one came forward.

Mayor Stombaugh said she would like to just answer a couple of questions that were asked. She said the success of the February 8th meeting - what she means by that is just as this has been tonight, the meeting December 21st, and the meeting December 7th - when people came they spoke, they had a voice, they did it orderly, and she was proud to be Mayor of the Town and she was proud of the citizens. Mayor Stombaugh said that is what she asks for February 8th - some of the citizens have been saying that they don't have a voice or they haven't had the opportunity to speak; hopefully this will be the opportunity. She said as we said in the paper it has to be orderly, it has to be in control, and that is what will make it successful. Mayor Stombaugh said we want to hear what your concerns are; mostly at this meeting you will have a voice - you will have a chance to talk to us. She said we may have to plan another meeting so that we can answer some of your questions that will come up that night.

Mayor Stombaugh said healthcare and pension - we are working on that. She said times have changed, it's not the good days that used to be, and she thinks all businesses to survive, which we are a business, have had to make changes. Mayor Stombaugh said we have a Pension Committee, we have a Finance Committee, we are looking at everything, we are looking at those things, we are looking at healthcare, we are looking at pension, and a lot of other things. She said as far as motorcycles - when you brought up motorcycles she has to tell you - her son owns a motorcycle shop and she can't tell you how many phone calls she received last summer. Mayor Stombaugh said people in Town don't want motorcycles coming down the streets. She said apparently they ricochet off of the buildings, especially going down like Main Street and Commerce Street, and the noise is a lot louder than what it is out on a main road. Mayor Stombaugh said she received so many phone calls and she does not know if the rest of Council did or not, but people were talking about their alarms were being set off, etc... She said so she is not that one's a good idea. Mr. Lehman said the police motorcycle does that? Councilwoman White said no, it does not - it is not as loud. Mayor Stombaugh said it is not as loud, but it is a

motorcycle and it makes noise.

Councilwoman White said he is out in the summer and he does police all around town; she does notice that there is more time spent on the main streets in town, but who is the office now that... Chief Baldwin said it was John Andrews. Councilwoman White said Officer Andrews often in the summertime and she lives right on Commerce Street, so when it is nice out he is out on the bike.

Mayor Stombaugh said as far as contractors and South Main Street she believes, Mr. Hugg could you correct her if she is wrong, didn't we get a special rate from the contractors to do it this way? Mr. Hugg said we're not excessive overtime rates, and the problem with daytime work is that, as some of you may remember from when Glenwood Avenue was done by the State, South Street is a very busy street, it carries a lot of bus traffic, we are trying to avoid the problems with buses, trash collection, mail delivery, other kinds of delivery - there is no easy time to do this kind of work and quite frankly there is far less traffic to contend with and it's really much easier from a construction standpoint to do the work at night when you don't have to try and deal with all of that background traffic and reroute it. He said the costs that we're getting for the South Street project are extremely low, probably partly because of the economy and partly because it's a good project for a contractor to be interested in doing. Mr. Hugg said we don't have Town employees out there working overtime on that project or whatever; it is being done as if those are the hours, the actual hours, of construction.

Mayor Stombaugh said as far as doing these projects, yes it is costing us some money, but these were the times when we had the opportunity to use the stimulus funds - it was very hard for her to vote for that because she didn't want the Town to incur any more debt. She said the problem is pipes are breaking and over this weekend we had a pipe break up near Route 13, in front of the Valero Station, and it cost the Town money to get that fixed. Mayor Stombaugh said we had to call Kent Construction in; the guys were out there from 7:30 p.m. until 4:00 or 4:30 a.m. She said if we don't fix these things we will be spending money anyway because if you get - it cost a lot more to go out and repair something; we have a lot of the old terra cotta pipes in the old downtown; we're trying to pull in our horns as much as we can, we're trying to cut expenses everywhere, but we still have to take care of our town. Mayor Stombaugh said one of the

things that she campaigned on was we need to take care of what we already have before we go and get more. She said so we scaled down a lot. Mayor Stombaugh said the long range plan, the capital budget - so many things were cut from that, in fact she thinks we cut everything from the capital budget except the one truck. She said the budget was cut three different times to get where we are, so we are doing a lot, and she know a lot of it is not seen by the public right now, but we are working hard and we are really cutting and we are doing a lot. Mayor Stombaugh said we are looking to the future to see what more we can do - the last thing that we want to do is raise taxes. She said in 2012 the State is going to mandate that utility rates be brought down, so if we have to bring utility rates down the Town has to have money to pay it's bills the same as you have to have money to run your household, so when it gets to that point and we have to start bringing down utility bills we are going to have to look at - the only two places we can make money right now is taxes and utilities. Mayor Stombaugh said if one comes down the other one is going to have to go up, so in the future, but hopefully we are going to be able to balance this that it is not going to be hurtful to the citizens if this Town.

Councilman Thornton said just as a point of correction the mandate for the State is not for the utility rates to come down, although that is going to be the end result, it is to reduce the consumption of electricity. He said the rate itself - they are not mandating the rate. Mayor Stombaugh said thank you.

Mayor Stombaugh asked if anyone else on Council would like to address anything that was said. Councilman Thornton said yes he would. He said he has heard a lot of comments tonight about the Police Department and some of the issues, and he doesn't - what he wants to point out is the fact that we do have a Public Safety Committee that meets the second Thursday of every month. Councilman Thornton said the public is certainly invited to come in and express their opinions or ask questions. He said we have three members of Council on that committee as well as a couple of citizens, and the Chief is always there along with one of his staff members, so that would be a forum to bring questions, comments, concerns to the Police Chief as well, and then we can take it from there.

Mayor Stombaugh said that goes for all of the committees that we have in the Town. She said all the committees are open to the public and it is an opportunity for the citizens to come if you have something that you wanted to talk longer than three

minutes about; perhaps one of these committees would be the opportunity for you to come to and basically you can talk quite a while there. Mayor Stombaugh said on the website all the Town committees are listed - the dates and the times of the committee meetings are listed. She said as Councilman Thornton said the Public Safety Committee - if you are not comfortable talking to any member of Council, or if you are not comfortable talking to the Police Station, anyone there if you feel that there is a problem get a hold of the citizens - they are the same as you, they are citizens that are serving on this committee - maybe you would be more comfortable talking with them.

Mayor Stombaugh said we have a presentation - are they here? Mr. Hugg said no, remember this was rescheduled from early in December and we put it on the agenda as a hold for tonight, but they were not able to be here so we'll pick it back up.

Mayor Stombaugh said this portion of the meeting will close and go back into regular Council meeting.

OLD BUSINESS

A. SECOND READINGS:

1. Ord. No. 008-09, Chapter 1, General Provisions, Sec. 1.14, Good Standing Ordinance - Mr. Jaywork said he would like to address this. He said you may recall at the last meeting he discussed with Council basically two issues that had come up. Mr. Jaywork said one - he was trying to get some direction from the Council as to whether you wanted to have an ordinance that reached out and covered everything in town, any violation in town, and any taxes owed on any property in town to get a permit for a single piece of property, and the other option which Mr. Prichard is familiar with because it was use in Kent County and the City of Dover is property specific, which means that you only have to have your taxes paid and not be in violation for the particular property that you are seeking a permit for. He said he wasn't sure which way the Council wanted to go so he brought this up at the last Council meeting and we discussed it a little bit, and he thinks he passed out copies of it so Council could look at it and give him some guidance, and he thinks at this point we can either adopt it as a second reading and Council give him instructions and he will bring it back in final form for a third reading, or we could table this second reading and bring it back and let you actually look at it. Mr. Jaywork said but he does want to say the

last draft of the ordinance that he had, he had put in a section d - Section 1-14.5(d) Special Rule for Developers Lots. He said if the ordinance as originally drafted, which takes the broad approach, says if you owe anything anywhere in town you can't get a permit - if that's the way the ordinance goes it occurred to him somewhere along the way that this could actually have unintended consequences for the town because if you had a developer who had 100 vacant lots in a subdivision and he wanted to build a house, but he had to pay the taxes on the other 99 lots in order to get the one permit to build the house that might squelch the idea of his building that one house and the town would lose the transfer taxes and they would lose the building permit fees, and they would lose taxes on an improved property and just collect the tax on a vacant lot. Mr. Jaywork said so he put this section d in here that said basically that where you have an applicant who is a land developer who has an inventory of lots in the town that he would be excused from paying the taxes everywhere - he would just have to pay the tax on the lot in particular. He said it doesn't affect if he's got a housing code violation somewhere else in town - he will still have to correct that that would remain just the same as everybody else. Mr. Jaywork said now if you take the property specific approach then this becomes a mute point because then you are only looking at each individual property so when the developer comes in and say he wants to get a permit for this property he only has to pay taxes for that property the same as anybody else. He said again he just wants to try to get some guidance as to how Council wants him to go with this thing for final form - do you want the broad encompassing approach, and if so do you want to create an exception for developers, or do you just want to go with the property specific approach in which case we don't need to write any exception at all. Mr. Jaywork said he thinks at the last meeting this went to the Finance Committee because they wanted to give some thought to the possible negative ramifications of the broad approach - making developers pay all of their back taxes on vacant lots. Councilwoman White said she did not like the property specific approach - the first example that Mr. Jaywork gave is the one she favored. She said it didn't apply to the vacant lots but to the other outstanding it did. Mr. Jaywork said so you would favor if, except for developers' vacant lots... Councilwoman White said if he has 20 vacant lots that's \$13.00 in taxes that he hasn't paid on those, not the one that he is developing. Mr. Jaywork said if we

take the broad approach any lot in town - if he, Terry Jaywork, owns two lots in town and he owes taxes on one lot and he comes in to get a building permit on his other lot then under the broad approach he would have to pay taxes on both lots to get the building permit - that's what you favor - that he would have to totally clean his balance sheet with the town? Councilwoman White said no, because it was a vacant lot. Mr. Jaywork said he was saying basically developers who had inventories of lots, not... Councilwoman White said the first example was the one that we had discussed previously at the last meeting if she is not mistaken. Mayor Stombaugh said they discussed the whole thing - the same thing you are discussing now was what was discussed. Councilman DeFeo said are you suggesting that developers have certain privileges that others could not. He said if you, Terry Jaywork, as a land owner or resident have two properties that you would have to make both properties paid up, but a developer would not. Mr. Jaywork said he understands where Councilman DeFeo is coming from and he knows it sounds like you are cutting the developers a break, but there is a business reason for doing it. He said because Terry Jaywork owns two lots in town he can probably afford to come in and pay the tax on his other lot to get the building permit on his second lot, but if he is Terry Jaywork the developer with 200 vacant lots and he owes taxes on all of those lots and he wants to get one building permit, he may say heck with this and not build it. Mayor Stombaugh said she would like to go with the broad - we give the developers special rates on their empty lots to begin with. She said they don't get charged the full amount until they actually put a building on that lot and then they are reassessed and the increase in taxes goes on then. Mayor Stombaugh said somebody comes into our town and they want to own property in our town then they need to pay the taxes. She said they are getting a lower rate to begin with and she does not think that they should be eliminated from it. Mayor Stombaugh said if they came in as an investor, it's an investment, and they should have known when they got into it that there are obligations with purchasing a property, so she definitely wants to go with the broad. Mr. Jaywork said without the exception. Mayor Stombaugh said with out the exception. Councilwoman White said so if - using this as an example - he owned all of these parcels and then another whole group over here and decided he was going to build on all of these parcels, but not these and owed back taxes, he couldn't do anything here until these were paid for. Mayor

Stombaugh said absolutely. Councilman Raynor said he likes the no exception. Mr. Jaywork said so you and the Mayor share that opinion. Councilman Raynor said basically yes. Mayor Stombaugh said and Councilman DeFeo too. Mr. Jaywork said if he gets one more he thinks he'll know which way he is writing it. Councilman Riddagh said he likes the exception, because we are going to end up getting the taxes anyway eventually - every time he builds on a lot they are going to have to pay the tax on that lot he's going to build on and eventually if it goes under we have first shot at it anyway - right, because that's a lien on it. Mr. Jaywork said Councilman Riddagh is absolutely correct - you will get the money sooner or later because the Town's tax lien is like the highest priority against that property. He said so you will get it at some point - when he comes in to build on that particular lot or at some point the Town says okay we've waited long enough, we're going to start monition proceedings, we're going to collect this money, and Mr. Hugg explained he thinks at the last Council meeting that the Town gets 1½ percent per month on unpaid taxes - that's 18 percent a year. Mr. Jaywork said he wishes he could invest his money at 18 percent a year. Mayor Stombaugh said this when she presented the list last meeting from 2006 to 2008 there was almost \$230,000.00 in back taxes that is due to us - the deficit that we had in the budget that caused all the problems was \$261,000.00. She said if that \$230,000.00 was collectable at that time, which we know we are not going to get everything, but when we do the budget we do the budget counting on a certain amount of taxes coming in. Mayor Stombaugh said when you start getting into large numbers - she asked Councilwoman White what is one of the numbers on that list. Councilwoman White asked if she wanted an old amount. Mayor Stombaugh said no - on those lots. Councilwoman White said some are \$13.00... Mayor Stombaugh said \$13.00 a lot. Councilwoman White said some are \$340.00 a lot, so... Mayor Stombaugh said there are not too many that are at \$340.00, most of them are at... Councilwoman White said there are two pages of it, it just depends - some are \$13.00, some are a lot more and some are minimal. She said the minimal ones - \$13.00 - is one thing, but if we had this developer who had this big portion here and this big portion here and he is only ready to build here and he pays everything that he has to here - these are \$330.00 a piece at 29 lots - he has to pay all that up front to even start building here, which kind of causes a hardship - like Mr. Jaywork said he may say he's not doing anything, forget it

he won't do either place. Councilwoman White said that was her concern when she went with the first example. She said if it was \$13.00 then was only \$2,000.00 that would be one thing - he would probably say whatever, but if it's more money and some of them are more money based on the property location she would gather. Mayor Stombaugh said she still feels that if you come to the town and you make a commitment and we're counting on that, we don't have a lot of areas to have revenue come into the town - she still goes with the broad with no exception. Councilman Thornton said he is in the corner with Councilman Riddagh. He said looking at the long view, and unfortunately we cannot pick and choose between \$13.00 lots and \$360.00 lots. Councilman Thornton said he agrees with you in philosophy in that when people take on these projects they should be in a position to get them completed and if they don't have the money to pay the taxes why should we allow them exceptions, but pragmatically when you are looking at a builder who is developing or has developed a certain series of lots and then runs into an economic downturn he still owns those lots but he or she cannot raise the capital to finish the project under this scenario he is not sure how many projects we're going to get done. Councilman Thornton said the other side of the coin is it's a savings account for the town - eventually we're going to get our money and we're going to get it with interest, so he is torn between the two. He said he understands what Mayor Stombaugh and the other Council people who want to take that broad view, but he also is going to look at it pragmatically and say okay in this situation are we better off having that developer finish two or three lots, satisfy the taxes on those lots, be able to move along and not lose the project entirely. Mayor Stombaugh said the clean hands - it doesn't just include taxes thought - right? Mr. Jaywork said that is correct - it could be any violation of the Town Ordinance somewhere in town or if, this is very unusual, someone was in breach of contract with the town - the developer or somebody had a contract with town and was in breach of the contract it would cover that, it would cover any type of building code, housing code, any zoning violation, any violation within the town would have to be corrected. He said that would still apply to the developer; the only thing the developer's exception is it just says that on your property taxes for your vacant lots you don't have to pay those to get a building permit for the one lot you are trying to develop. Mayor Stombaugh said you've got a three to three.

Councilwoman White said she had just mentioned that Council table it until Councilman Evans comes back and then we can all - maybe we can get something to him and explain the two so he'll be prepared for the next meeting so that we all kind of have a full understanding of it. Mr. Jaywork said he wants Council to understand he has no interest or want to sway Council one way or the other; he just wants Council to understand the arguments on both sides. Mayor Stombaugh asked Councilwoman White if that was a motion. Councilwoman White said she would make a motion to table it. Motion was seconded by Councilman Riddagh and carried unanimously.

2. Ord. No. 009-09, Chapter 70, Utilities, Article III, Electric Rules and Regulations ref. Fees - Mr. Hugg said he had presented this to Council at the beginning of the year he believes, or at the end of last year. He said Council asked to have a copy of the actual Fee Schedule which he provided at the last Council meeting. Mr. Hugg said this would remove the last two provisions of the utility regulations that are still in the Code and put them in the administrative Fee Schedule as relates to commercial and industrial properties. He said it was recommended by the Utility Committee - it is a housekeeping provision basically to bring all of those fees into the Fee Schedule as opposed to leaving this one section of the Code. Mayor Stombaugh said those were included in the Fee Schedule that was attached to the Ordinance. Mr. Hugg said yes - he thinks Mayor Stombaugh was the one that had asked to have that and he provided that at the last meeting. Councilman Thornton made the motion to adopt Ord. No. 009-09, Chapter 70, Utilities, Article III, Electric Rules and Regulations ref. Fees as the second reading. Motion was seconded by Councilman Riddagh. Mayor Stombaugh asked if there was any discussion. There was none. Motion passed with Mayor Stombaugh, Councilmen DeFeo, Raynor, Riddagh, and Thornton voting for, and Councilwoman White voting against.

B. THIRD READING: Ord. No. 006-09, Chapter 50, Solicitor's Ordinance - Councilman Thornton said he respectfully request that this item be tabled until the next meeting. He said what happened - we discussed this at the Public Safety Committee meeting and we received some input from Mr. Jaywork and his assistant thus changing a couple of items in the Ordinance itself. Councilman Thornton said unfortunately the final product wasn't ready to go out in Council's packets on Friday afternoon so therefore you have not seen the changes and rather

than sit here and discuss them and not have a document to look at he would prefer to table it and then have that document ready for the next Council meeting. Mayor Stombaugh asked for a second. Motion was seconded by Councilman Raynor. Mayor Stombaugh asked if there was any discussion. There was none. Motion carried unanimously.

C. Resolution Approving and Formalizing Terms of \$5,975,000.00 Borrowing From the Delaware Water Pollution Control Revolving Fund (CWSRF) - Mr. Hugg stated as you remember at the last Council meeting Council voted to approve the actual borrowing resolution. He said Mr. Jaywork brought to his attention that there was also a requirement that we pass a resolution adopting the terms of said borrowing and he and the counsel for DNREC have prepared the resolution that Council has in their packets which will then allow us to go to closing on the loan hopefully within the next week or so. Mr. Hugg asked Mr. Jaywork if that is correct.

Mr. Jaywork said he knows they want to close soon - they have not given him a date. He said this is more of a formality; this resolution probably should have been included at the last meeting. Mr. Jaywork said it is not actually spelled out in the Charter that you have to have this, but the bond counsel wants it - it kind of fills in the blanks, and actually one of the things you'll see when you flip to the back there is an exhibit A which is actually the form of the bond. He said this is called a terms resolution meaning it sets out the exact terms of the borrowing in more detail.

Mayor Stombaugh asked if there is anything that was changed in that. Mr. Jaywork and Mr. Hugg both said no. Mr. Jaywork said it is the same exact thing that Council approved at the last Council meeting. Mayor Stombaugh said so each of these projects will still come back to Council for a vote before they... Mr. Hugg said yes - this doesn't affect the borrowing or the project list; it is just an additional requirement to authorize the actual terms of the bond itself.

Mayor Stombaugh asked if there is a motion. Councilman Riddagh said so moved. Motion was seconded by Councilman DeFeo. Mayor Stombaugh asked if there was any discussion. There was none. Motion passed unanimously.

NEW BUSINESS**A. Appointments**

1. Assessors - Mayor Stombaugh said she we have a couple of new appointments. She said she was told that these actually did not have to come before Council, but she would like to include Council. Mayor Stombaugh said we have two openings in the assessors - we have three assessors on the Assessment Board. She said what they do is after the tax bills go out we have an Assessment Day that the public can come in and be heard if they feel they were unfairly taxed on their property. Mayor Stombaugh said mostly this takes into consideration properties that have done changes - additions that would tell us that they have added onto their home. She said the two people that she - one is here and one could not make it due to a prior commitment. Mayor Stombaugh said both of these people work for real estate firms and have been realtors for a while. She said Priscilla Williams works for Delaware Homes - Delaware Homes is a real estate company that is located in Commodore Commons. Ms. Williams said yes. Mayor Stombaugh asked her to tell us about herself. Ms. Williams asked what you would like to know. Mayor Stombaugh said well we have your résumé here. Ms. Williams said it is a little lengthy isn't it. Mayor Stombaugh said you were born in Brooklyn - how long have you lived in Smyrna. Ms. Williams said she has been in Smyrna officially three years now, going on four. She said she has been working with a lot of new homes - she has worked with Anderson Homes, Lacrosse Homes, Richmond American Homes, but recently within the last two years she has been working with Delaware Homes in their Smyrna location. Mayor Stombaugh asked if anyone on Council had any questions. There were none. Mayor Stombaugh said she would like to make the appointment of Priscilla Williams to the Assessors Board. Councilman Raynor said so moved. Motion was seconded by Councilman Riddagh and carried unanimously. Mayor Stombaugh said the second person could not make it tonight so we'll wait until the next meeting, although Mr. Markow is putting a little bit of pressure on her to get these people on board here. She said her name is Deborah Adams and she also works for a local real estate firm - Pro Vest Realty, and she will be hopefully at the next meeting and she'll have a résumé for her.

2. Election and Registration Board - Mayor Stombaugh said we have three openings on the Board of Elections. She said

tonight she has two people that she would like to appoint; the third space which would be an alternate space is still open at this time. Mayor Stombaugh said she has a couple people that she has been talking to but she hasn't gotten a bio from them and she knows Council likes that so she doesn't have a commitment for the third space tonight. She said the first space on the Board of Elections - Beryl Cook who has lived in Smyrna, she lives in Bon Ayre. Mayor Stombaugh asked Ms. Cook to introduce herself. Ms. Cook said you want me to talk about myself. Mayor Stombaugh said yes. Ms. Cook said she has lived here eight years - moved down from Wilmington which it is a little different down here. She said she has worked in banking, FBI, worked for travel for over 50 years, and she worked at Belmont Hall which she dearly loved until it just closed - it broke her heart. Ms. Cook said that's about it; she's very friendly. Mayor Stombaugh said and very dependable. She said we have a short bio from Ms. Cook and she would like to appoint Ms. Cook to the Board of Elections. Councilman Thornton made the motion to appoint Beryl Cook to the Election Committee. Motion was seconded by Councilman Riddagh and carried unanimously. Mayor Stombaugh said the second person for the Board of Elections is Kathy Clough; she asked Ms. Clough to speak. Ms. Clough said she has lived in Smyrna for seven years and she is an office manager for an orthodontist in Wilmington and Dover. She said she really enjoys living in Smyrna and would like to serve in any way she could so it would be her pleasure. Mayor Stombaugh said she would like to appoint Kathy Clough to the Board of Elections. Councilman Raynor said so moved. Motion was seconded by Councilman Riddagh and carried unanimously. Mayor Stombaugh said Ms. Cook and Ms. Clough will have to be sworn in so Mr. Markow will set up a date for us to get together and she'll swear them in. She said she believes there are meetings starting now because we have an election coming up the end of April.

B. Senior Citizen Tax Exemptions - Mr. Hugg said each year the Town Council addresses and has, at least all of the years that he has been here, provided a tax exemption for eligible senior citizens for the first \$30,000.00 of their assessed value. He said the draft letter and form that we use is in your packet. Mr. Hugg said it is basically for seniors who have a singles income not exceeding \$24,000.00, and filing jointly not exceeding \$30,000.00 in essentially earned income including capital gains, pensions, and what have you may apply for a tax

exemption on the first \$30,000.00 of their assessed value. He said these are the same rates that we have used for he believes the last six years and we need Council to reaffirm that this senior citizen tax exemption will be eligible, because what happens is in February we have a list of individuals that we send the form to plus we do an ad in the paper allowing anyone who believes they are qualified to file, and if there are any questions regarding their tax exemption they go before the Board of Appeals in April.

Mayor Stombaugh asked if there was a motion. Councilman DeFeo said so moved. Motion was seconded by Councilman Raynor. Mayor Stombaugh asked if there was any discussion. There was none. Motion carried unanimously.

C. FIRST READINGS (Chapter 18, Buildings & Building Regs.)

1. Ord. No. 001-10, Article 1, Definitions

2. Ord. No. 002-10, Article II, 2006 International Building Code w/Amendments

3. Ord. No. 003-10, Article IX, 2006 International Plumbing Code w/Amendments

4. Ord. No. 004-10, Article X, 2006 International Property Maintenance Code w/Amendments

5. Ord. No. 005-10, Article XIII, International Residential Code w/Amendments

6. Ord. No. 006-10, Article XIV, Existing Building Code

7. Ord. No. 007-10, Article I, In General - Mr. Hugg said all of these amendments can be considered together as part of a packet. He said periodically we go through and update the building codes and related definitions, building regulations - generally adopting the then most recent International Building Code, International Property Maintenance Code, International Residential Code for purposes of managing building construction in the Town of Smyrna. Mr. Hugg said we are now operating under the 2003 Code and most of the other jurisdictions are moving or have moved to the 2006 Code which is the most current one. He said he thinks we last updated our Codes about five years ago. Mr. Hugg said Mr. Prichard has been very diligent in going through the 2006 IBC and Property Maintenance Codes and drafting the appropriate amending information, also cleaning up some definitions to make them more current and consistent throughout our various ordinances. He said he would like to ask Council to approve all of these as first readings. Councilman DeFeo made the motion that Council approves items 1 through 7 to update our building codes, Chapter 18 as required. Mr. Jaywork asked if

everyone was perfectly content with these and asked Mr. Prichard if there is any need that these be done sooner rather than later. He said what he is suggesting here is that possibly Council waive the three reading rule. Mayor Stombaugh said this is a first reading. Mr. Jaywork said right, but if Council chooses you can make a motion to waive that rule. He said if these are basically housekeeping, updating, non-controversial amendments. He said if that is the case we would first need a motion to suspend the three reading rule and that would have to pass by a five member vote. Councilman Thornton made the motion to suspend the three reading rule for these seven Ordinances proposed. Motion was seconded by Councilman Raynor. Mayor Stombaugh said for discussion - she would like this to be a first reading and then maybe in the second reading waive. She said she thinks with this just coming out that we should give the public a chance to look at them and see if there is anything anybody would give us suggestions on. Mayor Stombaugh said she knows it's pretty cut and dry, but she just would like to give the opportunity in case anybody in the public would have a comment they would like to make towards them. She said there is a motion and a second - do you want the first and second readings to be waived. Councilman Thornton said based upon the Mayor's comments he would withdraw his motion. Councilman Raynor withdrew his second. Mayor Stombaugh made the motion that this be a first reading. Councilman Thornton said he thinks Councilman DeFeo's motion will still stand as the first reading. Motion was seconded by Councilman Riddagh and carried unanimously.

D. Appeal to Decision of Historic District Review Board, Sammänder, 190 S. Main Street - Osman Sammänder, 151 Lake Drive, Smyrna came forward to speak on behalf of this appeal. Mr. Sammänder said he is the owner of 190 South Main Street and he is trying to replace the windows, 20 windows all together, and he went in front of the Historic District Review Board. He said they suggested that he replace the windows with the grid being exposed to the outside. Mr. Sammänder said those windows are rotten, the wood is rotten on the outside - he doesn't think anybody cares about the, or anybody, he doesn't know, maybe the Town of Smyrna - he is trying to replace the first and then maybe the roof and the siding. He said he went and called this State of Delaware - they had finding, but they don't have any money at this time. Mr. Sammänder said if he has to do it the way the Historic District Review Board suggested it he will have to pay an extra \$2,000.00, and he would appreciate it if the

Council would review the matter and let him replace the windows with replacement windows. He said the house is not actually historic; this is a barn shaped house - this is not historic. Mr. Sammader said Mr. Morgan is the one that is actually helping him to replace the windows.

Mayor Stombaugh asked Mr. Morgan to come forward to speak. John Morgan, owner of JPM Contracting, 225 Sunnyside Road, Smyrna came forward to speak. Mr. Morgan said what we have here is the windows in this home are deteriorated, they do not pass the code for a home, and in all response we would have to ask the Town Council to grant the appeal due to the situation that the house is in. He said the structure of the home's integrity is fine - it is the windows, roof, and the siding that has an issue. Mr. Morgan said however, being involved in other homes in town that are historic homes we have put replacement windows in with grids in the center and we have gotten special approval by the Council. He said this house is in a farm set dwelling, it's not a historic home, and he doesn't think that where the home is located it is in the historic district - it is just right on the outside by one house. Mr. Morgan said you might want to check on that, but if he remembers correctly where the blue house is where that stopped. He said he could be wrong, but when we went through those issues years ago that's where it stopped and that gentleman had to paint his house blue and Mr. Morgan didn't paint his house because he wasn't going to have his name on that house as painting it that color. Mr. Morgan said he does have some addresses that are in town with vinyl replacement windows that are Victorians: 113 South Street, 109 South Street, 105 South Street, 101 South Street, 35 Delaware Street, 121 South Main Street, 125 South Main Street, 154 South Main Street, and 173 South Main Street. He said 50 percent of those houses don't even have grids in the center of the window - they are just replacement windows. Mr. Morgan said so we would ask the Council if they could grant this appeal so we could beautify the house and make it look presentable to the town, thank you.

Mayor Stombaugh asked if it is outside the historic district. Staff said it is in the historic district. Mr. Hugg said he believes it is right on the edge of the district, but he is pretty sure it is in the district.

Councilwoman White asked if these are the same windows, the same style windows are in Mr. Bloxom's home. Mr. Morgan said these are the same windows that are in Mr. Bloxom's home with

the grids in the middle and we were involved with that project also.

Councilman Riddagh said the Historic District Review Board wants the grids on the outside. Mr. Morgan said they want the grids on the outside which is \$100.00 more per window. He said they are made by B.F. Rich and Mr. Prichard helped him to get the literature on that. Councilman Riddagh asked if they are vinyl grids on the outside. Mr. Morgan said yes they are vinyl. Councilman Riddagh said and you have the ones with the vinyl on the inside - between the two... Mr. Morgan said they are a vinyl clad metal strip that goes up in the center, but a white vinyl.

Mayor Stombaugh asked if that white vinyl strip was outside or inside the window. Mr. Morgan said that is inside.

Councilman Thornton said that is really the problem, and he doesn't know if Council wants to discuss this we go to a motion, but he has some comments he would like to make.

Mayor Stombaugh asked for a motion. Councilwoman White made the motion to approve the request. Motion was seconded by Councilman Riddagh. Mayor Stombaugh asked if there was any discussion.

Councilman Thornton said this has been brought up before and you'll recall the last time we had an appeal it was the gentleman over on Market Street and Mount Vernon who was doing a Victorian home and wanted some relief on some fascia boards and so forth. He said the Historic District Review Board looked at it and gave some recommendations. Councilman Thornton said what we have is a push pull between the Historic District Review Board and some of the contractors and the homeowners. He said he recently did some work to his house which is in the historic district; he went before the Historic District Review Board - he was putting windows in and they suggested that he have grids on the outside, and he said fine, that is within the keeping of the house. Councilman Thornton said he went the extra mile and put grids on the inside as well as the outside. He said it cost him a lot of money, but he has a firm belief that there is a Historic District Review Board for a purpose and that is to keep thing historic in the historic section. Councilman Thornton said one might look at a house in the historic section and say, well it's not really historic - it has no historic value - it's not on the register of historic places, etc... He said the bottom line is it is in the district and the purpose of that district -

the overlay district - is to keep that district in tact. Councilman Thornton said there are some ways that one can maybe help with this situation - he knows that they have looked at the houses that require windows to be replaced and made decisions on - okay, only the ones in front in public view need to fit this mold and the rest can be the other style. He said his position on this is that we have a Historic District Review Board for a purpose - and by the way he went down there tonight and looked around a little; this is a duplex house - two rental properties, correct - it is not just one house, and they are both rental properties. Councilman Thornton said he looked at the surrounding houses both on the same side of the street and across the street and they had similar windows. He said most of those houses had the exposed grid on the outside, now of course understanding they were old windows - probably the original windows to the house. Councilman Thornton said with respect to in the past we have made waivers for those kinds of things - yes we have - and there have been reasons for doing that, but by and large he would suspect that most of the properties that you looked at that did not conform with this were probably done before the Historic Overlay District was in place because it has not been that many years that it has been in place. He said his position on this is he thinks we need to reinforce what the Historic District Review Board comes up with, but there is always room for adjustment and Mike Reed, who is the Chairman of the Historic District Review Board, is always willing to work with the property owners and the contractors to come to some compromise to satisfy what the Historic District Review Board wants to see as well as keeping in mind the economic impact that complying with that poses to the owner and the contractor. Councilman Thornton said his suggestion would be to talk to Mr. Reed directly and see what kind of compromise can be done.

Mr. Sammader spoke from the audience and said he has already done that, and actually if you think about it - if they pass the inspection he doesn't care - he won't replace them, but he is willing to replace the windows plus he is going to replace the siding and the roof, and the Town should be happy that something is happening, but he doesn't have a lot of money to do all this, and the roof is bad - in a bad situation - and he can't do it all at one time.

Mayor Stombaugh said Mr. Sammader; it is being recorded so if you are going to speak you need to speak at the microphone. Mr. Sammader came to the microphone and said just for the look of it - at this time the economy is not good - if you think

about it that he has to spend maybe between \$20,000.00 and \$30,000.00 and still he wouldn't be able to rent the house because he has a lot of other stuff that he has to do to the house. He said if you look from the outside most of that wood is rotten and he doesn't - nobody does anything to it - if you make him do it if he doesn't have the money he doesn't know how you are going to go about it. Mr. Sammander said he is willing to do it; he doesn't think the grid makes that much difference unless somebody goes close to the window and look at it. He said if the grid is outside there is a possibility that the rain might rot it quicker than being inside the window. Mr. Sammander said he would appreciate it if Council would approve this matter, because 18 windows - if it was two windows he wouldn't care, or four windows - 18 windows.

Mayor Stombaugh asked Mr. Sammander how many windows are in the front of the house. Mr. Sammander said there are 18 windows, and he thinks 8 or 10 are in the front. He said he is not going to do the other half of the duplex at this time.

Mr. Morgan said from different suppliers - Silver Line, and a couple of different suppliers they want from - it was \$285.00 down to \$255.00 per window, versus the ones with the grids in the center of the window that meet the egress at \$150.00 per window.

Mr. Hugg said irrespective of where the grid is the appearance of this window is a two over two... Mr. Morgan said it would be a two over two... Mr. Hugg said the style the same. Mr. Morgan said it would be exactly the same style. He said the salesman for B. F. Rich said over time the grid on the outside would have to be replaced in approximately 10 years because it will deteriorate, so keep that in mind too - you are going to start having problems with that.

Councilman DeFeo said a little while ago we were talking about a different topic - taxes. He said we were concerned about builders and developers that come into our town and want to develop multiple lots and whether they can afford to do this and give them a little bit of slack, and here we have a resident who wants to do a little bit of work, and he would like to see a little bit of that same compassion in that avenue too. Councilman DeFeo said he purchases this home and it obviously needs some repair, some fix-up, and he is willing to do that and this is right on our Main Street - when you come into town this is what you see; it is obviously going to be much improved, and

he would like to see Council go ahead and show that same compassion that we were worried about contractors who have multiple lots and whether they could afford that and apply that to this gentleman here as well.

Mr. Morgan said another thing he would like to add is two houses down there is a brand new house, within the last couple of years, that was just finished and they let them put nine light windows in and it's in the historic district - if they are saying this house is, this one's in and they put brand new stock windows in on a previously built house, so he means it has nothing to do with the historic setting so you guys might want to consider that too.

Mr. Sammader said actually it is the money allocated from the State that is supposed to pay to the historical buildings, but they said he is not qualified, and even if he did they don't have the money for it. He said so you know the times are tough and you want to make him do the windows the way Smyrna wants it he might say well the heck with it, he's not going to do it, he might repair them and hold onto the old windows - it's up to you. Mr. Sammader said he would appreciate it if Council would pass this; if they don't he might have to do some other thinking.

Mayor Stombaugh said the only question that is running through her head with some of these things that have come before Council is there is a value to a historic district and when people buy into the historic district they should know what they are buying and what the requirements are, but on the other hand she feels they want to make these buildings as secure as they can and as efficient as they can - she is thinking that if the change of the design, if it were totally changed to make it from a historic building to a modern building she could see a lot of concern with that, but if it comes to a window that has the same look; 50 or 100 years from now the new buildings are going to be historic and she has heard it said that they didn't want people to use vinyl because vinyl wasn't used 100 years ago, but then 100 years from now - what are they going to say? Mayor Stombaugh said are they going to say you can't use wood 100 years from now because 100 years ago vinyl was used? She said she thinks they have to use common sense too, and personally she feels that if it doesn't change the appearance of the building and if it's going to add to the structure - she doesn't want to go against the Historic District Review Board, but she is trying to use some common sense too.

Councilman Raynor said he agrees a lot with the concept and things that Councilman Thornton said, his only hang-up is we made an exception before to a home on South Street, and he thinks if they made the exception for windows there that they should consider making the exception for this property on Main Street.

Mr. Sammader said if it was one window he wouldn't care, but eighteen windows... He wishes he didn't have all of these windows, but now he has them and he has to replace them; nobody told him to do that, he is replacing them because he wants to replace them, but if the town makes it hard he might change his mind.

Mayor Stombaugh said there is a motion and a second and she thinks it is time to vote. Councilman Raynor asked for the motion to be repeated. Mayor Stombaugh was to not go with the decision of the Historic District Review Board. Mr. Hugg said it is to approve the request for the waiver basically.

Motion passed with Mayor Stombaugh, Councilwoman White, Councilmen DeFeo, Raynor, and Riddagh voting for, and Councilman Thornton voting against.

OTHER COUNCIL BUSINESS

Councilwoman White said she would like to relinquish the \$25.00 per meeting that she receives. She said she did not run for Council for \$25.00 per meeting, and apparently it's important that - it's been brought up several times - she has discussed it with several citizens and she does not do this for the \$25.00 per meeting. Councilwoman White said \$25.00 a meeting is not enough. She said she will do this, and continue to do this until her term is up, for free. Councilwoman White said she would make arrangements with Mr. Markow or whoever to stop her direct deposit and put that \$25.00 back into the General Fund.

Mayor Stombaugh said she puts out more than \$25.00 in the years that she has been in this position helping people pay electric bills, and helping people in town, so she is not going to relinquish hers because she puts out more than she gets.

Councilwoman White said she is sure they all do.

Mr. Jaywork said he would like to mention that that \$25.00 has been the same amount Council has been getting for as long as he can remember. Mayor Stombaugh said she was on Council in 1983 they got \$25.00 and out of that there was some taxes taken out so you don't even get the whole \$25.00. Mr. Jaywork said anybody that criticizes the Town Council for getting the \$25.00 per meeting for the time they put in... Mayor Stombaugh said thank you.

EXECUTIVE SESSION

A. Executive Session to Consider a Personnel Matter in Which the Name(s), Competency, and Abilities of an Individual Employee will be discussed (Police Chief Evaluation) - Councilman Thornton said he recommends that Council table this - there was some confusion about this executive session and he does not think we are ready to do this at this point. Councilman Raynor said he seconds that motion. Motion carried unanimously.

ADJOURNMENT

Councilman Raynor made the motion to adjourn. Motion was seconded by Councilman Riddagh. Meeting was adjourned at 9:55 p.m. by unanimous vote.

Council Secretary

vlh