

MINUTES OF THE PUBLIC HEARING AND MEETING
SMYRNA TOWN COUNCIL
April 6, 2009

REGULAR MEETING

The regular meeting was called to order by Mayor Patricia A. Stombaugh at 7:30 p.m. Council members present were Memphis P. Evans, Valerie M. White, Lawrence O. Thornton, Gene A. Mullen, and William C. Raynor.

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.

ADDITIONS/DELETIONS TO PUBLISHED AGENDA

Mayor Stombaugh said 5(a) should be the regular meeting minutes and the executive session meeting minutes of March 16, 2009, and under 6, reports Presiding Officer was always included and somehow the last couple of agendas it has gotten dropped off. Councilman Thornton asked to strike 11 and 12 until the next Council meeting. Councilwoman White made the motion to accept the agenda as amended. Motion was seconded by Councilman Thornton. Motion passed with Council members Evans, White, Thornton, Raynor, and Mullen, and Mayor Stombaugh voting for.

MINUTES OF PREVIOUS MEETING

Councilman Thornton made the motion to approve the minutes of the March 16, 2009 Regular Meeting; the March 16, 2009 Executive Session; the March 24, 2009 Special Meeting; and the March 24, 2009 Executive Session. Motion was seconded by Councilman Raynor. Motion passed with Mayor Stombaugh, Councilwoman White, Councilmen Evans, Thornton, Raynor and Mullen voting for.

REPORTS

A. Presiding Officer - Mayor Stombaugh said she attended a ceremony in Dover today along with the Chief and the Captain. She said they met with other mayors and police representatives. Mayor Stombaugh said Senator Carper and Senator Kauffmann were there as well. She said Smyrna was presented as part of the stimulus package and part of the Recovery Act the Justice Assistance Grant award. Mayor Stombaugh said we were presented with a check for \$48,507.00. She said there were only four towns that received awards - Smyrna was one, Camden, Dover, and Harrington. Mayor Stombaugh said this was presented for police cars and equipment so this will pay for one police car and the computer and all of the equipment that needs to go in it.

B. Town Attorney - Mr. Jaywork said there things on the agenda that he has been working on and he has nothing to report at this time.

C. Police Chief - Chief Baldwin stated he wanted to add a little bit to what the Mayor had reported on. He said this had gone through the Finance Committee and Council; they will be

purchasing one vehicle and all of the equipment for it, and they will have a little bit of money left over and if they are fortunate enough to get the COPS positions they will use that money to help equip them for money they have not budgeted for. Chief Baldwin said he wanted to report back that Council has approved the COPS hiring recovery program for the hiring of three officers and they submitted that grant on April 1, 2009. He said there are two other grants they have looked at that are all a part of the recovery act and one is a competitive grant that unfortunately we do not qualify for because it is for technology that is already supplied to us by the State or to hire additional people and he is not sure the Town is in a financial position to keep hiring people. Chief Baldwin said the other one is a rural law enforcement grant to combat crime and drugs; it encourages partnerships and they are trying to work with the Town of Clayton to come up with a partnership. He said they are hoping to take advantage of this grant to purchase some more software for our dispatch computer system to help us do a better job at keeping track of crimes and keeping our stats up to date. Chief Baldwin said also, included in his report is damage to a police vehicle and also a copy of a solicitation from Ambulance 64. He said he also apologized for the way his written report copied - from now on he is just going to do away with the background.

D. **Town Manager** - Mr. Hugg said Council has his report in their packets. He said he just wanted to touch on a couple of items. Mr. Hugg said he wanted to remind Council that there is a downtown workshop tomorrow night at 7:00 p.m. downstairs with KCI Technologies and the residents and business owners to provide a progress report and to also listen to any issues, complaints, or concerns, and to brief everyone on the

streetscape portion that will start probably in about three weeks. He said also the legislative session is cranking up and the Delaware League of Local Governments Legislative Committee will be meeting later this week to go over a number of bills that have potential impact on municipalities so he will be reporting on possible positions that the League may want to take and may want our assistance in. Mr. Hugg said also good news for folks sitting around in the room and others because we have had a somewhat favorable wholesale energy situation and the outlook for the next six months is fairly favorable we have been able to reduce the PPCAC for March consumption by about 7.2 percent.

E. **Committees** - Councilman Mullen said the Utility Committee met on the first of April. He said they did discuss the PPCAC and the reduction; they also discussed some of DEMEC's long range plans. Councilman Mullen said right now they are negotiating for a possible buy in of an actual coal fired clean plant that is being built. He said one of the other things that they discussed was the availability of the DOE energy stimulus money and how that money will be used.

Councilwoman White said the Tree Commission did not have an actual meeting because they did not have a quorum but she would like to announce that we have a proclamation for April 24, 2009 - Smyrna will recognize Arbor Day on that day over at Sunnyside Park there will be a tree planting and a dedication to the park at 3:00 p.m. She said the Town of Smyrna will be holding the annual Arbor Day celebration out at Town Hall from 10:00 a.m. to 1:00 p.m.

Mayor Stombaugh stated the Long Range Planning Committee met and the minutes are in the packets. She said there were some things left out of the minutes. Mayor Stombaugh said the Committee did have a vote and wanted her to present something to Council tonight.

RECOGNITION OF VISITORS

Visitors present were Marian Bower, Rick Ferrell, James Harkins, Daryl Jester, Jen Merrill, Bob Wilson, Quentin Schlieder, Wilbert Bordley, Mary DeFeo, Anthony DeFeo, Seth Clevenger, Tish Sipple, Dale Reece, Regina Brown, John & Cheryl Baker, Bill Pressley, Joseph Wilson, and Larry Koehler.

Mayor Stombaugh stated this portion of the meeting is open to the public. She said we invite you to step up to the microphone; it is being recorded so you need to give your name and address, and you have three minutes to address Council. Mayor Stombaugh said we do have a digital timer to help you to know when you need to start wrapping up. Mayor Stombaugh said Council is not obligated to give an answer tonight; we may have to refer your subject to a staff member or to a committee. Mayor Stombaugh asked if anyone would like to step forward and address Council.

Quentin Schlieder, 36 South Main Street, Smyrna came forward to speak. Mr. Schlieder said he noted on the agenda is an item an award of a contract for Retail Market Answers Inc., LLC. He said he works with various communities including Middletown and Dover on economic development through the main street program. Mr. Schlieder said Smyrna really is behind the eight ball because compared to what Middletown spends on its

main street program alone it is double what this particular contract calls for. He said Dover has three full time economic development people working to recruit and to retain businesses. Mr. Schlieder said he thinks Council needs to give this very serious consideration to build on the foundation that this consultant has already established for the Town of Smyrna so that we can move forward. He said there are a couple aspects that concern him - first of all is business retention; if you lose a business it is going to be very hard to replace the business in this economy - secondly is business recruitment; while business may not be expanding right now if you do not have firm place you are going to be behind the eight ball when the economy begins to recover. Mr. Schlieder said he thinks this particular consultant has a rather interesting background because he has worked in the retail trade with malls and he has also worked with downtown associations so he has a balanced view of how to really promote growth in both areas. He said he is here to urge Council to give serious consideration to put Smyrna on a level playing field so that we have the opportunity to revitalize this community and to keep the good things we have and hopefully to be able to attract others.

Mayor Stombaugh asked if anyone else would like to address Council. Cheryl Baker, 120 North Union Street, Smyrna came forward to speak. Ms. Baker said she had a question about what the ordinances allow for rental properties. She said Marsha Ross owns a duplex next door to her. Ms. Baker said last year both sides were rented out to separate families and both of the families moved out at the end of last year. She said in the last couple of weeks both of the same families have moved back in but they moved back in on one side of the duplex and not both

sides. Ms. Baker said there are three adults and four children in there in a three bedroom house. She said she did not know if more than one family could occupy something like that. Mr. Hugg asked for the address. Ms. Baker said it is 126 North Union Street. Mr. Hugg said he is not sure what the ordinance provides but he can certainly have the Code Enforcement folks look into it to see if the occupancy limit has been exceeded and if there was a rental inspection and he will have someone give Ms. Baker a call to let her know.

Adrienne Turner, 75 White Rabbit Drive, Smyrna came forward to speak. Ms. Turner said in this day and age when everyone is going green and trying to conserve everything is there a reason why the town bill cannot be paid online and it is kind of weird that with everybody using debit cards and so forth the town is actually going to stop using VISA. She said if you come to pay your bill and you do not want to write a check and you want to use your debit card how do you not in this day and age of technology allow VISA. Ms. Turner said the other thing is with the economy the way it is people may have to use their credit cards every now and then just to pay maybe until their paychecks come in and you are stopping VISA?

Councilman Mullen said one of the reasons is they went through this at the last Finance Committee meeting and also at the Council meeting - VISA has some very strict rules as far as third party billing and things like that. He said when you pay your Town of Smyrna bill with a credit card - now debit card we accept and it does not really matter who it goes through- but credit cards as far as VISA will not accept our third party carrier anymore.

Ms. Turner asked if there was any reason the Town could not pay VISA directly instead of using a third party. Councilman Mullen said there are various charges and that is why the Town did this. He said having the Town incur another expense which is a rather substantial amount what we did was the customer that wanted to use the card paid that expense and that is where the problem lies. Councilman Mullen said the third party person that the Town was using charges a certain amount per transaction and VISA would not accept that. He said we are still talking to them and maybe we can get something worked out with them.

Mr. Hugg said for clarification we do accept MasterCard and Discover and we do accept any debit card, you can sign up for direct debit from your checking account and we are also looking into accepting American Express. He said a VISA debit card is okay just not the credit card.

Mayor Stombaugh asked if anyone else would like to address Council. No one came forward. Mayor Stombaugh said seeing no one step forward we will close this portion of the meeting and open the regular Council meeting.

OLD BUSINESS

A. Retail Market Answers, LLC - Presentation & Discussion by Rick Ferrell - Rick Ferrell, Retail Market Answers, LLC came forward to speak. Mr. Ferrell said he specializes in business development services primarily retention and recruitment services. He said as Mr. Schlieder mentioned a few moments ago Mr. Ferrell's background is essentially on the development side

with developers around the country for 25 years or so building mixed use and festival market places and so forth. Mr. Ferrell said about seven years ago he started Retail Market Answers and moved it back to Delaware - he is a Delaware native. He said his business is predominantly between Washington DC and New York. Mr. Ferrell said his primary focus in the last couple of years has been in this region and so he is in the market pretty much every day. He said the Delaware activities is in conjunction with Delaware Economic Development Office - he has a contract with DEDO providing economic revitalization assistance to communities throughout the State and he keeps a limited number of clients because the nature of the work is to do very specific, tailored to the local economy he is working in. Mr. Ferrell said back in the third quarter of last year he started to work with the Business Development Committee and the first request for service was to refresh Smyrna's demographic profiles. He said what they did was some comparative analysis and they looked at local markets targeting specifically Middletown because they wanted to understand Middletown relative to Smyrna and how opportunities that are all things being equal if you look at both geographies what could we do in Smyrna to position ourselves more favorably to attract those opportunities. Mr. Ferrell said so now we have those refreshed demographic profiles and now you all have some current data. He said we compared favorably and it encouraged the next steps. Mr. Ferrell said those steps were to conduct a very comprehensive business and building inventory where we quantified on a space by space basis out on the corridor and in town all of the commercial and residential and mixed use, tendencies that you have in those geographies. He said our feeling was then and is still today that the business

development strategies that you would invoke in Smyrna would be very different for what you would do downtown. Mr. Ferrell said you would want to balance your commercial growth goals and business retention and quality of life goals. He said sometimes things that are appropriate for the corridor would not be appropriate for downtown. Mr. Ferrell said the first step was to quantify all of the commercial occupancies in the study area which was essentially the corridor and the downtown area. He said what they found was 1,200,000 feet of space. Mr. Ferrell said the next step was to look at what would we do having built these foundations. He said the next step was to look more closely at this and develop a proposal for the Business Development Committee to review. Mr. Ferrell said that proposal includes three primary components: 1) a targeted retention program where if there are current businesses throughout the area that are in need of assistance he can provide that assistance; 2) to look at vacancy treatment which is a way to mitigate the negative effects of what vacancy looks like to people who are visiting Smyrna for the first time; and 3) to embellish or build on the inventory to create what he refers to as a strategic merchandising plan which is your view for what the downtown would look like and what the corridor would look like. He said it works like this - if you were to put together a jigsaw puzzle and you did not have a picture of the box it is very possible at some point in time you would finish the puzzle but without a context to understand each piece for the picture on the cover it is hard to know what you are doing. Mr. Ferrell said the idea of a strategic plan is to give all of the property owners and business owners access to a common view - access to what that cover looks like.

Mr. Ferrell asked if there were any questions or comments. Mayor Stombaugh said she knows through the Long Range Planning Committee they talked about a lot of the things Mr. Ferrell just spoke about. She said they were concerned that there is not a master plan for the Town and they are hoping that Mr. Ferrell will help with that right?

Mr. Ferrell said yes - the master plan from a land use prospective he could work with planners, but he gets out the sharp pencil when they help with land use designation he helps out with who specifically would work in that area. He said one thing he did not mention is one of the other things that he provided last quarter was an economic analysis called a GAP opportunity analysis. Mr. Ferrell said that is when they took a one, three, and five mile view of 115 categories of goods and services. He said mined into those to look at demand and supply and here is what they found - what they specifically looked at in each of those categories what is the total amount of spending occurring in each category. Mr. Ferrell said they then compared that against the supply. He said if people are spending more than what is supplied then there is an opportunity gap which means people are leaving Smyrna to get those goods and services.

Mayor Stombaugh said another question that was asked was what do we want out town to look like? She said she thinks that is something we all need to work together on and have that be part of the master plan.

Mr. Ferrell said he could not agree more. He said when you can combine preferences and you understand what they would like it to be and then you balance that with the economic realities

of what the market would actually support that is a win-win. Mr. Ferrell said personally he does not recommend big visioning exercises where the talk is not in the context of some of the economic realities.

Councilwoman White said Mr. Ferrell said he had a DEDO contract - what other municipalities, if any in the State of Delaware does he work with currently. Mr. Ferrell said he recently secured a three year contract which is a USDA funded for the lower two counties of Delaware working in rural communities in economic development and currently that is in seven different communities - Laurel, Harrington, Delmar, Millsboro, Milton, and one more. He said the City of Wilmington is a client and he is also working on Capitol Hill in some of the urban communities. Mr. Ferrell said he just finished a contract with the City of Easton, PA and Jenkintown, PA.

Mr. Hugg said what we need from Council - the business Development Committee asked Mr. Ferrell to come tonight - he provided a proposal to the Committee which was endorsed by the Committee and we felt we really needed approval of Council to enter into the contract as outlined in his attachment. He said he wanted to remind Council that we did include money in the budget this year for economic development consulting and marketing services. Mr. Hugg said so we have sufficient funds in the budget for these kinds of activities.

Councilman Thornton said his only question - and he thought it was an excellent proposal and he likes Mr. Ferrell's view of things - this document seems to rely heavily on the Business Development Committee to give him direction as to what he is

doing and so forth. He asked if they should expect that to continue and what role does Council have in some of these things once he is awarded the contract. Mr. Ferrell said his primary focus is to provide services that are tailored to the place that he is working at. He said if there was a role specifically that Council wanted to play it is very possible for him to work that way. Mr. Ferrell said since the third quarter of last year, with the exception of the last Business Development meeting, he has attended all of the meetings because he thinks they are important to get a sense of and this is my back yard so it is something that he is down this way pretty often so it is something that he has focused on. He said he thinks it is important to work in tandem with the Business Development Committee because their fingers are sort of on the pulse of what is out there and what they are hearing and he can be responsive to it. Mr. Ferrell said he also thinks that there are times where his recommendations will probably supersede theirs because it may be an opinion that he thinks needs to be heard and he will not rely on them for that he will give his opinion. He said right now he would have to say most of the work that they have done in tandem with one another is to get a sense of where the priorities are.

Mayor Stombaugh said Mr. Pressley had spoken with her some time ago and he told her that over the years they have accumulated a box of information that they have gathered and they got to the point that they did not know what to do with it. She said one of the things she has seen happen is it gets to a certain point and then nobody knows what to do with it so, is Mr. Ferrell going to take all of this information - from what she sees we need leadership, someone to compile the information

and give us the guidance so that we do not end up in the same situation that we have in the past.

Mr. Ferrell said most of the work he is doing right now is in main street communities. He said where he works best he works where there are resources capable of receiving what he does so that he is working in tandem. Mr. Ferrell said if he were strictly doing things for you he thinks he would be less effective than if he were doing things with you. He said all of the services he offers are transparent and they are intended to be in partnership with people in case he gets hit by a bus or you lose funding and you cannot keep him you can keep his legacy because you have been along for the ride.

Bill Pressley, Chairman of the Business Development Committee, came forward to speak. Mr. Pressley said with all of the Committee members they have done a lot in the last four years. He said on average there are 20 to 25 people at their meetings. Mr. Pressley said the Committee has asked Mr. Ferrell to come up with some kind of contract that we could bring to Council. He said their idea is to have him attend all of their meetings as he has been doing and tell him what we would like to see but use his experience to tell us yes we do want to do this or we do not want to do this. Mr. Pressley said on some of the vacant buildings we do not want him to do the work but we want his professional ideas to tell them what they can do and where they should do it at. He said the Committee wants to bring back to Council every month and update of what is going on. Mr. Pressley said they have asked for at least a 90 day period contract to sign with him - that gives him time to get things started and gives us time as the Business Development Committee

to get things rolling on what they asked and think that needs to be done with the town. He said downtown looks like a ghost town - we need to save what businesses we do have and we need to bring other businesses here. Mr. Pressley said Mr. Schlieder is one of that is big on the way finders of getting signs on the highway to tell people where the Opera House is and stuff. He said at their next meeting they have Bill Carson and a few people from DelDOT where again we would like Mr. Ferrell's experience to tell them do the need these signs, where do we need these signs and that is why they asked Mr. Ferrell to come tonight.

Councilman Thornton said what he is interested in is suggestions on his first point is implementation of vacancy standards - to him that means he is going to give us input on when business leave and the building starts falling down - what do we do about it. He said that is going to require ordinance changes and so forth.

Mr. Pressley said at their last Business Development meeting the Committee is recommending to Council at their next meeting to change the two year vacancy to six months. He said so we are not waiting two years for a building to start falling down - six months and then the Town needs to go start doing something with these buildings.

Mr. Ferrell said the other thing is ordinances he thinks get a portion of the way, but he thinks what gets you the rest of the way is when property owners are in touch with a common operating practices that actually enhance their real estate value. He said what he envisions in addition to helping develop

an ordinance that is effective he also envisions coming up with a standard so that when someone who owns property in Smyrna is about to receive a vacancy they have a common way of thinking about how they should leave the premises so that when we all go by it in our cars or on foot we do not necessarily see it in it's worst foot forward.

Councilman Mullen said he wholeheartedly agrees with everything Mr. Ferrell has said and what Mr. Pressley has said and what the Mayor has said. He said he thinks part of the problem is that it has been started and stopped quite a few times and had never really come to any kind of closure or success. He said he thinks one of the reasons it has not is because he does not know if we really know what we want and until we figure out what we want there are going to be more stops and starts. Councilman Mullen said he would like for Council, the Business Development Committee, and Mr. Ferrell to sit down and come to some sense of direction that we do want to go in so everybody is on the same page.

Councilman Thornton said Mr. Pressley mentioned a 90 day window to do this or at least get started - he said that seems awfully short to him.

Mr. Ferrell said if you wanted to work in a way that gave you some comfort level. He said one of the things he would offer in the contract is a termination provision on 30 days notice so that Council does not need to feel constricted about the length of time. Mr. Ferrell said right now what he does is tough right now. He said he works 30 days at a time anyway.

Mr. Pressley said they did 90 days was for two reasons: 1) to see if he fit in to what the Committee and the Council wanted to happen; and 2) with the economy - in three months they may say your doing a good job but we cannot afford you. He said you have to trust you committees.

Mr. Hugg said basically this is a proposal for a contract and what he would ask Council to do is to recommend the approval of this proposal so we can get Mr. Ferrell started. He said the actual contract is administrative if Council approves the concept.

Councilman Thornton made the motion to adopt the proposal and have Mr. Hugg do the final contract with Retail Market Answers. Motion was seconded by Councilman Evans. Motion passed with Councilwoman White, Mayor Stombaugh, Councilmen Evans, Thornton, Mullen, and Raynor voting for.

Councilwoman White asked about a time frame. Councilman Thornton said as soon as possible. Councilwoman White said about the 90 days. Councilman Thornton said if he is comfortable with a 90 day and the Business Development Committee is comfortable with it and we certainly have the funds to do it so he thinks there should not be any reason that could not be accomplished in the next two weeks.

B. Resolution Proposing the Borrowing of Up to the Total Sum of \$6,340,000.00 from the Rural Utilities Service of the United States Department of Agriculture and the Delaware Water Pollution Control Revolving Fund to Fund a Number of Municipal Projects to Improve and Upgrade the Town of Smyrna Wastewater

System. - Mr. Hugg explained this is a second borrowing resolution - this addresses the wastewater projects that we submitted for stimulus funding. He said Council passed a similar resolution for the water projects and set a public hearing for the 20th of this month at 7:15 p.m. Mr. Hugg said this would essentially do the same thing - provide for notice requirements and the setting of a public hearing on May 4, 2009 at 7:15 p.m.

Mr. Jaywork said typically what he likes to do is draft these resolutions based upon the requirements of the Town Charter and he typically try to send them off to the bond attorney. He said on March 31st he sent this off to Denise MacLeish at the RUS USDA and asked her to send it to their bond counsel and he also sent it to Mr. Terry Deputy at DNREC. Mr. Jaywork said Mr. Deputy contacted him and said that the Tim Frey was the bond counsel for them and he never got any input from him. He said Ms. MacLeish indicated that their bond counsel would not get involved until later down in the process. Mr. Jaywork said unlike the other borrowing we are proposing he has not received any comments. He said the one thing that Ms. MacLeish did say is that interest rates are set quarterly and he drafted this resolution based on the information that he had at the time which was that the RUS loan would be 2.75 percent per annum and she said that we may want to use a not to exceed figure which in fact he had. Mr. Jaywork said she is concerned that the next quarter the interest rate will fluctuate and he thinks she is suggesting that we bump the rate up in the resolution to something like not to exceed 3 percent or 3.25 percent as the maximum rate. He said if the Council does decided to go forward with this resolution he would suggest that

on page 3 in the first paragraph where it says "now therefore be it now hereby resolved" it talks about a term that is not less than 20 years and no more than 40 years at a fixed rate of interest - instead of saying not to exceed 2.75 percent just to be on the safe side say not to exceed 3.25 percent - he would offer that change.

Mr. Jaywork said those of you who have looked at this resolution you can see that this is all money to be used for the Town's wastewater treatment and collection system. He said some of it is the expansion - one of these funding sources will not fund expansion - they will only allow for upgrades and improvements to the existing system. Mr. Jaywork said a lot of the improvements listed on page 3 are in fact improvements to the existing system. He said the last time he spoke to Mr. Hugg the Town had not really made the decision as to how much money it wanted to try to get from one versus the other. Mr. Jaywork said the interest rate and the terms are different depending on the source. He said this is essentially the first step if you are interested in trying to draw these monies down or make these loans. He said this resolution proposes this to the public and requires that public notice be given to the public of a hearing and it would be scheduled for May 4, 2009 at 7:15 p.m. and then following that hearing the way the Charter is written is that the Council may by a vote of at least five Council members proceed forward with the bond borrowing. Mr. Jaywork said the way the Charter is written you add up all of the outstanding loans that you have and if it is less than four and a half percent of your total assessed value of taxable property in the town the Council has the authority to make the borrowing by five votes of the Council following the public hearing. He said

according to Mr. Hugg the money that has already been borrowed by the Town, the money that is in the pipeline that may be borrowed by the Town for the water improvements plus this loan all of that together would still not exceed the four and a half percent of the total assessed value in the town. Mr. Jaywork said after the public hearing if you vote to go forward then the actual interest rate and all of the details are set at a later date when the bond closing is held.

Councilman Mullen made the motion to pass the resolution proposing borrowing of a sum up to \$6,340,000.00 from the USDA and the Rural Utilities Service and the Delaware water pollution control revolving fund and for the interest rate not to exceed 3.25 percent per year to finance a number of municipal projects to improve, upgrade, and expand the Town of Smyrna Wastewater system. Motion was seconded by Councilwoman White.

Mayor Stombaugh said part of this would be forgiven. Mr. Hugg said no. He said there are two separate streams of if you want to call them that - of stimulus funding that has been made available for local infrastructure. Mr. Hugg said the State of Delaware received approximately \$20,000,000.00 for water projects and \$20,000,000.00 for wastewater projects. He said the Office of Drinking Water chose to allocate their \$20,000,000.00 through a series of loans that would be principal forgiveness funding loans. Mr. Hugg said the DNREC Wastewater Council or Clean Water Council decided that because of the magnitude of the projects they had in front of them that they would use the federal money to buy down interest on a number of projects in Sussex County where the costs of providing wastewater service is exceeded the State and Federal

affordability guidelines. He said they would then make available to the rest of the applicants who had eligible projects a special funding rate or borrowing rate under the State Water Pollution Control Revolving Fund of two percent. Mr. Hugg said the normal rate is about 4.25 percent. He said in addition the US Department of Agriculture Rural Utilities Service got funding that is also stimulus based funding. Mr. Hugg said that is this pot of money a combination of State money through DNREC and possible USDA money. He said the decision is to which pot we apply for or both or what proportions is one that we ultimately get to make based on whatever is most financially advantageous to us which is why this is written in such a way it would authorize borrowing from either and/or of these two funding sources depending on the particular project. Mr. Hugg said this particular source of funds is an extremely low interest rate coupled with the possibility of long term federal funding through USDA.

Mayor Stombaugh said she could be confused on this but the paperwork Mr. Hugg gave them before - she thought the total of both came to \$6,000,000.00. Mr. Hugg said the total came to roughly \$6,000,000.00 because we did not include in that initial list the four downtown sewer projects. He said when we met with DNREC they were determined to be eligible projects so they are included if we choose to fund them.

Councilman Mullen said this loan is set up the same way as the Drinking Water loan was if you do not take the money you of course do not owe it.

Mr. Hugg said these are draw-down projects during construction and then at the end of the project the outstanding amount is in essence re-amortized as a loan. He said the timing on the project is such that the debt service does not appear until 2010 or 2011 which is the advantage of these funding sources.

Councilman Mullen said as we go through the projects in the priority order that is when the money will drawn down and a lot of these projects will not hit the street until 2010 or even 2011 so it kind of stretches things out quite a bit.

Mr. Hugg said for the actual details there will two separate applications bundling these projects. He said one set of applications is for primarily upgrades to pump stations or existing force mains. Mr. Hugg said the second bundle will include the four downtown projects, and the expansion project.

Mayor Stombaugh said she is concerned about the Town borrowing this much money on top of what we already have. She said she would be the first one to say these things on the list need to be done. Mayor Stombaugh said this is one of the things she campaigned on before that we were going out and getting so much new area and paying money there and not taking care of what we already have. She said this would take care of what we already have and it is needed. Mayor Stombaugh said this is good money, it is low interest rate and she is trying to balance good with the bad. She said if we pass for the money to be there you guys will spend it. Mayor Stombaugh said she wants to make sure that we are going to have the ability to pay it back and not get ourselves into trouble with this. She said she

realized that the last special meeting that we had some good points were brought up that there has already been two breaks that cost us \$30,000.00 each so by repairing these antiquated systems we would be saving a lot of money on repairs. Mayor Stombaugh said she struggled on the last list but she knew there would probably never be another opportunity to get this kind of a rate again and on the water side to get half of it forgiven, she wishes we did not have that loan that we already have - she would probably feel a little bit better about it. She said you talk about the future and about this maybe coming due then. Mayor Stombaugh said we have been very fortunate in the past years, fortunate to have the impact fees that we have had, and to have that revenue coming into the town. She said with the economy slow down and everything, our revenue has slowed down in the town and she just wants to know that we are not going to be putting our kids in financial problems and debt. Mayor Stombaugh said there are things that need to be done and she does not know where in the world we are going to come up with the money if we do not do this. She said she wants to be convinced that we can afford to do this.

Councilman Mullen said she is absolutely right that all of these projects whether we do them this year, next year, or the year after they will be done - they have to be done. He said it is not a question of if we decide to do them or not. Councilman Mullen said these projects at some time, at some point in the future - and it is liable to be very, very near - these projects are going to decide for us because they are going to fail, not continue to function. He said the Green Meadows pump station - why it has not failed up to this point no one really knows - other than that he thinks our town crew does an amazing job with

bubble gum and duct tape. Councilman Mullen said some of the other projects are in the same shape - they have to be done. He said he understands \$6,300,000.00 even if it is stretched out over a three year period is a lot of money. Councilman Mullen said what he means about stretching it out over a three year period is - as we borrow it that is when it will become part of the loan.

Mayor Stombaugh said we struggled so much with the budget this year - the departments had to cut - what are we going to cut next year in order to pay this back?

Councilman Mullen said this budget right now - the budgeted that we have in 2009 - based on this loan with at debt service over 40 years of about \$330,000.00 to \$340,000.00 we could take advantage of it. He said it is like being between a rock and a hard place. Councilman Mullen said whether you pay it now or you are paying it five years down the road at twice the price. He said he does not like it any more than you do; he does not like borrowing money but the bottom line is these systems are going to fail. Councilman Mullen said this is an opportunity that we will never again see in our lifetime. He said economics aside the only silver lining that he can see to the entire economic crisis is it might allow us to do this. Councilman Mullen said

Councilman Thornton said the only thing that they are voting on tonight is just a resolution to bring it before the public so there will be a lot more discussion on it he is sure. He said he also has some questions about it but it certainly is worth exploring. Councilman Thornton said the other thing that

we have to keep in mind is the figures that we are looking at for the anticipated cost could be significantly less given the fact that contractors are looking for a lot of work and we have experience that with some rebate contracts so we have some potential savings there. He said he is ready to vote on the motion that will cause further discussion at a public hearing.

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

C. Appointments - Mayor Stombaugh stated we have an opening on the Ethics Commission and we have an opening on our Utility Committee.

- 1. Ethics Commission** - Mayor Stombaugh said she has had two recommendations - one is Jen Merrill. Mayor Stombaugh asked Ms. Merrill to tell us something about herself. Ms. Merrill said she has been a resident of Smyrna since 2005, she is married with three small children age five and under, they live at 115 North Main Street, her last professional job was working for the National Academy of Sciences' Ocean Study Board working on national policy - trying to help policy makers understand the science behind the things that they were asked to legislate on - so she managed committees, ran projects, managed assistants, and tried to get the scientists and engineers and experts to come to an agreement on what they could tell the federal government should be done on certain scientific issues like marine mammals and ocean noise and things like that. She said she also worked for Maryland Sea Grants, Senator Carl Levin, so she has a lot of experience with different policy

issues including budgeting. Ms. Merrill said as far as town goes she has occasionally attended Council meetings, she is on the board of the Downtown Renaissance Association, and a founding member of the Smyrna Public Library Guild which is working on building a new library for the town. She said her PhD is in Marine Science and Geochemistry. Councilman Thornton said so you have done conflict resolutions? Ms. Merrill said yes - scientists, engineers, and policy makers. Mayor Stombaugh said the second person is Al Kraft - he could not be here tonight as he had a prior commitment. She said she does know that he is retired from the military, and that he has worked in many different fields of counseling. Mayor Stombaugh said frankly she did not know there was going to be two people that wanted to do this until today. She said personally she would like to ask Council if we could just table this one until the next meeting so that she can get Council copies of the résumés so they can make a more informed decision, and she is not ready. Mayor Stombaugh said as Mayor she is supposed to make the recommendation and she really does not feel that she could do that tonight. Councilman Mullen said he was going to recommend Mrs. Merrill - he thinks it is fairly important that particularly in light of what he read on the Ethics Committee agenda for their next meeting that they have a full Board so he would recommend that the Mayor nominate Mrs. Merrill so we can get on with it. He said he thinks everybody is pretty aware of her accomplishments and her contributions to the town and he thinks she would be a wonderful asset to have particularly on this committee. Mayor Stombaugh said she is sorry; she is not making a

recommendation tonight. She said she does not think she could fairly do that.

2. **Utility Committee** - Mayor Stombaugh said she has one person to recommend for this committee and that is Jeff Flairty. She said from what she understands he has an engineering degree - she asked Mr. Hugg if he knew any more since he was Mr. Flairty's neighbor. Mr. Hugg said he is an environmental engineer with Cabe Associates and he specializes in utility and municipal systems. Mayor Stombaugh said she will make a recommendation for Mr. Flairty with his background in engineering that he be on the Utility Committee. Councilman Mullen made the motion to approve Jeff Flairty to the Utility Committee per the Mayor's recommendation. Motion was seconded by Councilman Raynor. Motion passed with Mayor Stombaugh, Councilmen Evans, Thornton, Mullen, and Raynor voting for and Councilwoman White abstaining.

NEW BUSINESS

- A. **Ordinance No. 002-09, Chapter 26, Article II, Voter Registration ref. Purge Voter Registration List** - Mr. Hugg stated this is essentially a housekeeping measure that he mentioned a meeting or two ago that historically we have had to purge the voter registration list as an action of Council and that requirement is still on the books. He said since we no longer maintain a separate voter registration process and now use the State voter registration list there is no need for this particular section of the Ordinance. Mr. Hugg said what he would also like to do is ask that Council waive the three

reading rule and simply dispense with this tonight so that we are done with it.

Councilman Mullen made the motion to waive the three reading rule on Ordinance No. 002-09. Motion was seconded by Councilman Thornton. Motion passed with Councilwoman White, Mayor Stombaugh, Councilmen Evans, Thornton, Mullen, and Raynor voting for.

Councilman Mullen made the motion to accept Ordinance No. 002-09, Purge the Voter Registration List. Motion was seconded by Councilwoman White.

Mayor Stombaugh said she went over the list that the Town gave her and there are several names on there of deceased people and there are names of people who do not live in the town limits. Mr. Hugg said the list that we gave Mayor Stombaugh is the list that State Election Board provides to us. He said if there are errors we need to know about them so we can advise the Election Board. Mr. Hugg said that is an issue particularly people who are deceased they may not get stricken on the State rolls right away. He said if the candidates know of anyone who is on the list by error please let Mr. Markow know immediately so we can advise the State Election Board.

Mayor Stombaugh said then there was District 1, District 2, District 3, and then there was a 99 section and in the 99 section none of them lived in the town limits do you have any idea what that is? Mr. Hugg said that is probably how we code them on the list to designate that they are out of town limits. Mayor Stombaugh asked if that could be purged.

Motion passed with Councilwoman White, Mayor Stombaugh, Councilmen Evans, Thornton, Mullen, and Raynor voting for.

B. Resolution ref. Charter Change to Increase Term of Borrowing from 30 years to 40 years - Mr. Jaywork explained when he was asked to draft the resolution dealing with the wastewater treatment language that Council passed earlier this evening to schedule a public hearing the loan that the RUS makes available is a maximum loan term of 40 years which obviously lowers the payments. He said when he started drafting the resolution he realized that in Section 13.2.1 the maximum loan term the Town Council can borrow under the existing Charter with the super majority vote of the Council is 30 years. Mr. Jaywork said there were a couple of options one being asking them to lower the amount of years, one was not to borrow the money, and one was to try to get the Charter amended so that we could take advantage of the 40 year loan term so that is what this does - it makes one change in Section 13.2.1 where it currently says the Council after the public hearing and notice can vote by five votes to borrow money up to 30 years would allow you to borrow money up to 40 years and that would give you the flexibility if you choose to borrow some of this money from the RUS at their 40 year term . He said he believes Mr. Hugg has already contacted our Representative and Senator just to tell them.

Mr. Hugg said just because there is a timing issue he contacted Senator Ennis and Representative Carson to advise them that we may be asking them for their assistance in getting a Charter change through. He said the timing in the legislature is such that Charter changes and those kinds of things really

need to be in the legislative cue by about the middle of April. Mr. Hugg said if for some reason you choose not to move forward then we simply ask them to disregard the request but this way at least we have not lost another week. He said one thing that he does want to point out is that all this would do would allow us to borrow up to 40 years from USDA if we chose to do so. Mr. Hugg said USDA can although they typically do not but the USDA can make loans for less than 40 years. He said all of them not just the Rural Utility Service grants and loans from the USDA are 40 year terms so if we were to borrow money for some other public purpose from USDA and a lot of towns have borrowed money to build town halls, police stations, and libraries as well as utilities. Mr. Hugg said they are typically a 40 year term. He said if we are successful in having the Charter changed then we have no built in detriment to being able to go to the USDA if we chose to and borrow for the maximum term. Mr. Hugg said this assumes if we go to the USDA to borrow anything so we are not obligating to doing anything other than allowing ourselves that flexibility.

Councilman Mullen made the motion to adopt the Resolution reference extending maximum terms of loan authorized by super majority vote of Town Council from 30 years to 40 years. Motion was seconded by Councilman Evans. Motion passed with Mayor Stombaugh, Councilwoman White, Councilmen Evans, Thornton, and Mullen voting for, and Councilman Raynor voting against.

C. Recommendation of Long Range Plan Update ref. Annexations -
Mayor Stombaugh asked Mr. Larry Koehler to join her. She said Mr. Larry Koehler is a property owner downtown and owns a business and is a member of our Long Range Planning Committee.

Mayor Stombaugh said we have been working very hard and she has an excellent committee and she thinks they have done a wonderful job. She said they have basically come up with a long range plan that will break down and do more detail. Mayor Stombaugh said tonight we want to talk about the Comprehensive Plan and the Committee wanted her to bring to Council to send out letters for some annexation.

Mr. Koehler said one of the things the Committee noticed was that in the outskirts of town there is a lot of overlap and a lot of open areas. He said it really does not have a lot to do with how the town looks as it does public safety. Mr. Koehler said in discussing it with the Chief of Police he did make mention when there is an area within the town area that is not annexed he responds regardless and then they figure out later on who really has the purview for the area. He said so public safety really takes action but one of the things the Long Range Planning Committee was requesting and is asking for the Council to consider is to tighten up some of our borders.

Mayor Stombaugh stood at a map on display and described the areas that they are speaking about - showing the Route 13 corridor and the Spruance City area. She said besides the public safety issue of it this would bring more revenue into the town. Mayor Stombaugh said it would eliminate the problem of knowing this house is in town or this house is out of town. She said what the committee has requested and recommended is for letters to go out to these property owners inviting them to be in the town limits. Mayor Stombaugh continued to speak away from the microphone. She said we would not have to worry about spending money for the infrastructure because all of these areas

water and sewer is already going past them or is very close to them already. Mayor Stombaugh said what they are trying to do is just clean-up the area, get everything into the town limits - as much as you can - so there is no confusion with the public safety issue, it would give us more revenue. She said our revenue is basically taxes and electric and this would give us a better tax base. Mayor Stombaugh said the Committee broke it down - at first they thought about doing it in phases- but then the more they talked about it, it was brought up why not do it all at one time because basically the only cost for the town to do this is advertising and sending out the letters and then legal work. She said the areas that were a major concern was number one Route 13 corridor, the other area was over on Duck Creek Road going to the schools. Mayor Stombaugh said we have our beautiful schools - there are some real nasty properties that you have to go past on the way to the schools. She said the other area is Spruance City area, Glenwood Avenue area, South Carter Road and Sunnyside Road, Route 13, and Duck Creek Road going to the schools. Mayor Stombaugh said those are the areas that we want to work on for our long range plan to try to bring the properties into town, give us more of a revenue base, and make our town look better. She said most of these areas are main entrances into the town and first impressions are what people look at.

Mr. Koehler said the way the annexing would benefit the town would also be in the building permits and inspections. He said a lot of times as a person driving up and down the Route 13 corridor he sees a lot of eyesores and if there is a sign that says welcome to the Town of Smyrna his first thought is that the Town of Smyrna owns that property and they are not doing

anything to it. Mr. Koehler said if you drive around he would bet you that almost every single distressed property in the Smyrna area is actually a non-annexed property and the town cannot take action because it is a County problem and not a town problem.

Mayor Stombaugh said one of the other areas that they put a priority on is when you go out Glenwood Avenue and Commerce Street it comes to a point going out towards 300 before you go into Clayton where the old grain towers are and they are very dangerous. She said they would like to see that area cleaned up. Mayor Stombaugh said she understands the owners did get some prices to get the towers demolished and it was in the \$150,000.00 range and that was out of the range for the property owner. She said from what they were told the property owner had asked the Town if we had any means or any contact that would take it down at a lower cost. Mayor Stombaugh said so they are willing to do something about it but the cost is the major factor right now. She said the Long Range Planning Committee has also asked if the Town would either take bids or because eventually this would be declared a dangerous property the Town is going to be responsible for tearing it down anyway and the cost would go back to the property owner. Mayor Stombaugh said the property owner has asked for our help.

A member of the audience asked realistically why anyone would want to annex into the Town. Mayor Stombaugh said they would not be paying town electric - they could keep their electric, they can keep their water and sewer if they have good systems, the advantage to most of these people is if they do not have good systems it would be to their advantage to come into

the town and take the Town water and sewer. She said the Committee even suggested giving some sort of incentive to get them to do this. Mayor Stombaugh said like the Chief said it is a problem - they get a phone call at the station what are they going to do pull out the map and say is this one in town or is this one out of town before they respond? She said she thinks another thing she does not think people realize is that if you are in the town limits and you pay town taxes then you pay less County taxes - is that correct? Mr. Hugg replied no that is not correct.

Councilman Mullen said he does not know what to say but having been on the Council for the last two years and knowing the Mayor's position on annexations, he is a little surprised at the 180 degree turn. He said he is not saying there is anything wrong with it - we have had this Comprehensive Plan since 2002 and it has shown the growth boundaries for the Town of Smyrna for seven years now. Councilman Mullen said that Comprehensive Plan has not been changed in seven years and quite frankly that was the long range goal of the Comprehensive Plan in the first place. He said he applauds the Long Range Planning Committee - he is not trying to take anything away from them - but everyone needs to keep in mind that this is the ultimate goal of the Comprehensive Plan. Councilman Mullen said that is why the Town of Smyrna spent all the time, all the money in developing this plan in the first place. He said to suddenly recommend something that has already...

Councilwoman White began to speak.

Mayor Stombaugh said she just wanted to answer a couple of those questions and then Councilwoman White can speak. She said number one she has not done a 180; these properties are already basically in our town limits they just are not legally in our town limits. Mayor Stombaugh said they are using our roads; they are using everything that is already here. She said what she oppose to with annexation is going out to these new areas; bringing in large areas into the Town. Mayor Stombaugh said the annexation she is opposed to is annexation that is going to cost the Town large amount of monies in the long run and with getting infrastructure to them. She said these houses that she is talking about are already there - it is not a property where new houses are going to be built and make a bigger impact on our Town. Mayor Stombaugh said these houses are there and already making an impact on our Town - why shouldn't we be able to get the revenue from them. She said that is the difference - yes she is opposed to annexation if it is going to cost the Town a lot of money and require us to do a lot more infrastructure, but these properties will not and that is the difference. Mayor Stombaugh said the reason you asked about the seven year plan is the Long Rang Planning Committee has recommended this is yes it has been seven years, isn't it time for something to be done about it?

Councilman Mullen said you cannot force a landowner into the Town of Smyrna, and he can tell you in the case of Spruance City - the Town of Smyrna has been trying to annex that area for the last 50 years. He said as far as infrastructure - in Spruance City there is very, very, very little infrastructure. Councilman Mullen said all of the streets would have to be torn up for water and sewer, new electric lines run and things like

that, and granted they do not get electric from us they would not have to, but if they wanted water and sewer we would have to pay the infrastructure costs to go to that area. He said he is not disagreeing with her; it is just we have never annexed a piece of property in the time that he has been on Council that has been outside the growth zone of the Comprehensive Plan - we cannot by law annex outside of our Comprehensive Plan. Councilman Mullen said as far as improving properties and things like that condemnation laws are very specific - you cannot condemn a building unless it is structurally or health related detrimental to the community that it is in. He said if a building is just sitting there, sorry, you cannot do anything about it. Councilman Mullen said he is not trying to throw a wet blanket on this; he would love to go by the Comprehensive Plan, and he would love to invite people to join the Town of Smyrna. He said the bottom line is we already have that.

Mayor Stombaugh said it is a recommendation of the Long Range Planning Committee. She asked if there was any further discussion.

Mr. Hugg said he has a couple of quick comments. He said under our Charter people can come into Town essentially by two actions: 1) they can petition to be annexed which is the process we typically follow where someone comes, provides a certified letter with a copy of their deed and says I, the owner of such and such property, wish to be annexed into the Town of Smyrna and whether that is one acre or fifty acres that is the process the Council has seen for the last half a dozen years; and 2) the Town can declare an area that it wishes to annex and by official notice to all of the property owners ultimately call for an

election of those property owners and if the majority of them seek to be annexed then that entire area gets annexed and that is where he thinks the Mayor is headed with that kind of idea. Mr. Hugg said he knows the Chief has been pushing him regularly to try and do that kind of thing. He said previous Councils have certainly not wanted to basically go and tell people we are going to annex them and then force them into a vote. Mr. Hugg said having said that the bigger concern he has is that this is not an inconsequential task nor is it cheap. He said he would easily estimate there are 1,000 to 1,500 individual parcels and property owners and tenants all of whom have a right under the annexation provisions of the Charter to be involved in determining whether they want to be annexed or not. Mr. Hugg said people who live on a property have an equal right to vote for annexation along with the property owner. He said so ensuring all of those people were adequately notified is not something that will get done in a week or two weeks or two months. Mr. Hugg said the second thing is each of those properties has to have a full research and evaluation of the deed to determine the actual owner along with the metes and bounds description. He said that also is not an inconsequential expenditure or amount of time and so while he does not disagree with moving forward on annexation and it would be nice if we could kind of blitz an area or two and try and close some of those enclaves, particularly along the highway going north, he does not want anyone on Council or the Long Rang Planning Committee to assume that is something that staff can get done next week. Mr. Hugg said it is an awful lot of work.

Mayor Stombaugh replied remember it is long range planning. Mr. Hugg said the sense he got from the Mayor was go forth and

annex all of these areas kind of at once and that sort of scares him. He said the second thing that was mentioned - the issue of the silos - irrespective of how they ultimately get there if they are declared a dangerous building the responsibility for correcting that dangerous building falls first on the property owner and he personally has real major heartburn over the notion that a property owner could come to the Town and say I've got this ugly terrible deteriorated dangerous building out here and gee whiz I'm not going to spend the money to tear it down so you can declare it to be dangerous, you spend the Town's money, his money, to tear that building down and some day when we go to settlement on that property or sheriff sale or whatever you might get your money back. Mr. Hugg said that really bothers him. He said it may be a loophole and it maybe Mr. Jaywork needs to look into it that we may be forced into declaring a building a dangerous building by the intentional neglect of a property owner solely to avoid having to spend their own money correcting a problem that is their responsibility. Mr. Hugg said he would caution the Long Range Planning Committee and Council particularly on those kinds of things to be extremely careful that we do not; we should not be going in and correcting a problem. He said we have one right downtown that we are still fighting with. Mr. Hugg said owners who choose to neglect and disregard and abandon their properties so that the government can come in and correct the problem and then wait in line to hopefully someday go to sheriff sale - it is just not good public policy.

Mayor Stombaugh said wasn't there a suggestion brought up by the Business Development Committee to take it from two years to six months - is that not the same thing? Mr. Hugg said the

idea of the six months was to do two things: to make it subject to the provisions of the vacant building ordinance which does require certain actions by the property owner, and on the flip side to make it potentially eligible for incentives for the redevelopment and reuse of an abandoned or chronically vacant building. He said it is a different purpose.

Mayor Stombaugh said so do we just leave these eyesores sit there?

Mr. Hugg said all he is saying is be very careful. He said he does not want to let them sit there either.

Councilman Thornton said he is a little confused about something. He said he is looking at the minutes of the meeting of March 26, 2009 and under number 10 - a member of the Committee asked what the benefits were to the town to annex any of these properties. Ms. Vinc answered tax revenue, control over code enforcement issues, consistency for emergency responders, and possible revenue from utilities depending upon each individual property situation. He said Mr. Merrill who was the gentleman who asked the question then asked what the cost to the Town was going to be and Ms. Vinc replied the cost of advertising and legal fees. Mr. Merrill requested that these figures be made available to the Committee prior to their recommendation to the Mayor and Council. Ms. Vinc stated that these figures would be provided at the next meeting. Councilman Thornton said it seems to him that this discussion is a little premature.

Mayor Stombaugh said it was just that they wanted us to present - we are not asking you to vote on this - the Long Range Planning Committee asked us to present this as a recommendation and we were to be given more information by staff.

Councilman Thornton said we spent a lot of time talking about this and his immediate question was what is this going to cost and there is a great deal of legal work.

Mayor Stombaugh said that was our question at the meeting and town staff gave us an answer that it would not be that expensive so that is what they were going on.

Mr. Jaywork said there certainly going to be some costs - he would say there is probably if you get several properties or get a bunch of properties together there is going to be economy as a scale because you are not doing one individual resolution or going through the whole process for each one. He said we do not typically in the town's history get a legal metes and bounds description so we are not talking about getting surveys done we usually try to prepare this using the deed description for the property. Mr. Jaywork said we do not do a full title search because we are not that concerned about what happened 60 years ago - if there is a mortgage against the property and we go back far enough to make sure the person who's name is coming into the town, petitioning, is in fact the correct legal owner. He said there are some costs there - that he does not think is the real concern. Mr. Jaywork said a couple years ago the Office of State Planning was pushing very hard to get a bill through that was called to allow Towns to have enclave annexations where these little areas the Mayor is talking about where they are

really already in town but they are not in town where they could be annexed against their will so to speak. He said that never managed to make it through the legislature. Mr. Jaywork said the reality is that right now as Mr. Hugg said someone has to ask to come into town or the Town Council can start the process but at the end of the day you run into the cold hard fact that they still have to vote in favor of coming into town or they will not come in. He said the only way you could accomplish that is, and it would be very difficult, kind of gerrymandering where if you could find several properties, two or three properties, that wanted to come in for whatever their reasons were and then you could put in that same election, and a couple of properties that did not want to come in, and then the majority vote would bring them in along with the ones that did not want to because the vote is based upon the territory that you described in the election. Mr. Jaywork said as a practical reality there is going to be some difficulty some of the incentives that the Long Range Planning Committee has suggested are certainly steps in the right direction, not making people take town electric, not making them take water and sewer initially, but the truth of the matter is why would someone want to pay taxes? He said you may have to figure out some way to let them phase in.

Mayor Stombaugh said that is why we talked about incentives and believe me everybody knows she is against eminent domain, she is against taking anything private property. She said her intent was that it was an invitation to see if we could clean up some of these areas and we would have to come up with some incentives to give them incentive to want to do this.

OTHER COUNCIL BUSINESS

Councilwoman White said she would like to ask Council to approve the road closure from the Post Office to Cummins Street on both sides out front for May 2, 2009 from 8:30 a.m. until 2:30 p.m. for our Arbor Day celebration.

Councilman Mullen made the motion to endorse the road closing of South Market Street Plaza on both sides from the Post Office to Cummins Street for May 2, 2009 from 8:30 a.m. until 2:30 p.m. for our Arbor Day celebration. Motion was seconded by Councilman Thornton. Motion passed with Mayor Stombaugh, Councilwoman White, Councilmen Evans, Thornton, Mullen, and Raynor voting for.

Chief Baldwin said Council does not have to approve that. He said he and Mr. Hugg can approve that.

Mr. Hugg said Councilwoman White had asked a little over a week ago if there would be a candidate's public forum and he had sent an email to the three Mayoral candidates and he does not think he heard back from Mayor Stombaugh. He said Mr. Pressley and Mr. Mullen had indicated that they were available Monday 13, 2009 at 7:00 p.m. and he had not had a chance to contact Mr. DeFeo but if we are going to try to do it next Monday we need to make some decision tonight so that Seth can get it in the paper. Mr. Hugg asked if Monday 13, 2009 is okay with everyone. Mr. DeFeo said he could not make it on the 13th. Mr. Hugg suggested the 16th. It was decided to hold the candidate's forum on Thursday 16, 2009 at 7:00 p.m. Mr. Hugg stated he would contact Mr. Riddagh to notify him of the date and time.

ADJOURNMENT

Councilwoman White made the motion to adjourn. Motion was seconded by Councilman Thornton. Meeting was adjourned at 9:40 p.m. by unanimous vote.

Council Secretary

vlh