City of Milford

AGENDA

Council Meeting March 22, 2010

Milford City Hall - Joseph Ronnie Rogers Council Chambers - 201 South Walnut Street, Milford, Delaware

7:00 P.M.

PUBLIC COMMENT SESSION

COUNCIL MEETING

Call to Order - Mayor Daniel Marabello
City of Milford Charter/Unresolved Issue
Ordinance 2010-4/Adopting Amended Charter
Appointment of City of Milford Election Board*
Cascades Housing Development/Tax Abatement Request**
Adjourn

WORKSHOP

Call to Order - Mayor Daniel Marabello
Local Service Function Concept/City of Dover Resident N. C. Vasuki
Update on I&I Study/Project/URS Corporation
HOA Subcommittee Findings & Recommendations
Sussex Conservation District/Jessica Watson/Stormwater Management Presentation
Review of 2010 Voter Registration List*
Adjourn

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

020510 022410 030910 0/31510 Items Removed Via City Manager/031610 Proclamation Moved to April Meeting *Added by City Clerk **031810 Matter Postponed from Previous Council Meeting

Item omitted in error from 03/08/10 meeting:

4.06 - Qualification for Mayor and City Council

PREVIOUSLY PROPOSED....

(d) If a council~~man~~member files and runs for mayor, ~~whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday following the date of the election; and if they have a year remaining on their term, then their office as council shall be filled at the same annual election in which they have filed to run for the office of mayor—to be determined by City Council~~.and is elected before his or her Council term has expired, the elected Mayor's council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

CURRENTLY RECOMMENDED....

If a council member files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election. If they have a year remaining on their term, then that portion of their unexpired term as a council member shall he filled at the same annual election in which they have filed to run for the office of mayor. — In this case, the deadline to file for mayor would need to be changed to an earlier date than that filing date of council (for example—ninety days before the election & council would remain at sixty days before the election).

Minutes from last meeting it was discussed:

It was confirmed that presently, nothing in the charter prohibits a council member from running for two seats. The solicitor said that some research was done and there are varying policies including some that prohibit it.

Mr. Starling, Mr. Adkins, Mr. Workman and Mr. Brooks agreed that a person should not be permitted to run for two seats and if a councilperson files to run for mayor, they would surrender their council seat. However, Ms. Wilson believes that if someone runs for mayor and loses, they should be able to retain their council seat if their term is unexpired.

Mr. Willard pointed out that would apply to a councilperson who is midterm; he questioned if a councilperson whose term coincides with the mayor, should be permitted to run for both offices.

Mr. Spillane said it would be unfair to prohibit a council member whose term of office is the same as the mayors from running for mayor and require them to give up their seat.

Some other towns policies were then discussed:

If a council member files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election. If they have a year remaining on their term, then that portion of their unexpired term as a council member shall he filled at the same annual election in which they have filed to run for the office of mayor.

If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall he filled at the same annual election in which they have filed to run for the office of mayor.

No person who holds any elected office in the town may file as a candidate for the office of mayor unless and until that person first resigns from his/her elected position; provided however, that this subsection shall not require any elected official whose term of office expires at the next town election to resign his/her seat as a council-member in order to run for the office of mayor in that next town election.

Any councilperson whose term of office coincides with the mayor and who files to run for mayor will relinquish his/her seat on the day the mayor is sworn into office regardless of whether or not they are elected to the office of mayor. Councilpersons whose terms do not expire at the same time as the mayor will retain their seat should they not be elected mayor. Council members serve staggered two-year terms but the mayor serves a three-year term.

The mayor agrees with Ms. Wilson that if you are running between your term, you are not costing the city any money and it should not be a problem. However, someone who runs for two different offices and wins the mayoral seat should not incur additional costs to the city by causing another election.

It was the overall consensus of council that a person should not run for two different offices though Mr. Spillane disagreed. However, it was also agreed it would continue to be discussed at a future meeting.

City of Milford

ORDINANCE 2010-4

Amending the Charter of the City of Milford

An Ordinance amending the City of Milford Charter, subject to approval of the Council of the City of Milford in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

THE CITY OF MILFORD HEREBY ORDAINS:

WHEREAS, the Town of Milford was first incorporated on February 5, 1807; and
WHEREAS, on January 18, 1932, the Charter of the City of Milford, contained in Chapter 726, Volume 57, Laws of Delaware, entitled "An Act Changing the Name of the Town of Milford to 'The City of Milford' and Establishing a Charter Therefore" was consolidated into one complete act; and
WHEREAS, since this time, the Charter has been amended seven times, with the last comprehensive review occurring in1999; and
WHEREAS, periodically, the Charter is reviewed to help ensure that it is current and that it properly reflects the overall direction of this community; and
WHEREAS, on August 25, 2008, the City Council appointed persons to a Charter Review Committee and charged the committee with reviewing and proposing amendments to the City of Milford Charter; and
WHEREAS, following a series of meeting, the Charter Review Committee presented a draft of the proposed Charter to City Council on January 25, 2010 at a public meeting;
WHEREAS, the City Council has thoroughly and completely reviewed the proposal and after considering the amendments, the Council called for a Public Hearing to be held on _____ at which time all citizens so desiring were afforded the opportunity to be heard; and
WHEREAS, the City Council has henceforth considered the approval or rejection of various amendments to the Charter; and
WHEREAS, City Council finds it to be in the public interest to declare the adoption of the amendments to the City's Charter, and to adopt the amended Charter, including the rearrangement and renumbering of various articles and paragraphs in the Charter authorized by the Charter.

NOW, THEREFORE, BE IT RESOLVED the City Solicitor of the City of Milford is authorized and directed to forward a copy of this Ordinance and revised City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

BE IT FURTHER RESOLVED that the General Assembly of the State of Delaware is hereby requested, during its 2010 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner, attached hereto as Exhibit A.

_____
Mayor Daniel Marabello

_____
City Clerk Teresa K. Hudson

Date Adopted:
Date Effective:

~~Strike~~ - Struck
Italics - New Committee
Underline - Tim

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Article I. ***Incorporation, Territory and Annexation***

1.01- Incorporation

The inhabitants of the City of Milford ("the City") within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

1.02- Territorial Limits

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County (Book __ Page __), ~~Office~~ and for Sussex County (Book __ Page __) in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

~~The boundaries and limits of the City of Milford are hereby established and declared to be as heretofore, that is to say: BEGINNING at Bowen Landing on the Bowen (Dorsey) farm in Kent County; thence in a direct line in a northerly~~

~~direction to the DuPont Boulevard at the intersection with it and the concrete highway leading into the City of Milford; thence continuing in the same line in a northwesterly direction across the said DuPont Boulevard a distance of Five Hundred Feet beyond the western boundary line of said Boulevard; thence in a southerly direction and parallel with and Five Hundred Feet from the western boundary of said DuPont Boulevard to Mullet Run; thence in a northwesterly direction following said creek approximately 1,600 feet to and encompassing Parcel #1, 39.14 acres more or less between Mullet Run and County Route 407, further described by a plat prepared by Charles D. Murphy, Jr. and dated January 25, 198; thence said limits extending in westerly direction encompassing and including Parcel #2 on south side of County Route 407, and east of State Route 15 containing 91.06 acres more or less; thence north of County Road 407 and east of~~

~~State Route 15 and including Parcel #3 containing 108.57 acres more or less; thence west of State Route 15 to include Parcel #4 containing 187.99 acres more or less bounded to the south by State Route 14 and to the north by County Route 404 said parcels being described on the referenced plat; thence south of Parcel #1 and Mullet Run to contain the Masten Industrial Park having right of way to State Route 14, thence in a southerly direction and parallel with and Five Hundred Feet from the western boundary of DuPont Boulevard to the Haven Lake; thence across said lake to the north side of Evergreen Lane; thence along the north side of Evergreen Lane to the intersection of the north side of Evergreen Lane and a line parallel with and Five Hundred Feet from the western boundary of the said DuPont Boulevard; and thence continuing with said line to the southern or southeastern line of what is known as the William T. Simpson property; thence in a northerly direction in a direct line to the bridge over the stream of water known as the Deep Branch (which bridge crosses said stream on the County Road leading to the Town of Lincoln); thence following the course of the aforesaid Deep Branch to the Lake known as Marshall Mill Pond; thence down the course of water or stream running from said Marshall Mill Pond to the Mispillion River; thence following the course of said River to Bowen Landing aforesaid~~.

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to ~~Article X~~ *Section 1.04 of this Charter*. The Council may, at any time hereafter, cause a survey and plot to be made of ~~said~~ the City, and the ~~said~~ *survey and* plot, when made and approved by ~~said~~ *the* Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

1.03- *Wards*

The City of Milford shall ~~initially~~ be divided into four Wards and an *official map of the Wards shall be kept by the City Clerk*:

The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route I in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southwest Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limit with Deep Branch; thence along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.

The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U.S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern or southeasterly line of what is known as the William T. Simpson property; thence in a northeasterly direction along the corporate limits of the City in a direct line to the intersection of the corporate limit and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

The Third Ward shall consist of all territory within the City limits as follows: Beginning at a point in the

center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by centerline of Southeast Front Street in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of U.S. Route 113; thence along the eastern boundary of the corporate limits of the City to Bowen Landing on the Bowen (Dorsey) Farm; thence along the course of the Mispillion River to the point where Deep Branch empties into said River, thence southerly by the course of waters in Deep Branch to the center of the intersection of the intersection of Deep Branch and Business Route 1.

The Fourth Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence in a northeastern direction along the western boundary limit of the City to a point where said line would intersect the northerly boundary of the Third Ward, if extended, and as described herein; thence southeasterly along the aforesaid line of the Third Ward, if extended, to the point of intersection of the centerlines of North Walnut Street and U.S. Route 113; thence by the centerline of Walnut Street to its intersection with Northwest Front Street.

The City Council may provide for a fifth ward and re-arrange the boundaries of the four wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth**.**

1.04- Annexation

~~In the event it becomes feasible and necessary in the future for the City of Milford to enlarge its then existing limits and territory, such annexation accomplished~~.

The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply:

~~(a) If all the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. The Petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Milford and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. The City Council of Milford may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. Once the favorable vote for annexation shall have been case, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council~~.

(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a

statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.

(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a

period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.

(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

~~b) If five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford by written Petition with the signature of each such Petitioner duly witnessed shall request the City Council to annex that certain territory in which they own property, the Mayor of the City of Milford shall appoint a committee composed of not less than three (3) of the elected members of the City Council to investigate the possibility of annexation. The Petition presented to the City Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the City Council, by majority vote of the elected members thereof may, by resolution, propose that a committee composed of not less than three (3) of the elected members of the City Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the City of Milford. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Milford and to the territory~~

proposed to be annexed and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore. A resolution shall then be passed by the City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory contiguous to its then limits and territory. The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote. The resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the City Council setting forth the above information shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed. Following the public hearing, but in no event later than thirty (30) days thereafter, the City Council of Milford may pass a resolution annexing such territory to the City of Milford, subject to the approval of the residents and property owners in the territory to be annexed, which approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council of Milford to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution fails to receive the required affirmative vote. Following the Public Hearing and the affirmative vote of two-thirds (2/3) of all of the elected members of the City Council but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the subject of the proposed annexation. The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be

annexed at least fifteen (15) days prior to the date set forth for the said Special Election. At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. Every citizen of the territory proposed to be annexed over the age of eighteen (18) years, who is not a property owner shall have one (1) vote. An individual who is a resident and a property owner in the area proposed to be annexed shall have one (1) vote only. In the event that an individual holds a Power of Attorney duly executed and acknowledged specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

1[ ] For the proposed annexation
[ ] Against the proposed annexation

The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council of the City of Milford. Said Certificate shall be filed with the papers of the City Council.

In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the City Council of

~~the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election~~.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.

(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory. Said resolution shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.

(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council.

(8) In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.

(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.

(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.

(11) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall have only one vote regardless of the number of parcels owned.

(12) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

[ ] For the proposed annexation

[ ] Against the proposed annexation

(13) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(14) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(15) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election.

(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the

specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(c) Annexation Agreement.

Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

Article II. Nominations and Elections. (Previous Article IX)

2.01- City Elections (Previous 9.01)

~~(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of twelve (12) noon and eight (8:00) o'clock in the evening, at such places as shall be determined by the Council, due notice of which shall be given Title 15 Chapter 7553 by an advertisement printed in a newspaper~~

~~published in the City of Milford and posted in at least one public place in each Ward of the City not less than ten days before the day of the annual election~~.

(a) *The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law.* ~~*due notice given as required in 15 Del. C. Section 7553.*~~

(b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five ~~citizens~~ *electors* of the City to be appointed by the Council at the last regular meeting preceding the annual election. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(c) A clerk from each respective ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. ~~At the last regular meeting preceding the annual election, t~~The City Council shall appoint an election clerk(s) for each ward in which there is a contest.

(d) Every person who resides within the City of Milford boundaries for at least thirty days prior to the registration deadline or *natural persons owning* ~~owns~~ property within the City of Milford ~~*prior for*~~ *at least thirty days prior to the registration deadline, and who are* ~~and who is~~ over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. *A Corporation, Partnership, Limited Partnership or other legally created entity, is prohibited from registering and voting as a non-resident property owner unless property within the*

(e) It is the responsibility of those registered voters who own property in more than one ward to ~~must~~ declare ~~within~~ *at least* [~~thirty (30)~~ /sixty (60)] days prior to the election which ward they will vote in on the day of the election. *In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote only where he or she resides.*

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. ~~and~~ The person having the highest number of votes, for each office, shall be declared duly elected in

accordance with ~~15 Del. C. Section 7553~~ *State law*, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of *time as required by State law*. ~~at least ten (10) days following said election~~.

(h) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.

(i) ~~In the event of a tie vote for any office, the Election Board shall resolve the tie and determine the person elected, by lot.~~ *In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within 30 days and the registration books shall remain closed until the outcome of the Special Election is determined.*

(j) Not less than ~~thirty (30)~~ *sixty (60)* days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) *registered* ~~qualified~~ voters ~~resident~~ in the Ward *in the City of Milford* in which the candidate resides. Nominations for the office of Mayor shall be filed with the City Manager not less than ~~thirty (30)~~ sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) *registered* ~~qualified~~ voters ~~resident~~ in the City *of Milford*.

~~The City Manager shall cause to be printed ballots and envelopes for use by the voters at the annual election, or upon the direction of the Council, shall arrange for the use of voting machines at such election. The Council shall be empowered to make and promulgate rules and regulations governing the voting, not inconsistent with the provisions of this Charter~~.

2.02- Emergency election postponement; declaration.

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once issuance of the declaration, the affected election is postponed. The City Clerk

shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen calendar days after the original date of the election.

2.03- Absentee Ballot Procedures (Previous 9.02)

Absentee voting in the City of Milford is in accordance with ~~15 Del. C. Section 7570-7585~~ State law. ~~The Council shall prescribe by ordinance for the casting of absentee ballots by qualified voters unable to be at the polls at any election or referendum~~.

~~6.03- Council Ballots.~~

~~(a) Names on Ballots. The full names of all candidates who are seeking a seat on City Council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol. If two or more candidates have the same surname or surnames so similar as to likely cause confusion, their residence addresses shall be printed with their names on the ballot.~~

2.04- VOTING MACHINES FOR LOCAL OFFICE & MAYOR & COUNCIL BALLOTS (Previous 9.06)

(A) VOTING

(a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides..

(b Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

~~6.04- Watchers And Challengers~~

~~A regularly nominated candidate shall be entitled, upon written application to the election authorities to appoint two persons to represent him as watchers and challengers at each polling place where voters may cast their ballots~~.

~~6.05-~~ *2.05*- Ballots For Ordinances And Charter Amendments (Previous 9.05)

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

~~6.06 - Voting Machines~~.

2.06 VOTING MACHINES FOR REFERENDA AND ANNEXATION ELECTIONS (Previous 9.06)

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

~~6.07-~~ *2.07*- Council Districts; Adjustment Of Districts (Previous 9.07)

(a) Number Of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January *of the second year following the decennial census* ~~*of every tenth year from the adoption of this Charter*~~, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters ~~, determined from the registration for the last statewide general election, but~~ *AND* districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the *City* Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that *the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption* ~~.if a summary of the ordinance is published pursuant to subsection 2.12(d)(1), it must include both the map and the description of the recommended districts~~.

(e) The Commission may, but is not required to establish five Wards instead of four, with two ~~Councilmen~~ *Councilpersons* to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect Of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including

nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.

ARTICLE III. Powers of the City – Council and Mayor (Previous Article II & Article IV)

3.01- Enumerated Powers ~~Powers of the City~~ *(Previous 2.01)*

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

(a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the Revised Code of Delaware 1953, as amended. The City of Milford may transmit electric, gas and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.

(b) The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof,

(2) A contract for professional services.

(3) ~~No contract shall be made by Council for any purpose, the~~ *A* contract ~~price of~~ which is ~~in excess~~ *less than* ~~of~~ Thirty Thousand ($30,000).

(c) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City, and

(d) All formal contracts shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford *in accordance with the provision of Article VIII of this Charter.* ~~a sum or sums not exceeding in the aggregate of two times the previous year's tax revenue, whenever, in the opinion of a majority of the Council, the current receipts are insufficient to provide for the needs of the City, and the sums borrowed shall be repaid from current revenue received thereafter. The indebtedness created hereunder may be secured by a promissory note duly authorized by resolution of the Council and signed by the Mayor and City Manager, or attested by the Secretary, and no officer or member of Council shall be personally liable for the payment of said note or notes because their signatures appear thereon or because authorized by a resolution of the Council; provided, however, that no promissory note executed pursuant to the provisions of this section shall provide for payment over a term in excess of two (2) years.~~

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time ~~by ordinance~~ *resolve or* decree.

(g) Notwithstanding any of the provisions of this Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article ~~XIA~~ XII of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

3.02- Construction (Previous 2.02)

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

3.03- Intergovernmental Relations (Previous 2.03)

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America of any agency thereof.

3.04- Notice of Action (Previous 2.04)

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the negligence of the City of Milford or any of its departments, offices, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.

3.05- Investigations (Previous 4.08)

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor, punishable by a fine of not more than ~~$100.00~~ ***$500.00***, or by imprisonment for not more than ten (10) days, or both.

3.06 - Independent Audit (Previous 4.09)

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The council ~~may~~ shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. Council must review and ~~approve~~ accept each annual audit.

3.07 – Mayor - General Powers (Previous 5.01)

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and

perform the duties imposed upon him by this Charter and the ordinances of the City. *The Mayor may appoint such committees as he deems necessary for the proper administration of City Council. {The Mayor shall manage the agenda. Council members may request in writing to the Mayor that an item be placed on a future agenda under the Correspondence item. A majority of Council may determine whether or not the item should be placed on a future agenda.}*

3.08 - Vice Mayor (Previous 4.01 & 5.01)

The Council shall also elect from among its members a Vice-Mayor who shall act as Mayor during temporary absence or inability of the Mayor, and while so acting, shall be vested all the powers and authority of the Mayor. *While serving in the place of the Mayor, the Vice Mayor **[shall/shall not]** be permitted to vote as a member of City Council **[except in the case of a tie].***

3.09 - General Powers and Duties (Previous 4.03)

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Article IV. Council Government – Composition, Qualifications, Vacancies and Procedure

(Previous Article III & Article IV)

4.01- Composition of Government (Previous 3.02)

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the council, consisting of a mayor and eight (8) council members. Whenever the word "mayor" is used, it shall refer soley to the mayor. Whenever the word "council" is used it shall refer to the eight (8) council members.

The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward.

~~Only qualified *registered* voters of the City, *meeting the qualifications for Mayor and City Council as outlined in Section 3.03,* shall be eligible to hold the office of Councilperson or Mayor.~~ The Mayor and Councilpersons shall each serve for a term of two years.

4.02 ***Annual Organizational Meeting*** (Previous 4.01)

At ~~7:30~~ *seven* o'clock *(7:00)* p.m., on the *second* Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City. ~~At said meeting, the Council shall organize by a majority vote of the entire Council and elect a Vice-Mayor, who shall be a member of the Council~~.

4.03 - Compensation and Expenses (Previous 4.02)

The Council may determine the annual salary of Councilpersons and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

4.04- Prohibitions (Unchanged)

(a) ~~Holding other office~~ Except where authorized by law, no *Mayor* or Councilperson shall hold any other City office or employment during the term for which he or she was elected to *the Office of Mayor* or Council, and no former *Mayor or* Councilperson shall hold any compensated appointive City office or employment until ~~one~~ *two (2)* years *or more* after the expiration of the term *of office* for which he or she was elected ~~to the Council~~.

(b) *Appointments and removals*. Neither the *Mayor,* Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the *Mayor or* Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration*. Except for the purposes of inquiries and investigations under Section ~~2.08~~ (incorrect section) *4.08*, the *Mayor or* Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the *Mayor or* Council nor its members shall give orders to any such officer or employee, either publicly or privately.

4.05- Vacancies, Forfeiture of Office; Filling of Vacancies (Unchanged)

(a*) Vacancies.* ~~The office of a Councilperson and Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office~~.

(1) *The Office of the Mayor shall become vacant upon death, ~~or~~ resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City..*

(2) *The Office of a Councilperson shall become vacant upon death, ~~or~~ resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the ward in which he/she resided at the time of the election.*

(b*) Forfeiture of Office*. A Councilperson shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a crime involving moral turpitude.

~~(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is one (1) year or less, the Council may, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is greater than one (1) year, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.~~

(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is less than three (3) months, the vacancy shall be filled in the next general election. If a vacancy occurs in the Council and the remainder of the unexpired term is less than six (6) months but more than three (3) months, the Council ~~shall~~ may within 45 days of the vacancy occurring, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than

twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.

4.06- Qualification for Mayor and City Council (Previous 3.03)

~~No person shall be eligible for election as Mayor or as a member of Council unless they have been a resident of the State of Delaware and the City for thirty (30) days preceding the day of the election; and are over the age of eighteen years prior to the day of the election. Neither the Mayor or any member of Council shall be eligible to serve in such elected office unless they shall continue to be residents of the City during their respective terms of office~~.

(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall any member of Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

(d) If a council~~man~~member files and runs for mayor, ~~whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday following the date of the election; and if they have a year remaining on their term, then their office as council shall be filled at the same annual election in which they have filed to run for the office of mayor–to be determined by City Council~~.and is elected before his or her Council term has expired, the elected Mayor's council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

4.07- Judge of Qualifications (Previous 4.06)

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Superior Court.

4.08 - Procedure (Previous 4.10)

(a) *Meetings*. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings *may* be held *in compliance with State law and may be* on the call of the Mayor or of four or more members~~, whenever practicable, upon no less than twelve (12) hours' notice to each member~~. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter *permitted by State Law* ~~which would tend to defame or prejudice the character or reputation of any person,~~

(b) *Rules and Journal*. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Council shall follow Roberts Rules of Order and parliamentary procedure.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section *4.05(c)* ~~2.05~~, shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

4.09 - Action Requiring an Ordinance (Previous 4.11)

The Council is hereby vested with the authority to enact ordinances or resolutions (resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the resolution has been prepared in writing) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to

ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend an administrative code; ~~or establish, alter or abolish any City department, office or agency;~~

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levy taxes, except as otherwise provided in Article ~~V~~ X with respect to the property tax levied by adoption of the budget;

(d) Grant, renew or extend a franchise;

(e) Regulate the rate charged for its services by a public utility;

(f) Authorize the borrowing of money;

(g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.

(h) Amend or repeal any ordinance previously adopted.

(i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

4.10 - *Ordinances in General* (Previous 4.12)

(a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Milford hereby ordains…" Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) *Procedure*. An ordinance may be introduced by *the Mayor*, any member *of City Council or the City Manager* at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to *the Mayor*, each Council Member and to the City Manager. *An ordinance shall be placed on the*

agenda for introduction and for adoption by title, the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

(c) *Effective Date*. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any later date specified therein.

(d) *"Publish" Defined*. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City:

(1) *A brief summary of the Ordinance* ~~, the ordinance or a brief summary thereof~~, and

(2) the places where complete copies of it have been filed and the times when they are available for public inspection.

4.11 - Emergency Ordinances (Previous 4.13)

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection ~~5.09(b)~~ *6.09(b)*. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09 (b), ~~5.09(b)~~ shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

4.12- Codes of Technical Regulation (Previous 4.14)

(a) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(b) The requirements of Section ~~2.12~~ *4.10* for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Subsection ~~2.15(a)~~ *4.13(a)*.

(d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

4.13 - Authentication and Recording, Codification Printing (Previous 4.15)

(a) *Authentication and Recording*. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(b) *Codification*. The Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) *Printing of Ordinances and Resolutions*. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproductions and distribution of any current changes in or

additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the Code.

ARTICLE V. ***Administration and Appointees*** (Previous Article III & VI)

5.01 - Form of Government (Previous 3.01)

The form of government established by this charter shall be known as the "Council-Manager" form.

5.02 - City Manager - *Appointment; Qualifications, Compensation* (Previous 6.01)

The Council shall appoint a City Manager for an indefinite term. He need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the Council. *The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.*

5.03 - City Manager - Removal (Previous 6.02)

The Council shall remove the Manager from office in accordance with the following procedures *and those conditions contained in the City Manager's employment contract:*

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

5.04 - Acting City Manager (Previous 6.03)

By letter filed with the City Clerk, the Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary

absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

5.05 - Powers and Duties of the City Manager (Previous 6.04)

The City Manager shall be the chief administrative officer of the City. He *or she* shall be responsible to the Council for the administration of all City affairs placed in his charge or under this Charter. He *or she* shall have the following powers and duties:

(a) He *or she* shall appoint, and when he deems it necessary for the good of the service, suspend or remove ~~all~~ City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He *or she* may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He *or she* shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) He *or she* shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(d) He *or she* shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He *or she* shall prepare and submit the annual budget and capital program to the Council.

(f) He *or she* shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He *or she* shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(h) He *or she* shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(i) He *or she* shall perform such other duties as are specified in this Charter or may be required by the Council.

5.06 - City Clerk - Appointment and Duties (Previous 4.07)

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, maintain a permanent record of all Council proceedings *and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature* and perform other duties as are assigned to him or her by this Charter or by the Council.

5.07 - City Solicitor (Previous 7.02)

At the Annual organization meeting, the City Council shall ~~select and~~ appoint a City Solicitor ~~for an indefinite term~~ who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

5.08 - Police Department (Previous 7.03)

The Council shall appoint a Chief of Police for an indefinite term and fix his compensation. *The terms of his employment shall be contained in an employment contract*

(a) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise. ~~; and~~ The Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of ~~City~~ Police.

(b) Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

(c) The Chief of Police shall be responsible to Council *and shall be removed from office in accordance with the provisions of State law and* the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.

(2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.

(5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties of the Chief of Police during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.

(d) The Chief of Police shall:

(1) Administer, direct and supervise the operation of the police department.

(2) Prepare and submit an annual budget and capital program to the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for Council approval.

(3) Attend all Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

5.09 - City Holding Cells ~~*CITY JAIL*~~ (Previous 7.04)

The Council may ~~build and~~ maintain a ~~jail~~ *holding cell* for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to *transport to a detention facility*, hearing and trial or arraignment.

5.10 - City Alderman (Previous 7.05)

(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.

(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He *or she* shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of his absence from the City or, if for any cause he *or she* may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.

(c) He *or she* shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

(d) He *or she* shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.

(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars ($500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.

(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.

(g) The Alderman shall keep a docket in which all his official acts shall be entered.

(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

5.11 - Finance Department (Previous 7.06)

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city. ~~The books and accounts of the finance department shall be open at all times to inspection by the members of the Council and the public under such regulations as the Council may prescribe~~.

5.12 - Planning Department (Previous 7.07)

There shall be a planning department, which shall be directed and supervised by a City Planner. The City Planner shall be appointed, supervised and removed by the City Manager. The City Planner shall have the following responsibilities:

(a) To advise the City Manager on any matter affecting the physical development of the city;

(b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;

(c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;

(d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;

(e) To review and make recommendations regarding proposed actions of the Council in annexations;

(f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;

(g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment.

5.13 - City Planning Commission (Previous 7.08)

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of nine (9) members recommended by the Mayor and appointed by City Council.

5.14 – Board of Adjustment (Previous 7.11)

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The Council shall, by ordinance, establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.

Article VI. Financial Procedures (Previous Article VIII)

6.01- Fiscal Year (Previous 8.01)

The Fiscal year of the City shall be set by the City Council.

6.02- Submission of Budget Date (Previous 8.02)

On or before the last day of the twelfth month of each fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

6.03- Budget Message (Previous 8.03)

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

6.04- Operating Budget (Previous 8.04)

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and

estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

6.05- Capital Program (Previous 8.05)

(a) Submission To Council. The Manager shall prepare and submit to the Council a five-year capital program *at the time the annual budget is submitted to City Council as defined in Section 6.02*. ~~at least three months prior to the final date for submission of the operating budget.~~

(b) Contents. The capital program shall include:

(1) A clear, general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.06- Council Action On Operating Budget (Previous 8.06)

The Council shall adopt the operating budget on or before the last day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the

current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

6.07- Council Action On Capital Program (Previous 8.07)

Adoption. The Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth month of the current fiscal year.

6.08- Public Records (Previous 8.08)

Copies of the budget and the capital program as adopted *for the fiscal year* are public records and shall be made available to the public *through the Freedom of Information Act and the* ~~at suitable places~~ *City of Milford website* ~~in the City~~.

6.09- Amendments After Adoption (Previous 8.09)

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make by supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may *exercise short term borrowing authority as provided in Section 8.07 of this Charter*. ~~may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.~~

(c) Reduction Of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer Of Appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may ~~by resolution~~ *by majority vote* transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

6.10- Lapse Of Appropriations (Previous 8.10)

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

6.11- Administration Of Budget (Previous 8.11)

(a) Work Programs And Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He *or she* may revise such allotments during the year if *they* deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.

(b) Payments And Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his*/her* designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he *or she* shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the

making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Article VII. Taxation, Assessors and Assessment Of Taxes (Previous Article X)

7.01- (Previous 10.01) Not less frequently than every ten years there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

7.02- (Previous 10.02) It shall be the duty of the City Manager ~~each year~~ to *include supplemental assessments prepared by the assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment.* ~~prepare a scrap assessment which shall value and assess all taxable real property not already valued and assessed by the General Assessment then in force, and all improvements made upon said real property since said General Assessment.~~ In the year that *A SUPPLEMENTAL ASSESSMENT IS MADE*, a ~~scrap assessment is made~~, the General Assessment then in force as ~~supplemented or~~ modified by the ~~scrap~~ *supplemental* assessment, shall constitute the assessment for the year.

7.03- (Previous 10.03) The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies as the Council shall direct.

7.04- (Previous 10.04) The *real* property of the City Assessor(s) shall be assessed by the Council.

7.05 - The City Tax Assessor shall notify the property owner in writing of any change in assessment.

7.06- (Previous 10.05) The Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as ~~supplemented~~ *adjusted* by the ~~scrap~~ *supplemental* assessment as made in said year, to be hung in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper circulated in the City.

7.07- (Previous 10.06) At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

7.08 - (Previous 10.07) The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City. *If any taxable fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.*

7.09- (Previous 10.08) The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

7.10- (Previous 10.09) The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

7.11- (Previous 10.10) The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent the assessed value of real property with improvements located in the City.

7.12- (Previous 10.11) (a) No later than the second month of a new fiscal year, the City Manager shall make available to the Council a list containing the names of the taxables of the City and, opposite the name of each, the amount of his real property assessment, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the ~~Secretary~~ *City Clerk* commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

(b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate

charged is to be set by Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

(d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or in the Court of Common Pleas in and for Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions:

(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.

(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:

To the Prothonotary for filing and recording Petition . . . . . .

For filing and recording return of sale . . . . . .

To the City Manager for preparing certificate . . . . . .

For making sale of land . . . . . .

For preparing and filing return . . . . . .

For posting sale bills . . . . . .

In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.

(h) The provisions of this Section ~~*10.11*~~ *7.12*, other than the provisions of subsection (b) of this Section ~~*10.11*~~ *7.12*, shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article ~~XIA~~ *IX* of this Charter, provided that all references in this Section ~~*10.11*~~ *7.12* to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

7.13- Real Estate Transfer Tax (Previous 10.12)

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to Delaware laws.

7.14- Assessment, Payment, And Collection Of Taxes For New Construction (Previous 10.13)

In the event that the Mayor and Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

Article VIII. Borrowing Of Money And Issuance Of Bonds (Previous Article XI)

[The City Manager recommends adding an appropriate Bond Cap in order to more easily move forward with large projects; Mr. Spillane prefers the people make that choice and recommends the language remain as is currently stated. Council will make final determination.]

8.01 - (Previous 11.01) The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness **{up to $_____ _____% of assessed value of real property**}pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

8.02 - (Previous 11.02) This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

(c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;

(d) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing or any lands, easements or rights-of-way which may be required therefore;

(e) Any other purpose consistent with the promotion of health, education or the general welfare of the City of Milford.

8.03 - (Previous 11.03) The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(c) The manner in which it is proposed to be secured;

(d) The manner in which it is proposed that it shall be paid or funded, or both;

(e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

8.04 - (Previous 11.04) It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the City of Milford at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout the said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60)

days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.

The purpose of such Special Election shall be to vote for or against the proposed loan.

The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City. At least five days prior to the date of the Special Election, the City Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "*For the Proposed Borrowing"* and upon the other half of said ballot shall be printed the words, "*Against the Proposed Borrowing"*, and a box shall be provided after each and the voter instructed to place and "X" in the box provided after the choice he wishes to cast his vote. If voting machines are used, in which case, the voting machines shall be arranged in a manner consistent with the requirements for paper ballots.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City

Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.

8.05 - (Previous 11.05) The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.

The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.

The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case, it *shall* also provide a sinking fund therefore.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

8.06- Refinancing Of Municipal Bonds (Previous 11.06)

Notwithstanding the foregoing provisions of this Section, the City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

8.07- Short Term Borrowing (Previous 11.07)

Notwithstanding the foregoing provisions of this Section, City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow ***in aggregate*** money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by Council, and short term capital project ~~anticipative~~ funding. The money shall be paid back in no longer than five (5) years.

Article IX. Tax Increment Financing and Special Development Districts (Previous Article XIA)

9.01 - Tax Increment Financing and Special Development Districts (Previous 11A.01)

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Delaware Code, relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

9.02 – *Non Recourse* (Previous 11A.02)

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

Article X. Severance (Previous Article XII)

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

Article XI. Transitional Provisions (Previous Article XIII)

11.01- Officers And Employees (Previous 13.01)

(a) Rights And Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(b) Continuance Of Office Or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he *or she* shall continue in such office or position until the taking effect of some

specific provision under this Charter directing that he vacate the office or position.

11.02- Departments, Offices And Agencies (Previous 13.02)

(a) Transfer Of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, as designated by the City Council.

(b) Property And Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

11.03- Pending Matters (Previous 13.03)

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

11.04- State And Municipal Laws (Previous 13.04)

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

11.05- Survival Of Powers And Validations Sections (Previous 13.05)

(a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.

(b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of

the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

(c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

(d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

Article XII. Repealer (Previous Article XIII - Subparagraph)

This Act shall operate to amend, revise and consolidate Chapter 726, Volume 57 Laws of Delaware entitled "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford' and establishing a Charter therefore, as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows: The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act."

The Charter shall become effective upon signature of the Governor.

Synopsis

The Charter replaces the City of Milford Charter in its entirety. A Charter Committee, the Mayor and City Council with participation from the public worked for over a year to reorganize and revise their charter. This bill is a result of that effort and the following summarizes those changes from the previous charter.

A table of Contents delineating the Articles has been included at the outset.

The Charter has been reorganized by changing the order of the Articles and moving various sections to more appropriate Articles. The organization is attempted to be more logical. As the articles appear the territory and annexation procedures appear, then the election process, then the powers of the city, then the form of government, then the administration, followed by financial articles involving taxing and borrowing. The existing Charter had two articles for the power of the city and had the structure article between them. The existing charter had a separate article for the City Manager and other administrative appointments. Those appointed offices have been combined in one article. The election article has been moved from Article IX to Article II.

The most significant substantive changes are as follows:

(To be added upon completion of final draft.)

032210

Sponsor: Sen.____ Rep. ___

DELAWARE STATE SENATE

145th GENERAL ASSEMBLY

Senate Bill #

AN ACT TO RE-INCORPORATE THE CHARTER OF THE CITY OF MILFORD BY AMENDING AND SUBSTITUTING CHAPTER 726, VOLUME 57 LAWS OF DELAWARE ENTITLED "AN ACT CHANGING THE NAME OF THE TOWN OF MILFORD TO "THE CITY OF MILFORD" AND ESTABLISHING A CHARTER THEREFORE" AS AMENDED RELATING TO GOVERNMENT, ADMINISTRATION, VOTING, AND ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 726, Volume 57 Laws of Delaware entitled "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford' and establishing a Charter Therefore' as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows:

"MILFORD CHARTER

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Article X. Severance

Article XI. Transitional Provisions

Article XII. Repealer

Article I. Incorporation, Territory and Annexation

1.01 - Incorporation

The inhabitants of the City of Milford ("the City") within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

1.02 - Territorial Limits

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County (Book __Page__) and for Sussex County (Book __Page__) in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to Section 1.04 of this Charter. The Council may, at any time hereafter, cause a survey and plot to be made of the City, and the survey and plot, when made and approved by the Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

1.03 - Wards

The City of Milford shall be divided into four Wards and an official map of the Wards shall be kept by the City Clerk pursuant to 1.02 herein*:*

(a) The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route I in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southwest Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limit with Deep Branch; thence along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.

(b) The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U.S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern or southeasterly line of what is known as the William T. Simpson property; thence in a

northeasterly direction along the corporate limits of the City in a direct line to the intersection of the corporate limit and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

(c) The Third Ward shall consist of all territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by centerline of Southeast Front Street in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of U.S. Route 113; thence along the eastern boundary of the corporate limits of the City to Bowen Landing on the Bowen (Dorsey) Farm; thence along the course of the Mispillion River to the point where Deep Branch empties into said River, thence southerly by the course of waters in Deep Branch to the center of the intersection of Deep Branch and Business Route 1.

(d) The Fourth Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U.S. Route 113; thence along the centerline of U.S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U.S. Route 113); thence in a northeastern direction along the western boundary limit of the City to a point where said line would intersect the

northerly boundary of the Third Ward, if extended, and as described herein; thence southeasterly along the aforesaid line of the Third Ward, if extended, to the point of intersection of the centerlines of North Walnut Street and U.S. Route 113; thence by the centerline of Walnut Street to its intersection with Northwest Front Street.

(e) The City Council may provide for a fifth Ward and re-arrange the boundaries of the four Wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth**.**

1.04 - Annexation

The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply:

(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory

proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.

(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.

(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be

effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.

(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and

residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory. Said resolution shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council.

The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.

(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council.

(8) In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.

(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.

(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.

(11) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall have only one vote regardless of the number of parcels owned.

(12) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

[ ] For the proposed annexation

[ ] Against the proposed annexation

(13) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding

Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(14) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(15) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election.

(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(c) Annexation Agreement.

Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

Article II. Nominations and Elections.

2.01- City Elections

(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law.

(b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five electors of the City to be appointed by the Council. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(c) A clerk from each respective Ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. City Council shall appoint an election clerk(s) for each Ward in which there is a contest.

(d) Every person who resides within the City of Milford boundaries for at least thirty (30) days prior to the registration deadline or natural persons owning property within the City of Milford at least thirty (30) days prior to the registration deadline, and who are over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.

(e) It is the responsibility of those registered voters who own property in more than one Ward to declare at least sixty (60) days prior to the election which Ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote once only where he or she resides.

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. The person having the highest number of votes, for each office, shall be declared duly elected in accordance with State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of time as required by State law.

(h) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.

(i) In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the Special Election is determined.

(j) Not less than sixty (60) days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) registered voters in the Ward in the City of Milford in which the candidate resides. Nominations for the Office of Mayor shall be filed with the City Manager not less than sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) registered voters in the City of Milford.

2.02 - Emergency election postponement; declaration.

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once the declaration is issued, the affected election is postponed. The City Clerk shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen calendar days after the original date of the election.

2.03- Absentee Ballot Procedures

Absentee voting in the City of Milford is in accordance with State law.

2.04 - Voting Machines for Local Office and Mayor and Council Ballots

(a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides.

(b) Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

2.05 - Ballots for Ordinances and Charter Amendments

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

2.06 - Voting Machines for Referenda and Annexation Elections

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

2.07- Council Districts; Adjustment of Districts

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.

ARTICLE III. Powers of the City – Council and Mayor

3.01- Enumerated Powers

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

(a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the Revised Code of Delaware 1953, as amended. The City of Milford may transmit electric, gas and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.

(b) The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof

(2) A contract for professional services

(3) A contract which is less than Thirty Thousand Dollars ($30,000). Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed Thirty Thousand Dollars ($30,000).

(c) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City.

(d) All formal contracts shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford in accordance with the provision of Article VIII of this Charter.

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and

in accordance with such rules and regulations as the City Council shall from time to time resolve or decree.

(g) Notwithstanding any of the provisions of Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article IX of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

3.02- Construction

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

3.03- Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America of any agency thereof.

3.04- Notice of Action

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the negligence of the City of Milford or any of its departments, offices, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.

3.05- Investigations

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00**,** or by imprisonment for not more than ten (10) days, or both.

3.06 - Independent Audit

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. Council must review and accept each annual audit.

3.07 – Mayor - General Powers

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. The Mayor may appoint such committees as he deems necessary for the proper administration of City Council. The Mayor shall manage the agenda. Councilpersons may request in writing to the Mayor that an item be placed on a future agenda during the next

Correspondence item on a meeting agenda and at that meeting, a majority of Council may determine whether or not the item should be placed on a future agenda.

3.08 - Vice Mayor

At the annual organizational meeting, the Council shall also elect by a majority vote of the entire Council a Vice-Mayor who shall act as Mayor during temporary absence or inability of the Mayor, and while so acting, shall be vested all the powers and authority of the Mayor. While serving in the place of the Mayor, the Vice Mayor shall be permitted to vote as a member of City Council only in the case of a tie.

3.09 - General Powers and Duties

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Article IV. Council Government – Composition, Qualifications, Vacancies and Procedure

4.01- Composition of Government

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the Council, consisting of a Mayor and eight (8) Councilpersons. Whenever the word "Mayor" is used, it shall refer solely to the Mayor. Whenever the word "Council" is used it shall refer to the eight (8) Councilpersons. The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward. The Mayor and Councilpersons shall each serve for a term of two years.

4.02 Annual Organizational Meeting.

At seven o'clock (7:00) p.m. on the second Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City.

4.03 - Compensation and Expenses

The Council may determine the annual salary of Councilpersons and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

4.04- Prohibitions

(a) Except where authorized by law, no Mayor or Councilperson shall hold any other City office or employment during the term for which he or she was elected to the Office of Mayor or Council, and no former Mayor or Councilperson shall hold any compensated appointive City office or employment until two (2) years or more after the expiration of the term of office for which he or she was elected.

(b) Appointments and removals. Neither the Mayor, Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Mayor or Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purposes of inquiries and investigations under Section 4.08, the Mayor or Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Mayor or Council nor its members shall give orders to any such officer or employee, either publicly or privately.

4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies

(a*)* Vacancies.

(1) The Office of the Mayor shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City.

(2) The Office of a Councilperson shall become vacant upon death resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election.

(b) Forfeiture of Office. A Councilperson shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is less than three (3) months, the vacancy shall be filled in the next general election. If a vacancy occurs in the Council and the remainder of the unexpired term is less than six (6) months but more than three (3) months, the Council may within 45 days of the vacancy occurring, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is six (6) months or greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.

4.06 - Qualification for Mayor and City Council

(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(b*)* No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

(c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall any member of Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

(d) If a Council member files and runs for Mayor, and is elected before his or her Council term has expired, the elected Mayor's Council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election. ***[Should a Councilperson be allowed to run for Mayor?Should you be allowed to run for two offices at one time?]***

4.07- Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in

advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Superior Court.

4.08 - Procedure

(a*)* Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of four or more members. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matters permitted by State Law.

(b) Rules and Journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Council shall follow Roberts Rules of Order and parliamentary procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 4.05(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

4.09 - Action Requiring an Ordinance

The Council is hereby vested with the authority to enact ordinances or resolutions (resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the Resolution has been prepared as a writing) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend an administrative code;

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levy taxes, except as otherwise provided in Article ~~V~~ X with respect to the property tax levied by adoption of the budget;

(d) Grant, renew or extend a franchise;

(e) Regulate the rate charged for its services by a public utility;

(f) Authorize the borrowing of money;

(g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.

(h) Amend or repeal any ordinance previously adopted; and

(i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

4.10 - Ordinances in General

(a) Form**.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Milford hereby ordains…" Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by the Mayor, any member of City Council or the City Manager at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, each Council Member and to the City Manager. An

ordinance shall be placed on the agenda for introduction and for adoption by title; the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any later date specified therein.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City:

(1) A brief summary of the Ordinance, and

(2) The places where complete copies of it have been filed and the times when they are available for public inspection.

4.11 - Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09(b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

4.12 - Codes of Technical Regulation

(a) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(b) The requirements of Section 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Subsection 4.13(a).

(d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

4.13 - Authentication and Recording, Codification Printing

(a) Authentication and Recording. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(b) Codification. The Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) Printing of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be

distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproductions and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations

included in the Code.

ARTICLE V. Administration and Appointees

5.01 - Form of Government

The form of government established by this charter shall be known as the "Council-Manager" form.

5.02 - City Manger - Appointment; Qualifications and Compensation

The Council shall appoint a City Manager for an indefinite term. He need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the Council. The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.

5.03 - City Manager - Removal

The Council shall remove the Manager from office in accordance with the following procedures and those conditions contained in the City Manager's employment contract:

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not

earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

5.04 - Acting City Manager

By letter filed with the City Clerk, the Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

5.05 - Powers and Duties of the City Manager

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his charge or under this Charter. He or she shall have the following powers and duties:

(a) He or she shall appoint, and when he deems it necessary for the good of the service, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer, who is subject to his direction and supervision, to exercise these powers with respect to subordinates in that officer’s department, office or agency.

(b) He or she shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) He or she shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(d) He or she shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He or she shall prepare and submit the annual budget and capital program to the Council.

(f) He or she shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He or she shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(h) He or she shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(i) He or she shall perform such other duties as are specified in this Charter or may be required by the Council.

5.06 - City Clerk - Appointment and Duties

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, maintain a permanent record of all Council proceedings and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature and perform other duties as are assigned to him or her by this Charter or by the Council.

5.07 - City Solicitor

At the Annual organization meeting, the City Council shall appoint a City Solicitor who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

5.08 - Police Department

The Council shall appoint a Chief of Police for an indefinite term and fix his compensation. The terms of his employment shall be contained in an employment contract

(a) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise. The Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of Police.

(b) Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

(c) The Chief of Police shall be responsible to Council and shall be removed from office in accordance with the provisions of State law and the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.

(2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.

(5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties of the Chief of Police during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.

(d) The Chief of Police shall:

(1) Administer, direct and supervise the operation of the police department.

(2) Prepare and submit an annual budget and capital program to the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for Council approval.

(3) Attend all Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

5.09 - City Holding Cells

The Council may maintain a holding cell for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to transport to a detention facility, hearing and trial or arraignment.

5.10 - City Alderman

(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.

(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He or she shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of his absence from the City or, if for any cause he or she may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.

(c) He or she shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

(d) He or she shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.

(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars ($500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.

(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.

(g) The Alderman shall keep a docket in which all his official acts shall be entered.

(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

5.11 - Finance Department

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city.

5.12 - Planning Department

There shall be a planning department, which shall be directed and supervised by a City Planner. The City Planner shall be appointed, supervised and removed by the City Manager. The City Planner shall have the following responsibilities:

(a) To advise the City Manager on any matter affecting the physical development of the city;

(b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;

(c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;

(d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;

(e) To review and make recommendations regarding proposed actions of the Council in annexations;

(f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;

(g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment.

5.13 - City Planning Commission

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of nine (9) members recommended by the Mayor and appointed by City Council.

5.14 – Board of Adjustment

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The Council shall, by ordinance, establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.

Article VI. Financial Procedures

6.01- Fiscal Year

The Fiscal year of the City shall be set by the City Council.

6.02- Submission of Budget Date

On or before the last day of the twelfth month of each fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

6.03- Budget Message

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

6.04- Operating Budget

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

6.05- Capital Program

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.

(b) Contents. The capital program shall include:

(1) A clear, general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.06- Council Action on Operating Budget

The Council shall adopt the operating budget on or before the last day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

6.07- Council Action on Capital Program

Adoption. The Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth month of the current fiscal year.

6.08- Public Records

Copies of the budget and the capital program as adopted for the fiscal year are public records and shall be made available to the public through the Freedom of Information Act and the City of Milford website.

6.09- Amendments after Adoption

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make by supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available un-appropriated revenues to meet such appropriations, the Council may exercise short term borrowing authority as provided in Section 8.07 of this Charter.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by majority vote transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

6.10- Lapse 0f Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital

expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

6.11- Administration of Budget

(a) Work Programs and Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if they deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.

b) Payments And Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his\her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Article VII. Taxation, Assessors and Assessment of Taxes

7.01 - Not less frequently than every ten years, there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

7.02 - It shall be the duty of the City Manager to include supplemental assessments prepared by the assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment. In the year that a supplement assessment is made, the General Assessment then in force as modified by the supplemental assessment, shall constitute the assessment for the year.

7.03 - The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies as the Council shall direct.

7.04 - The real property of the City Assessor(s) shall be assessed by the Council.

7.05 - The City Tax Assessor shall notify the property owner in writing of any change in assessment.

7.06 - The Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as adjusted by the supplemental assessment as made in said year, to be hung in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper circulated in the City.

7.07 - At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

7.08 - The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City. If any taxable fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.

7.09 - The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

7.10 - The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

7.11 - The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent the assessed value of real property with improvements located in the City.

7.12 - (a) Not later than the second month of a new fiscal year, the City Manager shall make available to the Council a list containing the names of the taxables of the City and, opposite the name of each, the amount of his real property assessment, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the City Clerk commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

(b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate charged is to be set by Council through ordinance. Before exercising any of the

powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

(d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions:

(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.

(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:

To the Prothonotary for filing and recording Petition . . . . . .

For filing and recording return of sale . . . . . .

To the City Manager for preparing certificate . . . . . .

For making sale of land . . . . . .

For preparing and filing return . . . . . .

For posting sale bills . . . . . .

In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures

specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.

(h) The provisions of this Section 7.12, other than the provisions of subsection (b) of this Section 7.12, shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this Section 7.12 to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

7.13 – Real Estate Transfer Tax

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to Delaware laws.

7.14- Assessment, Payment, and Collection of Taxes For New Construction

In the event that the Mayor and Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

Article VIII. Borrowing of Money and Issuance of Bonds

[The City Manager recommends adding an appropriate Bond Cap in order to more easily move forward with large projects; Mr. Spillane prefers the people make that choice and recommends the language remain as is currently stated. Mayor suggested placing a cap on borrowing to establish a

point when a referendum is required. Council will make final determination.]

8.01 - The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness ***[up to $____, ___% of assessed value of real property]*** value pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

8.02 - This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

(c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;

(d) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing or any lands, easements or rights-of-way which may be required therefore;

(e) Any other purpose consistent with the promotion of health, education or the general welfare of the City of Milford.

8.03 - The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(c) The manner in which it is proposed to be secured;

(d) The manner in which it is proposed that it shall be paid or funded, or both;

(e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

8.04 - It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the City of Milford at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout the said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council

shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.

The purpose of such Special Election shall be to vote for or against the proposed loan.

The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City. At least five days prior to the date of the Special Election, the City Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "For the Proposed Borrowing" and upon the other half of said ballot shall be printed the words, "Against the Proposed Borrowing", and a box shall be provided after each and the voter instructed to place and "X" in the box provided after the choice he wishes to cast his vote. If voting machines are used, in which case, the voting machines shall be arranged in a manner consistent with the requirements for paper ballots.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the

outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.

8.05 - The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.

The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.

The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case or as recommended by bound counsel, it shall also provide a sinking fund therefore.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

8.06- Refinancing Of Municipal Bonds

Notwithstanding the foregoing provisions of this Section, the City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

8.07- Short Term Borrowing

Notwithstanding the foregoing provisions of this Section, City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by Council, and short term capital project funding. The money shall be paid back in no longer than five (5) years.

Article IX. Tax Increment Financing and Special Development Districts

9.01 - Tax Increment Financing and Special Development Districts

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Delaware Code relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

9.02 – Non-Recourse

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

Article X. Severance

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

Article XI. Transitional Provisions

11.01- Officers and Employees

(a) Rights And Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(b) Continuance of Officers and Employees. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

11.02- Departments, Offices and Agencies

(a) Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, as designated by the City Council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

11.03- Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

11.04- State and Municipal Laws

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

11.05- Survival of Powers and Validations Sections

(a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.

(b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

(c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes,

assessments or charges imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

(d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

Article XII. Repealer

This Act shall operate to amend, revise and consolidate Chapter 726, Volume 57 Laws of Delaware entitled "An Act Changing the Name of 'The Town of Milford' to 'The City of Milford' and establishing a Charter therefore' as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows: The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act."

Section 2. The Charter shall become effective upon signature of the Governor.

Synopsis

The Charter replaces the City of Milford Charter in its entirety. A Charter Committee, the Mayor and City Council with participation from the public worked for over a year to reorganize and revise their charter. This bill is a result of that effort and the following summarizes those changes from the previous charter.

A table of Contents delineating the Articles has been included at the outset.

The Charter has been reorganized by changing the order of the Articles and moving various sections to more appropriate Articles. The organization is attempted to be more logical. As the articles appear the territory and annexation procedures appear, then the election process, then the powers of the city, then the form of government, then the administration, followed by financial articles involving taxing and borrowing. The existing Charter had two articles for the power of the city and had the structure article between them. The existing charter had a separate article for the City Manager and other administrative appointments. Those appointed offices have been combined in one article. The election article has been moved from Article IX to Article II.

The most significant substantive changes are as follows:

City of Milford

City of Milford Election Board:

Mallamo, Tamela	320 Lakelawn Drive	422-4836
Leuthauser, Joanne	509 Ashley Way	422-3111
Fox, Phyllis	200 E. Clarke Avenue	422-5236

CASCADES APARTMENTS - ECONOMIC ANALYSIS

Current Real Estate Taxes for Entire Cascades Subdivison $821 per year

Current Real Estate Taxes for Similar Affordable Apartments in Milford
Per Unit Per Year

Milford Crossing	$233
Valley Run	$277
Villas at Milford Crossing	$252
Average	$254

Estimated Real Estate Taxes for Cascades Apartments

Phase 1
76 units at $254 per unit $19,304

Potential Change in Real Estate Taxes to City of Milford

Year 1 Based on 100% Abatement	($821)
Year 2 Based on 80% Abatement	$3,040
Year 3 Based on 60% Abatement	$6,901
Year 4 Based on 40% Abatement	$10,761
Year 5 Based on 20% Abatement	$14,622
Year 6 Based on 0% Abatement	$18,483

Additional Economic Impact from Cascades Apartments

Estimated for Water and Sewer Connection, Utilities and Building Permits $300,000
Based on 76 apartments with a $6.5 millon construction budget

City of Dover

January 15, 2010

Mayor and Council-Milford
P.O. Box 159
Milford, DE 19963

Honorable Mayor and Councilmembers:

On behalf of the Mayor and Council of the City of Dover, as well as the citizens and property owners of Dover, we are seeking your support in correcting an inequitable situation regarding taxation. Municipal property owners in Kent County pay for some duplicate local service functions (such as public safety, library services, building code enforcement/inspection, etc.) through municipal and Kent County taxes, but receive little or no benefit for the County payment. Municipal tax payers in Kent County are, in effect, subsidizing tax payers who live in unincorporated areas for the local service functions they receive from the Kent County Levy Court.

Since 1967, New Castle County property tax payers have been paying the same tax rate as non-municipal property tax payers for the costs of the General Operating Budget. They, however, pay a differential property tax rate for costs under the County's Local Service Function Budget. The intent is to protect the municipal property tax payers from disproportionately paying the cost of local service functions provided by the County.

This rate adjustment solution is not available in Kent County. Property owners in municipalities in the County pay significant portions of the total annual Kent County property tax. In Dover's case, Kent County will collect an estimated $2.579 million dollars on the basis of its assessment of Dover properties in FY 2009-2010. This amount represents 27.20% of the estimated $9.481 million dollars Kent County expects to collect from all County property owners this fiscal year.

During the Dover City Council meeting held on December 14, 2009, Council adopted Resolution No. 2009-23 (enclosed) in support of State legislation "authorizing and directing Kent County to prepare its annual budgets in accordance with the Local Service Function Concept". The Resolution recognizes that your support would greatly improve the chances for such legislation to be adopted; and so, on behalf of the Dover City Council, I urge you to support the concept with a similar Resolution and related actions. If you would first like to better understand how this legislation would benefit the owners of property within your municipality, representatives of the Dover City Council would welcome the opportunity to discuss these provisions with your Council. In addition, a Power Point presentation and related support documentation regarding this matter can be accessed at the following website: www.cityofdover.com.

The Dover City Council wants only for Dover and **all** municipal property tax payers in Kent County what is already available for municipal property tax payers in New Castle County. Thank you for your consideration of this request.

Sincerely,

Beverly C. Williams
President, Dover City Council

BCW/tam
S:\ClerksOffice\Correspondence\Council Meeting\2009\12-14-2009 Letter to Municipalities - LSFB Sent 01-15-2010.wpd
Enclosure - Resolution No. 2009-23

David W. Baird

From: Gene Ruane [generuane@verizon.net]
Sent: Wednesday, February 03, 2010 7:36 PM
To: David W. Baird
Cc: tdeprima@dover.de.us; 'City Clerks Office'; Ken Hogan; N. C. Vasuki
Subject: Local Service Function Budget Concept

Mr. David Baird
Manager, City of Milford, DE

Mr. Baird

Tony DePrima has advised me of your interest in the Local Service Function concept as it has been applied in New Castle County and more recently supported for implementation in Kent County through a Dover City Council Resolution. I would be happy to meet with you to further discuss this critical county property tax issue and/or provide you with additional written information.

As Tony noted we have some of the information posted at the Dover website, specifically at:
http://www.cityofdover.com/media/documents/LOCAL_SERVICE_FUNCTION_BUDGET.pdf

In reviewing this material it is important to note that linking to the complete DEDO Property Tax Report and the NCC Budget Ordinance, which are attached to the Power Point, will make your reading easier and your understanding more complete, as some of the pages from these documents in the Power Point are not easy to read on the screen.

The essential information is that New Castle County government collects property taxes from municipal property tax payers at a differential tax rate for its local service function annual budget based on "credits" given for the expenditures that municipal governments make each year from their own revenue in support of certain local service functions. Local governments simply file an application for these credits and the New Castle County finance department develops a county-wide tax rate for the county's Operations Budget and another differential rate for its Local Services Function Budget in accordance with the State Code .

You should also know that both Harrington and Smyrna Councils discussed the local service budget concept at their meetings this week and both agreed to have Resolutions drafted in support of the concept for approval at their next Council meetings.

Councilman Ken Hogan, Mr. N.C. Vasuki and I spoke to the Harrington Council on this subject at their meeting and we will gladly come to one of your Council meetings or a workshop session to explain what we have learned about how the procedure has been working in New Castle County since 1967.

The issue is one of tax equity and we think that if all the municipalities in Kent County join together we can get State legislation that would require Kent County to give property tax credits to municipal property tax payers in the county for the local service functions that they already pay for when they pay their municipal property taxes.

So, please call so that we can arrange for a mutual time to meet.

Gene Ruane

Eugene B. Ruane
Councilman, City of Dover
2nd District
(302) 674-1829

Mr. George Wright

George

As you may have heard, the City of Dover recently adopted a Council Resolution in support of the establishment of the Local Service Function Budget concept in Kent County. A copy of this Resolution and related letters that have been sent to our State Legislators, Kent County Levy Court and all the municipalities in Kent County are attached for your information.

I would like the opportunity to discuss this issue with you and with the Legislative committee of the Delaware League of Local Governments.

Thank you for your assistance.

P.S. As noted in the attachments, there is additional information about this issue posted at the City of Dover's web site:
http://www.cityofdover.com/media/documents/LOCAL_SERVICE_FUNCTION_BUDGET.pdf

Eugene B. Ruane
Councilman, City of Dover

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2009-23

A RESOLUTION PROPOSING ADOPTION OF A LOCAL SERVICE FUNCTION BUDGET FOR KENT COUNTY

WHEREAS, the City of Dover provides many local service functions to its residents that are duplicated by Kent County; such as, planning, zoning, engineering, assessments, mapping, code enforcement, parks and recreation, and library; and

WHEREAS, the City of Dover also provides many other local service functions to its residents not furnished by Kent County, such as police protection, fire protection, licensing, street maintenance, street cleaning, street lighting, snow removal, trash collection, and ambulance services; and

WHEREAS, these local service functions provided by the City of Dover are largely financed by taxation of real property within the corporate limits of the City of Dover and WHEREAS, Kent County also assesses and collects real property taxes from property owners of the City of Dover without offering relief from county taxation for local service functions provided by the City of Dover which are financed by the same taxpayers; and

WHEREAS, double taxation of property owners in the City of Dover for the same or similar functions is inequitable and unjust and the City of Dover has sought to have the Levy Court of Kent County give recognition to the local services concept and give tax relief to residents of Dover and other incorporated municipalities that provide local services; and

WHEREAS, the General Assembly of the State of Delaware has granted New Castle County local service function legislation that provides relief to taxpayers of municipalities where local service functions are furnished; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That a bill be prepared for introduction in the State Legislature authorizing and directing Kent County to prepare its annual budgets in accordance with the Local Services Function Concept.

2. That our State Senators and Representatives be requested to sponsor and support the passage of such legislation.

3. That the Levy Court of Kent County and all incorporated municipalities in the county be furnished a copy of this Resolution.

4. That the Levy Court of Kent County and all incorporated municipalities in the county be requested to support the passage and approval of such legislation.

ADOPTED: DECEMBER 14, 2009

S:\ClerksOffice\Resolutions&Proclamations\2009\ADOPTED\Res. No. 2009-23 - Request to GA - LSFB-Adopted 12-14-2009.wpd

Carleton E. Carey, Sr.
CARLETON E. CAREY, SR.
MAYOR

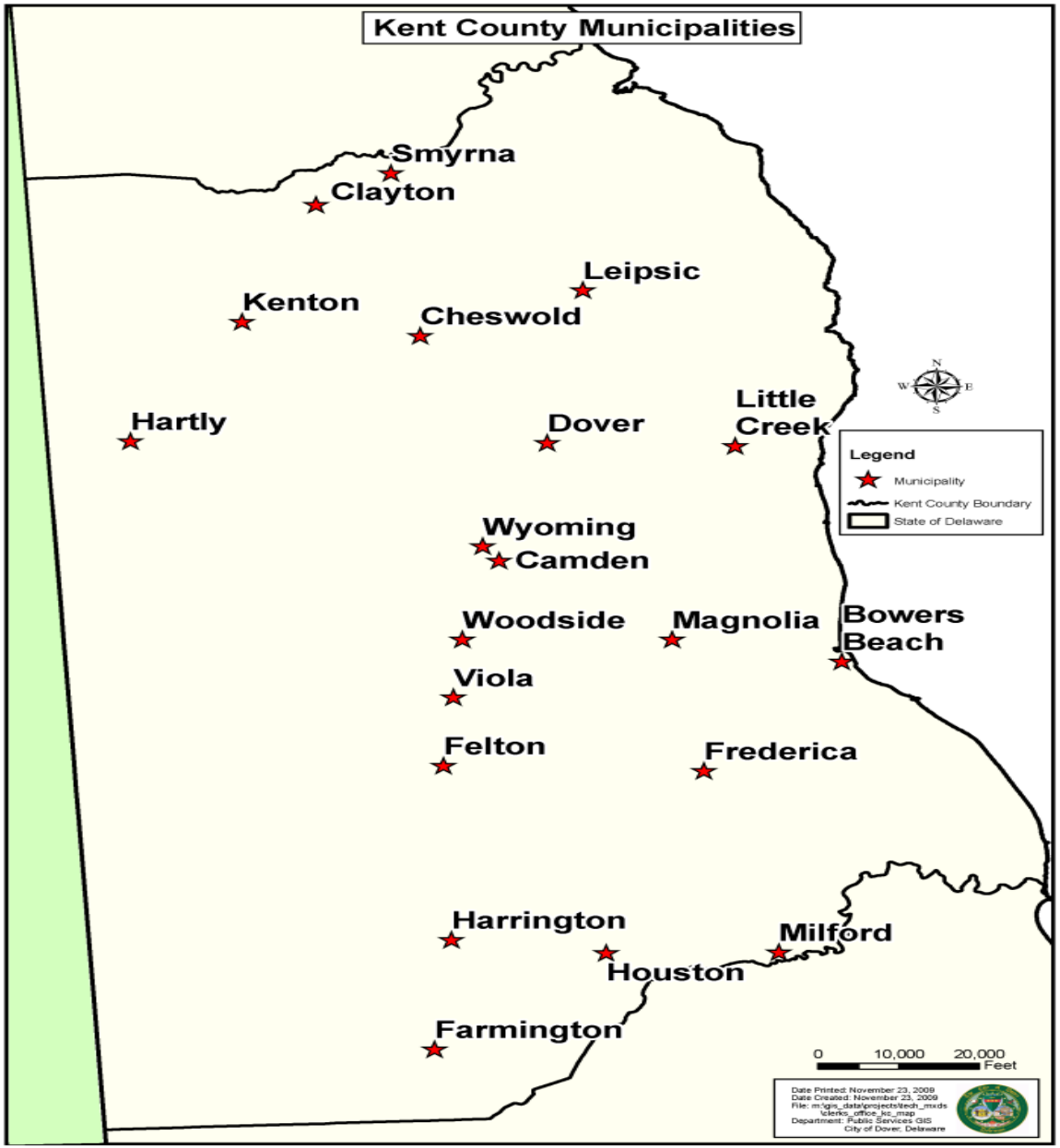
BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

PROPERTY TAX RELIEF AND LOCAL SERVICE FUNCTION BUDGET

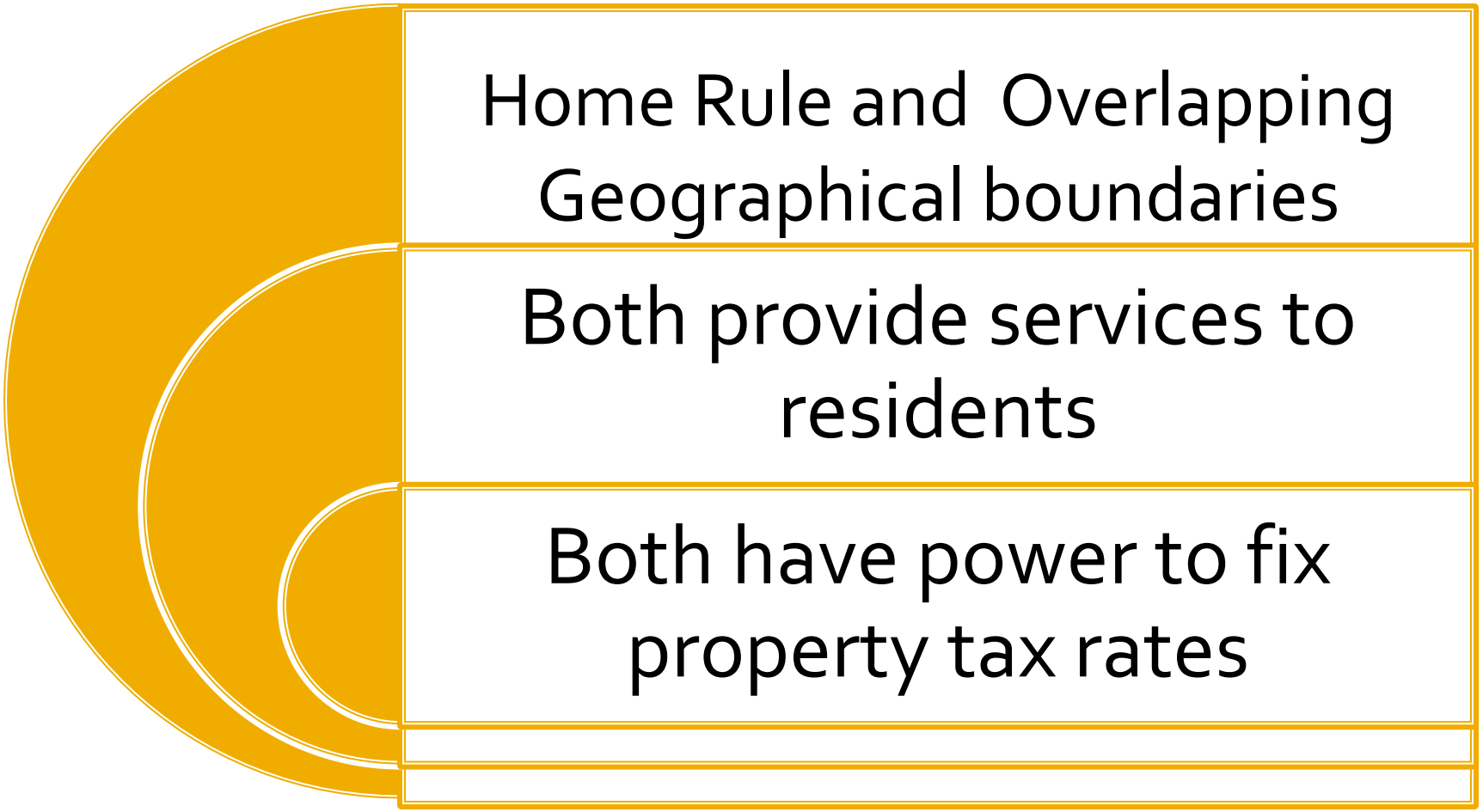
CITY OF DOVER – JANUARY 2010

This slide presentation is a revision of a similar presentation made at a Council Workshop held on December 7, 2009

Kent County Incorporated Municipalities



Kent County Incorporated Municipalities (Continued)



Kent County Real Property Taxes 2009-2010

(Click here to view complete document: #1)

(source: Delaware Property Tax Rates 2009-2010 Prepared by: Industry Research & Analysis Center, Delaware Economic Development Office)

KENT COUNTY REAL PROPERTY TAXES, 2009-2010

County: Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	School Capitation Tax	Date of Last Assessment
$0.310	60%	NONE	See Footnotes	1987

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney						
Camden*	$0.310	$1.1250	$1.2000	$0.0370	$0.1219	$2.794
Dover*	$0.310	$1.1250	$0.3300	$0.0000	$0.1219	$1.887
Magnolia	$0.310	$1.1250	$0.4000	$0.0370	$0.1219	$1.994
Woodside	$0.310	$1.1250	$0.2500	$0.0370	$0.1219	$1.844
Wyoming	$0.310	$1.1250	$1.1000	$0.0370	$0.1219	$2.694
Capital						
Cheswold	$0.310	$1.5435	$0.6000	$0.0370	$0.1219	$2.612
Dover*	$0.310	$1.5435	$0.3300	$0.0000	$0.1219	$2.305
Hartly	$0.310	$1.5435	$0.0200	$0.0370	$0.1219	$2.032
Leipsic	$0.310	$1.5435	$0.6500	$0.0370	$0.1219	$2.662
Little Creek*	$0.310	$1.5435	$0.3500	$0.0370	$0.1219	$2.362
Lake Forest						
Bowers Beach	$0.310	$1.1600	$0.3000	$0.0370	$0.1219	$1.929
Felton	$0.310	$1.1600	$0.6100	$0.0370	$0.1219	$2.239
Frederica	$0.310	$1.1600	$0.6500	$0.0370	$0.1219	$2.279
Harrington	$0.310	$1.1600	$0.7100	$0.0000	$0.1219	$2.302
Viola	$0.310	$1.1600	$0.2000	$0.0370	$0.1219	$1.829
Milford						
Houston	$0.310	$1.2422	$0.1200	$0.0000	$0.1219	$1.794
Milford*	$0.310	$1.2422	$0.4600	$0.0000	$0.1219	$2.134
Smyrna						
Clayton	$0.310	$1.2600	$0.6500	$0.0370	$0.1219	$2.379
Kenton	$0.310	$1.2600	$0.1200	$0.0370	$0.1219	$1.849
Smyrna*	$0.310	$1.2600	$0.2526	$0.0000	$0.1219	$1.945
Woodbridge						
Farmington	$0.310	$1.2130	$0.5500	$0.0370	$0.1219	$2.232

Unincorporated Areas:

School District	County Rate	School Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney	$0.310	$1.1250	$0.0370	$0.1219	$1.594
Capital	$0.310	$1.5435	$0.0370	$0.1219	$2.012
Lake Forest	$0.310	$1.1600	$0.0370	$0.1219	$1.629
Milford	$0.310	$1.2422	$0.0000	$0.1219	$1.674
Smyrna	$0.310	$1.2600	$0.0370	$0.1219	$1.729
Woodbridge	$0.310	$1.2130	$0.0370	$0.1219	$1.682

*** SEE FOOTNOTES AT END OF REPORT.**

All taxable parcels in Kent County are valued as of the date of the last reassessment, which is June 1, 1987, using building construction costs and land values prevailing as of that date. The taxable assessment is obtained by multiplying the 1987 market value by 60% (0.60). The ad valorem tax is calculated by multiplying the taxable assessment by the tax rate. To find out the assessed value of a particular property, please contact the Kent County Assessment Office at 302-744-2401 or visit their website at http://www.co.kent.de.us/Departments/Finance/assessment.htm

Kent County Real Property Taxes 2009-2010

- Kent County tax rate is the same for property tax payers in incorporated and unincorporated areas
- Non-municipal property tax payers pay ***only*** Kent County property taxes
- Municipal property tax payers pay ***both City and County property taxes***

Kent County Levy Court Property Taxes
Dover's Share of Revenue Collected by Kent County
FY 2009-2010

- Total Kent County Property Assessments - $3.193 Billion (1)
- Total Property Tax Collected by Kent County - $9.481 Million
- Kent County's Assessment of Dover Properties for Tax Levy - $832 Million
- Kent County's Taxes Collected on all Dover Properties - $2.579 Million
  - Residential - $1,274,497
  - Commercial /Condo - $1,304,265
- Dover City's Share of All Property Taxes Collected by Kent County – 27.20%

1. Kent County Assessment Office – Assessment as of July 1, 2009

Duplication of Local Service Functions in Kent County

Kent County uses property tax and other revenue to pay for similar or the same services provided by Dover and other incorporated municipalities

Expenditures for Local Service Functions
(City of Dover and Kent County Budgets – 2009-2010)

	Dover General Fund	Kent County General Fund
Public Safety	$ 12,352,139	$ 5,866,600
Life Safety	$ 422,029	$ 178,900
Library Services	$ 1,148,716	$ 1,321,400
Parks & Recreation	$ 1,877,078	$ 2,143,900
Building Inspection & Code Enforcement	$ 895,408	$ 1,848,800
Land Use Planning	$ 409,335	$ 1,806,900
Tax Assessment	$ 572,526	$ 1,345,300
Total	$ 17,677,231	$ 14,511,800

Sources: FY 2010 City of Dover Budget
FY 2010 Kent County Budget

Double Taxation

Municipal property tax payers pay for services once through their local property tax and a second time through Kent County Government but receive limited or no benefit from the second payment.

In other words they are paying for a service twice and only receiving it once.

Credit is not given for local service functions performed by incorporated municipalities.

Municipal property tax payers in Kent County are subsidizing non-municipal property tax payers.

The Delaware Solution: The Local Service Function Budget

- A Local Service Function Budget divides and segregates in a separate budget all expenditures for the performance of local service functions which are not performed by the County within the limits of any municipality.

Annual Revenue Ordinance of New Castle County

(Click here to view complete document: #2)

New Castle County Home Rule in 1967

Budgeting provisions in 55 Del. Laws, c.85 require an Annual Budget divided into : General Operating Budget and Local Service Function Budget*

Adjustments to New Castle County Tax Rates

*9 Del.Code, Chapter 11, Sections 1102 and 1131

Introduced by: Mr. Smiley, Mr. Tansey
Date of Introduction: April 14, 2009

ORDINANCE NO. 09-010

THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

WHEREAS, it has been certified to the County Council that the total value of all real property in the County which has been assessed and is subject to taxation is $17,864,227,198 net of tax abatements.

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. A tax upon all of the real property in New Castle County is hereby established and levied at the rate of 24.36 cents for each one hundred dollars of assessed valuation (based on 100 percent of July 1, 1983 fair market value) for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to pay the costs of the General Operating Budget.

Section 2. A tax upon the real property in the following listed areas of New Castle County at the following listed rates for each one hundred dollars of assessed valuation is hereby established and levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to pay costs under the Local Service Function Budget.

Location	Tax Rate in Cents Per $100 of Assessed Valuation
Those portions of New Castle County not within any of the following incorporated municipalities	45.82
Arden	33.85
Ardencroft	33.85
Ardentown	33.85
Bellefonte	15.12
Delaware City	0.93
Elsmere	7.57
Middletown	0.93
Newark	0.00
New Castle	0.93
Newport	4.02
Odessa	12.04
Townsend	13.90
Wilmington	0.00

Section 3. A tax upon the real property in the light districts in New Castle County established pursuant to Chapter 21, Title 9, Delaware Code, is hereby established and levied for light districts at the following rates for each one hundred dollars of assessed valuation for the fiscal year beginning July 1, 2009, and ending June 30, 2010 to pay the cost of street and highway illumination:

Annual Revenue Ordinance of New Castle County

- Section 1 – General Operating Budget
  - Property tax rate for all County property owners to pay for the costs of the Operating Budget (at 24.32 cents per $100 of assessed value)
- Section 2 – Local Service Function Budget
  - Property tax rate for those portions of New Castle County outside of incorporated municipalities to pay the costs of the Local Service Function Budget (at 45.82 cents per $100 of assessed value)
  - Property tax rate for properties within incorporated municipalities (a differential rate based on local service function provides credit for services a municipality has performed and intends to continue to perform through June 30, 2010)

New Castle County Real Property Taxes – 2009-2010 (Source: DEDO Report)

(Click here to view complete document: #1)

NEW CASTLE COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	Date of Last Assessment
$0.7018	100%	NONE	1983

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink						
Middletown	$0.2529	$1.4720	$0.3000	$0.02257	$0.1370	$2.1845
Odessa						
Residential	$0.3640	$1.4720	$0.2000	$0.02257	$0.1370	$2.1956
Business	$0.3640	$1.4720	$0.7500	$0.02257	$0.1370	$2.7456
Townsend	$0.3826	$1.4720	$0.2600	$0.02257	$0.1370	$2.2742
Brandywine						
Arden**	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardencroft	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardentown	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Bellefonte	$0.3948	$1.8215	$0.4500	$0.01835	$0.1370	$2.8217
Wilmington	$0.2436	$1.8215	$1.6064	$0.00000	$0.1370	$3.8085
Christina						
Newark	$0.2436	$1.5170	$0.5558	$0.02064	$0.1370	$2.4740
Wilmington	$0.2436	$1.5170	$1.6064	$0.00000	$0.1370	$3.5040
Colonial						
Delaware City	$0.2529	$1.4120	$1.0900	$0.00986	$0.1370	$2.9018
New Castle	$0.2529	$1.4120	$1.2000	$0.00986	$0.1370	$3.0118
Wilmington	$0.2436	$1.4120	$1.6064	$0.00000	$0.1370	$3.3990
Red Clay						
Elsmere**						
Residential	$0.3193	$1.6740	$0.8750	$0.02101	$0.1370	$3.0263
Business	$0.3193	$1.6740	$1.2000	$0.02101	$0.1370	$3.3513
Newport	$0.2838	$1.6740	$0.9315	$0.02101	$0.1370	$3.0473
Wilmington	$0.2436	$1.6740	$1.6064	$0.00000	$0.1370	$3.6610
Smyrna						
Smyrna	$0.7018	$1.0026	$0.2526	$0.0000	$0.1218	$2.0788

Unincorporated Areas:

School District	County Rate	School Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink	$0.7018	$1.4720	$0.02257	$0.1370	$2.3334
Brandywine	$0.7018	$1.8215	$0.01835	$0.1370	$2.6787
Christina	$0.7018	$1.5170	$0.02064	$0.1370	$2.3764
Colonial	$0.7018	$1.4120	$0.00986	$0.1370	$2.2607
Red Clay	$0.7018	$1.6740	$0.02101	$0.1370	$2.5338
Smyrna	$0.7018	$1.0026	$0.00000	$0.1218	$1.8262

** SEE FOOTNOTES AT END OF REPORT.

New Castle County assessed values are based on 100% of the July 1, 1983 fair market value. The last countywide revaluation was in 1983, with the changes effective July 1, 1985. These values are for tax purposes only. There is no ratio or percentage to equate the 1983 values to the current market values. The assessed value for a particular property may be found on the New Castle County Land Use Website at www.nccdelu.org and click on property information.

New Castle County Real Property Taxes – 2009-2010 (Source: DEDO Report)

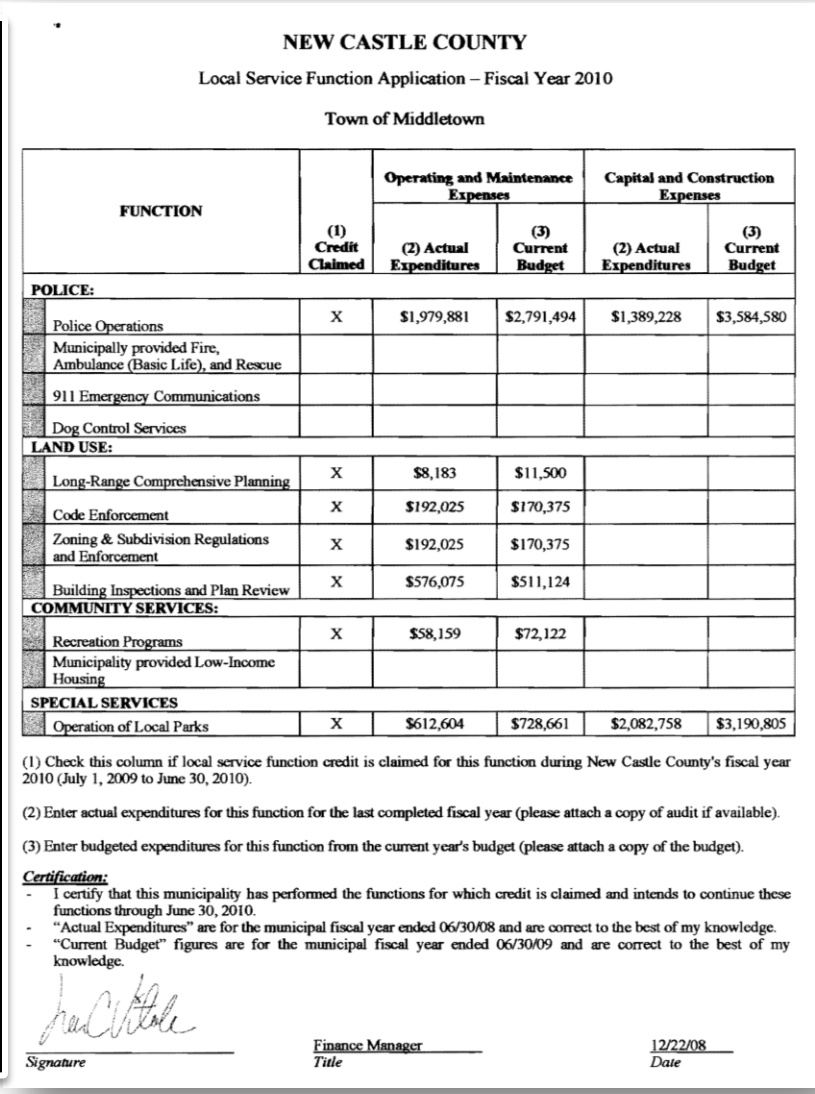
- Tax Relief for Municipal Property Owners in New Castle County.
- The property tax millage rate in support of the L.S.F.B. is reduced for municipal property tax payers by a factor that accounts for the expenditures of municipal governments for the performance of local service functions.
- Individual tax payer equity is achieved on individual's property tax payment to New Castle County pegged at least proportionately to the benefits the tax payer receives from the County.

Town of Middletown's L.S.F. Application FY 2010

(Click here to view complete document: #3)

Middletown claimed credit for Local Service Functions that included:

- ❖ Police Operations
- ❖ Long Range Comprehensive Planning
- ❖Code Enforcement
- ❖Zoning & Subdivision Regulations & Enforcement
- ❖Building Inspections & Plan Review
- ❖Recreation Programs & Operation of Local Parks



NEW CASTLE COUNTY

Local Service Function Application – Fiscal Year 2010

Town of Middletown

FUNCTION	(1) Credit Claimed	Operating and Maintenance Expenses (2) Actual Expenditures	Operating and Maintenance Expenses (3) Current Budget	Capital and Construction Expenses (2) Actual Expenditures	Capital and Construction Expenses (3) Current Budget
POLICE:					
Police Operations	X	$1,979,881	$2,791,494	$1,389,228	$3,584,580
Municipally provided Fire, Ambulance (Basic Life), and Rescue					
911 Emergency Communications					
Dog Control Services					
LAND USE:					
Long-Range Comprehensive Planning	X	$8,183	$11,500		
Code Enforcement	X	$192,025	$170,375		
Zoning & Subdivision Regulations and Enforcement	X	$192,025	$170,375		
Building Inspections and Plan Review	X	$576,075	$511,124		
COMMUNITY SERVICES:					
Recreation Programs	X	$58,159	$72,122		
Municipality provided Low-Income Housing					
SPECIAL SERVICES					
Operation of Local Parks	X	$612,604	$728,661	$2,082,758	$3,190,805

(1) Check this column if local service function credit is claimed for this function during New Castle County's fiscal year 2010 (July 1, 2009 to June 30, 2010).

(2) Enter actual expenditures for this function for the last completed fiscal year (please attach a copy of audit if available).

(3) Enter budgeted expenditures for this function from the current year's budget (please attach a copy of the budget).

Certification:

- I certify that this municipality has performed the functions for which credit is claimed and intends to continue these functions through June 30, 2010.
- "Actual Expenditures" are for the municipal fiscal year ended 06/30/08 and are correct to the best of my knowledge.
- "Current Budget" figures are for the municipal fiscal year ended 06/30/09 and are correct to the best of my knowledge.

Signature | Finance Manager *Title* | 12/22/08 *Date*

Effect of Middletown's L.S.F.B

- Reduction of the rate for the L.S.F.B. from 45.82 cents to less than one (1) cent (.93 cents per $100 of assessed valuation)

- Comparing Middletown County property taxes to unincorporated areas, Middletown property tax payers pay 25 cents versus 70 cents per $100 of assessed value

Kent County Real Property Taxes 2009-2010

(Click here to view complete document: #1)

L.S.F.B. provisions were NOT included in The Kent County Home Rule legislation

All Kent County property tax payers pay the same rate

Credit is not given for local service functions performed by incorporated municipalities

KENT COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	School Capitation Tax	Date of Last Assessment
$0.310	60%	NONE	See Footnotes	1987

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney						
Camden*	$0.310	$1.1250	$1.2000	$0.0370	$0.1219	$2.794
Dover*	$0.310	$1.1250	$0.3300	$0.0000	$0.1219	$1.887
Magnolia	$0.310	$1.1250	$0.4000	$0.0370	$0.1219	$1.994
Woodside	$0.310	$1.1250	$0.2500	$0.0370	$0.1219	$1.844
Wyoming	$0.310	$1.1250	$1.1000	$0.0370	$0.1219	$2.694
Capital						
Cheswold	$0.310	$1.5435	$0.6000	$0.0370	$0.1219	$2.612
Dover*	$0.310	$1.5435	$0.3300	$0.0000	$0.1219	$2.305
Hartly	$0.310	$1.5435	$0.0200	$0.0370	$0.1219	$2.032
Leipsic	$0.310	$1.5435	$0.6500	$0.0370	$0.1219	$2.662
Little Creek*	$0.310	$1.5435	$0.3500	$0.0370	$0.1219	$2.362
Lake Forest						
Bowers Beach	$0.310	$1.1600	$0.3000	$0.0370	$0.1219	$1.929
Felton	$0.310	$1.1600	$0.6100	$0.0370	$0.1219	$2.239
Frederica	$0.310	$1.1600	$0.6500	$0.0370	$0.1219	$2.279
Harrington	$0.310	$1.1600	$0.7100	$0.0000	$0.1219	$2.302
Viola	$0.310	$1.1600	$0.2000	$0.0370	$0.1219	$1.829
Milford						
Houston	$0.310	$1.2422	$0.1200	$0.0000	$0.1219	$1.794
Milford*	$0.310	$1.2422	$0.4600	$0.0000	$0.1219	$2.134
Smyrna						
Clayton	$0.310	$1.2600	$0.6500	$0.0370	$0.1219	$2.379
Kenton	$0.310	$1.2600	$0.1200	$0.0370	$0.1219	$1.849
Smyrna*	$0.310	$1.2600	$0.2526	$0.0000	$0.1219	$1.945
Woodbridge						
Farmington	$0.310	$1.2130	$0.5500	$0.0370	$0.1219	$2.232

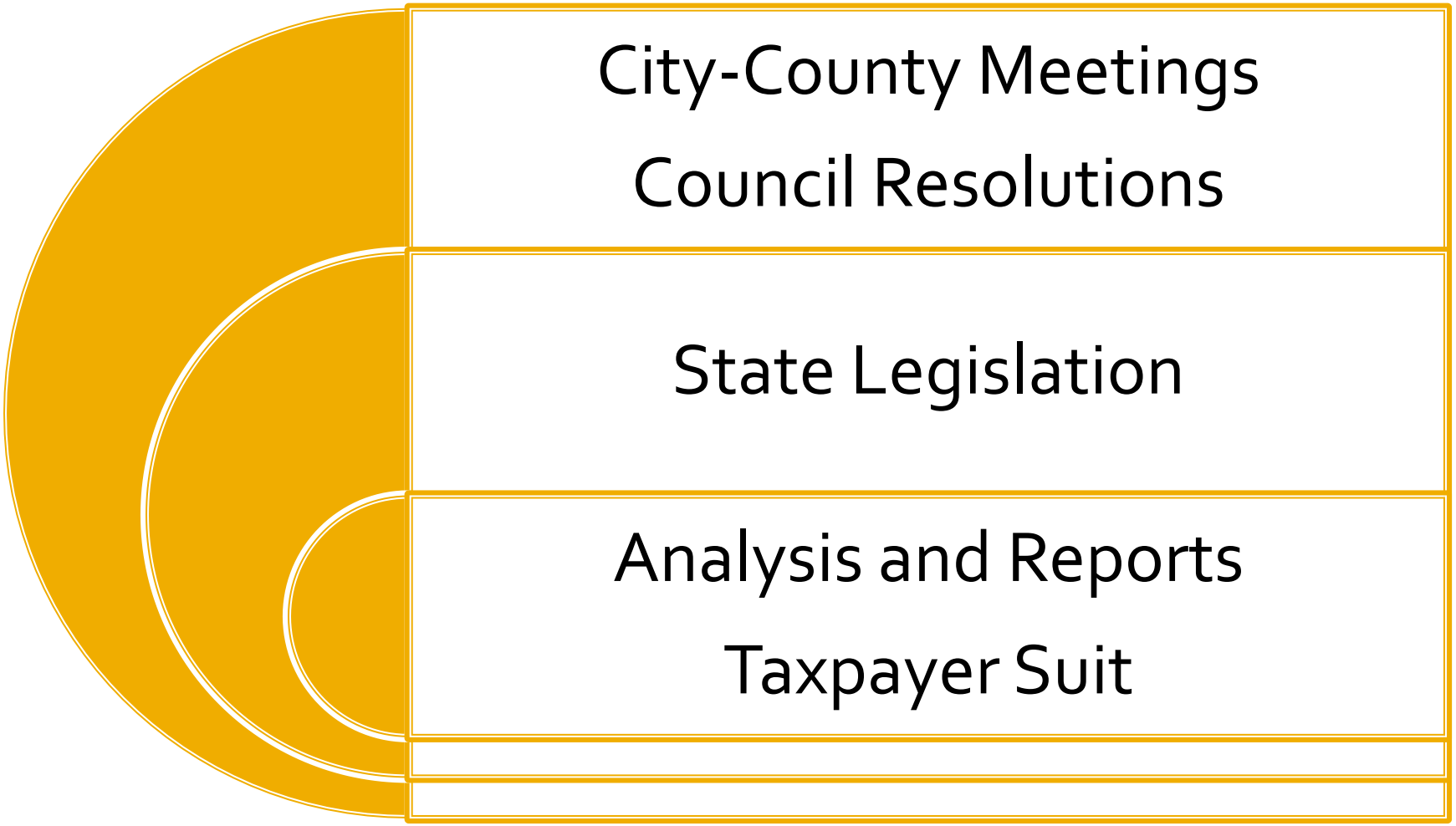
Unincorporated Areas:

School District	County Rate	School Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney	$0.310	$1.1250	$0.0370	$0.1219	$1.594
Capital	$0.310	$1.5435	$0.0370	$0.1219	$2.012
Lake Forest	$0.310	$1.1600	$0.0370	$0.1219	$1.629
Milford	$0.310	$1.2422	$0.0000	$0.1219	$1.674
Smyrna	$0.310	$1.2600	$0.0370	$0.1219	$1.729
Woodbridge	$0.310	$1.2130	$0.0370	$0.1219	$1.682

* **SEE FOOTNOTES AT END OF REPORT.**

All taxable parcels in Kent County are valued as of the date of the last reassessment, which is June 1, 1987, using building construction costs and land values prevailing as of that date. The taxable assessment is obtained by multiplying the 1987 market value by 60% (0.60). The ad valorem tax is calculated by multiplying the taxable assessment by the tax rate. To find out the assessed value of a particular property, please contact the Kent County Assessment Office at 302-744-2401 or visit their website at http://www.co.kent.de.us/Departments/Finance/assessment.htm

City of Dover's Efforts to Establish Local Service Function Budget in Kent County



How Much Tax Relief for Dover Property Tax Payers?

(Click here to view complete document: #1)

NEW CASTLE COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	Date of Last Assessment
$0.7018	100%	NONE	1983

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink						
Middletown	$0.2529	$1.4720	$0.3000	$0.02257	$0.1370	$2.1845
Odessa						
Residential	$0.3640	$1.4720	$0.2000	$0.02257	$0.1370	$2.1956
Business	$0.3640	$1.4720	$0.7500	$0.02257	$0.1370	$2.7456
Townsend	$0.3826	$1.4720	$0.2600	$0.02257	$0.1370	$2.2742
Brandywine						
Arden**	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardencroft	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardentown	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Bellefonte	$0.3948	$1.8215	$0.4500	$0.01835	$0.1370	$2.8217
Wilmington	$0.2436	$1.8215	$1.6064	$0.00000	$0.1370	$3.8085
Christina						
Newark	$0.2436	$1.5170	$0.5558	$0.02064	$0.1370	$2.4740
Wilmington	$0.2436	$1.5170	$1.6064	$0.00000	$0.1370	$3.5040
Colonial						
Delaware City	$0.2529	$1.4120	$1.0900	$0.00986	$0.1370	$2.9018
New Castle	$0.2529	$1.4120	$1.2000	$0.00986	$0.1370	$3.0118
Wilmington	$0.2436	$1.4120	$1.6064	$0.00000	$0.1370	$3.3990
Red Clay						
Elsmere**						
Residential	$0.3193	$1.6740	$0.8750	$0.02101	$0.1370	$3.0263
Business	$0.3193	$1.6740	$1.2000	$0.02101	$0.1370	$3.3513
Newport	$0.2838	$1.6740	$0.9315	$0.02101	$0.1370	$3.0473
Wilmington	$0.2436	$1.6740	$1.6064	$0.00000	$0.1370	$3.6610
Smyrna						
Smyrna	$0.7018	$1.0026	$0.2526	$0.0000	$0.1218	$2.0788

Unincorporated Areas:

School District	County Rate	School Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink	$0.7018	$1.4720	$0.02257	$0.1370	$2.3334
Brandywine	$0.7018	$1.8215	$0.01835	$0.1370	$2.6787
Christina	$0.7018	$1.5170	$0.02064	$0.1370	$2.3764
Colonial	$0.7018	$1.4120	$0.00986	$0.1370	$2.2607
Red Clay	$0.7018	$1.6740	$0.02101	$0.1370	$2.5338
Smyrna	$0.7018	$1.0026	$0.00000	$0.1218	$1.8262

** SEE FOOTNOTES AT END OF REPORT.

New Castle County assessed values are based on 100% of the July 1, 1983 fair market value. The last countywide revaluation was in 1983, with the changes effective July 1, 1985. These values are for tax purposes only. There is no ratio or percentage to equate the 1983 values to the current market values. The assessed value for a particular property may be found on the New Castle County Land Use Website at www.nccdelu.org and click on property information.

The actual amount of tax relief for municipal property tax payers in Kent County cannot be determined until the budgeting and L.S.F.B. procedures used in N.C.C. are applied to the Kent County budget. However, since Dover is a full-service community, like Newark and Wilmington – a similar tax rate adjustment could be suggested.

Newark and Wilmington FY 09-10 L.S.F.B. expenditures Have resulted in a 65% tax rate differential.

N.C. tax rate for unincorporated area - $0.7018 per $100 of assessed value.

N.C. tax rate for Wilmington/Newark - $0.2436 per $100 of assessed value.

ADJUSTMENT REPRESENTS A **65% DIFFERENCE** OR $0.4536 PER $100 OF ASSESSED VALUE.

What's Next?

- Focus on advocating adjustment to property tax rate (L.S.F.B.)
- Annual Lump sum compensation/reimbursement
- Service Consolidation
- Special Tax Districts
- Assess proposed solutions on a service-by-service basis
- L.S.F.B. plus service consolidation

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2009-23

A RESOLUTION PROPOSING ADOPTION OF A LOCAL SERVICE FUNCTION BUDGET FOR KENT COUNTY

WHEREAS, the City of Dover provides many local service functions to its residents that are duplicated by Kent County; such as, planning, zoning, engineering, assessments, mapping, code enforcement, parks and recreation, and library; and

WHEREAS, the City of Dover also provides many other local service functions to its residents not furnished by Kent County, such as police protection, fire protection, licensing, street maintenance, street cleaning, street lighting, snow removal, trash collection, and ambulance services; and

WHEREAS, these local service functions provided by the City of Dover are largely financed by taxation of real property within the corporate limits of the City of Dover and WHEREAS, Kent County also assesses and collects real property taxes from property owners of the City of Dover without offering relief from county taxation for local service functions provided by the City of Dover which are financed by the same taxpayers; and

WHEREAS, double taxation of property owners in the City of Dover for the same or similar functions is inequitable and unjust and the City of Dover has sought to have the Levy Court of Kent County give recognition to the local services concept and give tax relief to residents of Dover and other incorporated municipalities that provide local services; and

WHEREAS, the General Assembly of the State of Delaware has granted New Castle County local service function legislation that provides relief to taxpayers of municipalities where local service functions are furnished; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That a bill be prepared for introduction in the State Legislature authorizing and directing Kent County to prepare its annual budgets in accordance with the Local Services Function Concept.

2. That our State Senators and Representatives be requested to sponsor and support the passage of such legislation.

3. That the Levy Court of Kent County and all incorporated municipalities in the county be furnished a copy of this Resolution.

4. That the Levy Court of Kent County and all incorporated municipalities in the county be requested to support the passage and approval of such legislation.

ADOPTED: DECEMBER 14, 2009

S:\ClerksOffice\Resolutions&Proclamations\2009\ADOPTED\Res. No. 2009-23 - Request to GA - LSFB-Adopted 12-14-2009.wpd

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

NEW CASTLE COUNTY

Local Service Function Application – Fiscal Year 2010

Town of Middletown

FUNCTION	(1) Credit Claimed	Operating and Maintenance Expenses		Capital and Construction Expenses	
		(2) Actual Expenditures	(3) Current Budget	(2) Actual Expenditures	(3) Current Budget
POLICE:					
Police Operations	X	$1,979,881	$2,791,494	$1,389,228	$3,584,580
Municipally provided Fire, Ambulance (Basic Life), and Rescue					
911 Emergency Communications					
Dog Control Services					
LAND USE:					
Long-Range Comprehensive Planning	X	$8,183	$11,500		
Code Enforcement	X	$192,025	$170,375		
Zoning & Subdivision Regulations and Enforcement	X	$192,025	$170,375		
Building Inspections and Plan Review	X	$576,075	$511,124		
COMMUNITY SERVICES:					
Recreation Programs	X	$58,159	$72,122		
Municipality provided Low-Income Housing					
SPECIAL SERVICES					
Operation of Local Parks	X	$612,604	$728,661	$2,082,758	$3,190,805

(1) Check this column if local service function credit is claimed for this function during New Castle County's fiscal year 2010 (July 1, 2009 to June 30, 2010).

(2) Enter actual expenditures for this function for the last completed fiscal year (please attach a copy of audit if available).

(3) Enter budgeted expenditures for this function from the current year's budget (please attach a copy of the budget).

Certification:

- I certify that this municipality has performed the functions for which credit is claimed and intends to continue these functions through June 30, 2010.
- "Actual Expenditures" are for the municipal fiscal year ended 06/30/08 and are correct to the best of my knowledge.
- "Current Budget" figures are for the municipal fiscal year ended 06/30/09 and are correct to the best of my knowledge.

Signature

Finance Manager
Title

12/22/08
Date

FISCAL YEAR 2010

Program Description
Local Service Function

Town of Middletown

Police Operations:
The Town of Middletown contracted with New Castle County for all police operations through fiscal year 2005. The County and the Town operated under the terms of the 2005 contract through October 31, 2007. On July 2, 2007 in connection with the passage of the FY 2008 budget, Town Council opted to reorganize its Public Safety Department to include a Police Department. The Middletown Police Department assumes responsibility for all law enforcement operations within town limits. The Town intends to operate the Middletown Police Department indefinitely. FY'09 Budgeted Capital Expenditures include a headquarters building, patrol vehicles, depreciable police equipment, and other depreciable fixed assets.

Long Range Comprehensive Planning:
The Town of Middletown primarily uses the University of Delaware to perform long range planning. The University completed the Town's most recent Comprehensive Plan in 2005 and completed a management study that analyzed the Town's current administrative structure and policies to provide guidance for the Town as it continues to grow. The Town's Planning and Zoning Commission and Board of Adjustments also contribute to the Town's long range planning.

Code Enforcement:
Code enforcement is handled primarily by the Code Officials in the Town's Permits and Inspections Department. The Code Officials are responsible for handling complaints received from the public and enforcing the Town's Ordinances. Examples include the identification and posting of untagged vehicles, inspection of potentially unsafe & un-inhabitable structures, grading & drainage complaints, contractor & builder complaints, and the operation of businesses without a license.

Zoning & Subdivision Regulations and Enforcement:
The Town of Middletown maintains its own Zoning and Subdivision Code. The administration of this code is the sole responsibility of the Town.

Building Inspections and Plan Review:
The Town is responsible for the inspection and plan review of all residential construction and site work (including utility infrastructure, roads, grading and erosion & sediment control). Commercial inspection and plan review is performed by an outside contractor overseen by the Supervisor of the Inspection Department.

Recreation Programs:
The Town-sponsored fireworks program each July is the Town's main recreational event. Since 2006, the Town and NCCo have partnered to expand the County's Recreational program to areas south of the C&D Canal. In addition to monetary support, two full time Middletown employees, a high-school baseball coach and a former major league baseball player, contribute 360 hours of labor to support the programs.

Operation of Local Parks:
The Town of Middletown maintains all of the parks and public open space within the Town limits. Responsibilities in these areas include mowing and trimming the grass, maintenance and repair of the concrete and asphalt walking paths, maintenance of trees, shrubs, planting beds, and the maintenance of all parkland structures and buildings.

Overview

of

Local Service Function
Property Tax Credits

INTRODUCTION

New Castle County's dual role of providing services on both regional and local levels was recognized in "The Reorganization Act". That Act, which initiated the County's executive-council form of government, provided for the granting of tax credit(s) to property owners within a municipality which provides services which duplicate County services. Services for which credits are granted must have been provided as of January 1967 or have gained subsequent councilmatic approval.

RULES AND PROCEDURES

Rules and procedures relative to the maintenance of existing tax credits and the securing of additional tax credits are set forth in Ordinance No. 80-124 (June 1980). For maintenance of credits, the ordinance requires that:

- the County's Office of Finance send (on or before November 1) annual Local Service Application forms to municipalities currently receiving tax credits; and
- completed forms be returned (on or before January 1) by the municipalities to the Office of Finance.

For securing additional tax credits, the procedures require that:

- the Municipality petition County Council (between July 1 and February 1 so as to avoid conflicts with the County's budget process);
- the Municipality adopt concurring local legislation;
- the Municipality submit a program proposal to the Chief Financial Officer;
- the Chief Financial Officer review the proposal with the appropriate County operating department and submit his recommendation to County Council; and
- County Council consider (adopt/defeat) the petition which is in the form of an ordinance.

CLASSIFICATION OF SERVICES

The granting of tax credits requires that County services and related expenses, including overhead, be separated into General Operating (regional) and Local Service Function budgets.

Local Service Functions currently encompass:

Advanced Planning – Long range comprehensive planning

Planning Services – Zoning and subdivision regulations, applications, and review

Police Operations – Police patrol, communications, and investigations

911 Communications – Emergency communications

Basic Life Support – Non-paramedic health transportation

Building Inspection – Review of plans and inspection of buildings relative to structure, plumbing, safety, etc.

Grants to Volunteers – County grants to Fire, Ambulance, and Rescue Companies

Dog Control – Licensing of dogs, registration of kennels and breeders.

Local Parks – Maintenance and operation of neighborhood parks

Recreation – Recreational activities such as senior centers, aquatics, etc.

Housing Authority – Providing low-income housing

Examples of General Operating (regional) budget items include:

Row Offices (all)
Paramedics
Special Facilities (regional sports facilities)
Libraries

Overhead costs, allocated to Local Service Function and General Operating budgets include:

Law
Accounting
Administrative Services
Human Resources
General Insurance
Building Debt

COSTING OF LOCAL SERVICE FUNCTIONS

An overview of the theory employed in the segregation and accumulation of individual local service function costs follows:

- The total operating budget is detailed at a cost center (divisional) level.
- The budget for each cost center is reduced for expenditures relative to enterprise (sewer), and special revenue (street lighting) funds.
- Departmental administration is allocated to each operating division of the given department.
- Resulting costs are classified as to General Operating, Local Service, or Overhead expenses. In case of parks operation and maintenance, this classification is based on the relationship of local and regional park acreage.
- Overhead expenses are allocated to cost centers within the General Operating and Local Service Function budgets based on the relationship of the two budgets and the cost centers within each budget.
- The resulting sums represent the total of each of the two tax-supported budgets detailed as to the cost incurred in providing each of the specific operational functions.

TAX DETERMINATION

Based on the above-computed cost of providing local service functions, individualized taxes are computed as follows:

- The cost of each specific local service function is reduced by related non-tax revenues to determine the tax revenue required.
- The required tax revenue for each function is prorated, based on taxable assessment, to the unincorporated area and those municipalities not receiving tax credit for the given County service.
- The required revenue, as allocated, is totaled for the unincorporated area and each municipality and those totals are factored by the respective taxable assessments to determine the individualized local service tax rate.
- The respective local service tax rates are added to the uniform regional (general operating) tax rate to determine the composite property tax rate to be assessed the unincorporated area and each municipality.

Introduced by: Mr. Smiley, Mr. Tansey
Date of Introduction: April 14, 2009

ORDINANCE NO. 09-010

THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009

WHEREAS, it has been certified to the County Council that the total value of all real property in the County which has been assessed and is subject to taxation is $17,864,227,198 net of tax abatements.

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. A tax upon all of the real property in New Castle County is hereby established and levied at the rate of 24.36 cents for each one hundred dollars of assessed valuation (based on 100 percent of July 1, 1983 fair market value) for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to pay the costs of the General Operating Budget.

Section 2. A tax upon the real property in the following listed areas of New Castle County at the following listed rates for each one hundred dollars of assessed valuation is hereby established and levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to pay costs under the Local Service Function Budget.

Location	Tax Rate in Cents Per $100 of Assessed Valuation
Those portions of New Castle County not within any of the following incorporated municipalities	45.82
Arden	33.85
Ardencroft	33.85
Ardentown	33.85
Bellefonte	15.12
Delaware City	0.93
Elsmere	7.57
Middletown	0.93
Newark	0.00
New Castle	0.93
Newport	4.02
Odessa	12.04
Townsend	13.90
Wilmington	0.00

Section 3. A tax upon the real property in the light districts in New Castle County established pursuant to Chapter 21, Title 9, Delaware Code, is hereby established and levied for light districts at the following rates for each one hundred dollars of assessed valuation for the fiscal year beginning July 1, 2009, and ending June 30, 2010 to pay the cost of street and highway illumination:

Light Code	Light District Installations	Tax Rate in Cents Per $100 of Assessed Valuation
	Incandescent Units	
1	Wood Pole	.78
	Mercury Units	
A	Wood Pole	5.67
Q	Metal Pole	11.60
C	Ornamental Pole Colonial TC-100 Black Traditionaire Traditionaire Black Traditionaire 70W	7.86
T	Limited Installation	3.99
U	Turn of Century Acorn Arlington Granville Granville II	12.31

Section 4. The Crossing Guard Rates for the following School Districts are hereby established for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Crossing Guard Rates	Tax Rates in Cents Per $100 of Assessed Valuation
Brandywine (Area I)	1.835
Red Clay (Area II)	2.101
Christina (Area III)	2.064
Colonial (Area IV)	0.986
Appoquinimink School District	2.257

Section 5. Fees and charges not specified in this Ordinance shall be heretofore or hereafter established.

Section 6. Fees, fines, forfeitures, penalties, assessments, charges, receipts and income, together with needed reserves and available cash balances, shall be included in the receipts of New Castle County as collected during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 7. This Ordinance shall become effective July 1, 2009.

Adopted by County Council
of New Castle County on: 5/26/09

President of County Council
of New Castle County

Approved on: 5/26/09

County Executive
New Castle County

SYNOPSIS: This Ordinance is the Annual Revenue Ordinance for fiscal year 2010.

Section 1 establishes a General Operating property tax rate in New Castle County.

Section 2 establishes the Local Service Function property tax rates in the listed areas of New Castle County.

Section 3 establishes the tax rates in the light districts of New Castle County.

Section 4 establishes the tax rates for school crossing guards.

Section 5 provides that fees and charges not specifically addressed in this Ordinance can be established at some future time.

Section 6 provides that other receipts and funding sources, together with the proceeds from the sale of bonds authorized by County Council, shall be included in the revenue of New Castle County collected during fiscal 2010 to be used in accordance with the budget ordinance.

FISCAL NOTE: This Ordinance proposes fiscal 2010 tax rates which in conjunction with other anticipated sources of revenue are estimated to yield sufficient revenue to balance the proposed fiscal 2010 Operating Budget.

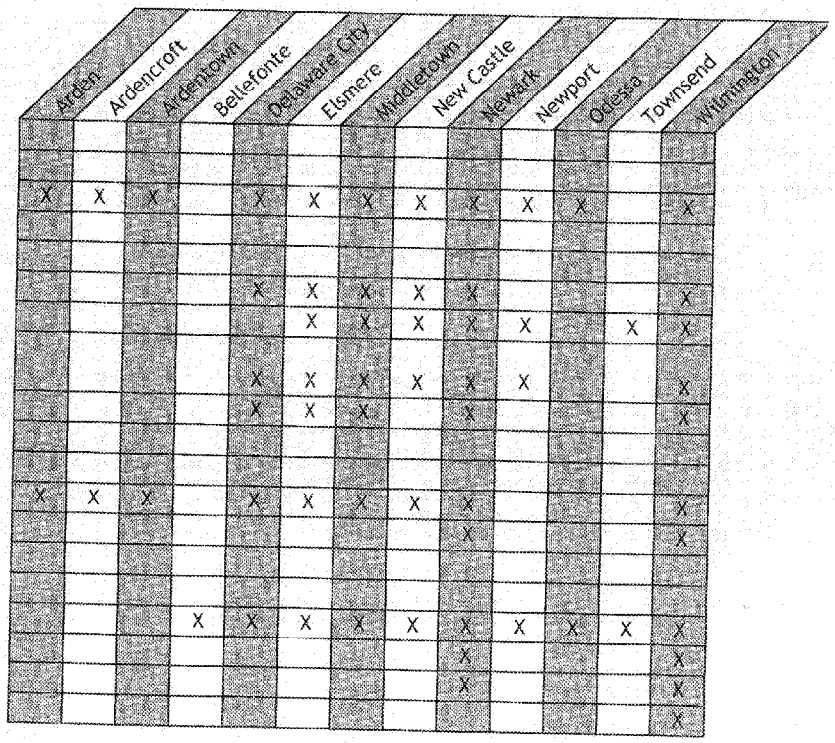
These proposed real property tax rates applied to estimated taxable assessments and estimated quarterly additions (net of exemptions) are anticipated to yield approximately $106,383,040.

The proposed light district tax rates, as cited in Section 3, are anticipated to yield revenues of $4,127,291. These revenues, together with other revenue sources, are estimated to support direct street lighting expenses plus overhead.

The proposed school crossing guard rates, as set forth in Section 4, are anticipated to yield revenues of $2,932,848. These revenues, together with other revenue sources, are estimated to support direct crossing guard expenses plus overhead.

This Ordinance as proposed has no explicit fiscal impact upon the next two fiscal years as the rates are legislated annually by County Council.

LOCAL SERVICE FUNCTION
PROPERTY TAX CREDITS
FISCAL YEAR 2010



DELAWARE
PROPERTY TAX RATES

2009-2010

Delaware
Economic Development Office dedo.delaware.gov
Innovation@work.

Prepared by:
Industry Research & Analysis Center
Delaware Economic Development Office
99 Kings Highway
Dover, DE 19901
www.dedo.delaware.gov
September 2009

Delaware Property Taxes

Real property taxes in Delaware are imposed at the local level to fund municipal and county governments as well as school districts. There are no state level property taxes in Delaware; only real property is subject to taxation. With certain exceptions, tax rates are the same for all types of property including residential, industrial and commercial. Exceptions include property tax incentives (reductions or abatements) for seniors and certain types of businesses which locate in the state. Also, agricultural land may be treated differently in some jurisdictions.

The three Delaware counties have different dates of assessment; they tax a different proportion of that assessment, and they tax at different rates. Municipal and school district rates also vary throughout the state. With a few exceptions, municipalities and school districts use the county property assessment and assessment ratios when imposing property taxes. Exceptions are noted in the tables and footnotes.

KENT COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	School Capitation Tax	Date of Last Assessment
$0.310	60%	NONE	See Footnotes	1987

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney						
Camden*	$0.310	$1.1250	$1.2000	$0.0370	$0.1219	$2.794
Dover*	$0.310	$1.1250	$0.3300	$0.0000	$0.1219	$1.887
Magnolia	$0.310	$1.1250	$0.4000	$0.0370	$0.1219	$1.994
Woodside	$0.310	$1.1250	$0.2500	$0.0370	$0.1219	$1.844
Wyoming	$0.310	$1.1250	$1.1000	$0.0370	$0.1219	$2.694
Capital						
Cheswold	$0.310	$1.5435	$0.6000	$0.0370	$0.1219	$2.612
Dover*	$0.310	$1.5435	$0.3300	$0.0000	$0.1219	$2.305
Hartly	$0.310	$1.5435	$0.0200	$0.0370	$0.1219	$2.032
Leipsic	$0.310	$1.5435	$0.6500	$0.0370	$0.1219	$2.662
Little Creek*	$0.310	$1.5435	$0.3500	$0.0370	$0.1219	$2.362
Lake Forest						
Bowers Beach	$0.310	$1.1600	$0.3000	$0.0370	$0.1219	$1.929
Felton	$0.310	$1.1600	$0.6100	$0.0370	$0.1219	$2.239
Frederica	$0.310	$1.1600	$0.6500	$0.0370	$0.1219	$2.279
Harrington	$0.310	$1.1600	$0.7100	$0.0000	$0.1219	$2.302
Viola	$0.310	$1.1600	$0.2000	$0.0370	$0.1219	$1.829
Milford						
Houston	$0.310	$1.2422	$0.1200	$0.0000	$0.1219	$1.794
Milford*	$0.310	$1.2422	$0.4600	$0.0000	$0.1219	$2.134
Smyrna						
Clayton	$0.310	$1.2600	$0.6500	$0.0370	$0.1219	$2.379
Kenton	$0.310	$1.2600	$0.1200	$0.0370	$0.1219	$1.849
Smyrna*	$0.310	$1.2600	$0.2526	$0.0000	$0.1219	$1.945
Woodbridge						
Farmington	$0.310	$1.2130	$0.5500	$0.0370	$0.1219	$2.232

Unincorporated Areas:

School District	County Rate	School Rate	Library Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Caesar Rodney	$0.310	$1.1250	$0.0370	$0.1219	$1.594
Capital	$0.310	$1.5435	$0.0370	$0.1219	$2.012
Lake Forest	$0.310	$1.1600	$0.0370	$0.1219	$1.629
Milford	$0.310	$1.2422	$0.0000	$0.1219	$1.674
Smyrna	$0.310	$1.2600	$0.0370	$0.1219	$1.729
Woodbridge	$0.310	$1.2130	$0.0370	$0.1219	$1.682

*** SEE FOOTNOTES AT END OF REPORT.**

All taxable parcels in Kent County are valued as of the date of the last reassessment, which is June 1, 1987, using building construction costs and land values prevailing as of that date. The taxable assessment is obtained by multiplying the 1987 market value by 60% (0.60). The ad valorem tax is calculated by multiplying the taxable assessment by the tax rate. To find out the assessed value of a particular property, please contact the Kent County Assessment Office at 302-744-2401 or visit their website at http://www.co.kent.de.us/Departments/Finance/assessment.htm

NEW CASTLE COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	Date of Last Assessment
$0.7018	100%	NONE	1983

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink						
Middletown	$0.2529	$1.4720	$0.3000	$0.02257	$0.1370	$2.1845
Odessa						
Residential	$0.3640	$1.4720	$0.2000	$0.02257	$0.1370	$2.1956
Business	$0.3640	$1.4720	$0.7500	$0.02257	$0.1370	$2.7456
Townsend	$0.3826	$1.4720	$0.2600	$0.02257	$0.1370	$2.2742
Brandywine						
Arden**	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardencroft	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Ardentown	$0.5821	$1.8215	$0.0000	$0.01835	$0.1370	$2.5590
Bellefonte	$0.3948	$1.8215	$0.4500	$0.01835	$0.1370	$2.8217
Wilmington	$0.2436	$1.8215	$1.6064	$0.00000	$0.1370	$3.8085
Christina						
Newark	$0.2436	$1.5170	$0.5558	$0.02064	$0.1370	$2.4740
Wilmington	$0.2436	$1.5170	$1.6064	$0.00000	$0.1370	$3.5040
Colonial						
Delaware City	$0.2529	$1.4120	$1.0900	$0.00986	$0.1370	$2.9018
New Castle	$0.2529	$1.4120	$1.2000	$0.00986	$0.1370	$3.0118
Wilmington	$0.2436	$1.4120	$1.6064	$0.00000	$0.1370	$3.3990
Red Clay						
Elsmere**						
Residential	$0.3193	$1.6740	$0.8750	$0.02101	$0.1370	$3.0263
Business	$0.3193	$1.6740	$1.2000	$0.02101	$0.1370	$3.3513
Newport	$0.2838	$1.6740	$0.9315	$0.02101	$0.1370	$3.0473
Wilmington	$0.2436	$1.6740	$1.6064	$0.00000	$0.1370	$3.6610
Smyrna						
Smyrna	$0.7018	$1.0026	$0.2526	$0.0000	$0.1218	$2.0788

Unincorporated Areas:

School District	County Rate	School Rate	Crossing Guard Rate	Vo-Tech Rate	Total Tax Rate Per $100 Assessment
Appoquinimink	$0.7018	$1.4720	$0.02257	$0.1370	$2.3334
Brandywine	$0.7018	$1.8215	$0.01835	$0.1370	$2.6787
Christina	$0.7018	$1.5170	$0.02064	$0.1370	$2.3764
Colonial	$0.7018	$1.4120	$0.00986	$0.1370	$2.2607
Red Clay	$0.7018	$1.6740	$0.02101	$0.1370	$2.5338
Smyrna	$0.7018	$1.0026	$0.00000	$0.1218	$1.8262

**** SEE FOOTNOTES AT END OF REPORT.**

New Castle County assessed values are based on 100% of the July 1, 1983 fair market value. The last countywide revaluation was in 1983, with the changes effective July 1, 1985. These values are for tax purposes only. There is no ratio or percentage to equate the 1983 values to the current market values. The assessed value for a particular property may be found on the New Castle County Land Use Website at www.nccdelu.org and click on property information.

SUSSEX COUNTY REAL PROPERTY TAXES, 2009-2010

County:

Tax Rate/$100 Assessment	Assessment Ratio	County Capitation Tax	School Capitation Tax	Date of Last Assessment
$0.3983	50%	$3.00	see footnotes	1974

Incorporated Areas:

School District/City	County Rate	School Rate	City Rate	Library Rate	Vo-Tech Rate	Total tax rate Per $100 Assessment
Cape Henlopen						
Dewey Beach***	0.3983	$2.666	$0.40	$0.0467	$0.2676	$3.7786
Henlopen Acres	0.3983	$2.666	$2.17	$0.0467	$0.2676	$5.5486
Lewes***	0.3983	$2.666	$0.49	$0.0467	$0.2676	$3.8686
Milton***	0.3983	$2.666	$0.41	$0.0467	$0.2676	$3.7886
Rehoboth Beach***	0.3983	$2.666	$1.55	$0.0467	$0.2676	$4.9286
Delmar						
Delmar***	0.3983	$3.140	$0.50	$0.0467	$0.2676	$4.3526
Indian River						
Bethany Beach***	0.3983	$2.555	$0.1650	$0.0467	$0.2676	$3.4326
Dagsboro***	0.3983	$2.555	$0.38	$0.0467	$0.2676	$3.6476
Fenwick Island	0.3983	$2.555	$1.92	$0.0467	$0.2676	$5.1876
Frankford	0.3983	$2.555	$2.20	$0.0467	$0.2676	$5.4676
Georgetown	0.3983	$2.555	$2.93	$0.0467	$0.2676	$6.1976
Millsboro***	0.3983	$2.555	$0.51	$0.0467	$0.2676	$3.7776
Millville***	0.3983	$2.555	$0.50	$0.0467	$0.2676	$3.7676
Ocean View ***	0.3983	$2.555	$0.1059	$0.0467	$0.2676	$3.3735
Selbyville	0.3983	$2.555	$1.85	$0.0467	$0.2676	$5.1176
South Bethany	0.3983	$2.555	$1.30	$0.0467	$0.2676	$4.5676
Laurel						
Bethel	0.3983	$2.490	$0.40	$0.0467	$0.2676	$3.6026
Laurel***	0.3983	$2.490	$1.91	$0.0467	$0.2676	$5.1126
Milford						
Ellendale	0.3983	$3.5101	$1.00	$0.0467	$0.2676	$5.2227
Milford***	0.3983	$3.5101	$0.46	$0.0467	$0.2676	$4.6827
Slaughter Beach***	0.3983	$3.5101	$0.75	$0.0467	$0.2676	$4.9727
Seaford						
Blades***	0.3983	$3.230	$1.40	$0.0467	$0.2676	$5.3426
Seaford***	0.3983	$3.230	$0.28	$0.0467	$0.2676	$4.2226
Woodbridge						
Bridgeville	0.3983	$3.285	$1.73	$0.0467	$0.2676	$5.7276
Greenwood	0.3983	$3.285	$1.70	$0.0467	$0.2676	$5.6976

Unincorporated Areas:

School District	County Rate	School Rate	Vo-Tech Rate	Library Rate	Total tax rate Per $100 Assessment
Cape Henlopen	0.3983	$2.666	$0.2676	$0.0467	$3.3786
Delmar	0.3983	$3.140	$0.2676	$0.0467	$3.8526
Indian River	0.3983	$2.555	$0.2676	$0.0467	$3.2676
Laurel	0.3983	$2.490	$0.2676	$0.0467	$3.2026
Milford	0.3983	$3.5101	$0.2676	$0.0467	$4.2227
Seaford	0.3983	$3.230	$0.2676	$0.0467	$3.9426
Woodbridge	0.3983	$3.285	$0.2676	$0.0467	$3.9976

***** SEE FOOTNOTES AT END OF REPORT.**

Unless otherwise noted in the footnotes section, Sussex County taxes property at 50% of the 1974 appraised value.

FOOTNOTES

* KENT COUNTY

Camden

The City of Camden charges $.84 per $100 of taxable value for senior citizens.
All Commercial C-2 have the tax rate of $.95 of taxable value.
Each property is charged an additional $225 base tax per year for waste removal.
A $2.25 capitation tax is applied to each person in the household over 18.

The City of Dover taxes property at 100% of its 2005 assessment.
The Town of Kenton taxes property at 100% of its 1992 assessment.
The Town of Little Creek taxes senior citizens at $.30 per $100 of assessment.
The City of Milford taxes property at 100% of its 2002 assessment.
The Town of Smyrna taxes property at 100% of its 2006 assessment.
School District Capitation rates: Caesar Rodney, 12.00; Lake Forest, 15.00; Woodbridge, 8.82

** NEW CASTLE COUNTY

Arden - Residents of the "Ardens" do not own their property, but hold 99-year leases. Taxes are assessed on square feet of land, not value of house.
The Town of Elsmere charges an additional $175 for each residential and commercial unit

*** SUSSEX COUNTY

The Town of Bethany Beach property at 100% of its 2002 assessment.
The Town of Blades taxes property at 50% of its 1989 assessment.
The Town of Dagsboro taxes property at 100% of its 1994 assessment.
The Town of Delmar taxes property at 100% of its 2008 assessment.
The Town of Dewey Beach taxes property at 50% of its 2001 assessment.
The Town of Laurel taxes property at 100% of its 1974 assessment.
The Town of Lewes taxes property at 50% of its 2000 assessment.
The City of Milford taxes property at 100% of its 2002 assessment.
The Town of Millsboro taxes property at 100% of its 1992 assessment.
The Town of Millville taxes property at 100% of its 1974 assessment.
The town of Milton taxes property at 50% of its 1994 assessment.
The Town of Ocean View taxes property at 100% of its 2007 assessment.
The Town of Rehoboth Beach taxes property at 50% of its 1968 assessment.
The City of Seaford taxes property at 100% of its 2008 assessment.
The Town of Slaughter Beach taxes property at 100% of its 1974 assessment.
School District Capitation rates: Indian River, 12.00; Laurel, 24.30; Woodbridge, 8.82; Delmar, 13.00.

Please note: this report is a compilation of all county and local taxes only.
For more detailed assessment information, please visit each county's assessment office:

Kent county
New Castle County
Sussex County

Sewer System Evaluation Study (SSES)

City of Milford, Delaware

March 22, 2010

URS

Update

- I&I Study
  - Geographic Information Systems (GIS) Mapping
  - Front Street Investigation
  - Report
- Next Step
- Path Forward
- Questions

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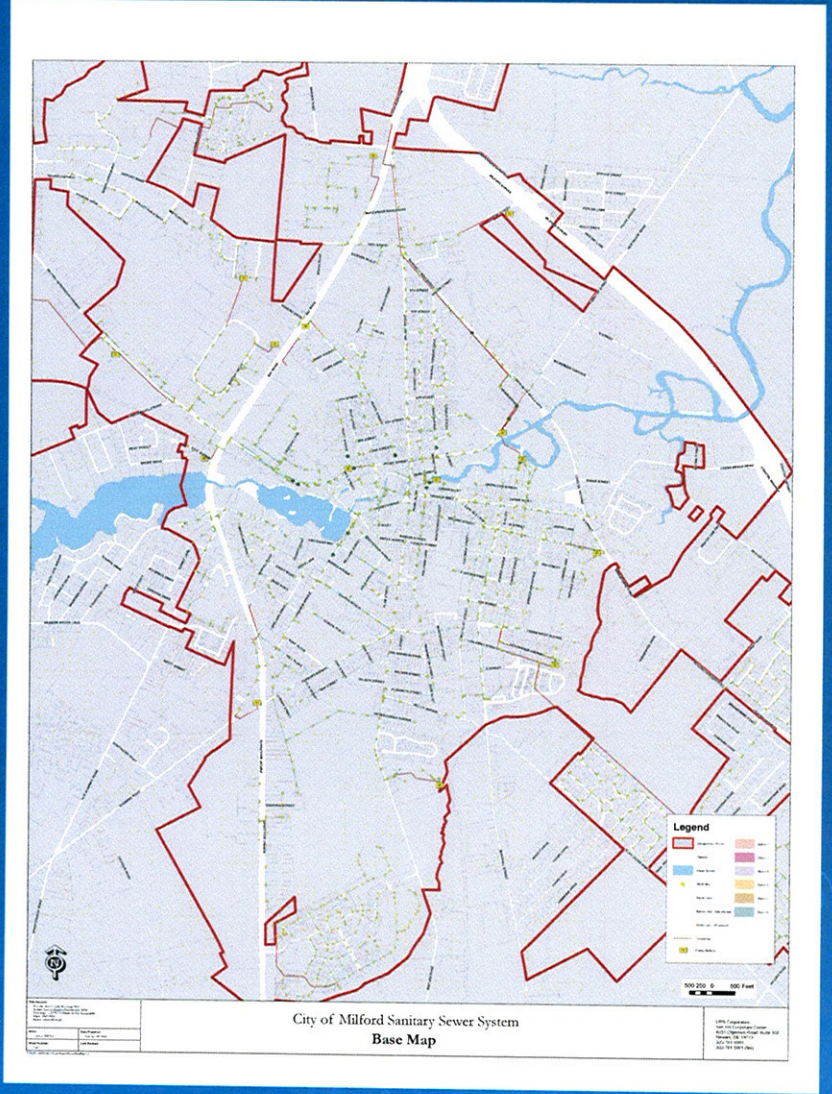
GIS Mapping

- Existing Electronic Drawings Converted to GIS
- 760 Manhole Inspection Reports Scanned and Hyperlinked
- 13 CCTV Videos on Front Street Hyperlinked



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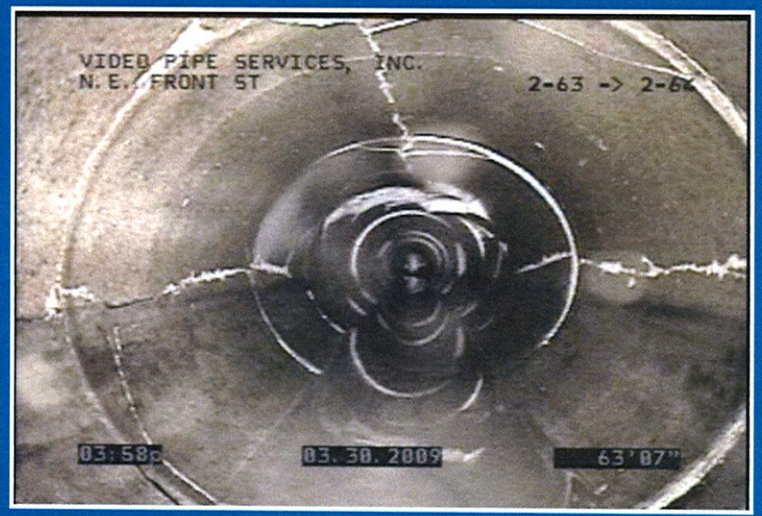
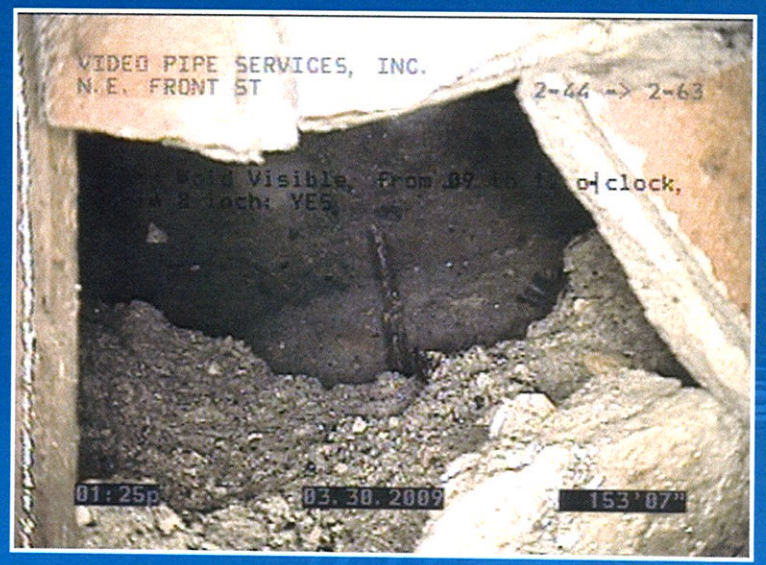
Front Street Investigation

Cleaned and Inspected 2,685 Feet of Pipe Between Truitt Avenue and Kent County PS #7

Serious Structural Issues Encountered (not necessarily I&I related)

Repairs are Underway





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Report
What is I&I?

- INFILTRATION – Groundwater Flow into Cracked Pipes and/or Manholes
  - Always Present with Base Flow
  - Derived Through:
    - Night-time Weir Testing
    - Metering
- INFLOW – Stormwater Flow into Manholes and Cleanouts; Roof Drains and Sump Pumps Connected to Sanitary Sewer Pipes
  - Subtract Base Flow Infiltration from Wet Weather Flow

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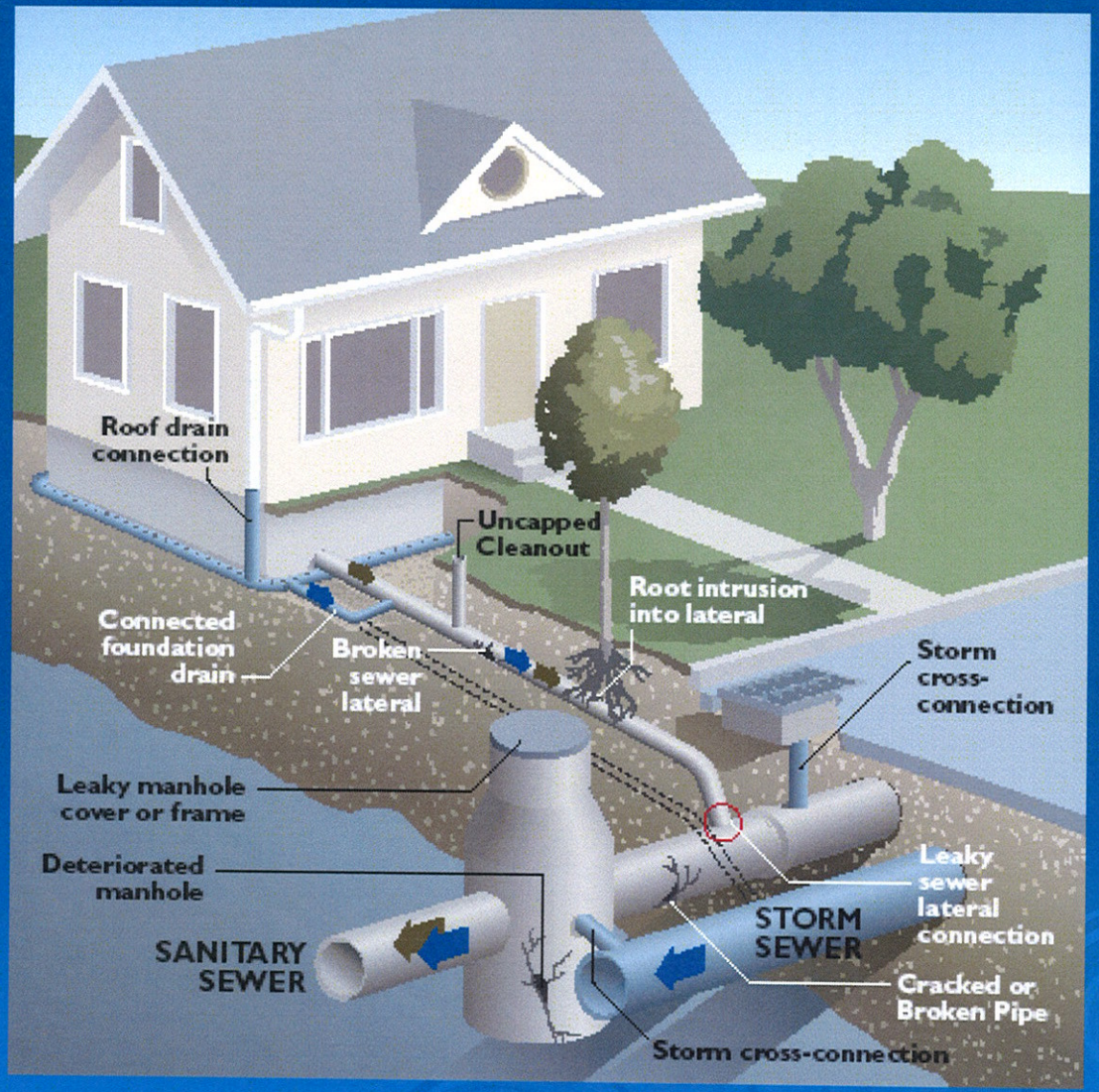
Sources of Extraneous Flow



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Findings

- Infiltration = 700,000 gpd annual average
  - Annually = 255,500,000 gallons per year
  - Cost (@ $2.34 per 1,000 Gal) = $598,000/year
- Inflow = 711,000 gpd per inch of rain
  - Daily = 87,000 gpd annual average
  - Annually = 32,000,000 gallons per year
  - Cost (@ $2.34 per 1,000 Gal) = $75,000/year

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Next Step - Phased SSES

- Locate and Identify the Problems
  - Closed Circuit Television Inspection
  - Smoke Testing
  - Manhole Inspections
- Determine Appropriate Corrective Measure
- Prepare Construction Documents and Cost Estimates
- Bidding
- Construction

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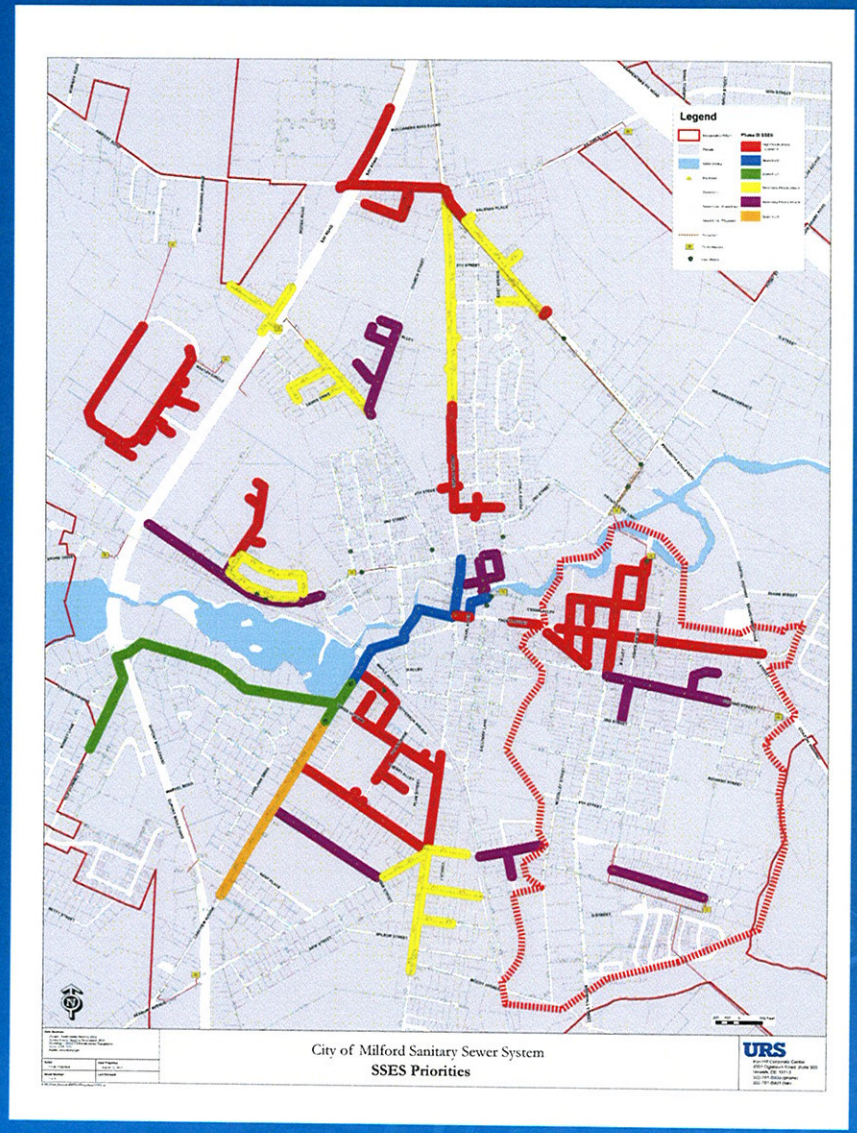
Priorities

- High Priority Areas & Basin 6 - Red
- Basin 5-010 - Blue
- Basin 1-031 - Green
- Secondary Priority Areas A - Yellow
- Secondary Priority Areas B - Purple
- Basin 1-035 - Orange



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Weir Testing

- Total Weir Test Flow Findings 700,000 GPD

NOTE: This Table Shows the Weir Test Results Used to Define Priorities

Basin	Pipe Diameter	Length 6-8-10	Length 12-15	InchDia / Mile	GPD	GPD / InchD/Mile
3E	8" - 10"	849		1.5	42,000	27,803
1G	10"	2,028		3.8	60,830	15,835
2C	6" - 10"	3,499		5.6	65,020	11,613
3C	8" - 10"	1,572		2.6	24,904	9,749
2B	8" - 10"	1,700		2.7	13,780	5,165
2I	8"	1,502		2.3	11,290	4,962
6A	8" - 12"	6954.67	17	11.3	53,544	4,732
4F	8"	80		0.1	500	4,135
1C	6" - 12"	4387.894	404	8.2	30,370	3,723
4B	6" - 10"	4,194		6.3	21,588	3,454
2E	8" - 10"	2,261		4.1	11,180	2,728
2A	6" - 10"	1,488		2.5	5,967	2,384
4E	8" - 10"	2,309		4.1	9,075	2,192
3A	8" - 10"	2,711		5.1	11,180	2,184
2N	8"	2,018		3.5	7,301	2,114
1H	8" - 10"	3,882		6.4	13,460	2,109
1F	8"	1,602		2.4	4,690	1,932
5A	8" - 12"	1301.295	286	2.6	5,000	1,907
6F	8" - 10"	2,605		4.5	8,629	1,902
5G	8"	1,097		1.7	3,032	1,823
2F	8" - 10"	2,229		3.4	5,967	1,752
6H	6" - 15"	2358.501	491	4.8	7,455	1,540
6P	8"	1,230		1.9	1,916	1,028
2M	8"	3,005		4.2	4,237	1,019

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Path Forward

- Year 1 - High Priority Areas & Basin 6 – Red
  - Repair Projects
- Year 2 - Basin 5-010 – Blue
  - Repair Projects
- Year 3 - Basin 1-031 – Green
  - Repair Projects
- Year 4 - Secondary Priority Areas A - Yellow
  - Repair Projects
- Year 5 - Secondary Priority Areas B - Purple
  - Repair Projects
- Year 6 - Basin 1-035 – Orange
  - Repair Projects

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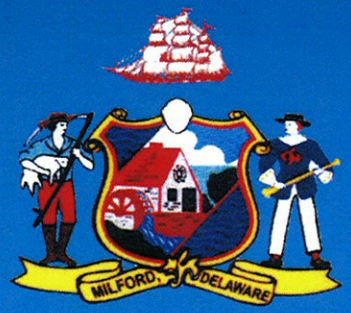
Questions



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December 22, 2009

Mr. Mark Mallamo, P.E.
Public Works Facility
P.O. Box 159
180 Vickers Drive
Milford, DE 19963

Re: City of Milford - SSES Phase III - 1

Dear Mr. Mallamo:

URS Corporation d/b/a URS Corporation Americas is pleased to present this proposal for professional engineering services related to locating the sources of inflow and infiltration (I&I) into the City of Milford's wastewater collection system, which is conveyed to the main pump station operated by the Kent County Department of Public Works, PS#7. It is the City's intent to reduce extraneous flows to the maximum extent practical and economically feasible.

A. BACKGROUND

The City of Milford owns and operates a sanitary sewer collection system made up of approximately 316,800 linear feet of gravity sewer pipe ranging in size from 6" to 24" with multiple pump stations and associated force mains. All flow from the City is either pumped or flows by gravity to Kent County PS #7. This pump station is owned and operated by Kent County and conveys the collected sewage to the Wastewater Treatment Plant in Frederica. The age of the City's collection system varies; however, it is anticipated the oldest pipe in Town could be from the 1930's.

The City contracted with URS in February of 2009 to conduct an Inflow and Infiltration Study (I&I) on the sanitary sewers in the Milford Study Area and provide a report with recommendations for addressing such deficiencies. The purpose of the I&I Study was to identify the sources and assess the magnitude of I&I extraneous flows to the collection system. The results of this analysis indicate where I&I is excessive, as well as basins or sections of pipe which should be subject to additional investigation.

The work of the I&I Study is now complete, the draft report has been presented to the City and the final report should be delivered in January. This report has concluded that deficiencies exist within the City's collection and conveyance system and provides a systematic approach to further define, locate and rehabilitate the problems. This proposal addresses the next phases, including a Sewer System Evaluation Survey (SSES) on the areas identified by weir testing to be the highest contributors to infiltration and the preparation of contract documents to rehabilitate and/or replace deficient pipe.

B. PROJECT APPROACH

As indicated above, the I&I Study quantified the amount and general location of extraneous water entering the City's collection system. The average infiltration rate was estimated to be approximately 700,000 gallons per day (GPD) and inflow was estimated at approximately 700,000 gallons per inch of rainfall or approximately 85,000 GPD on an annual average basis. The areas with the largest quantities of infiltration are targeted for further investigation due to the higher volume of infiltration into the system, except for basin 6 where an extraordinary high amount of inflow was measured.

URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713
Tel: 302.781.5900
Fax: 302.781.5901
www.urscorp.com

The purpose of the Sewer System Evaluation Survey is to perform detailed field investigations to locate and determine the nature of the deficiencies detected in the I&I Study. Typically, the result of the SSES is a report listing all the deficiencies located as a result of the evaluation and providing recommendations for repair. However, due to the extent of the areas identified as in need of investigations and the potential cost of rehabilitation, the SSES will be broken down into small manageable areas based on priority. In addition, the cost of preparing Contract Documents for rehabilitation projects in the small project areas is also provided as a part of this proposal. This approach will allow rehabilitation work to begin more quickly with the goal of reducing extraneous flow into the system.

Based on this project approach, URS is pleased to present the following scope of services:

C. SCOPE OF SERVICES

SEWER SYSTEM EVALUATION SURVEY

Task 1 – Physical Inspections

Surface Inspections - Water can enter manholes through and around the lids and casting. A surface inspection of the system will be performed during wet weather to determine if the manhole lids are a source of extraneous flow. In addition, the surface inspection will allow for verification of existing collection system mapping and could provide information as to the source of extraneous flows, such as the observation of broken clean out covers, down spout connections, sink holes over the sewer pipe, etc. The observations will be recorded on an inspection report and sources of extraneous flow will be noted on a map of the system. URS will also review the results of previous smoke testing conducted in the City of Milford to determine the extent of repairs to deficiencies and the effectiveness of each repair. These deficiencies will be included in one of the rehabilitation projects described in Task 4.

Manhole Inspections - Manhole inspections provide information on the condition of the collection system; verify the pipe sizes, materials, depth and location of sources of extraneous flow. Manhole inspections can reveal structural problems with the manhole, sources of infiltration, and will show signs of inflow. The results of the inspections will be recorded on a standard inspection form and noted on a map of the system. URS will also inspect manholes that are outside the original Study Area that were previously identified as sources of infiltration when inspected in the early 90's. The manholes requiring rehabilitation will be included in one of the rehabilitation projects described later in Task 4.

Task 2 - Smoke Testing

Smoke Testing is used to identify inflow sources into the collection system. A safe non toxic smoke is introduced into the sewer under low pressure. Personnel on site walk the area being smoke tested and look for smoke rising from inflow sources, such as catch basins, downspout connections, open clean outs, etc. URS has smoke testing equipment in house. URS will coordinate directly with the City of Milford and the local Fire Department. Additionally, URS will prepare and deliver information notices (English & Hispanic versions) and brochures to residents whose sewer will be smoke tested. URS personnel on site will carry identification and URS vehicles will be clearly labeled. The location of deficiencies identified during the smoke testing will be recorded and photographed as well as noted on a map of the system. These deficiencies will be included in one of the rehabilitation projects described in Task 4.

Task 3 - Closed Circuit TV Inspection of Piping

A closed circuit TV inspection of the piping will quickly reveal the size and material of piping, condition of the pipe, the location and condition of lateral connections, the location of illegal lateral connections, and sources of I&I. The pipe to be televised is pressure cleaned prior to the inspection, a crawler camera is placed in the pipe and the entire length of pipe between manholes is videotaped with computer logs of observations generated at the site. URS has identified areas of piping requiring closed circuit TV inspection from the results of the dry weather weir testing and flow analysis completed during the I&I

Study. URS subcontracts this work to a Contractor we have worked with extensively in the past. This Contractor will conduct the inspection in accordance with NASSCO's PACP requirements and URS safety requirements. Deficiencies noted during this inspection will be included in one of the rehabilitation projects described in Task 4.

PREPARATION OF CONTRACT DOCUMENTS

Task 4 – Contract Documents

The deficiencies found in tasks 1-3 above can be generally rehabilitated using one of three techniques.

Open Cut – This method physically excavates the damaged section of pipe, whether main line sewer, lateral or clean out, and replaces the pipe and manholes in kind.

Test and Seal – This method utilizes trenchless technologies to pressure grout leaks in the sewer main piping, lateral piping and manholes. The intent of chemical grouting in sewer systems is to seal leaks and stop infiltration. Most leaks in structurally sound sewer systems are through pipe joints, manholes, service connections, and the first few feet of service laterals. The most economical way to stop those leaks is with chemical grout.

Cured-In-Place Pipe – This method is broken into two categories, CIPP main line and CIPP laterals. Cured-In-Place Pipe (CIPP) is one of several trenchless rehabilitation methods used to repair existing pipelines. CIPP is a jointless, seamless, pipe-within-a-pipe and is one of the most widely used sewer rehabilitation methods. A resin-saturated felt tube made of polyester is inverted or pulled into a damaged pipe. Little to no digging is involved in this trenchless process, making for a more environmentally friendly and less expensive method of rehabilitation than traditional open cut repair methods.

URS will prepare Contract Documents and obtain the necessary permits to perform the rehabilitation projects. The Contract Documents for the Pipe Test & Seal Project and CIPP Projects will contain a GIS plan(s) showing the location(s) of the repair work and detailed specifications outlining the work and schedule for completion. The Open Cut main line pipe replacement project Contract Documents will include field survey and CAD Drawings along with detailed specifications outlining the work and schedule for completion. URS will assist the City with bidding of the projects, attendance at pre-bid meetings and review and recommendations for award of the projects.

D. SERVICES NOT PROVIDED

URS routinely provides the following additional services for this type of project and welcomes the opportunity to assist the City of Milford, if desired; however a budget has not been included in this proposal for the following items:

1. Sewer System Modeling
2. Private Property I&I Study & Rehabilitation
3. Fats, Oil and Grease Program/Implementation
4. Any tasks not specifically defined above
5. Construction related services

E. FEE

As discussed in Section B above, the SSES has been broken down into small, manageable project areas. This proposal addresses the first areas to be investigated as follows:

Phase III - 1

High Priority Area – As a result of the weir testing completed during the I&I study, numerous areas within the collection system were identified as contributing excessive infiltration (greater than 3,000 gallons per day (GPD) per inch diameter per mile (GPD/IN/MILE)) into the collection system. These areas collectively represent approximately 28,000 linear feet of pipe and approximately 115 manholes, as shown in red on the attached map.

South East Front Street - Additionally, at the request of the City, the pipe on South East Front Street between South Walnut Street and Rehoboth Boulevard has been included in this first phase in anticipation of a paving project this spring. The City would like to investigate South East Front Street first and repair any deficiencies found prior to the paving project. South East Front Street represents approximately 2,500 linear feet of pipe and 14 manholes.

Basin 6 - Also proposed in this phase is smoke testing only of Basin 6 due to the significant rain impact identified by the flow meter.

Basin 1 – The City has indicated that infiltration problems exist with MH 5-4 and MH 1-11, and the flow metering conducted as part of the I&I Study revealed significant infiltration problems in this basin. Before proceeding with more significant and costly investigations, we would recommend that these two manholes be temporarily or permanently repaired and the area revisited for a single night of weir testing. In addition, we would recommend the installation of a flow meter on South Walnut Street in the vicinity of MH 1-131A for one month to rule out this terminal section as being a source of infiltration. We have included $5,000 in Task 1 of this phase to conduct this work.

We shall provide our services on an hourly rate basis in accordance with our standard rates. The budget estimates provided below are based on typical efforts required for this type of investigation. Once the project begins and URS becomes familiar with the collection system and its deficiencies, the scope of work may change. URS will work closely with the City on refining the scope as the project progresses. We suggest that you budget approximately $291,500 for Phase III - 1 of our services. We will not exceed these fees without your written authorization. Please note that the rental costs for URS supplied equipment usage on various tasks, as noted in Section C, are included in our prices below and will be billed in accordance with our standard rates for such equipment usage.

Phase III - 1	
Task 1 – Physical Inspections	$21,500
Task 2 - Smoke Testing	$35,000
Task 3 - Closed Circuit TV Inspection of Piping	$155,000
Task 4 - Contract Documents	$80,000
Phase III - 1 Total	**$291,500**

F. **SCHEDULE**

It is our understanding that the City would like to begin work on Phase III - 1 immediately with the emphasis being to complete all investigations on South East Front Street first. We shall initiate our services immediately upon receipt of a signed copy of this proposal. As you are aware, this work is somewhat weather dependent. However, at this time, we anticipate that all four tasks in Phase III - 1 can be completed within fourteen weeks of receipt of the signed proposal. Thus, contract documents, ready for bidding by the City on the proposed rehabilitative efforts will be ready within the fourteen week time period. It should be noted that if the rehabilitative efforts involve significant amounts of open cut repairs, as opposed to spot repairs, then the time frame noted may not be achievable.

G. **PROJECT MANAGEMENT**

The Principal-in-Charge of this project shall be C. Thomas deLorimier, P.E. Ed Strauss, P.E. shall be the Project Manager, and Jerry Katzmire shall be the Field Manager. Ed and Jerry will be responsible for the day-to-day activities of URS. Ted DeBoda, P.E. will serve as the Senior Engineer / Consultant on the project lending his experience and knowledge as necessary to complete the work of this proposal.

Attached for your review and approval are our standard contract agreement and work authorization for this project. If you wish for us to proceed, please sign each document and return one copy for execution. We will return a signed copy for your records.

If you have any questions or desire additional information regarding our services, please contact us.

Very truly yours,

URS Corporation d/b/a URS Corporation Americas

Ed Straus, P.E.
Project Manager

C. Thomas deLorimier, P.E.
Vice President

cc: Ted DeBoda, P.E.
Jerry Katzmire

URS

SHORT FORM MASTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
CITY OF MILFORD, DELAWARE
AND
URS CORPORATION

THIS AGREEMENT ("Agreement") for Professional Services, (together with the attachments hereto) dated and effective as of _____, 2010 (the "Effective Date"), is hereby made and entered into by and between the City of Milford, a Delaware municipality, (hereinafter "Client") having a place of business located at 180 Vickers Drive, Milford, Delaware, 19963, and URS Corporation d/b/a URS Corporation Americas, a Nevada corporation (hereinafter "Consultant") having a place of business located at Iron Hill Corporate Center, 4051 Ogletown Road, Suite 300, Newark, Delaware, 19713. Consultant and Client are each individually referred to as a "Party" and collectively as the "Parties".

The Parties agree as follows:

1. WORK AUTHORIZATIONS

1.1 Consultant agrees to undertake and perform certain consulting and professional engineering services ("Services") in accordance with the terms and conditions contained herein, as may be requested by Client from time to time. The Services to be performed, Consultant's compensation, and the schedule for performance for each task shall be described in one or more authorizations issued to Consultant by Client, the form of which is attached hereto as Attachment 1 ("Work Authorization"). A Work Authorization shall be valid and binding upon the Parties only if accepted in writing by Client and Consultant. Each duly executed Work Authorization shall be subject to the terms and conditions of this Agreement, except to the extent expressly modified by the Work Authorization.

1.2 It is the expressed intent of the parties that this Agreement shall be made available to subsidiaries and affiliated companies of Consultant. For the purposes of this Agreement, as it applies to each Work Authorization, the term "Consultant" shall mean either Consultant as defined above or the subsidiary or affiliate of Consultant identified in the Work Authorization. The applicable Work Authorization shall clearly identify the legal name of the entity accepting the Work Authorization.

2. PAYMENTS FOR SERVICES

2.1 Unless otherwise stated in a Work Authorization, payment shall be on a time and materials basis under the Schedule of Fees and Charges in effect when the Services are performed. Client shall pay undisputed portions of each progress invoice within thirty (30) days of the date of the invoice. If payment is not received within thirty (30) days from the due date of such payment, Consultant may suspend further performance under one or more Work Authorizations until payments are current. Client shall notify URS of any disputed amount within fifteen (15) days from date of the invoice, give reasons for the objection, and promptly pay the undisputed amount. Client shall pay an additional charge of one percent (1%) per month or the maximum percentage allowed by law, whichever is the lesser, for any past due amount. In the event of a legal action for invoice amounts not paid, attorneys' fees, court costs, and other related expenses shall be paid to the prevailing party.

2.2 Client shall reimburse Consultant for all taxes, duties and levies such as Sales, Use, Value Added Taxes, Deemed Profits Taxes, and other similar taxes which are added to or deducted from the value of Consultant's Services. For the purpose of this Article such taxes shall not include taxes imposed on Consultant's net income, and employer or employee payroll taxes levied by any United States taxing authority, or the taxing authorities of the countries or any agency or subdivision thereof in which URS subsidiaries, affiliates, or divisions are permanently domiciled. It is agreed and understood that these net income, employer or employee payroll taxes are included in the unit prices or lump sum to be paid Consultant under the applicable Work Authorization.

2.3 Where charges are "not to exceed" a specified sum, Consultant shall notify Client before such sum is exceeded and shall not continue to provide the Services beyond such sum unless Client authorizes an increase in the sum. If a "not to exceed" sum is broken down into budgets for specific tasks, the task budget may be exceeded without Client authorization as long as the total sum is not exceeded. Changes in conditions, including, without limitation, changes in laws or regulations occurring after the budget is established, or other circumstances beyond URS control, shall be a basis for equitable adjustments in the budget and schedule.

3. CONFIDENTIALITY

3.1 For a period commencing with the disclosure of any confidential information under this Agreement and/or a Work Authorization(s) and ending on the second anniversary such disclosure was first made, Consultant and Client each agree not to disclose to third parties, including also subcontractors and vendors (unless such subcontractors and vendors have a need to know and are bound to similar obligations of confidentiality), any information that is identified as confidential in writing on the materials made available to the other Party hereunder

4. WARRANTY

4.1 Consultant warrants that any consulting and professional engineering Services performed by it under a Work Authorization shall be performed in accordance with that degree of care and skill ordinarily exercised by members of Consultant's profession practicing at the same time in the same location. Consultant's sole liability to Client for any non-conforming Services shall be to re-perform the non-conforming or defective Services, written notice of which must be promptly given by Client to Consultant. Consultant's obligation for re-performance of non-conforming Services as set forth in the preceding sentence shall extend for a term commencing at the substantial completion of such Services under a Work Authorization and

ending one year later.

4.2 THE WARRANTY SET FORTH IN THIS ARTICLE 4 IS EXCLUSIVE, AND IN LIEU OF ANY AND ALL OTHER WARRANTIES RELATING TO THE SERVICES, WHETHER STATUTORY, EXPRESS OR IMPLIED, AND CONSULTANT DISCLAIMS ANY SUCH OTHER WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY AND ALL WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE AND ANY AND ALL WARRANTIES ARISING FROM COURSE OF DEALING AND/OR USAGE OF TRADE. ANY OTHER STATEMENTS OF FACT OR DESCRIPTIONS EXPRESSED IN THE AGREEMENT OR ANY WORK AUTHORIZATION SHALL NOT BE DEEMED TO CONSTITUTE A WARRANTY OF THE SERVICES OR ANY PART THEREOF. CONSULTANT'S REPERFORMANCE OF DEFECTIVE OR NON-CONFORMING SERVICES THROUGH THE ONE YEAR PERIOD PROVIDED FOR IN THIS ARTICLE 4 SHALL CONSTITUTE COMPLETE FULFILLMENT OF, AND CLIENT'S EXCLUSIVE REMEDY FOR, ALL THE LIABILITIES OR RESPONSIBILITIES OF CONSULTANT TO CLIENT FOR NON-CONFORMING OR DEFECTIVE SERVICES, WHETHER THE CLAIMS OF CLIENT ARE BASED ON DELAY, CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, WARRANTY, INDEMNITY, ERROR AND OMISSION OR ANY OTHER CAUSE WHATSOEVER.

5. WORK BY OTHERS

5.1 The performance by Consultant of Services under a Work Authorization shall not constitute an assumption by Consultant of the obligations of Client or its other contractors. Consultant shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs, or precautions connected with the work of Client or its other contractors, and shall not manage, supervise, control or have charge of construction. Client shall require Consultant to be named as an additional insured along with Client on any liability insurance policies provided by Client's construction contractors. To the fullest extent permitted by law, Client shall defend Consultant against any claim, suit or proceeding asserted by one of its other contractors and indemnify, defend and save Consultant harmless from any and all actual or alleged claims and losses (including, without limitation, attorney's fees) sustained by such contractor in connection with the Services, regardless or whether or not any of the foregoing arose out of the negligent acts or omissions of Consultant.

6. INSURANCE

6.1 In the event Consultant performs Services under any Work Authorization in connection with a project for which Client or another party with which Client has contracted obtains all-risk or builder's risk property insurance, Client, as the case may be, shall name, or shall cause such other party to name, Consultant as an additional insured on such all risk or builder's risk property insurance. Client acknowledges that Consultant has an insurable interest in such all risk or builder's risk property insurance.

6.2 Consultant and Client each waive all rights of recovery and subrogation against each other with respect to a loss occurring to property of the other, to the extent that such waivers do not invalidate the property insurance of either.

6.3 Upon Client's written request, Consultant shall maintain during the performance of Services under a Work Authorization the following insurance coverage:

a) Workers' Compensation for statutory limits in compliance with the applicable state and federal laws, and Employer's Liability with a limit of $1,000,000;

b) Commercial General Liability including Products and Completed Operations, Contractual Liability and Broad Form Property and Personal Injury Liability with a combined single limit of $1,000,000 per occurrence and in the aggregate;

c) Automobile Liability Insurance with a combined single limit of $1,000,000 for bodily injury and property damage with respect to vehicles either owned, non-owned, and leased by Consultant in the performance of Services under the Agreement.

d) Professional Liability Insurance in the amount of $1,000,000 per claim and in the aggregate.

7. INDEMNITY

7.1 Each Party shall indemnify, defend and save the other Party, its officers, directors, employees and affiliates harmless from any loss, cost or expense claimed by third parties, excluding employees of either Party, for property damage and/or bodily injury, including death, to the proportionate extent such loss, cost or expense arises from the negligence or willful misconduct of the indemnifying Party, its employees or affiliates in connection with the Services.

7.2 Notwithstanding any other provision contained elsewhere in this Agreement to the contrary and to the fullest extent permitted by law, Client shall be liable for and indemnify, defend and save Consultant, its officers, directors, employees and affiliates harmless from and against any and all actual or alleged claims, damages (including incidental, consequential, indirect and special damages), losses, and expenses (including, without limitation, all penalties, attorney's fees, fines and administrative or civil sanctions arising out of or related to such claim) (collectively "Losses") arising out of: (1) economic loss suffered by third parties; and/or (2) investment decisions of Client or third parties in reliance upon the results of the Services, regardless of whether or not any of the foregoing arose out of the negligent acts or omissions of Consultant.

7.3 The indemnity and save harmless obligations of Consultant and Client under this Article 7 shall not apply with respect to any Hazardous Material, as Consultant's and Client's rights and obligations with respect thereto are set forth in Article 10.

8. WAIVER OF CONSEQUENTIAL DAMAGES

8.1 Notwithstanding any other provision to the contrary in this Agreement or a Work Authorization and to the fullest extent permitted by law, neither Client nor Consultant shall be liable, whether based on contract, tort, negligence, strict liability, warranty, indemnity, error and omission or any other cause whatsoever, for any consequential, special, incidental, indirect, punitive or exemplary damages, or damages arising from or in connection with loss of power, loss of use, loss of revenue or profit (actual or anticipated), loss by reason of shutdown or non-operation, increased cost of construction, cost of capital, cost of replacement power or customer claims, and Consultant hereby releases Client and Client hereby releases Consultant from any such liability.

9. LIMITATION OF LIABILITY

9.1 Notwithstanding any other provision to the contrary in this Agreement or a Work Authorization and to the fullest extent permitted by law, in no event shall the total cumulative aggregate liability of Consultant, its subconsultants, and their respective partners, officers, directors, shareholders, employees, and agents (referred to collectively in this Article as "Consultant") to Client resulting from, arising out of or in connection with the performance or nonperformance of any or all Services or other obligations under a Work Authorization, exceed $250,000 or ten percent (10%) of the compensation paid Consultant pursuant to such Work Authorization, whichever is greater, or extend beyond the expiration of the warranty period under Article 4 for the Services performed under the Work Authorization, regardless of the legal theory under which such liability is imposed. The remedies stated in the Agreement are Client's sole and exclusive remedies for any failure by Consultant to comply with obligations to Client, and Client hereby irrevocably waives any right to assert a claim against Consultant based on a legal theory that a remedy provided herein fails of its essential purpose.

10. HAZARDOUS MATERIAL

10.1 Nothing in this Agreement shall be construed or interpreted as requiring Consultant to assume the status of, and Client acknowledges that Consultant does not act in the capacity nor assume the status of, Client or others as a "generator," "operator," "transporter," or "arranger" in the treatment, storage, disposal, or transportation of any hazardous substance or waste as those terms are understood within the meaning of the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or any other similar federal, state, or local law, regulation, or ordinance. Client acknowledges further that Consultant has played no part in and assumes no responsibility for generation or creation of any hazardous waste, pollution condition, nuisance, or chemical or industrial disposal problem, if any, which may exist at any site that may be the subject matter of any Work Authorization.

10.2 It is acknowledged by both parties that the Services do not include services related to regulated substances, pollutants, or hazardous or toxic wastes ("Hazardous Material"). In the event Consultant or any other party encounters undisclosed Hazardous Materials, Consultant shall notify Client and, to the extent required by law or regulation, the appropriate governmental officials, and Consultant may, at its option and without liability for delay, consequential or any other damages to Client, suspend performance of Services on that portion of the project affected by Hazardous Material until Client: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the Hazardous material; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. Notwithstanding any other provision to the contrary in this Agreement or a Work Authorization and to the fullest extent permitted by law, Client shall indemnify, defend and save Consultant and its affiliates, subconsultants, agents, and suppliers of any tier, and any and all employees, officers, directors of any of the foregoing, if any, from and against any and all Losses which arise out of the performance of the Services and relating to the regulation and/or protection of the environment, including, without limitation, Losses incurred in connection with characterization, handling, transportation, storage, removal, remediation, disturbance or disposal of Hazardous Material, whether above or below ground and not brought to a Client site or other proposed project site by Consultant in the performance of the Services without Client's approval.

11. CHANGES

11.1 The Parties may from time to time by mutual agreement seek to modify, extend or enlarge the Services under a Work Authorization ("Modification"). In the event the Parties agree to a Modification to add additional Services, or to make other modifications to the Services, Consultant's compensation, the schedule and any other relevant terms and conditions of the applicable Work Authorization shall be equitably adjusted prior to performance of such Services.

12. OWNERSHIP OF DOCUMENTS

12.1 Consultant grants to Client a transferable, irrevocable and perpetual royalty-free license to retain and use all work products delivered to Client for any purpose in connection with the project specified in each Work Authorization, upon full payment by Client for Consultant's Services. Client also may use such work product for other purposes with Consultant's written consent. Re-use of any such work product by Client on any extension of the project or on any other project without the written authorization of Consultant shall be at Client's sole risk and Client shall indemnify, defend and save Consultant and its affiliates, consultants, agents, subcontractors and suppliers of any tier, and any and all employees, officers and directors of any of the foregoing, if any, from and against any and all Losses suffered as a result of, or arising out of, or in connection with such re-use. Consultant shall have the right to retain copies of all such work product. Consultant retains the right of ownership with respect to any patentable concepts or copyrightable materials arising from its Services.

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13. TERMINATION/SUSPENSION

13.1 Client may terminate all or any portion of the Services under one or more Work Authorizations for convenience, at its option, by sending a written notice to Consultant. Either party can terminate this Agreement or a Work Authorization for cause if the other commits a material, uncured breach of this Agreement or becomes insolvent. Termination for cause shall be effective twenty (20) days after receipt of a notice of termination, unless a later date is specified in the notice. The notice of termination for cause shall contain specific reasons for termination and both parties shall cooperate in good faith to cure the causes for termination stated in the notice. Termination shall not be effective if reasonable action to cure the breach has been taken before the effective date of the termination. Client shall pay Consultant upon invoice for Services performed and charges incurred prior to termination, plus reasonable termination charges. Any suspension of Services by Client shall result in an equitable adjustment to Consultant's compensation, time for performance, or any of its other obligations under a Work Authorization.

14. FORCE MAJEURE

14.1 Any delay or failure of Consultant in performing its required obligations hereunder shall be excused if and to the extent such delay or failure is caused by a Force Majeure Event. A "Force Majeure Event" means an event due to any cause or causes beyond the reasonable control of Consultant and shall include, but not be limited to, acts of God, strike, labor dispute fire, storm, flood, windstorm, unusually severe weather, sabotage, embargo, terrorism, energy shortage, accidents or delay in transportation, accidents in the handling and rigging of heavy equipment, explosion, riot, war, court injunction or order, delays by acts or orders of any governmental body or changes in laws or government regulations or the interpretations or application thereof or the acts or omissions of the Client or its other contractors, vendors or suppliers. In the event of a Force Majeure Event, Consultant shall receive an equitable adjustment extending Consultant's time for performance for such Services sufficient to overcome the effects of any delay, and an increase(s) to Consultant's compensation sufficient to account for any increased cost in performance or loss or damage suffered by Consultant.

15. RESPONSIBILITIES OF CLIENT

15.1 Without limiting any express or implied obligations of Client under applicable law, Client shall: (1) provide Consultant, in writing, all information relating to Client's requirements for the project; (2) correctly identify to Consultant the location of subsurface structures, such as pipes, tanks, cables, and utilities; (3) notify Consultant of any potential hazardous substances or other health and safety hazard or condition known to Client existing on or near the project site; (4) give Consultant prompt written notice of any suspected deficiency in the Services; (5) with reasonable promptness, provide required approvals and decisions; and (6) furnish or cause to be furnished to Consultant full, unrestricted and legal access to, and use of, the site and all necessary rights of way and easements, in order to perform the Services. In the event Consultant is requested by Client or is required by subpoena to produce documents or give testimony in any action or proceeding to which Client is a party and Consultant is not a party, Client shall pay Consultant for any time and expenses required in connection therewith, including reasonable attorney's fees.

15.2 Consultant may rely upon and use in the performance of any Services information supplied to it by Client without independent verification and Consultant shall not be responsible for defects in its Services attributable to its reliance upon or use of such information.

16. INTENTIONALLY LEFT BLANK

17. TERM

17.1 Unless otherwise specified, the term of this Agreement shall run from the Effective Date until Consultant has completed the Services and received all payments due under the Agreement.

18. GENERAL

18.1 Client and Consultant each represent and warrant that this Agreement has been duly authorized, executed and delivered and constitutes its binding agreement enforceable against it. This Agreement and any executed Work Authorizations supersede all prior written and/or oral contracts and agreements that may have been made or entered into between Client and Consultant regarding the subject matter hereof, including but not limited to any and all proposals, oral or written, and all communications between the Parties relating to this Agreement or any Work Authorization(s), and constitute the entire agreement between the Parties hereto with respect to the subject matter hereof.

18.2 This Agreement and Work Authorization(s) may not be assigned by Consultant or Client in any way, including by operation of law, unless otherwise mutually agreed to in writing, any such attempted non-authorized assignment shall be null and void and of no force or effect.

18.3 Any cost opinions or estimates provided by Consultant will be on a basis of experience and judgment, but since Consultant has no control over market conditions or bidding procedures, Consultant cannot and does not warrant that bids, ultimate construction cost, or project economics will not vary from such opinions or estimates. Neither this Agreement nor any of the Services provided hereunder shall constitute or provide for, and Consultant shall not be considered to have rendered, any legal or financial opinion(s) regarding the feasibility of this project or any other or regarding any other matter. Unless otherwise expressly included in a Work Authorization, Consultant shall under no circumstances provide as part of the Services a consent, opinion or similar document, or act as a qualified person or expert, in connection with any filing by Client with the United States Securities and Exchange Commission, or similar non-United States agency, authority or commission.

18.4 Notices shall be effective hereunder as follows only if in writing and addressed to the authorized representative designated in applicable Work

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Authorizations: (1) upon delivery, if delivered personally to the person; (2) upon transmission, if transmitted to the facsimile number of the person; and (3) upon posting, if by first class or overnight mail (postage prepaid).

18.5 All contract issues and matters of law will be adjudicated in accordance with the laws of the state where the project is located, excluding any provisions or principles thereof which would require the application of the laws of a different jurisdiction; provided, however that if the project is located outside the United States, the laws of the State of California shall govern. Venue for any litigation shall be any state court or United States District Court having jurisdiction over the parties and subject matter.

18.6 The terms and conditions of this Agreement shall prevail, notwithstanding any variance with any purchase order or other written instrument submitted by Client whether formally rejected by Consultant or not. This Agreement may be modified only by amendment when signed by each Party. In the event that any one or more of the provisions of this Agreement shall be found to be illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect, and such term or provision shall be deemed stricken to the extent and in the jurisdictions necessary for compliance with applicable law.

18.7 Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Client or Consultant.

18.8 The headings in this Agreement are for convenience only, and shall not affect the interpretation hereof. The terms "hereof", "herein," "hereto" and similar words refer to the entire Agreement and not to any particular Article, Section, Attachment, Exhibit or any other subdivision of this Agreement. References to "day" or "days" shall mean calendar days unless specified otherwise.

18.9 The provisions of this Agreement which by their nature are intended to survive the termination, cancellation, completion, or expiration of the Agreement, including, but not limited to, indemnities and any expressed limitations of or releases from liability, shall continue as valid and enforceable obligations of the parties notwithstanding any such termination, cancellation, completion, or expiration.

18.10 It is understood and agreed that any delay, waiver or omission by Consultant or Client to exercise any right or power arising from any breach or default by Client or Consultant in any of the terms, provisions or covenants of this Agreement or any Work Authorization shall not be construed to be a waiver by Consultant or Client of any subsequent breach or default of the same or other terms, provisions or covenants on the part of Consultant or Client.

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19. **ATTACHMENTS AND EXHIBITS**

The following attachments and exhibits, which are attached hereto, are part of this Agreement.

Attachment 1 – Work Authorization
Attachment 2 – Rate Schedule
Proposal Letter dated December 22, 2009

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed by their duly authorized representatives, effective as of the day and year first above mentioned.

CITY OF MILFORD, DELWAWARE

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

URS CORPORATION d/b/a URS CORPORATION AMERICAS

By: _____
(Signature)

Name: C. Thomas deLorimier, P.E.
(Printed)

Title: Vice President

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ATTACHMENT 1

TIME AND MATERIALS WORK AUTHORIZATION NO. 1

In accordance with the Agreement for Consulting and Professional Services between the **City of Milford, Delaware** ("Client"), and **URS Corporation d/b/a URS Corporation Americas**, a **Nevada** corporation, dated _____, 2010, this Work Authorization describes the Services, Schedule, and Payment Conditions for Services to be provided by **URS Corporation d/b/a URS Corporation Americas** ("Consultant") on the Project known as:

SSES PHASE III-1

Client Authorized Representative: _____
Address: _____
_____
Telephone No.: _____

URS Authorized Representative: C. Thomas deLorimier, P.E.
Address: Iron Hill Corporate Center, 4051 Ogletown Road, Suite 300
Newark, Delaware 19713
Telephone No.: 302.781.5900

SERVICES. The Services shall be described in our proposal letter dated December 22, 2009 attached to this Work Authorization.

SCHEDULE. The Estimated Schedule shall be set forth in our proposal letter dated December 22, 2009 attached to this Work Authorization. Because of the uncertainties inherent in the Services, Schedules are estimated and are subject to revision unless otherwise specifically described herein.

PAYMENT. URS charges shall be on a "time and materials" basis and shall be in accordance with the Consultant's Schedule of Fees and Charges in effect at the time the Services are performed. Payment provisions and the Consultant's current Schedule of Fees and Charges are attached to this Work Authorization as Attachment 2.

TERMS AND CONDITIONS. The terms and conditions of the Agreement referenced above shall apply to this Work Authorization, except as expressly modified herein.

ACCEPTANCE of the terms of this Work Authorization is acknowledged by the following signatures of the Authorized Representatives.

CLIENT	**CONSULTANT**
_____	_____
Signature	Signature C. Thomas deLorimier, Vice President
_____	_____
Typed Name/Title	Typed Name/Title
_____	_____
Date of Signature	Date of Signature

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ATTACHMENT 2
URS CORPORATION
DELAWARE OFFICES
BILLING RATES FY10

CHARGES

Our current billing rates shall be as follows:

Classification	Hourly Rate
Senior Principal Professional	$160.00 - 215.00
Principal Professional	$130.00 - 185.00
Project Professional / Construction Manager	$105.00 - 145.00
Senior Professional	$ 80.00 - 115.00
Staff Professional / Project Field Technician	$ 50.00 - 100.00
Staff Designer	$ 50.00 - 100.00
Staff Field Technicians	$ 40.00 - 85.00
Administrative Staff	$ 40.00 - 90.00
Survey Crew (2 person)	$140.00 - 175.00
Survey Crew (3 person)	$175.00 - 240.00
Contracted Services and Equipment Rentals	1.1 times our cost

These rates include our general overhead, profit and nominal expenses. Communication, transportation, and any special equipment required or requested for the project will be billed as a direct expense unless otherwise noted. Transportation costs will be billed by computed mileage using the most current IRS approved rate. These salary rates are updated annually. Individual billing rates are determined using our direct salary costs and set multipliers for field and office staff. Charges for contract personnel under our supervision and using our facilities will be billed according to the hourly rate corresponding to their classification.

KENT COUNTY COST ADJUSTMENT SEWER GALLONS BILLED

FY09-10	Kent County Gallons	City Gallons			Billed to our Custom	Paid to Kent County	Diffrence	Rate	I & I	Adjust. & Rounding
July	70,385,000	59,431,062	10,953,938	0.84	$139,102	$164,701	($25,599)	0.00234	25,632	$33
August	72,271,000	54,632,968	17,638,032	0.76	$127,844	$169,114	($41,270)	0.00234	41,273	$3
September	88,228,000	56,752,971	31,475,029	0.64	$132,806	$206,454	($73,648)	0.00234	73,652	$4
October	69,922,000	47,762,867	22,159,133	0.68	$111,569	$163,617	($52,048)	0.00234	51,852	($196)
November	85,320,000	45,215,285	40,104,715	0.53	$105,798	$199,649	($93,851)	0.00234	93,845	($6)
December	104,835,000	42,660,434	62,174,566	0.41	$99,777	$245,314	($145,537)	0.00234	145,488	($48)
January	79,526,000	42,774,625	36,751,375	0.54	$96,548	$186,091	($89,543)	0.00234	85,998	($3,545)
February	73,933,000	37,587,320	36,345,680	0.51	$87,089	$173,003	($85,914)	0.00234	85,049	($865)
March			0	ERR			$0	0.00234	0	$0
April			0	ERR			$0	0.00234	0	$0
May			0	ERR			$0	0.00234	0	$0
June			0	ERR			$0	0.00234	0	$0
	644,420,000	386,817,532	257,602,468	0.60	$900,533	$1,507,943	($607,410)		$602,790	($4,620)

FY08-09	Kent County Gallons	City Gallons			Billed to our Custom	Paid to Kent County	Diffrence	Rate	I & I	Adjust. & Rounding
July	83,838,000	57,517,718	26,320,282	0.69	$134,594	$196,181	($61,587)	0.00234	61,589	$2
August	65,934,000	62,334,409	3,599,591	0.95	$145,440	$154,286	($8,846)	0.00234	8,423	($423)
September	87,141,000	55,110,017	32,030,983	0.63	$128,912	$203,910	($74,998)	0.00234	74,953	($45)
October	70,115,000	53,535,054	16,579,946	0.76	$125,136	$164,069	($38,933)	0.00234	38,797	($136)
November	67,328,000	45,256,594	22,071,406	0.67	$105,059	$157,548	($52,489)	0.00234	51,647	($842)
December	72,159,000	46,247,208	25,911,792	0.64	$108,154	$168,852	($60,698)	0.00234	60,634	($64)
January	62,786,000	43,613,807	19,172,193	0.69	$101,473	$146,919	($45,446)	0.00234	44,863	($583)
February	61,001,000	45,698,334	15,302,666	0.75	$106,331	$142,742	($36,411)	0.00234	35,808	($603)
March	76,577,000	48,050,500	28,526,500	0.63	$111,416	$179,190	($67,774)	0.00234	66,752	($1,022)
April	71,712,000	46,869,698	24,842,302	0.65	$109,573	$167,806	($58,233)	0.00234	58,131	($102)
May	75,235,000	47,716,113	27,518,887	0.63	$111,531	$176,050	($64,519)	0.00234	64,394	($125)
June	106,739,000	56,749,250	49,989,750	0.53	$132,628	$249,769	($117,141)	0.00234	116,976	($165)
	900,565,000	608,698,702	291,866,298	0.68	$1,420,247	$2,107,322	($687,075)		$682,967	($4,108)

City of Milford
HOA Subcommittee

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CITY OF MILFORD
CITY COUNCIL HOMEOWNERS ASSOCIATION SUBCOMMITTEE
Minutes of Meeting
February 24, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, Delaware on Tuesday, February 2, 2010.

PRESIDING: Councilman John Workman

IN ATTENDANCE: Committee Members Charlie Doran, Bob Hampton, Joe Palermo, Robert Lender, Michael Boyle

City Clerk/Recorder Terri Hudson

ALSO: Mayor Daniel Marabello and Councilman Michael Spillane

Councilman Workman called the meeting to order at 6:31 p.m. noting the absence of Veronica Austin and Paul Goldstein. He advised the last meeting was postponed until Mr. Doran was able to provide a full report on stormwater management.

Chairman Workman then announced that City Clerk Terri Hudson would be filling in for Christine Crouch who was unable to attend this evening.

He then asked Mr. Doran to update the committee on his recent findings.

Mr. Doran referred to the following report of the Stormwater Management Ad Hoc Committee consisting of Mr. Boyle, Mr. Lender and himself:

Background:

The Storm Water Management Ad Hoc Committee was formed within the city chartered HOA Sub Committee, to focus on and address issues and concerns identified with community storm water ponds and; to bring forth recommendation (s) for improvement to the City Council.

Current State:

The use of storm water ponds has become a common method of Storm Water Management for both commercial and residential developments to regulate the storm water runoff from these areas.

Currently in Delaware, Milford included (with some exceptions), responsibility for maintaining pond conditions to Federal and State standards has been left to private entities. In the case of ponds in residential communities, this responsibility has fallen to respective community Homeowner Associations or Maintenance Corporations upon turnover of communities to the homeowners by developers.

Conservation Districts within each of the 3 Delaware counties have been delegated responsibility by DNREC to regulate the Storm Water Management Program regulations initiated July 1991.

Owing in large part to a massive failure of ponds, identified earlier this decade in New Castle County, county and municipal governments have recognized the need, and are taking on a greater role and responsibility for maintaining the ponds to mandated standards.

New Castle County with state financial assistance instituted an aggressive program to repair and recover failed ponds.

Newark and Middletown municipalities have in varying forms taken responsibility for ponds within their boundaries.

Newark is actively pursuing a storm water utility; Lewes city as well.

Mr. Doran noted that New Castle County is nearly built out and Kent and Sussex Counties are growing similarly. He said New Castle's growth occurred in the 1970's and 1980's which resulted in a buildup of many ponds earlier this decade. Some communities were flooded when the state and the county joined forces to develop an amnesty program. Between the two, they invested $28 million to fix the ponds because the problem had far outgrown the communities both individually and collectively.

He feels stormwater utilities are something that will find its way into the lower counties soon. Mr. Doran explained it is a municipality or countywide initiative where they actually create these utilities and municipalities take over the total stormwater management responsibility. As a result, fees are assessed to homeowners and businesses without exclusion. It is municipality wide and everyone participates. Kent County currently has one underway and Newark is on the edge of implementing one. They were ready to take it to the voters last fall on a referendum basis but held back for political reasons and mainly because of the recession.

He noted that Newark worked with the University of Delaware to get the stormwater utility plan for Newark to the point that rates were determined for those properties.

While talking with New Castle, Sussex and Kent County Conservation Districts regarding the management of stormwater, all said stormwater utilities are necessary.

He noted that Lewes is also pursuing stormwater utility and Sussex Conservation District advised that Seaford is working on it as well.

Mr. Doran then reviewed the following:

Recommendations:

In consideration of the immediate and long term benefits to Milford and its citizens, the HOA Sub-committee believes the City should vigorously pursue a greater role and responsibility for all storm ponds within the city boundaries.

To this end, the following recommendations are made to City Council:

1. *Pursue immediate measures to mandate city responsibility for on-going maintenance of all future storm ponds receiving approval for construction*

He stated that if they do not exist, they are in some form of development and suggests the city get them under their control for care and maintenance.

2. *Authorize a study to determine the feasibility and process to bring all existing storm water retention ponds in Milford under the city's jurisdiction for care and maintenance responsibility*

They recommend a feasibility study be done on what it would take to incorporate them into the city's maintenance responsibilities.

> *City responsibility to mean assures conformance and is limited to Storm Water Management as defined in Title 7 Natural Resources and*
> *Environmental Control specifically for water quantity and quality*

Mr. Doran said #3 is a recommendation of the Conservation District. He explained that before the city accepts the streets and infrastructure, part of that would be a sign off by the Soil Conservation District.

3. *Effective immediately, require the city's acceptance / dedication of streets and other infrastructure be contingent upon the respective county Soil Conservation District's inspection and approval of storm water facilities.*

He stated the next recommendation is beyond stormwater ponds and maybe a development or commercial enterprise. Many people have already done a great deal of analysis on this topic; he believes there are a number of resources available to help.

4. *Explore the viability of establishing a storm water utility as a possible end state solution*

Supporting Rationale:

- *Storm Water Management, like trash removal and sewage treatment, is an element of local government's responsibilities to provide essential services for the health, welfare, and safety of its citizens. Maintaining the status quo is to ensure that Milford will, in a relatively short period of time, lose all visibility, planning and control for Storm Water Management.*

Mr. Doran feels the next point may be the most important. He noted the problem in New Castle County happened over a twenty-five to thirty-year period. Without intervention, there is a risk Milford could end up in the same situation as expansion and development picks back up.

- *History has shown that over time HOAs do not have a good track record as the responsible entity for storm water management which has ultimately lead to public intervention and costly repair and recovery measures*
    - *HOA organizations do not have the expertise, skills and knowledge to effectively, efficiently and overtime; maintain water quantity and quality to standards.*
- *Governing entities of the state that have experienced this history are proactively taking steps to exercise greater control and management responsibility for storm water ponds within their jurisdictions. Moreover, these entities have recognized the long-term benefit and need to incorporate management of private storm water collection ponds into the total Sediment and Storm Water Management effort.*
- *Ponds in residential communities and commercial locations are but one link in a complex chain of storm water management. These ponds however, are an important link in the chain and, if not properly maintained over time, they can have a significant adverse impact on water quantity and quality in and beyond the bounds of the development.*
- *Community and commercial storm ponds are subjected to infiltration of runoff water from outside their respective property lines and flow water as well outside their boundaries into the watershed thus,*
- *Subdivision homeowners and commercial entities can be viewed as being financially penalized i.e., pond maintenance charges are paid in addition to paying full city and county taxes levied.*
- *The timing seems right for City of Milford as there are at the present time a manageable number of ponds for consideration and most ponds are relatively new and likely in satisfactory condition. This will change in time however as these ponds age and additional ponds are constructed with new growth and annexations.*
- *Subject Matter Experts whom the AD HOC committee contacted and shared our work, were uniformly encouraging and supportive of the effort and direction the committee was pursuing*
- *Kent and Sussex Soil Conservation District authorities heartily support our recommendations to the City*
- *From Title 7 Delaware Administrative Code – Natural Resources And Environmental Control:*

> *15.3 The Department encourages, and will provide technical assistance to, any Conservation District or local jurisdiction who chooses to assume the maintenance responsibility for storm water management structures on, at least residential lands. Public maintenance provides a reasonable assurance that maintenance will be accomplished on a regular basis*

He emphasized that DNREC is responsible for stormwater in the State of Delaware. They have delegated that responsibility to the Soil Conservation Districts in each county. They will go out and inspect ponds, then grade them based on criteria. They can fail, but at that point, it ends. If they can find the HOA, they will inform them what is wrong with the pond and that it needs to be fixed. The Sussex Conservation District has 2,400 ponds in the county. The only ones that receive annual inspections are those called projects that are in some form of development. Many are abandoned ponds where the infrastructure was put in and the developer abandoned the site because of market conditions. Others exist but have not been accepted.

Mr. Palermo noted that in June of 2009, Jessica Watson from Sussex Conservation District was contacted and reviewed and critiqued the stormwater ponds at Meadows at Shawnee. A few discrepancies were found which were addressed by the developer.

Mr. Doran agreed noting that pond was considered a project and not an accepted or previously dedicated pond.

Mr. Palermo said that between the time the pond was turned over to the HOA and the ponds were accepted, there was a period of three months were there was no insurance on their ponds. He is unsure what would have happened if a discrepancy had been found at that time. As a result, he recommends that immediately following the builder's last developer turns over the HOA to the residents of the subdivision, the residents at that time are required to be notified so that liability insurance can be taken out.

Consultations:

The committee expresses their sincere gratitude to the following individuals who were consulted and provided invaluable learning and assistance:

Jared C. Atkins, Program Manager
Kent County Soil Conservation District

Kelly L. Wilson, Urban Conservationist
Kent County Conservation District

Jessica Watson, Program Manager
Sussex County Soil Conservation District

Michael D. Harris, Environmental Compliance Manager
New Castle County

Ellie Mortazavi, Civil Engineer I
New Castle County

Janice Catherman, Assistant Land Use Administrator
New Castle County

Kelly Densmore, Stormwater Program Coordinator
City of Newark

David W. Baird, City Manager
City of Milford

Mark S. Mallamo, City Engineer
City of Milford

Storm Water Management Ad Hoc Committee

Charles Doran
Michael Boyle
Robert Lender

Mr. Doran then concluded his report.

Mr. Workman thanked the Stormwater Management Ad Hoc Committee noting he feels it is a great start. However, he feels some additional information should be added. He asked if any business was contacted to get some estimates of associated maintenance costs. He feels that will be needed when this is presented to city council.

Mr. Doran explained they needed to decide how far they wanted to dive into this matter. He agrees there is a great deal more analytical work needed. He is willing to invest the time to keep the subcommittee going though that will involve some extensive work to do a quality job.

Mr. Doran did state that DNREC publicizes those companies who are in the business of maintaining ponds. He asked one of the Conservation Districts for a cost estimate, per acre of pond, to keep it up to spec and standards. They were unable to provide an answer.

Mr. Workman feels that is a question council will ask though he understands the Conservation District was unable to provide the information because there are so many variables involved with each pond.

Mr. Boyle agreed stating that it depends on the size, age, location and the type of pond. He feels that coming up with an average cost may be deceptive. Instead, the committee recommends a feasibility study be done and suggests that be included. In Milford, there are nine ponds and each is in a different stage of repair and age. It would be difficult to come up with a flat cost estimate in his opinion.

Mr. Boyle feels the recommendation to get on top of those that have not been built is the best thing and will allow the maintenance to stay ahead. The others can then be brought in though each will need different issues addressed. Hopefully, the new ones will not have a problem though the older ones may have a number of hidden problems that will need to be determined.

Mr. Lender advised that Knotts Landing HOA pays $3,800 a year to Virginia Lake Management to take care of their ponds. They come out and put chemicals in it though they are unaware of what the chemicals are. Therefore, the homeowners are really at their mercy. If the city took over, it would be done correctly and he prefers it be handled in that manner.

Mr. Lender confirmed Knotts Landing is under an annual maintenance agreement.

Bob Hampton added that Orchard Hill uses the same company. The contract is broken down and shows exactly what they will do. The work is done biweekly during which time they come in, inspect the pond, clean up any trash and treat it as needed. They pay just under $4,000 a year though the chemicals are additional.

Mr. Lender believes their contract is $2,000 plus an additional $1,800 for chemicals. Mr. Hampton said the chemicals are billed as they use them.

Mr. Hampton stated that whoever cuts the grounds should also take care of the trash. Mr. Lender stated that is included in the contract with Virginia Lake.

Mr. Doran has learned that if the ponds are built properly and go through the microscope of the conservation district with

regular maintenance, the ponds do not have an end of life. In that case, he believes the maintenance costs, without a disaster, would be somewhat on the light side.

He explained there are several ports that come in and need to be constructed properly and free flowing with an outlet. The big issue is sediment that mucks up stormwater. It comes in off the street, gets into the ponds and once every eight to ten years, heavy equipment must be brought into a wet pond to remove it.

Mr. Palermo stated DNREC gave a seminar and one of the recommendations was that each time there is a major rain or a large amount of snowfall runoff, the pond should be inspected within a short time. The inlets and outlets need to be checked at that time.

Mr. Doran said he was driving through lower Sussex County today where flooding is dominating some of the roadways. When asked how many ponds have failed in the county, the Conservation District staff answered all of them as a result of water saturation. However, eventually, it will stop raining and snowing and the sun will come out at which time the water will recede.

Mr. Workman said that putting everything into perspective, if proper maintenance begins in the early stages, it will not cost as much in the long run. He asked that be incorporated and emphasized when this is brought to council.

Referencing the Knotts Landing and Orchard Hill maintenance costs, Mr. Doran said his hesitancy in providing those numbers is the confusion it may cause. He does not want anyone to do a quick calculation of $3,800 or $4,000 by the number of ponds in Milford to come up with a total cost. He would prefer to check into this further and get a more solid number. The committee chose to stop their work with the recommendations though they clearly recognized another phase needs to be done which includes the analysis. He emphasized the importance of starting with the new ponds should council be favorable to the recommendations.

Mr. Doran also stated that he would not mind city council saying it be done with a caveat that additional analysis is needed to determine the cost per acre for maintenance. His personal belief is it would be less than $3,800 a year.

Mr. Lender asked how the water can be treated with chemicals when there is a great deal of water running into the pond off Bowman Road and from the farm land. Though they may claim they have put one hundred gallons of chemicals in the pond, no one knows for sure. With the city, they will be assured of what has been done.

Mr. Doran responded by stating he would be opposed to a debate over costs and who should bear the costs. He feels what needs to be determined is the right way to handle this over the long term. He is unaware of anything in Kent County that will prevent the same thing from happening twenty-five years from now as what previously happened in New Castle County.

Mr. Boyle said he agrees with Mr. Doran that it is easy for someone proposing the idea to throw a number out, but the problem will not go away and will only get bigger. Over time, it could lead to a point where the point the $3,800 may have been a bargain. He feels if the city were involved, it could become a utility cost.

Mr. Workman agreed stating that the feasibility study will determine what the costs would be for the city should they decide to go that route. Costs will most likely be considered by council who are the ones that will ultimately make the final decision. However, he understands why no one is comfortable putting a price tag on this right now.

It was agreed that because the city already maintains eight ponds, they should have a rough idea of those costs involved.

At that point, Mr. Hampton said the focus should be early maintenance versus the long term benefit. Beginning maintenance now, will stretch out their longevity before they need to be reconstructed at a cost of $100,000 or more. He said that according to Ms. Watson, the ponds will eventually have to be reconstructed. However, a pond that is well maintained can last thirty-five to fifty years.

He added that is what occurred in New Castle is they were neglected which caused failure way before their time.

Mr. Palermo also noted that Ms. Watson pointed out, the fifteen-year cutoff is just a figure and not written in stone. That is assuming those ponds are being maintained as the specs or criteria call for. It could be less than fifteen if not maintained properly. If maintained properly, a pond could go beyond the fifteen before a complete overhaul was needed.

Mr. Lender stated that in New Castle after the ponds are inspected, a document is provided outlining any problems. It then has to be inspected monthly. Once the worksheet is filed, they take responsibility of the pond. By doing that, they are not asking the town to cut the grass around the pond which is still handled by the association. All the city does is take care of the pond itself.

Mr. Spillane stated he appreciates the work that was done by this committee. He recalled going to some towns that provided a cost sheet of what was needed by each homeowner. He believes it was a very small amount considering the overall benefit. He agrees that committee is not at the point where a price tag can be provided.

He added that Kent County and Sussex County may have provided some cost estimates in terms of what was needed to maintain these ponds.

Mr. Spillane agrees that overall, it would be to the city's advantage to do this now and not postpone it.

Mr. Doran said that as he mentioned earlier, the City of Newark and University of Delaware worked to implement the stormwater utility but only held back from taking it to the residents. He reiterated this goes beyond the pond that sits in the community and involves the whole watershed and the impact on two rivers. It was broken down to show what the residents would pay.

Mr. Doran reported they were forecasting the stormwater utility to be $1.40 on a 5,500 square foot lot and $1.60 on a 10,000 square lot. He noted that ten or fifteen years before MBNA, Newark was probably very similar to Milford today. However, development occurred very quickly during that time. He stressed that those charges were minuscule when considering what is received for those services.

In his opinion, there was a lot of money and time invested in the issue and it will be back before the community.

Mr. Workman again confirmed the committee prefers to leave the money issue out and will recommend the feasibility study be done as a follow up. Mr. Doran said that if the city was receptive to the recommendation, the costs across the city would probably get lost in the rounding because there are currently no critical ponds that need to be dealt with.

Mr. Workman suggests providing a visual approach and some pictures of what a pond should look like compared to one that is failing as a result of little or no maintenance. Mr. Doran asked the power point presentation given by Ms. Watson be provided.

He then mentioned some concern that council had appeared to have little interest in getting involved in HOA's. Mr. Doran agrees the educational process is needed in order for council to be properly informed.

Mr. Palermo suggested Ms. Watson give the power point at the next council meeting. In that manner, council will receive an in depth understanding of the problems, concerns and future problems if this is not addressed.

It was agreed the power point would be presented to council. Before of after, the committee will give its recommendation.

Mr. Workman emphasized that if the city agrees to adopt a policy for HOA's, that will only impact the new ones. Those that exist will not be affected unless they agree to it.

Mr. Doran agreed that in both New Castle and Newark, they begin to take over the ponds by starting with the new ponds. When a developer came before them with a subdivision, it was assumed the maintenance of the pond was going to end

up their responsibility. The existing ponds wanted in to be relieved of the liability. There was an agreement that they would allow them into the program if three years' maintenance costs were paid. He noted there are a number of ways to implement this while achieving the same objective. He agrees those that exist will need to be handled differently.

It was asked at what point would the city take control of a new pond and would it be as soon as it is established or after a certain number of houses are built. Mr. Doran responded that it would be the same time the storm water drains are accepted. When asked, he explained this is independent of the HOA turnover. He sees this being done when the streets are being dedicated to the city though he is unsure when that is other than after the final paving is done. Part of that process would be an inspection by the Soil Conservation Districts who would need to give the go-ahead.

Mr. Boyle stated it would need to be a coordinated effort. He assumes that before the city gets involved, a utility would be established. Therefore, from day one they would be involved though that does not necessarily mean taking ownership control while the developer is doing the work. This would ensure it is built to specifications and that it meets DNREC standards. It should be monitored throughout development so that when it is turned over and the city begins to assume responsibilities, there is a good track record and assurance it was done right. They do not want to find out at dedication the pond was not done right because he is unsure who would be responsible at that point. He feels it should begin at the time the ground is broken.

Mr. Doran agreed that once the developer begins to dig, a regular regiment of inspection should be done throughout the development phase and until the final acceptance of the pond and it is turned over to the HOA. He agrees that initially, it must be built correctly. It may sit there for years as the development builds out, but first and foremost, it must be built correctly and assurance for the regiment is needed from Soil Conservation as they will be required to do a final acceptance of the pond. He feels that currently the process is disconnected from the city's acceptance of streets and infrastructure. That, to him, is the most appropriate time to accept it.

Mr. Hampton recalled that in his development, the ponds were not maintained and the one went bad before it was turned over. DNREC agreed it was in bad shape but indicated they were unable to force the builder to do anything. In this case, there was a bad stormwater pond in the city not doing what it was designed to do. That is what should be avoided.

Mr. Doran said in that case, it cannot be handed over to the residents or the city. It should remain with the developer.

Mr. Boyle reiterated the city should be involved from the beginning and in essence have responsibility for that pond up until that time they assume that responsibility under the authority of the utility. In that manner, once it is accepted, there are no surprises and they are confident it was done right. Everyone wins that way.

He added that all that expertise is out for the city to utilize. They can talk to the counties and other cities and learn from their mistakes. The knowledge base is there and needs to be incorporated. He noted there are minimum costs involved in a feasibility study.

Mr. Workman asked for confirmation of what this committee wants to present to council. When asked if the report was enough to present to them, Mr. Workman stated it contains a lot of good background and the recommendations of the committee. Though additional work is needed, this is a good starting point.

Mr. Doran believes some additional planning is needed before it goes to council. He recalled the laundry list of items previously discussed in terms of ideas.

Mr. Workman feels that the committee focused on specific items that have been accomplished. He feels that the list of ideas, along with this report, should be presented over the next month. Though there are a number of other issues this committee believes should be addressed, at this point, it is appropriate to present what has been discussed tonight.

It was agreed to present the background information to educate council in a workshop session. There was some additional concern expressed about councils' feeling about the city's involvement with HOA's.

Mr. Palermo added that he chaired the ad hoc committee addressing Title 25 of Delaware State Law. He has spoken with his two committee members as well as Jessica Watson. They endorse Title 25 with the stipulation the $500 be waived. He said he was also e-mailed a building permit and a certificate of occupancy which he feels was well done.
Mr. Palermo asked the committee to review it and asked for a break.

He asked that when this is presented to council, a copy of Title 25 be provided.

The meeting was temporarily adjourned at 7:43 p.m.

The meeting resumed at 7:46 p.m.

Mr. Palermo stated that in addition to Title 25 that deals with HOA's, Mr. Doran e-mailed him a building permit and certificate of occupancy.

He then read and asked the following be included in the record:

Planning Process

Prior to the final approval of subdivisions requiring developers to submit the following for all proposed Planned Communities containing common ownership:

**Maintenance Declaration*
**Bylaws*
**Deed restrictions and covenants*
**Document detailing how individual unit purchasers will be furnished the above documents prior to but not later than signing of an Agreement of Sale.*

Building Permit

Incorporate the following terms for common interest communities into the building permit application.

Has an Agreement of Sale been signed for this home? Yes No

If yes, was the purchaser furnished the following documents:

Maintenance Declaration	*Yes*	*No*
Bylaws	*Yes*	*No*
Deed Restrictions and Covenants	*Yes*	*No*

Certificate of Occupancy

Prior to issuance of the Certificate of Occupancy, developer/builder completes and certifies the following and furnishes the documents listed below:

How much is the common expense assessment $

Is there any special assessment due for this property? No Yes $

Is there any capital expenditures approved by the Association/Maintenance Corporation for the current and succeeding fiscal years? No Yes $

Are there any unsatisfied judgments against the Association/Maintenance Corporation? No Yes $

Documents to be provided:
Most recently prepared balance sheet and income and expense statement of the Association/Maintenance Corporation

Mr. Palermo concluded by recommending that all subdivisions having an HOA in Milford should be covered by Title 25 of Delaware State Law.

Mr. Palermo also referenced a copy of the earlier recommendations and asked they be submitted as a proposal to protect the owners in an HOA and subsequent proposed owners:

> *We the members of the HOA Subcommittee endorse Title 25 of the Delaware State law and recommend that the City Council adopt Title 25 and waive the $500 HOA fee to cover all existing subdivisions and future subdivisions having an HOA.*
>
> *PROPOSAL*
>
> *1) Security money will be required during the construction of a subdivision, sidewalks, streets, lighting and any other areas that the developer is responsible for, money held in escrow for a period of 18 months to ensure work meets the City of Milford building code requirements.*
>
> *2) The issuing of building waivers be restricted especially in areas of safety such as railings, guard rails, steps, sidewalks so as not to adversely affect the homeowner in an HOA subdivision.*
>
> *3) All rules, regulations and responsibilities of an HOA subdivision including the maintaining of storm water ponds be disclosed to the buyer.*

Mr. Doran advised they agree their findings should be presented to council at the workshop session as was previously recommended.

Mr. Workman advised that Ms. Watson's presentation, along with any documents planned for submission to council, must be provided in advance. He asked that she be contacted and that her presentation be condensed to ten to fifteen minutes.

Mayor Dan Marabello then addressed the committee and suggested they clarify recommendation #4. He feels it is important to know the estimate and who will bear the costs. He asked that any financial assistance be clarified.

The mayor stated that in addition, the supporting rationale where it states subdivision homeowners and commercial entities can be view as being financially penalized needs to be clarified.

Mr. Workman responded by stating the committee has made its recommendation though that was a concern of his initially.

The committee then agreed that the cost would not be discussed because there are too many mitigating factors involved which makes it very complicated.

The committee then talked about whether the stormwater utility should be discussed with council. It was agreed this committee was established to address ponds within an HOA and if the city adopts the plan, at that point, the utility can be considered.

It was then agreed to strike recommendation #4.

Mr. Palermo feels that Title 25 needs to be addressed separately and a copy provided to each councilperson. As a follow up, they should be asked for their opinions.

Mr. Workman feels the stormwater management issue needs to be addressed first. Title 25 can be addressed the following month. He emphasized that these are additional recommendations to the requirements in that law. The committee agreed.

When asked about the initial list, Mr. Workman agreed to get the documents together. For the next meeting, he will have Recording Secretary Christine Crouch get the list and documents together and e-mail it to the committee. At that time, he will ask each member to go review it and decide what they think should be provided.

Mr. Workman feels the committee has worked long and asked that a final document be prepared for presentation to council. Mr. Doran will follow up with the city clerk. He again reminded the committee that the main focus at this point will be stormwater management and Title 25. The other items can be later discussed.

The next committee meeting was scheduled on Tuesday, March 23rd at 6:30 p.m.

With no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

CITY OF MILFORD

HOA SUBCOMMITTEE

STORM WATER MANAGEMENT PONDS

Background:

The information presented herein and attendant recommendations, involve one of several key concerns identified by the City's HOA Sub-Committee for focused attention and effort.

Current State:

The use of storm water ponds has become a common method of Storm Water Management for both commercial and residential developments to regulate the storm water runoff from these areas.

Currently in Delaware, Milford included (with some exceptions), responsibility for maintaining pond conditions to Federal and State standards has been left to private entities. In the case of ponds in residential communities, this responsibility has fallen to respective community Homewowner Associations or Maintenance Corporations upon turnover of communities to the homeowners by developers.

Conservation Districts within each of the 3 Delaware counties have been delegated responsibility by DNREC to regulate the Storm Water Management Program regulations initiated July 1991.

Owing in large part to a massive failure of ponds, identified earlier this decade in New Castle County, county and municipal governments have recognized the need, and are taking on a greater role and responsibility for maintaining the ponds to mandated standards.

New Castle County with state financial assistance instituted an aggressive program to repair and recover failed ponds.

Newark and Middletown municipalities have in varying forms taken responsibility for ponds within their boundaries.

Newark is actively pursuing a storm water utility; Lewes city as well.

CITY OF MILFORD

HOA SUBCOMMITTEE

STORM WATER MANAGEMENT PONDS

Recommendations:

In consideration of the immediate and long term benefits to Milford and its citizens, the HOA Sub-committee believes the City should vigorously pursue a greater role and responsibility for all storm ponds within the city boundaries.

To this end, the following recommendations are made to City Council:

1. Pursue immediate measures to mandate city responsibility for on-going maintenance of all future storm ponds receiving approval for construction

2. Effective immediately, require the city's acceptance / dedication of streets and other infrastructure be contingent upon the respective county Soil Conservation District's inspection and approval of storm water facilities.

3. Authorize a study to determine the feasibility and process to bring all existing storm water retention ponds in Milford under the city's jurisdiction for care and maintenance responsibility

   City responsibility to mean assures conformance and is limited to Storm Water Management as defined in Title 7 Natural Resources and Environmental Control specifically for water quantity and quality

CITY OF MILFORD

HOA SUBCOMMITTEE

STORM WATER MANAGEMENT PONDS

Supporting Rationale:

- Storm Water Management, like trash removal and sewage treatment, is an element of local government's responsibilities to provide essential services for the health, welfare, and safety of its citizens. Maintaining the status quo is to ensure that Milford will, in a relatively short period of time, lose all visibility, planning and control for Storm Water Management.

- History has shown that over time HOAs do not have a good track record as the responsible entity for storm water management which has ultimately lead to public intervention and costly repair and recovery measures

    - HOA organizations do not have the expertise, skills and knowledge to effectively, efficiently and overtime; maintain water quantity and quality to standards.

- Governing entities of the state that have experienced this history are proactively taking steps to exercise greater control and management responsibility for storm water ponds within their jurisdictions. Moreover, these entities have recognized the long-term benefit and need to incorporate management of private storm water collection ponds into the total Sediment and Storm Water Management effort.

- Ponds in residential communities and commercial locations are but one link in a complex chain of storm water management. These ponds however, are an important link in the chain and, if not properly maintained over time, they can have a significant adverse impact on water quantity and quality in and beyond the bounds of the development.

- Community and commercial storm ponds are subjected to infiltration of runoff water from outside their respective property lines and flow water as well outside their boundaries into the watershed thus,

- Subdivision homeowners and commercial entities can be viewed as being financially penalized i.e., pond maintenance charges are paid in addition to paying full city and county taxes levied.

Supporting Rationale (cont'd)

- The timing seems right for City of Milford as there are at the present time a manageable number of ponds for consideration and most ponds are relatively new and likely in satisfactory condition. This will change in time however as these ponds age and additional ponds are constructed with new growth and annexations.

- City responsibility for maintenance of the ponds will ease and facilitate the transition to what seems likely in the near future i.e., the formation of storm water utilities

- Subject Matter Experts whom the AD HOC committee contacted and shared our work, were uniformly encouraging and supportive of the effort and direction the committee was pursuing

- Kent and Sussex Soil Conservation District authorities heartily support our recommendations to the City

- From Title 7 Delaware Administrative Code – Natural Resources And Environmental Control:

  15.3 The Department encourages, and will provide technical assistance to, any Conservation District or local jurisdiction who chooses to assume the maintenance responsibility for storm water management structures on, at least residential lands. Public maintenance provides a reasonable assurance that maintenance will be accomplished on a regular basis.

Request of Council

1. Embrace the recommendations made herein, deeming them worthy of further pursuit by the City

2. Identify and enlist and/or assign appropriate resources and responsibilities to conduct feasibility and financial assessments to implement the recommendations

Consultations:

The committee expresses their sincere gratitude to the following individuals who were consulted and provided invaluable learning and assistance:

Jared C. Atkins, Program Manager
Kent County Soil Conservation District

Kelly L. Wilson, Urban Conservationist
Kent County Conservation District

Jessica Watson, Program Manager
Sussex County Soil Conservation District

Michael D. Harris, Environmental Compliance Manager
New Castle County

Ellie Mortazavi, Civil Engineer I
New Castle County

Janice Catherman, Assistant Land Use Administrator
New Castle County

Kelly Densmore, Stormwater Program Coordinator
City of Newark

David W. Baird, City Manager
City of Milford

Mark S. Mallamo, City Engineer
City of Milford

Sussex Conservation District

Jessica Watson

Sussex Conservation District

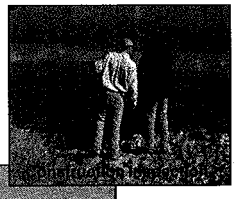
Sediment and Stormwater Program

State of Delaware
Erosion, Sediment and Stormwater Program

- Established by law and regulation statewide 1991.
- Requires all land disturbing activities over 5,000 square ft. to operate under an approved plan.
- Program is delegated to local municipalities, conservation districts, and DelDOT.
- Delaware Department of Natural Resources and Environmental Control (DNREC) responsible for program performance statewide.

District Responsibilities

Plan Review/Approval



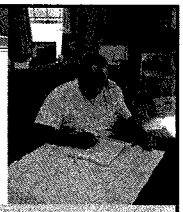
Construction Inspection

Maintenance Inspection/Technical Assistance

Maintenance Inspection....

Successful Maintenance Is Dependent Upon:

- Design
- Construction and Inspection
- Maintenance
- Organization/Structure of Maintenance Entity

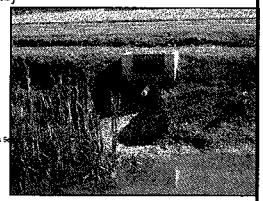


Maintenance Inspection Report

POND COMPONENTS

Embankment and Emergency spillway

1. Vegetation and ground cover adequacy
2. Embankment erosion
3. Animal burrows
4. Unauthorized plantings
5. Cracking, bulging or sliding of dam
   a) Upstream face
   b) Downstream face
   c) At or beyond toe upstream
   d) Emergency spillway
6. Seeps/leaks on downstream face
7. Slope protection or riprap failures
8. Emergency spillway clear of obstructions and debris

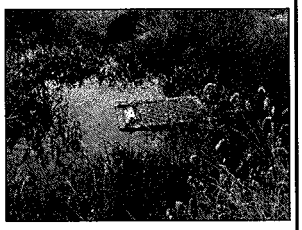


Maintenance Inspection Report

Riser and Principal Spillway

- Low flow orifice obstructed
- Low flow trash rack – debris removal necessary
- Weir trash rack maintenance -debris removal necessary

4. Excessive sediment accumulations inside riser
5. Concrete/Masonry condition riser and barrels
   a) Cracks or displacement
   b) Minor/Major spalling
   c) Joint failures
   d) Water tightness
6. Metal pipe condition
7. Outfall channels functioning

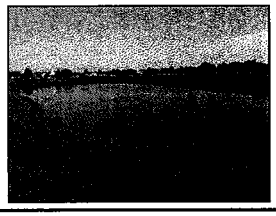


Maintenance Inspection Report

WET PONDS

Aesthetic and Functional Maintenance Items

1. Undesirable vegetative growth and invasive species
2. Debris
3. Sedimentation and/or trash accumulation
4. Erosion problems (include location)
5. Forebays – status of sediment
6. Pond function
7. Slope erosion
8. Encroachments on pond



Maintenance Inspection Report

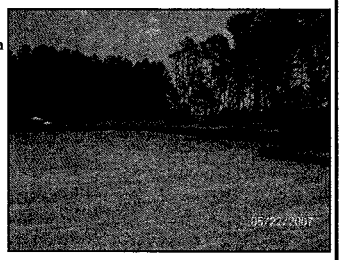
DRY PONDS

- Adequacy of vegetation
- Undesired vegetative growth
- Woody vegetation
- Low flow channels clear of obstructions
- Standing water or wet spots
- Sediment and or trash accumulation
- Erosion problems
- Forebays – status of sediment
- Pond functionality
- Slope erosion
- Encroachments on pond

Maintenance Inspection Report

INFILTRATION PONDS

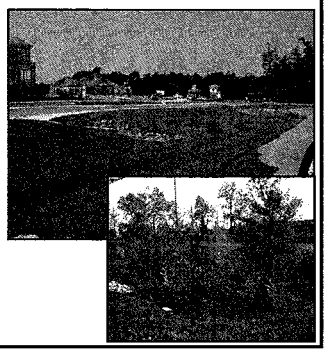
- Adequacy of vegetation
- Undesired vegetative growth
- Woody vegetation
- Infiltrating between storms
- Sediment and or trash accumulation
- Erosion problems
- Forebays – status of sediment
- Pond functionality
- Slope erosion
- Encroachments on pond
- Upstream areas stabilized



Maintenance Inspection Report

GREEN TECHNOLOGY BMP'S

- Clear of debris (Inlet/Outlet)
- Adequacy of vegetation
- Undesired vegetative growth
- Woody vegetation
- Infiltrating/Dewatering
- Erosion problems
- Encroachments
- Upstream areas stabilized

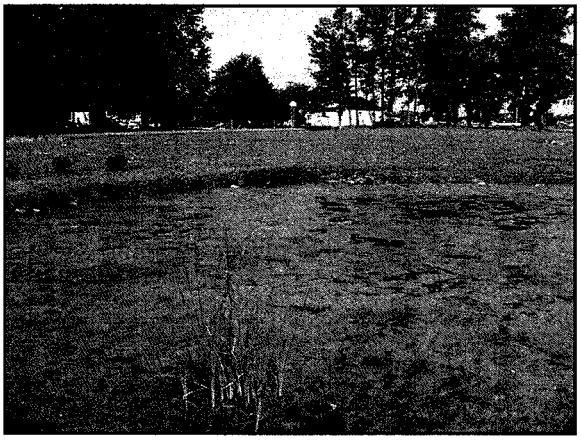


Maintenance Challenges

This por[illegible] where?

[illegible] what am I looking at?

[illegible] nothing?



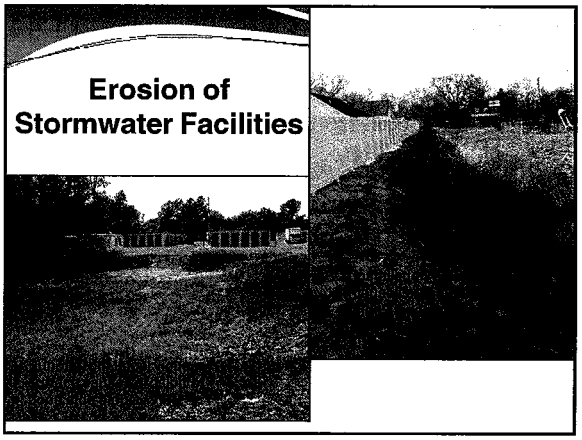
Maintenance Inspection

Debris & Cleanout

Pond is overgrown with vegetation including invasive species and woody vegetation

Overgrown vegetation can obstruct drainage

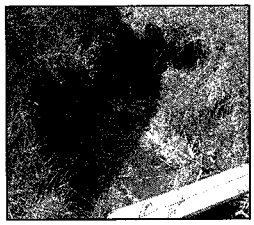
Trash racks and low flow orifices are blocked by debris and overgrown vegetation


Erosion of
Stormwater Facilities

Erosion of Stormwater Facilities

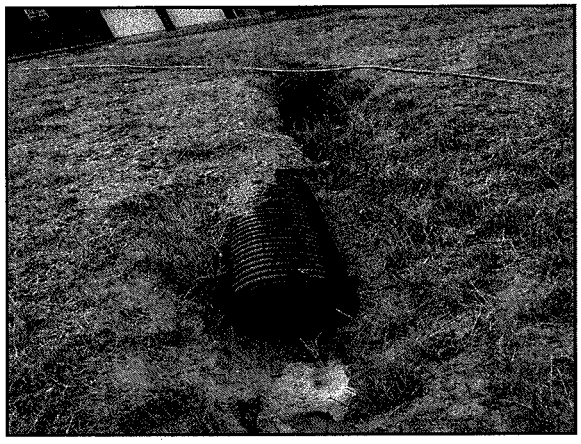
CAUSES OF EROSION

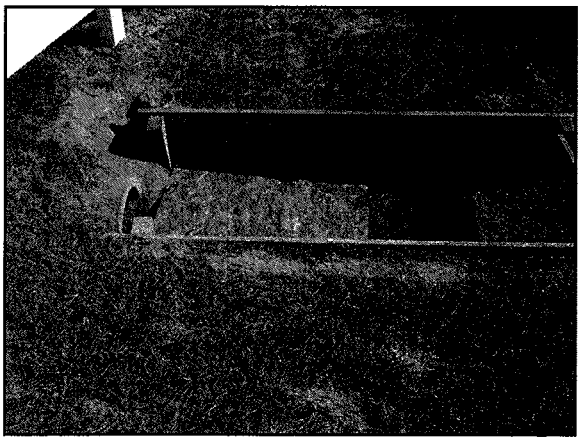
- Change in upstream watershed
- Highly erodible soils
- Improper installation
- Significant rain event

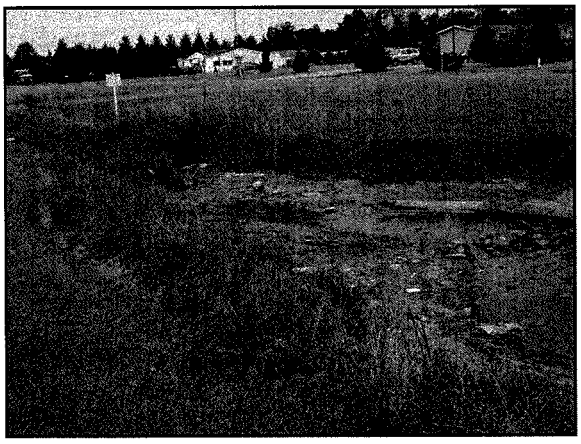


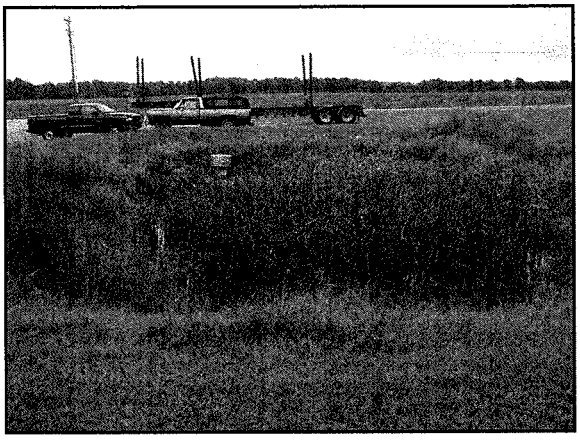
EFFECTS OF EROSION

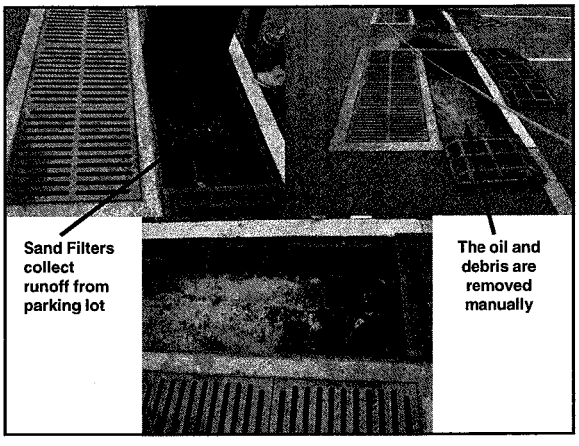
1. Compromise the storage in the pond
2. Added maintenance costs
3. Creates instability around the outlet structure
4. Down stream impacts

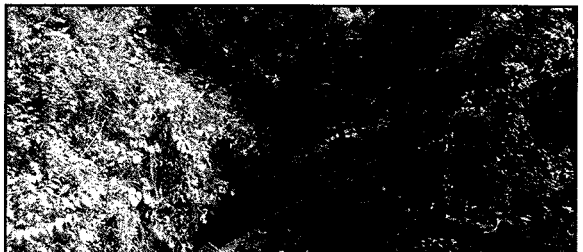




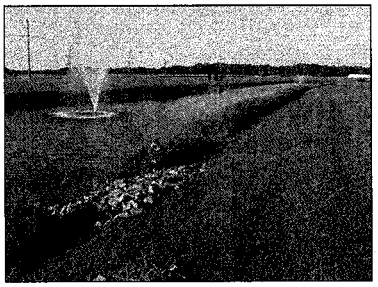


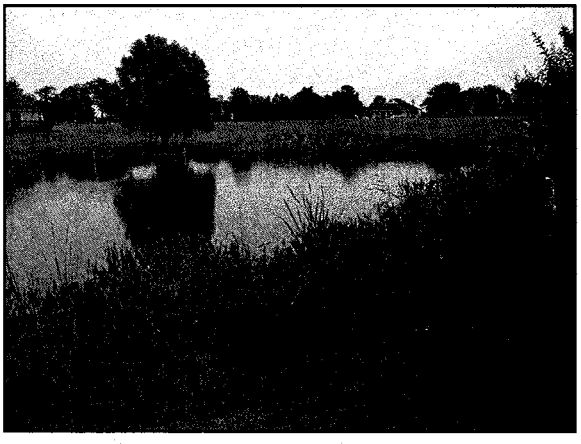



Sand Filters collect runoff from parking lot
The oil and debris are removed manually



Successful Maintenance





Homeowner Inspection Checklist

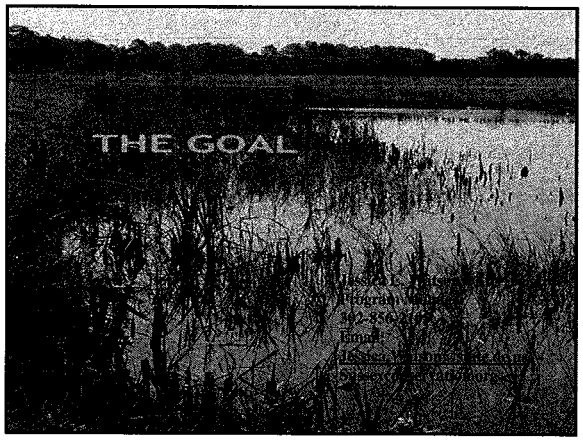
Structural Integrity

- Does the facility show signs of settling, cracking, bulging, misalignment, or other structural deterioration?
- Do embankments, emergency spillways, side slopes, or inlet/outlet structures show signs of excessive erosion or slumping?
- Is the outlet pipe damaged or otherwise not functioning properly?
- Do grassed areas require mowing and/or are clippings accumulating?
- Do impoundment and inlet areas show erosion, low spots, or lack of stabilization?
- Are trees or saplings present on the embankment?
- Are animal burrows present?
- Are contributing areas unstabilized with evidence of erosion?

Homeowner Inspection Checklist Cont.

Working Conditions

- Does the depth of sediment or other factors suggest a loss of storage volume?
- Is there standing water in inappropriate areas, such as on filters or cartridges after a dry period?
- Is there an accumulation of floating debris and/or trash?
- Is there evidence of encroachments or improper use of impounded areas?
- Are there signs of vandalism?
- Do the fence, gate, lock, or other safety devices need repair?
- Is there excessive algal growth, or has one type of vegetation taken over the facility?
- Is there evidence of oil, grease, or other automotive fluids entering and clogging the facility?
- In rain gardens, is there evidence of soil erosion, does mulch cover the entire area, are specified number and types of plants still in place, or is there evidence of disease or plant stress from inadequate or too much watering?


THE GOAL

A

Aden, Bruce W.	312 McColley Street
Aden, Eloise H.	312 McColley Street
Addonizio, Robert	4402-F Fullterton Court, Hearthstone, Manor
Alban, Elizabeth Bounds Davis	5 Fairway Court, Orchard Hill
Allen, Dennis E.	4101C Fullerton Court, Hearthstone Manor
Allen, Lottie	4101C Fullerton Court, Hearthstone Manor
Ambrose, Irvin M.	210 S.E. Front Street
Ambrose, Marilyn M.	210 S.E. Front Street
Ament, Patricia C.	3701D S. Sagamore Drive, Hearthstone Manor
Anderson, Elizabeth A.	308 Claude Street
Andersen, Harry C.	501 Maple Street, Marshall Commons
Andrews, Ann Lee	205 Matthew Circle, Matlinds Estates
Andrews, Kathryn J.	702 Lindsay Lane, Matlinds Estates
Andrews, Terry M.	205 Matthew Circle, Matlinds Estates
Argenio, Armand	401 Marshall Street
Atkinson, Patty	506 Matthew Circle, Matlinds Estates
Austin, Christine	610 S.E. Second Street
Austin, Gladys A.	4201B Summer Brook, Hearthstone Manor
Austin, Keith A.	304 Matthew Circle, Matlinds Estates
Austin, Veronica D.	304 Matthew Circle, Matlinds Estates
Azzanesi, Margaux Fischer	9 Green Lane, Orchard Hill
Azzanesi, Steven	9 Green Lane, Orchard Hill

B

Baggetta, Angelo Robert	704 Cedarwood Court, Marshall Commons
Bailey-Brown, Helen	103 Barksdale Court, Hearthstone Manor
Bailey, James C.	607 S. Washington Street
Baker, Alice V.	919 S.E. Third Street*
Baker, Richard D.	601 Cedarwood Avenue, Marshall Commons
Baker, William C.	919 S.E. Third Street*
Baker, Yvonne S.	601 Cedarwood Avenue, Marshall Commons
Baksany, George	4 Delores Court, Orchard Hill
Baksany, Judith J.	4 Delores Court, Orchard Hill
Balck, Lucie	6 Homestead Boulevard, Hearthstone Manor
Balck, Eric	6 Homestead Boulevard, Hearthstone Manor
Banks, Joan H.	801 S. Walnut Street
Banks, Mark Robin	801 S. Walnut Street
Barker, Barbara A.	165 Hickory Branch Court, Hearthstone Manor
Barrows, Wesley H.	304 Marshall Street****
Bason, Claudia	400 Matthew Circle, Matlinds Estates
Bason, Frank J.	400 Matthew Circle, Matlinds Estates
Batchelor, Collins B.	417 S. Washington Street
Baumgarner, Jessie M.	306 McColley Street
Beal, Arthur W.	3902E Fullerton Court, Hearthstone Manor
Beeson, Linsey J.	4001A Fullerton Court, Hearthstone Manor
Bellia, Margaret Mary	101 Aspen Court, Hearthstone Manor
Bellia, Matthew J.	101 Aspen Court, Hearthstone Manor

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Benham, Harry William Jr.	133 Aspen Court, Hearthstone Manor
Benham, Joselyn R.	133 Aspen Court, Hearthstone Manor
Billings, Audrey J.	133 Hickory Branch Court, Hearthstone Manor
Billings, Clarence	133 Hickory Branch Court, Hearthstone Manor
Blackson, W. Scott	412 Marshall Street
Boddy, Mitzi H.	9 Elizabeth Street
Boddy, William L.	9 Elizabeth Street
Bonner, Joanne E.	18 Kingston Terrace, Hearthstone Manor
Bonner, John E.	18 Kingston Terrace, Hearthstone Manor
Born, Cynthia	314 Matthew Circle, Matlinds Estates
Bowers, Donna C.	435 S. Walnut Street
Bowers, Kevin R.	435 S. Walnut Street
Branson, Charles William	158 Rock Ledge Court, Hearthstone Manor
Bray, D. Aileen	305 Columbia Street
Brewer, Bernice Ann	507 S. Walnut Street
Brewer, Jr., James G.	507 S. Walnut Street
Brickley, Robert J.	4 Fairway Court, Orchard Hill
Brittingham, Staci Renee	317 Fisher Avenue
Brittingham, Thomas R.	313 Matthew Circle, Matlinds Estates
Brooks, Devon J.	218 Beaufort, Orchard Hill
Brooks, Carol Sue	303 S. Walnut Street
Brooks, Warren L.	303 S. Walnut Street
Brothers, Elva J.	704 Cedarwood Court, Marshall Commons
Brown, Carole Ann	706 Lindsay Lane, Matlinds Estates
Brown, Daniel Michael	706 Lindsay Lane, Matlinds Estates
Brown, Lorraine E.	135 Hickory Branch Court, Hearthstone Manor
Brown, Woodrow	103 Barksdale Court, Hearthstone Manor
Bullock, Beverly G.	6 Delaware Avenue
Bullock, Jr., William E.	6 Delaware Avenue
Burton, Carla J.	3402H S. Sagamore Drive, Hearthstone Manor
Byrum, Laura Jarman	704 Lindsay Lane, Matlinds Estates
Bythway, Catherine	601 Montgomery Street

C

Cadmus, Jeanne C.	28 Clearview Drive, Hearthstone Manor
Cadmus, Russell M.	28 Clearview Drive, Hearthstone Manor
Cain, Robert Thomas	705 South Walnut Street
Caiola, Debra M.	701 S. Walnut Street
Caiola, Robert M.	701 S. Walnut Street
Calvert, Carol T.	702 S.E. Fifth Street
Calvert, James Bishop	702 S.E. Fifth Street
Campbell, Charles A.	113 Hickory Branch Court, Hearthstone Manor
Cannon, Alicia Lynne	606 S.E. Second Street
Cannon, John W.	606 S.E. Second Street
Cantu, Juan J.	104 S.E. Second Street
Cantwell, Timothy D.	14 Pennsylvania Avenue
Cappelli, Shirley Maxine	112 Rock Ledge Court, Hearthstone Manor
Carr, Ann T.	1 Little Birth Drive, Hearthstone Manor
Carr, Leonard G. Sr.	1 Little Birch Drive, Hearthstone Manor

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Cardea, Marianne W.	3 Royal Drive, Orchard Hill
Carmean, Adam R.	102 McCoy Avenue
Carmean, Jacqueline W.	102 McCoy Avenue
Carmean, Richard Dennis	102 McCoy Avenue
Carr, Brenda K.	700 S.E. Second Street
Carter, JoAnn	13 Delaware Avenue
Carter, Kim C.	13 Delaware Avenue
Cassase, Robert J.	405 Mispillion Apts.
Cavanaugh, Linda E.	7 E. Green Lane, Orchard Hill
Cavanaugh, Michael M.	7 E. Green Lane, Orchard Hill
Clark, Michael Andrew	34 Clearview Drive, Hearthstone Manor
Clark-Thompson, Sara Martha	34 Clearview Drive, Hearthstone Manor
Clendaniel, George T.	22 Nelson Street
Cocorikis, Lillian N.	26 Clearview Drive, Hearthstone Manor
Cohen, Frank M.	106 Franklin Street
Cole, Trudy G.	618 Cedarwood Avenue, Marshall Commons
Coleman, Andrew L.	14 Clearview Drive, Hearthstone Manor
Colletti, Johanna C.	13 Homestead Boulevard, Hearthstone Manor
Connelly, Norma P.	1203 Mispillion Apartments
Connelly, Robert Joseph	107 Barksdale Court, Hearthstone Manor
Connelly, Rosemary	107 Barksdale Court, Hearthstone Manor
Cormier, Sandra L.	137 Barksdale Court, Hearthstone Manor
Cormier, Theodore S.	137 Barksdale Court, Hearthstone Manor
Coverdale, Earl A.	203 Bridgeham Avenue
Coverdale, Noela M.	203 Bridgeham Avenue
Covey, Fay L.	213 Columbia Street
Covington, David	431 S. Walnut Street
Cregier, Linda L.	147 Aspen Court, Bldg. 26, Hearthstone Manor
Cregier, Robert P.	147 Aspen Court, Bldg. 26, Hearthstone Manor
Cripps, Gary D.	26 Fairway Street, Orchard Hill
Crossley, Eric Edward	26 Kingston Terrace, Hearthstone Manor
Crossley, Loretta	26 Kingston Terrace, Hearthstone Manor
Croteau, Camille	134 W. Green Lane, Orchard Hill
Croteau, Wilfred J. III	134 W. Green Lane, Orchard Hill
Culotta, Charles R.	6 E. Clarke Avenue
Culp, Anna M.	5 Delaware Avenue
Currie, Jack Daniel	1031 S. Walnut Street****

D

Daino, Alice	24 Fairway Street, Orchard Hill
Daino, Edward	24 Fairway Street, Orchard Hill
Dakin, Janet Lillian	6 Clearview Drive, Hearthstone Manor
Dale, Donna M.	1006 S. E. Second Street
Davis, Betty L.	11 S.E. Second Street***
Davis, Carol Lee	515 Cedarwood Avenue
Davis, Donna J.	701 Lindsay Lane, Matlinds Estates
Davis, Jr., Jehu M.	113 Barksdale Court, Hearthstone Manor
Davis, Kenneth C.	701 Lindsay Lane*

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Davis, Laura A.	103-A S. Washington Street
Davis, Marie R.	113 Barksdale Court, Hearthstone Manor
Davis, Victoria L.	305 Fisher Avenue
Davis, William H.	11 S.E. Second Street***
Davison, Virginia L.	18 Elizabeth Street
Day, Marian A.	513 S. Walnut Street
Delosier, Russell C. Jr.	13 Pennsylvania Avenue
DeRose,Anthony J.	159 Aspen Court, Unit 28B
DeRose, Margaret D.	159 Aspen Court, Unit 28B
Devan, Constance Marie	13 Kingston Terrace, Hearthstone Manor
Dickerson, Derrick J.	7 Delaware Avenue
Dickerson, Frances M.	901 S. E. Third Street
Dillon, April Marie	22 Fairway Street, Orchard Hill
Doerfler, John Henry III	651 Beechwood Avenue, Marshall Commons
Donohoe, M. Charlotte	405 S. Walnut Street
Donovan, George R.	913 S. E. Third Street
Donovan, Jay R.	1020 S. E. Second Street
Doran, Katie Brown	409 S. Walnut Street
Dorler, Nancy-Ellen Marie	601 Maple Street, Marshall Commons
Dottoli, Donna Jo	1401 Mispillion Apts.
Doughty, Lillian V.	603 S. Washington Street
Downes, Lena Mae	303 Richard Street
Duncan, Lorraine E.	408 Marshall Street
Duphily, Francis Jane	15 Nelson Street

E

Edwards, Doris J.	312 Marshall Street
Eisenbrey, Joan Louise	16 Delaware Avenue
Eisenbrey, John C. III	16 Delaware Avenue
Eitelbach, Elaine M.	303 Columbia Street
Elliott, Ronald N.	310 McColley Street
Emory, Cecil L.	413 S. Walnut Street
Emory, Donald M.	4 Pennsylvania Avenue
Emory, R. Marie	413 S. Walnut Street
Ennis, Joyce E.	23 Kingston Terrace, Hearthstone Manor
Ermer, Marguerite Mary	3302H S. Sagamore Drive, Hearthstone Manor
Ermer, William Douglas	3302H S. Sagamore Drive, Hearthstone Manor
Ernsberger, Donna Kay	109 Marlin Street, Orchard Hill
Ernsberger, James Clifford	109 Marlin Street, Orchard Hill
Evans, Eileen V.	14 Clearview Drive, Hearthstone Manor
Evans, Laconda Sue	16 Clearview Drive, Hearthstone Manor
Evans, Parry O. Jr.	811 S.E. Fourth Street
Evans, Ronald T.	315 Fisher Avenue
Evans-Keesler, Rebecca A.	315 Fisher Avenue

F

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Fader, Doris	30 McCoy Avenue
Fannin, Brent J.	36 Clearview Drive, Hearthstone Manor
Fannin, Elmer G.	Rd. 211 & 225***
Fannin, Mary Ann	Rd. 211 & 225***
Farrall, Ruth J.	504 Gilcrest Street
Fearn, Ann Elizabeth	7 Royal Drive, Orchard Hill
Fearn, Kenneth Brian	7 Royal Drive, Orchard Hill
Feehan, John S.	103 Beaufort Lane, Orchard Hill
Feehan, Marion C.	103 Beaufort Lane, Orchard Hill
Fitzgerald, Mary L.	1031 S. Walnut Street
Fleig, Alice Ann	4203J Summerbrook Way, Hearthstone Manor
Fleig, Michael David	4203J Summerbrook Way, Hearthstone Manor
Fong, Cecelia L.K.	503 Charles Street
Forbes, Gordon S.	2 Fairway Court, Orchard Hill
Forbes, Margaret A.	2 Fairway Court, Orchard Hill
Fox, Charlotte D.	802 S. E. Second Street
Fox, Michelle L.	200 E. Clarke Avenue
Fox, Phyllis M.	200 E. Clarke Avenue
Fox, Sarah Elizabeth	200 E. Clarke Avenue
Fox, William J.	200 E. Clarke Avenue
France, Richard W.	612 Beechwood Avenue, Marshall Commons
Frey, Sonja M.	208 Lovers Lane
Fry, Holly M.	501 S. Walnut Street
Fry, Kerri Burton	501 S. Walnut Street
Furry, Adam Richard	409 Fisher Avenue
Furry, Kristen Steen	409 Fisher Avenue

G

Garner, Martha E.	632 Marshall Street
Garner, Robert L.	632 Marshall Street
Garrett, Henry J.	306 S. E. Front Street
Gervan, James R.	415 Marshall Street***
Gervan, Mary T.	415 Marshall Street***
Gilbert, Carolyn Louise	137 Aspen Court, Hearthstone Manor
Gilbert, Donald Wayne	137 Aspen Court, Hearthstone Manor
Gilbert, Elizabeth Loveman	137 Aspen Court, Hearthstone Manor
Gilbert, Gerri L.	3401C S. Sagamore Drive, Hearthstone Manor
Gilbert, Lisette C.	25 E. Green Lane, Orchard Hill
Gill, Jr., Charles E.	209 McColley Street
Gill, Dora J.	209 McColley Street
Gillespie, Steven D.	1025 S. Walnut Street
Gillette, Betty J.	304 Richard Street
Ginn, Vivian Fowler	20 Clearview Drive, Hearthstone Manor
Gladstone, John R.	1 E. Green Lane, Orchard Hill
Gladstone, Sheila M.	1 E. Green Lane, Orchard Hill
Glanden, Kandy E.	417 S. Walnut Street

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Glanden, Kenneth V.	417 S. Walnut Street
Gleason, Charles O.	301 S.E. Second Street***
Goodman, D. Corrine	803 Joshua Drive, Matlinds Estates
Goodman, James P.	803 Joshua Drive, Matlinds Estates
Goodwin, Shirley E.	204 Charles Street
Goracci, Marie	404 Matthew Circle, Matlinds Estates
Goracci, Robert	404 Matthew Circle, Matlinds Estates
Goswick, Charles E.	5 Little Birch Drive, Hearthstone Manor
Gottfried, Benjamin F.	14 Royal Court, Orchard Hill
Gottfried, Nancy L.	14 Royal Court, Orchard Hill
Gramling, Carolyn E.	5 Homestead Boulevard, Hearthstone Manor
Gramling, Keith M.	5 Homestead Boulevard, Hearthstone Manor
Greenwood, Anna E.	139 Hickory Branch Court, Hearthstone Manor
Grier, Garrett Layton III	203 Matthew Circle, Matlinds Estates
Griffin, Earl B.	22 E. Green Lane, Orchard Hill
Griffin, James D.	2 Kingston Terrace, Hearthstone Manor***
Griffin, Rachel G.	22 E. Green Lane, Orchard Hill
Guerke, Gwen F.	709 S. Walnut Street

H

Hall, David Wayne	218 Columbia Street
Hall, Joyce A.	32 Elizabeth Street
Hamer, Patricia E.	135 Aspen Court, Hearthstone Manor
Hamer, Thomas H.	135 Aspen Court, Hearthstone Manor
Hampton, Patrica Ann	102 Marlin Court, Orchard Hill
Hampton, Robert Raymond	102 Marlin Court, Orchard Hill
Hardy, Alice S.	604 McColley Street
Hardy, I, William A.	604 McColley Street
Hardy, II, William A.	521 McColley Street
Hark, Ada E.	3103-I E. Brookmyer Drive, Hearthstone Manor
Harris, Anthony	101 Montgomery Street
Harris, Fernando O.	200 S.E. Front Street
Harrison, Beverly Rhodes	141 Barksdale Court, Hearthstone Manor
Hartford, Brian Arnold	177 Hickory Branch Court, Hearthstone Manor
Hartford, Dorothea	177 Hickory Branch Court, Hearthstone Manor
Hastings, Bonnie J.	312 Fisher Avenue
Hastings, Granville E. Jr.	312 Fisher Avenue
Hastings, Ivah J.	312 Fisher Avenue
Haug, Laura Kristin	614 Beechwood Avenue, Marshall Commons
Hauser, Charles A.	302 McColley Street
Hauser, Karen Renee	302 McColley Street
Hazzard, Carla J.	703 Lindsay Lane, Matlinds Estates
Hazzard, Richard M.	703 Lindsay Lane, Matlinds Estates
Heath, Nancy E.	4 Fairway Court, Orchard Hill
Hemshrot, Alva W.	101 W. Green Lane, Orchard Hill
Hemshrot, Gene A.	101 W. Green Lane, Orchard Hill
Henderson, Judith Ann	3401D S. Sagamore Drive, Hearthstone Manor
Henderson, Walter W.	3401D S. Sagamore Drive, Hearthstone Manor

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Hepford, Sharon R.	139 Aspen Court, Hearthstone Manor
Hepford, Walter J.	139 Aspen Court, Hearthstone Manor
Heringslake, Rona A.	302 Marshall Street
Herka (Kanuka), Joanna	3703K S. Sagamore Drive, Hearthstone Manor
Herka, Peter J.	3 Fairway Court, Orchard Hill
Herring, Carri Ann	215 Columbia Street
Herring, Garrett W.	215 Columbia Street
Hill, William D.	906 S. E. Second Street
Hitchens, Virginia Richard	314 Marshall Street
Holleger, Julia L.	3901B Fullerton Court, Hearthstone Manor
Hoomans, Claudia A.	213 S. Walnut Street
Hoomans, Richard P.	213 S. Walnut Street
Horne, Barbara A.	203 Matthew Circle, Matlinds Estates
Horne, David W.	203 Matthew Circle, Matlinds Estates
Hosbach, Norman A.	425 S. Washington Street
Hoskin, Mary Amelia	44 Clearview Drive, Hearthstone Manor
Howard, George C.	25 Elizabeth Street
Howard, Kevin E.	19 Nelson Street
Howard, Lynn M.	19 Nelson Street
Howell, Constance L.	317 S. Walnut Street
Hudson, Sheldon Paul	2903 S. Heather Drive, Hearthstone Manor
Huff, JoAnn H.	119 Hickory Branch Court, Hearthstone Manor
Huff, Warren R.	119 Hickory Branch Court, Hearthstone Manor
Hughes, Nancy M.	6 Fairway Court, Orchard Hill
Hughes, William S.	6 Fairway Court, Orchard Hill
Hunt, Christine A.	147 Barksdale Court, Hearthstone Manor
Hunt, Peter J.	147 Barksdale Court, Hearthstone Manor
Huot, Gerry Louise	1 Fairway Court, Orchard Hill
Huot, Robert Armand	1 Fairway Court, Orchard Hill
Hurd, Brenda M.	3 Nelson Street
Hurd, R. Wayne	3 Nelson Street

I

Irons, Jr., Charles G.	3 Elizabeth Street
Irons, Sandra, F.	3 Elizabeth Street
Irwin, Selma R.	8 Pennsylvania Avenue
Irwin, Willard J. Sr.	8 Pennsylvania Avenue
Irwin, Willard J., Jr.	8 Pennsylvania Avenue
Iturriaga, Joseph C.	7 Pennsylvania Avenue

J

Jackson, Carol A.	151 Hickory Branch Court, Hearthstone Manor
Jackson, John L. Jr.	151 Hickory Branch Court, Hearthstone Manor
James, Agusta G.	305 S. Walnut Street
James, Joseph E.	305 S. Walnut Street
Jarrell, Joyce Mae	420 S. Washington Street
Jefferson, Charles F.	608 McColley Street

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Jenary, Rose Marie	151 Aspen Court, Hearthstone Manor
Jester, Barbara P.	17 McCoy Street
Jester, Donald M	17 McCoy Street
Johansson, Patrica C.	703 Beechwood Court, Marshall Commons
Johansson, William F.	703 Beechwood Court, Marshall Commons
Johnson, Carol Ann	619 Beechwood Avenue, Marshall Commons
Johnson, Charles E. II	4002G N. Sagamore Drive, Hearthstone Manor
Johnson, Dwayne Malcolm	129 Aspen Court, Hearthstone Manor
Johnson, Guadalupe M.	313 S. Walnut Street
Johnson, Jewell Y.	600 Beechwood Avenue
Johnson, June Elaine	645 Beechwood Avenue
Johnson, Linda Louise	129 Aspen Court, Hearthstone Manor
Johnson, Raymond O.	600 Beechwood Avenue
Johnson, Richard M.	1035 S. Walnut Street
Johnson, Steven L.	3703L S. Sagamore Drive, Hearthstone Manor
Jones, Bessie	315 Fisher Avenue
Jones, Betty R.	509 S. Marshall Street, Apt. A
Jones, Jesse A. Jr.	5 Elizabeth Street
Jones, Jonathan David	7 Delaware Avenue
Jones, Kathleen Callahan	28 Kingston Terrace, Hearthstone Manor
Jones, Paul Sevier Jr.	28 Kingston Terrace, Hearthstone Manor
Joseph, Anita B.	179 Hickory Branch Court, Hearthstone Manor
Joseph, Ronnie M.	179 Hickory Branch Court, Hearthstone Manor

K

Kaleyias, Coula	108 Marlin Street, Orchard Hill
Kaleyias, Frank Steve	108 Marlin Street, Orchard Hill
Kane, Barbara A.	137 Barksdale Court, Hearthstone Manor
Kelsey, Margaret C.	402 Charles Street
Kemper, Carmen V.	13 McCoy Street
Kendzierski, F. Sigmund	401 McColley Street
Kenney, David B.	626 Beechwood Avenue
Kenton, Deborah Ann	612 McColley Street
Kenton, Elouise B.	309 S. Washington Street
Kenton, G. Nelson	309 S. Washington Street
Kersey, Michael C.	104 McCoy Avenue
Kiefer, Carol A.	312 Matthew Circle, Matlinds Estates
Kiefer, Jane Mary	312 Matthew Circle, Matlinds Estates
Kiefer, John M.	312 Matthew Circle, Matlinds Estates
Kingsley, Joann Ellen	3602F N. Sagamore Drive, Hearthstone Manor
Kinkle, Barbara R.	160 Rock Ledge Court, Hearthstone Manor
Kinkle, Carol Ann	160 Rock Ledge Court, Hearthstone Manor
Kinports, Donna Marie	32 Clearview Drive, Hearthstone Manor
Kinports, Richard Martin	32 Clearview Drive, Hearthstone Manor
Kirk, Rita Jacqueline	105 E. Delaware Avenue
Kirlin, Anna Marie	708 Lindsay Lane, Matlinds Estates
Kniceley, Beatrice V.	209 E. Clarke Avenue
Knorr, Barclay Alan	130 W. Green Lane, Orchard Hill

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Koetz, Jacqueline	136 Manor Lane, Marshall Manor
Kotwas, Alexander E.	145 Barksdale Court, Hearthstone Manor
Kramlich, Ellen M.	419 Marshall Street
Kramlich, Essie E.	300 S. E. Front Street
Kramlich, Fred S.	300 S. E. Front Street
Kramlich, John Anthony	419 Marshall Street
Kramlich, John F.	419 Marshall Street
Kugelman, Sue	311 S. Walnut Street
Kulhanek, Stephanie M.	416 Marshall Street
Kunkel, Kenneth Christopher	152 Rock Ledge Court, Hearthstone Manor
Burnet-Kurtz,Eleanor Frances	3903-I Fullerton Court, Hearthstone Manor

L

Lane, Diane H.	403 S. Washington Street
Lane, William J.	7 Hickory Branch Lane, Hearthstone Manor
LaRoss, David Ryan	509-E Marshall Street
Lash, Jack R.	810 S. E. Second Street
Lash, Martha H.	810 S. E. Second Street
Lavallee, Troy Alan	425 S. Walnut Street
Lear, Mary Jo	616 Cedarwood Avenue, Marshall Commons
Lear, Sr., Norman J.	616 Cedarwood Avenue, Marshall Commons
Legg, Donald T. Sr.	10 Clearview Drive, Hearthstone Manor
Legg, Rosalie D.	10 Clearview Drive, Hearthstone Manor
Lehr, Darlene R.	24 Clearview Drive, Hearthstone Manor
Levenson, Louis Elliott	17 Fairway Street, Orchard Hill
Levin, Harold P.	704 Beechwood Court, Marshall Commons
Lewis, Dorothy D.	808 S. E. Fifth Street
Lewis, Evelyn Rae	423 S. Walnut Street
Lewis, Sr., Lawrence E.	423 S. Walnut Street
Littmann, Helmut K.	3301A N. Sagamore Drive, Hearthstone Manor
Loeffler, Adam E.	1002 S. E. Second Street
Long, Gary R.	201 Matthew Circle, Matlinds Estates
Long, Sydell R.	201 Matthew Circle, Matlinds Estates
Luchinsky, Alan Lee	154 Rock Ledge Court, Hearthstone Manor
Luchinsky, Sharon L.	154 Rock Ledge Court, Hearthstone Manor
Lush, Elizabeth Ann	31 East Green Lane, Orchard Hill
Lush, Mary Ann E.	31 East Green Lane, Orchard Hill
Lush, Richard M.	31 East Green Lane, Orchard Hill

Mc

McCarthy, Donna Reel	4001B Fullerton Court, Hearthstone Manor
McCarthy, Richard Hugh	4001B Fullerton Court, Hearthstone Manor
McDuffie, Leona A. Warfield	208 Fisher Avenue
McFaul, Mary G.	28 Fairway Street, Orchard Hill
McFaul, Wallace F. Jr.	28 Fairway Street, Orchard Hill
McGill, Christopher R.	9 Delaware Avenue
McGill, Corey Christopher	9 Delaware Avenue

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McGill, Karla L.	9 Delaware Avenue
McGill, Sarah V.	9 Delaware Avenue
McGrath, Ronald T.	3102H W. Brookmyer Drive, Hearthstone Manor
McGriffin, James G.	200 S. E. Second Street
McKain, Michael D.	705 Cedarwood Court, Marshall Commons
McKenzie, Renate H.	310 Charles Street
McLeod, Barbara A.	6 Kingston Terrace, Hearthstone Manor
McLeod, Robert Harry	6 Kingston Terrace, Hearthstone Manor
McPherson, Jerry H.	614 Beechwood Avenue
McVeigh, Juanita F.	24 Clearview Drive, Hearthstone Manor

M

Mack, Dawn L.	11 Pennsylvania Avenue
Maloney, Cecil W.	15 Elizabeth Street
Maloney, Clara C.	15 Elizabeth Street
Maloney, Gladys D.	1006 Lemuel Street
Maloney, Thomas A.	1006 Lemuel Street
Mancini, Sally Ann	145 Barksdale Court, Hearthstone Manor
Marcavage, Joseph E.	22 Clearview Drive, Hearthstone Manor***
Marcavage, Josephine M.	22 Clearview Drive, Hearthstone Manor***
Marcin, Jo Ann	707 Lindsay Lane, Matlinds Estates
Mason, Carole G.	153 Barksdale Court, Hearthstone Manor
Mason, George A.	153 Barksdale Court, Hearthstone Manor
Matthews, William B. Jr.	26 E. Green Lane, Orchard Hill
Maybee, Suzanne S.	408 Bridgeham Avenue
Merchant, Donna L.	108 Franklin Street
Mergner, Christopher Henry	1 Delores Court, Orchard Hill
Mergner, Leslie A.	1 Delores Court, Orchard Hill
Merkel, Lee L.	7 Homestead Boulevard, Hearthstone Manor
Merkel, Theresa D.	7 Homestead Boulevard, Hearthstone Manor
Messick, Cleo*	103 Manor Lane, Marshall Manor
Meszaros, Christina Graviet	21 East Green Lane, Orchard Hill
Meszaros, Joseph John	21 East Green Lane, Orchard Hill
Metzner, Timothy M.	9 Royal Drive, Orchard Hill
Meushaw, Jean Ann	12 Clearview Drive, Hearthstone Manor
Meushaw, Ronald Wayne	12 Clearview Drive, Hearthstone Manor
Miles, Louise Jordan	207 S. Walnut Street
Miller, Christine A.	707 Lindsay Lane, Matlinds Estates
Millman, Pamela M.	110 Rock Ledge Court, Hearthstone Manor
Mitchell, Laura B.	215-B S. Walnut Street
Montgomery, Eugene C.	6 East Green Lane, Orchard Hill
Moorman, Laurie Kobasa	637 Beechwood Avenue
Moorman, Travis C.	637 Beechwood Avenue
Morgan, Jacqueline Marie	1000 Lemuel Street
Morgan, Joan K.	25 Kingston Terrace, Hearthstone Manor
Morgan, Woodrow W.	25 Kingston Terrace, Hearthstone Manor
Morole, Michelle A.	206 Matthew Circle, Matlinds Estates
Morole, Nicholas P.	206 Matthew Circle, Matlinds Estates

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Morole, Peter A.	206 Matthew Circle, Matlinds Estates
Morris, John E.	34½ McCoy Avenue
Morris, Judy C.	34½ McCoy Avenue
Morris, William B.	211 S. Walnut Street
Mumma, Patrick Joseph	141 Hickory Branch Court, Hearthstone Manor
Munday, Carol Jean	800 Joshua Drive, Matlinds Estates
Munday, Herbert L. Jr.	800 Joshua Drive, Matlinds Estates
Mundorf, Cathy Lynne	505 S. Walnut Street
Murphy, Rosa Marie	5 Fairway Street, Orchard Hill
Murphy, Suzanne M.	115 Hickory Branch Court, Hearthstone Manor
Murphy, Thomas Dennis	400 S. Washington Street
Musgrove, David Brian	420 S. Washington Street

N

Natonick, Marlys,Jean	157 Aspen Court, Hearthstone Manor
Noll, Daniel M.	300 Bridgeham Avenue
Norris, Richard David	171 Hickory Branch Court, Hearthstone Manor
Nowakowski, Bernard J.	504 Matthew Circle, Matlinds Estates
Nowakowski, Brandi M.	504 Matthew Circle, Matlinds Estates
Nowell, James Robert Jr.	8 Crown Circle, Orchard Hill
Nowell, Melissa Ann	8 Crown Circle, Orchard Hill

O

O'Boyle, Charles M.	4103L Fullerton Court, Hearthstone Manor
O'Boyle, Lorraine M.	4103L Fullerton Court, Hearthstone Manor
Ochs, Anne M.	4 Pond Drive, Orchard Hill
O'Day, Beverly L.	919 S.E. Third Street***
O'Day, Louis S.	919 S.E. Third Street***
Orkin, Ellan J.	16 Nelson Street
Orr, Anne Sparks	109 Aspen Court, Hearthstone Manor
Orr, Neal K.	109 Aspen Court, Hearthstone Manor
Osborne, Eugene M.	409 S. Washington Street
Ostroski, Lenora V.	3801C S. Sagamore Drive, Hearthstone Manor
Ostruska, Josef	806 Joshua Drive, Matlinds Estates
Ostruska, Margot P.	806 Joshua Drive. Matlinds Estates
Owens, Mary Joe Christine	4502F Summer Brook Way, Hearthstone Manor
Owens, William D.	4502F Summer Brook Way, Hearthstone Manor

P

Paladino, James Jerome	4 East Green Lane, Orchard Hill
Paladino, Lisa M.	4 East Green Lane, Orchard Hill
Paliwoda, Laura A.	17 Homestead Boulevard, Hearthstone Manor
Paliwoda, Theodore T.	17 Homestead Bouelvard, Hearthstone Manor
Panico, Frank Michael	105 Marlin Court, Orchard Hill
Panico, Maureen Theresa	105 Marlin Court, Orchard Hill

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Parker, Beverly Ennis	105 Beaufort Lane, Orchard Hill
Parker, Bonnie S.	8 Delaware Avenue***
Parker, Gordon Otis Jr.	105 Beauford Lane, Orchard Hill
Parker, Keith Weston	8 Delaware Avenue***
Parkhouse, Edward Patrick	322 Matthew Circle, Matlinds Estates
Parkhouse, Elise L.	322 Matthew Circle, Matlinds Estates
Parseghian,Edward C.	508 Matthew Circle Matlinds Estates
Parson, Robin L.	301 Lovers Lane
Parsons, Donna R.	216 McColley Street
Parsons, Ronald David	216 McColley Street
Passwaters, Samuel J. III	315 Columbia Street
Pavlak, Barbara A.	12 Royal Drive, Orchard Hill
Pavlak, Scott T.	12 Royal Drive, Orchard Hill
Peifer, Jacquelyn	5 Little Birch Drive, Hearthstone Manor
Perdue, David P.	19 Fairway Court, Orchard Hill
Perdue, Deborah L.	19 Fairway Court, Orchard Hill
Perez, Janet A.	307 Carlisle Lane
Perez, Roberto	307 Carlisle Lane
Perry, Edith J.	8 Royal Drive, Orchard Hill
Perry, Roger Gayle	8 Royal Drive, Orchard Hill
Peters, Michelle A.	611 S. Washington Street
Peterson, Alger L.	614 Cedarwood Avenue
Peterson, Elizabeth C.	614 Cedarwood Avenue
Phillips, Earl V.	321 S. Walnut Street
Phillips, Peggy A.	321 S. Walnut Street
Phillips, Vernon Joseph Sr.	500 Maple Street, Marshall Commons
Phipps, Ty D.	405 S. Washington Street
Pingue, Elizabeth A.	305 Richard Street
Pikus, Terry S.	302 Columbia Street
Plack, Kathryn Jean	1000 Lemuel Street
Plack, William F. Jr.	1000 Lemuel Street*
Polichetti, Anna Marie	5 Royal Court, Orchard Hill
Polichetti, Joseph M. Jr.	5 Royal Court, Orchard Hill
Pontius, Margaret C.	208 Bridgeham Avenue
Poole, Beverly A.	38 Clearview Drive, Hearthstone Manor
Poole, Joseph John	38 Clearview Drive, Hearthstone Manor
Porter, David L.	211 McColley Street
Powell, Peggy Ann	4301D Summerbrook Way, Hearthstone Manor
Powell, William M. Sr.	4301D Summerbrook Way, Hearthstone Manor
Powers, Betty J.	14 E. Green Lane, Orchard Hill
Powers, Robert D.	14 E. Green Lane, Orchard Hill
Price, Charles	108 S. E. Second Street
Priola, Mike A.	3801D S. Sagamore Drive, Hearthstone Manor
Prunty, Evangeline A.	13 Royal Drive, Orchard Hill
Prunty, Harold E.	13 Royal Drive, Orchard Hill
Pusey, Cheryl	800 S. E. Second Street
Pusey, Eric Matthew	800 S. E. Second Street
Pusey, Larry	800 S. E. Second Street
Pyne, Jean B.	326 S. E. Second Street

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R

Rambo, Eric M.	23 Elizabeth Street
Rambo, Tina R.	23 Elizabeth Street
Ramsey, Jon Eric	649 Beechwood Avenue, Marshall Commons
Ramsey, Pamela M.	649 Beechwood Avenue, Marshall Commons
Ranney, Roberta A.	640 Beechwood Avenue, Marshall Commons
Rasberry, Joseph T.	29 E. Green Lane, Orchard Hill
Rasberry, Mary Christine	29 E. Green Lane, Orchard Hill
Ray, Patricia Ann	218 Columbia Street
Raymond, Melinda	219 S. Walnut Street
Reale, Jeannette F.	34 McCoy Street
Redden, Thomas H.	429 S. Walnut Street
Reilly, James J.	13 E. Green Lane, Orchard Hill
Reilly, Peggy C.	13 E. Green Lane, Orchard Hill
Rhodes, Jerry W.	206 Marshall Street
Rhodes, Rebecca T.	206 Marshall Street
Richards, Brenda L.	18 Clearview Drive, Hearthstone Manor
Rienzi, Dorothea H.	320 Matthew Circle, Matlinds Estates
Rienzi, Leonard J.	320 Matthew Circle, Matlinds Estates
Rittershofer, Priscilla J.	20 Kingston Terrace, Hearthstone Manor
Roberts, Richard	12 Kingston Terrace, Hearthstone Manor
Robinson, Carol A.	523 S. Washington Street
Robinson, Phyllis	314 Bridgeham Avenue
Rodriguez-Diaz, Manual	422 S. Washington Street
Roehl, Denise L.	605 S. Walnut Street
Rogers, Charles J.	105 E. Clarke Avenue
Rogers, Doreen J.	418 Fisher Avenue
Rogers, Jordan A.	418 Fisher Avenue
Rogers, Kevin Wayne	418 Fisher Avenue
Rogers, Lewis W.	418 Fisher Avenue
Rogers, Lucille E.	105 E. Clarke Avenue
Rogers, Molly Ann	34 McCoy Street
Rosengren, Emily K.	630 Beechwood Avenue, Marshall Commons
Rosenquist, Glen T.	300 Charles Street
Rosenquist, Shelby E.	300 Charles Street
Ross, Oneida S.	3403J N. Sagamore Drive, Hearthstone Manor***
Ross, Robert L.	3403J N. Sagamore Drive, Hearthstone Manor***
Rupp, Hildegard S.	143 Aspen Court, Hearthstone Manor
Ryan, Danahey	163 Barksdale Court, Hearthstone Manor
Ryan, Patricia N.	163 Barksdale Court, Hearthstone Manor

S

Sabia, Eleanor R.	155 Barksdale Court
Sabia, Mauro A.	155 Barksdale Court
Saez, Jose Morales	4 Pond Drive, Orchard Hill
Saez, Zona C.	4 Pond Drive, Orchard Hill
Salvisky, Florence G.	215 S. Walnut Street

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Sanchez, Eva	403 McColley Street
Sapp, Jane Savin	204 McColley Street
Sapp, John Foster	204 McColley Street
Savage, Sara Louise	125 Hickory Branch Court, Hearthstone Manor
Sbona, Georgiann	19 Homestead Boulevard, Hearthstone Manor
Sbona, Samuel Ralph	19 Homestead Boulevard, Hearthstone Manor
Scheetz, Timothy Edward	3601A N. Sagamore Drive, Hearthstone Manor
Schmidt, Carl R. Jr.	4 Clearview Drive, Hearthstone Manor
Schmidt, Eric G.	416 S. Washington Street
Schmidt, Olivia L.	4 Clearview Drive, Hearthstone Manor
Scott, Cynthia Ann	708 Lindsay Lane, Matlinds Estates
Sender, Carole Louise	3601D S. Sagamore Drive, Hearthstone Manor
Sender, John Bernard Jr.	3601D S. Sagamore Drive, Hearthstone Manor
Shaap, Cindy	1012 S. E. Second Street*/**
Sharp, Delema E.	213 Charles Street*
Sharp, Ronald H.	305 Marshall Street
Shea, Bonnie W.	12 Delaware Avenue
Shea, Elizabeth H.	10 Delaware Avenue
Shea, Gary D.	12 Delaware Avenue
Sherman, Gerald G.	912 S. E. Second Street
Sherwood, Carol C.	13 E. Clarke Avenue
Sherwood, Richard M.	13 E. Clarke Avenue
Shifflett, Cynthia B.	804 Joshua Drive, Matlinds Estates
Shifflett, Willis R.	804 Joshua Drive, Matlinds Estates
Shimizu, Helena Bernice	39 Little Birch Drive, Hearthstone Manor
Short, Scott Douglas	7 Nelson Street
Shupe, Bryon William	805 Joshua Drive, Matlinds Estates
Shupe, Sheridan Allayne	805 Joshua Drive, Matlinds Estates
Shupe, William J.	805 Joshua Drive, Matlinds Estates
Silbereisen, Albert J.	301 Marshall Street
Silveira, Rita Christina	3403L S. Sagamore Drive, Hearthstone Manor
Simon, Edward L.	117 Barksdale Court, Hearthstone Manor
Simon, Patrica A.	117 Barksdale Court, Hearthstone Manor
Simpatico, Anupa	417 S. Walnut Street
Sinner, Dorothy Levitsky	13 Elizabeth Street
Siok, Cheryl L.	22 Nelson Street
Sirkis, James R.	915 S. E. Third Street
Slonacher, Frances A.	1020 S. E. Second Street
Smith, Ann H.	407 S. Walnut Street
Smith, Frank M.	407 S. Walnut Street
Snead, Natasha C.	511 McColley Street
Snook, Iver Vincent	107 Marlin Court, Orchard Hill
Snook, Linda G.	107 Marlin Court, Orchard Hill
Soden, Matthew A.	5 Nelson Street
Soden, Penny D.	5 Nelson Street
Sophos, Dorothy	3 Delaware Avenue
Sottile, John V.	13 Little Birch Drive, Hearthstone Manor
Spillane, Michael David	20 Clearview Drive, Hearthstone Manor
Spurio, Ernest J. Jr.	3001D South Heather Drive, Hearthstone Manor

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Spurio, Joan C.	3001D South Heather Drive, Hearthstone Manor
Staats, Audrey Geraldine	173 Hickory Branch Court, Hearthstone Manor
Staats, Kathryn B.	202 Matthew Circle, Matlinds Estates
Staats, Russell T.	202 Matthew Circle, Matlinds Estates
Steele, Barbara J.	402 S. Washington Street***
Steinhice, Mary Frances	117 Aspen Court, Hearthstone Manor
Steinhice, Philip R.	117 Aspen Court, Hearthstone Manor
Stenaka, Joan D.	629 Beechwood Avenue
Stenaka, Leo J.	629 Beechwood Avenue
Stevens, Michael V.	11 E. Green Lane, Orchard Hill
Stevens, Patricia A.	11 E. Green Lane, Orchard Hill
Stevenson, David T.	507 S. Walnut Street
Stevenson, Kimberly Hoey	507 S. Walnut Street
Stratman, Elizabeth P.	643 S. Marshall Street
Stratton, Judy L.	8 Delaware Avenue*
Stratton, William J.	8 Delaware Avenue*

T

Tebbens, Madeline	900 S. E. Fifth Street
Temparali, Charles J.	2 East Green Lane, Orchard Hill
Temparali, Patricia Phyllis	2 East Green Lane, Orchard Hill
Thomas, Elizabeth S.	310 Charles Street
Thomas-Kenney, April R.	626 Beechwood Avenue, Marshall Commons
Thoms, Paula A.	601 Maple Street
Thompson, Gary L.	34 Clearview Drive, Hearthstone Manor
Tobler, Ruth Ann	3501C S. Sagamore Drive, Hearthstone Manor
Towers, Howard Chester	42 Clearview Drive, Hearthstone Manor
Townsend, John R.	4003L N, Sagamore Drive, Hearthstone Manor
Tozier, Delores L.	101 Barksdale Court, Hearthstone Manor
Tozier, Richard M.	101 Barksdale Court, Hearthstone Manor
Truitt, William C.	312 Fisher Avenue
Tucker, Jr., Atwood	507 Marshall Street
Tucker, Mary F.	507 Marshall Street
Tucker, William Fred	706 Cedarwood Court, Marshall Commons
Turner, Verna L.	303 Matthew Circle, Matlinds Estates

U

Uffner, Martin J.	8 E. Clarke Avenue

V

Vanaman, Charles P.	217 McColley Street*
Vanaman, Susan B.	700 S. E. Fifth Street
VanVorst, Gladys E.	14 Elizabeth Street
VanVorst, Richard E.	14 Elizabeth Street
VanVorst, Robert E.	14 Elizabeth Street
Vazquez, Cesar M.	3201D West Brookmeyer Drive, Hearthstone Manor

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Vazquez, Linda L.	3201D West Brookmeyer Drive, Hearthstone Manor
Vennett, Emmett	305 Charles, 610 McColley, 421 S. Washington Sts.****
Vennett, Patricia M.	305 Charles, 610 McColley, 421 S. Washington Sts.****
Vican, Denise Kaye	414 Fisher Avenue
Vican, Richard A.	414 Fisher Avenue
Viggiano, Carl M.	3702H S. Sagamore Drive, Hearthstone Manor
Viggiano, Margaret A.	3702H S. Sagamore Drive, Hearthstone Manor
Viohl, Donald L.	105 Franklin Street

W

Wachel, Georgeana	511-F S. Marshall Street
Wagner, Genie Drialo	316 Matthew Circle, Matlinds Estates
Wagner, John Charles	316 Matthew Circle, Matlinds Estates
Waldorf, Anne T.	103 Marlin Court, Orchard Hill
Waldorf, Louise J. Jr.	103 Marlin Court, Orchard Hill
Wallace, Elizabeth Kelly	4402F Fullerton Court, Hearthstone Manor
Walls, Blanche Jefferson	630 Marshall Street
Walls, Charles A.	630 Marshall Street
Walls, Daniel J.	208 Marshall Street
Walls, Harold Lewis	630 Marshall Street
Walls, James Jay	809 S. E. Fifth Street
Walls, John W.	805 S. E. Fifth Street
Walls, Lauren Marie	809 S. E. Fifth Street
Walls, Patricia G.	314 Fisher Avenue
Walls, Robert O.	314 Fisher Avenue
Walls, Shirley M.	809 S. E. Fifth Street
Walls, Tina Sue	630 Marshall Street
Walls-Culotta, Sandra	6 E. Clarke Avenue
Walters, Elizabeth Bernadette	157 Barksdale Court, Hearthstone Manor
Walther, Joan D.	3203I E. Brookmyer Drive, Hearthstone Manor
Waples, Charlene A.	307 Charles Street
Ward, William Michael	702 S. E. Second Street
Warrington, Caleb Van III	109 West Green Lane, Orchard Hill
Warrington, Judith R.	109 West Green Lane, Orchard Hill
Webb, John D.	610 S. E. Second Street
Webb, Walter	300 McColley Street
Weeks, Catherine M.	3502F N. Sagamore Drive, Hearthstone Manor
Weeks, Deborah Carol	116 West Green Lane, Orchard Hill
Weeks, Robert E.	3502F N. Sagamore Drive, Hearthstone Manor
Wells, Joseph W.	106 Fisher Avenue****
West, B. Agnes	514 Marshall Street
West, Esther Catherine	606 Montgomery Street*
White, Ernestine Helene	143 Hickory Branch Court, Hearthstone Manor
White, Kathleen E.	26 McCoy Street
White, Michael R.	308 Fisher Avenue
White, Peter W.	5 Delaware Avenue
Whitney, Wayne B.	403 Marshall Street
Wiley, Mary E.	404 S.E. Front Street***

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Wilkins, Howard C. II	410 Bridgeham Avenue***
Wilkins, Jessie L.	307 Richard Street
Wilkinson, Jr., Floyd H.	503 McColley Street
Wilkinson, Janet	503 McColley Street
Willey, Ruth E.	214 Charles Street
Williams, Ann C.	655 Beechwood Avenue***
Williams, Betty Lou	411 S. Washington Street
Williams, Carolyn Larson	6 Royal Court, Orchard Hill
Williams, Debra Lewis	111C Barksdale Court, Hearthstone Manor***
Williams, Harvey	411 S. Washington Street
Williams, James Keith	6 Royal Court, Orchard Hill
Williams, Loreane R.	506 Mispillion Apartments
Williams, Nolan Stafford	111C Barksdale Court, Hearthstone Manor***
Williamson, James Richard	209 Lovers Lane
Willis, Hilda B.	1001 Mispillion III
Wilson, Carlene	11 Nelson Street
Wilson, Joshua M.	11 Nelson Street
Wilson, Michael L.	11 Nelson Street
Wilson, Shayla Michele	11 Nelson Street
Windle, Edwin R.	115 Hickory Branch Court, Hearthstone Manor
Windle, Josephine P.	115 Hickory Branch Court, Hearthstone Manor
Windle, Richard Albert	115 Hickory Branch Court, Hearthstone Manor
Windsor, Joan Marie	11 McCoy Street
Winkler, Carol Anne	4201D Fullerton Court, Hearthstone Manor
Wood, Josephine H.	162 Rock Ledge Court, Hearthstone Manor
Wood, Lois A.	510 McColley Street
Worsley, Donnamarie	9 Hickory Branch Lane, Hearthstone Manor
Worsley, Grant Jr.	9 Hickory Branch Lane, Hearthstone Manor
Worts, Joseph P. Jr.	11 Homestead Boulevard, Hearthstone Manor
Wothers, Mary C.	303 Mispillion I
Wright, Barbara S.	3703I N. Sagamore Drive, Hearthstone Manor

Y

Yeager, Esther R.	206 E. Clarke Avenue

Z

Zencak, Daniel Lee	7 Delaware Avenue
Zaferis, Marjorie M.	115 Manor Lane, Marshall Commons*
Zaferis, Norma M.	210 Bridgeham Avenue
Zang, George W.	210 Charles Street
Ziccarelli, Cynthia J.	601 S. Walnut Street
Ziccarelli, Frank A.	601 S. Walnut Street
Zimmerman, Joseph C. Jr.	306 S. Washington Street

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PURGED FROM WARD I 2010		REASON
Byrum, Melvin Glenn Jr.	704 Lindsay Lane, Matlinds Estates	Deceased

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Kopf, Herman Otto	808 S. E. Second Street	Deceased
Morrison, Blanche R.	207 Marshall Street	Deceased
Rogers, J. Edward Jr.	806 S.E. Second Street	Moved Out of Town
Smith, Hilda Ruth	1002 Lemuel Street	Deceased
Webb, Pauline May	300 McColley Street	Deceased

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****Non-Resident/Property Owner Registered in Other Ward(s)

A

Absher, Diana L.	2 N.W. Front Street
Adkins, Glenda Denise	421 Kings Highway
Adkins, Jason W.	421 Kings Highway
Adkins, Ruth A.	513 Kings Highway
Adkins, William C.	421 Kings Highway
Alexander, Roger S.	308 Lakeview Avenue
Amory, Bridget R.	604 S. Walnut Street
Anderson, Lauren Oliver	412 N.W. Front Street
Angelucci, Gail R.	412 N.W. Front Street
Angelucci, Wayne Scott	412 N.W. Front Street
Antonik, Carol Susan	415 Woodland Drive
Antonik, Christopher G.	415 Woodland Drive
Awayes, Maha	511 Kings Highway

B

Bacon, Kathleen L.	903 S. DuPont Boulevard
Bacon, Jr., Paul W.	903 S. DuPont Boulevard
Bacon, Sr., Paul W.	903 S. DuPont Boulevard
Bailey, J. Patrick	602 Marvel Road
Bailey, Jay E.	602 Marvel Road
Bailey, Patricia L.	999 S. DuPont Boulevard
Bailey, Sharon Jean	602 Marvel Road
Baker, Patricia M.	515 Lakeview Avenue
Baker, Ronald R.	515 Lakeview Avenue
Banning, Hildray O.	703 North Shore Drive
Banning, Iva M.	703 North Shore Drive
Barr, Robert T.	226 Jefferson Avenue*
Barto, June G.	10 W. Clarke Avenue
Bayalis, Jr., John A.	29 Church Street
Bayalis, Margaret J.	29 Church Street
Beach, Janet D.	5879 Old Shawnee Road
Beideman, Ruth Ann	605 Lakeview Avenue
Berry, Myrtle W.	15 W. Clarke Avenue
Billings, Herschel	202 Grier Lane
Bird, Monroe Murphy Jr.	101 Lakelawn Drive
Bird, Nancy K.	101 Lakelawn Drive
Blackwell, Daisy Campbell	Milford Manor*
Blakely, Sheila G.	404 Lakeview Avenue
Blance', Nancy H.	10 N.W. Front Street #2A
Bleadow, Cheryl Y.	901 S. DuPont Highway
Bleadow, Kenneth A.	901 S. DuPont Highway
Blessing, Joel F.	608 New Street

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Bontrager-Thomas, Sherrie M.	314 N.W. Front Street
Boutin, Amy Clare	308 S. Walnut Street
Boutin, Theresa M.	308 S. Walnut Street
Boutin, Virginia L.	308 S. Walnut Street
Brenneman, Patricia	507 Crestview Drive
Brenneman, Wayne M.	507 Crestview Drive
Briggs, Mary E.	1019 S. DuPont Boulevard
Bullock, Brian Scott	4 Sunset Lane
Bunselmeyer, Louis Richard	109 School Place
Burch, Mary Lee	327 S. DuPont Boulevard
Burk, Albert J.	423 Kings Highway
Burk, Amanda S.	423 Kings Highway
Burk, James Frederick	129 School Place
Burn, Thomas	503 Seabury Avenue
Burris, Allison	602 Reed Road
Burris, Deborah B.	417 Kings Highway
Burris, Howard W.	417 Kings Highway
Burris, Janice H.	602 Reed Road
Burris, Linda	420 Kings Highway**
Burris, Michael W.	420 Kings Highway
Burton, Ann	208 Grier Lane
Burton, David G.	208 Grier Lane

C

Cahall, Arthur B. III	446 Kings Highway
Callahan, Billy B.	439 Kings Highway
Cannon, Justin R.	806 S. Walnut Street
Cannon, Stephen Gregory	806 S. Walnut Street
Carlino, Lorraine H.	721 New Street
Carpenter, William Cecil	401 Crestview Drive
Carroll, George Lee	26 N.W. Front Street
Carter, William R.	511 Seabury Avenue
Chamberlin, Sharon S.	8 W, Clarke Avenue
Christensen, Robert Mark	6 S. Maple Avenue
Chodkowski, Jean C.	314 Lakelawn Drive
Clayville, John Mark	628 N.W. Front Street
Clendaniel, Anna	700 Marvel Road
Clendaniel, Deborah W.	302 S. Walnut Street
Clendaniel, Eugenia	505 New Street
Clendaniel, F. Brooke	302 S. Walnut Street
Clendaniel, Lawrence E.	300 Hall Place
Comstock, Helen Mae	604 Marvel Road
Comstock, Janice L.	442 Kings Highway
Comstock, Richard D.	604 Marvel Road

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Comstock, Richard D. Jr.	442 Kings Highway
Connelly, Barbara H.	801 New Street
Connelly, Larry W.	801 New Street
Copple, Ruth Ann	507 Caulk Road
Corder, Ida C.	560 S. DuPont Highway
Corder, Orray W.	560 S. DuPont Highway
Cortright, Laura M.	500 Caulk Road
Cortright, Paul Hanford	500 Caulk Road
Coulbourne, Gary L.	512 Crestview Drive
Coverdale, Charles A.	7 Donovan Street
Coverdale, Clifford Wilson	111½ School Place
Coverdale, Marcia A.	7 Donovan Street
Coverdale, Tara J.	111½ School Place
Crabb, Patricia H.	430 Kings Highway
Crabb, Richard B.	430 Kings Highway
Craft, Darryl	201 Williams Street*
Crane, Mitchell G.	402 Woodland Drive
Crouch, Clifford T.	424 S. Walnut Street
Crouch, Vaughn P.	424 S. Walnut Street
Currie, Robert W. Jr.	510 Lakeview Avenue
Curtin, Carol A.	402 Lakeview Avenue
Curtin, John A.	402 Lakeview Avenue

D

Danielson-O'Hearn, Ruth D.	843 S. DuPont Boulevard
Darsney, Elizabeth Marie	307 Hall Place
Darsney, John P.	307 Hall Place
Darsney, Sheila M.	307 Hall Place
David, Kathleen A.	204 S. Walnut Street
David, Luis L.	204 S. Walnut Street
Davis, Carol Joann	723 Seabury Avenue
Davis, Jerry K.	216 N.W. Front Street
Davis, JoAnn W.	5 W. Clarke Avenue***
Davis, Mark Charles	5 W. Clarke Avenue***
Davis, Richard James	723 Seabury Avenue
Davis, Susan L.	216 N.W. Front Street
Day, George E.	412 S. Walnut Street*
Dennehy, Bradley A.J.	305 Hall Place
Dennehy, Kristin Yvette	305 Hall Place
Derrickson, Susan L.	2 Sunset Lane
Devita, Judith Elaine	304 Regent Road
Devita, Louis J.	304 Regent Road
Dickerson, Elaine T.	500 Marvel Road
Diskau, John R.	431 Kings Highway

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Donovan, Ernest L.	104 S. Walnut Street
Downes, Gary Wayne	510 Kings Highway Extended
Dugan, Brad M.	100 Causey Avenue
Dutton, Ruth Ann	328 Lakelawn Drive

E

Eastburn, Donald	405 Lakelawn Drive
Edmondson, Guy Mitchell	208 Lakeview Avenue
Edmondson, Loretta I.	208 Lakeview Avenue
Ehrmann, Ann Sonetto	817 Seabury Avenue
Ehrmann, George H.	817 Seabury Avenue
Ehrmann, George H. Sr.	817 Seabury Avenue
Elliott, Dodson Edward	203 Lakelawn Drive
Ellison, Abraham L.	604 Marvel Road
Ellison, Betty	604 Marvel Road
Emory, Judy Kay L.	110 Old Shawnee Road
Emory, Patrick Jason	110 Old Shawnee Road
Evans, George T.	313 Hall Place
Evans, Martha Lee	313 Hall Place
Evans, Rosellen G.	121 School Place

F

Feindt, Sharon A.	4 Lakelawn Drive
Feindt, Walter G.	4 Lakelawn Drive
Fetterman, David L.C.	517 Kings Highway
Fetterman, Joan W.	517 Kings Highway
Fischer, Joanne T.	12 Lakelawn Drive
Fisher, Carlton	202 Cherry Street
Fisher, Donald	502 Crestview Drive
Fisher, Patricia M.	502 Crestview Drive
Fluharty, Dorothy S.	710 New Street
Foster, Beechie L.	4 N. Maple Avenue
Foster, JoAnn	38 N. Walnut Street
Fox, Connie	809 New Street
Fox, Duane T.	809 New Street
Fox, Miriam S.	409 Marvel Road
Francis, Earl C.	118 N.W. Front Street
Francis, Kay O.	118 N.W. Front Street
French, Alvin W.	512 Kings Highway
French, Cynthia W.	512 Kings Highway
Frense, Joan M.	318 Lakelawn Drive
Friedman, Rhoda	447 Kings Highway
Frost, Thaddeus W.	108 Lakelawn Drive

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Fuchs, Cheryl L.	514-5 N.W. Front Street
Furnish, Dorothy P.	508 Kings Highway

G

Gagne', Roger	One Gagne Lane
Gallagher, Barbara	7 Sunset Lane
Garbutt, Ella F.	105 Wilbur Street
Garbutt, John W.	105 Wilbur Street
Garbutt, Thomas William	105 Wilbur Street
Geise, Ellis W.	7 Clarke Avenue
Geise, Marian M.	7 Clarke Avenue
Gleysteen, Diana M.	426 S. Walnut Street
Gleysteen, Dirk Graham	426 S. Walnut Street
Goodwin, Esther S.	4 Kings Highway
Gorrin, Ann R.	125 School Place
Gorrin, Daniel Peter	125 School Place
Gorrin, Paul E.	125 School Place
Govatos, Theodore P.	445 Kings Highway
Grabowski, Henry	14 W. Clarke Avenue
Grabowski, Linda L.	14 W. Clarke Avenue
Gray, Rachel T.	104 Kings Highway
Green, Priscilla J.	415 Kings Highway
Green, Richard A.	415 Kings Highway
Gunning, Emma W.	317 S. DuPont Boulevard
Gunning, Francis J.	317 S. DuPont Boulevard

H

Haack, Audrey H.	814 New Street
Haack, Clifford W.	814 New Street
Hall, Hilda T.	610 S. Walnut Street
Hall, Richard T.	610 S. Walnut Street
Harris, Dorothy S.	835 S. DuPont Boulevard***/NEW FORM REQ.
Harris, Estelle K.	610 Lakelawn Drive
Harris, John T.	835 S. DuPont Boulevard***/NEW FORM REQ.
Harris, Thomas Lee	610 Lakelawn Drive
Harris, William R.	835 S. DuPont Boulevard
Hart, Gloria M.	516 N.W. Front Street, Apt. 2
Hatfield, Robert D.	506 Caulk Road
Haverkamp, Howard F.	5 Donovan Street
Hawk-Jarman, Jody Jeanette	316 Lakelawn Drive
Hayes, Karolyn S.	10 Causey Avenue
Hayes, Paul D.	10 Causey Avenue
Heinold, Mary Ann	607 Lakelawn Drive

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Herholdt, Patricia O.	603 New Street
Herholdt, Thomas S.	603 New Street
Herring, James B.	308 Regent Road
Hoey, Amy L.	802 New Street
Hoey, Walter J. III	802 New Street
Holland, Ilona	505 Seabury Avenue
Holland, Randy J.	505 Seabury Avenue
Hollingsworth, Robert C.	719 S. DuPont Highway
Hooper, Rebecca M.	7 Mill Street
Hopkins, Dawn M.	434 Kings Highway
Horney, Edward H.	3 Clarke Avenue
Horney, Maryvone A.	3 Clarke Avenue
Howard, Jerald W.	707 Seabury Avenue
Howard, Maxine R.	707 Seabury Avenue
Hudson, Rebecca K.	504 Marvel Road
Humes, Alan Wesley	513 Caulk Road
Humes, Carolyn M.	102 Lakelawn Drive
Humes, Harry E.	102 Lakelawn Drive
Hunter, Elsie R.	816 New Street

I

Irwin, Dorothy H.	510 N.W. Front Street, Apartment 1

J

Jacobs, Bobbie	509 Crestview Drive
Jacobs, Forrest V.	509 Crestview Drive
Jarman, Harry E. III	316 Lakelawn Drive
Jerread, Gladys A.	Milford Manor*
Jewell, Margaret W.	705 S. DuPont Boulevard
Johnson, Cynthia A.	624 N.W. Front Street
Johnson, Ivar C.	Heritage of Milford*
Jones, June	5 Maple Avenue*
Jones, Margaret Ann	The Heritage/Milford Manor*

K

Kable, Charles W.	101 Lakelawn Drive
Kamalski, Joseph	1001 S. DuPont Highway
Keller, Christian A.	502 Caulk Road
Keller, Nancy M.	502 Caulk Road
Kemp, Barbara S.	8 Maple Avenue
Kemp, Ronald J.	305 Regent Road*
Kemp, Jr., Roy B.	305 Regent Road

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Kemp, Ruth Ann	305 Regent Road
Kenton, David W.	200 Lakeview Avenue
Kenton, Dawn D.	200 Lakeview Avenue
Kenton, George Nelson Jr.	302 Kent Place
Kenton, Karen L.	302 Kent Place
Keys, Rachel Burris	310 Hall Place
Killen, Frances C.	RD 5, Box 314
Kimmel, Doris	300 Lakelawn Drive
Kimmey, JoEllen	600 New Street*
Kimmey, Ted M.	600 New Street*
King, David	5 Clarke Avenue
King, Gary D.	10 Sunset Lane
King, Joan	719 New Street
Kirby, Blanche L.	821 S. DuPont Boulevard
Kirby, Robert J. Jr.	406 Evergreen Circle
Kirby, Russell Rudy II	206 Cherry Street
Kirwan, Jeffrey	607 Lakeview Avenue
Kitzmiller, Arthur L.	4 W. Clarke Avenue
Kitzmmiller, Colleen M.	4 W. Clarke Avenue
Koenig, Jeanne	502 S. Walnut Street
Koenig, John J.	502 S. Walnut Street
Kopinke, Rena F.	38 N. Walnut Street***
Kovack, Jerry F.	17776 Oak Hill Drive*
Kozora, Gary A.	704 Lakeview Avenue
Kufahl, Sharon Annette	715 Seabury Avenue***
Kunkle, John H.	605 Marvel Road

L

Lank, Diane J.	13 Sunset Lane
Lank, Robert B.	13 Sunset Lane
Lawrence, Nancy J.	454 Kings Highway
Lawrence, Ronald W.	454 Kings Highway
Layfield, Anita L.	900 S. DuPont Boulevard
Layfield, Jehu C.	900 S. DuPont Boulevard
Layton, James Floyd	2 W. Clarke Avenue***
Layton, Jane H.	113 School Place
Layton, Lulu H.	601 Lakeview Avenue
Lemmon, Hazel	403 Crestview Drive
Lemmon, Jr., John P.	403 Crestview Drive
Lindale, Nicholas B.	11 Mill Street
Lindale, Sheila D.	11 Mill Street
Lofland, Barbara B.	711 S. DuPont Boulevard
Lofland, Medford R.	711 S. DuPont Boulevard

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Love, Catherine W.	901 Seabury Avenue
Lucas, Phoebe H.	430 S. Walnut Street
Luiken, Dharma A.	403 Lakeview Avenue
Luiken, Richard C.	403 Lakeview Avenue
Lurwick, Mary E.	102 Pine Street

Mc

McDonough, Donald T.	601 Reed Road
McDonough, Stephanie	601 Reed Road
McFarland, Jessica Dawn	113A S. Church Street
McKenzie, Dana Hope	206 Grier Lane
McKenzie, John D.	206 Grier Lane
McNatt, Dorothy W.	431 Kings Highway
McNatt, Herman S.	431 Kings Highway
McWilliams, Jessie I.	839 S. DuPont Bouelvard
McWilliams, John H.	839 S. DuPont Boulevard

M

Macky, Walter B.	303 Hall Place
MacMillan, Donald D.	18 Clarke Avenue
MacMillan, Teri R.	18 Clarke Avenue
Majoch, Kaye M.	504 Crestview Drive
Majoch, Ladislav V.	504 Crestview Drive
Mallamo, Amy G.	320 Lakelawn Drive
Mallamo, Mark S.	320 Lakelawn Drive
Mallamo, Mark Steven II	320 Lakelawn Drive
Mallamo, Tamela D.	320 Lakelawn Drive
Marcouillier, Larry J.	106-A Causey Avenue
Marshall, Donnell M.	601 New Street*
Marshall, Lisa M.	601 New Street
Marshall, Jr., Samuel M. D.	3 Lakelawn Drive
Marvel, Jr., David H.	6525 Shawnee Road
Marvel, Jr., Harvey G.	409 Woodland Drive
Marvel, Kate	409 Woodland Drive
Marvel, Patricia Ann	6525 Shawnee Road
Marvel, Violet C.	510 Crestview Drive
Masten, Jr., Charles R.	106 Causey Avenue
Masten, Elizabeth	8 Lakelawn Drive
Masten, James J.	704 North Shore Drive
Masten, Kathy	106 Causey Avenue
Masten, Lise N.	103 Lakelawn Drive
Masten, Patricia Ann	406 Lakeview Avenue
Masten, Robert	8 Lakelawn Drive

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Masten, Robert Wesley	103 Lakelawn Drive
Masten, Sr., Stephen T.	406 Lakeview Avenue
Meade, Kay Lynn	604 Lakelawn Drive
Meade, Robert J.	604 Lakelawn Drive
Messick, Bryant Alden	709 S. DuPont Boulevard
Messick, Rachel Frances	709 S. DuPont Boulevard
Messick-Coulbourn, Catherine A.	512 Crestview Drive
Messick-Klensch, Lew A.	709 S. DuPont Boulevard
Mihaylo, Andrew J.	412 S. Walnut Street
Miller, Marianna Gail	28 W. Clarke Avenue
Mills, David Douglass	210 S. Walnut Street
Moore, Denise C.	6502 Shawnee Road
Morgan, Arthur D.	105 Elm Street
Morgan, Avis M.	105 Elm Street
Morgan, Charles E.	720 New Street
Morgan, Myron E.	510 S. Walnut Street
Moses, Charles	106 Lakelawn Drive
Moses, Dorothy McQuaid	106 Lakelawn Drive
Mossman, Bernadette T.	805 S. DuPont Highway
Muffler, Robert J. Jr	12 N.W. Front Street
Muller, Loretta M.	9 Mill Street
Murray, Patricia E.	516 N.W. Front Street, Apt. 3
Murphy, Jean W.	815 New Street
Murphy, Ruth R.	405 Lakeview Avenue
Myers, Wilma Kaye	807 Seabury Avenue

N

Nagy, Leigh Ann	2 W. Clarke Avenue
Nagy, Scott M.	2 W. Clarke Avenue

O

Oechsler, James A. Jr.	127 School Place
Oechsler, Tracy D.	127 School Place
O'Gara, Michael C.	112 Sussex Avenue
O'Gara, Ronda R.	112 Sussex Avenue
O'Neill, Brigid C.	612 Lakelawn Drive
O'Neill, Deborah	612 Lakelawn Drive
O'Neill, James	612 Lakelawn Drive
O'Neill, Maire Blaise	612 Lakelawn Drive
O'Neill, Robert J.	612 Lakelawn Drive
Osborne, William E.	910 Lakeview Avenue
Osterholm, Albert V.	508 Caulk Road
Otwell, James R.	404 N.W. Front Street

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P

Palomba, Anne M.	205 Lakelawn Drive
Passwaters, Jr., David A.	436 Kings Highway
Passwaters, Judith Ann	436 Kings Highway
Payne, Stella A.	509 Kings Highway
Pederson, Gordon Keir	300 Lakeview Avenue
Pederson, Huno K.	300 Lakeview Avenue
Pedersen, Mildred K.	300 Lakeview Avenue
Pendelton, Carolyn	819 New Street
Pendelton, John	819 New Street
Pennington, Frances	506 Crestview Drive
Phalen, Paul S.	507 Regent Road
Phillips, Adam W.	414 Evergreen Circle
Phillips, Susan S.	414 Evergreen Circle
Pierce, Thomas S. Jr.	38 N. Walnut Street
Pikus, S. Allen	16 W. Clarke Avenue
Pink, Gertrude	109 S. Church Street
Pink, Gordon	109 S. Church Street
Pletcher, Marianna S.	428 S. Walnut Street
Plummer, Carlton L.	802 Seabury Avenue
Plummer, Shirley E.	802 Seabury Avenue
Price, Carolyn A.	611 Seabury Avenue
Price, John D.	611 Seabury Avenue
Pritchett, Vickie L.	28 W. Clarke Avenue
Progar, Gary A.	11 Causey Avenue
Progar, Leslie A. W.	11 Causey Avenue
Purcell, James A.	102 Kings Highway

R

Rash, Steven C.	514 N.W. Front Street
Rau, Eleanor S.	101 Pine Street
Reed, Carolyn C.	307 Woodland Drive
Reed, Florence H.	103 Kings Highway
Reed, Helene	405 Marvel Road
Reed, James	405 Marvel Road
Reilly, Karen M.	904 Lakeview Avenue
Retzlaff, Erik Frank	101 Lakelawn Drive
Reynolds, Gertrude M.	18 Clarke Avenue
Reynolds, Sandra L.	616 N.W. Front Street
Roberts, Harold Everett	409 Lakeview Avenue
Roberts, Mary L.	409 Lakeview Avenue
Robinson, Barbara L.	723 New Street
Rogers, Ann B.	806 S. Walnut Street

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Rogers, Diane C.	301 Lakeview Avenue
Rogers, Jessica Rae	806 S. Walnut Street
Rogers, Joseph R.	504 Caulk Road
Rogers, Joseph R. II	806 S. Walnut Street
Rogers, Perry W.	301 Lakeview Avenue
Rogers, Ruth D.	504 Caulk Road
Rosenberger, Janet Lee	713 New Street
Rosenberger, Richard Alan	713 New Street
Rowe, Robert Landon	603 Marvel Road
Russ, Denice E.	7 S. Maple Avenue
Russell, Bonnie D.	321 Hall Place
Russell, Clara W.	414 Kings Highway
Ryan, Louise S.	106 Kings Highway

S

Salevan, David A.	816 New Street
Saunders, Jr., Henry S.	501 Lakeview Avenue
Sentman, Douglas B.	104 Pine Street
Scott, Anna M.	RD 5, Box 304
Sharp, Edna M.	Milford Manor*
Sharp, Eugene M. III	706 N. Shore Drive
Sharp, Rebecca L.	706 N. Shore Drive
Sheaffer, John B.	432 Kings Highway
Sheaffer, Mary Lou	432 Kings Highway
Showell, Marie C.	Milford Manor*
Shugart, G. Gardner	608 Lakelawn Drive***
Shugart, Janice S.	608 Lakelawn Drive***
Simmons, Nathaniel P.	208 N.W. Front Street
Simpson, Deborah K.	6 W. Clarke Avenue
Simpson, F. Gary	6 W. Clarke Avenue
Simpson, Olive P.	1000 S. Walnut Street
Siok, Joseph F.	404 S. Walnut Street
Siok, Leslie G.	404 S. Walnut Street
Sipple, Constance V.	603 Seabury Avenue
Sipple, Larry Robert	603 Seabury Avenue
Smith, Bernice	615 Seabury Avenue
Smith, Iva A.	111 School Place
Smith, Mary A.	505 Caulk Road
Smith, Mina J.	921 S. DuPont Boulevard
Smith, Neil R.	111 School Place
Smith, Norman T.	921 S. DuPont Boulevard
Smith, Robert D. III	100 Lakelawn Drive
Smith, Roy L.	505 Caulk Road
Smith, Stephanie S.	100 Lakelawn Drive

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Smith, Wayne E.	615 S. DuPont Boulevard
Southard, Alan R.	502A N.W. Front Street
Spadaccini, Robert F.	811 S. DuPont Highway
Stanko, Charles L.	26 N.W. Front Street
Starkey, Kathleen S.	13 W. Clarke Avenue
Starkey, Robert G.	13 W. Clarke Avenue
Steiner, Donald L.	7 Lakelawn Drive
Steiner, Marie	7 Lakelawn Drive
Straub, Ruth B.	103 Pine Street
Sutcliffe, Carol J.	5 Sunset Lane
Sutcliffe, Robert R.	5 Sunset Lane
Sylvester, Marianne W.	506 Caulk Road

T

Taylor, Mary W.	401 Woodland Drive
Thomas, Cynthia P.	609 Lakelawn Drive
Thomas, Sr., Karl J.	609 Lakelawn Drive
Thomas, Renate	609 Lakelawn Drive
Thompson, Charles P.	414B N.W. Front Street
Tosques, Vicki A.	5 Causey Avenue, Apt. 4
Tschantre, Joyce M.	815 Seabury Avenue
Tschantre, Leon E.	815 Seabury Avenue
Turner, Octavia F.	506 S. Walnut Street

V

Valentine, Dennis R.	503 Reed Road
Valentine, Valerie A.	503 Reed Road
VanGorder, Joan J.	301 S. DuPont Highway
VanGorder, Robert F.	301 S. Dupont Highway
Vican, Anthony J. Jr.	602 N.W. Front Street*
Vican, Barbara	602 N.W. Front Street*
Viramontes, Rose E.	408 Evergreen Circle
Voshell, Joyce A.	506 Reed Road
Voshell, Robert J.	506 Reed Road

W

Waddler, Michele D.	501 Lakelawn Drive
Wadkins-Berry, Gaillyn	422 S. Walnut Street
Wadkins, Pearl B.	11 W. Clarke Avenue
Wadkins, Jr., William T.	11 W. Clarke Avenue
Walch, Diana L.	406 Marvel Road
Walch, Vernon H.	406 Marvel Road

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Walsh, Florence K.	809 Seabury Avenue
Walsh, James M.	809 Seabury Avenue
Walters, Darrell Andrew	603 Lakeview Avenue
Walters, Kristin M.	603 Lakeview Avenue
Waltman, Albert	14-22 N.W. Front Street, Apt. 12
Warren, Asa P.	1031 S. DuPont Highway
Warren, Cecelia M.	1031 S. DuPont Highway
Warren, Mary Ann	400 Sussex Avenue
Warren, Myron C.	20 W. Clarke Avenue
Watford, Bonnie K.	1 Donovan Street
Watford, Stroman T. Jr.	1 Donovan Street
Watson, Glenn M.	709 New Street
Watson, Katie T.	709 New Street
Welch, Linda B.	714 New Street***
Weldon, Kathleen V.	6494 Shawnee Road
Wells, Rita F.	505 N. Walnut Street****
Wenter, William	310 Hall Place
Whalen, Deborah S.	800 S. Walnut Street
Whalen, Joseph P.	800 S. Walnut Street
Wheelock, Charlotte L.	606 S. Walnut Street
Wilcutts, Mary L.	624 N.W. Front Street
Wilcutts, Roy	624 N.W. Front Street
Wiley, Joseph E.	202 Lakeview Avenue
Wiley, Renate K.	202 Lakeview Avenue
Wilgus, Valentina D.	404 Woodland Drive
Wilkins, Aileen C.	19 Clarke Avenue
Wilkins, Audie M.	308 Hall Place*
Wilkins, Bernice J.	418 Kings Highway
Wilkins, Carol Ann	608 New Street
Wilkins, Clyde Lyons	308 Hall Place*
Williams, Bernadette J.	5 Wilbur Street
Williams, Daniel C.	5 Wilbur Street
Williams, Grant A.	127 School Place
Williams, Jenny Lynn	405 Woodland Drive
Williams, Richard Taylor	405 Woodland Drive
Willis, Dawn L.	304 Hall Place
Willis, Doris M.	601 Marvel Road
Wolf, Mary E.	308 Regent Road
Wood, Davis H.	520 N.W. Front Street***
Workman, John R.	402 Woodland Drive
Worrall, John A.	514-5 N.W. Front Street

Y

Yonker, Janet W.	304 Woodland Drive

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Young, Delores	512 N.W. Front Street, Apt. 3
Young, Terry L.	601 Lakelawn Drive

PURGED FROM WARD II 2010		REASON
Chamberlin, Charles H.	8 W. Clarke Avenue	Deceased
King, Sally	5 Clarke Avenue	Moved Out of Town
Layton, Robert L.	601 Lakeview Avenue	Deceased
LeBright, Josephine A.	718 New Street	Deceased
Luff, Rhoda A.	117 School Place	Deceased
Luff, Thomas P.	117 School Place	Deceased
Marshall, Eva	3 Lakelawn Drive	Moved Out of Town
Murphy, Charles D.	405 Lakeview Avenue	Deceased
Osterholm, Janice	508 Caulk Road	Deceased
Ranney, John D.	611 Lakeview Avenue	Moved Out of Town
Ranney, Margo	611 Lakeview Avenue	Moved Out of Town
Reichhold, Inge C.	713 Seabury Avenue	Deceased
Russell, Jr., George G.	414 Kings Highway	Deceased
Saunders, Beverly	501 Lakeview Avenue	Deceased
Wadkins, Sr., William T.	11 W. Clarke Avenue	Deceased

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A

Abbott, Gary S.	706 N. Washington Street*
Abbott, Kathleen VanVorst	706 N. Washington Street
Adams, Gregory W.	811 N. Walnut Street
Alberts, Franklin R.	410 East Street
Ashley, Mary Elizabeth	53 General Torbert Drive, Sawmill Village
Assia, Anthony Jr.	5 Briar Court, Meadows at Shawnee
Assia, Elizabeth Marie	5 Briar Court, Meadows at Shawnee

B

Bailey, Alexis L.	709 N. Washington Street
Bailey, James A.	709 N. Washington Street
Bailey, Lorenz M.	32 Charles Street
Bailey, Mary K.	709 N. Washington Street
Baker, Sally F.	7 E. Thrush Drive, Meadows at Shawnee
Baker, Robert E. Jr.	7 E. Thrush Drive, Meadows at Shawnee
Baney, Jacquelynn P.	507 S.E. Front Street*
Barnett, Dorothy E.	5 N.E. Tenth Street
Baylis, Kathleen Marie	213 East Street
Baynard, Shelly Althea	17 General Torbert Drive, Sawmill Village
Baynard, Tamara D.	401-A S.E. Front Street
Beneventano, Steven	10 Big Pond Drive, Meadows at Shawnee
Bennett, Gina R.	19 Columbia Street
Benson, Thurman O. III	619 S.E. Front Street*
Benton, Laura S.	211 East Street
Bernadzikowski, Donna L.	13 E. Bullrush Drive, Meadows at Shawnee
Bernadzikowski, Walter R.	13 E. Bullrush Drive, Meadows at Shawnee
Better, Barbara P.	1 Governor Burton Court, Sawmill Village
Betts, M. Dean	47 Cedar Beach Road
Betts, Mary Colleen	47 Cedar Beach Road
Bielema, Dale R.	1005 N. Walnut Street
Biesterfeld, Atrisha Amber	6 Windy Drive, Meadows at Shawnee
Biesterfeld, Steven Andrew	6 Windy Drive, Meadows at Shawnee
Bishop, William Twingo	110 N.E. Second Street
Black, Alice M.	RD 3, Box 306
Blum, James R.	15 Big Pond Drive, Meadows at Shawnee
Blum, Rita M.	15 Big Pond Drive, Meadows at Shawnee
Bocasan, Colwin Gabina	8 Meadow Lark Drive, Meadows at Shawnee
Bokeno, Elli	16 Meadow Lark Drive, Meadows at Shawnee
Bokeno, Eugene R.	16 Meadow Lark Drive, Meadows at Shawnee
Boone, Karen F.	402 N.E. Fourth Street

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Boone, Linda Jean	12 Meadow Lark Drive, Meadows at Shawnee
Bovis, Irving	600 S.E. Front Street
Bradford, William F.	509 S.E. Second Street
Bradley, Carrie Beth	507 N. Washington Street
Bradley, Jr., Jimmy R.	705 S.E. Front Street
Bradley, Michael John	507 N. Washington Street
Brady, Ellen M.	111 Brady Drive
Brady, Jr., Norman	111 Brady Drive
Brady, Tracey Nadine	111 Brady Drive
Brooks, Jr., Owen S.	301 N.E. Tenth Street
Brooks, Rose Anne	301 N.E. Tenth Street
Brown, Carrie P.	413 N.E.Front Street
Brown, Helen L.	102 Lovers Lane
Brown, Mary	700 N. Washington Street*
Brown, Newton W.	700 N. Washington Street*
Brown, Richard T.	4 E. Bullrush Drive, Meadows at Shawnee
Brown, Sharon R.	4 E. Bullrush Drive, Meadows at Shawnee
Brozefsky, Adrienne Billings	807 N. Walnut Street
Burke, Dorothy J.	40 Meadow Lark Drive, Meadows at Shawnee
Burke, Neil A.	40 Meadow Lark Drive, Meadows at Shawnee
Butcavage, Lorraine D.	9 Little Pond Drive, Meadows at Shawnee
Butcavage, Nicholas J.	9 Little Pond Drive, Meadows at Shawnee
Byle, Michael Raymundo	7 Meadow Lark Drive, Meadows at Shawnee
Byle, Nennah Asunta R.	7 Meadow Lark Drive, Meadows at Shawnee

C

Callaway, Robert E.	520 Cedar Beach Road
Campaniello, Joseph L.	4 East Thrush Drive, Meadows at Shawnee
Campaniello, Tammi L.	4 East Thrush Drive, Meadows at Shawnee
Campbell, Arthur James	6 Little Pond Drive, Meadows at Shawnee
Campbell, Veronica	6 Little Pond Drive, Meadows at Shawnee
Carmean, Jr., Richard W.	417 N.E. Front Street
Carpenter, Jr., Louis H.	9 General Torbert Drive, Sawmill Village
Carroll, Kenneth R.	23 McColley Street***
Carroll, Ramona O.	23 McColley Street***
Carter, Judy K.	303 Pierce Street
Carter, Mark S.	707 N. Walnut Street
Carter, Nicole E.	707 N. Walnut Street
Cassedy, Gary R.	705 N. Walnut Street
Chidzik. Delores Jean	6 Bullrush Drive, Meadows at Shawnee
Chidzik, Walter	6 Bullrush Drive, Meadows at Shawnee
Chilton, Henrietta I.	38 Meadow Lark Drive, Meadows at Shawnee

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Chilton, Thomas J.	38 Meadow Lark Drive, Meadows at Shawnee
Cimo, Mary E.	410 East Street
Cioni, Albert	34 Meadow Lark Drive, Meadows at Shawnee
Clarke, Barbara A.	1 E. Bullrush Drive, Meadows at Shawnee
Clarke, Charles Wilson	1 E. Bullrush Drive, Meadows at Shawnee
Collins, Cynthia H.	66 Cedar Beach Road
Collins, Jr., George C.	601 S.E. Second Street
Collins, Joseph E.	22 W. Bullrush Drive, Meadows at Shawnee
Collins, Kenneth W.	66 Cedar Beach Road
Collins, Mary Catherine	22 W. Bullrush Drive, Meadows at Shawnee
Cortis, David S.	6 Meadow Lark Drive, Meadows at Shawnee***
Cortis, Sandra M.	6 Meadow Lark Drive, Meadows at Shawnee***
Cotton, Thomas G.	16 E. Bullrush Drive, Meadows at Shawnee***
Coulet, Dominique R.	15 Marshall Street
Coverdale, Beatrice A.	703 N. Washington Street
Coverdale, Clifford Keith	515 N. Washington Street
Coverdale, Donna Lee	515 N. Washington Street
Cox, Marguerite Josephine	13 Windy Drive, Meadows at Shawnee
Cromer, Darrell R.	507 N. Walnut Street
Cromer, Debra S.	507 N. Walnut Street
Currie, Jack Daniel	200 N.E. Fourth Street****

D

Dato, Frederick Jr.	22 Meadow Lark Drive, Meadows at Shawnee
Dato, Sandra K.	22 Meadow Lark Drive, Meadows at Shawnee
Davila, Antonio	12 Meadow Lark Drive, Meadows at Shawnee
Davis, Claretta	804 N. Washington Street
Davis, Gordon P.	601 N. Walnut Street
Davis, Harriet S.	814 East Street
Davis, Kathryn W.	9 N.E.Sixth Street
Davis, Marjorie J.	7 Windy Drive, Meadows at Shawnee
Davis, Melanie Donna	401 N. Washington Street
Davis, Robert A.	804 N. Washington Street
Davis, Robert J.	7 Windy Drive, Meadows at Shawnee
Davis, Sadie M.	505 Mispillion Street
Dawson, Earl J. Jr.	15 E. Bullrush Drive, Meadows at Shawnee
Dawson, Maria A.	15 E. Bullrush Drive, Meadows at Shawnee
Delrossi, Jeannine	4 Windy Drive, Meadows at Shawnee
Delrossi, Kent C.	4 Windy Drive, Meadows at Shawnee
DeMartin, Peggy J.	39 N. Walnut Street***
Denneny, Colleen M.	42 Fisher Avenue
Densten, Marilyn A.	7 E. Bullrush Drive, Meadows at Shawnee

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Densten, Paul L.	7 E. Bullrush Drive, Meadows at Shawnee
DeRue, Barbara E.	17 E. Bullrush Drive, Meadows at Shawnee
DeRue, John III	17 E. Bullrush Drive, Meadows at Shawnee
Dickerson, Jack N.	615 N. Walnut Street
Dickerson, John	616 N. Washington Street
Dickerson, Marian N.	616 N. Washington Street
Dickerson, Nancy K.	615 N. Walnut Street
DiFrancesca, Christopher M.	4 W. Thrush Drive, Meadows at Shawnee
DiFrancesca, Giselle	4 W. Thrush Drive, Meadows at Shawnee
Diogo, Teresa Toni	222 N.E. Second Street*/**
Dodd, Donna K.	810 East Street
Donnelly, James M.	802 S.E. Front Street***
Donnelly, Patricia A.	802 S.E. Front Street***
Donovan, Meta M.	711 N. Washington Street
Downes, Betty	306 S. Rehoboth Boulevard
Downing, Helen M.	17 McColley Street
Downing, William Ervin	17 McColley Street
Duncan, Carol A.	509 N. Walnut Street
Duncan, Richard R.	509 N. Walnut Street

E

Eisenbrey, John C.	801 S.E. Front Street
Eisenbrey, Michelle L.	801 S.E. Front Street
Elliott, Granville A.	604 S.E. Front Street
Elton, Richard A.	701 N. Walnut Street
Emory, Alice M.	107 N.E.Tenth Street
Ewadinger, Maureen E.	5 Little Pond Drive, Meadows at Shawnee
Evans, Edward B.	705 N. Walnut Street
Evans, Veronica K.	705 N. Walnut Street

F

Fannon, James J.	17 W. Thrush Drive, Meadows at Shawnee
Fannon, Mary A.	17 W. Thrush Drive, Meadows at Shawnee
Farrell, Dorothy A.	16 W. Bullrush Drive, Meadows at Shawnee
Farrell, Kathleen S.	900 S.E. Front Street
Farrell, Robert John	16 W. Bullrush Drive, Meadows at Shawnee
Farrell, Robert J. Jr.	16 W. Bullrush Drive, Meadows at Shawnee
Fister, Holly K.	509 Carlisle Lane*
Flanary, Willard Oland	6177 Kirby Road, Meadows at Shawnee
Flanary, Sandra Schwartz	6177 Kirby Road, Meadows at Shawnee
Fogel, Stuart Marshall	10 W. Thrush Drive, Meadows at Shawnee

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Fountain, Hayes E.	107 N.E.Fourth Street
Fountain, Mary L.	107 N.E.Fourth Street
Freebery, Mark	2 E. Bullrush Drive, Meadows at Shawnee
Freebery, Nancy Bennett	2 E. Bullrush Drive, Meadows at Shawnee
Fullman, Dorothy	19 Columbia Street
Fullman, Sadie	21 Columbia Street

G

Gagnon, Edward A. Jr.	41 Meadow Lark Drive, Meadows at Shawnee
Gallego, Margaret K.	803 N. Washington Street
Gerber, Ronald Dale	36 General Torbert Drive, Sawmill Village
Giannone, Julieann E.	3 W. Thrust Drive, Meadows at Shawnee
Gilewski, Diane	310 S. Rehoboth Boulevard
Gillspie, David A.	505 N. Washington Street
Gillespie, Harvey D.	508 Mispillion Street
Gillespie, Laraine J.	508 Mispillion Street
Gillespie, Margaret A.	505 N. Washington Street
Godwin, Milton B.	811 S.E. Second Street
Goldstein, Marsha	15 W. Thrush Drive, Meadows at Shawnee
Goldstein, Paul R.	15 W. Thrush Drive, Meadows at Shawnee
Gonzalez, Elaise	803A S.E. Second Street
Good, Christopher Alexander	411 East Street
Good, Joan Silvers	411 East Street
Gooden, James A.	909 N. Walnut Street
Gooden, Lora A.	909 N. Walnut Street
Gosnell, Elaisa Sanchez	16 Little Pond Drive, Meadows at Shawnee
Gosnell, Peter J.	16 Little Pond Drive, Meadows at Shawnee
Graham, Joyce F.	Cedar Beach Road
Gregory, Ida Mae	104 Brady Drive

H

Hamilton, Mary M.	701 S.E. Front Street
Hammond, Wyatt F.	1111 North DuPont Boulevard
Hangstefer, Priscilla Lynn	14 W. Thrush Drive, Meadows at Shawnee
Hare, Lou Ann	907 Berry Street
Harrington, Charles L.	48 General Torbert Drive, Sawmill Village
Harris, John D.	25 McColley Street
Hart, Darcel D.	18 Little Pond Drive, Meadows at Shawnee
Hart, Samuel	18 Little Pond Drive, Meadows at Shawnee
Hastings, Elwood E.	1009 N. Walnut Street
Hastings, Rorie S.	41 Fisher Avenue
Hays, Clarence H.	805 S.E. Second Street

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Hays, Patricia J.	805 S.E. Second Street
Heller, Betty M.	18 General Torbert Drive, Sawmill Village
Heller, David S.	18 General Torbert Drive, Sawmill Village
Henderlong, Shirley A.	44 Fisher Avenue
Hennelly, Michael J.	101 N.E. Tenth Street
Hennelly, Sally Ann	101 N.E. Tenth Street
Henry, Sophronia	107 Brady Drive
Hill, Barry	1017 S.E. Second Street
Higgins, James L.	20 Meadow Lark Drive, Meadows at Shawnee
Higgins, Karyn J.	20 Meadow Lark Drive, Meadows at Shawnee
Hinex, Larry Jr.	26 Meadow Lark Drive, Meadows at Shawnee
Holleger, Hilda M.	101 Charles Street
Holleger, Jr., Richard J.	101 Charles Street
Hollis, Alicia	611 N. Washington Street
Hopkins, Edith Z.	18 Marshall Street
Hopkins, Harmon R.	18 Marshall Street
Houser, Doreen L.	403 N. Walnut Street
Houser, Lawrence J. Jr.	403 N. Walnut Street
Howard, Ernest J.	105 Bridgeham Avenue
Howard, Melva L.	105 Bridgeham Avenue
Howell, Bonnie Lee	RD 5 Box 84-A Cedar Beach Road
Hoyer, Michael W.	605½ N. Walnut Street
Hudy, Anthony W.	811 N. Washington Street
Hudy, Mary Jo	811 N. Washington Street
Hughes, Jr., Frederick A.	206 N.E.Fourth Street
Hughes, John M.	701 S.E. Second Street
Hughes, Shirley J.	206 N.E.Fourth Street
Humes, Benjamin Ryan	605 N. Walnut Street

I

Isenbarger, Dennis L.	810 East Street

J

Jefferson, Justin C.	314 S. Rehoboth Bouelvard
Jefferson, Kim M.	314 S. Rehoboth Boulevard
Jenkins, Clarence E.	316 S. Rehoboth Boulevard
Jenkins, Daniel O.	5 Governor Watson Court, Sawmill Village
Jenkins, Patricia A.	5 Governor Watson Court, Sawmill Village
Jenkins, Tammy S.	316 S. Rehoboth Boulevard
Jensen, Robert J.	104 Bridgeham Avenue
Jester, Alan R.	809 N. Walnut Street
Jester, Allen S. Jr.	401 N. Rehoboth Boulevard*

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Jester, Diane L.	415 East Street
Johns, Edward Andre	8 Little Pond Drive, Meadows at Shawnee
Johnson, Cindy Lynn	23 E. Bullrush Drive, Meadows at Shawnee
Johnson, George W. Jr.	23 E. Bullrush Drive, Meadows at Shawnee
Johnson, Grace	104 N.E.Tenth Street
Johnson, Nathalia E.	806 N. Washington Street
Johnson, Samuel C.	104 N.E.Tenth Street
Jones, Helen M.	RD 5, Box 79A
Jones, John C.	RD 5, Box 79A
Jones, Margarette C.	801 N. Washington Street
Joseph, John W.	921 S.E. Front Street
Joseph, Mae	804 S.E. Front Street

K

Kennedy, Barbara C.	902 S.E. Front Street
Kennedy, Thomas C.	902 S.E. Front Street
Kieffer, Casey Ann	703 N. Washington Street
Killian, Kevin Patrick	44 Meadow Lark Drive, Meadows at Shawnee
Killian, Patricia Marie	44 Meadow Lark Drive, Meadows at Shawnee
King, Alton Clarence	710 N. Washington Street
King, Deborah Faye	710 N.Washington Street
Kinney, Russell L.	39 Meadow Lark Drive, Meadows at Shawnee
Kline, Beverly J.	3 Briar Court, Meadows at Shawnee
Kline, Harvey Eugene	3 Briar Court, Meadows at Shawnee
Knutsen, Dean S.	15 Meadow Lark Drive, Meadows at Shawnee
Knutsen, Jenny Andrea	15 Meadow Lark Drive, Meadows at Shawnee
Kopack, Elvira Marie	17 W. Bullrush Drive, Meadows at Shawnee
Kovach, Olga	318 N. Rehoboth Boulevard

L

Labajo, Nila B.	6 W. Bullrush Drive, Meadows at Shawnee
Labajo, Pike G.	6 W. Bullrush Drive, Meadows at Shawnee
Lane, Lula M.	118 Marshall Street
Lankford, Patricia L.	106 N.E. Tenth Street
Larocca, Vanessa	219 N. Walnut Street
Larue, Eric Todd	207 N.E.Fourth Street
Laurent, John Emil	34 General Torbert Drive, Sawmill Village
Lebengood, Ann M.	9 Windy Drive, Meadows at Shawnee
Lebengood, Peter Reed	9 Windy Drive, Meadows at Shawnee
Lee, Mary S.	617-A S.E. Front Street
Lessner, Gabrielle Margaret	1 E. Thrush Drive, Meadows at Shawnee***
Ligon, Christopher J.	203 S.E. Front Street

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Lofland, Joan W.	6 Columbia Street(NEW FORM)
Lofland, Joseph Sudler	6 Columbia Street
Lomax, Judith A.	110 Bridgeham Avenue
Lopez, Jose Martin	703 S.E. Second Street
Loveland, Margaret	701 S.E. Front Street

Mc

McBane, William J. III	70 Cedar Beach Road***
McColley, Irene L.	812 East Street
McColley, Karen K.	416 N.E.Tenth Street
McColley, Lynn A.	416 N.E.Tenth Street
McCollough, Virginia W.	106 N.E.Fourth Street
McGalagly, Gloria Marie	13 Little Pond Drive, Meadows at Shawnee
McGalagly, John J.	13 Little Pond Drive, Meadows at Shawnee
McGee, Kathy Ann	504 S.E. Front Street
McGee, Mary R.	100 N.E.Fourth Street
McGee, Michael J.	504 S.E. Front Street
McIlvain, Dennis L.	331 S. Rehoboth Boulevard

M

Maire, Kathleen E.	701 S.E. Front Street
Marabello, Daniel	1 Windy Drive, Meadows at Shawnee
Marabello, Licinia	1 Windy Drive, Meadows at Shawnee
Marcial-Nieves, Querube Khasi	101 N.E. Sixth Street
Markowitz, David H.	8 E. Thrush Drive, Meadows at Shawnee
Markowitz, Gloria K.	8 E. Thrush Drive, Meadows at Shawnee
Marsh, Frank O.	RD 5, Box 76
Marsh, Theresa A.	RD 5, Box 76
Martin, Ina Ola	22 Marshall Street
Martin, Joseph R.	913 S.E. Second Street
Martin, Katherine L.	701 N. Washington Street
Martin, Ralph A.	211 S.E. Front Street
Martin, II, William J.	509 Carlisle Lane
Mason, Sheila G.	401 N. Washington Street
Mayoral, Angelo	3 Lenape Lane, Meadows at Shawnee
Mayoral, Beatriz Medina	3 Lenape Lane, Meadows at Shawnee
Meding, Ann	617 N. Washington Street
Meding, Henry	617 N. Washington Street
Mendez, Abbey M.	7 N.E.Sixth Street
Mesh, Carol J.	10 E. Bullrush Drive, Meadows at Shawnee
Mesh, Thaddeus Joseph Jr.	10 E. Bullrush Drive, Meadows at Shawnee
Messick, Faith H.	220 N.E.Second Street

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Messick, Harold G.	220 N.E.Second Street
Miles, Nancy J.	110 East Street
Miller, Ellen E.	8 Big Pond Drive, Meadows at Shawnee
Miller, Michael Scott	45 Fisher Avenue
Miller, Scott A.	45 Fisher Avenue
Miller, Theresa L.	45 Fisher Avenue
Mills, Katherine A.	18 W. Bullrush Drive, Meadows At Shawnee
Mintzer, Betty Lou	509 S.E. Front Street
Mintzer, William	509 S.E. Front Street
Mitchell, Alan J.	109 Fisher Avenue
Mollura, Brenda M.	3 Little Pond Drive, Meadows at Shawnee
Mollura, John A.	3 Little Pond Drive, Meadows at Shawnee
Morris, Debra Lynn	9 E. Thrush Drive, Meadows at Shawnee
Morris, Edward S.	9 E. Thrush Drive, Meadows at Shawnee
Morris, James C.	103 Bridgeham Avenue
Morrow, Sr., Douglas E.	803 N. Walnut Street
Morrow, Linda Lee	803 N. Walnut Street
Morrow, Robert A.	42 General Torbert Drive, Sawmill Village
Mosley, Michael L.	401-A S.E. Front Street
Mott, Linda J.	31 General Torbert Drive, Sawmill Village
Mullan, Gloria Jean	501 East Street
Mullaney, Ann B.	1 West Thrush Drive, Meadows at Shawnee
Mullaney, Joseph A. II	1 West Thrush Drive, Meadows at Shawnee

N

Newhouse, Edna A.	110 Lovers Lane
Newhouse, Theodore M.	110 Lovers Lane
Nichols, John H. III	13 General Torbert Drive, Sawmill Village
Nieves, Carmen Lydia	101 N.E.Sixth Street
Nixon, Jean F.	201 N.E.Fourth Street
Noble, George Henry	110 N.E. Second Street

O

Olson, Kenneth C.	9 N.E. Fourth Street
Ouge, Gladys M.	54 Meadow Lark Drive, Meadows at Shawnee
Ouge, Joseph M.	54 Meadow Lark Drive, Meadows at Shawnee

P

Palermo, Joseph George	5 Misty Vale Court, Meadows at Shawnee
Palumbo, III, Joseph V.	1019 S.E. Second Street
Palumbo, Roberta M.	1019 S.E. Second Street

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Paradis, Mildred Anne	509 S.E. Second Street
Paradis, Roger Emile	509 S.E. Second Street
Paradis, Theresa J.	919 S.E. Second Street
Parker, Charles	119 N. Walnut Street
Parsons, Lisa K.	415 East Street
Patel, Chunilal M.	7 Misty Vale Court, Meadows at Shawnee
Patel, Hiren Chunilal	7 Misty Vale Court, Meadows at Shawnee
Patel, Mayuri Kanubhai	7 Misty Vale Court, Meadows at Shawnee
Patel, Vinay	3 Misty Vale Court, Meadows at Shawnee
Perez, Danny Garcia	29 General Torbert Drive, Sawmill Village
Perez, Lissette Ramona	29 General Torbert Drive, Sawmill Village
Peterson, Jason D.	519 N. Washington Street
Phelps, Margie S.	400 N.E.Fourth Street
Phillips, James	10 Salevan Place
Pileggi, Martha V.	607 S.E. Second Street
Piper, Lorraine R.	21 W. Bullrush Drive, Meadows at Shawnee
Piper, Stephen M.	21 W. Bullrush Drive, Meadows at Shawnee
Polite, Jo H.	5 General Torbert Drive, Sawmill Village
Polite, Richard L.	5 General Torbert Drive, Sawmill Village
Porter, Christine Ann	509 S.E. Second Street
Porter, Hilda Jane	11 Little Pond Drive, Meadows at Shawnee
Potter, Purnell G.	501 East Street
Powell, Derek J.	505 S.E. Front Street
Powell, Lamont G.	19 Columbia Street
Pratzner, Elaine Marie	52 Meadow Lark Drive, Meadows at Shawnee
Pratzner, Phillip Russell	52 Meadow Lark Drive, Meadows at Shawnee
Prince, Richard Alfred	3 Windy Drive, Meadows at Shawnee
Prince, Veronica	3 Windy Drive, Meadows at Shawnee

R

Raffy, June H.	515 N. Walnut Street
Ralph, Gary D.	268-B North Rehoboth Boulevard
Reedy, Myrtle H.	37 Fisher Avenue
Reynolds, Ralph C.	6 General Torbert Drive, Sawmill Village
Reynolds, Suzanne D.	6 General Torbert Drive, Sawmill Village
Rhodes, Linda	28 Fisher Avenue
Rhodes, Roy D.	28 Fisher Avenue
Richmond, Barbara J.	8 Governor Tharp Court, Sawmill Village
Robbins, Mildred Louise	35 Meadow Lark Drive, Meadows at Shawnee
Roberts, Dana Lee	10 N.E.Fifth Street
Roberts, Kathleen L.	6 Big Pond Drive, Meadows at Shawnee
Roberts, Wayne H.	6 Big Pond Drive, Meadows at Shawnee
Robertson, Lilly E.	803 S.E. Front Street

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Rockwell, Nancy M.	507 N. Washington Street
Rodenberg, Robert Thomas	6 Briar Court, Meadows at Shawnee
Rodenberg, Wanda L.	6 Briar Court, Meadows at Shawnee
Rodgers, Douglas Edward	8 Briar Court, Meadows at Shawnee
Rodriguez, Alicia S.	106 Charles Street
Rodriguez, Ernesto Jr.	106 Charles Street
Ross, Bessie May	204 N.E.Fourth Street
Rottman, Edward A.	23 W. Bullrush Drive, Meadows at Shawnee
Rottman, Lewis DeSimone	23 W. Bullrush Drive, Meadows at Shawnee
Ruiz, Phillip Henry	413 East Street
Rupp, John Joseph	9 Big Pond Drive, Meadows at Shawnee
Rupp, Kimberly Mae	9 Big Pond Drive, Meadows at Shawnee
Russo, Joan K.	513 N. Washington Street

S

Saccardi, Linda J.	901 N. Walnut Street
Saccardi, Tyler Reed	901 N. Walnut Street
Sacks, Lewis W.	9 W. Trush Drive, Meadows at Shawnee
Sarro, Regina	26 Cedar Beach Road
Sauls, Antoinette Yvonne	2 E. Thrush Drive, Meadows at Shawnee
Sauls, David R.	2 E. Thrush Drive, Meadows at Shawnee
Saupp, John W.	36 General Torbert Drive, Sawmill Village
Savage, Cynthia L.	403 N. Washington Street
Savage, Harry R.	403 N. Washington Street
Savage, Samuel Robert	403 N. Washington Street
Savage, Stephanie Marie	403 N. Washington Street
Sayer, Charlotte Anne	203 S.E. Front Street
Sayer,Priscilla Jane	203 S.E. Front Street
Saxon, Dana M.	611 S.E. Second Street
Saxon, Warren R.	611 S.E. Second Street
Schaap, Robert	211 East Street
Schleigh, David William	2 West Trush Drive, Meadows at Shawnee
Scott, John C.	280 N. Rehoboth Boulevard***
Scott, Virginia B.	280 N. Rehoboth Boulevard***
Scotton, Carol V.	905 S.E. Front Street
Scotton, II, Leslie	905 S.E. Front Street
Shabi, Olufemi O.	12 Big Pond Drive, Meadows at Shawnee
Shah, Bindesh B.	1 W. Bullrush Drive, Meadows at Shawnee
Sharp, Brenda Lee	838 N.E. Front Street
Sharp, Donna Marie	844 N.E. Front Street
Sharp, Marvin C.	844 N.E. Front Street
Sheffe, Christopher D.	11 E. Bullrush Drive, Meadows at Shawnee
Sheffe, Diane Irene	11 E. Bullrush Drive, Meadows at Shawnee

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Sherwood, Nancy Gaye	805 N. Walnut Street***
Shields, John William	13 Big Pond Drive, Meadows at Shawnee
Shockley, Brandi Lynn	210 N.E.Fourth Street
Shockley, David A.	614 S.E. Front Street
Shockley, Debbie A.	210 N.E.Fourth Street
Shockley, John D.	210 N.E.Fourth Street
Shockley, Myrna S.	614 S.E. Front Street
Short, Thomas C.	42 Fisher Avenue
Shorter, Thelma R.	509 Carlisle Lane
Shupard, Jr., Howard D.	405 N. Washington Street
Shupard, Rosanne T.	405 N. Washington Street
Skinner, Danny M.	907 N. Walnut Street
Skinner, Kathryn M.	907 N. Walnut Street
Sleva, Jodie H.	801 N. Walnut Street
Sleva, Morgan T.	801 N. Walnut Street
Smith, Charles G.	19 General Torbert Drive, Sawmill Village
Smith, Doris A.	19 General Torbert Drive, Sawmill Village
Smith, Gary W.	211 S.E. Front Street
Smith, Mabel C.	708 S.E. Front Street
Smith, Maude	109 McColley Street
Smith, Paul Phillip	18 Meadow Lark Drive, Meadows at Shawnee
Smith, Verda M.	211 S.E. Front Street
Snyder, Donna J.	54 General Torbert Drive, Sawmill Village
Spain, Dorothy R.	620 N. Washington Street
Spain, Ralph E.	620 N. Washington Street
Spigone, Joseph Edmund	30 General Torbert Drive, Sawmill Village
Spigone, Elizabeth Anne	30 General Torbert Drive, Sawmill Village
Spina,Alfred M.	4 Briar Court, Meadows at Shawnee
Spina, Joyce Marion	4 Briar Court, Meadows at Shawnee
Stanton-Hinex, Angela R.	26 Meadow Lark Drive, Meadows at Shawnee
Steiner, Anthony L.	21 Meadow Lark Drive, Meadows at Shawnee
Steiner, Linda J.	21 Meadow Lark Drive, Meadows at Shawnee
Sullivan, Lawrence	6 East Thrush Drive, Meadows at Shawnee
Sullivan, Susan C.	6 East Thrush Drive, Meadows at Shawnee
Swain, Dana Suzanne	35 Fisher Avenue
Swain, Scott Thomas	35 Fisher Avenue
Swain, Susan Kaye	35 Fisher Avenue
Sweeney, Edward J.	9 Misty Vale Court, Meadows at Shawnee
Sweeney, Elizabeth A.	9 Misty Vale Court, Meadows at Shawnee

T

Thawley, Beverly A.	6 N.E.Sixth Street***
Tisdell, Kevin C.	54 General Torbert Drive, Sawmill Village

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Todd, Joyce R.	3 Governor Watson Court, Sawmill Village
Todd, Michael L.	3 Governor Watson Court, Sawmill Village
Tonwe, Tutse D.	1011 N. Walnut Street***
Tucker, Samuel D.	106 Lovers Lane
Turner, George W.	103 Charles Street
Turner, Jane J.	103 Charles Street

V

VanHorn, Anita T.	6 Governor Tharp Court, Sawmill Village
VanHorn, Franklin	6 Governor Tharp Court, Sawmill Village
Vaughn, John C. Sr.	503 N.E.Fifth Street
Vaughn, Nancy F.	503 N.E.Fifth Street
Veals, Thelma Judy	8 Briar Court, Meadows at Shawnee
Venett, Emmett	504 N. Washington Street****
Venett, Patricia M.	504 N. Washington Street****
Vezmar, Michael W.	27 General Torbert Drive, Sawmill Village
Vicino, Jean	8 E. Bullrush Drive, Meadows at Shawnee
Vicino, Michael J.	8 E. Bullrush Drive, Meadows at Shawnee

W

Walker, David B.	37 General Torbert Drive, Sawmill Village
Walker, Keith E.	108 Charles Street
Walker, Ronda D.	511 S.E. Front Street
Walls, George W.	RD 1, Box 520
Walls, Sara E.	708 N. Washington Street
Waltman, Norma F.	919 S.E. Second Street
Ward, Carlos Everado Sr.	2 Briar Court, Meadows at Shawnee
Ward, Maria Tomasa	2 Briar Court, Meadows at Shawnee
Warfel, Anthony Brooks	61 General Torbert Drive, Sawmill Village
Warfel, Brendon T.	960 N.E.Front Street
Warfel, Cynthia L.	960 N.E.Front Street
Warfel(Davis), Margaret T.	61 General Torbert Drive Sawmill Village
Warren, Catherine D.	503 N.E.Front Street
Webb, Aileen R.	909 Berry Lane***
Webb, Diane D.	5 N.E.Sixth Street***
Webb, Harold L.	101 N.E.Eighth Street
Webb, Jesse C.	19858 Beaver Dam Road
Webb, Joyce L.	19858 Beaver Dam Road
Webb, Melissa P.	101 N.E.Eighth Street
Webb, Michele Renee	805 N. Walnut Street
Webb, Thomas E.	909 Berry Lane***
Wells, Joseph W.	52 General Torbert Drive, Sawmill Village****

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Wells, Michael S.	603 N. Walnut Street
Wells, Pamela Anne	603 N. Walnut Street
Wells, Rita F.	52 General Torbert Drive,Sawmille Village****
Western, Paul W.	404 N. Washington Street***
Whalen, Edith S.	108 Brady Drive
Wheatley, Bruce D.	11 W. Bullrush Drive, Meadows at Shawnee
Wheatley, Mary Lou	11 W. Bullrush Drive, Meadows at Shawnee
Wiley, David A.	511 S.E. Front Street
Wilkins, Elizabeth W.	912 S.E. Front Street
Williams, Ann C.	108 Charles Street***
Williams, Donald E.	20 E. Bullrush Drive, Meadows at Shawnee
Terrell-Williams, Maxine	20 E. Bullrush Drive, Meadows at Shawnee
Wilson, Bonnie L.	506 S.E. Front Street
Wilson, William A.	615 N. Washington Street
Witman, Frances L.	45 General Torbert Drive, Sawmill Village
Witman, Russell G. III	2 Governor Tharp Court, Sawmill Village
Wix, Mary Ellen Thomas	809 N. Washington Street
Wolfe, Kenneth W.	505 S.E.Front Street***
Wood, Alice M.	419 N.E.Front Street
Wood, Willis B.	419 N.E.Front Street
Wooters, Lois J.	709 N. Washington Street
Worthy, Bradie	217 N.E.Fourth Street
Worthy, Ivery L.	217 N.E.Fourth Street
Wright, Curtis E.	40 General Torbert Drive, Sawmill Village
Wright, Manuela Manenti	40 General Torbert Drive, Sawmill Village
Wyatt, Lance A.	806 S.E.Front Street

Y

Yevonishon, John Michael	1 Misty Vale Court, Meadows at Shawnee
Yordy, Michael K.	6165 Kirby Road, Meadows at Shawnee
Young, Naomi M.	204 Rehoboth Boulevard
Young, Oscar	204 Rehoboth Boulevard

Z

Zurzolo, Joseph S.	919 S.E.Front Street
Zurzolo, Karen Lynn	919 S.E.Front Street

PURGED FROM WARD III 2010 REASON

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Beebe, Norman W.	11 S. Walnut Street, Apt. 4	Moved out of Town
Brozefsky, Jesse Dominic	807 N. Walnut Street	Deceased
Bunting, Eric D.	108 Charles Street	Moved Out of Town
Bunting, Patricia R.	108 Charles Street	Moved Out of Town
Caudill, James M.	14 Meadow Lark Drive, Meadows at Shawnee	Moved out of Town
Caudill, Ruby Mae	14 Meadow Lark Drive, Meadows at Shawnee	Moved out of Town
Gilewski, Robert	310 S. Rehoboth Boulevard	Deceased
Walker, Keith E.	108 Charles Street	Moved out of Town
Walls, Lula A.	417 N.E.Front Street	Deceased
Witman, Judy Smith	2 Governor Tharp Court, Sawmill Village	Deceased

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A

Aaron, Edna	202 S. Landing Drive, Knotts Landing
Aaron, Thomas A.	202 S. Landing Drive, Knotts Landing
Abrams, Martha Ann	714 Parson Thorne Apartments
Artis, Lloyd P.	125 N.W. Second Street
Artis, Odessa P.	102 Brightway

B

Baier, Valerie H.	105 West Street
Baker, James L.	4 Salevan Place
Baker, Lester Samuel	126 N.W. Second Street
Banks, Tiana Kecia	400-19 Valley Drive
Barrows, Wesley H.	214 N. Walnut Street****
Baynard, Bertha J.	611 North Street Extended
Beckett, Vivi V.	114 Brightway
Becton, Sherron C.	606 Church Street
Benson, Nancy	105 N. Landing Drive, Knotts Landing
Betts, Harold L.	402 Truitt Avenue
Black, Helene M.	218 N. Walnut Street
Blackston, Eloise C.	704 Truitt Avenue
Blackston, Samuel A.	704 Truitt Avenue
Blackston, Samuel J.	704 Truitt Avenue
Boehm, Richard D.	1036 N. Walnut Street
Bond, Daniel L.	101 N.W. Front Street
Bond, Rhonda Sue	101 N.W. Front Street
Booz, Sally T.	Silver Lake Estates Apt. 312*
Bowe, Ethel T.	216 North Street
Bowen,Gary Allen	235 S. Landing Drive, Knotts Landing
Bowen, Helene Phyllis	235 S. Landing Drive, Knotts Landing
Bowers, Marian Claire	127 N. Landing Drive, Knotts Landing
Bowers, Norman J.	127 N. Landing Drive, Knotts Landing
Bradley, Thomas C.	117 N.W. Front Street
Bradley, William J.	311-B N.W. Second Street
Brereton, William S.	103 Silver Hill Apt.*
Brewington, Cynthia M.	409 1/2 Church Street
Briggs, Donald James	240 S. Landing Drive, Knotts Landing
Brockett, Hattie	104-A Moyer Circle West
Brockett, Ronald E.	201 North Street
Brown, Howard Lee	408 North Street
Brown, Jane R.	26 N.W. Tenth Street
Burk, Blanche A.	5 Linstone Lane, Apt. 101
Burke, Agnes N.	602 Truitt Avenue Ext.

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Burke, Gowens Ashley	602 Truitt Avenue Ext.
Burkett, Sybil E.	103 Ashley Way*
Byrd, Betty Diane	200-26 Valley Drive*

C

Calhoun, Robin L.	205 North Street
Callaway, Dorothy J.	203 Parson Thorne Apartments
Callaway, Thomas E.	203 Parson Thorne Apartments
Campbell, David C.	15 N.W. Second Street
Cannon, James Edward Jr.	23 N.W. Second Street
Cartwright, Rita C.	711 Truitt Avenue Ext.
Cephas-Morris, Felicia E.	606 North Street
Chapman, Domeka W.	602 Truitt Avenue Ext.
Chapman, James J. Jr.	443 North Street
Cherry, Natalie	117 Starland Way, Knotts Landing
Clark, Donna L.	805 N. DuPont Highway
Clark, Mary Edna	612 North Street Ext.
Clark, Paul E.	805 N. DuPont Highway
Coleman, Carol Susan	234 S. Landing Drive, Knotts Landing
Collins, Katherine	5 Linstone Lane
Condiff, Violet M.	107 West Street
Cooper, Lillian K.	701 Moyer Circle East
Coverdale, Cynthia R.	1022 N. Walnut Street
Currie, Jack Daniel	5 N.W. Fourth Street****
Curry, Pauline G.	Velley Run*

D

Daniels, Wauneti J.	102 Parson Thorne Apartments
Davis, Helen	110 N.W. Fourth Street
Davis, Helen E.	1020 N. Walnut Street
Davis, Rebecca E.	110 N.W. Fourth Street
Davis, Sadie M.	207 N.W. Third Street
Davis, Sherry Lee	443 North Street
Davis, Sylvester	104 N. Church Street
Demnicki, Damian J.	600 N. Walnut Street
Demnicki, Pamela T.	600 N. Walnut Street
Deputy, Margarett A.	614 Parson Thorne Apartments
Dickerson, Denise E.	108 Allen Way
Dickerson, Doris L.	502 N. Church Street
Dill, Carolyn E.	212 N. Walnut Street, Apt. A.
Dohring, Nancy W.	5 Linstone Lane, Apt. 3
Donnellan, Hubert J.	103 Starland Way, Knotts Landing

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Doran, Anne L.	133 N. Landing Drive, Knotts Landing
Doran, Charles L.	133 N. Landing Drive, Knotts Landing
Dorman, Jean	5 Linstone Lane, Apt. 210
Dotson, Roy K.	107 North Street, Apt. 3
Doyle, Catherine C.	111 A N.W. Third Street
Draper, Anne L.	503 Parson Thorne Apartments

E

F

Fair, Susan E.	113 Brightway
Fantozzi, Anthony J.	107 Alexa Court, Knotts Landing
Fantozzi, Christine A.	107 Alexa Court, Knotts Landing
Fondren, Carl J.	140 N. Landing Drive, Knotts Landing
Fort, Delores L.	518 Truitt Avenue
Fountain, Alfredia	602 North Street Extended
Fountain, Brennon Almond	Parson Thorne Apartments, Apartment 824
Fountain, Cleo H.	510 Truitt Avenue
Fountain, Franklin A.	516 N. Church Street***
Fountain, Gwendolyn M.	608 Truitt Avenue Extended
Fountain, Janice L.	604 Truitt Avenue Extended
Fountain, Kenneth D.	510 Truitt Avenue
Fountain, Reginald DaWayne	604 Truitt Avenue Extended
Franklin, Teresa E.	5 Lucia Circle
Franklin, Teresa M.	604 N. Church Street
Frith, Viola H.	111 N.W. Third Street, Apt. B
Fry, Douglas Ernest	916 Roosa Road***
Fry, Ralph B.	County Road 404***
Fullman, Yvonne Denise	427 North Street*

G

Gibson, Douglas A.	704 North Street Extended
Gilewski, Teresa J.	2 Archers Way
Gordon, Pamela Geneen	114 Brightway Commons
Greenage, Paul W.	218 N. Walnut Street
Griffin, Emma Jane	220 North Street
Griffin, Jennie P.	419 North Street
Griffin, Luther J.	220 North Street
Griffith, Nila M.	402 Ashley Way*

H

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Halstead, Ward B.	226 S. Landing Drive, Knotts Landing
Hamm, Eleanor M.	111 N.W. Fourth Street
Hammond, Charles T. Jr.	608 North Street
Harden, Sharon Y.	4 Lucia Circle
Hardy, Alice Marie	203 North Street, Apt. C
Hardy, Justina Marie	203 North Street
Harmon, Diana C.	304 Truitt Avenue*
Harmon, Theresa Y.	Truitt Avenue*
Harrington, Jean F.	800 Parson Thorne Apartments
Harris, Ronald Dale	309 Church Street
Harris, Tina Y.	106 Brightway
Hazzard, Roy L.	108 N. Church Street
Henderson, Deborah S.	207 Church Street
Henry, Frances E.	519 West Street
Herron, Dale Marie	106 Ginger Lane, Knotts Landing
Herron, David William	106 Ginger Lane, Knotts Landing
Hessler, David C. Sr.	120 N. Landing Drive, Knotts Landing
Hessler, Jean F.	120 N. Landing Drive, Knotts Landing
Hicks, Brian K.	502 Truitt Avenue
Hicks, Darryl L.	502 Truitt Avenue
Hicks, Ida Mae	125 N.W. Second Street
Hicks, Shirley A.	502 Truitt Avenue
Hill, Robert S.	Silver Lake Estates*
Hinton, Carolyn E.	100 Brightway
Hobbs, Doris W.	112 Truitt Avenue
Hobbs, Ormond H.	112 Truitt Avenue
Holden, Claudia H.	100 Drew Street
Holden, Elroy S.	100 Drew Street
Holmes, Theresa C.	715 N. Church Street
Hopkins, Steven E.	3 Lucia Circle
Howard, Caleb Jr.	441 North Street
Howell, Katherine Lynch	509 Parson Thorne Apartments
Hudson, Donald Walter	122 N. Landing Drive, Knotts Landing
Hudson, Judith K.	122 N. Landing Drive, Knotts Landing
Hugg, Margaret R.	708 Parson Thorne Apts.
Hughes, Mary Ellen	102 Alexa Court, Knotts Landing
Hurst, John S.	205 South Landing Drive, Knotts Landing
Hurst, Mary Carol	205 South Landing Drive, Knotts Landing
Hutchman, Jean S.	111 Ginger Lane, Knotts Landing

I

J

Jackson, Catherine E.	809 Parson Thorne Apartments

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James, Sr., Jason L.	1 Games Drive
James, Pamela T.	1 Games Drive
Johnson, Dorothy S.	102 Parson Thorne Apartments
Johnson, Jeannie N.	Air Park Plaza***
Johnson, Raydia N.	200-3 Valley Drive
Johnson-Sudler, Sonya F.	105 Valley Drive*
Johnson, Teresa M.	700 Truitt Avenue Ext.
Johnson, Timothy S.	Air Park Plaza***
Johnson, William	700 Truitt Avenue Ext.
Jones, Lida M.	206 North Street

K

Kean, David B.	5 Linstone Lane, Apt. 409
Kehler, Jr., Harry C.	103 Parson Thorne Apartments
Kehler, Sarah B.	103 Parson Thorne Apartments
Kellam, Patsy Lea	201 Church Street
Kelly, James Edward	205 N.W. Front Street
Kelly, Raymond H.	205 N.W. Front Street
Kenton, Mariam E.	415-A SilverLake Estates
Kimbrough, Kathy A.	308 North Street
Kinzer, Barbara A.	203 North Street
Kniceley, Betty A.	17 N.W. Second Street
Kniceley, Donald E.	17 N.W. Second Street

L

Lardner, Janet M.	228 S. Landing Drive, Knotts Landing
Lardner, Ring William	228 S. Landing Drive, Knotts Landing
Lawhorn, Samuel N.	435 North Street
Leggett, Celestine W.	704 E Moyer Circle
LeGrand, Dana C.	411 N. Church Street
LeGrand, Romonita I.	411 N. Church Street
LeGree, Ellen A.	103 Brightway
Leithmann, Theodor	A-3 Silver Hill Apartments
Lender, Elizabeth J.	104 Alexa Court, Knotts Landing
Lender, Robert B.	104 Alexa Court, Knotts Landing
Lenet, Elizabeth Ann	252 S. Landing Drive, Knotts Landing
Lenet, Howard Alan	252 S. Landing Drive, Knotts Landing
Leuthauser, Joanne	509 Ashley Way
Leutz, Clara M.	5 Linstone Lane, Apt. 201
Leutz, Henry P.	5 Linstone Lane, Apt. 201
Lewis, Bessie M.	103B Moyer Circle
Lewis, Caroline A.	218 N. Walnut Street
Lewis, Leroy	103B Moyer Circle

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Lewis, Linda A.	5 Linstone Lane, Apt. 212
Limardi, Joseph N.	23 Linstone Lane, Apt. 2
Littleton, Beatrice L.	5 Linstone Lane, Apt. 414
LoPresti, Thomas J.	123 N. Landing Drive, Knotts Landing
Love, Cynthia B.	200 Truitt Avenue
Love, Michael J.	200 Truitt Avenue

Mc

McCrea, Stacey Lyn	105 Brightway Commons
McGrath, Rosemarie	117 Ginger Lane, Knotts Landing
McGrath, Timothy P.	117 Ginger Lane, Knotts Landing
McMillan, Michael W.	711 Parson Thorne Apartments
McMillian, Douglas	118 N.W. Third Street
McMillian, Jeanne V.	118 N.W. Third Street
McPherson, Irma	211 Ashley Way*

M

Manolaki, Katrina	106 North Street
Mantineo, Gail A.	218 South Landing Drive, Knotts Landing
Mantineo, Salvatore Jr.	218 South Landing Drive, Knotts Landing
Manzo, Carlos F.	207 N.W. Fourth Street
Marino, Dorothy	102 Ginger Lane, Knotts Landing
Marino, Salvatore J. Jr.	102 Ginger Lane, Knotts Landing
Marleton, Doris H.	310 Parson Thorne Apartments
Marleton, Ernest L.	310 Parson Thorne Apartments
Marsh, Barbara J.	303 N.W. Second Street
Marsh, Steve	303 N.W. Second Street
Marshall, David W.	417 North Street
Marvel, Linda M.	4 Archers Way
Marvel, Randy E.	4 Archers Way
Matthews, Tony M.	115 Bright Way
Mays, John J.	615 Parson Thorne Apartments
Melott, Douglas E.	707 East Lane, North Shores
Melott, Ruth Ann	707 East Lane, North Shores
Mergner, Henry H.	134 N. Landing Drive, Knotts Landing
Mergner, Louise G.	134 N. Landing Drive, Knotts Landing
Mitchell, Helen P.	1036 N. Walnut Street
Mitchell, Sr., John E.	1036 N. Walnut Street
Mojica, Benito	201 Allen Way, Apt. 32
Moore, Leroy	Silver Lake Estates
Morris, Clarence William	606 North Street
Morris, Grace J.	706 Truitt Avenue Ext.
Morris, Jerome S.	706 Truitt Avenue Ext.

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Morris, John A.	244 S. Landing Drive, Knotts Landing
Morris, Michael P.	706 Truitt Avenue Ext.
Morris, Wendy L.	505B E. Moyer Circle*
Morse, John R., Jr.	701 North Street
Muffler, Robert J. Jr.	21 N.W. Front Street, Apartment 202
Mumford, Granville, Jr.	24 N.W. Tenth Street
Mumford, Wilson A.	521 N. West Street, Apt. A
Mundwiler, Christopher S.	214B N. Walnut Street
Myers, Patricia J.	27 Linstone Lane, Apt. 8

N

Nance, Marlene Walliser	112 Ginger Lane, Knotts Landing
Norman, Henry Jr.	430 North Street

O

Olivera, Dorothy M.	106 West Street
Olivera, Pablo C.	106 West Street
Olson, John L.	10 Rogers Drive
Olson, Ruth S.	10 Rogers Drive
Orta, Mary Ann	104 Brightway

P

Pakech, Christopher J.	103 Giner Lane, Knotts Landing
Paquette, Virginia O.	18 S. DuPont Highway
Parker, Jr., Claude McKinley	401 Truitt Avenue
Parker, Eva	401 Truitt Avenue
Parker, Lillian M.	211 N.W. Second Street
Parker, Ozzie Mae	6 Lucia Circle
Patillo, Janet	109 North Landing Drive, Knotts Landing
Patillo, Robert D. Sr.	109 North Landing Drive, Knotts Landing
Pattillo, Barbara Joslin	105 Alexa Court, Knotts Landing
Penland, Troy M.	303 Truitt Avenue
Pensel, Charles H. Jr.	237 S. Landing Drive, Knotts Landing
Pensel, Virginia A.	237 S. Landing Drive, Knotts Landing
Piazza, Merle R.	108 Starland Way, Knotts Landing
Piazza, Joe	108 Starland Way, Knotts Landing
Pikus, Terry	404 Silver Hill Apartments*
Pilla, Elaine M.	238 S. Landing Drive, Knotts Landing
Pilla, George R.	238 S. Landing Drive, Knotts Landing
Pope, Jerrie R.	919 Roosa Road
Powell, Dwayne Edward	500 Church Street
Powell, Mary	304-B West Street*

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Predmore, Pamela M.	209 N.W. Front Street
Prettyman, Martha M.	510 Parson Thorne Apartments
Primos, Andrea L.	144 Church Hill Road
Primos, Noel Eason	144 Church Hill Road
Prouse, Donald M. Jr.	7 Archers Way
Purnell, Roxie M.	109 West Street

Q

R

Ramos, Isaura	601 North Street
Ramos, Louis	601 North Street
Ramos, Tony	601 North Street
Rapp, Ethel J.	506 Parson Thorne Apartments
Rathbun, Leslie Ann	1036 N. Walnut Street
Reichelt, Shirley P.	5 Linstone, Lane, Apr. 422
Renk, Dorothy P.	105 Ginger Lane, Knotts Landing
Renk, Ronald E.	105 Ginger Lane, Knotts Landing
Reynolds, Charlie J.	107 Allenway
Reynolds, Toshi D.	1 Games Drive
Rhodes, Velma M.	5 Linstone Lane, Apt. 24
Richardson, Thomas L.	514-A Church Street
Riecke, Carolyn S.	801 N. DuPont Highway
Rini, Beverly A.	119 Ginger Lane, Knotts Landing
Rini, Charles	119 Ginger Lane, Knotts Landing
Rivera, Michael R.	200 N. Walnut Street
Roberts, Janet S.	1024 N. Walnut Street
Roberts, Richie D.	1024 N. Walnut Street
Robinson, Cynthia Kay	111 Starland Way, Knotts Landing
Robinson, Ray E.	111 Starland Way, Knotts Landing
Robinson, Verie L.	207 N.W. Fifth Street
Rogers, Grace D.	126 N.W. Second Street
Rogers, Julie E.	109 Parson Thorne Apartments
Rooks, Frances	500 Church Street
Roosa, Glenda Kay	903 Roosa Road
Roosa, III, J. Heyman	903 Roosa Road
Roosa, Mildred S.	917 Roosa Road
Ross, James E.	411 North Street
Ruffin, Marcealeate S.	515 Truitt Avenue***
Rumley, I. Helen	5 Linstone Lane, Apt. 419*
Ruiz, Gervasio Jr.	105 N. Landing Drive, Knotts Landing

S

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Saldana, Luis A.	306 West Street
Schiedenhelm, Betty Lou	140 North Landing Drive, Knotts Landing
Scott, Aleathea K.	454 North Street
Scott, Gloria A.	110 N.W. Third Street
Session, Linda	114 Allen Way, Apt. 21
Seth, Lolita C.	108 Allen Way, Apt. 11
Shafer, Harriett W.	135 N. Landing Drive, Knotts Landing
Shafer, Julian R.	135 N. Landing Drive, Knotts Landing
Shaffer, Scott E.	806 Parson Thorne Apartments
Sharp, Della M. (Parker)	606 Truitt Avenue Ext.**
Sharp, Mary Ann	9 Rogers Drive
Sharp, Regina A.	108 Allenway Apt. 21
Sharp, Jr., William H.	606 Truitt Avenue, Ext.*
Shelborne, Demarcus Daniel	10 N.E. Salevan Place
Shelton, Geraldine E.	109 Valley Run
Showell, Linda J. Sharpe	20 N.E. Tenth Street
Sirois, Gerard B.	108 North Landing Dr., Knotts Landing
Sirois, Jeanne A.	108 North Landing Dr., Knotts Landing
Smith, Bobby M.	15 Rogers Drive
Smith, Borden E. II	203 Truitt Avenue
Smith, Constance R.	604 North Street Ext.
Smith, Debra Lynn	23 N.W. Second Street
Smith, Dorothy S.	709 Truitt Avenue Ext.
Smith, Betty E.	600 Parson Thorne Apartments
Smith, Fred P.	600 Parson Thorne Apartments
Smith, Leasa Alane	604 North Street Ext.
Smith, Marion	118 Starland Way, Knotts Landing
Smith, Melvin E.	709 Truitt Avenue Ext.
Smith, Rosie L.	1 Lucia Circle
Smith, Sr., Shelton Lee	1 Lucia Circle
Smith, Thelton T.	Apt. 114 Silver Lake Estates
Smith, Thomas J.	118 Starland Way, Knotts Landing
Snead, James E.	500 Church Street
Snyder, Mary C.	312 Charles Street*
Sobolewski, Leonard S.	109 Ginger Lane, Knotts Landing
Sobolewski, Margaret B.	109 Ginger Lane, Knotts Landing
Sodergren, C. Robert	212 N. Walnut Street
Sorden, George C.	507 Truitt Avenue
Spady, David M.	104 Bright Way
Spady, Marvin D.	104 Bright Way
Spence, Wayne Edward	607 North Street Extended
Spivey, Arlene Y.	108 Bright Way
Staley, Georgiana M.	115 N.W. Front Street
Staley, Philip Richard	115 N.W. Front Street***/Need New Card
Staley, Tommye C.	115 N.W. Front Street***/Need New Card

*Change of Address Form Required
**Change of Name Form Required
***Non-Resident/Property Owner
****Non-Resident/Property Owner Registered in Other Ward(s)

Stalvey, Donna Lynn	204 Truitt Avenue
Stalvey, James W.	204 Truitt Avenue
Stalvey, Jessica Ann	204 Truitt Avenue
Starling, Sr., James O.	713 Truitt Avenue Ext.
Starling, Jeanel D.	713 Truitt Avenue Ext.
Steele, Doris I.	600 Parson Thorne Apartments
Steinhauer, Karen L.	124 N. Landing Drive, Knotts Landing
Steinhauer, Robert A.	124 N. Landing Drive, Knotts Landing
Stevens, Charlene E.	119 Brightway
Stevens, Cynthia Ann	119 Brightway
Stevenson, Gloria E.	404 Moyer Circle West
Steward, Carrie B.	301 Truitt Avenue
Steward, James E.	301 Truitt Avenue
Strahle, Albert	500 Parson Thorne Apartments
Strahle, Dorothy G.	500 Parson Thorne Apartments
Stradford, Jeffrey P.	609 North Street
Stuchlik, M. Susan	203 Parson Thorne Apartments
Sudler, Marion A.	105 Valley Run*
Sullivan, Frances A.	5 Truitt Avenue*
Swanson, Wilbur M.	218 N. Walnut Street
Szczesay, Eileen J.	122 Ginger Lane, Knotts Landing
Szczesay, Richard Joseph	122 Ginger Lane, Knotts Landing

T

Tarburton, David G.	414 N. Walnut Street
Tarburton, Joshua D.	416 N. Walnut Street
Tarburton, Lynda Lee	414 N. Walnut Street
Taylor, Mary I.	Silver Lake Estates*
Teagle, Walter	409 1/2 Church Street
Thomas, Isiah T.	125 N.W. Second Street
Thompson, Winford	107 Allenway Apt. 22
Tobin, Anna Patricia	201 Parson Thorne Apts.
Torbert, Carol A.	706 North Street Ext.
Torbert, George E.	706 North Street Ext.
Trotman, Audrey L.	110 N. W. Fourth Street
Tucker, Eileen M.	112 N. Landing Drive, Knotts Landing
Tucker, Francis	112 N. Landing Drive, Knotts Landing
Tucker, Jason K.	112 N. Landing Drive, Knotts Landing
Tunnell, Frances M.	708 Truitt Avenue Ext.
Tunnell, Jr., Harvey	708 Truitt Avenue Ext.
Turner, Cynthia Ann	107 Starland Way
Turner, Millicent E.	400 Church Avenue
Turner, Paul A.	107 Starland Way, Knotts Landing

*Change of Address Form Required
**Change of Name Form Required
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****Non-Resident/Property Owner Registered in Other Ward(s)

U

V

Vann, Mary Ann	108 Allenway, Apt. 31
Vaughn, George H.	233 S. Landing Drive, Knotts Landing
Vaughn, Patricia G.	233 S. Landing Drive, Knotts Landing

W

Walker, Paul E. Jr.	8 Archers Way
Walker, Phyllis E.	8 Archers Way
Wanzer, Maxine L.	105 Bright Way
Warrington, Carole A.	803 N. DuPont Boulevard
Waters, Andrea R.	615 North Street
Waters, William Jr.	615 North Street
Watts, Sandra J.	308 North Street
Webster, Mary L.	108 N. Church Avenue
Weires, Patricia B.	511 Parson Thorne Apartments
Whaley, Jeremiah K.	110 N. Church Street
Whaley, Latanya J.	110 N. Church Street
White, James	514-B N. Church Street*
White, Pedro T.	105 Bright Way
White, Wallace A.	512 N. Church Street
Wilcox, Shana Le Ann	400 N. Walnut Street
Wilkerson, David A.	209 Truitt Avenue***
Wilkins, James M.	6 Archers Way
Williams, John R.	408 Church Street
Wilson, Adelaide E.	408 North Street
Wilson, Katrina J.	605 North Street
Wilson, R. Darrell P.	605 North Street
Winder, Diane A.	201 N. Church Street
Wintjen, Barbara Jean	606 N. Walnut Street
Woehrle, Patricia Monks	800 Parson Thorne Apartments
Wood, Donna O.	106 N. Landing Drive, Knotts Landing
Woods, Antonio Lee	110 West Street
Woods, James E.	110 West Street
Wright, Irvin.W.	222 North Street
Wright, Lois A.	222 North Street

Y

Young, Dorothy F.	309 North Street
Young, J. Gardner	501 N.W. Front Street

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****Non-Resident/Property Owner Registered in Other Ward(s)

Young, Lucille I.	601 Parson Thorne Apartments
Young, Mable Ann	309 Church Street
Young, Roger Graham Sr.	131 N. Landing Drive, Knotts Landing
Young, Terrie V.	111 Church Street
Yourey, Kenneth J.	101 Ginger Lane, Knotts Landing

Z

Zieber, Helen T.	1 Rogers Drive

*Change of Address Form Required
**Change of Name Form Required
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****Non-Resident/Property Owner Registered in Other Ward(s)

PURGED FROM WARD IV 2010		REASON
Atwell, Irene	508 Parson Thorne Apartments	Deceased
Bond, Sharon M.	101 N.W. Front Street	Moved Out of Town
Davis, George B.	1020 N. Walnut Street	Deceased
Kniceley, Leann J.	17 N.W. Second Street	Moved Out of Town
Russ, Denice E.	109 Allenway Apt. 31	Moved to 2nd Ward

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**Change of Name Form Required
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****Non-Resident/Property Owner Registered in Other Ward(s)

CITY OF MILFORD
BOARD OF ADJUSTMENT
Minutes of Meeting
January 14, 2010

The Board of Adjustment of the City of Milford held a public hearing on Thursday, January 14, 2010 at 10:00 am in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE to consider the following application.

IN ATTENDANCE: Mayor Daniel Marabello, City Solicitor Tim Willard, City Manager David Baird
Also: City Planner Gary Norris, Recording Secretary Christine Crouch

Mayor Marabello called the meeting to order at 10:05 am.

NEW BUSINESS

Davis, Bowen & Friedel on behalf of Shawnee Farm, LLC seeking relief from the City of Milford Zoning Code §230-14(C)(11)(d)(5) 24B(2)-Traffic and Parking (five and one-half parking spaces shall be provided per 1,000 feet of leasable area) and allowing four and one-half parking spaces per 1,000 feet of leasable area in a C-3 District at Cypress Hall on the southwest corner of State Route 36, Seabury Avenue Extended and US Route 113 in Milford, Delaware. Tax Map 1-30-3.00-261.00; 9.79 +/- Acres.

Mr. Timothy Metzner with Davis, Bowen & Friedel was present to represent the application. Mr. Metzner explained the variance is seeking relief from 5.5 parking spaces per 1,000 square feet of leasable area to allow 4.5 parking spaces per 1,000 square feet of leasable area.

The reason being is to reduce impervious surface, increase parking lot landscaping, increase open space and reduce the size of the stormwater management facilities.

This parcel was previously granted a variance to allow 4.9 spaces per 1,000 square feet of leasable area for the previous design on the land; however that design has been abandoned and a new site plan is being developed, such as presented for this application.

Mayor Marabello requested public comments and after hearing none, closed the public comment session.

Mr. Norris handed out a page copied from the Site Planning & Design Handbook depicting typical minimum requirements for parking for a shopping center. According to this handbook, it is from 4.0 spaces to 6.5 spaces per 1,000 square feet of leasable area, which is fairly broad. After reviewing a variety of ordinances and shopping centers, Mr. Norris found them to be very broad as well. Mr. Norris stated what the diagram shows is what the applicant has requested, that 4.0 spaces is about capacity. Mr. Norris continued by stating the applicant needs to prove a hardship in order to be granted a variance. He also stated the board can attach reasonable conditions to a variance approval, if they so choose.

Mayor Marabello asked what type of conditions.

Mr. Norris gave an example as additional landscaping, possibly signage for the property.

Mayor Marabello asked if Mr. Metzner could comment on the hardship. Mr. Metzner replied the hardship would be the amount of impervious surface that would be required, per the code's required parking. It will be a better plan if the parking spaces are reduced. The site plan shown today is indicating 4.8 spaces per 1,000 square feet of leasable area.

Mayor Marabello confirmed the parking would be reduced by 12-13% with this request.

Mr. Baird asked if a plan has been done showing the required parking spaces. Mr. Metzner replied yes. Mr. Baird asked if that plan was part of this submittal. Mr. Metzner replied no.

Mr. Metzner indicated on the site plan where the additional parking lot landscaping is. He pointed to the "bump outs" in the parking lot along Rt 113 explaining 6 parking have been replaced with landscaping in the bump outs. Also, the landscaped islands in the parking lot are where parking spaces have been replaced. Less impervious surface locations would include not only the large parking lot, but an open space to the left of the large building shown on the plan. The stormwater facility shown to the rear left of the large building would be increased if the parking is increased as well.

Mayor Marabello counted the parking spaces being replaced in the main parking lot by open space as 22 spaces. This does not include the replacement of parking in the currently shown open space to the left of the large building. Again only 22 spaces affected in the main parking lot. Mr. Metzner agreed.

Mr. Baird asked if the site could physically meet the code's parking requirements. Mr. Metzner stated that is correct. Mr. Baird asked if by meeting the parking requirements per the code if it put the applicant in a position where it could not meet any other code of the City. Mr. Metzner replied yes. By meeting the parking requirement, it took the site over the allowed 80% maximum impervious lot coverage.

Mr. Baird asked if the subdivision on this parcel has been completed. Mr. Metzner stated no. Mr. Baird confirmed the lot boundaries as shown for this parcel are not what is recorded. Mr. Metzner confirmed there is a whole other parcel to the south of this parcel that is for the residential subdivision and that is finished, but this plan will be a different subdivision of the commercial section of the parcel. Mr. Norris stated this will be a new subdivision. According to the Sussex County mapping website the entire parcel is 143 +/- acres. This site plan is for 9.79 +/- acres.

Mr. Baird stated that point raises a question for him, which is how are we making a case for reducing the parking requirements for the impervious surface if the lot boundary has not been established yet. There is still time to adjust the lot lines and make it work.

Mr. Willard asked what the status of the adjacent phase, referring to the commercial portion. Mr. Metzner stated the adjacent land, still a part of this parcel, was part of a larger site plan, which has been abandoned. This is a brand new project and starting from scratch.

Mr. Willard asked how far along are the entrance approvals. Mr. Metzner replied Letter of No Objection have been obtained on the locations, which is driving the project.

Mr. Norris asked if the entrances the same as previously shown on the now abandoned site plan. Mr. Metzner explained the only difference is the one to the northern most end of the property. Because the entrance locations are approved by DelDOT, the site is having to be planned with those in place.

Mr. Baird asked Mr. Metzner if it would be correct to say that by reducing the parking area, obviously it is reducing the impervious area, which is going to minimize the impact of stormwater both onsite and discharge offsite. Mr. Metzner said it will reduce the onsite impacts. Offsite impacts by regulation are not allowed to be increased.

Mr. Willard stated from a design standard he assumes the stormwater facility is located where it is because it is the lower ground. And he assumes the open space to the left of the building is located there in conjunction with

the stormwater facility area, however he would much prefer to see, again from an aesthetic standpoint, open space in the form of landscaping along the highway. It's just more attractive.

Mr. Willard explained he is looking for the hardship in this case, because when push comes to shove, the leasable square footage can be reduced and the parking will be met. Mr. Baird agreed with Mr. Willard's point.

After scaling the plan off, it was determined there is 83 feet between the highway and the parking lot, however only 10 feet is not in the Right of Way, which can be landscaped, but the ROW cannot be landscaped.

Mr. Baird asked Mr. Norris if the information he provided regarding the studies of parking lot requirements is a better option for the City's code. Mr. Norris stated there are other studies that support this information. Mr. Baird questioned whether an amendment to the City's code would be in order. Mr. Norris felt it is.

Mr. Baird explained if the BOA does approve the variance for less parking, it does not mean the site plan as presented is set in stone. The Planning Commission will review the site plan for compliance with the Code. Mr. Baird stated one of the stumbling blocks he is encountering is the subdivision is not finalized yet and the hardship is somewhat imposed; however there is the issue of the DelDOT entrance approvals that have already been granted. He is leaning toward granting the variance because one issue is tripping the applicant up on another issue.

Mayor Marabello liked the landscaping package as presented. Mr. Metzner reminded the board this parcel was previously approved for a variance for 4.9 spaces per 1,000 square feet of leasable area for the previous site plan that has been abandoned. Mayor Marabello confirmed the plan presented today show 4.81 spaces per 1,000 square feet of leasable area, although the request from the applicant is to allow 4.5 parking spaces per 1,000 square feet of leasable area. Mr. Metzner stated if 4.81 spaces per 1,000 square feet of leasable area is granted would be acceptable and the applicant would provide 302 parking spaces.

Mr. Baird asked if the 4.9 parking space variance still valid. Mr. Norris stated not in his opinion because a new plan is being presented, thereby voiding the previous approvals.

Mr. Baird stated it needs to be clear any approvals for a parking space variance is not for the entire parcel. It will be for only the 9.79 +/- acres as depicted on the plans shown. Mr. Willard agreed.

Mayor Marabello added the only reasonable condition he would like to see is the signage blends in with the proposed landscaping. That can be worked out with Mr. Norris, so that it looks good for the community.

Mr. Willard stated his inclination is not to grant the variance is because the whole thing is being driven by the square footage of the commercial, and that's what they chose. If the applicant reduces the commercial square footage, it reduces the parking space requirements and puts the lot coverage under the maximum allowed. By reducing the square footage of the retail, the applicant solves all of the problems and meet the code. As far as the hardship analysis goes, this was a project that had a fair amount of opposition to when brought before the council before. It's just not a project he's comfortable granting a variance for just so the applicant can get maximum square footage on.

Mr. Baird had some similar feelings on the issue because a lot of the problems are self imposed, however the board has information presented today that maybe the City's ordinances need to be changed which would alleviate the parking variance request.

Mr. Willard explained the idea of the Code is to control development, which is why square footage is tied to parking, and starting off with the square footage needs to drive everything, it can be reduced incrementally to meet the code.

Mr. Baird stated the applicant can meet the requirements on the site, but the applicant is coming forward stating they can deliver a better looking site, meet the demand that is expected for the location, and provide the city some additional things it's looking for as well. And that's where Mr. Baird is with it. Mr. Willard understood that point.

Mr. Norris pointed out that the applicant has applied for a variance under 230-14 (5) regarding the number of parking spaces per leasable square footage for a shopping center; however there is no definition of a shopping center, but if one refers to the off street parking requirements under 230-21 it requires 1 space per 200 square feet of floor area used for sales on the ground floor.

Mr. Willard stated that is an interesting point, however in this zoning, C3, a shopping center is a conditional use. Mr. Willard asked what Mr. Norris's point is. Mr. Norris stated some of the square footage of the building will be used for storage, so without knowing how many square feet is for sales, it's not possible to determine if they have met the parking requirements.

Mr. Metzner explained he does not know yet what the foot print is for each of these units, so it would be impossible to base the variance on the breakdown between storage and sales floor area.

Mr. Baird also pointed out 230-21 also calls for 1 parking spaces for each 2 employees. That number is completely unknown at this time.

Mr. Willard stated he has not studied this, but his feeling is that 230-21 is referring to what are permitted uses in the zoning district. Because this is a conditional use, he feels 230-14 is what applies to this project.

Mr. Baird made a motion to allow 4.81 parking spaces per 1,000 square feet of leasable area (as noted on the drawings) for this site only on the parcel. The practical difficulty issue seems to be the permitting issue with DelDOT and the conservation district and how it ties in with neighboring developments.

Mayor Marabello asked for an amendment to the motion to include the landscaping will be as presented on this drawing. His goal is to create good looking projects, not a WalMart look.

Mr. Baird accepted the amended motion. Mayor Marabello seconded the motion.

Motion carried following a poll of the board.
Yes-Baird, Marabello
No-Willard Referred to his previous comments. While he appreciates the hardship that they want more impervious surface, if the square footage is reduced the parking requirement and maximum lot coverage can be met.

The hearing was adjourned at 11:10 am.

Respectfully Submitted,

Christine Crouch

Christine Crouch
Administrative Assistant/Recording Secretary

CITY OF MILFORD
BOARD OF ADJUSTMENT
Minutes of Meeting
March 8, 2010

The Board of Adjustment of the City of Milford held a training session on Monday, March 8, 2010 at 6:00 pm in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE.

IN ATTENDANCE: Sam Johnson, Frank Bason, Keith Gramling
Also: City Solicitor Timothy Willard, City Planner Gary Norris, Recording Secretary Christine Crouch

The session was called to order at 6:04 pm.

The Board proclaimed Mr. Johnson as the Chairman however Mr. Willard felt it was not necessary to appoint a vice chair and secretary. He added two additional members will be appointed to the Board at a later time.

Mr. Willard requested a brief background from each member, noting Mr. Johnson had previously served on the Planning Commission a few years back.

Mr. Bason stated he dealt with the subdivision of his own land years ago and currently owns a lawn service. He retired from Yellow Freight and is from Pennsylvania. He has lived in Milford for seven years and was on the Board of Directors for a non-profit.

Mr. Gramling explained he retired from Federated Department Stores. He is from Long Island, NY and has lived here four years. He is currently the secretary of his development's HOA.

Mr. Johnson declared he was born in Milford and raised in the area. He is a retired Claims Adjuster and worked as an Insurance Arbitrator years ago.

Mr. Willard is a partner with Fuqua, Yori & Willard in Georgetown and is here as the City's legal counsel. If any of the members of this board have any questions in reference to the board, please call him or email him.

Mr. Willard then handed out reference material for the board citing the statutory authority this board has, meaning the following information is where in the City Charter, the State Code and the City Code the Board of Adjustment has authority and how much authority they have.

City of Milford Charter:
§7.11- BOARD OF ADJUSTMENT

> *The Council shall by ordinance establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.*

State Code, TITLE 22, Municipalities, CHAPTER 3. MUNICIPAL ZONING REGULATIONS, Subchapter II. Boards of Adjustment:

§ 321. Creation and powers.

The legislative body of cities or incorporated towns shall provide for the appointment of a board to be known as the board of adjustment and in the rules and regulations adopted pursuant to the authority of this chapter

shall provide that the board may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 321.;

§ 322. Composition; terms of office.

(a) In cities or incorporated towns not having heretofore adopted a home rule charter pursuant to Chapter 8 of this title, the board of adjustment shall consist of the chief engineer of the street and sewer department, the city solicitor and the mayor or an authorized agent of the mayor. If the city or incorporated town has no city engineer or city solicitor, then the mayor or chief executive of such city or town shall appoint 2 members, each to be appointed for a term of 3 years and removable for cause by the appointing authority upon written charges and after public hearing, who, with the presiding officer of the zoning commission, shall constitute the board of adjustment for such city or town. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(b) In cities or incorporated towns having heretofore or hereafter adopted a home rule charter pursuant to Chapter 8 of this title, the legislative body thereof may establish a board of adjustment consisting of 5 members who shall be residents of the city or incorporated town and who shall have knowledge of and experience in the problems of urban and rural development, and who, at the time of appointment, shall not be candidates-elect for or incumbents of an elective public office. The mayor or chief executive officer of such city or incorporated town, with consent of the legislative body thereof, shall appoint 4 members for terms of 4 years, provided that the terms of the original members shall be established in a manner that 1 shall expire each year. The mayor or chief executive officer of such city or incorporated town, with the consent of the legislative body thereof, shall appoint 1 member who shall be chairperson and who shall serve at the pleasure of that appointing official. The members shall be entitled to compensation as determined by the city or incorporated town.

(c) In the event that a city or incorporated town qualifying under subsection (b) of this section fails to establish a board of adjustment as permitted in subsection (b) of this section, the board of adjustment shall consist of those persons designated in subsection (a) of this section.

(d)(1) Anything heretofore in this section to the contrary notwithstanding, any city or town, by its legislative body, may establish a board of adjustment consisting of not less than 3 nor more than 5 members who shall be residents of the city or town and who shall have knowledge of the problems of urban and rural development and who, at the time of appointment and throughout the term of office, shall not be candidates nor members of the legislative body nor employees of the city or town. The mayor or chief executive officer of such city or town shall appoint such members of the board of adjustment, and all such appointments shall be confirmed by a majority vote of the elected members of the legislative body.

(2) All appointments shall be for a period of 3 years, provided that the terms of the original members shall be established in such a manner that the term of at least 1 member shall expire each year and the successor shall be appointed for a term of 3 years. The board of adjustment so selected shall elect from among their own number a chairperson and a secretary.

(3) Any member of the board of adjustment may be removed from office by the legislative body for cause after a hearing by a majority vote of all the elected members of the legislative body of such city or town. A vacancy occurring otherwise than by the expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 322; 57 Del. Laws, c. 717; 58 Del. Laws, c. 276; 59 Del. Laws, c. 137, § 1; 64 Del. Laws, c. 284, § 1; 70 Del. Laws, c. 186, § 1.;

§ 323. Rules; meetings; administration of oaths; records.

The board of adjustment shall adopt rules in accordance with any ordinance adopted pursuant to this chapter. Meetings of the board shall be held at the call of the chairperson and at such other times as the board

may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 323; 70 Del. Laws, c. 186, § 1.;

§ 324. Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 324.;

§ 325. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with the officer that, by reason of facts stated in the certificate, a stay would in the officer's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court having jurisdiction on application on notice to the officer from whom the appeal is taken and on due cause shown.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 325; 70 Del. Laws, c. 186, § 1.;

§ 326. Notice and hearing on appeal.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person, by agent or by attorney.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 326.;

§ 327. Determinations of board.

(a) The board of adjustment may:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto;

(2) Hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under such ordinance;

(3) Authorize, in specific cases, such variance from any zoning ordinance, code or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of any zoning ordinances, code or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code or regulation shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code,

regulation or map; provided, however, that notwithstanding any provision of law to the contrary, the legislative body of any city or incorporated town may, by ordinance, vest a designated town official or department with authority to administratively grant a dimensional variance for existing conditions that do not exceed 1 foot of the required dimension restrictions without the application being considered by the Board of Adjustment, subject to the standards, procedures and conditions set forth in the ordinance granting such authority.

(b) In exercising the powers provided in subsection (a) of this section the board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 327; 65 Del. Laws, c. 61, § 1; 76 Del. Laws, c. 371, § 1.;

§ 328. Appeal to Superior Court from board's decision.

(a) Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment, or any taxpayer or any officer, department, board or bureau of the municipality may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the filing of the decision in the office of the board.

(b) Upon the presentation of the petition, the Court may allow a writ of certiorari directed to the board to review such decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(c) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 328.;

§ 329. Priority of proceedings.

All issues in any proceeding under this subchapter shall have preference over all other civil actions and proceedings.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 329.;

§ 330. Hearing on appeal.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 330; 70 Del. Laws, c. 186, § 1.;

§ 331. Record on appeal.

The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. The cost of a transcript of the hearing appealed from is the responsibility of the person appealing the decision, unless the cost is awarded against the Board as provided in § 332 of this title.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 331; 73 Del. Laws, c. 38, § 1.;

§ 332. Costs on appeal.

Costs shall not be allowed against the board of adjustment, unless it appears to the Court that it acted with gross negligence, in bad faith or with malice in making the decision appealed from. For purposes of this section, the word "costs" includes all fees paid or owed to the Prothonotary's Office in connection with the appeal to the Superior Court and all documented out-of-pocket expenses incurred by the Board of Adjustment in preparing, filing and serving sufficient copies of the record of the proceedings appealed from, including but not limited to expenses for photocopying, copying and/or duplication of survey drawings or plots, audio tape recordings, video tape recordings, computer discs, and expenses for preparing the transcript of the hearing.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 332; 73 Del. Laws, c. 38, § 2.;

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Code of the City of Milford:
§ 230-27. - Powers and duties.

The Board of Adjustment shall have the following powers:

A. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of this chapter.

B. The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.

C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:

(1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.
(2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:
(a) Character of the neighborhood.
(b) Conservation of property values.
(c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.
(d) Potential congestion of vehicle traffic or creation of undue hazard.
(e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.

D. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

§ 230-28. - Authority.

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

§ 230-29. - Appeals.

Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within 30 days of the aggrieved decision by filing with the Code Official a letter of appeal specifying the reason for appeal. The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

§ 230-30. - Filing fee.

A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.[6]

Editor's note— [6.] *Editor's Note: Amended at time of adodption of Code (see Ch. 1, General Provisions, Art. I).*

§ 230-31. - Effect of appeal upon proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.

§ 230-32. - Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

§ 230-33. - Petition to court.

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

§ 230-34. - Duties in case of writ of certiorari.

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely

set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

§ 230-35. - Membership.

The Board of Adjustment shall consist of the Mayor, City Manager and City Solicitor or may be established as provided in 22 Del. C. § 322.

§ 230-36. - Making and adopting rules.

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

§ 230-37. - Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.

§ 230-38. - Referrals to Planning Commission.

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

The Board of Adjustment meeting the second Thursday of each month at 10:00 am in the Council Chambers. Agendas are posted online and packets are mailed at least two weeks prior to the meetings. Mr. Willard and Mr. Norris will be in attendance. Mr. Willard recommended each member of the Board, upon receiving their packet, do a site visit to area of petition and familiarize themselves with the project. At no time can the members of the board discuss the project behind closed doors or in a quorum, which in this case is two or more members of the board and cannot email one another regarding an application. All proceedings must be done in Council Chambers due to the Freedom Of Information Act (commonly referred to as FOIA), which is as follows:

State Code, TITLE 29, State Government, General Regulations for State Agencies, CHAPTER 100. FREEDOM OF INFORMATION ACT:

§ 10001. Declaration of policy.

It is vital in a democratic society that public business be performed in an open and public manner so that our citizens shall have the opportunity to observe the performance of public officials and to monitor the decisions that are made by such officials in formulating and executing public policy; and further, it is vital that citizens have easy access to public records in order that the society remain free and democratic. Toward these ends, and to further the accountability of government to the citizens of this State, this chapter is adopted, and shall be construed.

60 Del. Laws, c. 641, § 1; 65 Del. Laws, c. 191, § 1.;

§ 10002. Definitions.

(a) "Agenda" shall include but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefor under subsection (b) of § 10004 of this title.

(b) "Meeting" means the formal or informal gathering of a quorum of the members of any public body for the purpose of discussing or taking action on public business either in person or by video-conferencing.

(c) "Public body" means, unless specifically excluded, any regulatory, administrative, advisory, executive, appointive or legislative body of the State, or of any political subdivision of the State, including, but not limited to, any board, bureau, commission, department, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and committee, subcommittee, legislative committee, association, group, panel, council or any other entity or body established by an act of the General Assembly of the State, or established by any body established by the General Assembly of the State, or appointed by any body or public official of the State or otherwise empowered by any state governmental entity, which: (1) Is supported in whole or in part by any public funds; or (2) expends or disburses any public funds, including grants, gifts or other similar disbursals and distributions; or (3) is impliedly or specifically charged by any other public official, body, or agency to advise or to make reports, investigations or recommendations. Public body shall not include any caucus of the House of Representatives or Senate of the State.

(d) "Public body," "public record" and "meeting" shall not include activities of the University of Delaware and Delaware State University, except that the Board of Trustees of the University and the Board of Trustees of the University shall be "public bodies," and University and University documents relating to the expenditure of public funds shall be "public records," and each meeting of the full Board of Trustees of either institution shall be a "meeting."

(e) "Public business" means any matter over which the public body has supervision, control, jurisdiction or advisory power.

(f) "Public funds" are those funds derived from the State or any political subdivision of the State.

(g) "Public record" is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. For purposes of this chapter, the following records shall not be deemed public:

(1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy;

(2) Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature;

(3) Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files, pretrial and presentence investigations and child custody and adoption files where there is no criminal complaint at issue;

(4) Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy. Any person may, upon proof of identity, obtain a copy of the person's personal criminal record. All other criminal records and files are closed to public scrutiny. Agencies holding such criminal records may delete any information, before release, which would disclose the names of witnesses, intelligence personnel and aids or any other information of a privileged and confidential nature;

(5) Intelligence files compiled for law-enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;

(6) Any records specifically exempted from public disclosure by statute or common law;

(7) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;

(8) Any records involving labor negotiations or collective bargaining;

(9) Any records pertaining to pending or potential litigation which are not records of any court;

(10) Subject to subsection (f) of § 10004 of this title with respect to release of minutes of executive sessions, any record of discussions held in executive session pursuant to subsections (b) and (c) of § 10004 of this title;

(11) Any records which disclose the identity or address of any person holding a permit to carry a concealed deadly weapon; provided, however, all records relating to such permits shall be available to all bona fide law-enforcement officers;

(12) Any records of a public library which contain the identity of a user and the books, documents, films, recordings or other property of the library which a patron has used;

(13) Any records in the possession of the Department of Correction where disclosure is sought by an inmate in the Department's custody;

(14) Investigative files compiled or maintained by the Violent Crimes Compensation Board;

(15) Any photographs, video recordings or audio recordings of a postmortem examination in the possession of the office of the Chief Medical Examiner;

(16) Emails received or sent by members of the Delaware General Assembly or their staff;

(17)a. The following records, which, if copied or inspected, could jeopardize the security of any structure owned by the State or any of its political subdivisions, or could facilitate the planning of a terrorist attack, or could endanger the life or physical safety of an individual:

1. *Response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures or specific security procedures.*
2. *Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records of mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are used or stored, arenas, stadiums, waste and water systems, electric transmission lines and substations, high-pressure natural gas pipelines and compressor stations, and telecommunications networks facilities and switching equipment, the disclosure of which would reveal the building's or structure's internal layout, specific location, life, safety and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments. Records that disclose the substances being used or stored on a given piece of property are public records; however, records which disclose the specific location on that property of the substances being used or stored may be disclosed only if the chief administrative officer of the agency from which the record is requested determines that disclosure will not jeopardize the security of any structure owned by the State or any of its political subdivisions, or will not facilitate the planning of a terrorist attack, or will not endanger the life or physical safety of an individual.*
3. *Records of any building or structure operated by the State or any of its political subdivisions, the disclosure of which would reveal the building's or structure's life, safety and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments.*
4. *Records prepared to prevent or respond to emergency situations identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained or regulated by the State or any of its political subdivisions.*
5. *Those portions of records assembled, prepared or maintained to prevent, mitigate or respond to criminal acts, the public disclosure of which would have a substantial likelihood of threatening public safety. The only items that are protected from disclosure by this paragraph are:*

A. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments or to the response or deployment plans; and

B. Records not subject to public disclosure under federal law that are shared by federal or international agencies and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for criminal acts against United States citizens or targets.

6. Nothing in this subsection shall be deemed to prohibit the disclosure of information necessary to comply with the requirements of Chapter 8 of Title 26, the Underground Utility Damage Prevention and Safety Act.

b. Nothing in this paragraph shall interfere with the right of any committee of the General Assembly to hear information in the committee at the request of the committee chair or, if appropriate, to hear information in an executive session of the committee, or to subpoena information pursuant to § 705 of this title;

(18)a. Any military service discharge document or documents, a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States, or any document that purports to represent a notice of separation from or service in any armed forces of the United States including but not limited to the United States Department of Defense, DD Form 214, of a veteran of the armed forces of the United States, which has been heretofore recorded at a county recorder of deeds. Such document or documents may only be disclosed in accordance with the provisions of paragraph (g)(17)b. of this section.

b. Access to authorized persons. -- The following persons are permitted to view or reproduce recorded military service discharge documents:

1. The veteran subject of the discharge;
2. The spouse or child of a veteran, with consent of the veteran;
3. If the veteran is deceased, a survivor or heir of the veteran who may be eligible to claim any type of benefit by virtue of the veteran's service in the military;
4. A person with a signed and notarized authorization from the veteran;
5. A county, state or federal officer assisting the veteran or veteran's family with a veteran's benefit application;
6. Anyone authorized by an order from a Delaware court, to view or copy the document; or
7. Government agencies, including courts, that have an interest in assisting the veteran subject to the military service discharge record or in assisting the beneficiaries of the deceased veteran subject to the military service discharge record in obtaining a benefit.

c. Any document referenced in subparagraph a. of this paragraph shall be deemed a public record upon the passage of 70 years from the date of the subject veteran's separation or discharge from service; or

(19) Any communications between a member of the General Assembly and that General Assembly member's constituent, or communications by a member of the General Assembly on behalf of that General Assembly member's constituent, or communications between members of the General Assembly.

(h) "Caucus" means members of the House of Representatives or Senate, of the same political party, who assemble to discuss matters of public business.

(i) "Video-conferencing" means any system permitting interaction among all participants in 2 or more noticed public locations in compliance with § 10006 of this title.

60 Del. Laws, c. 641, § 1; 61 Del. Laws, c. 55, § 1; 63 Del. Laws, c. 424, § 1; 64 Del. Laws, c. 113, § 1; 65 Del. Laws, c. 191, §§ 2-6; 66 Del. Laws, c. 143, § 1; 67 Del. Laws, c. 281, § 194; 69 Del. Laws, c. 67, § 2; 69 Del. Laws, c. 250, § 2; 70 Del. Laws, c. 186, § 1; 73 Del. Laws, c. 260, §§ 1, 2, 3; 73 Del. Laws, c. 354, § 1; 75 Del. Laws, c. 235, §§ 3-5; 77 Del. Laws, c. 38, §§ 1-5, 8; 77 Del. Laws, c. 211, §§ 1, 2.;

§ 10003. Examination and copying of public records.

(a) All public records shall be open to inspection and copying by any citizen of the State during regular business hours by the custodian of the records for the appropriate public body. Reasonable access to and reasonable facilities for copying of these records shall not be denied to any citizen. If the record is in active use or in storage and, therefore, not available at the time a citizen requests access, the custodian shall so inform the citizen and make an appointment for said citizen to examine such records as expediently as they may be made available. Any reasonable expense involved in the copying of such records shall be levied as a charge on the citizen requesting such copy.

(b) It shall be the responsibility of the public body to establish rules and regulations regarding access to public records as well as fees charged for copying of such records.

60 Del. Laws, c. 641, § 1.;

§ 10004. Open meetings.

(a) Every meeting of all public bodies shall be open to the public except those closed pursuant to subsections (b), (c), (d) and (h) of this section.

(b) A public body may call for an executive session closed to the public pursuant to subsections (c) and (e) of this section, but only for the following purposes:

(1) Discussion of an individual citizen's qualifications to hold a job or pursue training unless the citizen requests that such a meeting be open. This provision shall not apply to the discussion by a licensing board or commission which is subject to the provisions of § 8735 of this title, of an individual citizen's qualifications to pursue any profession or occupation for which a license must be issued by the public body in accordance with Delaware law;

(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements;

(3) Activities of any law-enforcement agency in its efforts to collect information leading to criminal apprehension;

(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body;

(5) Discussions which would disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;

(6) Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents;

(7) The hearing of student disciplinary cases unless the student requests a public hearing;

(8) The hearing of employee disciplinary or dismissal cases unless the employee requests a public hearing;

(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open.

(c) A public body may hold an executive session closed to the public upon affirmative vote of a majority of members present at a meeting of the public body. The vote on the question of holding an executive session shall take place at a meeting of the public body which shall be open to the public, and the results of the vote shall be made public and shall be recorded in the minutes. The purpose of such executive sessions shall be set forth in the agenda and shall be limited to the purposes listed in subsection (b) of this section. Executive sessions may be held only for the discussion of public business, and all voting on public business must take place at a public meeting and the results of the vote made public.

(d) This section shall not prohibit the removal of any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting.

(e)(1) This subsection concerning notice of meetings shall not apply to any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety, or to the General Assembly.

(2) All public bodies shall give public notice of their regular meetings and of their intent to hold an executive session closed to the public, at least 7 days in advance thereof. The notice shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings, including whether such meeting will be conducted by video-conferencing; however, the agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

(3) All public bodies shall give public notice of the type set forth in paragraph (2) of this subsection of any special or rescheduled meeting as soon as reasonably possible, but in any event no later than 24 hours before such meeting. A special or rescheduled meeting shall be defined as one to be held less than 7 days after the scheduling decision is made. The public notice of a special or rescheduled meeting shall include an explanation as to why the notice required by paragraph (1) of this subsection could not be given.

(4) Public notice required by this subsection shall include, but not be limited to, conspicuous posting of said notice at the principal office of the public body holding the meeting, or if no such office exists at the place where meetings of the public body are regularly held, and making a reasonable number of such notices available. In addition, all public bodies in the executive branch of state government that are subject to the provisions of this chapter shall electronically post said notice to the designated State of Delaware website approved by the Secretary of State.

(5) When the agenda is not available as of the time of the initial posting of the public notice it shall be added to the notice at least 6 hours in advance of said meeting, and the reasons for the delay in posting shall be briefly set forth on the agenda.

(f) Each public body shall maintain minutes of all meetings, including executive sessions, conducted pursuant to this section, and shall make such minutes available for public inspection and copying as a public record. Such minutes shall include a record of those members present and a record, by individual members (except where the public body is a town assembly where all citizens are entitled to vote), of each vote taken and action agreed upon. Such minutes or portions thereof, and any public records pertaining to executive sessions conducted pursuant to this section, may be withheld from public disclosure so long as public disclosure would defeat the lawful purpose for the executive session, but no longer. All public bodies in the executive branch of state government that are subject to the provisions of this chapter shall electronically post final approved minutes of open public meetings to the designated State of Delaware website approved by the Secretary of State within 5 working days of final approval of said minutes.

(g) Every regularly scheduled meeting of a public body shall be held within the geographic jurisdiction of that public body. All such other meetings shall be held as follows:

(1) A public body serving any political subdivision of the State, including, but not limited to, any city, town or school district, shall hold all such other meetings within its jurisdiction or the county in which its principal office is located, unless it is school board training that has been approved by the Secretary of Education as beneficial to school board development activities.

(2) For the purposes of this subsection, a "regularly scheduled meeting" shall mean any meeting of a public body held on a periodic basis.

(3) The provisions of this subsection, insofar as they are not practicable, shall not apply to any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety, or to a meeting held by a public body outside of its jurisdiction which is necessary for the immediate preservation of the public financial welfare.

(h) This section shall not apply to the proceedings of:

(1) Grand juries;

(2) Petit juries;

(3) Special juries;

(4) The deliberations of any court;

(5) The Board of Pardons and Parole;

(6) Public bodies having only 1 member;

(7) Public bodies within the legislative branch of the state government other than the House of Representatives, the Senate, the Joint Finance Committee, the Joint Committee on Capital Improvement, the Joint Sunset Committee, Legislative Council, committees, excluding ethics committees, specifically enumerated and created by Resolution of the House of Representatives and/or Senate or task forces specifically enumerated and created by Resolution of the House of Representatives and/or Senate;

(8)a. The Violent Crimes Compensation Board may close any meeting to the public where:

1. The claim to be considered derives from any sexual offense within the definitions of a crime in § 9002 of Title 11.

2. The claim to be considered derives from any offense by or against a child, as defined in this section, unless such child has been deemed amenable to the jurisdiction of a criminal court as to the matter before the Board.

3. The claim to be considered derives from any matter not yet adjudicated.

4. The claim to be considered involves a "victim" who is a "child" as those terms are defined in Chapter 90 of Title 11.

b. The Board shall produce a complete record of any proceedings closed to the public which record may be denied to anyone seeking access for good cause shown; and

(9) The deliberations of the following agencies for any case decision governed by the Administrative Procedures Act in Chapter 101 of this title:

a. State Human Relations Commission;

b. Industrial Accident Board; and

c. Tax Appeals Board.

(i) In an enforcement action pursuant to § 10005 of this title, a citizen or the Attorney General, as the case may be, may seek the forfeiture of all or part of the compensation of members of a board, commission or other public body for any closed meeting which such board, commission or other public body closed knowing that such action violated this chapter. Such forfeiture may only be ordered by the Court if the Court makes a specific finding that the board, commission or public body had no good faith basis to believe that the meeting could be closed. It shall be an absolute defense that an individual never voted in favor of the closed meeting. If the board, commission or public body also met validity for other purposes on the same day as the meeting which violated the act, such valid action shall be considered by the Court in determining the extent of any forfeiture award.

60 Del. Laws, c. 641, § 1; 63 Del. Laws, c. 269, § 1; 65 Del. Laws, c. 191, §§ 7-12; 66 Del. Laws, c. 419, § 1; 67 Del. Laws, c. 367, §§ 1, 2; 71 Del. Laws, c. 38, § 1; 71 Del. Laws, c. 117, § 1; 71 Del. Laws, c. 191, § 1; 71 Del. Laws, c. 193, § 1; 72 Del. Laws, c. 459, § 1; 72 Del. Laws, c. 460, § 18; 75 Del. Laws, c. 178, §§ 1, 2; 77 Del. Laws, c. 38, §§ 6, 7; 77 Del. Laws, c. 211, § 3.;

§ 10005. Enforcement.

(a) Any action taken at a meeting in violation of this chapter may be voidable by the Court of Chancery. Any citizen may challenge the validity under this chapter of any action of a public body by filing suit within 60 days of the citizen's learning of such action but in no event later than 6 months after the date of the action.

(b) Any citizen denied access to public records as provided in this chapter may bring suit within 60 days of such denial. Venue in such cases where access to public records is denied shall be placed in a court of competent jurisdiction for the county or city in which the public body ordinarily meets or in which the plaintiff resides.

(c) In any action brought under this section, the burden of proof shall be on the custodian of records to justify the denial of access to records, and shall be on the public body to justify a decision to meet in executive session or any failure to comply with this chapter.

(d) Remedies permitted by this section include an injunction, a declaratory judgment, writ of mandamus and/or other appropriate relief. The court may award attorney fees and costs to a successful plaintiff of

any action brought under this section. The court may award attorney fees and costs to a successful defendant, but only if the court finds that the action was frivolous or was brought solely for the purpose of harassment.

(e) Any citizen may petition the Attorney General to determine whether a violation of this chapter has occurred or is about to occur. The petition shall set forth briefly the nature of the alleged violation. Upon receiving a petition, the Attorney General shall, within 10 days, notify in writing the custodian of records or public body involved. Within 20 days of receiving the petition, the Attorney General shall make a written determination of whether a violation has occurred or is about to occur, and shall provide the citizen and any custodian of records or public body involved with a copy of the determination. If the Attorney General finds that a violation of this chapter has occurred or is about occur, the citizen may: (1) File suit as set forth in this chapter; or (2) request in writing that the Attorney General file suit on the citizen's behalf. If such request is made, the Attorney General may file suit, and shall within 15 days notify the citizen of the decision to file suit, unless the custodian of records or public body has agreed to comply with this chapter. The citizen shall have the absolute right to file suit regardless of the determination of the Attorney General, and may move to intervene as a party in any suit filed by the Attorney General.

(f) Subsection (e) of this section shall not apply to an alleged violation by an administrative office or officer, agency, department, board, commission or instrumentality of state government which the Attorney General is obliged to represent pursuant to § 2504 of this title.

60 Del. Laws, c. 641, § 1; 65 Del. Laws, c. 191, § 13; 66 Del. Laws, c. 354, §§ 1, 2.;

§ 10006. Video-conferencing participation in open meetings.

Unless otherwise prohibited by law, any public body subject to the provisions of this chapter, except for any public body in which members are elected by the public to serve on the public body, may conduct a meeting by means of video-conferencing, provided each attending member's participation occurs at a noticed public location where members of the public may also attend the meeting. The participation of a member of such public body by video-conferencing in compliance with this section shall be deemed attendance for all purposes, including purposes of establishing a quorum. When video conferencing is used, at least 1 of the noticed public locations shall be within the geographic jurisdiction of that public body. Meetings may otherwise be noticed for multiple public locations within the state where video-conferencing is available. During meetings where video-conferencing is used, each member must be identified, all participants shall be able to communicate with each other at the same time, and members of the public attending at the noticed public location or locations of the meeting must be able to hear and view the communication among all members of the public body participating by video-conference. Video-conferencing participation is not permitted when a verbatim transcript of the meeting may be required by law, except for public hearings on proposed rules and regulations, or where the chair or presiding officer determines that physical attendance is required at a single location.

77 Del. Laws, c. 211, § 4.;

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DISCLAIMER: Please Note: With respect to the Delaware Code documents available from this site or server, neither the State of Delaware nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. This information is provided for informational purposes only. Please seek legal counsel for help on interpretation of individual statutes.

Mr. Willard then discussed this board will hear appeals of an officer of the City, they will interpret the Code of the City of Milford, they will hear variance requests i.e. encroaching into a setback. In these instances, the applications will come directly to the Planning Department and then be distributed to the Board. All of the information the board needs to review will be included in the packet that will be mailed. If any member has a question prior to the meeting, they may contact either Mr. Norris or Mr. Willard.

When making a decision, it is important the board understand State Code and hear on record at the hearing how this is a unique situation and not self created:

Code of the City of Milford:
§ 327. Determinations of board.

(a) The board of adjustment may:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto;

(2) Hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under such ordinance;

(3) Authorize, in specific cases, such variance from any zoning ordinance, code or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of any zoning ordinances, code or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code or regulation shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code, regulation or map; provided, however, that notwithstanding any provision of law to the contrary, the legislative body of any city or incorporated town may, by ordinance, vest a designated town official or department with authority to administratively grant a dimensional variance for existing conditions that do not exceed 1 foot of the required dimension restrictions without the application being considered by the Board of Adjustment, subject to the standards, procedures and conditions set forth in the ordinance granting such authority.

(b) In exercising the powers provided in subsection (a) of this section the board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

39 Del. Laws, c. 22, § 8; Code 1935, § 6234; 22 Del. C. 1953, § 327; 65 Del. Laws, c. 61, § 1; 76 Del. Laws, c. 371, § 1.;

Mr. Willard also provided the guidelines Sussex County Council uses, which may assist the Board of Adjustment in their determination of applications. Mr. Norris asked if the applicant must meet all of the items listed and Mr. Willard stated no, only one.

Sussex County Council Standards for Granting Variances:

1. *Uniqueness.*
    a. *Unique physical circumstances or conditions (such as irregularity, narrowness or shallowness of lot size or shape, or exceptional typography or other physical conditions, peculiar to the property.*

   b. *That unnecessary hardship or exceptional practical difficulty is due to such unique conditions, and not to general circumstances or conditions and cannot be developed in strict conformity.*
2. *Cannot otherwise be developed.*
   a. *There is no possibility the property can be developed in strict conformity with the zoning ordinance.*
   b. *That the variance is necessary to enable reasonable use of the property.*
3. *Not created by the applicant.*
   a. *The unnecessary hardship or exceptional practical difficulty cannot have been created by the applicant.*
4. *Will not alter essential character of neighborhood.*
   a. *The variance will not alter the essential character of the neighborhood.*
   b. *The variance will not substantially or permanently impair the appropriate use or development of adjacent property.*
   c. *The variance will not be detrimental to the public welfare.*
5. *Minimum variance.*
   a. *The variance is the minimum that will afford relief.*
   b. *The variance will represent the least modification possible of the regulation in issue.*

Mr. Willard then reviewed with the Board the process of a BOA hearing. Mr. Johnson will call the meeting to order, noting who is present, then review the application to be heard and then call on Mr. Norris to explain the application. Mr. Norris will explain the application in greater details and any other information appropriate. Mr. Johnson will ask for the representative of the application to step forward and present their application to the Board. The board will ask questions about the application and if need be draw out of the applicant any hardships, as stated above. Mr. Johnson will call for public comment in favor of the application. After hearing from the public, he will then call for public comment in opposition of the application. After there are no other public comments, the Chairman will ask the board if they have any questions. At this point the board will discuss the issues. The Chairman will call for a motion, a motion to approve the request with or without conditions is made, seconded and the Chairman calls for a poll of the Board. The recording secretary will poll the board and each member will vote for or against the motion and why they are voting that way. Mr. Willard noted it is very important to explain the vote reasoning, preferable using language from above, the legal reasoning. He also stated the board can defer the application to gather more information prior to making a decision.

If an application is brought before the board that involves one of the board members, the board member should recues themselves and step away from the table.

With no further discussion a motion by Mr. Bason to close the meeting was seconded by Mr. Gramling. The training session was adjourned at 6:50 pm.

Respectfully Submitted,

Christine Crouch

Christine Crouch
Administrative Assistant/Recording Secretary

CITY OF MILFORD
CITY COUNCIL HOMEOWNERS ASSOCIATION SUBCOMMITTEE
Minutes of Meeting
November 24, 2009

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Tuesday evening, November 24, 2009.

PRESIDING:	Councilman John Workman
IN ATTENDANCE:	Paul Goldstein, Terry Andrews, Joe Palermo, Charlie Doran, Bob Lender, Michael Boyle
ALSO:	Recording Secretary Christine Crouch, Mayor Marabello, City Manager David Baird, Councilman Michael Spillane and Bob Hampton

Councilman Workman called the meeting to order at 6:02 pm by introducing himself as the new Chairman of the subcommittee. He thanked everyone for the hard work that has been done already. He has read the minutes and he hopes to continue on with the committee and provide more direction.

The minutes from the 09/21/09 meeting were approved as submitted.

New Business:
On December 1st at 9:00 am there is a meeting at City Hall with people from DNREC and the Conservation District. Mr. Workman asked if anyone would like to attend. Mr. Spillane will attend on behalf of Mr. Workman. Joe Palermo and Charles Doran stated they could attend.

Mr. Workman then wished to discuss the purpose of the HOA Subcommittee. He asked City Council two weeks ago to provide insight into what they are looking for this subcommittee to accomplish. At last night's meeting, they felt the City should not be involved in any of it, based on the majority of Council members. Mr. Workman felt the City should not be involved in HOA's directly in telling them what they can and cannot do, but does feel there should be something in the City's ordinances that states if an HOA does exist, they must have X, Y and Z. Mr. Workman explained Delaware Code Title 25, Chapter 81 deals with HOA requirements. He would like each member of the committee to review this Chapter and be prepared at the next meeting to discuss how this subcommittee can use the information for the City's purposes. Mrs. Crouch will email a copy of the Chapter to each member.

Mr. David Baird, the City Manager, introduced himself and explained he has two and a half years experience as City Manager here for the City. He has been in Delaware for 12-13 years. He has a good background on why stormwater management ponds are being privately maintained instead of publicly. He has read previous minutes from this committee and agrees with Mr. Workman on seeking the purpose of this subcommittee. One of the things he understood clearly from Council last night was that they see HOA's as private entities; however there may be a place for minimum requirements for HOA's that could be established in the City limits. Each HOA will have its own set of special needs, but what are the minimum requirements that should be held as a standard in the City.

With that being said, Mr. Baird asked for each member to go around the room and tell him what they would like to see out of this committee.

Mr. Paul Goldstein refreshed the group's memory on how the committee was formed by Council. Things he thought the Council could use are as follows: 1. When builder sells first house he must have insurance. 2. No HOA be handed over to the property owners with debt.

Mr. Bob Hampton felt more uniformity, as per the City, on what builders are responsible for and what they can and cannot do.

Mr. Joe Palermo corrected Mr. Baird by saying the HOA's are not private entities, they are tax payers. He continued the only difference between anyone else that owns a house in the City and him, is he lives in a subdivision, which according to Mr. Palermo, is a confined area with a number of houses. It doesn't mean we are not all one. We are all one here. There is no private entity. He has as much rights, obligations and responsibilities as anyone else that lives outside a subdivision. He wanted to make that point perfectly clear and that is number one. He agreed with Mr. Hampton in the uniformity issue. He also added he wants people to be better informed of the amenities and obligations of a potential homeowner when they come to the sales office of a specific subdivision.

Mr. Michael Boyle projected the town's future as it relates to population. He feels there is an obligation of the town to look out for the welfare of each new resident, as it relates to HOA's. He would like to see the town ensure the bylaws and laws are followed, although the town does not need to sit on the board. He believes the town will be liable if the maintenance is not done to stormwater ponds, and by leaving it up to the HOA's, it may not get done.

Mr. Bob Lender has concerns with HOA's maintaining stormwater ponds because they don't know what they are doing. If the City has the means to take care of stormwater ponds, they should be maintaining all SWP in the City.

Mr. Baird stated there have been a number of comments from everyone around the room, but one of the things he didn't hear yet, which he was hoping to hear, is what are the subcommittee member's expectations for a HOA? What is the purpose of a Home Owners Association? That seems to be a good place to start. Once we can determine what an HOA's role is for the subdivision, then that would lend itself to the City looking at minimum requirements to be imposed on any new associations being developed.

Mr. Palermo felt the HOA's role is to maintain and control the development in an aesthetically speaking manner, i.e. no tractor trailers parking in driveways.

Mr. Baird summarized Mr. Palermo's thoughts by stating the HOA's responsibilities to develop additional restrictions or requirements for that particular neighborhood it governs that are more restrictive than any requirements the City may have in place.

Mr. Boyle added more safety restrictions should be in place. (Inaudible section of recording)

Mr. Andrews added many people go into a development unaware of the HOA responsibilities. He believes it should be a level playing ground from the time the subdivision is approved until the HOA is handed over.

(Inaudible as to who was called upon. Possibly Mr. Doran.) agrees with the idea of the fiscal responsibility of the builder when the HOA is handed over to the property owners. Believes just like the streets are dedicated to the City, there should be a control in place when the HOA is dedicated to the home owners. His other issue is with stormwater. Would like the City to manage, even if a fee is levied for it.

Mr. Palermo asked the group if they would be for the City taking over the maintenance of the SWP for a fee. Mr. Goldstein asked if that would mean the City would then own the property the ponds are on. The consensus was no the City would not own the property, just maintain it. The group was in favor of the City maintaining the SWP but not owning the property.

Mr. Baird explained the HOA could transfer ownership of the SWP to the City or the maintenance could be done on a contractual basis and a fee charged. There are options either way. He does not believe Council would be opposed to the maintenance of the SWP; however there would be an understanding there would be a

revenue stream coming with it. More than likely that would be in the way of a special assessment on the property owners in that specific neighborhood.

Mr. Baird continued he is not convinced the City has the resources to maintain ponds throughout the City. One of the things they would look at is contracting some of that work out. There is nothing stopping the existing HOA's from going in collectively and contracting one company to maintain the SWP and possibly getting a lower price for more developments though.

Mr. Palermo suggested each member attending tonight should go back to their respective HOA and sit down and consider this proposal that the City Manager brought to their attention and make a decision one way or another.

Mr. Doran asked for what the proposal is specifically.

Mr. Palermo replied that the City maintain the SWP and the developments would be charged a surcharge.

Mr. Baird explained he doesn't feel that is a concrete proposal coming from the City at this point. The point he is trying to relay is the idea of the City maintaining the SWP is not something the City would shy away from.

Mr. Goldstein added the reason HOA's came about in Milford is because of the SWP. He referred to two types of builders, one that is honest and one that lies and cheats the homeowners until the HOA is handed over to the property owners. He thought this subcommittee was created in order to create a level playing field for all builders until the HOA is governed by the property owners.

Mr. Palermo added to Mr. Goldstein's comments regarding the need for continuity from buying a home in a development until the time the HOA is governed by the property owners.

Mr. Workman stated there are some issues out there that City needs to look at. While the Council doesn't want to run the associations, the associations don't want the City to run them either, so there is a place for the City to help the HOA's.

He reminded the group to read Title 25, Chapter 81 and be prepared to look at how it can help with getting a draft recommendation to Council on what the City can do to help HOA's.

With no further discussion, the meeting adjourned at 7:42 pm.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary

CITY OF MILFORD
CITY COUNCIL HOMEOWNERS ASSOCIATION SUBCOMMITTEE
Minutes of Meeting
January 12, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Tuesday evening, January 12, 2010.

PRESIDING:	Councilman John Workman
IN ATTENDANCE:	Paul Goldstein, Joe Palermo, Charlie Doran, Bob Lender, Bob Hampton
ALSO:	Recording Secretary Christine Crouch, Mayor Marabello, City Manager David Baird, Councilman Michael Spillane and

Councilman Workman called the meeting to order at 6:04 pm and welcomed everyone back. He stated that now that the holidays are over he anticipates this subcommittee focusing on moving forward and getting something together to take to City Council.

With a motion by Mr. Palermo, seconded by Mr. Goldstein, the minutes from the November meeting were approved as submitted.

Mr. Workman confirmed everyone read Title 25, Chapter 81 of the Delaware Code and asked for the subcommittee's comments.

While the majority of the group felt it was good information, Mr. Doran pointed out it targets condo associations mostly and it only applies to HOA's whose members pay $500 or more annually; therefore does not apply to the majority of the existing developments in the City.

Mr. Boyle arrived at 6:13 pm.

Mr. Goldstein referred to Council minutes from November and explained he is on this committee to represent 183 homeowners from his development.

Mrs. Austin arrived at 6:19 pm.

Mr. Workman introduced Mrs. Austin by explaining she is taking Mr. Andrew's place while he is out of town. Mrs. Austin provided her background including she previously served on the Planning Commission for the City and is involved in her development's HOA.

Mr. Workman explained the subcommittee's focus is now to focus on how it can take something back to City Council that will enhance the City in assisting HOA's. At the last meeting stormwater management was a hot topic.

Mr. Boyle asked what the mood of Council will be when the subcommittee makes a recommendation. He asked if the subject could be pigeon holed and dissolve the subcommittee.

Mr. Workman explained that is the reason the subcommittee needs to focus and get down to business and take something to City Council as soon as possible. Several meetings have been held for this subcommittee and it's time to draft information together and get it ready. He asked if the group felt having two separate issues to take to them would be preferred; one regarding SWM and one regarding HOA's in general.

The majority of the group was in favor of this method except Mr. Goldstein who stated he was not in favor of the City managing stormwater ponds unless it is at no cost.

Mr. Workman explained he agreed to chair this committee because no one else on Council wanted to. He has seen where the committee has worked hard, but now is the time to focus and get recommendations to Council. What good is all of the hard work if nothing ever comes of it? Let's give Council something to review. Mr. Workman asked who would like to serve on Ad Hoc Committees. One for stormwater management and one for Title 25.

SWM Ad Hoc will consist of Charlie Doran, Michael Boyle and Bob Lender.

Title 25 Ad Hoc will consist of Joe Palermo, Veronica Austin and Bob Hampton.

Mr. Workman directed the Ad Hoc committees to meet and report back their recommendations to City Council at the next subcommittee meeting on February 2, 2010 at 6:30 pm.

With no further discussion, the meeting adjourned at 7:27 pm.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary

CITY OF MILFORD
HOMEOWNERS ASSOCIATION AD HOC SWM COMMITTEE
Minutes of Meeting
January 21, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Thursday morning, January 21, 2010.

PRESIDING: Charles Doran
IN ATTENDANCE: Bob Lender
ALSO: Recording Secretary Christine Crouch, Councilman Michael Spillane

The meeting was called to order at 9:00 am.

Mr. Doran explained Mr. Boyle will be unable to attend due to working full time; however the Ad Hoc Committee will have his input on any ordinance presented. He further explained the scope of work for this Ad Hoc is to develop an ordinance to have prepared for the next HOA Subcommittee on February 2, 2010.

Mr. Doran stated he and Mr. Lender will be visiting upstate communities next week to gain a better understanding of their issues which will assist the Ad Hoc in writing an ordinance to be presented to the Subcommittee.

The Ad Hoc reviewed online what the City currently has in its code regarding Stormwater Management and will research that information better after this meeting. An email was sent to Mr. Mallamo and Mr. Darsney asking for information regarding existing stormwater ponds and who maintains them in the city.

It was agreed to hold another Ad Hoc SWM Committee meeting on 01/28/10 at 11:00 am. At that meeting the Ad Hoc will develop the ordinance to take to the HOA subcommittee on February 2nd.

With no further discussion, the meeting adjourned at 10:30 am.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary

CITY OF MILFORD
HOMEOWNERS ASSOCIATION AD HOC SWM COMMITTEE
Minutes of Meeting
January 28, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Thursday morning, January 28, 2010.

PRESIDING:	Charles Doran
IN ATTENDANCE:	Bob Lender
ALSO:	Recording Secretary Christine Crouch, Councilman Michael Spillane, City Planner Gary Norris

The meeting was called to order at 10:35 am.

Mr. Doran provided a history of the HOA Subcommittee and the formation of the Ad Hoc SWM Committee. He stated since the last time this Ad Hoc met, the group has been in process of becoming better educated on all of the aspects of SWM, since it is such a detailed subject, and met earlier this week with representatives of New Castle County and met with Mr. Baird and Mr. Mallamo as well.

The meeting with NCC went very well and was very informative, as was the meeting with the City of Milford staff. He explained NCC initiated an amnesty program whereby the County approached each HOA and offered to cover any catastrophic event damage done to their ponds if in return they agreed to maintain the ponds in accordance with the county conservation district's regulations. Mr. Doran feels this is an excellent way of dealing with SWM since a government entity will be in place long after any HOA.

Mr. Doran stated the Ad Hoc will be meeting with Kent County Conservation District next week and will make an appointment with the Sussex County Conservation District. The meetings are to identify the roles and responsibilities of each agency and gain additional education on this subject.

Mr. Norris stated he had no problem with the City handling the stormwater as another utility, but asked who would pay for it and how. Mr. Doran felt the tax payers of the City should pay for this utility.

Mr. Norris commended the Ad Hoc on its research and continuing education on this matter.

Mr. Doran asked Mrs. Crouch if a reply to the email from the last meeting was obtained. She replied Mr. Mallamo replied, however Mr. Darsney did not. Mr. Doran asked Mrs. Crouch to email Mr. Mallamo to determine if he could provide the Ad Hoc with any Development/Utility Agreements for Knotts Landing, Meadows of Shawnee, Hearthstone Manor and Orchard Hill.

With no further discussion, the meeting adjourned at 11:45 am.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary

CITY OF MILFORD
HOMEOWNERS ASSOCIATION AD HOC TITLE 25 COMMITTEE
Minutes of Meeting
January 28, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Thursday morning, January 28, 2010.

PRESIDING:	Joe Palermo
IN ATTENDANCE:	Bob Hampton
ALSO:	Recording Secretary Christine Crouch, Councilman Michael Spillane, City Planner Gary Norris

The meeting was called to order at 9:02 am.

Mr. Palermo handed out a proposal regarding Title 25, Chapter 81 which will be attached to the minutes and read it out loud.

Mr. Norris questioned if this proposal could be worded to affect pre existing subdivisions with HOAs. Mr. Palermo stated Mr. Willard will need to review it to see if the wording can be changed to make it retroactive and have existing subdivision HOA's be included.

Mr. Norris recommended the word Bond be replaced with Securities. Mr. Palermo was in agreement.

Mr. Norris informed the Ad Hoc that the Planning Commission is in agreement with option 2. He asked who is responsible for giving potential buyers the information, as referred to in number 3. Mr. Palermo replied the builder is.

Mr. Palermo asked for comments from Mr. Spillane. Mr. Spillane stated he feels the City should be involved in HOA's because it is like a store in the City. When the store is cheating people, word will get out about it and make the whole City look bad. The City needs to be involved in enforcing HOA issues. Also, he has a Code book and show the group where other codes were written to be retroactive. Again Mr. Palermo stated the retroactive issue is one for Mr. Willard.

Mr. Spillane felt the City has a responsibility to protect its residents. Buyers will have a bad taste in their mouth and go back and tell their friends from another state if HOA's are handed over to the property owners with debts, such as what has happened already.

Mr. Norris explained that some of what Mr. Spillane is speaking of is not what the City can enforce. The Code of the City deals with the health and safety of the municipality.

With no further discussion, the meeting adjourned at 9:41 am.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary

We the members of the HOA Subcommittee endorse Title 25 of the Delaware State law and recommend that the City Council adopt Title 25 and waive the $500 HOA fee to cover all existing subdivisions and future subdivisions having an HOA.

PROPOSAL

1) ~~Bond~~ Securities be required during the construction of a subdivision, sidewalks, streets, lighting and any other areas that the developer is responsible for, money held in escrow for a period of 18 months to ensure work meets the City of Milford building code requirements.

2) The issuing of building waivers be restricted especially in areas of safety such as railings, guard rails, steps, sidewalks so as not to adversely affect the homeowner in an HOA subdivision.

3) All rules, regulations and responsibilities of an HOA subdivision including the maintaining of storm water ponds be disclosed to the buyer.

CITY OF MILFORD
CITY COUNCIL HOMEOWNERS ASSOCIATION SUBCOMMITTEE
Minutes of Meeting
February 2, 2010

A meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 S Walnut Street, Milford, DE on Tuesday evening, February 2, 2010.

PRESIDING:	Councilman John Workman
IN ATTENDANCE:	Paul Goldstein, Joe Palermo, Charlie Doran, Bob Hampton, Veronica Austin
ALSO:	Recording Secretary Christine Crouch, Mayor Marabello, Councilman Michael Spillane

Councilman Workman called the meeting to order at 6:33 pm noting the absence of Mr. Lender, Mr. Boyle and Mr. Croteau.

With a motion by Mr. Palermo, seconded by Mr. Doran, the minutes from the December meeting were approved as submitted.

Mr. Workman confirmed each Ad Hoc had met and requested a report from each.

Mr. Palermo of the Title 25 Ad Hoc read the proposal the group have agreed to.

> *We the members of the HOA Subcommittee endorse Title 25 of the Delaware State law and recommend that the City Council adopt Title 25 and waive the $500 HOA fee to cover all existing subdivisions and future subdivisions having an HOA.*
>
> *PROPOSAL*
>
> *1) Securities be required during the construction of a subdivision, sidewalks, streets, lighting and any other areas that the developer is responsible for, money held in escrow for a period of 18 months to ensure work meets the City of Milford building code requirements.*
>
> *2) The issuing of building waivers be restricted especially in areas of safety such as railings, guard rails, steps, sidewalks so as not to adversely affect the homeowner in an HOA subdivision.*
>
> *3) All rules, regulations and responsibilities of an HOA subdivision including the maintaining of storm water ponds be disclosed to the buyer.*

Mr. Hampton and Mrs. Austin agreed this was what the Ad Hoc want the City Council to consider. Mr. Doran explained he understands what the Ad Hoc is trying to accomplish and suggested the Ad Hoc look at how those things could be incorporated into the City's existing processes and procedures in either the Planning process, the Building Permit process or the issuance of a Certificate of Occupancy process. Builders do whatever it takes to get a building permit and a CO. Because there are existing processes in place to obtain approvals from the City, he foresees being able to close the loop on what the Title 25 Ad Hoc has identified as slipping through the cracks.

Mrs. Austin questioned why the City would require, for example, a letter be submitted when a building permit is issued from the buyer acknowledging receipt of the bylaws when the bylaws are given to the buyer at the time of settlement. It seems like its double the work.

Mr. Workman explained it is because even though buyers are supposed to be getting this type of information, this subcommittee is being told from property owners they were not aware of the bylaws or did not receive them at settlement.

Mrs. Austin asked Mr. Doran if he had any suggested wording. Mr. Doran replied he has not looked at what the existing processes and procedures are to even propose wording but offered his assistance if requested. Mr. Workman confirmed there is a checklist of items that are required to be submitted when applying for a Planning Land Use approval and a when applying for a building permit. If something is missing from that checklist, the application is not accepted. It seemed to him a relatively easy thing to do to add items to that checklist to ensure buyers are being informed of what they are buying.

Mr. Palermo and Mr. Doran agreed to meet in the coming weeks to establish wording to be brought back to the HOA subcommittee.

Mr. Workman directed the Title 25 Ad Hoc to identify reasons for the proposal which will be explained to Council. It needs to be a very informed presentation that they are given. No question should be left unanswered.

Mr. Goldstein stated he would like the City to simply adopt Title 25 and enforce it, or adopt what Mr. Palermo offered as a proposal. Mr. Workman asked how the City would enforce Title 25 if they adopted it. There are no enforcement measures in it. Mr. Doran's suggestion has enforcement measures.

Mr. Palermo stated for the record Mr. Carmean, the former City Manager, helped not only him but others at the Meadows at Shawnee with a lot of things.

Mr. Doran reported on behalf of the SWM Ad Hoc they have been doing diligent research on the complex issue of Stormwater Maintenance. They have been meeting with each of the counties and are hoping to meet with the City of Newark who drafted a stormwater utility. While it has not been passed, he can see how that would be the way for the City to go. He anticipates his team bringing forth layers of a proposal for Council to review.

Mr. Goldstein was unsure as to why HOA's would want the City involved in their stormwater ponds at all. He felt the individual HOA's could handle it. He does not see why the City should maintain them and charge a fee when that's what his HOA does anyway. If the City was going to do it for free, that would be fine. Mrs. Austin explained as time goes by, there will be less interest in the HOA and the ponds have the potential to be neglected which will turn into a major expense to the HOA.

Mr. Workman explained existing HOA's would have the option to opt out of the City maintaining them. Keep in mind, the more the City maintains and contract's out, the more likely the price will be reduced overall. That could translate to lower fees to the HOA than what they currently pay.

Mr. Goldstein asked if the general membership, mean the homeowners themselves, or the HOA board would vote on whether to opt out. Mrs. Austin and Mr. Hampton explained Mr. Goldstein would have to review his bylaws for his HOA to determine if a contract can be signed by the HOA board or if it requires a special meeting of the membership.

Mr. Doran explained this axle seems to have run into the ditch. His Ad Hoc is not concerned with the fees or squabbling over who is better qualified to handle stormwater maintenance. They are talking to counties and municipalities that have had major issues and how that county or muni handled it. This is very long term forecasting for what is better for the City and the residents as a whole.

Mr. Palermo stated Mr. Baird had offered him three proposals regarding stormwater maintenance and he took those back to the Meadows at Shawnee board. He is unsure whether his HOA will wait for Council to adopt something from this subcommittee or not.

Mr. Workman directed each Ad Hoc to put together in writing something for the subcommittee to review at the next meeting on February 18, 2010 at 6:30 pm.

With no further discussion, the meeting adjourned at 8:01 pm.

Respectfully submitted,

Christine Crouch

Christine R. Crouch
Recording Secretary