

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 9, 2012

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, April 9, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Mayor Rogers.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the February 27, 2012, March 12, 2012 and March 26, 2012 (Council Meeting) meetings as presented. Motion carried.

RECOGNITION

No special guests in attendance.

COMMUNICATIONS

Mayor Rogers provided a thank you card received from City Mechanic Jim Morris and wife for city council and the city employee's support after the recent and sudden death of his son.

MONTHLY POLICE REPORT

Presenting the monthly police report on behalf of Chief Hudson, Mr. Morrow noted the increased activity reflected in the report. Chief Hudson agreed that warm weather is upon us and will create a spike in complaints and overall activity. Mr. Pikus moved to accept the police report as submitted, seconded by Mr. Grier. Motion carried.

Motion carried.

CITY MANAGER REPORT

Councilwoman Wilson arrived at this time.

Mr. Carmean presented the following report:

While I have advised most of the council, I want to report that I have found the major water leak in our lower level. I am also happy to advise you that the repairs appear to be minor and should not be excessively costly. I have left the wall exposed, although it is covered with plastic, until we have a northeast rain event. If we do not have a problem at that time,

I will have the wall covered and painted. Since the wall is not in the business area, I have moved our Planning and Zoning employees back to the location noting there was no trace of any mold or mildew.

There has been a slowdown of the solar project. I expect to have a definite idea of how it is going to proceed by the middle of the month. The problem is not being caused by the City and is more related to the sale of the energy. DEMEC will be meeting on the 17th of April to vote on our purchase agreement with the company. We do have a certain amount of our purchased power that must be generated by renewable sources. The plan has been to purchase from the Milford site for our future needs.

The planned substation is moving along at a satisfactory rate. We have our entrance permit from DELDOT and bidding is currently being planned. It is projected we will be on line in late fall of 2012. The substation will be constructed regardless of the outcome of the solar field.

Our sewer rehabilitation program is about 90% complete. City Engineer Mark Mallamo feels confident this will make positive improvements in our inflow and infiltration problems.

(Mr. Mallamo was in attendance and provided council with a brief update of the project.)

I have ordered three appraisals on three properties that the city has interest in purchasing. I will discuss the prices with mayor and council in executive session once they are in hand. I am willing to discuss the properties with any councilperson, but I think it best if we do not identify them publicly.

The economic development position hiring is moving forward. We have finished our interviews with five very capable applicants, which has been narrowed down to three. I will not hire this person until I have further discussed the funding of the position with mayor and council.

I have had Finance Director Jeff Portmann request anticipated capital needs for the next five years. This information will be reviewed by Finance Chair Pikus and his committee. Other committee members may need to be involved once the department heads submit their requests.

Mr. Pikus moved to accept the city manager report, seconded by Ms. Wilson. Motion carried.

COMMITTEE & COUNCIL REPORTS

Community Affairs

Mr. Johnson noted the Community Prayer Breakfast held on March 30th was another successful event. He commended Mayor Rogers for his efforts in overseeing the affair.

Public Works

Mr. Brooks advised that he recently received an updated status of city projects emphasizing there remains a great deal of work that needs to be done.

Workforce Development Commission Meeting

As a member of the Workforce Development Commission, Ms. Wilson reported that she recently attended a meeting where some subcommittees were discussed that will be presented to council later this evening.

COMMUNICATIONS

All communications included in packet.

UNFINISHED BUSINESS

Tyler Technologies Contract Amendment

Mr. Carmean then introduced Tyler Technologies John Valente, Senior Appraiser Supervisor. Mr. Valente advised Tyler signed a contract with Milford to do the re-evaluation services for approximately \$261,000. The contract was to re-evaluate 4,168 accounts whose number was provided by the city at the time. As Tyler did their work, they determined there were actually 5,559 accounts or 1,391 more accounts.

The contract included a clause that allowed Tyler to charge an overage amount of \$50 for each and every parcel above the 4,168 parcels specified in the agreement. Because of the difference, Tyler had the option of charging the city an additional \$70,000 because of the difference in the number of accounts originally reported by the city.

What they are proposing is roughly \$22,000 in additional overage fees or one-third of what could be charged. Mr. Valente explained this is approximately \$16 an account versus the \$50 specified in the contract.

Mr. Pikus asked how many of the 1,391 parcels are undeveloped lots in approved subdivisions; Mr. Valente advised there are 998 accounts that were considered vacant and not reported originally. They estimated \$10 per account for those undeveloped lots.

Mr. Pikus asked the process required for those lots; Mr. Valente explained they have to be placed in a neighborhood to ensure assignment to the right location. They then review topography and zoning districts. He explained it is more than just inputting information into a computer and placing a number on it.

Mr. Pikus asked if this is only done from a map; Mr. Valente advised a map is used though the appraisers physically drive to the areas to ensure it is in the correct neighborhood and that the lots are associated with a specific section of town. He explained they cannot simply place an assessment figure on them because they are all vacant. There are a number of variables taken into consideration with regard to each lot.

He explained the balance of the unreported accounts involve full re-evaluations. For example, there are 112 houses, 84 condos and 33 commercial structures that were not submitted in the original numbers provided by the city and cost more than \$10 an account to assess.

Mr. Pikus expressed concern we are spending more than \$250,000 again this year. Approximately the same amount was spent ten years ago and because of some glitches over that time frame, it was recommended by city staff that a full re-assessment was needed. His concern is the 1,000 empty lots that he said can be seen on a plot which he feels is excessive.

Mr. Valente reiterated that Tyler is only charging \$998 for those lots.

Mr. Valente then explained there are some accounts which take a little time and some accounts that take a tremendous amount of time. He referenced the Walmart property which took an exorbitant amount of time that was not anticipated. However, they understand they will encounter that which is the reason they balance out the overall costs. They then estimate a fair amount per parcel as was done with these parcels.

Mr. Brooks recalled that ten years ago when the city hired Tyler, the initial cost was around \$250,000. At that time, council was told the city would not require a complete re-assessment in ten years. Instead, the information in the computer would be updated with a press of a button and very little field work needed. In addition to paying over \$250,000, we are now being charged another \$22,000.

Mr. Carmean recalled that ten years ago, council was told if the city purchased the software recommended by Tyler, that 10 years later during the next reassessment, the appraisers would come in, load comparables and update the accounts with the new appraisals.

Mr. Valente agreed noting that was done. He said the fact it cost the same amount ten years ago reflects the difference in the cost of labor and materials over that period of time.

Mr. Carmean agreed that it was also stated the appraisers would not need to go out and measure and photograph every property again in ten years. It would involve more computer work than field work. However, he does understand that field work is the bulk of the contract costs.

Mr. Valente said he is unable to speak to that because he was not here at that time. It was noted that Paul Miller may have made that presentation and unfortunately, he is in Pittsburgh tonight and asked Mr. Valente to represent him. However, Mr. Valente feels Mr. Miller would advise council that this involves more than pushing a button.

Mr. Brooks asked what the city will receive ten years from now. Mr. Valente offered to relay the comments and concerns of council to Mr. Miller for clarification. He emphasized that Mr. Miller will agree that Tyler is trying to be reasonable by charging \$16 which is substantially less than what was called for in the contract.

Mr. Valente is confident Mr. Miller would like some resolution on this issue regardless of whether council agrees to pay the overage amount or prefers to wait for a future conversation.

Mr. Valente explained that Tyler has completed the appraisal of all properties in Milford, thus acting in good faith. They have mailed the notices, held reassessment hearings and are presently in the final stages of the project. Their work should be finished on time and ahead of schedule. The contract date is the end of May though their work will be completed on May 1st.

Mr. Morrow asked if the city was responsible for the numbers provided to Tyler and how was this overlooked. He asked why they were not on the books. Mr. Carmean confirmed the city provided the parcel numbers to Tyler and the error was not caused by Tyler.

Mr. Carmean pointed out the contract signed in July clearly states the city is responsible for paying \$50 for each parcel above the 4,168 parcels. He also agrees that a portion of the parcels are in a recorded subdivision but cannot understand how those lots were never loaded in our system or were missed by the employee when the count was taken.

Mr. Morrow stated that considering it was the city's error, he believes we are getting a good deal.

Mr. Carmean pointed out there has been substantial growth in residential and commercial properties over this time frame and city staff was responsible for adding those parcels to our system. Mr. Pikus asked why that was not done; Mr. Carmean said he does not have that answer. He said two individuals doing the work blamed each other though he is unsure how it occurred.

Mr. Pikus then commended Mr. Valente's work adding he is very confident in his ability. Mr. Valente added that he has been doing this work for 35 years.

Mr. Carmean recalled that it was recommended by city staff that a complete reassessment be done. From that sense, he does not feel the city was overcharged.

It was agreed the question needs to be answered of where the city will be ten years from now. Mr. Brooks noted that we have signed on to have Tyler handle our annual maintenance and he would like to know if that will make a difference in the reassessment costs in ten years. Mr. Carmean explained that Tyler will come in periodically, review and input permit information which includes any new construction and renovations. He feels that will keep the files current.

Mr. Morrow said that is what he thought was regular maintenance and should have been done over the past ten years.

Council agreed that they would like to further discuss the matter further with Mr. Miller.

Mr. Rutt then pointed out the contract specifically states that any overage above the amount of parcels listed on the contract will be charged \$50 per account. In his opinion, this is a significant reduction.

Mr. Pikus stated that reluctantly, he moves to pay Tyler \$22,230 as outlined in the amendment to their original contract, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Johnson stated he votes yes though part of the reason why we have a reassessment every ten years is to find these problems, which in this case, was accomplished.

Mr. Grier votes yes adding it is a fair price based on the original contract that calls for a \$50 fee per parcel for any over the 4,168. In this case, they are only charging \$16. He agrees with Mr. Morrow that the 1,400 parcels found is the fault of the city. However, he would also like Paul Miller to come back to discuss the concerns expressed by council. In addition, more clarification on the \$27,000 contract over the next ten years is needed to ensure it will be handled correctly to eliminate a recurring problem in ten years.

Mr. Pikus said he votes yes but hopes we will have a better understanding of this contract in the future.

Mr. Gleysteen votes yes stating that he feels we are contractually obligated. He also feels it is not Tyler's fault that the city overlooked 1,400 parcels. In his opinion, it was created by sloppiness on the part of the city. If they had known this at the time, the original contract most likely would have been higher.

Mr. Brooks said that the city solicitor pointed out the city has a contract with Tyler and as a result, we are obligated so he votes yes. However, he would like to have a better understanding of what the city will receive for the \$27,000 being paid in the future. He emphasized he does not want to pay another \$250,000 over the next ten years only to turn around and pay another \$270,000 when the next reassessment is needed. He clearly remembers what he was told ten years ago.

City Manager Carmean stressed that \$27,000 is a fair and reasonable price to keep our land records current. His question is where we will be ten years from now as well and will the \$27,000 ensure the city a better deal at the time of the next reassessment.

Mr. Brooks feels that unless there is a big boom each year, considering the lower number of permits the city now receives, he is unsure if that is reasonable.

Mr. Morrow stated that he also votes yes and agrees with the comments that have been stated.

Ms. Wilson votes yes and agrees with the comments. She noted that Mr. Morrow also referenced the fact that we need to be more educated so we do not have to question the appraisers. As time goes on, she feels council needs to keep updated on this project before it gets to this level again.

Mr. Brooks stated we need to figure out how the 1,400 parcels were missed because in his opinion, that is inexcusable.

Mr. Valente then provided an update on the current reassessment. He explained that approximately 5,000 notices were mailed in the city. Only 100 to 125 property owners have responded with questions or concerns about their assessment.

Also sent at the same time was a request for residential houses to send them information about their homes and whether there were questions about the number of bedrooms, bathrooms, fireplaces, etc. They received less than forty back. They feel this was a very quiet response especially considering these properties had not been reassessed for ten years.

Mr. Valente explained that though there were some value increases over the past ten years, there were also some declines. As a result, there is not a tremendous shift when comparing the two values.

In terms of commercial responses, between 20 and 25 had questions or concerns. He emphasized they are not filled with anger, but instead more interested in how the process worked.

He stated that overall, it has been a very quiet, fair process for the property owners in Milford.

Mr. Valente concluded by thanking council for allowing him to address them and encouraged them to contact them if there are any additional questions. He said he will also relay councils' interest in having Mr. Miller meet with them for some additional clarification on the contract.

Adoption of Ordinance 2012-5/Water Code Chapter 220/Fire Service Line (Amended)

City Manager recalled this being discussed at the previous council meeting. After a more thorough review, he explained the city has received a \$10,000 grant from SRF which will cover 112 commercial inspections for dangers of any potential contamination to our water system.

He advised that City Engineer Mark Mallamo will oversee the survey to ensure the welfare and safety of our water system.

City Engineer Mark Mallamo was in attendance. He noted that the grant does not obligate the city to future maintenance; however, if during the inspections we find a health threat to our water system, the city will be obligated to take action.

He explained that commercial establishments have a greater risk of contamination or health threat though typically a restaurant is not a high hazard threat to our water system. In those cases, the city would have some flexibility on how to address the problem and what devices need to be installed to protect the system.

Mr. Pikus asked about an estimate on costs, for example, if a large restaurant was found to be in violation. Mr. Mallamo explained that a large restaurant most likely has a one-inch water line. If it was not considered a high risk, they could probably get by with a double-check valve assembly which would cost a few thousand dollars, depending on the size of the device. A one-inch diameter versus a three or four-inch diameter for a larger user will cost substantially more.

Mr. Pikus asked if new establishments are equipped to solve any potential problems. Mr. Mallamo explained the state plumbing code addresses cross connections but not as a containment program. The plumbing code states that certain devices are required to protect the water system in the building. For example, if there was a soap dispenser for the dishwashing sinks or dishwasher, or a janitor sink with a soap dispenser, that soap is under pressure and could be pushed back into the water system. With the correct devices in place, the system is contained.

The city engineer explained it is very difficult for the city to inspect all those devices on a regular basis. He would recommend a containment system which would protect the water system at the property boundary. A single device would be installed, just past the meter, to protect anything coming from that property into the public water system. It does not pertain to each individual device in a building where in some cases, there may be a dozen different devices. Each sink, dishwasher, soap dispenser and even toilets could be affected. He said that toilets have backflow devices to prevent sewage from getting back into the water system.

Mr. Pikus referenced Milford Middle School, which is a very large and old structure. He asked if it would cost thousands of dollars to update that building. Mr. Mallamo explained that the containment approach would require the middle school to install one device, at the property boundary or where the water line enters the building. He believes it would still cost a few thousand dollars. However, this would relieve the city from any liability should the water system inside the building become contaminated as a result of a cross contaminant. It would be the school's responsibility because it was part of their system. The city's responsibility would end at the property boundary or where the water system enters their building.

Mr. Mallamo advised that the city will not force the middle school to install 25 or 30 different types of cross connection devices at each connection. However, they would be informed of any potential health threat within the building. The responsibility of the city would be at the service boundary where the water enters with city water lines.

Mr. Mallamo explained that there are consultants involved in this program who have done this type work for years in other states. Currently, he is being trained as a cross connection control administrator to review survey requirements and similar work.

He said if the city wishes to continue, the obligation will be to set up a program to have everything surveyed the first time. The following years, letters would be sent out to each owner asking for test reports on their backflow preventor or reduced pressure backflow device.

The test results would be sent to the city, kept in a log after which the city would send an annual report to the Department of Health stating the city's water system is protected.

The city engineer emphasized that currently, he is only asking for permission to proceed with the program through the grant in order to get the 112 commercial surveys done which would include medical facilities, restaurants, carwashes, food processing plants, etc. Any threats would be identified and a program developed to monitor them in the future.

Mr. Mallamo added the city would not be obligated by proceeding unless they find problems. The city would then be obligated to take action. He does not believe the city should ignore a high threat at the middle school, for example. If action was not taken to remedy the situation and at least inform them, then follow up, the city could be negligent.

He stated that he has no idea of what we will find. He has had conversations with Public Works Director Brad Dennehy who stated that in his former position as the city's building inspector, he saw a number of things that caused him concern. He said that Mr. Dennehy agrees with Mr. Mallamo there are potential threats that need to be identified.

In the meantime, a program needs to be set up to allow regular monitoring; future surveys would be on new installations. He feels that we could contract someone to do that next year or train some of our city staff to handle it in house. The reports from the vendors would then need to be monitored. Some administration work will be needed once the program is initiated.

Mr. Mallamo referenced the ordinance being presented tonight for adoption, which addresses the two-inch fire lines only. Also added, was a definition for cross connections though it is mentioned in our code in several areas. He noted that Chapter 222 states that we may choose to require testing of the installation and testing at the owners' cost. After taking the next step to do the surveys, he said a decision will need to be made of where to go from that point.

He advised that the two-inch fire line connection was missing from the code. The city has updated to a newer standard building code which requires sprinklers in some smaller buildings though that was not required in the past. Previously, it required 10,000 square feet of floor space to have a sprinkler whose lines were typically all four-inch fire lines. With the smaller space, only two-inch lines are required which is why the two-inch service connection fee is needed.

Mr. Mallamo explained that fire connection fees are a one-time fee. The city does not meter that water; nor does it charge for fire events at this time.

Mr. Brooks then moved to adopt Ordinance 2012-5 as presented, seconded by Ms. Wilson:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, FOR THE PURPOSE OF ADDING A FEE FOR TWO-INCH FIRE SERVICE LINES.

WHEREAS, changes in the building code have created a need for small fire service lines; and

WHEREAS, the current schedule of water rates and charges does not address this need; and

WHEREAS, water services are available to businesses and residences within the City of Milford; and,

WHEREAS, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford are not allowed to connect to the City water system except as defined herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS AS FOLLOWS:

§222-1 - Schedule of Water Rates and Charges.

B. Fire service line.

(1) Fire service line availability charge due at time of installation

Section 1. §222-1(B)(1), Schedule of Water Rates and Charges, Fire Service Line, is hereby amended by adding a two (2) inch fire service line and applicable fee as follows:

<i>Size of Fire Service Line (inches)</i>	<i>Fee</i>
2	\$2,500
4	\$3,000
6	\$3,500
8	\$4,000
10	\$6,000

Section 2. §222-3 - Definitions, is hereby amended by adding the following definition:

CROSS CONNECTION - Actual or potential connections between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

Section 3. Dates

Adoption by City Council: 04-09-12

Effective Date: 04-19-12

Motion carried by unanimous roll call vote.

Mr. Gleysteen voted yes stating it is appropriate to keep up with the current regulations.

Appointment of Workforce Development Commissioner

Workforce Development Commission Chairman Bill Pilecki explained that when the commission was originally organized, the city approved eleven positions. At that time, ten were filled. Phillip Ruiz has been recommended by Councilwoman Katrina Wilson as the eleventh member.

Ms. Wilson moved to appoint Phillip Ruiz to the Workforce Development Commission. Mr. Morrow seconded the motion. Motion carried.

Workforce Development Commission Subcommittees

Mr. Pilecki asked that the following three subcommittees be approved:

- Student Selection (Sylvia Henderson, Chair)
- Student Employer Support (David Markowitz, Chair)
- Community Financial Support (Fred Rohm, Chair)

Mr. Carmean advised that these members will be doing work within the community seeking matching funds. He has asked if the three committee members could have some type of business card.

The city manager advised that Mr. Pilecki had cards made some time ago. However, some concern was expressed that the cards will look as though the subcommittee members are employees of the city which could be a potential problem.

He asked if council feels it is appropriate for the cards to contain the city seal, city logo, etc.

Mr. Pilecki explained that originally he was chairman of the Workforce Development Subcommittee of the Economic Development Advisory Panel. One of his responsibilities at the time was to solicit funds. He found it beneficial to have

a card when he walked into a business. He emphasized that there was never a time when he claimed to be an employee of the city. He said this is a grassroots program whose members will be going out to discuss the matter with the community will need a business card.

Mr. Pikus stated he does not feel there is a problem with a card though it would be inappropriate to use the city seal. Mr. Rutt said as long as there is some distinction they are a city volunteer or liaison. He agrees they need verification they are affiliated with the city.

Mr. Pikus agrees that some type of business card is needed to present when they go to the bank or another business.

Council agreed and directed the city manager to work with Mr. Pilecki to determine his needs and satisfy the city's concerns.

Though the city's website address was added to Mr. Pilecki's card, he does not feel that is necessary. However, in his case, Mr. Pilecki will need an updated card showing the commission and his new e-mail address. Mr. Carmean said he hopes to have this accomplished this week.

Ms. Wilson then moved for approval of the three subcommittees presented, seconded by Mr. Morrow. Motion carried.

*Workforce Development Commission Subcommittee Chair *Replacement)*

Mr. Pilecki then advised that Milford School Superintendent Sharon Kanter will be retiring in June. She has recommended Sylvia Henderson fill in for her until the next full appointment by city council.

When asked whether Superintendent Kanter is able to exercise her delegation authority or if Ms. Henderson should replace Superintendent Kanter, Mr. Carmean said that most committees he serves on, he is able to designate a delegate. It is Mr. Pilecki's understanding that the commission will be reappointed in the near future. At that point, the new superintendent will fill Ms. Kanter's position on the commission. Until the end of June, Ms. Kanter will continue as a commissioner. However, she will also delegate Sylvia Henderson to sit in for her as chairman of the subcommittee.

NEW BUSINESS

Award of Bid/138kV Tap Station & Delivery #2 Substation Equipment

Sealed bids were received, publicly opened, and read on March 20, 2012 for furnishing the major electrical equipment for the 138 kV Tap Station and Delivery #2 Substation.

Electric Superintendent Rick Carmean advised the bids were analyzed by Progressive Engineering Consultants, Incorporated to ensure the items meet the requirements of the specifications in addition to meeting the city's needs.

During the review, it was decided that the third 138 kV circuit breaker from Delivery 1 would no longer be in use once the transformer was moved to Delivery #2. It is also recommended that the existing breaker be moved to Delivery #2 and one additional 138 kV circuit breaker be purchased in lieu of buying two (2) 138 kV circuit switchers. A price was negotiated for the additional 138 kV circuit breaker.

It was also noted that the lowest cost proposals submitted by Stuart Irby, followed by HD Supply Utilities for both the 25 kV feeder breakers and the 25 kV solar breakers did not meet the specifications. As a result, it is recommended that the 25 kV feeder breakers and the 25 kV solar breakers be purchased from National Transformer Sales.

As a result, it is recommended that the following contracts be awarded to National Transformer Sales for a total of \$515,384.00 which includes the solar breakers:

<u>Bidder</u>	<u>Quantity</u>	<u>Item</u>	<u>Total Price</u>
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National Transformer Sales	1	138 kV Circuit Breaker	\$ 53,900.00
National Transformer Sales	1	Additional 138 kV Circuit Breaker	\$ 50,500.00
National Transformer Sales	2	25 kV Bus Breakers	\$ 34,980.00
National Transformer Sales	4	25 kV Feeder Breakers	\$ 90,848.00
National Transformer Sales	2	25 kV Solar Breakers	\$ 51,576.00
National Transformer Sales	1	Spare Relay	\$ 4,800.00
HD Supply Utilities	12	14.4 kV Voltage Regulators	\$228,780.00

Total Recommended Award**\$515,384.00**

Mr. Gleysteen asked how the affiliation with Progressive came about. Rick Carmean advised former Electric Superintendent Phil Young brought them on board in 1993. He confirmed they are the best consulting firm the city has worked with. In addition, he noted that the company maintains the water and electric SCADA systems.

The city manager agreed with the electric superintendent recalling a more local firm we had worked with whose costs were exorbitant.

Mr. Gleysteen said he has no problem considering the long standing working relationship the city has with Progressive.

Mr. Carmean asked the electric superintendent to explain the need for the new substation.

Rick Carmean advised that during the summer, the city uses approximately 50 megawatts which is our max at our current substation. During the summer, there is zero maintenance on it because it cannot be shut down because all circuits are loaded.

This year, they replaced the 25-year-old underground with an aerial. If there had been an underground blowout, one-third of the town would most likely have been without power for four to ten hours. With the new substation, maintenance can be done and the load split. Currently, there are 6,800 customers on one station.

The electric superintendent said that 4.5 miles of transmission is being run into this new station off Route 14 and not tied into the old station.

The city manager added this will provide a two-way feed to cover from one end to the other. Rick Carmean agreed explaining they can be tied together through the secondaries or primaries of the system. One station can be shut down while the other station covers the entire town.

Mr. Brooks moved to award the bid to National Transformer Sales in the amount of \$515,384.00, seconded by Mr. Pikus. Motion carried with no one opposed.

Rick Carmean estimates the new substation should be started in June and the transmission line in July.

Introduction of Ordinance 2012-06/Conditional Use for a PUD/Dunn Development on behalf of Legal Owner Walter N. Thomas II

City Planner Gary Norris advised this ordinance is only being introduced this evening. The proposal has been reviewed by the DAC and will be heard by the Planning Commission this month.

He explained that the owner originally proposed a subdivision with condominiums, apartments and townhomes. That has been revised and they are now coming in for a conditional use for a PUD, reducing the number of apartments and providing a plot of land for assisted living. The number of townhomes will remain the same.

Ordinance 2012-06 was then officially introduced:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A PLANNED UNIT DEVELOPMENT TO BE KNOWN AS HICKORY GLEN FOR ERIC DUNN OF DUNN DEVELOPMENT, LLC ON BEHALF OF WALTER N. THOMAS II ON 71.918 +/- ACRES IN AN R-8 DISTRICT LOCATED AT 1335 MILFORD-HARRINGTON HIGHWAY, MILFORD, DELAWARE. TAX MAP NO(s): MD-16-173.00-01-21.00 and MD-16-173.00-01-22.00.

Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on April 17, 2012 and has presented item to be considered by the City Council; and

Whereas, Milford City Council held an advertised Public Hearing on May 29, 2012 to allow for public comment and review of the application; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Planned Unit Development as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Eric Dunn of Dunn Development, LLC on behalf of Walter N. Thomas II is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Introduction to City Council: 04-09-12

Planning Commission Review & Public Hearing: 04-17-12

City Council Review & Public Hearing 05-29-12

This ordinance shall take effect and be in force ten days after its adoption.

FY2011-2012 Budget Adjustment/Code Enforcement & Inspections Department

The following request was submitted by Building Inspector Don Williams:

Request to transfer of \$1500.00 from WAWA Revenue, Account #101-0000-359-10-10, to the Gas & Oil, Account #101-1045-429.60-17. Currently, we are (\$148.00) in arrears and need this for the remainder of the year.

Mr. Pikus moved for approval of the budget transfer as submitted, seconded by Mr. Gleysteen. Motion carried.

Certification of 2012 City of Milford Voter List

With some minor amendments, Mr. Pikus moved to certify the 2012 City of Milford Voter List, seconded by Mr. Gleysteen. Motion carried.

City of Milford Election Board

Mr. Pikus moved to reappoint the following individuals to the City of Milford Election Board for the April 28, 2012 election, seconded by Mr. Brooks:

Mallamo, Tamela

320 Lakelawn Drive

Leuthauser, Joanne	509 Ashley Way
Fox, Phyllis	200 E. Clarke Avenue

Motion carried.

City of Milford Election Officers

Mr. Pikus moved to appoint the following election officers for the April 28, 2012 election, seconded by Mr. Brooks:

Patricia Bailey	999 S. DuPont Boulevard
Rita Cartwright	711 Truitt Avenue Extension
Kayla Boone	402 N.E. Fourth Street
1st Ward Clerks	
Carole Mason	153 Barksdale Court, Hearthstone Manor
George Mason	153 Barksdale Court, Hearthstone Manor
2nd Ward Clerk	
Donna Merchant	108 Franklin Street
3rd Ward Clerk	
Karen Boone	402 N.E. Fourth Street
4th Ward Clerk	
Teresa Franklin	5 Lucia Circle

City of Milford 2012 Election-Milford Middle School

It was clarified that voting for the City of Milford Election will be at Milford Middle School, 612 Lakeview Avenue from noon to 8:00 p.m. on Saturday, April 28th.

FY2011-2012 Budget Adjustment/Administration/General Fund Capital Reserves

City Manager Carmean submitted the following vehicle bid for consideration:

2012 4x4 Ford Expedition
 Delaware State Contract #GSS10560
 Base vehicle \$27,425.00

He noted that Public Works Director Brad Dennehy thought his budget included a four-wheel drive vehicle though the request had not been submitted. As a result, he plans to take the vehicle currently being used by City Manager Carmean with Mr. Carmean using this new vehicle.

Mr. Pikus moved for approval of the state bid purchase and budget transfer, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the eighth month of Fiscal Year 2011-2012 with 67% of the fiscal year having passed, 68.11% of revenues have been received and 60.43% of the operating budget expended.

Mr. Pikus moved to accept the February 2012 Finance Report, seconded by Mr. Gleysteen. Motion carried.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements.

Mr. Grier moved to go into Executive Session reference potential site acquisitions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:14 p.m. for the purpose of an Executive Session to discuss site acquisitions.

Return to Open Session

City Council returned to open session at 8:34 p.m.

Executive Session Matter

No action required.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting adjourned at 8:35 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder