

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 23, 2008

A Council Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, June 23, 2008.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

The Council Meeting was called to order by Mayor Marabello at 7:39 p.m.

Lease Agreement-Head Start/Telamon/State Director Doris Rizek & Regional Coordinator Mary Akins

Doris Rizek introduced herself as the State Director for Telamon Corporation and asked for any questions from council regarding the lease. Mr. Baird then advised the packet included a letter from the previous owner CDI Headstart explained they are terminating their contract and Telamon Corporation would be assuming it. The city currently owns the land though Head Start owns the building.

The lease is up for renewal; a five-year lease is proposed with the same terms that applied in the previous lease. The lease details the responsibility of all utilities and costs associated with the property are those of Telamon.

Mr. Willard advised that though the lease is showing zero rent, a contract is based on the exchange of one form of consideration for another. The law requires each party provide something to the other party in exchange for something of value received. To be legally binding, a contract must show consideration. Because the intent is not to charge rent, it can be a minimum amount such as \$1 or \$5 per month.

Mr. Baird proposed an amendment to the lease in a dollar amount per year.

Ms. Wilson moved for approval of the lease agreement to Telamon in the amount of \$1 per year, with the conditions outlined in the agreement, seconded by Mr. Starling. Motion carried.

Introduction of Ordinance 2008-9/Chapter 185/Sewer Rates & Impact Fees

Chapter 185-Sewer

The City of Milford hereby ordains as follows:

Chapter 185: SEWERS

Section 1.

An Ordinance to Amend the Code of the City of Milford, Chapter 185, thereof, entitled Sewers, for the purpose of amending sewer user rates and impact fees.

Section 2.

Section 10 of Chapter 185, Schedule of Rates and Charges, Paragraphs (A) and (B), is hereby amended to read as follows:

§ 185-10. Schedule of rates and charges.

The Council has the authority to establish sewer rates and charges set forth in the following schedule, which shall be

effective ~~July 1, 2007~~ *August 1, 2008* and shall be collected from the customer of the sewer system under operation of the City of Milford. The rates and regulations shall be reviewed on an annual basis and adjusted as necessary. Each user of the wastewater facilities will be notified annually of effective user charge rates either by mail or advertisement in a paper of general circulation within the City of Milford.

- A. Rate schedule based on metered water consumption.
- (1) City service rate:
 - (a) Zero to 1,000 gallons: \$10.00 minimum per month.
 - (b) Over 1,000 gallons: \$2.43 per 1,000 gallons.
 - (2) County service rate. This fee is an adjustable sewer charge for sewage treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total water meter consumption recorded.
- B. Rate Schedule based on metered sewer flows.
- (1) City service rate:
 - (a) Zero to 1,000 gallons: \$10.00 minimum per month.
 - (b) Over 1,000 gallons: \$2.43 per 1,000 gallons.
 - (2) County service rate. This fee is an adjustable sewer charge for sewer treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total metered sewage flow recorded up to the average of the four quarters immediately preceding the effective date of this chapter. The rate is set by Kent County.

Section 3.

Section 24 of Chapter 185, Impact Fee Established, is hereby amended by adding a new subsection, § 185-24(C), that automatically increases impact fees on an annual basis beginning in July of 2008 to read as follows:

§ 185-24. Impact fee established.

- A. Prior to the issuance of a certificate of occupancy by the Code Official or other duly authorized representative, all developers or owners of newly constructed structures requiring sanitary sewer service shall pay the applicable impact fee per EDU to the City of Milford. ~~A schedule of impact fees is attached to this chapter.~~ The City reserves the right to bar occupancy of any such structure and withhold sanitary sewer service until such time as the aforementioned fee is paid in full. The fee per EDU as shown on ~~the attached~~ (ADD) *FOLLOWING* schedule shall represent the impact fee to be used for construction, maintenance and expansion of the City's wastewater system
- B. *Impact fees shall be in accordance with the attached (ADD) FOLLOWING schedule.*
- (1) ~~The~~ This schedule shall be reviewed annually by the Mayor and Council and may be adjusted to incorporate revisions as necessary.
 - (2) If two or more dwellings, apartments, stores, offices or industrial units are connected through a single lateral, the impact fee payable under the schedule below shall be computed as though each such dwelling, apartment, store, office, or industrial unit were a separate property or user with a separate connection to the sewer.

C. Impact fee Schedule:

Fees will be automatically adjusted on an annual basis as follows:

<u>Effective Date</u>	<u>Impact Fee Per EDU</u>
	<u>\$975</u>
<u>August 1, 2008</u>	<u>\$1,014</u>
<u>July 1, 2009</u>	<u>\$1,055</u>
<u>July 1, 2010</u>	<u>\$1,097</u>
<u>July 1, 2011</u>	<u>\$1,141</u>
<u>July 1, 2012</u>	<u>\$1,186</u>
<u>July 1, 2013</u>	<u>\$1,234</u>
<u>July 1, 2014</u>	<u>\$1,283</u>
<u>July 1, 2015</u>	<u>\$1,334</u>
<u>July 1, 2016</u>	<u>\$1,388</u>
<u>July 1, 2017</u>	<u>\$1,443</u>
<u>July 1, 2018</u>	<u>\$1,501</u>
<u>July 1, 2019</u>	<u>\$1,561</u>
<u>July 1, 2020</u>	<u>\$1,623</u>
<u>July 1, 2021</u>	<u>\$1,688</u>
<u>July 1, 2022</u>	<u>\$1,756</u>
<u>July 1, 2023</u>	<u>\$1,826</u>
<u>July 1, 2024</u>	<u>\$1,899</u>
<u>July 1, 2025</u>	<u>\$1,975</u>
<u>July 1, 2026</u>	<u>\$2,054</u>
<u>July 1, 2027</u>	<u>\$2,136</u>

Section 4.

Date Introduced: June 23, 2008

Projected Adoption Date: July 14, 2008

Projected Effective Date: August 1, 2008

This amendment is being introduced as Ordinance 2008-9.

Mr. Baird advised this ordinance is a proposal for the sewer rate increase to \$10 per month as the minimum charge for zero to 1,000 gallons and over 1,000 gallons be increased 10 cents to \$2.43 per 1,000 gallons. On an average, the increase is \$2.10 per month for 7,000 gallons.

These rates were proposed three years ago with this the last year of the three-year phase-in. The rates were implemented in July during the past two years by council. The purpose is to have the rates in place to cover the debt associated with the improvements approved during the February referendum.

The second component of this ordinance is a 4% annual increase on impact fees starting August 1, 2008 through July 1, 2027. These impact fees apply to new construction or remodeling that would increase the sewer demand. If a project increases the amount of EDU's, the proposed impact fees would apply.

The projected adoption date is July 14, 2008.

Introduction of Ordinance 2008-10/Chapter 222/Water Impact Fees

The City of Milford hereby ordains as follows:

Chapter 222: WATER

Section 1.

An Ordinance to Amend the Code of the City of Milford, Chapter 222, thereof, entitled Water, for the purpose of amending water impact fees.

Section 2.

Section 31 of Chapter 222, Impact Fees, is hereby amended by adding a new Subsection 222-31(H) to read as follows:

H. Impact fee Schedule:

Fees will be automatically adjusted on an annual basis as follows:

<u>Effective Date</u>	<u>Impact Fee Per EDU</u>
	<u>\$1,845</u>
<u>August 1, 2008</u>	<u>\$1,919</u>
<u>July 1, 2009</u>	<u>\$1,996</u>
<u>July 1, 2010</u>	<u>\$2,075</u>
<u>July 1, 2011</u>	<u>\$2,158</u>
<u>July 1, 2012</u>	<u>\$2,245</u>
<u>July 1, 2013</u>	<u>\$2,335</u>
<u>July 1, 2014</u>	<u>\$2,428</u>
<u>July 1, 2015</u>	<u>\$2,525</u>
<u>July 1, 2016</u>	<u>\$2,626</u>
<u>July 1, 2017</u>	<u>\$2,731</u>
<u>July 1, 2018</u>	<u>\$2,840</u>
<u>July 1, 2019</u>	<u>\$2,954</u>
<u>July 1, 2020</u>	<u>\$3,072</u>
<u>July 1, 2021</u>	<u>\$3,195</u>
<u>July 1, 2022</u>	<u>\$3,323</u>
<u>July 1, 2023</u>	<u>\$3,456</u>
<u>July 1, 2024</u>	<u>\$3,594</u>
<u>July 1, 2025</u>	<u>\$3,738</u>
<u>July 1, 2026</u>	<u>\$3,887</u>
<u>July 1, 2027</u>	<u>\$4,043</u>

Section 3.

Date Introduced: June 23, 2008

Projected Adoption Date: July 14, 2008

Projected-Effective Date: August 1, 2008

This amendment is being introduced as Ordinance 2008-10.

Mr. Baird explained this amendment also reflects a 4% annual increase on water impact fees. However, there is no water rate adjustment in this ordinance. Those adjustments were phased in over a two-year period that were completed last year. The schedule also runs from August 1, 2008 through July 1, 2027.

The projected adoption date is July 14, 2008.

Mr. Workman confirmed the water meter rates are based on two meters if a resident has one for the house and one for the

yard. The meter for the yard will not be impacted by the sewer rates because it does not go into the sewer.

Mr. Baird explained there are distinctions on customer accounts with irrigation meters. They are distinguished as water only customers with no associated sewer charges.

When asked if there will be a public hearing on these ordinances, Mr. Willard advised it is not a requirement. The process is for an ordinance to be introduced and then scheduled for adoption. If council chooses to have a public hearing on an ordinance, it must be listed as a public hearing so that everyone is aware that public comments will be taken.

Mr. Willard said that though there are specific times when public hearings are required, such as zoning issues. In other cases the public is always invited to submit written comments to the council which can be included in the packet for review and consideration. That would then make it an official part of the record.

Introduction of Ordinance 2008-11/Chapter 119/Electric Tariff/Net Metering Service

Chapter 119-Electrical Standards

The City of Milford hereby ordains as follows:

Section 1.

An Ordinance to Amend the Code of the City of Milford, Chapter 119, thereof, entitled Electrical Standards, for the purpose of implementing a Net Metering Service Policy.

Section 2.

Chapter 119, Impact Fees, is hereby amended by adding a new Section, Net Metering Service, to read as follows:

Net Metering Service

“NMS”

AVAILABILITY

This rider is available to customers served under the following service classifications, Residential “RES” and Small General Service “SGS”. The primary intent of this installation is to offset part or all of the Customer’s electricity requirements. Capacity cannot be more than 25 kilowatts for residential customers and 500 kilowatts for non-residential customers. The primary source of fuel must be solar, wind, hydro, or another approved source of renewable energy. This rider is applicable to generation interconnected and operated in parallel with the City of Milford transmission and/or distribution facilities. Application for the installation of any generation system in excess of 25 kilowatts shall be made under a special contract.

Any customer who elects this rider must apply by filling out the Generation Interconnection Application at least 60 days in advance of the proposed activation date. Approval of the application by the City must be granted prior to activation the electric generation facility.

CONNECTION TO THE CITY’S SYSTEM

The electric generation system cannot be connected to the City’s system unless it meets all applicable safety and performance standards set forth by the following: The Technical Considerations Covering Parallel Operations of Customer Owned Generation of 25 kW or Less dated January 1, 2007, National Electric Safety Code, Underwriters Laboratories, and the City of Milford Electric Service Handbook. The Customer must, at his/her expense, obtain any and all necessary permits, inspections, and approvals required by any local public authorities and any other governing regulations in effect at that time.

DELIVERED VOLTAGE

The delivered voltage and delivery point of the Customer’s electric generation shall be at the same delivered voltage and delivery point that would be supplied by the City if the Customer purchased all of its electricity from the City.

CONTRACT TERM

The contract term shall be the same as the Customer's applicable rate tariff.

RATE

The monthly billing shall be as stated in the applicable rate tariff. Under this rider, only the per kWh charge for electricity delivered by the Customer is affected. The Customer will pay for all kWh delivered by the City of Milford. If the Customer has delivered electricity to the City system, a credit will be issued to the Customer for the kWh delivered at the City's current wholesale rate. The City will provide for customers to be credited in kilowatt hours valued at an amount per kilowatt hour equal to the sum of delivery service charges and supply service charges for residential customers, and the sum of the volumetric energy (kWh) components of the delivery service charges and supply service charges for non-residential customers for any excess production of their generating facility that exceeds the customer's on-site consumption of kWh in a billing period. Excess kWh credits shall be credited to subsequent billing periods to offset a customer's consumption in those billing periods until all credits are used or until the end of a 12-month period, ending either December 31 or July 31 to be chosen at the discretion of the customer. If a customer does not choose a date, the City will default a date of December 31. Any unused credits at the end of the 12-month period shall be forfeited to the City at the City's avoided cost of wholesale power, which means the average locational marginal price of energy in the City's transmission zone, for use solely to augment existing funding for the Green Energy Fund. Any excess kWh credits shall not reduce any fixed monthly customer charges imposed by the City. The customer-generator retains ownership of renewable energy credits (REC) associated with electric energy produced and consumed by the customer-generator. RECs associated with NEG convey to the City.

METERING

An electric meter service will be installed at the Customer's location to measure the energy consumed and the energy delivered to the City system. The City will furnish, install, maintain, and own all metering equipment. Cost will be determined under the Additional Costs and Responsibilities clause below.

ADDITIONAL COSTS AND RESPONSIBILITIES

The Customer will be required to pay for any additional transmission and distribution costs, the cost of metering, transformation, system protection, and any related safety/protective equipment in excess of what would normally be paid for by the City. Protective equipment will be installed by the Customer to provide safety for personnel, provide adequate protection for the City's electric utility system and to the Customer's property, and to prevent any interference with the City's supply of energy to other utility customers. This equipment will be owned, installed, and maintained by the Customer.

FAILURE TO COMPLY

The City may disconnect the Customers service from the City's electric system if the Customer fails to comply with any of the stipulations of this rider, The Technical Considerations Covering Parallel Operations of Customer Owned Generation of 25 kW or less dated January 1, 2007, National Electric Safety Code, Underwriters Laboratories, the Generator Interconnection Application and the City of Milford Electric Service Handbook.

RULES AND REGULATIONS

The General Rules and Regulations of the City of Milford for electric service shall apply to service rendered under this service classification. All minimum billings, charges for kWh, kW, Purchased Power Adjustment, Public Utility Tax, Renewal Energy Charge, etc. will be covered under the applicable rate tariff.

If the total generating capacity of all customer-generation using net metering systems served by the City exceeds 1 percent of the capacity necessary to meet the City's aggregated customer monthly peak demand for a particular calendar year, the City may elect not to provide net metering services to any additional customer-generators.

Section 3.

Introduction Date: June 23, 2008

Projected Adoption Date: July 14, 2008

Projected-Effective Date: July 24, 2008

The amendment is being officially introduced as Ordinance 2008-11.

Mr. Baird advised this is an amendment to the electric tariff that addresses the net metering service.

He explained that net metering deals with customers who have their own generation whether it is solar power, wind power or any green energy technology that is available to an individual homeowner. They are unable to generate more than 25 kilowatts for residential customers and 500 kilowatts for non-residential customers . It is also a requirement to stay connected to the city system.

The assistant city manager then reviewed the terms outlined in the ordinance. This policy will be incorporated into our tariff as been defined by State Law Senate Bill 8 that was passed earlier this year.

This ordinance has been scheduled for adoption on July 14th. Because it is state law, the majority of the language is standard when compared to the state statute.

Mr. Ambrose asked why all members of DEMEC were not using the same ordinance; Mr. Baird advised there are some options that allow some of the amounts to be increased though they are very minor differences.

Appropriation from Municipal Street Aid Account—Lakeview/Causey Avenue Repairs

Mr. Baird advised this request is for the payment of improvements recently made to Lakeview and Causey Avenue. A lot of curbing work has been completed as well as storm drain work. He feels this will prevent any leaking issues in the future now that it has been properly repaired.

Mr. Baird presented the following two requests:

Appropriate \$24,271.84 from Municipal Street Aid Account for repairs to Lakeview Avenue to Chuck Casper Contractor, Incorporated (repaired washouts and settling associated with the City's storm drains beneath Lakeview Avenue).

Appropriate \$45,952.00 from Municipal Street Aid Account for repairs to Lakeview & Causey Avenue to Mike Shea Concrete LTD (Lakeview and Causey Avenues in advance of DELDOT resurfacing project).

Mr. Baird explained a decision was made to waive the bidding requirements in order to meet the DELDOT schedule. It was important to have these repairs completed before DELDOT started their construction which begins in the next two weeks. He asked council to acknowledge that fact should these appropriations be approved.

Mr. Spillane asked why there is a difference in the flagging fees of each contractor. Mr. Baird advised the work was subcontracted out by the contractors and each were charged different rates. He added it is difficult to explain that discrepancy without some speculation on his part.

Mr. Spillane asked if the one contractor can be told that we will only pay \$25 instead of the \$35 that he billed. He also asked if it would have been less expensive if the bids had come in under one invoice instead of providing totals for separate streets.

Mr. Baird explained that is necessary for purposes of accounting and must be separated by area or street. Municipal street aid accounts must show the exact dollar amount spent on each street. Also, as part of some recent accounting standards put in place a few years ago, under Gatsby we need to account for our public work assets in more detail than was previously done.

Mr. Ambrose moved for approval of the Municipal Street Aid expenditures as presented, with the bidding requirements waived in order to have this work done prior to the start of the DELDOT project, seconded by Ms. Wilson. Motion carried.

Adoption of Resolution/City of Milford FY 2008-2009 Budget

Mayor Marabello said a public hearing should have been scheduled on the budget and noted there are two councilmen absent.

He then asked what was councils' pleasure.

Mr. Workman advised he does not have a problem with the budget and feels the process went well. He suggested that if the budget is passed tonight, would it be possible to allow a 30-day period for the public to comment. After the budget hearing, any recommendations could be reviewed by the finance committee. It would then come back to council for any amendments.

In the future, he recommends a public comment period be scheduled. To him, it is better for the public to speak in the beginning of the process versus after it has been completed.

Solicitor Willard said the charter requires the budget be adopted before or on the last day of the twelfth month of the fiscal year. Tonight is the last meeting this year. It also states that 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.

He noted that a public hearing to discuss the budget is not prohibited either. The charter has a provision that allows supplemental appropriations, emergency appropriations and transfer appropriations. Each can be addressed by separate resolutions depending on the pleasure of council.

Mr. Spillane asked what would happen if the budget was denied and instead a public hearing scheduled for the residents to comment. Council could then make a later decision based on their comments. Mr. Willard explained the process previously explained the city would operate monthly based on last year's budget. But council would need to approve the budget at some point. However, any public hearing, whether it is on the budget or on any other matter, must be properly noticed in order to allow everyone the same opportunity to address the matter, which in this case is the budget. He added that any concerns about the budget can also be communicated through some type of correspondence.

Mr. Spillane asked if voting no would be like starting the process again. Mr. Willard said that last year's budget would prevail until it is approved. Mr. Brooks asked why the budget would not be approved when the entire council was in agreement after the budget hearings were completed. Mr. Spillane said he wants to open it up to those residents that want to comment. After that, if something must be changed, it can be changed at that time without going back and changing it again.

Mr. Brooks recalled that council met for two meetings and a third meeting was scheduled. After the second meeting, everyone was in agreement and no one indicated there were any problems. It was agreed the third meeting was not needed. Mayor Marabello said it was never open to the public for comment but he was not in charge of those meetings.

Mr. Workman moved for approval of the budget and adoption of the resolution, but a public hearing be scheduled in the next thirty days. Any proposals will be forwarded to the finance committee and brought back before council. Any adjustment can be made at that time. This meets the charter requirements but will still allow the public the opportunity to comment. Mr. Brooks seconded the motion.

Mr. Baird then read his budget message into record:

The Honorable Mayor and Members of City Council:

I am pleased to present you with the Fiscal Year 2008-2009 Budget for the City of Milford. This budget covers the time period of July 1, 2008 through June 30, 2009 and totals \$42,744,810.

This document serves a number of purposes for the City. First, the budget provides the citizens of Milford with information regarding the operations of the City government and details on how public funds will be utilized throughout

the community. Second, the annual budget is used as a managerial tool by the City Manager and all City Departments. The annual spending plan not only serves as a monitoring tool of revenues and expenses for the various departments of the City, but also as a means of evaluation to ensure public resources are used in the most effective and efficient manner.

BUDGET OVERVIEW

The FY 2008-09 budget is \$42,744,810, an increase of \$2,609,420 or 6.5% over the previous year. It is important to recognize this increase is a result of projected cost increases for purchased power in the electric fund in the amount of \$2,664,025. The budget increases for each fund are as follows:

	<u>\$ Increase over FY07-08</u>	<u>% Increase</u>
General Fund	\$120,445	1.49%
Water Fund	1,180	0.04%
Sewer Fund	80,390	2.13%
Sanitation Fund	35,000	3.54%
Electric Fund	2,372,405	9.53%

Personnel

The budget includes a net increase of 0.5 positions for FY 2008-09. This increase is the result of 4 new positions and deletion of 3.5 existing positions. No employees will be terminated due to the deleted positions being vacant.

This spending plan also includes the partial implementation of the compensation and classification system for City employees not covered under a collective bargaining agreement. Completed in January of 2008, the study found that City employees are compensated 14% below the market rate for comparable positions.

All positions have been classified and the budget includes a 7% increase of the position's midpoint for employees not covered under the collective bargaining agreement.

The City has a collective bargaining agreement with the Fraternal Order of Police that expires June 30, 2008. The City continues to negotiate with the FOP as of the date of this correspondence.

Billing Office Cost Reassignment

In the past, the general fund covered the majority of the expenses associated with the billing office. The past cost assignment has not been appropriate since approximately 90% of the office's time is spent on water, sewer, electric and sanitation issues and approximately 10% on general fund issues. The costs have been reassigned to the appropriate funds to better reflect the ratio of work.

General Fund Highlights

- The property tax rate remains unchanged at \$0.46 per \$100.00 of assessed value.
- Continuation of the development of the Riverwalk and associated projects.
- Establishment of the "Green Acres" Fund for the acquisition and preservation of open space.
- Funding support:

Carlisle Fire Company--\$150,000; Milford Museum--\$15,000; Downtown Milford, Incorporated--\$35,000; Milford Library--\$75,000 (first year of four-year commitment); Boys & Girls Club--\$105,400 (\$26,000 from General Fund & \$79,400 from P&R Developer Fee Building Fund previously collected)

- Replacement of three police vehicles.

Water Fund Highlights

- Water rates will remain at their current levels for all rate classifications.
- Completion of capital improvements from FY 2007-08.
- Meter replacement project will continue with targeted completion date during the first quarter of 2009.
- Begin engineering and design of improvements approved in the February 2008 Referendum.

Sewer Fund Highlights

- The budget includes the final year of a three-year sewer rate increase that involved an increase in the base fee from \$8.50 to \$10.00 and a \$0.10 usage rate increase for future debt service. Under this increase, a household using 7,000 gallons per month will see \$2.10 monthly or \$25.20 annual increase. The Kent County portion of the rate remains unchanged at \$2.34 per 1,000 gallons.
- Continuation of emergency generator project to install emergency generators at critical pumping stations throughout the system.
- Expansion of the SCADA system at all pumping stations to improve station and operator efficiencies.

Sanitation Fund Highlights

- Solid waste rates will remain unchanged for all rate classifications. Residential customers will continue to see once-a-week household collection at \$22.00 per month/container.
- The City will again partner with DSWA to provide single stream curbside recycling for residential customers. A new contract begins August 1, 2008 with collection every other week. The rate charged by DSWA of \$1.00 per household/collection is incorporated into the residential solid waste fee of \$22.00 per month.
- In comparison, residential customers outside the City utilizing private waste haulers and participating in the DSWA curbside recycling program are paying an average of \$27.08 compared to \$22.00 for the same service from the City.

Electric Fund Highlights

- The projected cost for purchased power increased \$2,664,025 over FY 2007-08. This is in direct result to recent increases in power costs from DEMEC.
- The budget funds the debt service for the transmission, substation and distribution projects approved in the February 2008 Referendum.
- Vehicle replacement was deferred due to the uncertainty of power costs during FY 2008-09.
- Meter replacement project will continue with a targeted completion date during the first quarter of 2009.
- Distribution expense for new development and associated revenues have been removed from the operating budget.

SUMMARY

As you are aware, the City is not immune from the current economic conditions facing our nation. It is and will continue to be extremely important that the City continue to adhere to sound financial policies and practices. The current fiscal condition of the City is very strong and this budget allows us to maintain that strength.

I would like to extend my appreciation to each of you as elected officials and all department heads for their efforts in the preparation of this document. Specifically, I would like to express a thank you for the efforts of the Chairman of the Finance Committee and the Finance Director who were instrumental in the development of the budget. The efforts of all of you will leave a positive impression on the Citizens of Milford.

David W. Baird
City Manager

Mr. Baird asked to clarify his future plans to replace his current assistant city manager's position when Mr. Carmean steps aside in the next few weeks. He asked council to recall when this proposal was first put together and Mr. Carmean was to stay on for six months. There was a question about how many responsibilities and duties he will be able to take with him. He plan is to take as much as he can. Those that he is unable to, Mr. Carmean will be assisting with over the next few months. That will allow an evaluation of what is needed. He asked to make it clear that despite the way that some things have been circulated over the past couple of weeks, he is not in any rush to hire a replacement for that position. He plans to move forward with the plan originally presented and to utilize Mr. Carmean's abilities over the next few months as well.

Motion carried by the following 5-1 roll call:

Yes-Ambrose, Workman, Brooks, Starling, Wilson

No-Spillane

Mr. Spillane stated he votes no because the police contract has not yet been finalized though it is expected to come to terms within the next few days and the public has not been allowed to speak. He is not worried about this year but down the road in another two or three years. He prefers to address the needed changes now then when it comes back, so it can be approved at that time.

The following resolution was adopted:

WHEREAS, the proposed operating and capital budgets of the City of Milford for the Fiscal Year 2008-2009 were prepared and submitted to the City Council by the City Manager in accordance with Section 6.04(5) of the City Charter; and

WHEREAS, the City Council has been presented the proposed budget after the Finance Committee made a comprehensive study and review of the proposed budget during hearings on June 3, 2008 and June 4, 2008; and

WHEREAS, in the opinion of the City Council, the proposed budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford Budget for Departments shown under General Fund as Administration, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department, as amended by City Council, is hereby adopted and approved as the budget of the City of Milford for Fiscal Year 2008-2009 in the following amounts:

Operations and Maintenance - \$39,238,845
Debt Service - \$2,179,975
Capital Program - \$1,142,970
Total Expenditures - \$42,744,810

A copy of said budget, as modified and amended, is on file in the Office of the City Clerk and is passed and adopted by the Council of the City of Milford this 23rd day of June 2008 by the following vote:

Yes-Ambrose, Workman, Brooks, Starling, Wilson

No-Spillane

Public Comment Period & Procedures for Participation

Mayor Marabello then discussed public comment. He stated that even though the residents can speak at public hearings, the consensus was not to allow them to speak. The recommendation is to schedule an open forum at the beginning of the council meeting for approximately 15 minutes subject to time restrictions.

Mr. Spillane asked if this would be scheduled 15 minutes before the meeting. Mayor Marabello said he wants it at the top of the agenda and if the meeting starts at 7 o'clock, it would begin at that time with 15 minutes designated for public comment. If no one is present to speak, council would proceed with the agenda.

Mr. Ambrose asked if there will be a time restriction for each speaker. Mayor Marabello said there will be a sign up sheet and anyone speaking would speak in the order they signed up. Mr. Workman recalled at the last meeting Mr. Willard was asked to draft a format for council to review. Mayor Marabello said he received it but did not send it to council. He can pass it out now if council wants to look at it. Mr. Workman said it was agreed that council would have the opportunity to look at what was recommended before it was voted on. He prefers having time to review it before any action is taken.

Mayor Marabello said a copy can be made and action deferred until the next meeting. Mr. Brooks said he thinks the public should speak and the mayor will run the meeting. If it does not work, council will then give their opinion. Mr. Workman said he is not disagreeing that the public should have an opportunity to speak, but there must be a format or rules in place before it is started. In that manner, the residents will understand what is allowed and how and what they will be allowed to speak about. Council will then listen to their comments and will take them into consideration. Once the meeting starts, it becomes a business meeting of council. Their time to speak would be at the beginning. No one disagrees the public can have an opinion, but a strict format needs to be in place for this to work.

Mr. Ambrose asked if the topics being addressed are only those on the agenda. Mayor Marabello said not necessarily but they would have to be pertinent that night's agenda or the prior agenda. It cannot be something out of left field but instead related to the topics at the meeting.

Mr. Spillane asked if people would be allowed to speak at the end of the meeting. Mayor Marabello said he has looked at many different agendas and some have it at the beginning and some have it at the end. It will be in the beginning and if it does not work, it may be better to have it at the end.

Mr. Ambrose feels the logical time is at the beginning if they want their opinion considered before any action is taken.

Mr. Spillane wants it at the beginning and at the end. Mayor Marabello disagreed. Mr. Workman understands the concept of the public speaking on issues and this opportunity is being provided. It will not work to allow them to speak in the beginning, the middle and the end. This time frame will allow them the opportunity to give their opinion before any decisions are made. If something is said at a meeting that they do not like, they can comment on that at the next meeting.

Ms. Wilson feels that after being on city council all these years, the public has always had access to council members. Our phone numbers are in the telephone book. If they are unable to reach council at home, they can call city hall and someone at city hall will get in touch with council. They state their concerns openly and can talk about any issue. Council has always been available and has always been open to the public's ideas. Part of being a councilperson is that you make yourself available to your constituents. At anytime they can bring their concerns or ideas to you. Council has always been available and has taken those concerns or ideas to the city manager.

She stated that a meeting is scheduled to begin at 7 and now the meetings will not start until 7:15 p.m. Mayor Marabello explained that is not what he meant; he wants the public comments to be part of the regular meeting and not a separate time.

Ms. Wilson verified that if the meeting is scheduled to start at 7, at that time, council will hear from the public. Then the regular meeting will start at 7:15 p.m. Mayor Marabello stated that it must be part of the record. Ms. Wilson said she is willing to try it and people that are unable to attend because of work or other reasons are still encouraged to contact their council representatives at home. It seems to her that council has always had an open communication with their constituents and that council member has always brought these issues to council or to the city manager or police chief to be worked out. It has always worked out well in the past and has been part of the minutes and the official record. She has not heard any complaints.

Ms. Wilson feels that time is important and the meetings need to flow appropriately. She works during the day and this could cause the meetings to get over extremely late because there is regular city business that must be handled.

Mayor Marabello understands but feels that 15 minutes is reasonable to add to the agenda. He will have the form by the next meeting.

Mr. Workman said that the rules and format need to be in place before this is started. He thinks that everyone wants it but it must be clear. If only one person wants to speak, the meeting can start immediately following that. If no one is here to speak, the meeting can start right away. He does not want to wait until 7:15 p.m. because as Ms. Wilson alluded to, some of the council members have to work in the morning. He agrees the public should have a time to speak. If this does not work, another way can be considered.

Mr. Brooks confirmed the 15 minute period would take place before the council meeting and public comment would still be taken during the public hearings.

Mr. Ambrose verified the public comment period would follow the conclusion of the public hearings and before the council meeting began. Council agreed that any public hearing would be scheduled first.

Mayor Marabello asked if this can be started at the next meeting or does council still need to see the document which is basically a sign up sheet. He then asked if a sign up sheet is even needed.

Mr. Workman said there must be a sign up sheet to know how many people want to speak so the time can be divided among the speakers. If there is no sign up sheet, it will be unorganized and people will decide at the last minute to respond to other people's comments which could cause other problems. They need to be signed up before the comment period begins.

Mr. Workman reiterated that a sign up sheet is needed and a format in place.

Mayor Marabello said he will get the sign up sheet and format to council so it can be discussed. If he can show the sign up sheet to council privately, he asked if this can be added to the agenda by the next meeting. Or would council prefer to look at the sign up sheet.

Mr. Workman again explained that this was discussed at the last meeting. Council asked for a format with the sign up sheet so that council can review it and decide if that is the way it should be done. It has again been discussed for another 20 minutes and nothing finalized again.

Mayor Marabello will have something by the next meeting and it can be voted on at that time and put in place by the following meeting.

With no further business, Mr. Ambrose moved to adjourn the council meeting, seconded by Ms. Wilson. Motion carried.

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

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 23, 2008

The City Council of Milford met in Workshop Session on Monday, June 23, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello convened the Workshop Session at 8:39 p.m.

DMI/Kiosk Presentation/Beth Durham & Scott Angelucci

Mayor Marabello advised that DMI's plans are to install this kiosk opposite the theater on North Walnut Street.

DMI Representative Scott Angelucci referred to the document illustrating what the kiosk will look like. They are requesting permission from the city to provide electric and allow the placement of the kiosk on city property. Its purpose is to provide downtown information and will include a calendar and a business directory. People coming to the downtown area will have 24/7 access to event and parking information as well as business locations.

This was obtained through a \$40,000 grant written by Mr. Angelucci and DMI Executive Director Beth Durham. This was a two part grant. The first part for \$19,000 has been preliminarily approved and the second part for signage has not yet been approved.

It will be located across from the theater adjacent to the riverfront and is easily visible from main street and accessible from the riverwalk.

When Mr. Workman asked if Parks and Recreation Director Gary Emory had been informed, Mr. Angelucci advised that he has spoken with Mr. Emory as well as electric department personnel. They have received favorable comments from both departments who agree it will be a positive addition to the downtown area.

The content will be controlled by DMI. Its preliminary use is not for individual business promotions but more of an overall downtown image for the business district.

The footprint is 36 x 36 and is just over 7 feet tall. It has four panels lit by florescent lights; each panel provides an area to hang a mylar sheet which will be illuminated from behind.

When asked if a formal vote was needed, Mr. Carmean recommends a vote should be taken for it to be placed on city property and to provide electric.

Mr. Ambrose feels it is a great idea and encourages them to proceed. The consensus of council is to proceed though it needs to be added to the July 14th agenda. In the meantime, they can work the details out with Mr. Emory and the electric department.

Mr. Angelucci said the second part of the grant request is for signage that will direct people to the downtown area by placing wayfinding signage throughout the city. He is not making a formal request at this time because the funds have not yet been allocated.

Milford Community Parades, Incorporated/Jim Gray/Electric Bill Inserts

Mr. Carmean advised this is a request for an insert to be placed in our utility bills requesting donations for the upcoming parade. This has been done for a number of years though the city's policy does not normally allow outside organizations to do this. He does not want our customers to become deluged with non-city items to the point where they begin to ignore such inserts. This has been a strict policy so our customers know the inserts contain pertinent information that needs to be read.

However, the community parade has been looked upon as a city function and is similar to the Riverfest and Bug and Bud Festival. .

Mr. Workman advised that last year the chamber had an event occurring around the same time and both were added to one flyer to prevent two separate flyers from being added. Mr. Gray agreed but wants their flyer added to the July electric bills.

City Manager Carmean Retirement

Mr. Spillane then recognized Mr. Carmean for his service to the City of Milford and thanked him for providing personal assistance to him over the past two years.

Mr. Carmean then received a standing ovation.

With no further business, the Workshop Session concluded at 8:47 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 23, 2008

A Public Hearing was held before Milford City Council on Monday, June 23, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware to take final action upon the following matter:

Braun Engineering and Surveying on behalf of RS Valley Run Apartments, LLC for the Final Minor Subdivision/Lot Line Adjustment of 5.19+/- acres east of Linstone Lane, 300 feet north of Northwest Front Street (100-A Valley Drive). Present Use Apartments; Proposed Use Apartments; Tax Map MD-16-183.09-01-08.06-000; R-3 Zone.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

The Public Hearing was called to order at 7:00 p.m. by Mayor Marabello who followed with a reading of the public notice.

David Braun of Braun Engineering and Surveying presented the application on behalf of the owners of the Valley Run Apartments.

Mr. Braun stated that since the site plan approval of the additional building approximately one year ago, they have been working on a lot line adjustment with the Milford Historical Society site which is adjacent to the apartments. This plan reflects the agreement of the two land owners and the new property lines.

During construction, brick burial vaults were discovered when they were excavating for the pond revisions. It was investigated and no human remains were found. The Robino Companies and historical society agreed that area would be deeded to the historical society. That area was combined into the lot line adjustment and is shown in the corner with a somewhat irregular line.

Mayor Marabello asked for council comments. Mr. Workman confirmed that the cemetery area was not disturbed and the burial vaults were not connected.

Mayor Marabello asked for comments from the public. No one spoke for or against the application.

The mayor then closed the public comment portion and referred to council for action.

Motion by Ms. Wilson, seconded by Mr. Ambrose to approve the Minor Subdivision/Lot Line Adjustment for RS Valley Run Apartments. Motion carried by unanimous roll call vote.

Mr. Workman moved to adjourn the public hearing, seconded by Ms. Wilson. Motion carried.

The Public Hearing adjourned at 7:05 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

June 23, 2008

A Public Hearing was held before Milford City Council on Monday, June 23, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware to take final action upon the following matter:

Davis, Bowen and Friedel, Incorporated on behalf of Silicato-Wood Partnership, LLC for the Preliminary Major Subdivision of 14.45 +/- Acres into five lots at the corner of Northeast Tenth Street and State Route 1 (608 N.E. Tenth Street). Present Use Residential/Vacant; Proposed Use Commercial; Tax Map MD-16-174.15-01-01.00-000/MD-16-174.00-02-50.01-000; C-3 Zone.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

The Public Hearing was called to order at 7:05 p.m. by Mayor Marabello who followed with a reading of the public notice.

Randy Duplechain of DBF presented the application on behalf of the property owner. Mr. Duplechain explained the property is located at the corner of Tenth Street and Route 1. The proposal is to subdivide the property into five commercial parcels with a roadway that would allow rear access. Tonight they are only asking for preliminary subdivision approval. They are still working with DELDOT on the roadway alignment. The right of way may move somewhat because of the roadway construction design. Once that is finalized, they will request final approval of the record plan.

Mr. Duplechain reported they will also plan to move ahead with conditional use requests for some of the proposed uses for the site. Presently, Mr. Silicato has letters of intent from Royal Farms, Holiday Inn and a Grottos Pizza. There would be no direct access to the lots from Route 1. A rights in rights out will be added to Route 1 and a connection to Tenth Street on the north side. All access will be from the access road at the rear of the properties.

Mr. Duplechain added that everything submitted meets the code requirements for the city.

Mr. Brooks asked if the Royal Farm can be compared to the Milford store or the newer stores located in Greenwood and Bridgeville. Mr. Duplechain believes it will be similar to the newer stores that are larger with more and better access. A small carwash may also be added to this site.

Mr. Brooks asked if most of the traffic is expected to use the service road to enter Royal Farms. Mr. Duplechain feels that most of the traffic will come off the Tenth Street access and exit onto Route 1 if heading south. Route 1 will only have a rights in/rights out.

Mr. Brooks noted that the Tenth Street intersection is presently a dangerous intersection. In two years, there will be a lot more people using this intersection with the new school and the addition of the Royal Farms. If Royal Farms services 500 customers a day, that is 1,000 more people at the Tenth Street intersection. In the summer, vehicles currently have to wait a substantial time to be cross Route 1.

Mr. Duplechain agreed noting the overall concept that DELDOT is considering is a future overpass on Tenth Street. This would be part of a connector road system that would tie into the overpass and would actually become the main access in the future. However, Mr. Duplechain is unsure of when that will occur. He explained they did analyze the intersection with the traffic proposed from this development as well as the school traffic and submitted that information to DELDOT. It showed that intersection was operating at a level of service that was acceptable. DELDOT is potentially considering closing the connection off at Tenth Street and allowing only a left in and not a left out because of some hazards. He added they

have proposed that in the past at other intersections and was met with opposition. Right now, they are planning to leave that open.

He explained that not only that intersection, but the intersection at the end of Tenth Street that ties into Rehoboth Boulevard was considered. It was also found to be operating at a sufficient level of service with this new development.

Mr. Brooks said he spoke with Mr. Silicato and informed him he has no problem with the project but is very concerned about the traffic on Tenth Street and the additional traffic created by Royal Farms, the new academy and growing numbers at Milford High School. He reiterated it is a very dangerous intersection and would prefer for the traffic to flow out on the south end.

Mr. Duplechain referred to the rights in access noting that most people who use Tenth Street would make the right and then the left. They are building a bypass lane so there will be a separate turn lane and a bypass lane. That will allow the turning movement as well as the straight thru movement to occur.

Mr. Workman recalled that when this project was first presented, it was said the service road would be in place before the project was started. Mr. Duplechain did not recall that being discussed as to when that would occur. Mr. Workman said he would go back and check, but feels that service road needs to be in place. The whole idea with the school and the service road was one of the big pushes when this was first brought to council about a year ago. Mr. Duplechain talked about how useful the service road would be particularly for the trucks. Now it is being presented that it could take several years.

Mr. Workman asked if there anything in writing from DELDOT that states this road will even happen in the future. Mr. Duplechain responded there is nothing in writing at this point.

Mr. Workman said he has a problem approving something when this service road was a major part of this project from the beginning and tonight it is being said it could happen but there is nothing in writing from DELDOT. He personally has a problem because the service road was designed to allow the trucks from the beer distributors get in and out of this area. Today, it is being presented differently.

Mr. Duplechain referred to the other side of the road where the beer distributor will be located. That access would be on the other side. Mr. Workman disagreed recalling that Mr. Duplechain said the access road would be used for the beer distributor trucks. Mr. Duplechain believes he was referring to the entrance that would be used for access but does not recall saying the service road would be built as part of that development. Mr. Workman feels the road should be done beforehand noting that as Mr. Brooks stated, with the increase of traffic because of Royal Farm, the whole idea of the service road and the overpass was to avoid a lot of the traffic in that area. He stated that now we are adding a Royal Farms on the corner, which Mr. Workman is not happy with, because it is a very dangerous intersection. To make things worse, it is next door to a school. He believes the school kids will be going back and forth to the store which will compound the problem even more. His main problem is the service road which Mr. Workman said was discussed from the beginning.

Mr. Duplechain explained that they are only here this evening to ask for the preliminary subdivision and are not here to discuss the Royal Farms or any of the users. They are required to come back for permission for those proposed uses. They are only sharing the letters of intent they have at this point.

Mr. Workman asked if council gives approval, how will they know the service road will be done. Mr. Duplechain said the road is being built as part of the development. It is on the property. There was a lot of discussion about where the service road would be located and how the property would be obtained. Unfortunately, at that time, the McColleys who are the adjacent property owners, were not willing to work with DELDOT to pursue that service road. DELDOT has since told them they can proceed with this project until such time they can work out an agreement and they have decided to build that service road.

Mr. Workman asked what happens if they decide not to build it. Mr. Duplechain said at this point, he cannot answer that. They have done everything they can and have been working on this project for three years.

Mr. Workman said that service road was a key point when it was first brought before council.

Mr. Ambrose confirmed that the service road shown on the drawing will be built by the developer on the developer's property. He asked for more information on the service road related to the McColleys and DELDOT. Mr. Duplechain explained that the roadway will eventually extend to Front Street. Because DELDOT wants to add an overpass, they want the alignment to be about a thousand feet back which will cut through the McColleys property.

Mr. Ambrose then verified the perpendicular roadway will be built by the developer. The developer will build the road that connects to Tenth Street and intersects with another service road that will come out to Route 1 with a rights in/rights out. Mr. Duplechain indicated that is correct.

Mr. Ambrose also confirmed his understanding that the extension of the service road down to the location of NKS will be dependent on DELDOT and where the overpass will go on Front Street.

Mr. Spillane asked when the service road will be built. Mr. Duplechain explained their portion of the service road will be built immediately. They are in the process of designing the service road and entrances. Mr. Spillane also confirmed that vehicles will still be permitted to come in and exit off Tenth Street.

Mr. Duplechain explained it will have a separate left turn coming into the site. There will be a protected left coming in which will allow cars to pass that turn. Cars will also be able to make a right. Cars can make a left at Route 1 though DELDOT has talked about possibly eliminating that though he does not know when that may happen.

Mr. Spillane asked how much traffic is expected to turn onto Route 1 and into the service road. Mr. Duplechain does not recall the exact numbers though he states the location operated at an acceptable level of service. He referred to the two intersections analyzed at Tenth and Route 1 and Tenth and Rehoboth Boulevard. Both operated at acceptable levels.

Mr. Spillane asked how soon Tenth Street will be closed to prevent making a left onto Route 1 though Mr. Duplechain does not have a date. He explained that is DELDOT's prerogative noting other as there are police and fire concerns further south with regard to emergency services. He added the overpass on Front Street is one of five intersections from Dover to Milford being planned though no time frame has been given. Funding will have a major impact on that work.

Chief Hudson asked what time of year the traffic study was done; Mr. Duplechain advised the numbers were obtained just prior to the closing of school for the year. The police chief asked if the traffic account included numbers from Lighthouse Estates and the Hampton Inn, though Mr. Duplechain advised that was not required by DELDOT as part of the study.

Mr. Workman feels there is probably 30 to 40% more congestion with beach and vacation traffic when compared to the month of May. Mr. Duplechain explained the study involved turning traffic and the number of vehicles using the Route 1 intersection. He advised that the delays occurred at the access points.

Chief Hudson questioned the traffic accessing Route 1 from Tenth Street and mainly the number of vehicles making left turns from Route 1 onto Tenth Street particularly during school hours. Mr. Duplechain stated the traffic pattern is somewhat worse in the morning than in the evening, but the function is fine. He noted that DELDOT's concern is the left out where they are leaving Tenth Street onto Route 1 heading north. That is where the majority of accidents occur because of crossing two lanes to get to the third lane.

Chief Hudson asked if it is possible to extend the turning lanes on Route 1. Mr. Duplechain feels there is no need though that was considered but the length was determined to be adequate.

Ms. Wilson confirmed that this is only a preliminary approval; Mr. Duplechain said the preliminary is needed in order to continue designing the roadways. The right of ways may change depending on DELDOT coming back with on alignments. It will then come back to council for final approval with the exact plans presented at that time. The preliminary is being proposed in order to come back with a conditional use application for some of the commercial being proposed.

City Solicitor Willard then advised that the minimum requirement for a hotel in a C-3 zone is three acres. Mr. Duplechain said that if preliminary approval is granted, they will apply for a variance to the Board of Adjustment for the three-acre minimum. He understands a similar variance was granted to another hotel. This is only a hundred room hotel and will not

require three acres. He advised the other commercial zones do not require a three-acre minimum and may be an oddity in the C-3 district.

Mr. Brooks asked for a possible date of when the service road and overpass would be put in. Mr. Duplechain does not have a date though Mr. Silicato and Mr. Tigani were willing to build that roadway. But because of the alignment needed and the discussions with the neighbors, they were unable to do that. They have discussed with DELDOT the possibility of moving forward with this project. He said these overpasses are a high priority for DELDOT though he does not know exactly where they are on their project schedule.

Mr. Brooks pointed out this was planned thirty years ago for Tenth Street though it never happened because of funding. He understands this is a good project, but he worries about the traffic even though Mr. Silicato is building his service road. He then questioned Mr. Tigani's property. Mr. Duplechain referred to the NKS leased property in addition to the property they presently own. He stated the property is only approximately 500 feet deep and DELDOT wants the intersection with Front Street to be about 1,000 feet back. Therefore, the roadway at Front Street will vary by going back potentially into the McColley property. NKS will only be building something for their facility which will be gated off at their entrance. As the roadway is built, it would come further down with a different access point for Mr. Tigani's property.

Mr. Workman questioned Mr. Silicato and Mr. Tigani paying for the roadway as it is evident DELDOT did not want to do it. Mr. Duplechain explained the problem was the property owned by the McColleys. Mr. Silicato and Mr. Tigani tried for at least two years to work with the McColley but could never come to an agreement. At this point, DELDOT said to move forward and they will continue to work with the McColleys until something is worked out.

Mr. Workman pointed out that if it cannot be worked out, it will not happen. Mr. Duplechain said that DELDOT may have the ability to take the property if necessary. There have been more discussions but they have also started the process with some appraisals that were done. Whether that will be done or not, Mr. Duplechain is not sure.

Mr. Workman feels that if that happens, it could take quite a while. Mr. Duplechain said that the way the road is designed and the analysis that has been completed shows the development, as is being presented, will work with the roadway system that exists and DELDOT agrees.

Mr. Workman understands but his concern is the service road. He said it was a priority so that vehicles could easily access the property. He does not disagree this is a good project and that work continues with DELDOT, but the idea was to have the service road in place.

Mr. Duplechain agrees noting that eventually it will be constructed though he does not know the time frame. Mr. Workman understands but also is aware there are funding problems and projects like this may never be addressed. The point he is making is that when this was first presented, the idea was for the service road to take care of most of the traffic. With the economy the way it is today, it is not going to happen anytime soon.

Mr. Duplechain reiterated they are building their portion of the service road that will help because it will be less costly to do that portion of the roadway. He feels it will work with the development that is proposed.

Mayor Marabello asked for further comments from the council. No one responded.

The mayor then asked for comments from the public.

Archie Campbell of 6 Little Pond Drive, Meadows at Shawnee stated it is his understanding this will involve five commercial properties. This includes a hundred room hotel, a Royal Farms and gas station, a Grotto Pizza restaurant and a possible bank. This will involve a great deal more traffic. The intersection is already a very dangerous one. He agrees with both Mr. Workman and Mr. Brooks that it is not a good idea.

No one else from the public wished to speak for or against the application. It was confirmed the Planning Commission recommended approval of the preliminary subdivision by a vote of 5-2 with one abstention.

Mayor Marabello then closed the public comment period and referred to council for action.

Ms. Wilson moved for approval of the Preliminary Major Subdivision for Silicato-Wood Partnership, LLC of 14.45 +/- Acres into five lots at the corner of Northeast Tenth Street and State Route 1 based on the three-year process of working with DELDOT as well as the recommendation and consideration of the planning and zoning commission. Though we have no control over what DELDOT does, she is confident they will continue to work with the developer and the city to resolve these issues. She recalls first hearing about the service road when the school initially presented their plans and believes all of these agencies will continue to work for the betterment of Milford. She agrees that growth must be controlled and believes that a number of these commercial uses are needed. She is also basing her motion on the fact that when this plan comes back to council, many of these issues worked out. Mr. Ambrose seconded the motion.

Mayor Marabello asked for a roll call vote:

Mr. Ambrose-Yes.

Mr. Spillane-No. He stated the reason is the traffic on Tenth Street that would be entering on the proposed service road in addition to the northbound traffic coming off Route 1 onto Tenth Street and the close proximity of the school. At this time he is voting no and feels they can come back with an improved plan with regard to traffic.

Mr. Workman-No. He states his vote is based on the fact that when this was first presented, the service road was part of the plan. At that time, it was indicated that either the developer or the state was going to build it. It was a big push and major part of this plan so he is voting no.

Mr. Brooks-No. He stated he likes Mr. Silicato's plan, but Mr. Campbell summed it up best. When a hundred room hotel and a Grottos Pizza and a bank and a Royal Farms are built, if a date and a positive answer that the service road and overpass will be in place, he would vote for it. But right now, it cannot be guaranteed. He knows that for thirty years that has been talked about that occurring on Tenth Street and it has not happened so he votes no.

Mr. Starling-Yes. He said that this is the preliminary approval and he is sure they will work these problems out as they have indicated.

Ms. Wilson-Yes.

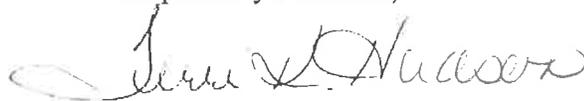
The vote resulted in a 3-3 tie requiring the vote of the mayor. Mayor Marabello stated that upon thinking about it, it has been approved by the planning board. He is also concerned about the traffic particularly because there is no guarantee the overpass will be built soon. He is very concerned about the traffic with the Royal Farms, hotel and Grottos. He wants to see some type of improvement of the traffic. If that can be improved, he would vote yes. But he has to vote no right now.

The final vote was 3-4 to deny the preliminary major subdivision.

Mr. Workman moved to adjourn the public hearing, seconded by Mr. Brooks. Motion carried.

The Public Hearing adjourned at 7:39 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder