

# City of Milford



## AGENDA

Monthly Council Meeting

December 13, 2010

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

COUNCIL MEETING - 7:00 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition - Proclamation 2010-22/George Day Week

Monthly Police Report

City Manager's Report

Committee Reports -

Finance Committee/Acceptance of Fiscal Year 2009-2010 City of Milford Audit

Communications

Unfinished Business -

Introduction of Ordinance 2010-20/Water Code Amendment

Mispillion Life Ring Project

Approval of Agreement/Rotary Area 4 Can Do Too Playground\*\*\*

New Business -

Bid Award/Demolition of 201, 203, 205 and 207 N.W. Front Street Properties\*

Approval of Funding for Demolition Project\*

Solid Waste/Yard Waste Collections\*

2011 Trash & Recycling Collections\*\*\*\*\*

Introduction of Ordinance 2010-21/Conditional Use/Silicato-Wood Partnership LLC

JJID/North Front Street Sewer Project/Change Order No. 5\*\*\*\*\*

Monthly Finance Report

Executive Session - Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed\*\*

Executive Session Matter\*\*

Adjourn

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

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

10211 111510 111910 \*Late Information Received from City Manager (due to vacation) 120910\*\*Added by City Manager

\*\*\*Added by City Manager 121010\*\*\*\*Added by City Manager \*\*\*\*\*Added by Public Works Director

# City of Milford



## PROCLAMATION

2010-22

WHEREAS, **GEORGE DAY** is a resident whose personal goal is to enhance and preserve a clean, well-maintained community; and

WHEREAS, **GEORGE DAY** walks the streets of Milford finding ways to tackle safety and appearance concerns to prevent them from becoming bigger problems; and

WHEREAS, **GEORGE DAY** has provided countless hours of volunteer services that include litter pickup, landscaping maintenance, right-of-way cleaning, trash container storage, damaged and illegal sign removal and ensuring proper flag etiquette throughout the city; and

WHEREAS, **GEORGE DAY** is always willing to help, often by way of an unexpected act such as picking up and placing one's newspaper on their front step to contributing to a community project.

NOW THEREFORE, I, **Joseph Ronnie Rogers**, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the week of December 12 through December 18, 2010 as **GEORGE DAY WEEK** in the City of Milford. I encourage all city staff and residents to acknowledge this Good Samaritan for his tremendous contribution to our community and his dedication to making our city a more beautiful and kind community in which to live, work and play.

BE IT FURTHER PROCLAIMED that **GEORGE DAY** be awarded a Key to the City as a symbol of our appreciation and for becoming Milford's own "HOMETOWN HERO" by making a difference and bringing together the true spirit of our community throughout the year.

IN WITNESS WHEREOF, I have hereunto set my my hand and caused to be affixed the Seal of the City of Milford this 13<sup>th</sup> day of December 2010.

MAYOR JOSEPH RONNIE ROGERS

Attest:

# CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE  
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET  
MILFORD, DELAWARE 19963  
(302)422-8081 FAX (302)424-2330

## MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: December 8, 2010

RE: Activity Report/November 2010

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### **Monthly Stats:**

A total of 481 arrests were made by the Milford Police Department during November 2010. Of these arrests, 230 were for criminal offenses and 251 for traffic violations. Criminal offenses consisted of 130 felonies and 100 misdemeanors. Traffic violations consisted of 13 Regular Duty Radar, 7 Drunk-Driving charges, 36 Special Duty Radar and 195 other.

Police officers investigated 26 accidents during the month (5 personal injury, and 21 property damage) and issued 160 written reprimands. In addition, they responded to 1084 various complaints including city requests and other agency assistance.

A total of \$8,653.68 was collected in fines during November.

No False Alarm Violation Invoice were issued during the month of November.

### **Monthly Activities:**

On Friday, November 19<sup>th</sup>, we attended a Highway Safety Speed Equipment demonstration on the service road to the Route 1 Toll Booth, where police departments from throughout the state were permitted to try various speed detection devices.

Several officers from the department worked the Return Day Parade and festivities in Georgetown during the month.

During the first week of November, the Community Policing Unit gave a tour of the police facility to a group of Cub Scouts.

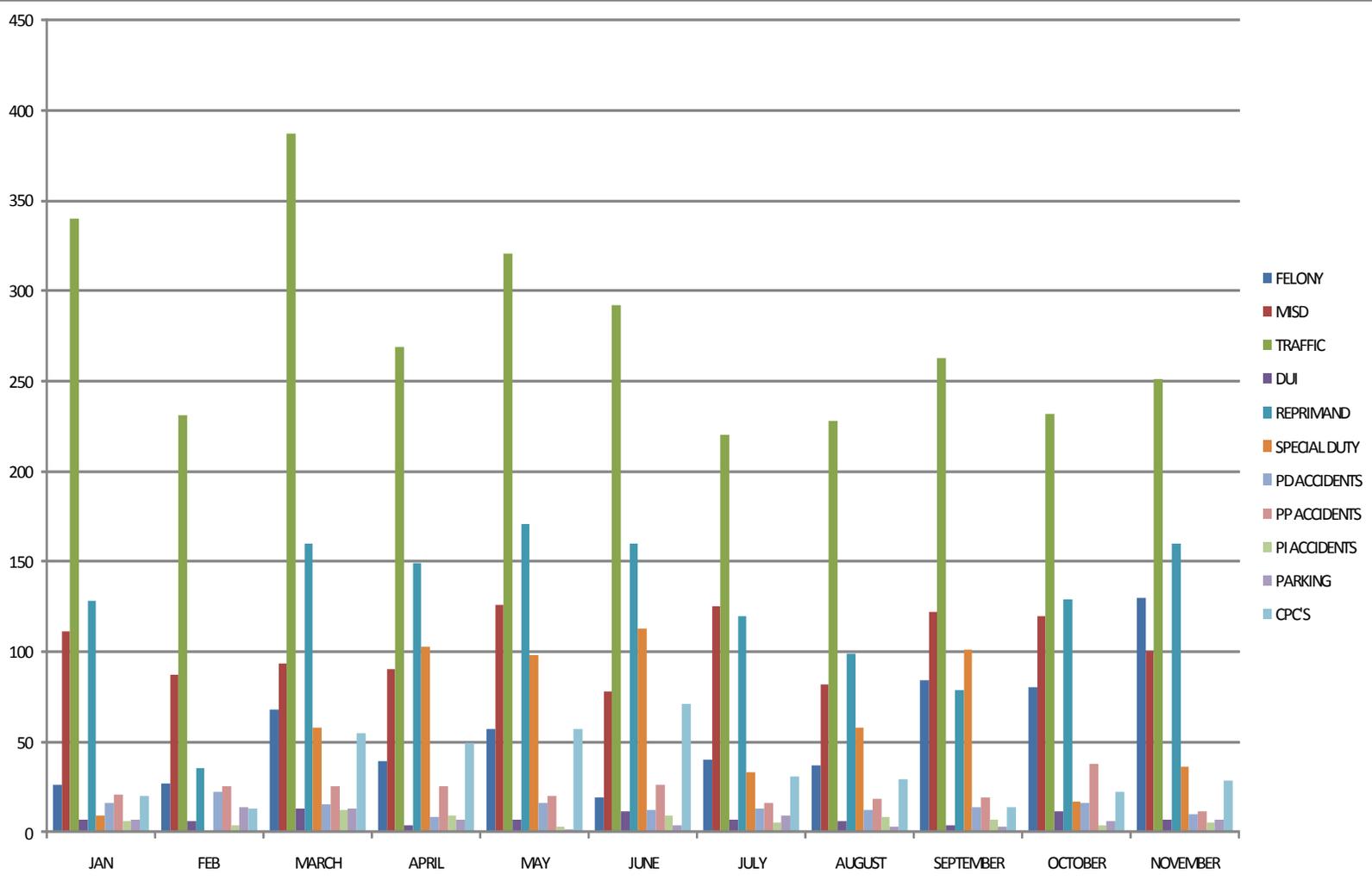
The Community Policing Unit has been busy getting ready for the Food & Toy Drive for the Holidays. If anyone would like to donate, please drop off clothing, toys &/or nonperishable food items to the front lobby of the police department.

The department continues to accept applications for the 2011 Citizens Police Academy which is scheduled to begin in mid to late January 2011.

EKH/vrk

## NOVEMBER ACTIVITY REPORT

	<u>NOV 2009</u>	<u>TOTAL 2009</u>	<u>NOV 2010</u>	<u>TOTAL 2010</u>
<u>Complaints</u>	1231	13384	<b>1084</b>	<b>12283</b>
<u>Criminal Arrests</u>	191	2161	<b>230</b>	<b>1741</b>
Felonies	58	649	<b>130</b>	<b>607</b>
Misdemeanors	133	1512	<b>100</b>	<b>1134</b>
<u>Traffic Arrests</u>	218	4230	<b>251</b>	<b>3016</b>
Regular Duty Radar	12	646	<b>13</b>	<b>236</b>
D.W.I.	6	142	<b>7</b>	<b>83</b>
Special Duty Radar	60	747	<b>36</b>	<b>626</b>
Other	140	2695	<b>195</b>	<b>2111</b>
<u>Reprimands</u>	89	2121	<b>160</b>	<b>1390</b>
<u>Accidents</u>	42	546	<b>26</b>	<b>461</b>
Personal Injury	4	57	<b>5</b>	<b>72</b>
Property Damage	38	468	<b>21</b>	<b>398</b>
Fatal (included in PI)	0	2	<b>0</b>	<b>2</b>
<u>Parking Summons</u>	16	123	<b>7</b>	<b>74</b>
<u>Crime Prevention Checks</u>	15	471	<b>28</b>	<b>388</b>
<u>Fines Received</u>	\$9,988.60	\$124,701.52	<b>\$8,653.68</b>	<b>\$100,170.86</b>



## City Manager's Report December 13, 2010

- **Solid Waste & Recycling**

On August 1, the City Solid Waste Department began the collection of curbside recycling. During the month of November, the Solid Waste Department collected 452.16 tons (385.12 tons of Solid Waste; 29.55 tons of Recycling and 37.49 tons of yard waste)

	Recycling Tons	Recycling Rate
Nov-09	31.85	7.70%
Nov-10	29.55	7.12%

Earlier this year, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.

	Recycling	Solid Waste	Yard Waste	Total	Diversion Rate
2009	442.44	4684.38	-	5126.82	8.63%
2010 YTD	403.50	4303.16	37.49	4744.15	9.29%

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June, the City has waived \$131,196 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$7,331,538 (based on building permit values) during the months of June through November.

- **N. Front St. Sewer Project**

This project is substantially completed and the City is working with the Contractor to address punch list items for the job. You will recall the City provided an additional 45 days to complete the job and the contractor utilized 43 of the 45 days and that included inclement weather days. The City will be working to close out the project over the next few weeks and I will provide a more detailed report on the project to City Council at your next meeting. The work you will see in the area now is part of the Kent County By-Pass force main project.

- **Board of Adjustment Hearing—Peoples Place**

The Board of Adjustment considered an application to allow a 2 foot variance over the six foot limitation which would allow an eight foot fence to be constructed in R-2 zone on N. Walnut Street. The request was unanimously approved.

- **Water Tower Maintenance**

The City is soliciting bids for pressure washing and spot painting on the 10<sup>th</sup> Street Water Tower to remove the staining that is visible. Both the engineers and painting contractors have advised the City not to undertake a complete painting until all of the water can be

removed from the tanks. Based on the water demand in the City, we have been advised to wait until the new tower constructed before we paint the existing towers.

- **Electric Utility Rate Comparison**

See the attached Residential Utility Rate Comparison from DEMEC for Dec. 2010.

- **Circle of Light**

Since the presentation during the Nov. 22 workshop, Circle of Light has announced plans for its operations during the winter months. Councilwoman Wilson will be providing an update on their efforts.

- **City Holidays**

City offices will be closed on Friday, Dec. 24 and Monday, Dec. 27 in observance of Christmas Eve and Christmas Day. City Offices will also be closed on Friday, Dec. 31 in observance of New Year's Day.

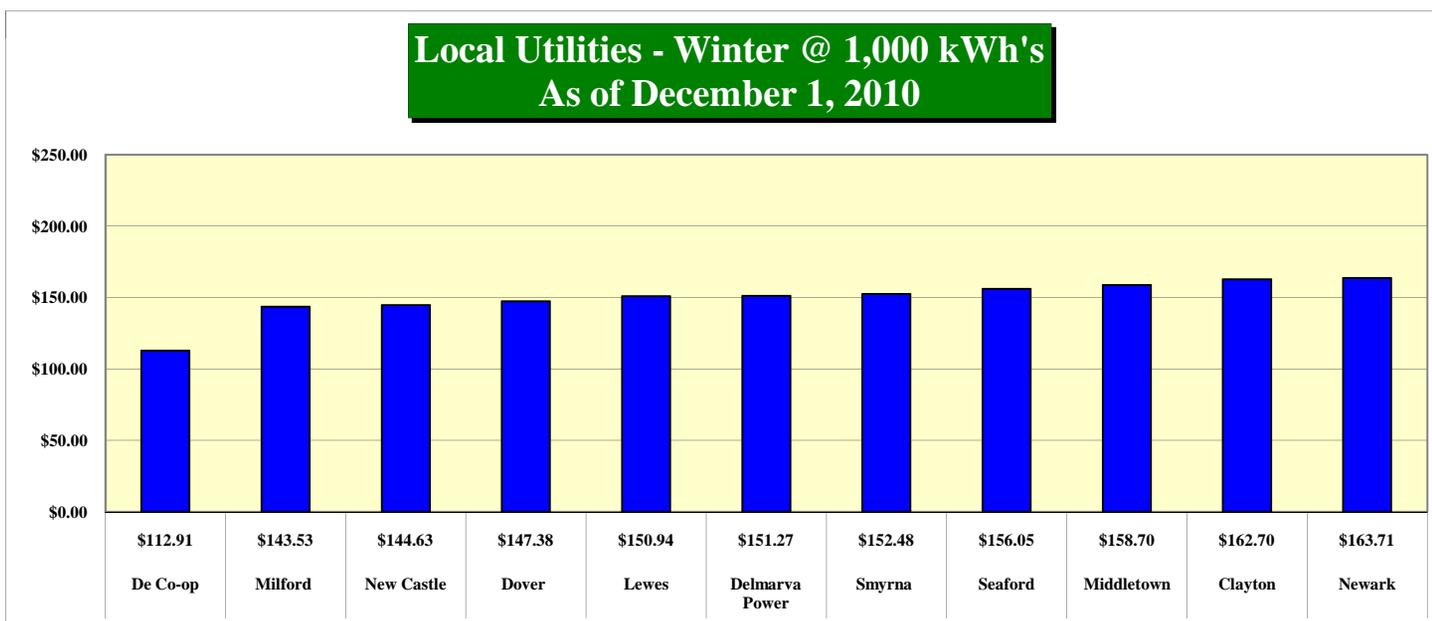
## Selected Area Utilities

Winter (Oct. - May)

# RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<u>% Difference</u>	<u>% Difference</u>
<u>De Co-op</u>	\$112.91	0%	-25%
<u>Milford</u>	\$143.53	27%	-5%
<u>New Castle</u>	\$144.63	28%	-4%
<u>Dover</u>	\$147.38	31%	-2%
<u>Lewes</u>	\$150.94	34%	0%
<u>Delmarva Power</u>	\$151.27	34%	0%
<u>Smyrna</u>	\$152.48	35%	1%
<u>Seaford</u>	\$156.05	38%	3%
<u>Middletown</u>	\$158.70	41%	5%
<u>Clayton</u>	\$162.70	44%	8%
<u>Newark</u>	\$163.71	45%	8%

\* Approximate. DP&L's transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.





# DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE  
Chief Executive Officer

Richard P. Watson, P.E., BCEE  
Chief Operating Officer

**Board of Directors**  
Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

November 17, 2010

Mr. David Baird  
City of Milford  
P O. Box 159  
Milford, DE 19963

Dear David:

Enclosed please find the City of Milford's numbers for the month of October 2010.

**October 2010  
Weight in Pounds**

**MARSHALL STREET**

CARD BOARD	SINGLE-STREAM	TOTAL	OIL GALLONS
3,287	61,208	64,495	700

**MILFORD MIDDLE SCHOOL**

927	3,931	4,858	
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**MILFORD COMMONS**

1,249	15,162	16,411	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Attachments: City of Milford Site Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455  
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 [www.dswa.com](http://www.dswa.com)

**CITY OF MILFORD**

Milford, Delaware

Financial Statements

For The Year Ended June 30, 2010

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CITY OF MILFORD, DELAWARE

Table of Contents

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	<b>PAGE</b>
<b>TRANSMITTAL LETTER</b> . . . . .	i-iii
<b>INDEPENDENT AUDITORS' REPORT</b> . . . . .	1-2
<b>MANAGEMENT'S DISCUSSION AND ANALYSIS</b> . . . . .	3-6
 <b>BASIC FINANCIAL STATEMENTS</b>	
<b>Government-Wide Financial Statements</b>	
Statement of Net Assets . . . . .	7
Statement of Activities . . . . .	8
 <b>Fund Financial Statements</b>	
<b>Governmental Funds</b>	
Balance Sheet . . . . .	9
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Assets . . . . .	10
Statement of Revenues, Expenditures and Changes in Fund Balances . . . . .	11
Reconciliation of Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balances to the Statement of Activities . . . . .	12
Budgetary Comparison Schedule . . . . .	13
<b>Proprietary Funds</b>	
Statement of Net Assets . . . . .	14
Statement of Revenues, Expenses and Changes in Fund Net Assets. . .	15
Statement of Cash Flows . . . . .	16
 <b>Fiduciary Funds</b>	
Statement of Fiduciary Net Assets . . . . .	17
 <b>Notes to Financial Statements</b> . . . . .	 18-38

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**TRANSMITTAL LETTER**

October 26, 2010

The Honorable Mayor  
and Members of the City Council  
City of Milford  
Milford, Delaware

The Finance Department and City Manager's Office is pleased to submit the Annual Financial Report for the City of Milford, Delaware for the fiscal year ended June 30, 2010.

This report is published to provide the City Council, City staff, our citizens, our bondholders and other interested parties with detailed information concerning the financial condition and activities of the City government. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the City.

To the best of our knowledge and belief the enclosed data is accurate in all material respects, and is organized in a manner designed to fairly present the financial position and results of operations of the City as measured by the financial activity of its various funds. We also believe that all disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included.

***THE REPORT***

The accompanying financial section includes a Management and Discussion Analysis (MD&A), basic financial statements and combining and individual fund statements and schedules, as well as the independent auditor's report on the basic financial statements. The MD&A is a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is designed to complement and should be read in conjunction with the MD&A. The City of Milford's MD&A can be found immediately following the report of the independent auditors.

The *Financial Section* described above is prepared in accordance with generally accepted accounting principles for governments as prescribed by the Governmental Accounting Standards Board (GASB) and other professional associations, as applicable.

## **CITY PROFILE**

### *Location*

The City of Milford is the sixth largest city in population in the State of Delaware, serving over 9,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex County. Located on the Mispillion River, within both Kent and Sussex County, the City is approximately 95 miles from Philadelphia, PA, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

The City is a home rule city operating under the Council-Manager form of government. The City Council is comprised of the Mayor and eight Council members, who enact local laws, determine policies and adopt the annual budget. The City Manager is appointed by the City Council and is responsible for the daily management of the City. The Basic Financial Statements of the City include all government activities, organizations and functions for which the City is financially accountable as defined by the GASB. Based on these criteria no other governmental organizations are included in this report.

## **FINANCE**

### *Services Provided*

The City provides to its citizens those services that have proven to be necessary and meaningful and which the City at the least cost can provide. Major services provided under general government and enterprise functions are: police protection, water and sewer services, electric services, sanitation services, park and recreational facilities, street improvements and general administrative services.

### *Accounting System and Budgetary Control*

The City's accounting records for general governmental operations are maintained on a modified accrual basis with the revenues being recorded when available and measurable and expenditures being recorded when the services or goods are received and the liabilities are incurred. Accounting records for the City's utilities and other proprietary activities are maintained on the accrual basis.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of the internal control structure. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. We believe that the City's informal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The City charter provides that the City Council shall adopt the annual budget prepared by City Management. This budget is reviewed by the City Council and is formally adopted by the passage of a budget ordinance. The City Manager is authorized to transfer budgeted amounts between the items and departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council.

Budgetary control has been established at the general fund level. Financial reports are produced showing budget and actual expenditures by line item, and are distributed monthly to City departmental and divisional management and to others upon request.

Individual line items are reviewed and analyzed for budgetary compliance. Personnel expenditures are monitored and controlled at a position level and capital expenditures are monitored and controlled item by item. Revenue budgets are reviewed monthly.

#### **OTHER INFORMATION**

##### *Independent Audit*

The City Charter requires an annual audit of the accounts, financial records and transactions of the City by independent certified public accountants selected by the City Council. This requirement has been complied with, and the independent auditor's report has been included in this report. Additionally, the City of Milford Director of Finance hears and reviews all recommendations made by the independent auditors.



**Independent Auditors' Report**

To the Mayor and City Council  
**City of Milford**  
Milford, Delaware

We have audited the accompanying financial statements of the governmental activities, the business-type activities and each major fund of the City of Milford, Delaware, as of and for the year ended June 30, 2010, which collectively comprise the City of Milford's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City of Milford's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of Milford, Delaware, as of June 30, 2010, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

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1515 Market Street, Suite 1700 ▪ Philadelphia, PA 19102 ▪ 215.665.8870 ▪ Fax 215.665.0613

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703-B Birchfield Drive ▪ Mount Laurel, NJ 08054 ▪ 856.727.3322 ▪ Fax 856.273.3738  
[www.heffler.com](http://www.heffler.com)

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 6 and budgetary comparison information on page 13 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

A handwritten signature in black ink that reads "Heffler, Radtich & Smith, LLP". The signature is written in a cursive, flowing style.

Philadelphia, Pennsylvania  
October 26, 2010

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## MANAGEMENT'S DISCUSSION AND ANALYSIS

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This section of the City of Milford's annual financial report presents our discussion and analysis of the City's financial performance during the fiscal year that ended June 30, 2010. Please read it in conjunction with the transmittal letter at the front of this report and the City's financial statements, which follow this section.

### FINANCIAL HIGHLIGHTS

- The City's total net assets increased throughout the course of the year. Net assets of our business type activities *increased* approximately \$1.8 million (or about 4.64%), and the net assets of the governmental activities decreased \$405 thousand (or about 1.58%).
- During the year, the City's governmental activities incurred total costs of \$9.0 million. Tax revenues generated \$4.0 million, with the deficiency being made up primarily through interfund transfers, operating grants and other miscellaneous income.
- In the City's business-type activities, revenues decreased \$1.3 million while expenses decreased approximately \$907 thousand. The main reason for this was the decrease in charges for service City's utility funds to the city's residents in addition to the amount of personal and contractual services.
- The resources available for appropriation were \$112 thousand less than budgeted for the general fund.

### OVERVIEW OF THE FINANCIAL STATEMENTS

This annual report consists of three parts—*management's discussion and analysis* (this section), the *basic financial statements* together with *required supplementary information*, and additional reports issued by the City's independent auditor in connection with an audit performed in accordance with *Government Auditing Standards*. The basic financial statements include two kinds of statements that present different views of the City:

- The first two statements are *government-wide financial statements* that provide both *long-term* and *short-term* information about the City's *overall* financial status.
- The remaining statements are *fund financial statements* that focus on *individual parts* of the City government, reporting the City's operation in *more detail* than the government-wide statements.

- The *governmental funds* statements tell how *general government* services like public safety were financed in the *short term* as well as what remains for future spending.
- *Proprietary fund* statements offer *short-and long-term* financial information about the activities the government operates *like businesses*, such as the water and sewer system.
- *Fiduciary fund* statements provide information about the financial relationships—like the agency trust—in which the City acts solely as a trustee or agent for the benefit of others, to whom the resources in question belong.
- Required supplementary information includes a budgeting comparison schedule with respect to the City's General Fund.

The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data.

### **Government-wide Statements**

The government-wide statements report information about the City as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes *all* of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the City's *net assets* and how they have changed. Net assets—the difference between the City's assets and liabilities—is one way to measure the City's financial health, or *position*.

- Increases or decreases in the City's net assets are an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the City you need to consider additional nonfinancial factors such as changes in the City's property tax base and the condition of the City's roads.

The government-wide financial statements of the City are divided into two categories:

- *Governmental activities*—Most of the City's basic services are included here, such as the police, fire, public works, and parks departments, and general administration. Property taxes and state and federal grants finance most of these activities.
- *Business-type activities*—The City charges fees to customers to help it cover the costs of certain services it provides. The City's water, sewer, electric and trash services are included here.

## **Fund Financial Statements**

The fund financial statements provide more detailed information about the City's most significant *funds*—not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes.

- Some funds are required by State law and by bond covenants.
- The City Council establishes other funds to control and manage money for particular purposes or to show that it is properly using certain taxes and grants.

The City has three kinds of funds:

- *Governmental funds*—Most of the City's basic services are included in governmental funds, which focus on (1) how *cash and other financial assets* that can readily be converted to cash flow in and out and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed *short-term* view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental funds statement, or on the subsequent page, that explains the relationship (or differences) between them.
- *Proprietary funds*—Services for which the City charges customers a fee are generally reported in proprietary funds. Proprietary funds, like the government-wide statements, provide both long- and short-term financial information.
  - In fact, the City's enterprise funds (one type of proprietary fund) are the same as its business-type activities, but provide more detail and additional information, such as cash flows.
  - We use internal service funds (the other kind of proprietary fund) to report activities that provide supplies and services for the City's other programs and activities.
- *Fiduciary and agency funds*—The agency fund accounts for assets held by the city in a trustee capacity for impact fees collected on behalf of Kent County. We exclude these activities from the City's government-wide financial statements because the City cannot use these assets to finance its operations.

## **FINANCIAL ANALYSIS OF THE CITY AS A WHOLE**

**Net assets.** The City's *combined* net assets increased between fiscal year 2009 and 2010 approximately \$1.4 million. In comparison, last year net assets increased \$3.1 million.

### **Changes in net assets.**

The City's total revenues decreased \$521 thousand to 41.0 million. The total cost of all programs and services increased approximately \$523 thousand, (or approximately 1.32% percent). The City's expenses cover a range of services, with about \$5.1 million related to public safety and public works.

The narrative that follows considers the operations of governmental and business-type activities separately.

### **Business-type Activities**

Revenues of the City's business-type activities decreased about 3.84 percent to \$35 million, and expenses decreased 2.83 percent to \$31 million. The primary cause for the decreases was the result of a decrease in charges for services and an decrease in contractual services.

### **FINANCIAL ANALYSIS OF THE CITY'S FUNDS**

As the City completed the year, its governmental funds reported a *combined* fund balance of \$6.3 million, a \$468 thousand decrease from the prior year.

### **GENERAL FUND BUDGETARY HIGHLIGHTS**

Over the course of the year, the City Council revised the City budget several times. These budget amendments fall into three categories:

- Amendments and supplemental appropriations approved shortly after the beginning of the year to reflect the actual beginning account balances.
- Increase in appropriations to prevent budget overruns.

Actual budgetary revenues were greater than general fund revenues by \$112 thousand (2.34%) largely due to charges for services being over budgeted amounts. Actual expenditures were \$137 thousand more than the total \$8.2 million budgeted.

### **CAPITAL ASSET AND DEBT ADMINISTRATION**

#### **Capital Assets**

At the end of 2010, the City had invested \$44.3 (net of accumulated depreciation) million in a broad range of capital assets, including police equipment, buildings, park facilities, roads, bridges, and water and sewer lines. This amount represents a net decrease of \$474 thousand, or 1.0 percent, over last year.

#### **Long-term Debt**

At year-end, the City had \$9.9 million in bonds and notes outstanding at year end. More detailed information about the City's long-term liabilities is presented in Note 10 to the financial statements. There were no significant transactions in the City's debt obligations during the fiscal year.

**City of Milford**  
**STATEMENT OF NET ASSETS**  
**JUNE 30, 2010**

	<u>Governmental Activities</u>	<u>Business-type Activities</u>	<u>Total</u>
<b>ASSETS</b>			
Cash and Equivalents	\$ 3,418,701	\$ 8,624,326	\$ 12,043,027
Investments	3,592,567	14,279,795	17,872,362
Receivables	240,123	4,191,596	4,431,719
Inventories	762	1,188,798	1,189,560
Other Assets	-	67,053	67,053
Capital Assets			
Land, Infrastructure and Other Assets not being depreciated	8,613,917	368,988	8,982,905
Utility System	-	36,132,744	36,132,744
Buildings	8,253,115	6,097,527	14,350,642
Equipment and Furniture	4,439,616	5,074,538	9,514,154
Construction in Progress	135,596	-	135,596
Less: Accumulated Depreciation	<u>(1,779,550)</u>	<u>(23,062,231)</u>	<u>(24,841,781)</u>
Total Capital Assets	<u>19,662,694</u>	<u>24,611,566</u>	<u>44,274,260</u>
Total Assets	<u>\$ 26,914,847</u>	<u>\$ 52,963,134</u>	<u>\$ 79,877,981</u>
<b>LIABILITIES</b>			
Accounts Payable and Accrued Expenses	\$ 204,329	\$ 2,623,787	\$ 2,828,116
Deferred Revenues	576,529	-	576,529
Long-Term Liabilities			
Due Within One Year			
Bonds, Capital Leases and Contracts	36,966	818,146	855,112
Compensated Absences	95,517	30,782	126,299
Customer Deposits	-	337,510	337,510
Due in More Than One Year			
Bonds, Capital Leases and Contracts	230,347	8,864,484	9,094,831
Compensated Absences	499,298	210,325	709,623
Total Liabilities	<u>1,642,986</u>	<u>12,885,034</u>	<u>14,528,020</u>
<b>NET ASSETS</b>			
Invested in Capital Assets, Net of Related Debt	19,395,381	14,928,936	34,324,317
Restricted for Capital Improvements	-	198,442	198,442
Unrestricted	5,876,480	24,950,722	30,827,202
Total Net Assets	<u>\$ 25,271,861</u>	<u>\$ 40,078,100</u>	<u>\$ 65,349,961</u>

The accompanying notes are an integral part of these financial statements.

**City of Milford  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED JUNE 30, 2010**

Functions/Programs	Expenses	Program Revenue			Net (Expense) Revenue and Changes in Net Assets		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		Total
					Governmental Activities	Business-Type Activities	
<b>Primary Government</b>							
Governmental Activities							
General Government	\$ 2,555,871	\$ 749,206	\$ -	\$ -	\$ (1,806,665)		\$ (1,806,665)
Public Safety	4,162,876	-	100,000	-	(4,062,876)		(4,062,876)
Public Works	936,391	-	242,699	-	(693,692)		(693,692)
Culture and Recreation	1,321,752	84,267	-	-	(1,237,485)		(1,237,485)
Total Governmental Activities	8,976,890	833,473	342,699	-	(7,800,718)		(7,800,718)
Business-Type Activities							
Electric Fund	23,380,481	26,994,843	-	-		3,614,362	3,614,362
Water Fund	1,810,999	2,262,587	-	-		451,588	451,588
Sewer Fund	3,603,166	3,158,537	-	-		(444,629)	(444,629)
Trash Fund	972,484	1,066,905	-	-		94,421	94,421
Internal Service Fund	1,450,971	1,489,716	-	-		38,745	38,745
Total Business-Type Activities	31,218,101	34,972,588	-	-		3,754,487	3,754,487
Total Primary Government	\$ 40,194,991	\$ 35,806,061	\$ 342,699	\$ -	\$ (7,800,718)	\$ 3,754,487	\$ (4,046,231)
<b>General Revenues:</b>							
Taxes:							
Property Taxes, Levied for General Purposes					3,348,763	-	3,348,763
Franchise Taxes					401,911	-	401,911
Public Service Taxes					238,964	-	238,964
Impact Fees					-	198,442	198,442
Unrestricted Investment Earnings					41,256	321,535	362,791
Miscellaneous					850,757	986	851,743
Special item - Gain on Sale of Asset					14,500	-	14,500
Transfers					2,500,000	(2,500,000)	-
Total General Revenues, Special Items, and Transfers					7,396,151	(1,979,037)	5,417,114
Change in Net Assets					(404,567)	1,775,450	1,370,883
Net Assets - Beginning					25,676,428	38,302,650	63,979,078
Net Assets - Ending					\$ 25,271,861	\$ 40,078,100	\$ 65,349,961

The accompanying notes are an integral part of these financial statements.

**City of Milford  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
JUNE 30, 2010**

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Parks and Recreation Fund</u>	<u>Total Governmental Funds</u>
<b>ASSETS</b>				
Cash and Cash Equivalents	\$ 1,392,946	\$ 1,984,512	\$ 41,243	\$ 3,418,701
Investments	1,992,567	1,600,000	-	3,592,567
Taxes Receivable, Net of Allowance for Doubtful Accounts	45,675	33,239	-	78,914
Other Receivables	158,373	2,836	-	161,209
Inventories	-	-	762	762
<b>Total Assets</b>	<u>\$ 3,589,561</u>	<u>\$ 3,620,587</u>	<u>\$ 42,005</u>	<u>\$ 7,252,153</u>
<b>LIABILITIES AND FUND BALANCES</b>				
<b>Liabilities:</b>				
Accounts Payable	\$ 86,934	\$ 296	\$ 12,547	\$ 99,777
Compensated Absences - Current	95,517	-	-	95,517
Other Accrued Expenses	159,352	-	-	159,352
Other Payables	4,314	-	-	4,314
Deferred Revenue	-	576,529	-	576,529
<b>Total Liabilities</b>	<u>346,117</u>	<u>576,825</u>	<u>12,547</u>	<u>935,489</u>
<b>Fund Balances:</b>				
Total Fund Balances, All Unreserved	<u>3,243,444</u>	<u>3,043,762</u>	<u>29,458</u>	<u>6,316,664</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 3,589,561</u>	<u>\$ 3,620,587</u>	<u>\$ 42,005</u>	<u>\$ 7,252,153</u>

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT OF NET ASSETS**  
**JUNE 30, 2010**

Total Fund Balance, Governmental Funds \$ 6,316,664

Amounts reported for governmental activities in the Statement of Net Assets are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in this fund financial statement, but are reported in the governmental activities of the Statement of Net Assets. 19,662,694

Certain other long-term assets are not available to pay current period expenditures and therefore are not reported in this fund financial statement, but are reported in the governmental activities of the Statement of Net Assets. 59,114

Some liabilities, (such as Notes Payable, Capital Lease Contract Payable, Long-term Compensated Absences, and Bonds Payable ), are not due and payable in the current period and are not included in the fund financial statement, but are included in the governmental activities of the Statement of Net Assets. (766,611)

Net Assets of Governmental Activities in the Statement of Net Assets \$ 25,271,861

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2010**

	<b>General Fund</b>	<b>Special Revenue Fund</b>	<b>Parks and Recreation Fund</b>	<b>Total Governmental Funds</b>
<b>REVENUES</b>				
Property Taxes	\$ 2,912,659	\$ -	\$ -	\$ 2,912,659
Real Estate Transfer Taxes	-	436,104	-	436,104
Fees and Fines	205,251	-	-	205,251
Licenses and Permits	196,660	-	-	196,660
Engineering & Inspection Fees	238,964	-	-	238,964
Intergovernmental	-	342,699	-	342,699
Charges for Services	749,206	-	84,267	833,473
Investment Earnings	22,887	18,369	-	41,256
Miscellaneous	459,569	352,963	38,225	850,757
	<u>4,785,196</u>	<u>1,150,135</u>	<u>122,492</u>	<u>6,057,823</u>
<b>EXPENDITURES</b>				
Current:				
General Government	2,032,793	-	-	2,032,793
Public Safety	3,751,816	411,060	-	4,162,876
Public Works	936,391	-	-	936,391
Culture and Recreation	1,191,122	-	130,630	1,321,752
Debt Service:				
Principal	36,049	-	-	36,049
Interest	10,667	-	-	10,667
Capital Outlay	219,424	320,244	-	539,668
	<u>8,178,262</u>	<u>731,304</u>	<u>130,630</u>	<u>9,040,196</u>
Total Expenditures (Deficiency) Excess of Revenues Over Expenditures	<u>(3,393,066)</u>	<u>418,831</u>	<u>(8,138)</u>	<u>(2,982,373)</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers In	3,200,334	-	-	3,200,334
Transfers Out	-	(700,334)	-	(700,334)
	<u>3,200,334</u>	<u>(700,334)</u>	<u>-</u>	<u>2,500,000</u>
<b>SPECIAL ITEM</b>				
Proceeds from Sale of Land	14,500	-	-	14,500
	<u>(178,232)</u>	<u>(281,503)</u>	<u>(8,138)</u>	<u>(467,873)</u>
<b>Fund Balances - Beginning</b>	<u>3,421,676</u>	<u>3,325,265</u>	<u>37,596</u>	<u>6,784,537</u>
<b>Fund Balances - Ending</b>	<u>\$ 3,243,444</u>	<u>\$ 3,043,762</u>	<u>\$ 29,458</u>	<u>\$ 6,316,664</u>

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND**  
**BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**  
**FOR THE YEAR ENDED JUNE 30, 2010**

Net change in fund balances - total governmental funds:	\$ (467,873)
Amounts reported for Governmental Activities in the Statement of Activities are different because:	
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenses in the statement of revenues, expenditures and changes in fund balance.	(34,575)
Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the Statement of Activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period. This is the amount by which capital outlay, \$539,668, exceeded depreciation expense \$477,836 in the current period.	61,832
Governmental funds report repayment of bond principal as an expenditure, In contrast, the Statement of Activities treats such repayments as a reduction in long-term liabilities.	<u>36,049</u>
Change in net assets of governmental activities	<u><u>\$ (404,567)</u></u>

The accompanying notes are an integral part of these financial statements.

**City of Milford  
BUDGET AND ACTUAL (WITH VARIANCES)  
GENERAL FUND  
FOR THE YEAR ENDED JUNE 30, 2010**

	<b>Budgeted Amounts</b>		<b>Actual Amounts, Budgetary Basis</b>	<b>Variance with Final Budget - Positive (Negative)</b>
	<b>Original</b>	<b>Final</b>		
<b>REVENUES</b>				
Property Taxes	\$ 2,929,600	\$ 2,929,600	\$ 2,912,659	\$ (16,941)
Fees and Fines	165,000	165,000	205,251	40,251
Licenses and Permits	150,500	150,500	196,660	46,160
Engineering and Inspection Fees	-	-	238,964	238,964
Charges for Services	978,880	1,209,268	749,206	(460,062)
Investment Earnings	25,000	25,000	22,887	(2,113)
Miscellaneous	417,575	417,575	459,569	41,994
<b>Total Revenues</b>	<b>4,666,555</b>	<b>4,896,943</b>	<b>4,785,196</b>	<b>(111,747)</b>
<b>EXPENDITURES</b>				
Current:				
General Government	2,034,529	2,150,740	2,032,793	117,947
Public Safety	3,748,565	3,748,565	3,751,816	(3,251)
Public Works	836,960	836,960	936,391	(99,431)
Culture and Recreation	1,088,580	1,076,418	1,191,122	(114,704)
Debt Service:				
Principal	36,050	36,050	36,049	1
Interest and Other Charges	10,670	10,670	10,667	3
Capital Outlay	891,622	181,800	219,424	(37,624)
<b>Total Expenditures</b>	<b>8,646,976</b>	<b>8,041,203</b>	<b>8,178,262</b>	<b>(137,059)</b>
Excess (Deficiency) of Revenues Over Expenditures	<b>(3,980,421)</b>	<b>(3,144,260)</b>	<b>(3,393,066)</b>	<b>(248,806)</b>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers In	3,204,300	3,208,900	3,200,334	(8,566)
Transfers Out	-	-	-	-
<b>Total Other Financing Sources and Uses</b>	<b>3,204,300</b>	<b>3,208,900</b>	<b>3,200,334</b>	<b>(8,566)</b>
<b>SPECIAL ITEM</b>				
Proceeds from Sale of Land	-	-	14,500	14,500
<b>Net Change in Fund Balances</b>	<b>(776,121)</b>	<b>64,640</b>	<b>(178,232)</b>	<b>(242,872)</b>
Fund Balances - Beginning	3,421,676	3,421,676	3,421,676	-
<b>Fund Balances - Ending</b>	<b>\$ 2,645,555</b>	<b>\$ 3,486,316</b>	<b>\$ 3,243,444</b>	<b>\$ (242,872)</b>

The accompanying notes are an integral part of these financial statements.

City of Milford  
STATEMENT OF NET ASSETS  
PROPRIETARY FUNDS  
JUNE 30, 2010

ENTERPRISE FUNDS

<b>ASSETS</b>	<u>Electric</u>	<u>Water</u>	<u>Sewer</u>	<u>Trash</u>	<u>Total</u>	<u>Internal Service Fund</u>
<b>Current Assets:</b>						
Cash and Cash Equivalents	\$ 4,872,106	\$ 2,041,790	\$ 1,061,214	\$ 520,155	\$ 8,495,265	\$ 129,061
Investments	7,789,229	3,843,708	2,646,858	-	14,279,795	-
Accounts Receivable, net of allowance for doubtful accounts	2,836,474	514,910	298,792	119,132	3,769,308	-
Other Receivables	29,325	12,988	379,475	500	422,288	-
Inventories	1,124,476	32,700	-	-	1,157,176	31,622
Deferred Bond Discount and Issue Costs	67,053	-	-	-	67,053	-
<b>Total Current Assets</b>	<b>16,718,663</b>	<b>6,446,096</b>	<b>4,386,339</b>	<b>639,787</b>	<b>28,190,885</b>	<b>160,683</b>
<b>Non-Current Assets:</b>						
<b>Capital Assets:</b>						
Land and Improvements	312,981	27,369	28,638	-	368,988	-
Utility System	9,686,361	12,395,663	14,050,720	-	36,132,744	-
Buildings and Improvements	5,838,126	202,734	45,821	10,846	6,097,527	-
Equipment and Furniture	2,137,997	580,252	382,432	927,061	4,027,742	1,046,796
Less Accumulated Depreciation	(10,064,371)	(5,815,563)	(6,134,583)	(835,777)	(22,850,294)	(211,937)
<b>Total Non-Current Assets</b>	<b>7,911,094</b>	<b>7,390,455</b>	<b>8,373,028</b>	<b>102,130</b>	<b>23,776,707</b>	<b>834,859</b>
<b>Total Assets</b>	<b>\$ 24,629,757</b>	<b>\$ 13,836,551</b>	<b>\$ 12,759,367</b>	<b>\$ 741,917</b>	<b>\$ 51,967,592</b>	<b>\$ 995,542</b>
<b>LIABILITIES</b>						
<b>Current Liabilities:</b>						
Accounts Payable	\$ 2,130,370	\$ 49,519	\$ 306,441	\$ 28,583	\$ 2,514,913	\$ 41,858
Salaries Payable	24,863	6,188	6,188	6,468	43,707	-
Other Accrued Expenses	23,309	-	-	-	23,309	-
Customer Deposits	337,510	-	-	-	337,510	-
Compensated Absences	20,454	3,481	3,481	3,366	30,782	-
Bonds, Notes and Loans Payable	170,000	397,183	250,963	-	818,146	-
<b>Total Current Liabilities</b>	<b>2,706,506</b>	<b>456,371</b>	<b>567,073</b>	<b>38,417</b>	<b>3,768,367</b>	<b>41,858</b>
<b>Non-Current Liabilities:</b>						
Compensated Absences	81,817	13,921	13,921	13,464	123,123	87,202
Bonds, Notes and Loans Payable	3,049,552	3,395,894	2,419,038	-	8,864,484	-
<b>Total Non-Current Liabilities</b>	<b>3,131,369</b>	<b>3,409,815</b>	<b>2,432,959</b>	<b>13,464</b>	<b>8,987,607</b>	<b>87,202</b>
<b>Total Liabilities</b>	<b>\$ 5,837,875</b>	<b>\$ 3,866,186</b>	<b>\$ 3,000,032</b>	<b>\$ 51,881</b>	<b>\$ 12,755,974</b>	<b>\$ 129,060</b>
<b>NET ASSETS</b>						
Invested in Capital Assets, net of related debt	\$ 4,691,542	\$ 3,597,378	\$ 5,703,027	\$ 102,130	\$ 14,094,077	\$ 834,859
Restricted for Capital Improvements	42,200	102,215	54,027	-	198,442	-
Unrestricted	14,058,140	6,270,772	4,002,281	587,906	24,919,099	31,623
<b>Total Net Assets</b>	<b>\$ 18,791,882</b>	<b>\$ 9,970,365</b>	<b>\$ 9,759,335</b>	<b>\$ 690,036</b>	<b>\$ 39,211,618</b>	<b>\$ 866,482</b>

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS**  
**PROPRIETARY FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2010**

	<b>ENTERPRISE FUNDS</b>					<b>Internal Service Fund</b>
	<b>Electric</b>	<b>Water</b>	<b>Sewer</b>	<b>Trash</b>	<b>Total</b>	
<b>REVENUES</b>						
Charges for Services	\$ 26,716,178	\$ 2,237,051	\$ 3,157,313	\$ 1,015,112	\$ 33,125,654	\$ 1,489,716
Miscellaneous	278,665	25,536	1,224	51,793	357,218	-
Total Operating Revenues	<u>26,994,843</u>	<u>2,262,587</u>	<u>3,158,537</u>	<u>1,066,905</u>	<u>33,482,872</u>	<u>1,489,716</u>
<b>OPERATING EXPENSES</b>						
Personal Services	2,092,247	398,599	401,826	406,844	3,299,516	934,127
Contractual Services	20,345,831	49,589	2,408,774	296,572	23,100,766	32,133
Utilities	5,865	240,062	30,687	-	276,614	1,683
Repairs and Maintenance	363,463	34,868	28,491	135,287	562,109	225,727
Other Supplies and Expenses	84,494	577,136	335,559	101,770	1,098,959	250,568
Insurance Claims and Expenses	46,783	9,203	3,784	8,714	68,484	6,733
Amortization	10,500	13,158	3,926	-	27,584	-
Depreciation	297,888	301,325	308,544	23,297	931,054	-
Total Operating Expenses	<u>23,247,071</u>	<u>1,623,940</u>	<u>3,521,591</u>	<u>972,484</u>	<u>29,365,086</u>	<u>1,450,971</u>
Operating Income (Loss)	<u>3,747,772</u>	<u>638,647</u>	<u>(363,054)</u>	<u>94,421</u>	<u>4,117,786</u>	<u>38,745</u>
<b>NON-OPERATING REVENUES (EXPENSES)</b>						
Interest and Investment Revenues	184,194	75,267	59,555	2,519	321,535	-
Impact Fees	42,200	102,215	54,027	-	198,442	-
Miscellaneous Revenue	986	-	-	-	986	-
Interest Expense	(133,110)	(187,059)	(85,209)	-	(405,378)	-
Miscellaneous Expenses	(300)	-	3,634	-	3,334	-
Total Non-Operating (Expenses) Revenues	<u>93,970</u>	<u>(9,577)</u>	<u>32,007</u>	<u>2,519</u>	<u>118,919</u>	<u>-</u>
Income Before Transfers	3,841,742	629,070	(331,047)	96,940	4,236,705	38,745
Capital Contributions						-
Transfers In	262,431	850,000	1,025,000	-	2,137,431	-
Transfers Out	(2,762,431)	(850,000)	(1,025,000)	-	(4,637,431)	-
Changes in Net Assets	1,341,742	629,070	(331,047)	96,940	1,736,705	38,745
<b>Total Net Assets - Beginning</b>	<u>17,450,140</u>	<u>9,341,295</u>	<u>10,090,382</u>	<u>593,096</u>	<u>37,474,913</u>	<u>827,737</u>
<b>Total Net Assets - Ending</b>	<u>\$ 18,791,882</u>	<u>\$ 9,970,365</u>	<u>\$ 9,759,335</u>	<u>\$ 690,036</u>	<u>\$ 39,211,618</u>	<u>\$ 866,482</u>

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**STATEMENT OF CASH FLOWS**  
**ALL PROPRIETARY FUND TYPES**  
**FOR THE YEAR ENDED JUNE 30, 2010**

	<b>ENTERPRISE FUNDS</b>				
	<b>Electric</b>	<b>Water</b>	<b>Sewer</b>	<b>Trash</b>	<b>Total</b>
<b>Cash Flows from Operations:</b>					
Receipts from Customers	\$ 26,570,942	\$ 2,209,479	\$ 3,177,397	\$ 1,006,663	\$ 32,964,481
Other Operating Receipts	249,844	15,548	(377,501)	52,103	(60,006)
Payments to Suppliers	(20,578,503)	(933,807)	(2,791,906)	(534,441)	(24,838,657)
Payments to Employees	(2,087,730)	(396,482)	(399,708)	(408,076)	(3,291,996)
Customer Deposits	4,890	-	-	-	4,890
Insurance Premiums Paid	(46,783)	(9,203)	(3,784)	(8,714)	(68,484)
<b>Net Cash Provided by Operating Activities</b>	<u>4,112,660</u>	<u>885,535</u>	<u>(395,502)</u>	<u>107,535</u>	<u>4,710,228</u>
<b>Cash Flows from Non-Capital Financing Activities:</b>					
Operating Transfers In	262,431	850,000	1,025,000	-	2,137,431
Operating Transfers (Out)	(2,762,431)	(850,000)	(1,025,000)	-	(4,637,431)
<b>Net Cash Used in Non-Capital Financing Activities</b>	<u>(2,500,000)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(2,500,000)</u>
<b>Cash Flows from Capital and Related Financing Activities:</b>					
Additions to Property, Plant and Equipment	(37,197)	(22,192)	(341,722)	-	(401,111)
Principal Paid on Bonds	(165,000)	(301,733)	(244,378)	-	(711,111)
Interest Paid on Bonds	(133,110)	(187,059)	(85,209)	-	(405,378)
Non-Operating Capital	686	-	341,222	-	341,908
Impact Fees Received	42,200	102,215	54,027	-	198,442
<b>Net Cash Flows Used in Capital and Related Financing Activities</b>	<u>(292,421)</u>	<u>(408,769)</u>	<u>(276,060)</u>	<u>-</u>	<u>(977,250)</u>
<b>Cash Flows from Investing Activities:</b>					
Purchase of Investments	(3,046,930)	(2,293,461)	(1,150,608)	-	(6,490,999)
Income on Investments	184,194	75,267	59,555	2,519	321,535
<b>Net Cash Flows from Investing Activities</b>	<u>(2,862,736)</u>	<u>(2,218,194)</u>	<u>(1,091,053)</u>	<u>2,519</u>	<u>(6,169,464)</u>
<b>Net Increase (Decrease) in Cash and Cash Equivalents</b>	<u>(1,542,497)</u>	<u>(1,741,428)</u>	<u>(1,762,615)</u>	<u>110,054</u>	<u>(4,936,486)</u>
<b>Cash and Cash Equivalents at Beginning of Year</b>	<u>6,414,603</u>	<u>3,783,218</u>	<u>2,823,829</u>	<u>410,101</u>	<u>13,431,751</u>
<b>Cash and Cash Equivalents at End of Year</b>	<u>\$ 4,872,106</u>	<u>\$ 2,041,790</u>	<u>\$ 1,061,214</u>	<u>\$ 520,155</u>	<u>\$ 8,495,265</u>
<b>Reconciliation of Operating Income to Net Cash Flows from Operating Activities:</b>					
Operating Income (Loss)	\$ 3,747,772	\$ 638,647	\$ (363,054)	\$ 94,421	\$ 4,117,786
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities:					
Depreciation and Amortization	308,388	314,483	312,470	23,297	958,638
Effect of Changes in Operating Assets and Liabilities:					
Accounts Receivable, net	(174,056)	(37,560)	(358,641)	(8,139)	(578,396)
Inventory	(17,942)	1,224	-	-	(16,718)
Accounts Payable	239,089	(33,377)	11,605	(813)	216,504
Salaries Payable	213	1,444	1,444	(338)	2,763
Customer Deposits	4,890	-	-	-	4,890
Liability for Compensated Absences	4,306	674	674	(893)	4,761
<b>Net Cash Provided by (Used in) Operating Activities</b>	<u>\$ 4,112,660</u>	<u>\$ 885,535</u>	<u>\$ (395,502)</u>	<u>\$ 107,535</u>	<u>\$ 4,710,228</u>

The accompanying notes are an integral part of these financial statements.

**City of Milford**  
**STATEMENT OF FIDUCIARY NET ASSETS**  
**JUNE 30, 2010**

	<u>Agency Fund</u>
<b>ASSETS</b>	
Cash and Cash Equivalents	<u>26,307</u>
Total Assets	<u>\$ 26,307</u>
<b>LIABILITIES</b>	
Due to Other Governments	<u>26,307</u>
Total Liabilities	<u>\$ 26,307</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Introduction**

The City of Milford, Delaware (the "City"), operates under a Council-Manager form of government and provides the following services as authorized by its charter adopted on May 24, 1977: public safety (police), highways and streets, sanitation, health and social services, electric, water, parks and recreation, public improvements, planning and zoning, and administrative services.

The City complies with Generally Accepted Accounting Principles (GAAP) applicable to state and local governments. The City's reporting entity applies all relevant Governmental Accounting Standards Board (GASB) pronouncements. Proprietary Funds apply Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements, in which case, GASB prevails.

The accounting and reporting framework and the more significant accounting policies and practices are discussed in subsequent sections of this Note. The remainder of the notes is organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2010.

**Financial Reporting Entity**

The accompanying financial statements present the City's primary government and component units (if applicable) over which the City exercises significant influence. Significant influence or accountability is based primarily on operational or financial relationships with the City (as distinct from legal relationships).

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (statement of net assets and statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and inter-governmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or activity. Program revenues include 1) charges to customers who directly benefit from goods or services provided by a given function or activity and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported as general revenues.

Separate financial statements are provided by governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Measurement Focus, Basis of Accounting and Financial Statement Presentation**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Financial resources used to acquire capital assets are capitalized in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as an other financing source. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than as an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter (within sixty days) to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt-service expenditures are recorded only when payment is due. Also, compensated absences are recorded as expenditures when paid.

Sales taxes, franchise taxes, permits and fees, recreation fees, fines and court fees, other miscellaneous revenues and earned but unreimbursed state and federal grants associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Property taxes are measurable as of the date levied (assessed) and are recognized as revenues when they become available. Available means when due, or past due, and received within the current period or collected soon enough thereafter to be used to pay liabilities of the current period. All other revenues are considered to be measurable and available only when the City receives cash.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Measurement Focus, Basis of Accounting and Financial Statement Presentation**

The City reports the following governmental funds:

General Fund - The general fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Funds - The special revenue funds account for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Parks and Recreation Fund - The parks and recreation fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include youth and adult sports leagues, summer camps and clinics, special events and festivals as well as fund raising activities.

The City reports the following proprietary funds:

Enterprise Funds - The Enterprise Funds of the City include the electric, water, sewer and trash funds. Enterprise funds are used to account for operations (a) which are financed and operated in a manner similar to private business enterprises; where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body had decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Internal Service Fund - Consists of the garage fund which is used to account for the financing of goods and services provided by one department to other departments of the City on a cost-reimbursement basis.

The City reports the following fiduciary fund types:

Agency Fund - The agency fund accounts for assets held by the City in a trustee capacity for impact fees collected on behalf of Kent County.

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Measurement Focus, Basis of Accounting and Financial Statement Presentation  
(Continued)**

**Use of Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

**Encumbrances**

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in governmental funds. Encumbrances as of the year end are reported as reservations of fund balance since they do not constitute expenditures or liabilities but serve as authorization for expenditures in the subsequent year. As of the end of the period, the City had no such encumbrances.

**Budgets and Budgetary Accounting**

The City Council follows these procedures in establishing the budgetary data reflected within the financial statements:

- (1) In accordance with the City Charter, prior to June 1, the City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them for the upcoming year, along with estimates for the current year. The City Charter requires that the budget be submitted in summary form. In addition, more detailed line item budgets are included and provided for administrative control.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Budgets and Budgetary Accounting (Continued)**

- (2) Public hearings are conducted to obtain taxpayer comment.
- (3) Prior to June 30, the budget is legally enacted through passage of an ordinance.
- (4) The City Manager is required by the City Charter to present a monthly report to the City Council explaining any variances from the approved budget.
- (5) Formal budgetary integration is employed as a management control device during the year for the general fund.
- (6) The budget for the general fund is adopted on a basis consistent with generally accepted accounting principles (GAAP) as applicable to governments.
- (7) The budgets for the special revenue fund are approved on a program by program basis by the funding agencies.
- (8) Budgetary amendments are approved by City Council as required throughout the year. If revenues in excess of those estimated in the budget become available, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

**Cash and Cash Equivalents**

Cash and cash equivalents consist of cash, checking and money market accounts, and short-term investments generally maturing in three months or less.

**Receivables**

Receivables are shown net of the allowances for estimated uncollectible accounts. The allowance for uncollectible accounts is based upon historical data established according to experience and other factors which in the judgment of City officials should be recognized in estimating possible losses. Management believes that they have adequately provided for future probable losses.

**Interfund Receivables/Payables**

Advances between funds are accounted within the appropriate interfund receivable and payable accounts. These advances (reported as "due from/to other funds") are considered "available spendable resources."

**Subsequent Events**

Management has evaluated subsequent events through October 26, 2010, the date the financial statements were available to be issued.

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Inventory**

Inventory is carried at cost for the water fund, and at replacement cost for the electric fund, and is determined using the first-in, first out (FIFO) method.

Inventory in the general fund consists of gasoline and diesel fuel held for consumption. Inventory in the internal service fund consists of garage and meter supplies held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The cost value of such inventory has been presented on an average cost basis.

**Deferred Bond Discount and Costs**

The deferred bond discounts and costs are being amortized over the respective lives of the bonds, using the straight-line method.

**Fixed Assets**

Fixed assets which include land, buildings, improvements, equipment, vehicles and infrastructure assets, consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage and lighting systems, are reported on the applicable governmental or business-type activities columns in the government-wide financial statements and the proprietary fund financial statements. Fixed assets are recorded at historical cost, if purchased, and at fair market value, if donated. The capitalization threshold for all fixed assets is \$5,000. No dollar threshold is set for land. Fixed asset depreciation is recognized using the straight-line method over the estimated useful lives.

**Deferred Revenues**

Deferred revenues represent funds received for specific projects which are still in progress. Revenues will be recognized in future years, as the projects reach completion. Deferred revenue in the special revenue fund represents grant awards which have been received but not yet earned.

**Compensated Absences**

A maximum of 30 days of vacation and 130 days of sick leave may be accumulated by each employee except for those hired before 1992, whose carry-over is not limited. The City accrues a liability for compensated absences which meet the following criteria:

- The City's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Compensated Absences (Continued)**

In accordance with the above criteria, the City has accrued a liability for vacation and sick pay which has been earned but not taken by City employees. For governmental funds, the liability for compensated absences is reported as a long term liability in the government-wide financial statements since it is anticipated that none of the liability will be liquidated with expendable available financial resources. The liability for compensated absences is recorded in proprietary fund types as an accrued liability in accordance with Statement of Financial Accounting Standards No. 43, Accounting for Compensated Absences.

**Long-Term Liabilities**

In the government-wide financial statements, and in the proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business type activities, or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are recorded net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized over the life of the related debt. In the fund financial statements, governmental fund types recognize bond premium and discounts, as well as debt issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**Fund Equity and Reserves**

In the fund financial statements, proprietary funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for a specific purpose.

**Net Assets**

Net assets represents the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net assets are reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Inter-Fund Transactions**

During the course of normal operations, the City has transactions between funds to subsidize operations in certain funds, to allocate administrative costs, to construct assets, to distribute grant proceeds, etc. These transactions are generally reflected as operating transfers, which are transfers from a fund authorized to receive certain revenues to the fund through which the resources are to be expended.

**Interest Capitalization**

Interest costs incurred for the acquisition and/or construction of capital assets are capitalized based on the guidelines established by the Statement of Financial Accounting Standards No. 34, Capitalization of Interest Cost. The interest capitalization period begins when the following conditions are present:

- Expenditures for the capital asset have been made.
- Activities that are necessary to get the capital asset ready for its intended use are in progress.
- Interest expense is being incurred.

The amount of interest expense to be capitalized is based on the weighted-average amount of accumulated expenditures for the period multiplied by the interest rate for the obligation incurred specifically to finance the construction of capital assets. No capitalizable interest was incurred during the year ended June 30, 2010.

CITY OF MILFORD, DELAWARE  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS**

**Explanation of Certain Differences between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Assets.**

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net assets of governmental activities in the government-wide statement of net assets. This difference primarily results from the long-term economic focus of the statement of net assets versus the current financial resources focus of the governmental fund balance sheets.

Capital Asset Differences

When capital assets (land, building, improvements and equipment) are purchased or constructed for use in governmental fund activities, the costs of those assets are reported as expenditures in the governmental funds. However, these costs are reported as capital assets in the statement of net assets. The details of these differences are presented below:

Land, Infrastructure and Other Assets	\$ 8,613,917
Building and Improvements	8,253,115
Equipment and Furniture	4,439,616
Construction in Progress	135,596
Less: Accumulated Depreciation	<u>(1,779,550)</u>
Net Capital Asset Differences	<u><u>\$ 19,662,694</u></u>

Long-Term Liability Differences

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental fund balance sheet. All liabilities (both current and long-term) are reported in the statement of net assets. The details of these differences are presented below:

Long-Term Portion of Compensated Absences	\$ 499,298
Current Portion of Bonds Payable	36,966
Long-Term Portion of Bonds Payable	<u>230,347</u>
Total Current and Long-Term Liability Differences	<u><u>\$ 766,611</u></u>

CITY OF MILFORD, DELAWARE  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 2 - RECONCILIATION OF GOVERNMENT-SIDE AND FUND FINANCIAL STATEMENTS  
(CONTINUED)**

**Explanation of certain differences between the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balances and the Government-Wide Statement of Activities.**

The governmental fund financial statements include a reconciliation between changes in fund balances in the governmental funds and changes in net assets in the government-wide statement of activities. The difference primarily results from the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental fund financial statements.

Capital Outlay Differences

Capital Outlays are reported as expenditures in the statement of revenues, expenditures and changes in fund balances. They are reported as capital assets, with the costs allocated over the useful lives of the assets, as depreciation, in the statement of activities. The details of these differences are reported below:

Capital Outlay	\$ 539,668
Depreciation and Amortization	<u>(477,836)</u>
Net Difference	<u>\$ 61,832</u>

Long-Term Debt Issuance and Repayment Differences

When long-term debt is issued, it is reported as an other financing source. Repayments are reported as expenditures in the statement of revenues, expenditures and changes in fund balance. Issuance of debt is reported as a long-time liability and repayments are reported as reductions of those liabilities in the statement of activities. The details of this difference is reported below:

Principal Repayment	<u>\$ 36,049</u>
---------------------	------------------

**NOTE 3 - FINANCIAL INSTRUMENTS**

The City has a number of financial instruments. The City estimates that the fair value of all financial instruments as of June 30, 2010, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying balance sheet and statement of net assets.

**NOTE 4 - CASH AND INVESTMENTS**

**Cash and Cash Equivalents**

**Custodial Credit Risk - Deposits**

Custodial credit risk is the risk that in the event of bank failure, the City's deposits may not be returned to it. The City does not have a deposit policy for custodial credit risk. As of June 30, 2010, all of the City's bank balance of \$12,043,027 was either insured or fully collateralized.

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 4 - CASH AND INVESTMENTS (CONTINUED)**

The following represents the City deposits which are (Category 1) fully insured or collateralized with securities held by the City or its agent in the City's name, (Category 2) those deposits which are collateralized with securities held by the pledging financial institution's trust department or agent(s) in the City's name, and (Category 3) those deposits which are not collateralized, including any bank balance that is collateralized with securities held by the pledging financial institution, or by its trust department or agent but not in the City's name at June 30, 2010 are as follows:

Description	Financial Institution Balances				Carrying Amounts
	Category			Totals	
	1	2	3		
Cash & Cash Equivalents:					
Unrestricted	\$ 9,110,748	\$ -	\$ -	\$ 9,110,748	\$ 9,110,748
Restricted	2,932,279			2,932,279	2,932,279
Totals	\$ 12,043,027	\$ -	\$ -	\$ 12,043,027	\$ 12,043,027

The City's investments are categorized according to the level of credit risk assumed as of the balance sheet date. Category 1 includes investments that are insured, registered or are held by the City's agent in the City's name. Category 2 includes uninsured and unregistered investments held by the counterparty's trust department or agent in the City's name. Category 3 includes uninsured and unregistered investments held by the counterparty, its trust department or its agent but not in the City's name. At June 30, 2010, the City's investments consist of the following:

Description	Category	Amounts	
		Market	Carrying
Home LN Mtg Corp	1	\$ 15,804,107	\$ 15,804,107
Beal Bank Nevada	1	216,968	216,968
Beal Bank, SSB	1	236,693	236,693
Ally Bank	1	236,668	236,668
FirstBank Puerto Rico	1	237,263	237,263
Banco Bilbao	1	235,222	235,222
Goldman Sachs BK	1	176,075	176,075
CD Bank of America	1	245,839	245,839
CD BMW Bank	1	245,839	245,839
GE Money Bank	1	237,688	237,688
Total Investment by Type		\$ 17,872,362	\$ 17,872,362
Investments:			
Unrestricted		\$ 17,872,362	\$ 17,872,362
Restricted		-	-
Total Investments		\$ 17,872,362	\$ 17,872,362

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 5 - REAL ESTATE TAXES**

The tax on real estate in the City area for the fiscal year 2010 was [46 mills (\$1,000 of assessed valuation)] as levied by the City Council. The City bills and collects its own real estate taxes. Delinquent taxes are liened by the City. The schedule of real estate taxes levied for the fiscal year 2010 are:

July 1	-	Levy Date (effective date of enforceable lien)
August 1 - September 30	-	Face Payment Period
October 1	-	1% Penalty for each subsequent month not paid

**NOTE 6 - IMPACT FEES**

All new water, sewage, and electric services within the City of Milford are required to pay a one-time "impact fee". The purpose of the fee is to compensate for the impact of new users to the existing water and sewage systems, in order to provide for future expansion. All impact fees collected are restricted for capital improvements, as specified and approved by City Council that will be required as the result of population growth. The cost of the impact fee for water, sewage, and electric for the year ended June 30, 2010 was \$1,055, \$1,996, and \$600 per Estimated Discharge Usage (EDU), respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Fund Net Assets and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Resulting restricted net assets at June 30, 2010 is \$198,442.

**NOTE 7 - INTERFUND TRANSACTIONS**

During the course of normal operations, the City has numerous transactions between funds including expenses or expenditures and transfers of resources primarily to provide services. The financial statements of the governmental and proprietary fund types generally reflect such transactions as transfers.

Transfers that are not considered operating or residual equity transfers give rise to individual fund interfund receivables and payables. As of June 30, 2010, there are no outstanding interfund balances.

**NOTE 8 - INTERGOVERNMENTAL RECEIVABLES**

Amounts due from other governmental units represent receivables for revenues earned by the City or collections made by another governmental unit on behalf of the City.

**NOTE 9 - FIXED ASSETS**

The following schedule presents the capital activity of the governmental activities for the year ended June 30, 2010:

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

Description	Year Ended June 30, 2010				Balances 6/30/10
	Balances 7/1/09	Additions	Deletions	Transfers	
<b>City Department:</b>					
Land	\$ 6,147,099	\$ -	\$ -	\$ 515,700	\$ 6,662,799
Buildings and Improvements	4,101,554	35,577	-	-	4,137,131
Vehicles and Equipment	2,791,809	175,222	66,533	-	2,900,498
Construction in Progress	385,851	265,445	-	(515,700)	135,596
Total City Department	13,426,313	476,244	66,533	-	13,836,024
Accumulated Depreciation	(661,567)	(306,423)	-	-	(967,990)
Total City Department, Net	<u>\$12,764,746</u>	<u>\$ 169,821</u>	<u>\$ 66,533</u>	<u>\$ -</u>	<u>\$ 12,868,034</u>
<b>Street Department:</b>					
Land Improvements	\$ 1,951,118	\$ -	\$ -	\$ -	\$ 1,951,118
Buildings and Improvements	4,115,984	-	-	-	4,115,984
Vehicles and Equipment	1,478,162	60,956	-	-	1,539,118
Total City Department	7,545,264	60,956	-	-	7,606,220
Accumulated Depreciation	(660,148)	(151,412)	-	-	(811,560)
Total Street Department, Net	<u>\$ 6,885,116</u>	<u>\$ (90,456)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 6,794,660</u>
<b>Total Governmental Capital Assets:</b>					
Total Governmental Capital Assets:					
Land	\$ 8,098,217	\$ -	\$ -	\$ 515,700	\$ 8,613,917
Buildings and Improvements	8,217,538	35,577	-	-	8,253,115
Vehicles and Equipment	4,269,971	236,178	66,533	-	4,439,616
Construction in Progress	385,851	265,445	-	(515,700)	135,596
Total Governmental Capital Assets:	20,971,577	537,200	66,533	-	21,442,244
Accumulated Depreciation	(1,321,715)	(457,835)	-	-	(1,779,550)
Total Governmental Capital Assets, Net:	<u>\$19,649,862</u>	<u>\$ 79,365</u>	<u>\$ 66,533</u>	<u>\$ -</u>	<u>\$ 19,662,694</u>

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 9 - FIXED ASSETS (CONTINUED)**

The following schedule presents the capital activity of the business-type activities for the year ended June 30, 2010:

Description	Year Ended June 30, 2010				Balances 6/30/10
	Balances 7/1/09	Additions	Deletions	Transfers	
<b>Electric Fund:</b>					
Land	\$ 312,981	\$ -	\$ -	\$ -	\$ 312,981
Buildings and Improvements	5,838,126	-	-	-	5,838,126
Electric System	9,649,164	37,197	-	-	9,686,361
Vehicles and Equipment	2,137,997	-	-	-	2,137,997
<b>Total Fixed Assets</b>	<b>17,938,268</b>	<b>37,197</b>	<b>-</b>	<b>-</b>	<b>17,975,465</b>
Accumulated Depreciation	(9,766,483)	(297,888)	-	-	(10,064,371)
<b>Net Book Value</b>	<b>\$ 8,171,785</b>	<b>\$ (260,691)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,911,094</b>
<b>Water Fund:</b>					
Land	\$ 27,369	\$ -	\$ -	\$ -	\$ 27,369
Buildings and Improvements	202,734	-	-	-	202,734
Water System	12,373,471	22,192	-	-	12,395,663
Vehicles and Equipment	580,252	-	-	-	580,252
<b>Total Fixed Assets</b>	<b>13,183,826</b>	<b>22,192</b>	<b>-</b>	<b>-</b>	<b>13,206,018</b>
Accumulated Depreciation	(5,514,238)	(301,325)	-	-	(5,815,563)
<b>Net Book Value</b>	<b>\$ 7,669,588</b>	<b>\$ (279,133)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,390,455</b>
<b>Waste Water Fund:</b>					
Land	\$ 28,638	\$ -	\$ -	\$ -	\$ 28,638
Buildings and Improvements	45,821	-	-	-	45,821
Waste Water System	13,713,134	337,586	-	-	14,050,720
Vehicles and Equipment	378,296	4,136	-	-	382,432
<b>Total Fixed Assets</b>	<b>14,165,889</b>	<b>341,722</b>	<b>-</b>	<b>-</b>	<b>14,507,611</b>
Accumulated Depreciation	(5,826,039)	(308,544)	-	-	(6,134,583)
<b>Net Book Value</b>	<b>\$ 8,339,850</b>	<b>\$ 33,178</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,373,028</b>

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 9 - FIXED ASSETS (CONTINUED)**

Description	Year Ended June 30, 2010				Balances 6/30/10
	Balances 7/1/09	Additions	Deletions	Transfers	
Trash Fund:					
Buildings and Improvements	\$ 10,846	\$ -	\$ -	\$ -	\$ 10,846
Vehicles and Equipment	927,061	-	-	-	927,061
Total Fixed Assets	937,907	-	-	-	937,907
Accumulated Depreciation	(812,480)	(23,297)	-	-	(835,777)
Net Book Value	\$ 125,427	\$ (23,297)	\$ -	\$ -	\$ 102,130

Description	Year Ended June 30, 2010				Balances 6/30/10
	Balances 7/1/09	Additions	Deletions	Transfers	
Total Enterprise Funds:					
Land	\$ 368,988	\$ -	\$ -	\$ -	\$ 368,988
Buildings and Improvements	6,097,527	-	-	-	6,097,527
Electric System	9,649,164	37,197	-	-	9,686,361
Water System	12,373,471	22,192	-	-	12,395,663
Waste Water System	13,713,134	337,586	-	-	14,050,720
Vehicles and Equipment	4,023,606	4,136	-	-	4,027,742
Total Fixed Assets	46,225,890	401,111	-	-	46,627,001
Accumulated Depreciation	(21,919,240)	(931,054)	-	-	(22,850,294)
Net Book Value	\$24,306,650	\$ (529,943)	\$ -	\$ -	\$ 23,776,707

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 10 - LONG-TERM DEBT OBLIGATIONS**

Long-Term Debt Schedule

Long-Term liability activity for the year ended June 30, 2010 is as follows:

**Governmental Activities:**

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Bonds Payable:					
Series 2002 General Obligation Bonds	\$ 303,361	\$ -	\$ (36,048)	\$ 267,313	\$ 36,966
Other Liabilities:					
Compensated Absences	592,415	45,582	-	637,997	138,699
Governmental Activities Long-Term Liabilities	<u>\$ 895,776</u>	<u>\$ 45,582</u>	<u>\$ (36,048)</u>	<u>\$ 905,310</u>	<u>\$ 175,665</u>

**Business-Type Activities:**

Bonds Payable:					
Series 1992 A Capital Appreciation Bonds	\$ 1,670,000	\$ -	\$ -	\$ 1,670,000	\$ -
Revolving Funds Loan - State of Delaware	1,216,154	-	(77,761)	1,138,393	80,111
Series 2002 General Obligation Bonds	4,661,640		(553,952)	4,107,688	568,035
Series 2005 General Obligation Bonds	<u>3,475,000</u>	<u>-</u>	<u>(165,000)</u>	<u>3,310,000</u>	<u>170,000</u>
	11,022,794	-	(796,713)	10,226,081	818,146
Less: Bond Discount and Deferred Amount on Refunding	<u>(976,594)</u>	<u>-</u>	<u>95,557</u>	<u>(881,037)</u>	<u>(100,671)</u>
Total Bonds Payable	10,046,200	-	(701,156)	9,345,044	717,475
Other Liabilities:					
Compensated Absences	<u>246,788</u>	<u>(5,681)</u>	<u>-</u>	<u>241,107</u>	<u>30,782</u>
Business-type Activities Long-Term Liabilities	<u>\$10,292,988</u>	<u>\$ (5,681)</u>	<u>\$ (701,156)</u>	<u>\$ 9,586,151</u>	<u>\$ 748,257</u>

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 10 - LONG-TERM DEBT OBLIGATIONS**

**General Obligation Bonds**

**Series A of 1992 Bond Issue**

The 1992 General Obligation Enterprise Bonds, Series A, in the amount of \$839,697 represents the remaining principal portion, net of unamortized appreciation of \$649,349 with variable interest rates of 5.50% to 6.95%. The bonds were used to defease in-substance a portion of the 1989 Bond Issue and to finance additional waste water system improvements. The general obligation bonds have various maturity dates through April, 2018.

The following schedule is a summary of the 1992 Bond Issue, Series A with a balance outstanding of \$1,670,000. Bonds mature on April 1, and October 1, and interest is paid on those dates.

**Capital Appreciation Bonds**

Year Ending <u>June 30,</u>	<u>Principal Amount</u>	<u>Unamortized Appreciation</u>	<u>Rate</u>
2011	-	77,556	...
2012	-	83,028	...
2013	-	88,886	...
2014	-	95,157	...
2015	420,000	94,561	6.90%
2016	465,000	69,334	6.95%
2017	395,000	43,294	6.95%
2018	390,000	19,089	6.95%

**Series of 1996 Bond Issue**

The City, having sufficient cash reserves as of January 1, 2006, redeemed the remaining balance outstanding prior to the original maturity date. On January 1, 2006, the City paid the bondholders \$3,491,729, representing the par redemption price and accrued interest.

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)**

**SERIES OF 2002 BOND ISSUE**

On October 1, 2002, the City issued \$6,675,000 in General Obligation Refunding Bonds with interest rates ranging between 1.35% and 4.35%. The City issued the bonds to advance refund \$3,435,000 of the total \$7,115,000 outstanding Series of 1996 General Obligation Bonds with an interest rate of 4.7%. Also, \$2,865,000 of the \$4,765,000 outstanding Series of 1992 General Obligation Bonds with an interest rate of 6.4% was currently refunded on the same date. The City used a portion of the net proceeds to refund \$3,435,000 of the Series 1996 General Obligation Bonds. In addition, the City used the remaining portion of the net proceeds to provide for the \$2,865,000 defeasance of the Series of 1992 A-Capital Interest Bonds.

The advanced and current refunding reduced total debt service payments over the then remaining term of 18 years by approximately \$830,000, which resulted in an economic gain (difference between the present value debt service payments on the old and new debt) of \$744,000.

The following is a schedule of maturities of the 2002 bond issue:

Year Ending <u>June 30,</u>	Principal <u>Amount</u>	<u>Interest</u>	
		<u>Rate</u>	<u>Amount</u>
2011	605,000	3.20%	155,163
2012	620,000	3.30%	134,640
2013	650,000	3.40%	112,563
2014	665,000	3.55%	88,723
2015	275,000	3.70%	71,126
2016	235,000	3.85%	61,133
2017	240,000	4.00%	51,573
2018	255,000	4.05%	41,421
2019	265,000	4.15%	30,499
2020	275,000	4.25%	18,886
2021	290,000	4.35%	6,453

**CITY OF MILFORD, DELAWARE**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2010**

**NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)**

**General Obligation Bonds (Continued)**

**SERIES OF 2005 BOND ISSUE**

On June 1, 2005, the City issued \$3,790,000 in General Obligation Refunding Bonds with the average rate of interest not to exceed 4.50%. The City issued the bonds to advance refund the total amount outstanding under the Series of 2000 General Obligation Bonds of \$3,580,000 with interest rates ranging from 4.70% to 5.65% per annum. The advanced refunding reduced total debt service payments over the then remaining term of 20 years by approximately \$384,000.

The following is a schedule of maturities of the 2005 bond issue:

Year Ending <u>June 30,</u>	Principal <u>Amount</u>	<u>Rate</u>	<u>Interest</u> <u>Amount</u>
2011	170,000	3.20%	127,995
2012	175,000	3.35%	122,555
2013	180,000	3.45%	116,692
2014	185,000	3.55%	110,482
2015	195,000	3.65%	103,915
2016	200,000	3.70%	96,798
2017	210,000	3.80%	89,398
2018	220,000	3.85%	81,418
2019	225,000	3.90%	72,948
2020	230,000	4.00%	64,172
2021	245,000	4.00%	54,972
2022	250,000	4.15%	45,172
2023	265,000	4.15%	34,798
2024	275,000	4.25%	23,800
2025	285,000	4.25%	12,112

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)**

**NOTE PAYABLE - STATE OF DELAWARE**

In connection with its Wastewater Collection System Expansion Project, the City entered into a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, a public agency of the State of Delaware. Under terms of the agreement, interest only payments were due semi-annually at a rate of three percent (3%) per annum on the amounts that had been advanced to fund the project. Semi-annual payments of principal and interest (at 3%) are due through scheduled maturity of July 1, 2022. The note is secured by the full faith and credit of the City. Scheduled maturities of the note are as follows:

Year Ending <u>June 30,</u>	
2010	\$ 77,742
2011	80,092
2012	82,832
2013	83,770
2014	86,302
Thereafter	<u>805,416</u>
	<u>\$1,216,154</u>

**NOTE 11 - PENSION PLAN**

**County and Municipal Pension Plan**

Effective January 1, 2005, City Council elected, under provisions of the *Delaware Code*, to participate in the County and Municipal Police/Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service cost up to a maximum of fifteen (15) years for all eligible employees. The total cost to the City for the funding of the prior service cost was \$3,260,008. Such funding was provided for from the City's reserves in its Water and Sewer Funds, as well as from assets of its existing retirement fund. This cost was included within the fiscal June 30, 2005 financial statements, and was allocated to all of the City's funds based on the actuarial data that was provided in order to determine the total prior service cost.

Along with the prior service cost, the City is obligated to pay the ongoing regular contribution rate (6.44% for general employees and 13.87 for police for fiscal year 2009 and 6.15% for general employees and 13.70% for police for the fiscal year 2010). These contribution rates are expected to gradually increase over the next several years. In addition, eligible employees are required to contribute 3% of their earnings in excess of \$6,000 and an additional 2% of their earnings in excess of the Social Security wage base.

**CITY OF MILFORD, DELAWARE**  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2010

**NOTE 12 - COMMITMENTS AND CONTINGENCIES**

In the normal course of business, there are outstanding various commitments and contingent liabilities in addition to the normal encumbrances for the purchase of goods and services. The City does not anticipate losses as a result of these transactions.

**Government Grant/Award Programs**

The City participates in a number of federal and state assisted programs. These programs are subject to program compliance audits by the grantors or their representatives. Accordingly, the City's compliance with applicable program requirements will be established at some future date. The amount, if any, of expenditures, not already disclosed, which may be disallowed by the granting agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

**Long-Term Debt Obligations**

As described in Note 10, the City is contingently liable for certain long-term debt obligations.

# *First Presbyterian Church*

MEMORIAL PLAZA - P.O. BOX 172 - MILFORD, DELAWARE 19963 302/422-5701

**To: The Milford City Council**

Date: December 6, 2010

Dear Friends:

The Board of Circle of Light is extremely grateful for the opportunity given to Rev. Kevin Bowers to share information with you on November 22nd about plans being developed for a Community Emergency Cold Weather Shelter sited at the Milford Church of the Nazarene. These plans have continued to move forward. A critical community meeting was held on Thursday, December 2nd for the presentation of shelter policies and procedures; the volunteer portions that need to be; and discussion of the responsibilities of church teams. Blessedly, the meeting was well attended, many good suggestions made, and many of the needed positions filled. With the final approval of the office of the State Fire Marshall, we are ready to train our volunteers and plan to open Shelter operations in early January when the temperature reaches 25 degrees or lower.

Because this is a new program, many items need to be purchased---bedding, food, clothing, security and safety equipment, and more. While we are happy for the donation of some items, we will still be incurring considerable expenses. Circle of Light is committed to covering the cost of what may be needed, but our budget is minimal. Additionally, we are continuing our support of homeless women and children with procuring personal documents, transportation, referrals and computer use. Maintaining our office space for this outreach and for use as the Intake Center for the Emergency Cold Shelter is a financial challenge.

If the City Council can assist us in providing these programs for community residents, we will be very grateful. We would also appreciate any suggestions you have for possible sources of support.

With much gratitude,  
and for the Board of Circle of Light  
Rev. Kevin R. Bowers  
First Presbyterian Church of Milford

# PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by Milford City Council:

## ORDINANCE 2010-20 Chapter 222-Water

### AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, For the purpose of PROHIBITING CERTAIN TYPES OF PRIVATE WATER WELLS.

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 build and maintain separate water wells except as defined herein.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Section 3 of Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following definitions:

**AGRICULTURAL WELL**— A well used for the watering of livestock, poultry, aquaculture uses, or solely for the watering of household yards and gardens or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

**DEWATERING WELL**—A well used to remove ground water for construction of footings, sewer lines, building foundations, elevator shafts, etc.

**DOMESTIC WELL**—A well primarily used for potable non-public water supply purposes and which may be used for non-potable purposes, excluding heat pump supply.

**HEAT PUMP CLOSED LOOP WELL**—A sealed and pressurized loop of pipe containing a heat exchange solution which is circulated below the earth's surface and utilizes groundwater for the purpose of heat transfer.

**HEAT PUMP RECHARGE WELL**—A well constructed and primarily used for injecting ground water source heat pump effluent back into an aquifer, and which may be used for other non-potable water supply purposes provided prior written approval is obtained from the City.

**HEAT PUMP SUPPLY WELL**—A well constructed primarily to obtain ground water as a source for heat pump supply purposes and which may not be used for other purposes such as domestic water supply.

**INDUSTRIAL WELL**—A well which is used in the processing, washing, packaging, or manufacturing of a product excluding food and beverages.

**IRRIGATION WELL**—A well which is used for the watering of lands or crops other than household lawns and gardens.

**MONITOR WELL**—A well installed for the sole purpose of the determination of subsurface conditions and collecting ground water samples.

**OBSERVATION WELL**—A well used for the sole purpose of determining ground water levels.

**POTABLE WATER**--Any water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is acceptable for human consumption.

**PUBLIC WELL**—A well which is used to supply water to more than three dwelling units; twenty-five (25) or more employees; in the manufacture of ice, foods, or beverages; to the public in food washing, processing, or preparation in a plant, restaurant, or other facility.

**TEST WELL**—A well installed to ascertain the lithology and water transmission properties of an aquifer or geologic materials and which may be used to determine water quality; a well which is not used on a permanent basis.

Section 2. Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following section:

§222-32 Wells.

A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and or the area served by the City's water system.

B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.

1. Any well lawfully in existence at the time of enactment of this ordinance, provided, however, the size of such wells shall not be expanded.
2. Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields)
3. Domestic wells when the property is not located within 200 feet of the City's water system.
4. Heat pump wells are permitted for the conservation of natural resources and energy.
5. Dewatering, observation, monitoring and test wells are permitted in accordance with State regulations.
6. Public, Industrial or Irrigation wells are permitted upon approval of City Council.

Section 3. Dates.

Introduction to City Council: 12-13-10

Projected Adoption Date: 12-28-10

Projected Effective Date: 01-08-11

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

Ordinance 2010-20 is scheduled for adoption, with or without amendments, at the Council Meeting on January 8, 2011. Should you have questions, please contact the City of Milford Public Works Department at 302-422-6616 Extension 100.

Carlisle Fire Company  
 PO Box 292  
 Milford, DE 19963

## **MISPELLION LIFE RING PROJECT**

On August 16th, 2010, Dee'jion Fullman lost his life, simply trying to retrieve a basketball that had rolled in to the Mispillion River. Dee'jion went into the water to retrieve his basketball and never returned home to his family.

As a result of this tragedy, Carlisle Fire Company has formed The Mispillion Life Ring Committee to raise money and awareness regarding safety among our waterways in an effort to help preserve the life of our citizens. To accomplish this goal, Carlisle Fire Company would like to provide Life Ring Stations along the River Walk and areas of concern. The committee is also working to provide Water Safety Education Awareness to the citizens of Milford and the surrounding areas.

We would like to take this opportunity to ask your organization to contribute or sponsor a Life Ring Station. If your organization would like to sponsor a complete station, a plaque will be placed at that station, recognizing your organizations contribution. All additional contributions will go towards a one-time scholarship in the memory of Dee'jion Fullman, to be awarded to a student from his graduating class.

The cost of each Life Ring Station is as follows:

1- Life ring Cabinet	
1-30 in. Life Ring	
90 ft. of throw line	\$368.00
Cabinet base (OPTIONAL)	\$97.00
1- Audible alarm	\$ 25.00
1- Plaque	\$
Shipping	\$ 46.00
Total	\$536.00 + COST OF PLAQUE

If you would like to donate to the project or sponsor a Life Ring Station make your check out to Carlisle Fire Company-Life Ring Project. The Mispillion Life Ring Committee will pick up your donation and take a picture of you and your organization with a Life Ring Station.

Examples of the Life Safety Rings to be installed are below.



Each station has a life ring, 90 feet of rope that can be thrown to a drowning victim in an attempt to bring them to safety, and is secured in a cabinet with an audible alarm.

If you have any questions or concerns you can contact;

John J Watson  
Mispillion Life Ring Committee Chair  
Carlisle Fire Company  
302-462-6726  
johnwatson@carlisle42.com

***YOUR GREATEST WATER SAFETY ASSURANCE COMES FROM ADOPTING AND PRACTICING AS MANY SAFETY STEPS AS POSSIBLE AND ADDING AN EXTRA SAFETY STEP AROUND THE WATER CAN MAKE ALL THE DIFFERENCE. YOU WILL NEVER KNOW WHICH SAFETY STEP WILL SAVE A LIFE -UNTIL IT DOES.***

Thank you,  
The Carlisle Fire Company  
Mispillion Life Ring Committee

Carlisle Fire Company  
 PO Box 292  
 Milford, DE 19963

## MISPILLION LIFE RING PROJECT

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

My Organization/Business ( \_\_\_\_\_ ) would like to contribute \$ \_\_\_\_\_ to the Mispillion Life Ring Project sponsored by Carlisle Fire Company. We have made an additional contribution of \$ \_\_\_\_\_ to go in to the Dee'jion Fullman Scholarship fund. My Organization/ Business would like our Life Ring Station installed in the area of \_\_\_\_\_ along the Mispillion River Walk. My Organization/Business would like the plaque that will be installed along with our Life Ring Station to read;

\_\_\_\_\_

The cost of the plaque will be the responsibility of your organization/business.

Example of plaque;

This life ring station was donated by (your name) or your organization/Business.

The Carlisle Fire Company and the City Of Milford would like to thank you for your generous donation towards the Mispillion Life Ring Project. Without your contribution this project would not be successful.

Thank You,  
 The Mispillion Life Ring Committee

\_\_\_\_\_  
 Signature of your organization/Date

\_\_\_\_\_  
 Committee member's signature/Date

**PLEASE RETAIN A COPY OF THIS DONATION FOR YOUR RECORDS**

# LIFE RING CABINET

Here is a product you never want to have to use, but a must have in any area which has potential for a drowning incident. Our life ring cabinets protect life rings from damaging UV rays and adverse weather. Keeps life rings in good condition in the event of any emergency. Our cabinets really "dress up" a facility.

## ALL MODELS INCLUDE

- Lockable "Break Glass" or Non-Locking "T-Handle"
- Mounting Hardware - Wall, Deck or Rail
- Standard Color - Safety Yellow (other colors available)

## OPTIONAL EQUIPMENT

- 30" Coast Guard Approved Life Ring with 90' Rope with Float
- Windlatch to keep door closed in wind
- Alarm
- Gasket around door
- Fiberglass Stand

## POINTS OF INTEREST

- Protects Life Ring from ultraviolet rays, chemicals and harsh winter environments.
- Keeps the Life Ring in good working condition in the event of a emergency (Always ready to go)
- OSHA requires Life Ring around open water, and to also keep them in good working condition
- Really dresses up your facility



### Cabinet

Height - 33"  
Width - 33"  
Depth - 5 1/2"

### with optional Stand

Height - 15 1/2"  
Width - 33 1/2"  
Depth - 6 1/2"



Non-locking  
T-Handle



Lockable  
Break Glass



Optional  
Wind Latch

**MAKE THE BEST IMPRESSION  
GO FOR SAFETY!**

AGREEMENT BETWEEN ROTARY AREA 4  
CAN DO TOO PLAYGROUND, INC. AND  
THE CITY OF MILFORD, DELAWARE

NOW THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010, THIS AGREEMENT made between ROTARY AREA 4 CAN DO TOO PLAYGROUND, INC. ("CDT"), a Delaware not for profit corporation, and the CITY OF MILFORD, DELAWARE ("CITY"), a political entity of the State of Delaware, is as follows:

PREAMBLE:

A. City has developed a portion of its business park located on the north side of Airport Road as a recreation area known as the Tony Silicato Park ("Silicato Park"). As part of this project, City has been engaged in the planning, design, development and installation of active recreational activities, including, but not limited to, soccer fields, walking paths, playground equipment and non-determinate recreation fields.

B. City recognizes that an amenity which would provide recreational activities to the citizens of the City of Milford, Sussex County and Kent County, who have physical, mental or developmental impairments would be desirable and of great benefit to the purpose for which the park was designed.

C. CDT, a non-profit charitable corporation of the State of Delaware, consisting of members from six (6) local Rotary Clubs located in Rotary District 7630, Area 4, as part of its mission to provide recreational amenities to all persons, including, without limitation, those who have physical, mental or developmental handicaps, has determined it would like to build a publicly available, multi-use, handicapped-accessible playground facility which would benefit all citizens of Sussex County and Kent County, Delaware, and has sought the services of a nationally known and reputable non-profit organization known as Boundless Playgrounds, Inc. to help develop the concept for and installation of a "Boundless Playground" facility. "Boundless Playground" is a registered trademark of the contracting corporation.

D. CDT, recognizing that City was considering construction of a playground facility at its Silicato Park, approached City with the concept of CDT erecting a handicapped-accessible playground on City's property and requested that CDT and City work together to develop, build and install such a facility in Silicato Park.

E. CDT presented the idea to the City Council of the City of Milford, which voted on November 23, 2009 to endorse the concept and to provide an area of land within Silicato Park for the construction of the facility. CDT and City hereafter wish to memorialize the terms of its agreement.

WHEREFORE, the parties hereto set forth the mutual terms of their relationship for the construction of the Rotary Area 4 Can Do Too Playground.

## TERMS

### 1. Scope of Agreement - Can Do Too's Obligations.

CDT hereby agrees, and City hereby accepts, the services and work that CDT will undertake to develop, design, build and install a mutli-use, handicapped-accessible playground facility in the Silicato Park.

CDT hereby agrees to provide:

- (a) Professional design services provided by Boundless Playground, Inc. for which CDT has entered into a contract, a copy of which is attached hereto and made a part hereof, to assist in creating a conceptual design and vendor's specific design plans and specifications for a Boundless Playground, a playground which is accessible to children with and without disabilities.
- (b) Professional site preparation services, except as herein otherwise provided.
- (c) Playground equipment which meets the design plans and specifications.
- (d) Appropriate playground surfacing.
- (e) Appropriate hardscape and boundary marker materials.
- (f) Appropriate landscaping.
- (g) Appropriate amenities to blend with the surroundings.
- (h) Professional installation services for all of the items CDT is to provide.
- (i) Funding to develop, design, build and install a multi-use, handicapped-accessible playground facility in Silicato Park.

CDT hereby agrees that prior to seeking bids on any playground equipment or facilities that have been developed as a result of the planning process, CDT will submit such plans to City for approval.

CDT further agrees that prior to accepting any bids on any playground equipment or facilities, CDT will submit such bids to City for review and approval. Provided, however, all contracts for equipment and services shall be entered into

between CDT and the provider.

CDT hereby further agrees that upon completion of the installation of any of the playground equipment and facilities, and before final acceptance of such equipment and facilities from any one of the installation professionals, that CDT and City will jointly agree upon final approval and acceptance, it being understood that safety of the public will be a paramount concern in determining whether to grant any such approval.

## 2. City's Responsibilities.

City shall be responsible for the following:

- (a) To examine and review in detail of all letters, reports, drawings and other documents presented by CDT to City and render to CDT in writing its findings and decisions pertaining thereto within a reasonable time so as not to delay the services of CDT.
- (b) To give prompt written notice to CDT whether City observes or otherwise becomes aware of any development that affects the scope or timing of CDT's obligations under the Boundless Playground contract or under this Agreement.
- (c) To give prompt written response to CDT whenever City is requested to consider, review and approve any matter required to be presented to City as set forth in this Agreement.
- (d) To accept the obligations required of City in the Boundless Playground contract.
- (e) To provide the land and location necessary in Silicato Park for the installation of the playground.
- (f) To provide the necessary site grading and other surrounding site improvements required for the installation of the playground facility which is not otherwise provided by CDT in its plans.
- (g) To permit CDT and its agents and contractors to access, improve and build upon the land on which the playground facility will be installed.
- (h) To work jointly with CDT in integrating the playground facility with the other Silicato Park amenities.
- (i) Following final approval by the CDT and City of the installation of the playground equipment and other facilities, to accept the

playground facilities as part of the assets of City and Silicato Park, along with other obligations, responsibilities and interest therein, including, but not limited to, maintaining, upkeep, upgrading, policing and refurbishing such playground facility.

- (j) To permit CDT to maintain a plaque in a prominent place at the playground facility mutually agreed upon by CDT and City that reflects the donation of the playground facility to the public in recognition of Rotary International's involvement in the design and construction.

### 3. CDT and Subcontractor Agreements.

CDT shall indemnify, save and hold harmless and defend City, its employees, representatives, agents or elected officials, against any demand, claim, suit, loss, cost or damages sustained in connection with performance of services and work under this Agreement for contracts and services for which CDT shall be responsible.

CDT shall require each and every subcontractor for the project to indemnify, save and hold harmless and defend City, its employees, representatives, agents and elected officials against any demand, claim, suit, loss, cost or damages sustained in connection with the performance of services for which they are contracted pursuant to this Agreement.

### 4. Termination of Contract for Cause.

If CDT shall fail to fulfill in a timely or proper manner its obligations under this Agreement, or if CDT shall violate any of the covenants, agreements or stipulations of this Agreement, City shall notify CDT in writing of such failures or violations, and CDT shall be given fifteen (15) business days ("the Correction Period") to initiate correction of any such alleged failures or violations. If CDT fails within the time of such Correction Period to initiate corrections of any such facilities or violations, or if such failures or violations remain outstanding following the Correction Period, City shall have the right to terminate this Agreement by giving written notice to CDT of such termination and specifying the effective date, at least five (5) days before the effective date of such termination.

### 5. Changes.

CDT and City may from time to time require changes in the scope of services of the CDT and of subcontractor(s) to be performed under this Agreement. In such case, said changes shall be by mutual agreement between CDT and City and shall be incorporated in written amendment to this Agreement.

### 6. Conflict of Interest of CDT.

CDT covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. CDT further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

7. Miscellaneous.

- (a) This Agreement shall be construed according to the laws of the State of Delaware.
- (b) This Agreement is the entire agreement between CDT and City and supersedes any prior agreement, whether written or oral, between CDT, any predecessor of the CDT, and City. It may be amended only by a signed amendment executed by CDT and City. The CDT's rights and obligations under this Agreement will be binding on CDT's successors and assigns.
- (c) CDT shall not assign any interest in this Agreement nor shall any transfer in interest be made pursuant to it without the prior written consent of City.

ROTARY AREA 4 CAN DO TOO  
PLAYGROUND, INC.

\_\_\_\_\_  
ATTEST

By: \_\_\_\_\_  
David N. Rutt, President

CITY OF MILFORD

\_\_\_\_\_  
ATTEST

By: \_\_\_\_\_  
Joseph R. Rogers, Mayor

# Clark's General Contractors, Inc.



## Site Preparation and Demolition

12203 Utica Road  
Greenwood, Delaware 19950

Phone: 302-349-5268  
Fax: 302-349-5685

### PROPOSAL AND CONTRACT

NOVEMBER 16, 2010

CITY OF MILFORD

ATTN: MR. DON WILLIAMS

REF: DEMOLITION PROJECT AT 203, 205 AND 207 N.W. FRONT STREET, MILFORD, DE

CLARK'S GENERAL CONTRACTORS SUBMITS A BID IN THE AMOUNT  
OF ----- \$14,640.00  
FOR THE ABOVE PROJECTS.

BID INCLUDES LABOR, EQUIPMENT, MATERIALS MENTIONED IN  
SCOPE OF WORK.

CLARK'S GENERAL CONTRACTORS IS A BONDABLE COMPANY AND  
CARRIES ONE MILLION DOLLARS LIABILITY INSURANCE.

A. REFERENCE ASBESTOS – CLARK'S GENERAL CONTRACTOR  
WILL TAKE RESPONSIBILITY FOR LOCATING AND REMOVING ANY ASBESTOS  
MATERIAL FOUND ON PROJECT. HOWEVER, ANY ADDED COST FOR THE  
REMOVING AND DISPOSING WILL BE AN ADDED COST TO THE CITY OF MILFORD,

B. REFERENCE TRAFFIC CONTROL – ONE LANE OF N.W. FRONT STREET  
WILL NEED TO BE CLOSED WHILE THE BUILDING IS BEING DEMOLISHED.  
ESTIMATED TIME OF FOUR (4) HOURS THAN RE-OPENED.

C. ESTIMATE STARTING TIME ELEVEN (11) DAYS AS DISCUSSED WITH  
YOU ON 11/16/2010. A TEN (10) DAY NOTICE IS REQUIRED BY D.N.R.C.  
CLARK'S GENERAL CONTRACTORS WILL COMPLY WITH CITY AND STATE  
REGULATIONS.

D. CLARK'S GENERAL CONTRACTORS HAS A STATE OF DELAWARE  
BUSINESS LICENSE – WHICH IS ATTACHED.

THANK YOU FOR THE OPPORTUNITY TO BID

ACCEPTED

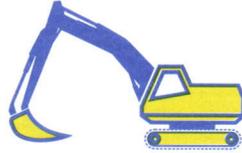
\_\_\_\_\_  
(FIRM NAME)

  
\_\_\_\_\_  
BY: JOHN CLARK, PRESIDENT

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

# Clark's General Contractors, Inc.



## Site Preparation and Demolition

12203 Utica Road  
Greenwood, Delaware 19950

Phone: 302-349-5268  
Fax: 302-349-5685

### PROPOSAL AND CONTRACT

NOVEMBER 19, 2010

CITY OF MILFORD

ATTN: MR. WILLIAMS

REF: DEMOLITION PROJECT AT 203, 205 AND 207 N.W. FRONT STREET, MILFORD, DE

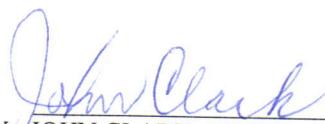
### SCOPE OF WORK

CLARIFICATION OF MATERIALS TO BE USED

BY CLARK'S GENERAL CONTRACTORS TO

FINISH THIS ABOVE PROJECT

1. NECESSARY SILT FENCE TO PREVENT EROSION
2. WILL FURNISH 17 LOADS OF FILL
3. 3 LOADS OF TOP SOIL
4. WILL FURINSH LIME AND FERTILIZE WITH KENTUCKY 31 SEED
5. STRAW MATTING TO COVER DISTURBED AREA

  
BY: JOHN CLARK, PRESIDENT

**Eastern Shore Demolition & Construction**

**4224 RAILROAD ROAD  
HURLOCK, MARYLAND 21643  
443-359-8997**

**November 10, 2010**

Attn: Milford Delaware Compliance Officer  
Don Williams

Project: 201-203-205-207 NW Front Street

**Scope of Work**

- Demolish all remaining structures on the 2 lots (203-205-207 NW Front St).
- Responsible for identifying, removing and disposing of any asbestos dealing with these structures.
- Remove ALL debris from properties(including block from basements).
- Fill in basements with clean fill dirt as necessary, top with 6" of top soil, and plant grass seed/straw.
- Finished area should have positive drainage(no standing water).
- Install silt fence as necessary to prevent dirt from washing into street(along NW Second & Church St).

**Safety**

- A safety meeting will transpire, prior to work beginning on site to advise all laborers of necessary safety measures. Safety goggles, hard hats and harnesses will be worn when necessary to perform work.

**ESD** will be available to start work when contract is awarded but will require 3-5 days to mobilize necessary equipment on job site.

**Total Cost of Project (without change orders).....\$46,799.00**

Thank you,

Robert Fooks  
Project Manager

# proposal

13432



**JOHN MACKLIN & SON, INC.**  
Demolition & Hauling Co.  
Macklin Corner  
18687 Johnson Road  
Lincoln, Delaware 19960

Phone (302) 422-9731 Fax (302) 422-4041  
Serving You With Satisfaction Since 1980

TO: City Of Milford  
Don Williams  
201 S Walnut Street  
Milford DE 19963

*LeLette JM*

PHONE 422-6661	DATE 11/12/2010
JOB NAME / LOCATION 207-205-203 N E Front Street Milford	
JOB NUMBER Janet	JOB PHONE

We hereby submit specifications and estimates for:

Demolition of three dwellings that are considered to be row homes. All demolition debris from these dwellings will be hauled to Delaware approved site.

Basements are to be filled and tamped under each dwelling. There is to be no debris left in basements. All concrete, flooring, footings, wooden debris, miscellaneous debris, and red bricks will be removed from basements and hauled to Delaware approved site. ( Manifest papers are available upon request)

Price includes all dirt to bring each section to grade after tamping.

Top soil to be spread and properties to be seeded with cover crop grass seed to avoid weathering in these areas.

At completion area will be clean, raked and seeded, with silt fencing on street perimeters. ( Church Street and N E Front Streets should not be needed to be shut down: Should a detour or delay be needed , Our Company will provide traffic flagging.

All utilities being removed and demolition permit are the owners responsibility.

All scheduling is done upon receiving signed proposal. ASBESTOS SURVEY MUST BE DONE ON COMMERCIAL PROPERTY.

10% OF CONTRACT WILL BE CHARGED FOR CANCELLATIONS.

\*You will be responsible for any unforeseen or hidden cost. We will allow you 2 days to accept these costs should any arise.

**We Propose** hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of: **Forty Two Thousand Five Hundred Fifty Eight and 96/100 Dollars** dollars (\$) **42,558.96** )

Payment to be made as follows:  
**One half down and balance due at completion**

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature: *John Macklin*

Note: This proposal may be withdrawn by us if not accepted within **30** days.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_



OFFICE OF THE CITY MANAGER  
302.424.8395, FAX 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

December 13, 2010

TO: City Council

FROM: David W. Baird, City Manager

RE: Award of Bid/Demolition Project-Funding Source

Award of this bid is contingent upon the property owners not demolishing the properties within the time established by the Board of Appeals.

To cover any unexpected costs, it is my recommendation that City Council authorize \$20,000 for this project to be paid from the General Fund Capital Reserve Account.

Mission Statement

The mission of Milford's Public Works Department is to provide our community with the highest quality public service that continually enhances the quality of life for all our citizens.

Public Works Contacts:

Brad Dennehy  
Public Works Director  
(302) 422-6616  
email: pw@milford-de.gov

Christie Hughes  
Public Works Administrative Asst.  
(302) 422-6616 xt.100  
email: chughes@milford-de.gov

Timothy Webb  
Street / Solid Waste Superintendent  
(302) 422-6616  
email: pw@milford-de.gov



# YARD WASTE DISPOSAL GUIDELINES

**CITY OF MILFORD  
PUBLIC WORKS  
DEPARTMENT  
180 Vickers Dr.  
Milford, DE 19963**

Phone: (302) 422-6616 xt.100  
Fax: (302) 422-1119  
E-mail: pw@milford-de.gov  
www.cityofmilford.com

**Public Works  
Department  
180 Vickers Dr.  
Milford, DE 19963  
(302) 422-6616 xt.100**

# YARD WASTE DISPOSAL

Beginning January 1<sup>st</sup> 2011, as mandated by Delaware Department of Natural Resources (DNREC), yard waste will have to be separated from regular refuse in order for it to be disposed of. This means any yard waste consisting of grass, leaves, brush, tree limbs, shrubs or other garden material will no longer be allowed in the regular trash pickup.

The City of Milford will continue to pick up yard waste; however it will have to be separated into the following groups:

- Leaves
- Limbs and branches
- Other garden debris (weeds, shrubs, dead plants, etc)

## **YARD WASTE**

Yard Waste and Brush service is available every Wednesday (with exception to holidays). What is yard waste? Example: Lawn clippings, outside flowers, garden plants, bushes, trees (not lumber), dirt, sod and leaves.

**Leaves** will continue to be picked up by the Street Department with the leaf vacuum during the months of Nov-Jan. The schedule for this is as follows:

- ***If you regular trash pick-up day is on Monday, your leaf pick-up day will be on Wednesday's.***
- ***If you regular trash pick-up day is on Tuesday or Friday, your leaf pick-up day will be on Friday's.***

Alternatively, you can arrange to have your leaves picked up by calling 422-6616 ext. 100. ***\*Please note that leaves should be raked into a neat orderly pile by the curb and should not be bagged.***

**Limbs and Branches** must be bundled and placed out in a neat orderly bundle close to the curb, to be picked up on Wednesday by the Solid Waste Department. If residents have a large number of limbs and/or branches they should contact the Streets department at 422-6616 ext. 100 to schedule the limbs to be chipped.

**Other Garden Debris** such as dead flowers, weeds, shrubbery clippings, etc will be collected by the solid waste department on a Wednesday. Residents should place these types of items in a separate 33 gallon container (the likes which are readily available at Ace hardware, Lowes, Wal-Mart etc). It is important to note that these containers will be hand dumped by our crews, so if they are too heavily to move, our Solid waste personnel will not be able to dump them in to the back of the garbage trucks. **PLEASE DO NOT USE THE CITY OF MILFORD TRASH OR RECYCLING CONTAINERS FOR YARD WASTE.**

***\*Please note that the above mentioned items will not be taken to the landfill but to a local recycling center instead, and therefore the following items cannot be picked up:***

- Bagged leaves or bagged yard waste (everything must be separated as stated above)
- Soil, fill-dirt, sand, etc.
- Piles of brushes which contain other types of debris such as broken concrete, etc.

The following are the ***Do's & Don'ts*** for yard waste:

## **Do's**

- Set yard waste out at CURB the night before.

## **Don't's**

- Do NOT place yard waste/leaves in plastic bags.
- Do NOT place leaves in roadway or blocking sidewalk.
- **PLEASE DO NOT USE THE CITY OF MILFORD TRASH OR RECYCLING CONTAINERS FOR YARD WASTE.**

## **Type of acceptable container**

Any trash container not more than 33 gallons, as shown in the picture.





## 2011 Holiday Trash Schedule

JANUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
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30	31					

FEBRUARY						
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27	28					

MARCH						
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APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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OFFICE CLOSED	PICK-UP DAY
New Years 2011 - Dec 31	Dec 30
MLK Jr. Day - Jan 17	Jan 18
President's Day- Feb 21	Feb 22
Good Friday - Apr 22	Apr 21
Memorial Day - May 30	May 31

OFFICE CLOSED	PICK-UP DAY
Independence Day - July 4	Jul 5
Labor Day - Sept 5	Sep 6
Veterans Day - Nov 11	Nov 10
Thanksgiving Day- Nov 24	Nov 23
Day After Thanksgiving-Nov 25	Nov 23

OFFICE CLOSED	PICK-UP DAY
Christmas Eve - Dec 23	Dec 22
Christmas Day - Dec 26	Dec 27
New Yrs Day 2012 - Jan 2	Jan 3

*If a **holiday** falls on your scheduled pick-up day of Monday or Tuesday, your trash will be picked up a day later, as shown above. If a **holiday** falls on your scheduled pick-up day of Thursday or Friday, your trash will be picked up the previous business day, as shown above..*



# 2011 Recycling Schedule

JANUARY						
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FEBRUARY						
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MARCH						
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APRIL						
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MAY						
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30	31					

JUNE						
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JULY						
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AUGUST						
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29	30	31				1

SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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19	20	21	22	23	24	25
26	27	28	29	30	31	

**\*\*PLEASE PLACE RECYCLABLES OUT BEFORE 7:00 AM ON YOUR SCHEDULED DAY\*\***

**If a holiday (see Holiday Trash Schedule) falls on your scheduled pick-up day, your recyclables will be picked up the day before the holiday.**

**FOR QUESTIONS, PLEASE CALL OUR OFFICE AT 422-6616**

## PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the  
Milford Planning Commission and Milford City Council:

### ORDINANCE 2010-21

Conditional Use/Silicato-Wood Partnership LLC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR DALE McCALISTER ON BEHALF OF SILICATO-WOOD PARTNERSHIP LLC TO ALLOW A BILLBOARD IN A C-3 DISTRICT AT 108 SILICATO PARKWAY, MILFORD, DELAWARE. TAX MAP MD-16-174.15-01-01-05; 3.42 +/- acres.

Whereas, the City of Milford has been requested by Dale McCalister on behalf of Silicato-Wood Partnership LLC to allow a conditional use for a billboard; and

Whereas, the Planning Commission reviewed the application at a public hearing on December 21, 2010 and has presented the item to be considered by the City Council; and

Whereas, the City Council held an advertised public hearing on January 24, 2011 to allow public comment on the application.

Now, Therefore, the City of Milford hereby ordains:

Section 1. Upon the adoption of this ordinance, Silicato-Wood Partnership LLC is hereby granted a conditional use permit to allow a billboard 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: 12-13-10

Planning Commission Review & Public Hearing: 12-21-11

City Council Review & Public Hearing 01-24-11

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

Ordinance 2010-10 is scheduled for adoption, with or without amendments, at the Council Meeting on January 24, 2011. Should you have questions, please contact the City of Milford Planning and Zoning Department at 302-424-3712 Extension 308.

December 9, 2010

*Gerald G. Friedel, P.E.  
Michael R. Wigley, AIA  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
Jo Anne Williams, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA*

City of Milford  
201 South Walnut Street  
P.O. Box 159  
Milford, DE 19963

Attn: Brad Dennehy,  
Public Works Director

RE: **North Front Street Sewer Replacement Project**  
Milford, Delaware  
DBF # 052A149

Dear Brad:

Please find enclosed three (3) copies of Change Order 5 for the project referenced above. This Change Order represents the costs for the JJID, Inc. labor associated with the restoration of the storm sewer on the east side of the Rehoboth Boulevard intersection. We have reviewed the supporting documentation and we are satisfied that the invoice submitted by JJID, Inc. represents the labor required to perform the work. We have included a narrative which describes the reason for the work and a drawing which shows the scope of work performed.

Should you have any questions or need additional information, please feel free to contact our office.

Sincerely,



Scott Adkisson  
Engineer

Enc.

cc: David Baird, City Manager (e-mail w/ enc.)  
Davison Mwale, DNREC (e-mail w/ enc.)

ORDER NO.	5
DATE	December 6, 2010
STATE	Delaware
COUNTY	Kent

**CONTRACT CHANGE ORDER**

CONTRACT FOR North Front Street Sewer Replacement Project  
 OWNER City of Milford, 201 S. Walnut Street, Milford, DE 19963

To JJID, Inc., 100 Julian Lane, Bear, DE 19701  
*(Contractor)*

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
Labor and equipment usage costs related to the replacement of approximately 160 feet of existing storm sewer and a catch basin. See the attached sketch and cost itemization.	\$ 0	\$ 3,706.12
TOTALS	\$ 0	\$ 3,706.12
NET CHANGE IN CONTRACT PRICE	\$ 0	\$ 3,706.12

**JUSTIFICATION:**

Please see the attachment for a narrative of the justification.

The amount of the Contract will be (~~Decreased~~) (Increased) By The Sum Of: Three thousand seven hundred six  
dollars and 12/100 ----- Dollars (\$ 3,706.12 ).

The Contract Total Including this and previous Change Orders Will Be: Eight hundred nine thousand nine hundred  
fifty five dollars and 53/100 ----- Dollars (\$ 809,955.53 ).

The Contract Period Provided for Completion Will Be (~~Increased~~) (~~Decreased~~) (Unchanged): \_\_\_\_\_ Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested \_\_\_\_\_  
 City of Milford *(Owner)* \_\_\_\_\_ *(Date)*

Recommended \_\_\_\_\_  
 Davis, Bowen & Friedel, Inc. *(Owner's Architect/Engineer)* \_\_\_\_\_ *(Date)*

Accepted \_\_\_\_\_  
 JJID, Inc. *(Contractor)* \_\_\_\_\_ *(Date)*

Approved by Agency \_\_\_\_\_  
 State of Delaware / DNREC *(Name and Title)* \_\_\_\_\_ *(Date)*

**Job Cost**  
**Detail Transaction Report**  
**Job #1289 - Milford Utility Sewer Improvements**  
**Item #X0011 - Replace Storm Sewer MH2-M**  
**From 10/01/2010 Thru 11/21/2010**

Key	
02	Labor
03	O/H & Burden
10	Equipment

Cost Type	Effective Date	EMP No	Reference Description	Quantity	U/M	Unit Cost	Transaction Amount
02	11/10/2010	054	Perez-Chajchalac, Eric	5.00	Hrs	18.50	92.50
02	11/10/2010	101	Stump Jr., Douglas	4.00	Hrs	17.00	68.00
02	11/10/2010	117	McNatt, Warren	5.00	Hrs	24.00	120.00
02	11/10/2010	132	Williams, Johnny	5.00	Hrs	35.50	177.50
02	11/10/2010	408	Perez, Edwin	5.00	Hrs	16.00	80.00
02	11/11/2010	026	Testerman, Norma	3.50	Hrs	18.38	64.33
02	11/11/2010	054	Perez-Chajchalac, Eric	5.00	Hrs	34.60	173.00
02	11/11/2010	117	McNatt, Warren	5.00	Hrs	31.11	155.55
02	11/11/2010	132	Williams, Johnny	4.00	Hrs	35.50	142.00
02	11/11/2010	408	Perez, Edwin	5.00	Hrs	34.60	173.00
02	11/12/2010	026	Testerman, Norma	1.00	Hrs	18.38	18.38
02	11/12/2010	054	Perez-Chajchalac, Eric	4.00	Hrs	34.60	138.40
02	11/12/2010	117	McNatt, Warren	4.00	Hrs	24.00	96.00
02	11/12/2010	132	Williams, Johnny	4.00	Hrs	35.50	142.00
02	11/12/2010	408	Perez, Edwin	4.00	Hrs	34.60	138.40
02	11/15/2010	054	Perez-Chajchalac, Eric	1.00	Hrs	34.60	34.60
02	11/15/2010	117	McNatt, Warren	1.00	Hrs	31.11	31.11
02	11/15/2010	132	Williams, Johnny	1.00	Hrs	35.50	35.50
02	11/15/2010	408	Perez, Edwin	1.00	Hrs	34.60	34.60
				<u>67.50</u>			<u>1,914.87</u>
03	11/10/2010	054	Perez-Chajchalac, Eric	5.00	Hrs	7.77	38.85
03	11/10/2010	101	Stump Jr., Douglas	4.00	Hrs	7.14	28.56
03	11/10/2010	117	McNatt, Warren	5.00	Hrs	10.08	50.40
03	11/10/2010	132	Williams, Johnny	5.00	Hrs	14.91	74.55
03	11/10/2010	408	Perez, Edwin	5.00	Hrs	6.72	33.60
03	11/11/2010	026	Testerman, Norma	3.50	Hrs	7.72	27.02
03	11/11/2010	054	Perez-Chajchalac, Eric	5.00	Hrs	14.53	72.66
03	11/11/2010	117	McNatt, Warren	5.00	Hrs	13.07	65.33
03	11/11/2010	132	Williams, Johnny	4.00	Hrs	14.91	59.64
03	11/11/2010	408	Perez, Edwin	5.00	Hrs	14.53	72.66
03	11/12/2010	026	Testerman, Norma	1.00	Hrs	7.72	7.72
03	11/12/2010	054	Perez-Chajchalac, Eric	4.00	Hrs	14.53	58.13
03	11/12/2010	117	McNatt, Warren	4.00	Hrs	10.08	40.32
03	11/12/2010	132	Williams, Johnny	4.00	Hrs	14.91	59.64
03	11/12/2010	408	Perez, Edwin	4.00	Hrs	14.53	58.13

Cost Type	Effective Date	EMP No	Reference Description	Quantity	U/M	Unit Cost	Transaction Amount
03	11/15/2010	054	Perez-Chajchalac, Eric	1.00	Hrs	14.53	14.53
03	11/15/2010	117	McNatt, Warren	1.00	Hrs	13.07	13.07
03	11/15/2010	132	Williams, Johnny	1.00	Hrs	14.91	14.91
03	11/15/2010	408	Perez, Edwin	1.00	Hrs	14.53	14.53
				<b>67.50</b>			<b>804.25</b>
10	11/10/2010	PTRK30	2004 CHEV Williams	5.00	Hrs	4.00	20.00
10	11/10/2010	EXCV08	1996 Cat 318M Exc	5.00	Hrs	40.00	200.00
10	11/10/2010	SMTL122	GL-2000 PIPE LASER	2.50	Hrs	2.00	5.00
10	11/10/2010	COMP20	IR 185 COMPRESSOR	1.00	Hrs	8.00	8.00
10	11/10/2010	DUMP14	2006 Mack Tri-Axle	4.00	Hrs	33.00	132.00
10	11/10/2010	TROL07	Wacker Trench Roller	1.00	Hrs	4.00	4.00
10	11/10/2010	BACK09	Cat 420IT Backhoe	1.00	Hrs	19.00	19.00
10	11/11/2010	PTRK30	2004 CHEV Williams	4.00	Hrs	4.00	16.00
10	11/11/2010	EXCV08	1996 Cat 318M Exc	5.00	Hrs	40.00	200.00
10	11/11/2010	SAWS102	STIHL TS420/14"	1.00	Hrs	3.00	3.00
10	11/11/2010	SMTL122	GL-2000 PIPE LASER	2.00	Hrs	2.00	4.00
10	11/11/2010	DUMP15	2007 MACK CV713 DUMP	3.50	Hrs	33.00	115.50
10	11/11/2010	BACK09	Cat 420IT Backhoe	1.00	Hrs	19.00	19.00
10	11/12/2010	PTRK30	2004 CHEV Williams	4.00	Hrs	4.00	16.00
10	11/12/2010	EXCV08	1996 Cat 318M Exc	4.00	Hrs	40.00	160.00
10	11/12/2010	BACK09	Cat 420IT Backhoe	0.50	Hrs	19.00	9.50
10	11/12/2010	DUMP15	2007 MACK CV713 DUMP	1.00	Hrs	33.00	33.00
10	11/15/2010	PTRK30	2004 CHEV Williams	1.00	Hrs	4.00	4.00
10	11/15/2010	BACK09	Cat 420IT Backhoe	1.00	Hrs	19.00	19.00
				<b>47.50</b>			<b>987.00</b>
<b>Total</b>							<b>3,706.12</b>

Gerald G. Friedel, P.E.  
Michael R. Wigley, AIA  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
Jo Anne Williams, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA

**FRONT STREET SEWER IMPROVEMENTS PROJECT  
CITY OF MILFORD, DE**

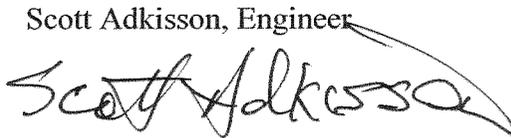
**CHANGE ORDER 5  
JUSTIFICATION NARRATIVE**

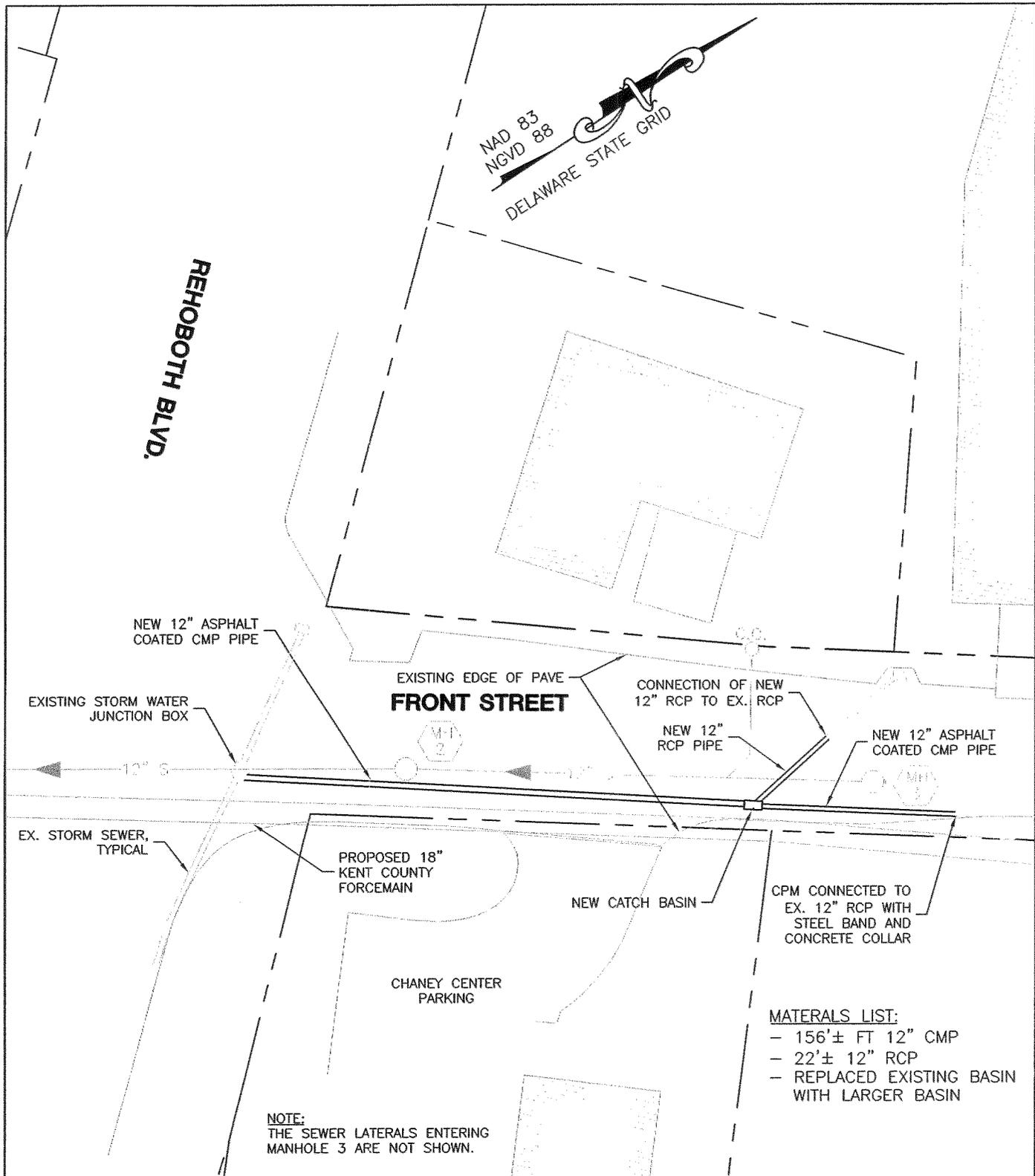
The jack and bore across Rehoboth Boulevard was extended 20 feet so that the existing storm sewer junction box would not be disturbed. This box represents the junction of two incoming storm sewer pipes and one outgoing pipe. Although the box was not disturbed, an existing 15 inch RCP storm sewer which connected to it from the east had to be removed as the sanitary sewer was installed. The pipe was in the way of proposed manhole 4 and the excavation for the new sanitary sewer pipe. The catch basin that this storm sewer connected to toward the east also had to be removed as a result of the excavation, as well as a portion of a 15 inch storm sewer which connected to diagonally from the northeast side of Front Street. When the catch basin was removed, the Contractor discovered that a 15 inch RCP storm sewer was terminated outside the catch basin. This pipe was (and is still) connected to an existing catch basin east of the terminated end. It was supposed to have been connected to the basin which was removed. As a result, a larger basin was used to replace the basin that was removed, so that it would accommodate all three storm sewer pipes. A drawing which shows the extent of the storm sewer restoration is attached.

If there are any questions, please feel free to call our office.

Prepared by: Scott Adkisson, Engineer

Signature:





**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND 410-543-9091  
MILFORD, DELAWARE 302-424-1441

**STORM SEWER RESTORATION  
FRONT STREET SEWER IMP.  
MILFORD, DELAWARE**

Date: 12-8-10 Scale: 1" = 30' Proj.No.: 052A149

ORDER NO.	5
DATE	December 6, 2010
STATE	Delaware
COUNTY	Kent

**CONTRACT CHANGE ORDER**

CONTRACT FOR North Front Street Sewer Replacement Project  
 OWNER City of Milford, 201 S. Walnut Street, Milford, DE 19963

To JJID, Inc., 100 Julian Lane, Bear, DE 19701  
*(Contractor)*

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
Labor and equipment usage costs related to the replacement of approximately 160 feet of existing storm sewer and a catch basin. See the attached sketch and cost itemization.	\$ 0	\$ 3,706.12
TOTALS	\$ 0	\$ 3,706.12
NET CHANGE IN CONTRACT PRICE	\$ 0	\$ 3,706.12

**JUSTIFICATION:**

Please see the attachment for a narrative of the justification.

The amount of the Contract will be (~~Decreased~~) (Increased) By The Sum Of: Three thousand seven hundred six  
dollars and 12/100 ----- Dollars (\$ 3,706.12 ).

The Contract Total Including this and previous Change Orders Will Be: Eight hundred nine thousand nine hundred  
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The Contract Period Provided for Completion Will Be (~~Increased~~) (~~Decreased~~) (Unchanged): \_\_\_\_\_ Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested \_\_\_\_\_ City of Milford \_\_\_\_\_  
*(Owner)* *(Date)*

Recommended \_\_\_\_\_ Davis, Bowen & Friedel, Inc. \_\_\_\_\_  
*(Owner's Architect/Engineer)* *(Date)*

Accepted \_\_\_\_\_ JJID, Inc. \_\_\_\_\_  
*(Contractor)* *(Date)*

Approved by Agency \_\_\_\_\_ State of Delaware / DNREC \_\_\_\_\_  
*(Name and Title)* *(Date)*

**Job Cost**  
**Detail Transaction Report**  
**Job #1289 - Milford Utility Sewer Improvements**  
**Item #X0011 - Replace Storm Sewer MH2-M**  
**From 10/01/2010 Thru 11/21/2010**

<b>Key</b>	
<b>02</b>	<b>Labor</b>
<b>03</b>	<b>O/H &amp; Burden</b>
<b>10</b>	<b>Equipment</b>

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03	11/11/2010	117	McNatt, Warren	5.00	Hrs	13.07	65.33
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03	11/12/2010	132	Williams, Johnny	4.00	Hrs	14.91	59.64
03	11/12/2010	408	Perez, Edwin	4.00	Hrs	14.53	58.13

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: October 2010

Cash Balance - General Fund Bank Balance	\$3,449,913
Cash Balance - Electric Fund Bank Balance	\$3,251,786
Cash Balance - Water Fund Bank Balance	\$747,815
Cash Balance - Sewer Fund Bank Balance	\$254,272
Cash Balance - Trash Fund Bank Balance	\$602,660

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Water Bond <u>Escrow</u>
Beginning Cash Balance	447,743	668,787	710,878	412,599
Deposits	42,374		18,101	
Interest Earned this Month	79	108	5,943	34
Disbursements this Month			(71,455)	
Investments			1,600,000	
Ending Cash Balance	\$490,196	\$668,895	\$2,263,467	\$412,633

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	712,034	1,290,068	546,968	2,684,992
Deposits				
Interest Earned this Month	5,446	6,101	3,343	11,135
Disbursements this Month		(12,469)	(2,245)	
Investments	1,000,000	2,960,000	2,245,000	7,486,000
Ending Cash Balance	\$1,717,480	\$4,243,700	\$2,793,066	\$10,182,127

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	41,343	\$27,469	\$5,901
Deposits			
Interest Earned this Month			
Disbursements this Month			
Investments	850,000	\$625,000	\$250,000
Ending Cash Balance	\$891,343	\$652,469	\$255,901

INTEREST THROUGH THE FOURTH MONTH OF THE FISCAL YEAR:

General Fund	929	Water Fund	483
GF Capital Reserves	10,529	Water Bond Escrow	133
General Improvement Fund	351	Water Capital Reserves	16,460
Municipal Street Aid	466	Water Impact Fees	0
Real Estate Transfer Tax	6,419	Sewer Fund	179
Electric Fund	1,884	Sewer Capital Reserves	13,735
Electric Reserves	27,737	Sewer Impact Fees	0
Electric Impact Fees	0	Trash Fund	434

TOTAL INTEREST EARNED TO DATE \$79,739

REVENUE REPORT

Page Two

Date: October 2010

33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Budgeted Fund Balance	195,749	0	0	0.00%
General Fund Capital Reserves	226,000	7,015	7,015	3.10%
Property Transfer Tax-Capital	152,100	29,788	122,436	80.50%
Property Transfer Tax-Police	500,000	41,667	166,667	33.33%
Real Estate Tax	2,962,377	495	2,953,601	99.70%
Business License	35,000	225	3,995	11.41%
Rental License	85,000	0	700	0.82%
Building Permits	30,000	2,905	30,355	101.18%
Planning & Zoning	40,000	2,450	3,850	9.63%
Misc. Revenues	346,775	23,171	75,229	21.69%
Transfers From	3,215,480	267,956	1,071,826	33.33%
Police Revenues	289,000	17,109	48,608	16.82%
Engineering & Inspection Fees	40,000	0	1,500	3.75%
<b>Total General Fund Revenues</b>	<b>\$8,117,481</b>	<b>\$392,781</b>	<b>\$4,485,782</b>	<b>55.26%</b>
Water Revenues	2,139,312	187,927	843,393	39.42%
Sewer Revenues	1,966,956	155,545	668,472	33.99%
Kent County Sewer	1,400,000	107,007	467,650	33.40%
Solid Waste Revenues	1,085,702	90,263	362,399	33.38%
Electric Revenues	26,925,565	1,985,080	10,506,501	39.02%
<b>TOTAL REVENUES</b>	<b>\$41,635,016</b>	<b>\$2,918,603</b>	<b>\$17,334,197</b>	<b>41.63%</b>
YTD Enterprise Expense	23,585			
YTD Enterprise Revenue	34,326			
LTD Carlisle Fire Building Permit Fee	25,597			

## EXPENDITURE REPORT

Page Three

Date: October 2010

33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	320,255	\$35,644	104,125	32.51%	216,130
O&M	129,730	\$13,676	28,791	22.19%	100,939
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$449,985</b>	<b>\$49,320</b>	<b>\$132,916</b>	<b>29.54%</b>	<b>317,069</b>
<b>Planning &amp; Zoning</b>					
Personnel	174,735	\$16,737	53,005	30.33%	121,730
O&M	51,176	\$3,262	9,421	18.41%	41,755
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$225,911</b>	<b>\$19,999</b>	<b>\$62,426</b>	<b>27.63%</b>	<b>163,485</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	127,975	\$14,093	40,034	31.28%	87,941
O&M	62,245	\$10,678	19,099	30.68%	43,146
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$190,220</b>	<b>\$24,771</b>	<b>\$59,133</b>	<b>31.09%</b>	<b>131,087</b>
<b>Tax Department</b>					
Personnel	73,405	\$8,223	\$22,952	31.27%	50,453
O&M	19,914	\$364	\$8,353	41.95%	11,561
Capital	0	\$0	\$0		0
<b>Total Tax Department</b>	<b>\$93,319</b>	<b>\$8,587</b>	<b>\$31,305</b>	<b>33.55%</b>	<b>62,014</b>
<b>Council</b>					
Personnel	31,225	\$2,786	8,438	27.02%	22,787
O&M	26,840	\$900	4,073	15.18%	22,767
Council Expense	12,000	\$3,345	11,418	95.15%	582
Contributions	436,734	\$172,172	305,172	69.88%	131,562
Codification	2,500	\$0	0	0.00%	2,500
Employee Recognition	8,000	\$0	0	0.00%	8,000
Insurance	16,920	\$0	3,597	21.26%	13,323
<b>Total Council</b>	<b>\$534,219</b>	<b>\$179,203</b>	<b>\$332,698</b>	<b>62.28%</b>	<b>201,521</b>
<b>Finance</b>					
Personnel	309,230	\$34,288	99,504	32.18%	209,726
O&M	60,900	\$3,376	13,202	21.68%	47,698
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$370,130</b>	<b>\$37,664</b>	<b>\$112,706</b>	<b>30.45%</b>	<b>257,424</b>
<b>Information Technology</b>					
Personnel	160,595	\$17,438	55,391	34.49%	105,204
O&M	171,000	\$14,917	29,241	17.10%	141,759
Capital	27,000	\$26,960	26,960	99.85%	40
<b>Total Information Technology</b>	<b>\$358,595</b>	<b>\$59,315</b>	<b>\$111,592</b>	<b>31.12%</b>	<b>247,003</b>

**EXPENDITURE REPORT**

Page Four

Date: October 2010

33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,457,955	\$374,713	1,078,811	31.20%	2,379,144
O&M	440,245	\$40,449	150,338	34.15%	289,907
Capital	162,500	\$2,828	95,476	58.75%	67,024
<b>Total Police</b>	<b>\$4,060,700</b>	<b>\$417,990</b>	<b>\$1,324,625</b>	<b>32.62%</b>	<b>2,736,075</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	399,605	\$41,455	122,959	30.77%	276,646
O&M	386,551	\$42,226	104,383	27.00%	282,168
Capital	91,000	\$0	0		91,000
Debt Service	46,445	\$0	0	0.00%	46,445
<b>Total Streets &amp; Grounds</b>	<b>\$923,601</b>	<b>\$83,681</b>	<b>\$227,342</b>	<b>24.61%</b>	<b>696,259</b>
<b>Parks &amp; Recreation</b>					
Personnel	468,165	\$48,440	163,687	34.96%	304,498
O&M	242,415	\$28,222	107,959	44.53%	134,456
Capital	54,615	\$0	7,015	12.84%	47,600
<b>Total Parks &amp; Recreation</b>	<b>\$765,195</b>	<b>\$76,662</b>	<b>\$278,641</b>	<b>36.41%</b>	<b>486,554</b>
<b>Engineering &amp; Inspections</b>					
Personnel	162,225	\$18,196	51,303	31.62%	110,922
O&M	70,981	\$4,234	17,436	24.56%	53,545
Capital	0	\$0	0		0
<b>Total Engineering &amp; Inspections</b>	<b>\$233,206</b>	<b>\$22,430</b>	<b>\$68,739</b>	<b>29.48%</b>	<b>164,467</b>
<b>Less Interdepartmental Revenue</b>	<b>(\$87,600)</b>	<b>(\$7,300)</b>	<b>(29,200)</b>	<b>33.33%</b>	<b>(58,400)</b>
<b>Net Engineering &amp; Inspections</b>	<b>\$145,606</b>	<b>\$15,130</b>	<b>\$39,539</b>	<b>27.15%</b>	<b>106,067</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,117,481</b>	<b>\$972,322</b>	<b>\$2,712,923</b>	<b>33.42%</b>	<b>5,404,558</b>

EXPENDITURE REPORT

Page Five

Date: October 2010

33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	207,695	\$22,506	65,682	31.62%	142,013
O&M	1,201,567	\$81,253	343,509	28.59%	858,058
Capital	0	\$0	0	0.00%	0
Debt Service	730,050	\$0	0	0.00%	730,050
<b>Total Water</b>	<b>\$2,139,312</b>	<b>\$103,759</b>	<b>\$409,191</b>	<b>19.13%</b>	<b>1,730,121</b>
<b>Sewer Division</b>					
Personnel	207,695	\$22,486	65,656	31.61%	142,039
O&M	1,103,611	\$104,354	307,100	27.83%	796,511
Capital	0	\$0	0	0.00%	0
Debt Service	655,650	\$0	0	0.00%	655,650
<b>Sewer Sub Total</b>	<b>\$1,966,956</b>	<b>\$126,840</b>	<b>\$372,756</b>	<b>18.95%</b>	<b>1,594,200</b>
Kent County Sewer	1,400,000	\$222,511	467,650	33.40%	932,350
<b>Total Sewer</b>	<b>\$3,366,956</b>	<b>\$349,351</b>	<b>\$840,406</b>	<b>24.96%</b>	<b>2,526,550</b>
<b>Solid Waste Division</b>					
Personnel	338,080	\$30,262	89,419	26.45%	248,661
O&M	679,622	\$57,506	232,217	34.17%	447,405
Capital	68,000	\$0	0	0.00%	68,000
<b>Total Solid Waste</b>	<b>\$1,085,702</b>	<b>\$87,768</b>	<b>\$321,636</b>	<b>29.62%</b>	<b>764,066</b>
<b>Total Water, Sewer Solid Waste</b>	<b>\$6,591,970</b>	<b>\$540,878</b>	<b>\$1,571,233</b>	<b>23.84%</b>	<b>5,020,737</b>
<b>Electric Division</b>					
Personnel	1,049,515	\$105,077	300,657	28.65%	748,858
O&M	2,013,055	\$121,381	533,820	26.52%	1,479,235
Transfer to General Fund	2,500,000	\$208,333	833,333	33.33%	1,666,667
Capital	195,000	\$3,360	3,360	1.72%	191,640
Debt Service	667,995	\$0	63,998	9.58%	603,997
<b>Electric Sub Total</b>	<b>\$6,425,565</b>	<b>\$438,151</b>	<b>\$1,735,168</b>	<b>27.00%</b>	<b>4,690,397</b>
Power Purchased	20,500,000	\$1,487,318	7,371,240	35.96%	13,128,760
<b>Total Electric</b>	<b>\$26,925,565</b>	<b>\$1,925,469</b>	<b>\$9,106,408</b>	<b>33.82%</b>	<b>17,819,157</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$41,635,016</b>	<b>\$3,438,689</b>	<b>\$13,390,564</b>	<b>32.16%</b>	<b>28,244,452</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: October 2010

ACCOUNT	AMOUNT BUDGETED	MTD	33% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
<b>Garage</b>					
Personnel	129,330	7,089	20,882	16.15%	108,448
O&M	76,450	5,643	21,766	28.47%	54,684
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$205,780</b>	<b>12,732</b>	<b>\$42,648</b>	<b>20.73%</b>	<b>163,132</b>
<b>Public Works</b>					
Personnel	162,980	17,836	51,738	31.74%	111,242
O&M	162,602	8,791	39,272	24.15%	123,330
Capital	20,000	0	0		20,000
<b>Total Public Works Expense</b>	<b>\$345,582</b>	<b>26,627</b>	<b>\$91,010</b>	<b>26.34%</b>	<b>254,572</b>
<b>Meter Department-Water</b>					
Personnel	118,479	13,037	38,275	32.31%	80,204
O&M	108,372	4,193	13,824	12.76%	94,548
Capital	100,000	0	0	0.00%	100,000
<b>Total Water Meter Expense</b>	<b>\$326,851</b>	<b>17,230</b>	<b>\$52,099</b>	<b>15.94%</b>	<b>274,752</b>
<b>Meter Department-Electric</b>					
Personnel	225,995	24,488	70,825	31.34%	155,170
O&M	163,667	4,475	24,862	15.19%	138,805
Capital	0	0	0		0
<b>Total Electric Meter Expense</b>	<b>\$389,662</b>	<b>28,963</b>	<b>\$95,687</b>	<b>24.56%</b>	<b>293,975</b>
<b>Billing &amp; Collections</b>					
Personnel	434,621	47,570	135,537	31.19%	299,084
O&M	169,051	9,459	58,651	34.69%	110,400
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$603,672</b>	<b>57,029</b>	<b>\$194,188</b>	<b>32.17%</b>	<b>409,484</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	54,200	6,311	18,357	33.87%	35,843
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$54,200</b>	<b>6,311</b>	<b>\$18,357</b>	<b>33.87%</b>	<b>35,843</b>

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*November 8, 2010*

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, November 8, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

#### CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:01 p.m.

#### INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

#### APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the October 4, 11, 20 and 25, 2010 council and committee meetings as presented by the city clerk. Motion carried.

#### RECOGNITION

##### *Downtown Milford, Incorporated*

President Irv Ambrose of 210 S.E. Front Street announced that on November 4, 2010 at DMI's Annual Meeting, he was elected President of the Board of Directors. Former Mayor Dan Marabello was elected treasurer and former City Manager Richard Carmean and Parks and Recreation Director Gary Emory became board members.

He then thanked the city, city manager and city employees for assistance with their projects. He acknowledged the help provided by city council and expressed his appreciation to Mayor and Mrs. Rogers for taking time from their schedule to attend every DMI event.

Mr. Ambrose announced three new businesses have located here while several others have expressed an interest. He looks forward to continuing to work with the Economic Development Committee headed by Councilman Grier.

He advised that Director Alan Levin, Delaware Economic Development Office reported that at a recent opening in Wilmington, Governor Markell commented that anyone who wants to see what a small downtown should be like needs to go to Milford.

He concluded by stating that Downtown Milford plans to move forward and make things even better than they are now.

#### POLICE REPORT

Mr. Morrow moved to accept Chief Hudson's report, seconded by Mr. Pikus. Motion carried.

#### CITY MANAGER REPORT

City Manager Baird read the following report into record:

• **Solid Waste & Recycling**

On August 1, the City Solid Waste Department began the collection of curbside recycling. During the month of September, the Solid Waste Department collected 392.41 tons (357.95 tons of Solid Waste; 34.46 tons of Recycling)

	Recycling Tons	Recycling Rates
October 2009	42.78	10.26%
October 2010	34.46	8.78%

Earlier this year, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.

Year	Recycling	Solid Waste	Total	Diversion Rate
2009	442.44	4684.38	5126.82	8.63%
2010 To Date	373.95	3918.04	4291.99	8.71%

• **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June, the City has waived \$105,500 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$6,127,802 (based on building permit values) during the months of June, July, August, September and October. Currently, there is a slight slowdown though a lot of people are contacting our planning office about upcoming projects.

• **N. Front St. Sewer Project**

Progress continues to be made on the N. Front Street Sewer Contract by JJID, Inc. They are meeting the revised schedule that was developed when they resumed work in late September and the project should be completed over the next month.

• **S.E. Master Plan**

Representatives from the Office of State Planning and other State Agencies will be attending the Nov. 22 Workshop to present the S.E. Master Plan to City Council. You will recall this project was a condition imposed by the State when the City annexed property east of Rt. 1. We have also requested DelDOT representatives be in attendance to provide an overview of the Wilkins Rd./Rt. 30 Overpass and the role it plays in the S.E. Master Plan and the future growth of the City.

• **Economic Development Strategy**

John Rhodes of MSB Consultants spoke with approximately 50 business owners and members of the community during his visit to Milford on Oct. 28 and 29. Mr. Rhodes will be delivering his preliminary report to the steering committee on Friday, November 19.

The steering committee along with the Economic Development Committee will review and evaluate the recommendations and action items in the proposed strategy and make a final recommendation to City Council. It is anticipated these recommendations could come to City Council as early as December or January.

• **Street Improvements**

Paving work has been completed on Mastens Circle, Evans Street and Foster Street, leaving N. Church Street and NE 10th Street to be completed. Concrete work has been completed on Mastens Circle and Foster Street with work continuing on NE 10th Street and N. Church Street.

• **Electric Utility Rate Comparison**

The following Residential Utility Rate Comparison was provided from DEMEC for November 2010 for 1,000 kilowatts:

		% Difference	% Difference
De Co-op	\$112.91	0%	-25%
Milford	\$143.53	27%	-5%
New Castle	\$144.63	28%	-4%
Dover	\$147.38	31%	-3%
Delmarva Power	\$151.27	34%	0%
Lewes	\$152.36	35%	1%
Smyrna	\$152.48	35%	1%
Seaford	\$156.05	38%	3%
Middletown	\$158.70	41%	5%
Clayton	\$162.70	44%	8%
Newark	\$163.71	45%	8%

### *Comcast*

Mr. Pikus asked if Tom Worley had gotten back to Mr. Baird with the various issues discussed at the workshop. The city manager said he has not received specific answers to some issues though he discussed setting up a community meeting for some of the Fourth Ward residents. However, the date and time has not yet been determined. He suggests that those residents with issues attend this meeting to speak with Comcast representatives.

### *Water Tower Maintenance*

When asked the status of the water tower cleaning project, Mr. Baird explained we were trying to hold off to prevent having it cleaned twice knowing it would have to be done again before it was painted. However, based on the water flows we are experiencing, the tanks will have to be emptied because both the interior and exterior need to be painted. He advised that will be on hold until a new tank is constructed. In the meantime, we are exploring a contract to have them cleaned because we are unable to wait any longer. They would then be painted in a year to two years once the new tower is constructed.

Mr. Brooks said he has been to a number of other towns recently and has not seen any water towers that compare to the poor condition of Milford's as far as appearance.

### *Riverfront Shopping Center Improvements*

The city manager advised that two years ago, Downtown Milford Incorporated talked to the property owner about making improvements to his parking lot. Slowly, the owner embraced the concept and is now in the process of installing curbed islands with landscaping to clean up the property and improve the overall appearance in the downtown area.

The State of Delaware has also leased a few offices at the far end of the shopping center next to Abbots Grill.

## COMMITTEE REPORTS

### *Community Affairs*

Mr. Johnson advised the Downtown Holiday Stroll will occur on Friday night, December 3<sup>rd</sup>. City Hall will be open along with many other stores and businesses.

### *Finance Committee*

Mr. Pikus advised the finance committee met October 20, 2010 and discussed a number of issues including downtown improvements. He reported that a lot of things are being considered and all involve considerable financing. Once the figures are obtained, he will bring those matters before council. In the meantime, we are planning to go to the bond market in January 2011.

*Economic Development Committee*

Mr. Grier noted that the Steering Committee's experience with MSB Consultant John Rhodes has been very rewarding. A lot of good ideas and information were provided during the two-hour meeting on October 4<sup>th</sup>. Mr. Rhodes has also met with several other businesses and Downtown Milford. He will return November 19<sup>th</sup> for a second meeting.

When questioned, Mr. Baird confirmed there were minutes taken at the meeting which will be part of his final report. In the meantime, he will obtain a copy of those minutes for city council.

*Homeless Problem*

Ms. Wilson said that with all the discussions and attention on our downtown and the beautification projects, we still have other problems in our downtown area that should be addressed. She is talking specifically about the homeless problem in Milford. She feels that with the work being done downtown, it may be necessary to partner with some of the other agencies working on this. She reported there are several homeless people living in our downtown area, some in abandoned homes and some who are sleeping on our benches. She is aware the Milford Ministerial Group has formed a committee to work on this in conjunction with the police department. She suggested that a subcommittee be formed to explore some possible resources in order to provide some shelters, particularly during the winter months.

Mayor Rogers agreed noting he has spoken with several pastors, many of whom are actively working on this. Chief Hudson attended the previous meeting noting that most of the Milford churches had representatives attend; a lot of information was provided in hopes of attracting more interest about the possibility of a cold weather shelter.

## COMMUNICATIONS.

Mayor Rogers announced the annual Auction and Tastes of Milford sponsored by the Chamber of Commerce is November 18<sup>th</sup>. The Holiday Stroll is December 3<sup>rd</sup> with the annual city holiday party following on December 10<sup>th</sup>.

Mr. Pikus announced that Lisa and Walter Johnson are hosting a fundraiser on behalf of the Friends of Milford Police Department on December 4<sup>th</sup> from 4 to 8 p.m. at their home on Sunset Cove (3 Haven Lake Avenue). The wine and cheese tasting will benefit the Milford Police Department Christmas Toy and Fund Drive. Tickets are available through Downtown Milford, Incorporated.

## UNFINISHED BUSINESS

*Adoption of Ordinance 2010-17/Sewer Impact Fees/Waiver Extended*  
*Adoption of Ordinance 2010-18/Water Impact Fees/Waiver Extended*  
*Adoption of Ordinance 2010-19/Electric Impact Fees/Waiver Extended*

Mr. Adkins moved to adopt Ordinance 2010-17, 2010-18 and 2010-19 which extend the deadline for the sewer, water and electric impact fee waiver, seconded by Mr. Pikus:

*ORDINANCE 2010-17*

*WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and*

*WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 led to more projects being launched; and*

*WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and*

*WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of sewer impact fees.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:*

*§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and JUNE 30, 2011. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.*

*Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of June 30, 2011:*

*§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:*

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

*§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.*

*Section 3. Dates*

*Introduction to City Council—October 25, 2010*

*Projected Adoption by City Council—November 8, 2010*

*Projected Effective Date—January 1, 2011 - June 30, 2011*

*ORDINANCE 2010-18*

*WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and*

*WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 led to more projects being launched; and*

*WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and*

*WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:*

*§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and JUNE 30, 2011. The waiver shall be for a maximum of 5 EDUs per project.*

*Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2011:*

*§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:*

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

*§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.*

*Section 3. Dates*

*Introduction to City Council—October 25, 2010*

*Projected Adoption by City Council—November 8, 2010*

*Projected Effective Date—January 1, 2011 - June 30, 2011*

*ORDINANCE 2010-19*

*WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and*

*WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 led to more projects being launched; and*

*WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and*

*WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:*

*The electric impact fee established under this Chapter shall be waived for all permits issued between January 1, 2011 and JUNE 30, 2011.*

*Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of June 30, 2011:*

*To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:*

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

*Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.*

*Section 3. Dates*

*Introduction to City Council—October 25, 2010*

*Projected Adoption by City Council—November 8, 2010*

*Projected Effective Date—November 18, 2010 - June 30, 2011*

Motion carried by unanimous roll call vote.

*Annexation:*

*Tax Parcel 5-00-173.00-01-62.00-00001-64.362 Acres Parcel of land, Land of Walter N. Thomas, II*

*Tax Parcel 5-00-173.00-01-62.02-00001-7.556 Acre Parcel of Land, Land of Walter N. Thomas, II*

*Adoption of Ordinance 2010-13/Adoption of Resolution 2010-15*

Mr. Brooks stated that if this property is annexed, what will be the status of the property tax. He recalled a lengthy discussion at a previous council meeting when the tax status of several properties were addressed because no action was taken at the time of their annexations.

The city manager answered that any property currently in farmland preservation can continue. Mr. Brooks remembered that council agreed the tax status of any property would be addressed at the time any future annexations were approved.

The city clerk advised the resolution now clarifies that as of the date of the resolution, the property would be assessed and taxed at the same rate as other properties in the city. In addition, the resolution would spell out the ward assignment.

City Solicitor Tim Willard then announced that in the case of the Thomas annexation, the public hearing was previously closed. The petition is before council tonight for action to be taken on the zoning and annexation. He noted the Delaware statute and Milford code both address the opposition of more than 20% of adjacent property owners.

He referenced a petition that was submitted with more than 20% property owners and recalled a question about whether that statute applies if the property owners do not live in the city. Mr. Willard stated his conclusion is it does apply noting his e-mail that provides his opinion which was included in the council packet.

Mr. Willard also referenced the Brohaun vs. the Town of Laurel case decided by Chancellor Chandler. It states that while abutting land owners in unincorporated Sussex County lacked standing to challenge the annexation of 500 acres, they possessed standing to challenge the zoning designation approved in conjunction if more than 20% petition or object. He explained that in this case, because of the petition, a favorable vote of six council members is required.

He explained that the ordinance before city council is currently drafted for an R-3 zone, which was the initial request of the petitioner. Council will need to decide the zone and amend the ordinance accordingly. He said the zoning will need to be done first and will be conditioned upon the annexation. If the annexation is not in the city, council does not have the power to zone the property.

Mr. Pikus moved to zone the proposed annexed property with an R-1 zone, seconded by Mr. Brooks. Motion failed by the following 2-6 vote:

Yes-Pikus, Brooks

No-Johnson, Grier, Adkins, Morrow, Starling, Wilson

Mr. Johnson votes no stating he believes that in order for the development to take place, there must be some flexibility of what can go in there. Single family homes are very nice, but not affordable for most people.

Mr. Grier stated he votes no for the same reasons Mr. Johnson stated, in addition to supporting the planning commission's recommendation of R-8, but mainly for the purpose of providing more affordable housing. He agrees that single family homes are great but a little flexibility is needed which will help in the future success of the development as well.

Mr. Pikus votes yes stating he is concerned with the roads, the access to the development and the fact there are 6,000 units in Milford zoned R-3 which is high density. His main objection is the accessibility issues though the planning commission may have had the opportunity to see what could go out there. City Council has no idea of what will go there or what the project will look like, which he also would have preferred to see. He is also taking into consideration the people who live adjacent to the development who do not know what will go there and considers it to be an open door. For those reasons, he is voting yes to the R-1.

Mr. Adkins said he is strictly reserving his thoughts to the R-1 and is voting no. As far as the developer has said, this is the same as no vote at all.

Mr. Brooks votes yes mainly because of the Lacrosse Development, the (Amberwood) Development next to Baltimore Air Coil and two to three other developments that are high density. He recalled that when the Lacrosse Development was being considered, he asked where the additional traffic will go and no one has yet given him any answers. He said on some Sundays, it takes forty-five minutes to get from Kings Highway to Tenth Street. He is unsure where traffic heading east will be able to go noting the roads are full now.

Mr. Morrow votes no for the same reasons Mr. Johnson stated in addition to supporting the work and recommendation of the planning commission in addition to this zoning complying with the city's comprehensive plan.

Mr. Starling votes no because of the planning commission's recommendation for an R-8 zone which he feels city council should support.

Ms. Wilson votes no based on all the reasons that have been stated.

Ms. Wilson then moved to zone the Thomas property with an R-8 zone, as was recommended by the planning commission, seconded by Mr. Starling as stated in the following ordinance:

*Ordinance 2013-13*

*Tax Parcel 5-00-173.00-01-62.00-00001*

*64.362 Acres Parcel of Land*

*Current Zone AC/Proposed Zone R-8*

*State Route 14, North of Delaware County Road 447, Kent County, Delaware*

*Tax Parcel 5-00-173.00-01-62.02-00001*

*7.556 Acre Parcel of Land*

*Current Zone AC/Proposed Zone R-8*

*State Route 14, North of Delaware County Road 447, Kent County, Delaware*

*An Ordinance to Amend the Zoning designation of the parcel of land under the legal ownership of Walter N. Thomas II, Tax Parcels 5-00-173.00-01-62.00-00001 and 5-00-173.00-01-62.02-00001, situated south of State Route 14 and north of County Road 447, Kent County, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.*

*WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owner, thereof, has petitioned City Council to annex the same into the City of Milford, and*

*WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and that a zoning classification is required, and*  
*WHEREAS, the land owned by Walter N. Thomas II is presently zoned by Kent County as "AC" (Agricultural Conservation), and*

*WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and*

*WHEREAS, after a Public Hearing held on September 27, 2010 and after considering the recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*That the following described land situated in Kent County, Delaware:*

*Tax Parcel 5-00-173.00-01-62.00-00001*

*64.362 Acres Parcel of Land*

*State Route 14, North of Delaware County Road 447, Kent County, Delaware*

*BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),*

- 1. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled " Minor Subdivision Survey, prepared for Walter N. Thomas, II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz*
- 2. South 34° 44' 24" West 216.04 feet:*
- 3. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,*
- 4. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,*
- 5. South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,*
- 6. South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and*
- 7. North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,*
- 8. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:*
- 9. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,*
- 10. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,*
- 11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,*
- 12. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:*
- 13. South 32° 56' 39" West 9.00 feet,*

14. *South 36° 27' 16" West 51.77 feet,*
15. *South 38° 29' 07" West 65.98 feet,*
16. *South 36° 37' 41" West 48.90 feet,*
17. *South 34° 05' 59" West 61.05 feet,*
18. *South 27° 13' 27" West 37.39 feet,*
19. *South 21° 42' 17" East 77.94 feet,*
20. *South 30° 53' 41" West 71.70 feet,*
21. *South 47° 36' 00" West 43.38 feet,*
22. *South 49° 53' 24" West 69.97 feet,*
23. *South 47° 55' 06" West 69.19 feet,*
24. *South 74° 09' 47" West 37.17 feet,*
25. *South 47° 00' 07" West 94.01 feet,*
26. *South 33° 44' 05" West 66.74 feet,*
27. *South 30° 33' 37" West 62.79 feet,*
28. *South 31° 20' 18" West 58.11 feet,*
29. *South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:*
30. *North 38° 12' 32" West 95.21 feet,*
31. *North 30° 51' 16" West 72.69 feet, and*
32. *South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,*
33. *South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,*
34. *North 14° 56' 54" East 2255.01 feet to a ¾ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21,*

1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L, Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,

35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,

36. North 27° 07' 42" East 422.47 feet, to the place of beginning,

CONTAINING 64.362 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as Tax Map Parcel 500-17300-01-6200-00001.

Tax Parcel 5-00-173.00-01-62.02-00001

7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

State Route 14, North of Delaware County Road 447, Kent County, Delaware

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence binding on the outline of Lot 1, as now surveyed with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning,

CONTAINING 7.556 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as Tax Map Parcel 5-00-17300-01-6202-000001,

upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as R-8 (Garden Apartment and Townhouse District).

Dates:

Adoption Date: November 8, 2010

Effective Date: November 18, 2010

Motion carried by the following 6-2 roll call vote:

Yes-Johnson, Grier, Adkins, Morrow, Starling, Wilson

No-Pikus, Brooks

Mr. Pikus stated that with his convictions, he votes no.

Mr. Adkins stated that he appreciates the comments and calls he has received. He said he sympathizes with the neighbors and would probably be here as well. But if he looks as this in his position as a city councilman on behalf of the city as a whole, he looks at the fact we have a developer and owner that are prepared to develop and there is a good chance they may go through the county. Though he is not basing his decision on that, it is a fact that must be considered. He said the one thing he thought about are the options in the planning process as they move forward. He wants to see a traffic study and not based on how it is now, but based on the approved developments. He said if the Fry property expires, this will have precedent over them as far as the traffic study is concerned. There are other issues such as buffers that can be added. He believes that during the preliminary approval, the planning commission can look at a lot of these concerns. With those thoughts in mind, he votes yes.

Mr. Morrow votes yes for R-8 stating he believes it was a good compromise between the developer and the property owners while taking the comprehensive plan into consideration as he stated before.

Ms. Wilson votes yes based on the planning commission's recommendation as well as the good faith she feels was shown by the developer when he asked for an R-3, though he was willing to change their plan and agree to a lower density zone.

Ms. Wilson then moved to adopt Resolution 2010-15 as amended with the R-8 zone, seconded by Mr. Starling:

*Annexation/Lands of Walter N. Thomas II*  
*Tax Parcel MD-00-173.00-01-62.00-000; Tax Parcel MD-00-173.00-01-62.02-000*  
*71.92 +/- Acres Current Zone AC/Proposed Zone R-8*

*Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as described herein:*

*Tax Parcel 5-00-173.00-01-62.00-00001*

*64.362 Acres Parcel of land, Land of Walter N. Thomas, II*

*State Route 14, North of Delaware County Road 447, Kent County, Delaware.*

*BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),*

*2. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled "Minor Subdivision Survey, prepared for Walter N. Thomas II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz*

*4. South 34° 44' 24" West 216.04 feet:*

*6. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,*

*8. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,*

10. *South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,*
12. *South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and*
14. *North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,*
16. *North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:*
18. *South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,*
20. *North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,*
22. *By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day , dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,*
24. *South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:*
26. *South 32° 56' 39" West 9.00 feet,*
28. *South 36° 27' 16" West 51.77 feet,*
30. *South 38° 29' 07" West 65.98 feet,*
32. *South 36° 37' 41" West 48.90 feet,*
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36. *South 27° 13' 27" West 37.39 feet,*
38. *South 21° 42' 17" East 77.94 feet,*
40. *South 30° 53' 41" West 71.70 feet,*
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44. *South 49° 53' 24" West 69.97 feet,*
46. *South 47° 55' 06" West 69.19 feet,*
48. *South 74° 09' 47" West 37.17 feet,*
50. *South 47° 00' 07" West 94.01 feet,*

52. South 33° 44' 05" West 66.74 feet,

54. South 30° 33' 37" West 62.79 feet,

56. South 31° 20' 18" West 58.11 feet,

58. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:

60. North 38° 12' 32" West 95.21 feet,

62. North 30° 51' 16" West 72.69 feet, and

64. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,

66. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,

68. North 14° 56' 54" East 2255.01 feet to a ¾ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginina Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L. Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,

70. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,

72. North 27° 07' 42" East 422.47 feet, to the place of beginning.

CONTAINING 64.362 acres of land, more or less,

BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as Tax Map Parcel 500-17300-01-6200-00001.

Tax Parcel 5-00-173.00-01-62.02-00001

7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

State Route 14, North of Delaware County Road 447, Kent County, Delaware:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,

2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning.

*CONTAINING 7.556 acres of land, more or less,*

*BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated September 27, 2010 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as Tax Map Parcel 5-00-17300-01-6202-000001,*

*and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on September 27, 2010, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:*

***Now, Therefore, Be It Resolved,***

*That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Kent County, Delaware where said lands are situate.*

*The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.*

*That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.*

*The annexation area is contiguous to Ward 4 and City Council intends that these parcels become part of and be included within the Ward 4 area upon annexation.*

***NOW I, Joseph Ronnie Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on November 8, 2010, at which a quorum was present and voting throughout and that the same is still in full force and effect.***

Motion carried by unanimous roll call vote.

Mr. Pikus stated that although he disagrees with the R-8 zone though that is the decision of city council, he prefers to see the land annexed into the city and believes that is important. Therefore, he votes to annex the property though he disagrees with the R-8 zone.

Mr. Brooks agrees with Mr. Pikus' statement and will vote in favor of the annexation though he feels this will be too much density for that area.

Mayor Rogers explained that the property will be annexed in with an R-8 zone, but emphasized there will be additional opportunities for the public to provide input during the preliminary and final subdivision hearings. Mr. Baird confirmed that prior to any development taking place on the property, regardless of whether the developer chooses to subdivision or develop a site plan, it will go through the planning commission and/or city council depending on the path they take. At that time, if it goes to the planning commission for a subdivision, there are associated public hearings. It will then go to city council where public comment will be accepted. If it is submitted as a site plan, it will go before the planning commission at which time they will hold public hearings on the site plan. All hearings will be advertised prior to any decisions being made.

## NEW BUSINESS

### *North Front Street Sewer Contract--Change Orders*

Mr. Baird referenced the two change orders on the North Front Street Sewer Project. Change Order No. 3 adds 45 days to the contract period which allows it to run to the end of November which is on schedule. He said some provisions were added that if it goes beyond the 45 to 60 day period, there would be some damages due back from the contractor. He noted there is no monetary value associated with this change order.

He explained that Change Order No. 4 is a modification that is recommended by both the contractor, the city and the engineers on the project. This is due to a bore that was extended by 120 feet. The original cost of the bore was \$1,200 a foot. Through negotiations, that cost was reduced to \$500 per foot. He said this covers the cost of the additional feet needed. Adding this into the contract allowed us to avoid potential conflicts with the storm sewer that is in that area and allowed us to reduce the amount of open cutting and surface repairs needed.

He recommends both Change Order No. 3 and No. 4 be approved.

Mr. Brooks asked why another 20 feet was needed; Mr. Baird explained the initial bore was 100 feet with an open cut beyond that with a connection. Instead of stopping at 100 feet, another 20 feet was added because of the location of the storm drains, as well as a large junction box, which made it difficult to dig. The best way to proceed was to extend the bore.

Mr. Brooks asked if that will be 20 feet less on the next contract; Mr. Baird stated no. We bored an additional 20 feet instead of open cutting the 20 feet. The original contract required an open cut.

Mr. Brooks recalled his last motion was to continue with the work though his impression was they would be work round-the-clock. He pointed out they are not working 24 hours and asked if we are saving money on that part of the contract. Mr. Baird said there is a savings though they are beginning all day and late evening work now. He said there will be some additional work in the evenings and we were able to reduce the time frame they were going to work round- the-clock.

Mr. Brooks stated that from the time of the meeting that he and Mr. Pikus attended, the plan was to work 24 hours and because of that, there should be a lot less expenses. Mr. Baird said there will be a lot less money paid on the inspection and contract administration side which are all city incurred costs.

Mr. Brooks then moved to approve Change Order No. 3 and Change Order No. 4, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Pikus added that he spoke with the adjacent property owners who had asked when they stopped working at night. He agrees with Mr. Brooks we were given the impression they would work 24 hours until the project was completed. In turn, he and Mr. Brooks provided that information to the public. He asked when they stopped working throughout the night; Mr. Baird said two to three weeks ago. He explained they were working two to three shifts a day at the time they did the open cut in front of Blue Hen Spring Works because they were trying to move as quickly as possible. After that they

needed to make a bore beneath Rehoboth Boulevard. There was time involved with the delivery of the boring machine and the receiving end, working out some of the storm drain issues and working out access issues with the Chaney Center property on the east side of the road. He said they started working days again as they made those arrangements. They are working two shifts again as they put that bore through, one during the day and another at night though they generally wrap up between 11 p.m. and 2 a.m. After a couple of days, they will only work day work again.

Mr. Pikus confirmed that the water coming out is groundwater; Mr. Baird stated that is correct noting it pumps 24 hours a day and goes into the Mispillion River.

*Award of Bid/45' Aerial w/Cab Chassis/Electric Department*

Sealed bids for the latest model year 45' Aerial with International Cab-Chassis were received on Wednesday, October 20, 2010, at which time they were publicly opened and read aloud.

The following bids were received:

<b>BIDDER</b>	<b>Versalift East</b>	<b>Dueco</b>	<b>Terex Utilities</b>
<b>Make, Model, Year</b>	2011 International 4300 w/Versalift VN43I	2011 Terex Utilities Hi-Ranger FC-40 w/International 4300	2011 Terex Utilities 5FC-40
<b>45' Aerial -International Cab-Chassis</b>	140,847	142,864	133,432
<b>*Option 1 4x4</b>	22,671	22,424	22,566
<b>TOTAL</b>	<b>\$163,518</b>	<b>\$165,288</b>	<b>\$155,998</b>

The city manager advised \$160,000 was budgeted for the project as part of the capital project. It is recommended the bid be awarded to the low bidder.

Mr. Pikus moved to award the bid to Terex Utilities in the amount of \$155,998, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

**FINANCE REPORT**

Chairman Pikus reported that through the third month of Fiscal Year 2010-2011 with 25% of the fiscal year having passed, 34.62% of revenues have been received and 23.90% of the operating budget expended. Mr. Pikus said that must attributed to good fiscal management.

He noted the city's building permits are higher than anticipated which is the result of the waiver of some construction costs that were waived as Mr. Baird implied. Some contractors have forecasted more building permits coming into the city in the near future.

He concluded his report by stating our budget is in good shape overall.

Mr. Pikus moved to accept the September Finance Report, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

**ADJOURN**

With no further business, Mr. Adkins moved to adjourn the meeting, seconded by Mr. Morrow. Motion carried.

Meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 22, 2010*

Milford City Council held Public Hearings on Monday, November 22, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on the following matters:

The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware and Delaware State Housing Authority (DSHA) for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. This federally funded program provides grants amounting to \$2,000,000 to support community development activities in eligible local governments in Kent & Sussex Counties. A status report for Milford's FY10 projects is also planned.

PRESIDING: Honorable Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearing to order at 7:00 p.m. He then invited Albert Biddle, Housing and Community Development Coordinator of Kent County and Dale McDowell, Senior Planner of Sussex County Community Development and Housing Office to present the program.

Mr. Biddle began by explaining this is the annual and duly advertised joint public hearing for the Community Development Block Grant program administered through Kent and Sussex Counties. The purpose is to solicit and obtain citizen input on the program and the ability for Kent and Sussex Counties to apply for funding through the Delaware State Housing Authority on behalf of the city. Applications are due March 1<sup>st</sup> for the fiscal year that begins July 1, 2011. Approximately \$2 million is available for the two counties and their municipalities.

He explained that Delaware State Housing Authority has provided guidelines with the primary goal being housing rehabilitation of owner-occupied houses. Other eligible projects are the demolition of vacant and condemned single family structures and small infrastructure projects such as sidewalks, drainage, sewer and water improvements. However, such projects are further down the list and not priority.

Mr. Biddle emphasized the CDBG program is for low and moderate income persons. He then referenced the following income guidelines for FY11:

	30% OF MEDIAN	Kent County		30% OF MEDIAN	Sussex County	
		LOW	MODERATE		LOW	MODERATE
1 Person	12,450	20,700	33,150	12,250	20,450	32,700
2 Person	14,200	23,650	37,850	14,000	23,400	37,400
3 Person	16,000	26,600	42,600	15,750	26,300	42,050
4 Person	17,750	29,550	47,300	17,500	29,200	46,700
5 Person	19,200	31,950	51,100	18,900	31,550	50,450
6 Person	20,600	34,300	54,900	20,300	33,900	54,200
7 Person	22,050	36,650	58,700	21,700	36,250	57,950
8 Person	23,450	39,050	62,450	23,100	38,550	61,650

He noted there is \$72,000 on the Kent side to do four rehabilitation projects for the current year. They are presently taking applications that must be completed before the June 30<sup>th</sup> deadline.

Mr. McDowell then briefly commented about the funding and process on the Sussex side. He submitted a written report showing the status of CDBG funding from 1993-2010, program guidelines and copies of resolutions for adoption.

Mayor Rogers then asked for questions or comments. No one responded. The mayor then closed the floor for public comment.

The mayor then thanked both gentlemen for the ongoing support of Milford noting the amount of the work that was done over the years with the help of their program.

Mr. Pikus moved for adoption of the following resolutions, seconded by Mr. Grier:

RESOLUTION  
Sussex County

ENDORING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING DAVID B. BAKER, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$\_\_\_\_\_, total CDBG grant request is \$\_\_\_\_\_. Matching funds in the amount of \$\_\_\_\_\_ will be provided by the City of Milford general funds. NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 22<sup>nd</sup> DAY OF NOVEMBER 2010.

*Council Members*

Steve Johnson  
Garrett Grier III  
S. Allen Pikus  
Jason Adkins

Owen Brooks, Jr.  
Douglas Morrow  
James Starling, Sr.  
Katrina Wilson

\_\_\_\_\_  
Joseph R. Rogers  
Mayor

CITIZEN PARTICIPATION  
CERTIFICATE OF ASSURANCE  
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 22, 2010 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

Mayor Joseph R. Rogers

RESOLUTION  
Requirement for Fair Housing  
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

RESOLUTION  
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor Joseph R. Rogers, to submit the Fiscal Year 2011 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2011 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

RESOLUTION  
Requirement for Fair Housing  
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

Motion carried by unanimous roll call vote.

With no further business, the Public Hearing was adjourned by Mayor Rogers at 7:13 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*November 22, 2010*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 22, 2010.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:13 p.m.

INVOCATION AND PLEDGE

Prior to the Public Hearing, the Pledge of Allegiance followed the invocation that was given by Councilman Starling.

COMMUNICATIONS

Nothing to report.

UNFINISHED BUSINESS

None.

NEW BUSINESS

*Resolution 2010-17/Charter Change/Election Date/Easter Weekend Conflict*

The charter requires the election to be held the fourth Saturday in April. It was discovered the 2011 election is scheduled on the Saturday between Good Friday (city holiday) and Easter Sunday. No one remembers this occurring in the past and it was determined it would not happen again until 2038. In order to address this issue, a charter amendment is required.

The following resolution, which would move the election to the third Saturday in April, only in those years when it falls on Easter weekend, was presented for council consideration:

CITY OF MILFORD CHARTER AMENDMENT  
Election Date Change/Easter Weekend  
RESOLUTION 2010-17

A Resolution amending the City of Milford Charter, as was approved by the Council of the City of Milford on November 22, 2010 and in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

WHEREAS, the Charter of the City of Milford requires the Annual Municipal Election to be held on the fourth Saturday of April; and

WHEREAS, in some years, that Saturday falls between Good Friday and Easter Monday; and

WHEREAS, this has the potential to place a burden on observant Christians and those celebrating the holiday with family and friends, many of whom will be out of town.

NOW, THEREFORE, BE IT RESOLVED:

That any year in which the Annual Municipal Election falls between Good Friday and Easter Sunday, that election be moved to the third Saturday in April to allow for maximum voter participation in the City of Milford Elections.

AND BE IT FURTHER RESOLVED that the City Solicitor of the City of Milford, is authorized and directed to forward a copy of this Resolution and Amendment to the City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

AND that the General Assembly of the State of Delaware is hereby requested, during its 2011 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner as follows:

SPONSORS:

Delaware State Senate  
146th General Assembly  
Senate Bill No.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MILFORD, BEING CHAPTER 148, VOLUME 72, OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO ELECTIONS.

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

Section 1. Amend Article II, Section 2.01, by inserting a new subsection 2.01(1) to read as follows:

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

*(1) Except that, in any year when the fourth Saturday in April falls between Good Friday and Easter Sunday, the annual municipal election shall be held on the third Saturday of April.*

Section 2. This Act shall become effective upon its enactment into law.

SYNOPSIS:

This Act amends the Charter of the City of Milford by authorizing a change in the date of the Annual Municipal Election to prevent any conflicts with the Easter Holy Days.

Mr. Pikus moved to adopt Resolution 2010-17, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

The city manager advised the resolution will be forwarded to the General Assembly when they reconvene in January.

*Ordinance 2010-20/Water Code Amendment*

Mr. Baird advised that after speaking with several council members regarding private wells in the city, an ordinance was prepared which would place a limitation on the types of private wells that would be allowed. The ordinance also provides a number of definitions for the types of wells.

The highlights of the amendment were then read by the city manager. He explained the amendment was needed after the city was questioned by DNREC after we denied a private well permit. Once it was determined our ordinance does not specifically prohibit wells, DNREC continued to issue well permits which caused a great deal of confusion about whether they were permitted or not. From the water system standpoint, it created a question over some public health issues as well the safety and security of the city's water supply. In the case of a private well, there is the possibility it could be connected to the household and the ability for cross-connection between the public and private wells. Ultimately, the city would be responsible for any co-mixing. This will prevent any potential conflicts in the future.

Mr. Morrow arrived at this time.

The ordinance is presented to address these problems, and should council agree to proceed, it will be introduced at the December monthly meeting.

Mr. Pikus asked if the three or more acre requirement applies to an irrigation well used for watering of lands or crops other than household lawns and gardens. He asked if this would apply to a person who wants their own well for watering a garden but only has an acre of land; Mr. Baird answered by stating that irrigation wells would only be allowed on cropped land. Mr. Pikus asked for confirmation if that meant no less than three acres.

Mr. Baird agrees there is some ambiguity that could be left to interpretation. Mr. Pikus asked if a minimum three acres should be added. Mr. Baird referred to the definition of agricultural well which states the watering of household yards and gardens and feels it would be classified as a garden.

Mr. Pikus asked if it would be left to discretion; the city manager said the definition was taken from the state codes so there would be consistency between the two.

Mr. Brooks recalled the well prohibition that was in the water code, stating that somewhere over the years, it was removed and it should be added back.

Mr. Pikus said we should proceed because the city needs some sort of protection to prevent the problems that are occurring now.

Mr. Pikus moved to proceed with Ordinance 2010-20, seconded by Mr. Brooks:

ORDINANCE 2010-20

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, For the purpose of PROHIBITING CERTAIN TYPES OF PRIVATE WATER WELLS.

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 build and maintain separate water wells except as defined herein.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Section 3 of Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following definitions:

**AGRICULTURAL WELL**— A well used for the watering of livestock, poultry, aquaculture uses, or solely for the watering of household yards and gardens or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

DEWATERING WELL—A well used to remove ground water for construction of footings, sewer lines, building foundations, elevator shafts, etc.

DOMESTIC WELL—A well primarily used for potable non-public water supply purposes and which may be used for non-potable purposes, excluding heat pump supply.

HEAT PUMP CLOSED LOOP WELL—A sealed and pressurized loop of pipe containing a heat exchange solution which is circulated below the earth's surface and utilizes groundwater for the purpose of heat transfer.

HEAT PUMP RECHARGE WELL—A well constructed and primarily used for injecting ground water source heat pump effluent back into an aquifer, and which may be used for other non-potable water supply purposes provided prior written approval is obtained from the City.

HEAT PUMP SUPPLY WELL—A well constructed primarily to obtain ground water as a source for heat pump supply purposes and which may not be used for other purposes such as domestic water supply.

INDUSTRIAL WELL—A wells which is used in the processing, washing, packaging, or manufacturing of a product excluding food and beverages.

IRRIGATION WELL—A well which is used for the watering of lands or crops other than household lawns and gardens.

MONITOR WELL—A well installed for the sole purpose of the determination of subsurface conditions and collecting ground water samples.

OBSERVATION WELL—A well used for the sole purpose of determining ground water levels.

POTABLE WATER--Any water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is acceptable for human consumption.

PUBLIC WELL—A well which is used to supply water to more than three dwelling units; twenty-five (25) or more employees; in the manufacture of ice, foods, or beverages; to the public in food washing, processing, or preparation in a plant, restaurant, or other facility.

TEST WELL—A well installed to ascertain the lithology and water transmission properties of an aquifer or geologic materials and which may be used to determine water quality; a well which is not used on a permanent basis.

Section 2. Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following section:

§222-32 Wells.

A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and/or the area served by the City's water system.

B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.

1. Any well lawfully in existence at the time of enactment of this ordinance, provided, however, the size of such wells shall not be expanded.
2. Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields).
3. Domestic wells when the property is not located within 200 feet of the City's water system.
4. Heat pump wells are permitted for the conservation of natural resources and energy.
5. Dewatering, observation, monitoring and test wells are permitted in accordance with state regulations.
6. Public, Industrial or Irrigation wells are permitted upon approval of City Council.

Motion carried by the following 5-1 vote:

Yes-Johnson, Grier, Pikus, Brooks, Starling

No-Adkins

Mr. Morrow abstained because he just arrived at the meeting and missed most of the discussion.  
*Cell Tower Lease/Open Range Communications, Incorporated*

Mr. Baird referenced the proposed lease and accompanying site agreement for a cell tower lease between the city and

Open Range Communications. He said they are proposing to lease space on the Washington Street Water Tower.

The terms are very standard and in accordance with the other cell leases currently in effect. The agreement is for five years, with five, five-year renewals for a total of thirty years. The rental is \$1,500 per month with a 2% annual escalator.

Mr. Brooks suggested the lease money be considered for water tower maintenance; Mr. Baird advised the tower leases are considered General Fund Revenues though he suggests that be debated during the annual budget process.

Mr. Pikus moved for approval of the Open Range Communications, Incorporated lease and site plan agreement, seconded by Mr. Atkins. Motion carried by unanimous roll call vote.

*Bid Award/450 Truck with Dump Body/Water Department*

The following sealed bids were received, publicly opened and read on November 18, 2010:

<i>Bidder Name</i>	<i>City/State</i>	<i>Bid</i>
Bayshore Ford	New Castle, DE	\$48,941.40
Coatsville Ford	Coatsville, PA	\$47,750.00
Hertrich Fleet	Milford, DE	\$47,373.00
Boulevard Ford	Georgetown, DE	\$49,259.00
Motor Fleet	Ocean, NJ	\$45,640.00

Public Works Director Brad Dennehy addressed council explaining the new truck would replace a 25-year-old full size dump truck and a 15-year-old smaller dump truck. It was included in the 2009-2010 budget though the process was delayed but will move forward this year.

Mr. Dennehy explained the smaller truck is easier to use on the narrower streets when it comes to getting in and out. Though they originally planned to purchase a 350, it was later decided to purchase a 450. Because of last year's snow storm, their intention is to increase the number of vehicles with a plow. He pointed out the 4-wheel drive is an added benefit.

Last year's capital budget had \$45,000 earmarked for a Ford 350; however, that did not include a snow plow attachment or the 4-wheel drive option. The state contract was showing \$47,983. Because only \$45,000 was available, they decided to bid the truck. The lowest bid of \$45,640 was out of Ocean, New Jersey and for the larger truck which includes the plow attachment and 4-wheel drive. The truck and plow are the same though the dump body is slightly different from the specs, though Mr. Dennehy feels it will be sufficient.

He then presented pictures of the vehicles being replaced. The public works director noted that the yellow truck will continue to be used though a plow will be added.

Mr. Dennehy's recommendation is to accept the lowest bid from Motor Fleet. The additional \$640 will be taken from the Water Department's Vehicle and Maintenance Account.

It was confirmed they have 120 days to deliver the vehicle.

Mr. Adkins moved to award the bid to Motor Fleet in the amount of \$45,640, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Pikus votes yes but would prefer to award these bid to local bidders though they would need to be somewhat more competitive.

ADJOURN

With no further business, Mayor Rogers adjourned the Council Meeting at 7:42 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
November 22, 2010

The City Council of Milford met in Workshop Session on Monday, November 22, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:           Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE:   Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO:                City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL:           City Solicitor Timothy Willard

The Workshop Session convened at 7:42 p.m.

*Office of State Planning/Southeast Master Plan*

City Planner Gary Norris referenced a zoning map of the Southeast Planning area of Milford pointing out various sites projected for future development. He explained the process started approximately two years ago when a Memorandum of Agreement (MOA) was signed by the City of Milford and the Office of State Planning. Other participants included DELDOT and the Department of Agriculture.

The planner then recalled what was proposed east of Route 1 was a large residential development and proposed relocation of Milford Memorial/Bayhealth Hospital. Regarding the planning of this area, Mr. Norris read the following excerpt of the agreement:

*The city initiated its planned amendment process due to the imminent development pressures in the area proposed under the Sussex County regulations which would have allowed housing to be constructed without public utilities or municipal services.*

He said it was the city's position the proposed development would have impacted the city in many ways including, but not limited, to roads, police, fire service and parks and recreation. In addition, the area east of Route 1 was designated a level four according to the state strategies for state policies and spending (which was essentially farm land and no state money could be used in a level four area for the installation of public utilities or public services). There was encroachment into this area and concern raised by the Department of Agriculture as well as the Office of State Planning. The MOA was then signed in 2008. Meantime, the 2008 Comprehensive Plan included input from the property owners in relation to the future land use for this area.

Mr. Norris continued by explaining that while this comprehensive plan was being worked on, the MOA was set aside. Once the comp plan was certified by the State of Delaware, they began to rework the MOA with a variety of input from property owners as well as those that attended the three meetings at Carlisle Fire Company.

Property owners were asked to make a choice about what they wanted to see in the southeast area. Essentially, there were three scenarios that came out of the three meetings. One was an extension outward from the town, going in all directions toward the southeast. The second scenario was what Mr. Norris referred to as the New Town Center at Route 30 and Route 1. The last scenario is to continue as it currently exists and allow any development to occur in Sussex County which is approximately two dwelling units to the acre.

He said the participants at the last meeting voted on all three of the scenarios and there was no consensus reached on any of the three scenarios. As a result, they continued to work on the southeast planning area.

They then talked about the transfer of development rights (TDRs) which is the transfer removal of the right to develop or build, expressed in dwelling units per acre, from land in one zoning district to land in another district. This proposal

includes two areas—a sending area and a receiving area. The sending area could be an agricultural preservation area or farmland; the farmer could bank the number of dwelling units calculated per acre until needed by a developer. That developer would buy those development rights thus increasing the density in the receiving area. According to the city planner, this protects the farmland and open space areas, while allowing the developer to increase the density in more suitable areas.

He then discussed transit-oriented development (TOD) that is a higher-density mixed-use development within a half-mile walking distance of a transit station. A performance-based definition is used as projects should also include ‘location efficiency’ that allows people to walk, bike and use transit, boosts transit ridership and minimizes traffic and provides a mix of housing, shopping and transportation choices and provides a sense of place.

Mr. Norris emphasized this a cooperative effort that involved the Office of State Planning, Department of Agriculture, DelDOT and DNREC.

He then referenced the South Milford Master Plan Agriculture Map and the agricultural easement east of Route 1, the TDR sending area and open space agricultural areas. Also noted were the receiving areas where density could be increased.

When questioned about the TDRs, Mr. Norris explained an example would be a 100-acre farm with 100 units. The owner could transfer the 100 development rights to a receiving area where a developer could build a higher density. Thus, the farmland would be preserved while the farmer received a fee for the development units. The developer could then increase the density in a particular area from four to eight units, as an example.

He noted the specific sending and receiving areas shown on the map.

The city planner stated that DNREC’s concern was the White Cedar Forest and the excellent recharge area on the Innovation Park parcel and any development along Cedar Creek in relation to the floodplain and wetlands.

Mr. Norris then presented the Master Transportation Plan that DelDOT has proposed near Route 30 and Delaware 1. He explained the Phase I transit circulator and road upgrade which connects the downtown area with the residential developments along Elks Lodge Road, Wilkins Road and Delaware 1. Phase II involves upgrades to Cedar Neck, Sapp and Buck Roads. DelDOT’s proposal is to replace the sharp turn with a more gradual turn from Sapp Road going south onto Buck Road. Phase III involves Johnson Road, Route 30 and Elks Lodge Road. There would be major improvements to various intersections for potential development at Innovation Park as well as improvements to the Johnson Road/Route I intersection and along the proposed Innovation Park development. Shown is a proposed connector road from Cedar Neck Road to Johnson Road.

Additional transit stops are proposed in the area should a bus system ever be developed to serve the downtown and Southeast Milford area.

The city planner emphasized this is only a proposal for the Southeast Milford area though he is unsure when or if it will ever be developed adding it could take as long as five to a hundred years.

Then referenced were the maps showing the proposed water and sewer utility plan. He said there is currently a proposal to break water on Elks Lodge Road in addition to other vicinities. There are also ongoing discussions about the location of the proposed water tower which would serve that area and become a backup with a loop system for our current system.

Connie Holland, Director of Office of State Planning then addressed council reporting that Milford is light years ahead of the 57 municipalities and three counties with this master plan. She reported that New Castle County and Georgetown have both started master plans, but neither are where Milford is either.

Ms. Holland reported how pleased she was with the success our staff has had working with the state, county, DNREC, Department of Agriculture and DelDOT. She commended Circuit Rider Planner David Edgell from her office who has done a great deal of work on this plan.

She feels this plan provides predictability and forms an inclusionary vision. She was pleased with the turnout Milford had at the three meetings. She felt that many of those in attendance did not initially understand the plan, but after working thru it, there was a lot of positive feedback.

Ms. Holland feels that Milford will be shovel-ready for houses, economic development and preservation. She is hoping to get the farmers together and the people that would like to sell, as well as those that want to continue to have green space. She feels this far outweighs the current comprehensive plan for growing, zoning, subdivisions and site plans.

She reported that only 2% of the land in the State of Delaware is zoned for economic development; Milford has an area they have done lots of research on.

She concluded by saying the age group coming out of college does not want large lot subdivisions though there are many for sale. They want to be closer to the action, closer to their jobs and want to be able to walk to a store or to a restaurant. The baby boomers are now rethinking the maintenance involved with large lawns and homes and are now considering life style changes and alternative housing choices. Her office is working with the Delaware Board of Realtors and Attorneys who are all discussing the economy and how to bring it back. She feels this is the first step for Milford in planning how to do that.

Milford's plan has been used as a sample and was provided to attorneys, the public and to IPA (Institute of Planning). She added that unfortunately, Delaware does not have enough planners to get this done for every jurisdiction that wants to get into the business that Milford is now in.

Ms. Holland asked that we consider using the option that TDR's be used in the downtown for commercial areas. She said when they use Milford's plan and speak to other people, everyone is excited about how committed Milford is to making sure that downtown stays as viable as Southeast Milford and there will be a bridge between the two.

She emphasized there are many committed to this plan including DelDOT who is very committed to the entrance and getting that done and DNREC has been involved throughout the process. She feels this is the most unique ordinance put together for TDRs that she has seen and agrees it works much better at the local level because there is not as much competition. She said that everyone wants to put their farm in ag land preservation at the state level adding there is a long list. However, if done within a local jurisdiction, that town can determine where it can go with less competition which will result in better TDRs.

Mayor Rogers thanked Ms. Holland and her staff adding that working together has proven that a great deal more can be accomplished.

City Planner Norris then reported that one more public hearing will be held in addition to the presentations to the planning commission. They will then make recommendations to city council who will take final action. In the meantime, these maps will be published on our website.

When asked what this means for current and future property owners, Ms. Holland said there are so many more options with this process than before. She feels this is a win/win situation though it has not been easy. Overall, the reception from the three meetings was very good. She pointed out that current business owners want to know what they can do in the next five years and potential business owners want to know where the sewer and water will come from. The town needs to know how many more police officers will be needed, how many other schools should be considered and where the next fire station should be located. She feels this plan gives that predictability. In her opinion, it is the best plan she has seen in her forty years in the profession.

Mr. Norris added that from his perspective, if the existing property owners want to develop, they can develop under the existing zoning ordinance and be in conformance. If a perspective property owner wants to develop, this provides the tools and the best location for the utilities. DelDOT has identified the streets and intersections where improvements are needed. Also, as it relates to open space and preservation of farmland, they have given those potential farmers the TDR concept that allows them to sell their developable rights to a place elsewhere in the city possibly more suitable for development. Mr. Pikus pointed out one of the main questions the city receives about a prospective development is in

relation to the access to that property. He asked what DelDOT considers an upgrade and whether it is resurfacing or the actually widening of a road.

Bruce Allen, DelDOT Planning Supervisor, explained that before they consider any of the roads within the study area and especially east of Route 1, they want to upgrade to a minimum of eleven-foot wide lanes. Currently they vary anywhere from eleven to twelve feet depending on the location. The main problem with roads east of Route 1 is they have no shoulders; given the projected increase in residential and commercial development east of Route 1, that is a safety issue and five foot shoulders would have to be added on all those roads. Except for one of the spur roads going into the Innovation Park area, they are not recommending any major increases in capacity, but instead safety improvements by adding shoulders to what are currently referred to as rural roads. Those will need to accommodate any increased residential or commercial activity in the area.

It was asked if Innovation Park is developed two years from now, what will happen to the roads that enter Innovation Park (noting this is a typical question by the public when council is considering an annexation, a development or a change of zone to a property). Mr. PIkus stated that if Innovation Park is developed to the magnitude that is planned, which he hopes will occur, more accessible roads will be needed.

Mr. Allen responded by stating that DelDOT typically requires a traffic impact study be done. Intersections are identified around any development that will need to be updated. In this area, a Transportation Investment District will need to be adopted. DelDOT will treat the area as a whole. As it is studied, they will consider the analysis and traffic projections and include any public and private partnerships. Unfortunately, in such a case, no one can predict what will come on line first as parts of the area are developed before others. But, if an Innovation Park develops within the next couple of years, it would become a shared cost between Innovation Park, DelDOT and the city. Presently, there is no formula worked out. DelDOT would create an apportionment funding formula between the private sector, commercial or residential development. The specific responsibilities of those parties would then be described in an agreement.

Ms. Holland noted that though Ralph Reeb was unable to attend, DelDOT is on board with the concept of Innovation Park. It is in the capital budget though it would become a cost sharing. She said it has worked in Middletown where they have learned what does and what does not work. Mr. Allen added that Secretary Wix is looking at this as a model for other growing areas around the state because a great deal of the growth in the state is occurring around municipalities just as Livable Delaware was crafted. The idea of adopting the Transportation Investment Districts allows a more systemic review of the whole area versus only looking at one development. This allows the towns to enact their vision for the future in terms of land use. She added that a lot of the criticism was we were not linking together land use and transportation issues. Transportation is always chasing after land use. Having this type of master plan clearly defines land use types and densities and helps DelDOT support any needed infrastructure.

Mr. Brooks asked the time line of the transportation plan DelDOT is proposing. Mr. Allen advised that Jim Satterfield is the project manager for the Route 1 and 30 Grade-Separated Interchange, but the latest he heard is construction was funded. The project is anticipated to begin in the winter of 2011-2012 with completion in the summer or early fall of 2013.

Mr. Brooks asked the status of the Thompsonville Interchange and New Wharf Road Overpass; Mr. Allen and Ms. Holland said they do not have that information available. However, Mr. Allen offered to speak to the staff involved in the project and get that information for Mr. Brooks.

Mayor Rogers asked that information be provided to the city. Mr. Allen said he would get the information tomorrow.

When asked if these projects are part of the master plan ranking in DelDOT's capital program, Ms. Holland advised the cabinet committee on state planning issues just adopted State Strategies for Policies and Spending and Milford's jurisdiction is in level one and level two. The master plan gives a leg up and is why people want to get into the process.

She further explained that level one areas are more easily accepted by the state because the infrastructure already exists and it is easier to support and work through those scenarios. Level one runs down the middle of the state where development has already occurred; level two is slightly out and in the areas where most towns annex; level three extends

further and takes in some farmland; level four are green areas that have mostly been purchased by the state or put in preservation by a private agency. Such levels are used for preliminary and PLUS reviews. Anything brought in under a level four can be approved though the state has no money to build roads in the area, thereby preventing any schools from being built there.

Mr. Pikus asked the status of the Farmland Preservation Bill; Scott Blaier of the Department of Agriculture advised the program is still up and running. A few years ago, Delaware received \$10 million in permanent funding but that has since been reduced to \$3 million because of budget cuts. The current governor was on the board for many years and he expects it will continue to be funded though there will be less funding.

Ms. Holland recalled the state bill that did not pass. Afterwards, a few local jurisdictions passed ordinances that worked out much better. Mr. Blaier explained that with the banking concept, as has done with both counties, the money received after the developer purchased some developing rights from outlying farms would come to them with match money from state and federal programs. For instance, New Castle threw in \$600,000 though they had a 3 to 1 match from federal dollars. For every dollar they threw in, they received \$3 back in federal dollars and were able to leverage that to purchase all the properties up for grabs that particular year. Milford could come to the Department of Agriculture with any money and get a match. This would leverage the funds while preserving a great deal more land.

Mayor Rogers again thanked Ms. Holland, David Edgell, Mr. Allen and Mr. Blaier for attending this evening. He then thanked City Planner Gary Norris noting his continued work in making Milford a better place today.

#### *Circle of Light, Incorporated/Milford Cold Weather Shelter*

Pastor Kevin Bowers, First Presbyterian Church, advised he is present on behalf of Circle of Light and recalled their appearance before council approximately one year ago. At that time, they were considering venues and opportunities to address issues regarding homeless women and children. He advised their protocols have shifted as they have proceeded, but after opening their office doors in February, they have assisted 30 homeless women and 19 of their children in various ways, but primarily for providing emergency shelter. DeIDOT has provided bus tickets for transportation to doctor appointments and/or job interviews and help getting documentation like birth certificates and school records was also provided.

The Circle of Light office at 129 N.W. Front Street (former Lady Bug Shop) is also hosting support groups for local women to share and support one another in addition to providing some personal services.

They have also partnered with the Milford Church of the Nazarene and their new Pastor Arthur Roxby and Jim Oechsler, a former council member. They will be using their church facilities as an outreach to the homeless population. They have a large basement that can be used as an emergency cold shelter called 'Purple Shelter' this winter.

Pastor Bowers advised the two groups have come together and are working under the umbrella of Circle of Light as part of the Milford Ministerium. On November 4<sup>th</sup>, they had a community meeting at which time 13 religious communities attended along with Chief Keith Hudson of the Milford Police Department, Administrator Chereilyn Homlish of People's Place and Roger Wood of Gods Way to Recovery. Of those 45 people present, all agreed the program should proceed which is why they are now asking for councils' understanding and blessing to do that.

Pastor Bowers said they have different groups working on various things. They have partnered with other community organizations that have had or still have emergency cold shelters including Dover Interfaith Housing Coalition, Talbot Interfaith Shelter in Cecil County, Meeting Ground Homeless Community in Maryland and Wilmington and Friendship House in Wilmington and Newark.

They have provided valuable information to help with policies/procedures and training protocols which they hope will be in place next week for approval of the Circle board. There are people addressing insurance and medical issues. They have to comply with fire and safety regulations after a representative from the State Fire Marshal Office visited the Church of the Nazarene last week.

Pastor Bowers reported there are still many things needed for this to become a reality which is why they are still out

informing people and bringing them on board at the same time. If the time line falls into place, they would get approval of the package next week, which means the medical and insurance issues would need to be resolved. A second meeting will be held December 2<sup>nd</sup> at the Church of the Nazarene where they will hopefully begin to organize the volunteer teams and identify any particular needs they have yet to address. Their goal is to be ready to open by January 1<sup>st</sup> of 2011.

The program consists of three components--intake at Circle of Light, shelter at the Milford Church of Nazarene and the volunteer groups.

It will provide temporary shelter for individuals when the temperature reaches 25 degrees or lower. Volunteers at the shelter site will provide hospitality, an evening meal, overnight security and a light breakfast the following morning. Circle of Light will be responsible for intake at their office separate from the actual shelter. Guests will fill out an information sheet, medical forms, liability waivers and sign off agreeing to the shelter program rules. Those rules include a background for outstanding warrants and sex offender lists, a pocket search, breathalyzer test, random drug tests and the security of medications, knives and other property at the discretion of the intake staff. Guests will be required to shower and given hygiene kits and clothing. Intake will begin at 4:00 p.m. when the shelter is declared open and by 6:00 p.m. guests will be transported to the shelter.

Volunteer teams will be on site preparing the area and the evening meal. After the meal, guests will be encouraged to clean up and set up the sleeping area on the floor. They will be divided and space provided for ten men and ten women though there will also be rooms available for families with children.

Volunteers will be encouraged to remain as long as they can and interact with the guests in the hopes of learning more about them. Volunteer teams may provide for bible study, reading materials or various type or games, depending on what the individual teams want to do. Lights out will be around 10 p.m. One male and one female volunteer will remain at the shelter at all times with one always awake. Guests will wake up at 6:00 a.m. and after they finish their breakfast, will be out on their own.

He said this is only a band-aid because it is really just overnight to help people get out of the immediate cold situation. Pastor Bowers believes that the program can be used as a tool to transition people from homelessness to housing.

Mr. Pikus said the city supports the program and confirmed this program is for both men and women. Pastor Bowers emphasized they will not turn anyone away. He verified this is only an overnight program and not a permanent fix.

Mr. Pikus is aware of several people in Milford that are homeless adding he is working with Councilwoman Wilson on that issue. He asked if someone that is consistently homeless would be able to return. The pastor said they will be able to return and reiterated this is a small band-aid noting that these people will have to be on their own for the majority of the day. They are trying to address the issue of a family who has children in school as well as transportation issues. That is one of the areas beyond the overnight accommodations.

Another issue is when someone arrives sick or has an emergency situation and must be taken to the doctor or emergency room. They do not have the staff to handle such situations and another unresolved issue at this time.

When asked about other organizations, Pastor said there is a lot of networking going on and they are currently working with the Delaware Coalition. He said they have been talking with the Delaware Department of Social Services who have some reimbursement funding available for this type of program.

Mr. Starling advised his wife is President of the Milford Ministerium and she has really sold this program to their church family. She has had a meeting and everyone is 100% behind this program.

Pastor Bowers said that even with the initial meeting and follow-up conversations, the key is to get volunteer teams in place. This is a program where the program coordinator will need to make a call to ensure the shelter will be open that evening. That information needs to get to the appropriate persons so that people can respond. There will be some times during the winter when the shelter will be open successive nights, though other times it will be sporadic. He emphasized the heart and soul of this organization will be the volunteer teams.

He said that between the churches and other organizations, they believe they will have coverage for a two-month period though many other things have to come into place. Circle of Light has been in conversation with the police department regarding several of their polices and a number of good relationships are being built up.

Mayor Rogers said that he, along with the city council, Chief Hudson and the city manager are supportive of the program. He personally, was unaware how serious a problem this was in Milford and he is pleased that the Circle of Light and other organizations are willing to help these people and attempt to get them back on their feet.

Mayor Rogers said the city will help in whatever way they can and wished Pastor Bowers and the Circle of Life the very best with this program.

#### MAUROLAS CONDEMNATION/DEMOLITION HEARING/STATUS

Mayor Rogers asked the city manger to update council on the properties at 205 and 207 Northwest Front Street noting they are a detriment to the improvements being made in the downtown area.

City Manager Baird then provided council with a quick update on the properties on Northwest Front Street and Church Street. The Board of Appeals met last Thursday (11/18/10) and confirmed the condemnation and demolition orders. Following that order, the properties have been re-posted giving the property owners thirty days to demolish the properties. Should that not occur, the city will move forward with the demolition. In anticipation of that, some demolition bids have been acquired. They will be presented to council for approval at the December 13<sup>th</sup> meeting.

#### ADJOURN

With no further business, the Workshop Session of City Council concluded at 7:13 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder