

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
October 11, 2021

The City Council of the City of Milford convened in a Workshop Session in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, on Monday, October 11, 2022, beginning at 5:39 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Acting Secretary Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council and participants met in a hybrid format.

FOIA Training/Elected Officials/Max Walton Esquire

Max Walton introduced himself as a partner Connolly Gallagher. He said that his presentation will include Attorney General opinions, which he does not always agree with. His job is to share how the law has been interpreted.

FOIA states it is vital for democratic society and that public business be performed in an open and public manner. The public have the right to observe the performance of public officials and citizens have easy access to public records in order that society remains free and democratic.

In addition to city council being a public body, any board, commission, department, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and committee, subcommittee, legislative committee, association, group, panel council or any other entity or body, whether it involves citizens, appointed or created by the Mayor or Council is subject to FOIA.

He talked about the Mayor of Rehoboth Beach that put together a working group to look at rate structures. He appointed the city manager, finance director, and the public works director. He said those three people talking do not normally constitute a committee and are not subject to the open meeting laws. But there were four members of the public appointed. Because the Mayor appointed those to ad hoc committee, they were required to have agendas and meeting notices, and act like a public body.

FOIA requires every meeting of the public body to be open to the public. He emphasized to err on the side of an open meeting.

A meeting is a rolling quorum. In Milton, two council people went and looked at a site the town was considering purchasing. Then two other councilmembers reviewed the site and that continued until council decided on the purchase of the property.

The attorney general (AG) office determined that was a violation of FOIA because they got together in small tranches to make the decision, creating a rolling quorum.

When an email is sent to all council, and someone responds to all, that is a FOIA violation. Emails can only be sent for informational purposes only...no decisions.

The new law resulting from the Covid situation now requires an anchor location and anchor person for virtual meetings. There is a need to identify the member or witness. If someone called in and kept their screen blank, and just wrote their initials, is a problem. Their identification must be satisfactory to the presiding officer.

You must be able to hear the comments and hear the comments of each member and view any document. Everyone must see a document being referenced. Except during the executive session, the public must be able to monitor the meeting and provide public comments.

Under FOIA you are not required to accept public comment during the meeting. The idea is for the public to see you deliberating business.

Minutes must be maintained in virtual meetings. All action taken are valid just as though everyone was in person. Any technological problem that creates a limitation does not require the meeting to be stopped.

FOIA requires seven days' notice of their regularly scheduled meeting or basically all meetings. That includes a posting here at city hall and at the place where the meeting will be held. Virtual meetings also require the anchor place and log-in information.

A special meeting can be held with 24-hour notice. Why would a special meeting be allowed; he had a situation in Newark where one of the councilmembers untimely passed away. They have requirements in the charter that state when they need to post for the council vacancy. The way the calendar worked out, they had to have a special meeting and could not give seven days' notice or meet all the posting requirements. That was legit.

In that same special meeting, there was an issue with expedited litigation. The city reached a settlement and was facing a lot of quickly approaching deadlines and could not give the seven-day notice. That is permissible and was explained on the agenda why it wasn't posted in seven days.

Agendas are required for all meetings including advisory and groups the mayor has appointed for anything. It can change and can include additional items and executive sessions.

A councilmember says we want to put this ordinance on the agenda without seven days' notice. That is a change in the law. There is no exigency that the law needs to be changed in most circumstances. The same applies with an executive session. If the executive session does not pertain to something urgent, the time to do it is later. He said you should always err on the side of seven days' notice. That provides the public with the best ability.

Minutes are required for every group. Every town has a group that is subject to FOIA and doesn't take minutes. He guarantees it.

Council minutes are typically more detailed than a tree commission minutes. FOIA says you must include the members present and the vote taken and agreed up. One of the flaws in FOIA says this. If you look at the minutes need to say for an executive session, and a vote is not permitted. Under the statute, all that is needed is to write a record of the members present and record of the individual members.

Mr. Walton says that does not work with the AG's Office. They don't like it, but that is technically what the statute requires. There is a need for some reasonable summary of the action taken in executive session. He is often tasked with executive session minutes. Though poor, he will have down what happened.

He emphasized those minutes are confidential and not to be disclosed. He gives advice in an executive session and if that advice gets out, which could be in collective bargaining, it is going to hurt the position of the town. Elected officials have a sworn duty and under the State Public Integrity Rules, no one is allowed to disclose what happened in executive session.

That duty of confidentiality must be upheld but only for certain things. For example, the Solicitor comes in and issues a memo that explains what the law is on a particular subject. That attorney/client privilege that never gets out in the public.

Executive sessions can be held for other things. For example, a municipality wants to purchase land to expand their sewer. They review various parcels and are in negotiations with three different owners. That is all confidential. But once that property goes to settlement, those executive session minutes are no longer confidential.

He talked about a case in Newark that involved strategy sessions. Because of a defect with the city that related to the participation of the engineer in that case, the judge them all to be produced. The city lost a judgment that cost \$42 million that involved a \$11.6 million contract in which the city had already paid \$10 million. The broken confidentiality caused that.

Mr. Walton emphasized that the public integrity code of conduct includes a confidentiality provision that states a public official is not allowed to use or disclose information that was provided confidentiality. That applies to executive sessions. It cost the City of Newark \$42 million.

If you don't deal with your compliance issues now, especially if there hasn't been a problem yet, the city could end up in real trouble.

He stressed that the general rule for a democratic society is that everything happens in public. Executive sessions go against that rule. Discussion of an individual's qualifications to hold a job or pursue training. That does not apply to contractors. It does not apply to the attorney and only applies to employees for city jobs.

Considering three different contractors would have to be discussed in public session.

Other reasons for an executive session are strategy sessions including advice from an attorney relating to collective bargaining or potential litigation but only when the discussion would have an adverse effect on the bargaining or litigation position of the city.

When determining whether litigation is likely reasonably foreseeable, anyone that is denied a variance, for example, can pursue litigation. That does not mean it is reasonably foreseeable. There needs to be a demand letter or some sort of threat.

Other excluded items are the content of document excluded from the definition of public record where may disclose the contents of such documents what's that that's like a legal. That is like a legal memorandum that the solicitor or someone else is submitted.

Personnel matters where the names, competency and abilities of individual employees are discussed. Those are for existing employees. Number one is for people you want to hire and number nine is for people on staff. The law also states that unless the employee or student requests that such a meeting be open.

Because the employee can make the request, Mr. Walton must tell them about it if an executive session is scheduled or does he have to put it on the agenda/? The answer is no, the attorney general's office answered that in the opposite. That person does not have to be informed. Mr. Walton thinks that is wrong and is not what statute allows, but that is their determination.

Executive session minutes must be taken. A vote is required to go into executive session, and it must be on the agenda and the specific statutory exemption that applies. When the intent is to talk about pending litigation, you cannot then switch to an employee issue, unless it is the subject of the pending litigation.

There is need to be very careful when talking about things that are not exempt. Regularly a public body will start talking about another item, but he stops the conversation immediately, and tells the person that item must be discussed publicly.

No votes are permitted in executive session.

Mr. Walton then talked about his three pillars and starts every executive session by stating no votes can be taken in executive session, you cannot stray from the exempt topic, and a straw poll is prohibited. When you go into an executive session, you cannot know how every member of council is going to vote. The debate must be in public.

He does not like the idea of council going to dinner after a meeting. It is human nature to discuss city business and that is not permitted and if someone catches you, it could really cost the city.

When asked if two councilmembers could talk, Mr. Walton said yes. He shared that New Castle County has a rule based on a limited number of councilmembers. They have thirteen councilmembers, and the limit is three or four to prevent a quorum.

Information of any kind is a public document subject to FOIA. He talked about the Brandywine Town Center which was formerly the Brandywine Raceway. They made a model with deed restrictions. The model is a public document, but the problem is no one can find the model. Ultimately, they had to recreate the model through photos. It is related anyway to public purposes regardless of how it is stored, recorded or reproduced. That can be calendar notes, emails, or texts.

It is not just subject in the sense of FOIA. If you receive a FOIA request, do not think officials are going to get away using your Hotmail or Gmail. If the city gets into litigation, they will get into your electronic documents. He is going to send his young associates to meet with that person and they are going to ask what devices are used for public business. What emails are used and if that private email is being used, they will collect from that. If a home computer is used and not the city device, they will obtain that. Your personal cell phone will also be acquired.

He stressed that everything that is written could end up on the front page of a newspaper but part of a civil rights case.

There is a duty to preserve the FOIA information regardless of if it is on city electronics or your personal phone.

Mr. Walton then talked about the records that are not considered public documents. But withhold them but if you're going to withhold them, you must shoehorn them into these. Personnel records, trade secrets, and marking financials and trade secrets as confidential, they will not have to be produced in a FOIA. When receiving bids and proposals and need to be public, but someone stamps a trade secret. That is in the eyes of the beholder and the person that provided it. If you have solicitation and you want them all to be public, it needs to be written into the solicitation that all submissions will be public. Police, criminal investigatory files, intelligent files are all exempt. That applies to the building inspector and anyone that does any investigatory sort of activity. Records specifically exempted from public disclosure by statute or common law. There is a certain statute, for example, with environmental remediation or response plans by statute are exempt. Attorney-client privileges are not able to be produced. Charitable contributors do not have to be public. Labor negotiations, and records pertaining to pending or potential litigation which are not records of any court.

He had a case where there was a denial of the land use application. After the denial, an attorney submitted a FOIA for the information from the city. They eventually do send the litigation. They wrote back and denied the request because it is the subject of the litigation that was just filed and not required to provide it. Two days later an individual files a FOIA request for the exact same information. Mr. Walton said there is a very new AG's opinion which says that once they become subject to litigation, it does not have to be given to the third part.

Executive session minutes must be kept confidential unless a property is purchased and there is no longer a reason to keep them confidential. Attorney-client privilege go to the grave. Other exemptions include concealed deadly weapons and public library cards.

Emails received or sent by the general assembly or their staff. Number 19 talks about communications with constituents. If a state senator writes a letter not to a constituent, that is subject to FOIA. But if they write an email to a non-constituent that is exempt from the FOIA statute.

Records must be made available during regular business hours. He suggested having either a camera on the requestor or having someone sit in there with them to prevent records from disappearing.

All requests should be in writing. The requestor needs to be specific, and clarification can be requested.

Any records stored elsewhere must be obtained as part of a FOIA request. An itemized list should be provided in advance if a charge is applied.

Respond to a FOIA request within 15 business days and an extension is allowed.

If a request is denied it must be explained and the document should be reviewed prior to disclosure.

Public comment can have a time limit, and people must be permitted to say whatever they want.

FOIA does not require public bodies to answer questions.

If a settlement agreement that spends public funds that is paid by the insurance company and is supposed to remain confidential and has a confidentiality clause, the AGs office has ruled that the expenditure of public funds that paid the insurance cannot be exempted. Agreements cannot include a confidentiality clause in a settlement agreement and are subject to FOIA.

Minutes or agendas are not required to be posted on line.

An emergency meeting cannot be held without an agenda.

A response to an out of state requestor is not required.

He then explained the FOIA complaint process and the 60-day statute of limitation for public records and six months for open meeting violations. The burden is on the public body to prove the proper denial of access.

The state agencies can appeal a FOIA decision, but municipalities cannot. Municipalities have the choice of complying with the AG or waiting until a suit is filed.

Recent cases were then discussed including the Town of Georgetown's recent Juneteenth holiday closing decision. The town manager announced that a decision was made through an email. It was then announced that there was a council vote of three to two, which is FOIA violation because the decision was made outside of public view.

Sussex Technical School District had a statement on their agenda stating personnel was going to be discussed in executive session. A new superintendent was hired and not having that on the agenda was not specific enough and found to be a FOIA violation.

Mr. Walton then took questions from Mayor and Council.

It was confirmed that public comments can have a time limit. When there is a large group, the public comment can be limited to a reasonable time frame, such as a two-hour for 300 people, for example.

When asked about the penalty for FOIA violations, Mr. Walton said that typically, if it is a small violation, the AGs office will require immediate remediation, such as redo. If it is a bigger violation, and a continuous pattern of not doing it right for a long time, they have gone through the extent of making them compliant through a consent order and if they didn't correct those actions, they could be sued. There was a list of very stringent things that Dewey Beach had to do under a watchful eye.

Most of the time, people are trying to do it right. There is a presumption of honesty and integrity amongst the members who are elected.

When asked if notes need to be kept of phone calls, Mr. Walton said no, but the list of calls made is foible.

There being no further questions, the Workshop Session concluded at 6:37 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
October 11, 2021

The City Council of the City of Milford in Regular Session on Monday, October 11, 2021, with some members participating remotely.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

The invocation was given by Councilmember Wilson, followed by the Pledge of Allegiance.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the May 10, 2021 Finance Committee, May 10, 2021 Annexation Committee, May 10 Council Workshop, and May 10, 2021 Council Meeting. Councilman Fulton moved to accept as presented, seconded by Councilman Boyle. Motion carried.

RECOGNITION

New Employee Introductions

Planning Director Rob Pierce introduced his newest Building Official Fred Coppock who started employment on September 7, 2021. He spent his last twenty years with All Span where he was a crew leader. He also comes with more than thirty years of residential and commercial carpentry and construction experience.

Mr. Coppock briefly addressed Council stating he is looking forward to working with the City.

Parks and Recreation Director Dennehy introduced his new Recreation Coordinator Krista Stott who comes from Springfield, Massachusetts. She has extensive experience and a great educational background. He is hoping she can help with some of the new programming recently implemented.

Ms. Stott said she is new to the Delaware area and is excited about the new programs and becoming accustomed to the current ones.

HR Administrator/DFIT Award

DFIT (DeLea Founders Trust Insurance Trust) Program Administrator Terri DeSanto was in attendance to present HR Administrator Jamesha Eaddy with an award. She shared that Milford is a participant in Delaware's first Joint Municipal Insurance Trust for Workers' Compensation.

This program was implemented in 2008 and was initially started as a group retro plan for Delaware municipalities. It was originally started as a Group Retrospectively Rated Plan and in September 2014- achieved the member's ultimate goal and became a Group Self Insurance Program making insurance history in Delaware. The Approval and Certificates of Authority were issued by the Delaware Department of Insurance and Department. of Labor.

There are currently 31 municipal Members, Including Kent County and City of Newark. The program is sponsored by Delaware League of Local Government and has become the premier place of municipal insurance in the state. The cornerstone of the program is the safety programs. They have been able to reduce accidents of employees by over 40% since starting in 2008.

Their Safety Specialist Scott Stohrer of PMA Group then talked about the many accomplishments by Jamesha and the process for approval. He spoke about her attendance at the DFIT Meetings and her work with the City of Milford Safety Committee and is working to develop a safety and health manual. She has been a model representative and has really supported DFIT's initiatives.

He then presented HR Administrator Jamesha Eaddy-Williams with the new annual 2021 PMA Risk Management Leadership Award for her commitment to excellence in safety and risk management to Milford, their co-workers and for supporting DFIT's goals and objectives. She is the first recipient of the award.

Proclamation 2021-19/Breast Cancer Awareness

Mayor Campbell then proclaimed October as Breast Cancer Awareness Month in the city:

Proclamation 2021-19 Breast Cancer Awareness Month

WHEREAS, Breast Cancer is one of the most diagnosed cancers among women and Breast Cancer Awareness Month began in 1985 as a partnership between the American Cancer Society and Imperial Chemical Industries Pharmaceuticals; and

WHEREAS, many organizations, including the American Cancer Society and Susan G. Komen for a Cure, hold community events promoting awareness and make contributions to raise funds for research providing progress in how breast cancer is diagnosed and treated; and

WHEREAS, in 2021, more than 281,550 new cases of breast cancer are expected to be diagnosed; and

WHEREAS, nearly 42,000 women die from breast cancer each year in the United States; and

WHEREAS, increased breast cancer screening increases early detection, reduces death, increases life expectancy, decreases late-stage cancer diagnoses, and increases five-year survival rates; and

WHEREAS, the Mayor of the City of Milford is committed to encouraging education and screening opportunities the residents in our community; and

WHEREAS, this is an opportunity for residents and employees in the City of Milford to Go Pink in October to raise awareness, promote early screening and honor those affected by breast cancer.

NOW THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford do hereby proclaim October 2021 as Breast Cancer Awareness Month in the City of Milford.

MONTHLY STAFF REPORTS

Councilmember Boyle presented the report on behalf of Chief Brown:

Monthly Stats:

A total of 429 arrests were made by the Milford Police Department during September 2021. Of these arrests, 95 were for criminal offenses and 334 for traffic violations. Criminal offenses consisted of 28 felonies and 67 misdemeanors. Traffic violations consisted of 59 Special Duty Radar, 5 Drunk-Driving charges, 277 others.

Police officers investigated 45 accidents during the month and issued 117 written reprimands. In addition, they responded to 1274 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of September, participated in numerous conference calls and virtual meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, and the bi-weekly City Manager's Meeting with Department Heads.

Attended monthly Rural Subcommittee Diversion/Co-Responder Workgroup held via Zoom on September 2, 2021.

Met with Eric Buckson, Kent County Levy Court Commissioner, who presented the City of Milford Police Department with check for Kent County Levy Court Grant funds on September 3, 2021.

Attended Funds to Combat Violent Crimes (FCVC) Meeting held via Zoom on September 7, 2021.

Held Retirement Luncheon for Det/Sgt. Lord at Benvenuto Restaurant on September 9, 2021.

Worked Delaware Police Chief's Annual Golf Classic held at Maple Dale Country Club on September 10, 2021.

ThinkTech Intro meeting held via Zoom on September 13, 2021.

ThinkTec Demo held via Zoom on September 14, 2021.

Met with Mayor and City Manager in reference to Police Recruitment and Retention held via Zoom on September 15, 2021.

Contract Negotiations held via Zoom on September 16, 2021.

Attended SALLE/EIDE Amendment meeting held via Zoom on September 16, 2021.

Attended mandatory Sexual Harassment Training via Zoom on September 17, 2021.

Attended SLEAF meeting held at Dover PD on September 21, 2021.

Attended Brandywine Counseling & Community Services Board Meeting held via Zoom on September 21, 2021

Attended Delaware Police Accreditation Commission meeting via WebEx on September 21, 2021.

Met with Becker Morgan Group in reference to SD Estimate Review for new police facility held at the department on September 22, 2021.

Attended the Behavioral Health Crisis Care Task Force Committee Meeting held at Buena Vista in New Castle on September 23, 2021.

Met with Champions for Children's Mental Health Organization at the department on September 28, 2021. This is a non-profit organization dedicated to supporting parents and caregivers of children with mental and behavioral health challenges.

Met with Mayor and City Manager for an estimate review for the new police facility at City Hall on September 29, 2021.

Homeless Encampment Walk-thru on September 29, 2021.

Training –

All employees have or are scheduled to complete In-Service training for “Sexual Harassment” via webinar. This mandatory training was scheduled by the COM Human Resource Office.

Two officers attended Street Cops Survival Training held in Rehoboth Beach on September 10, 2021.

SRO –

Sgt. Masten, Sr./Cpl. Bloodsworth, and Jenna Haines attended the Riverwalk Freedom Festival along with members of our Volunteer Patrol. They set up a booth with a variety of giveaways and had a lot of great conversations with members of the community.

Sgt. Masten, Sr./Cpl. Bloodsworth, and Jenna Haines met with Dr. Brittany Hazzard who is the Supervisor of Equity and Support Services with the Milford School District. The group spoke about how we can collaborate with supporting families in need in our area.

Sgt. Masten assisted Milford Senior High School staff with an intruder drill. Under the Delaware Omnibus School Safety Act each Delaware school must perform two intruder drills each school year.

Sgt. Masten assisted with the completion of the required safety plans for each school in the City (except for Benjamin Banneker Elementary which was completed by their school constable) and submitted them to the Delaware Emergency Management Comprehensive School Safety Program and is waiting for approval.

Sr./Cpl. Bloodsworth sang the National Anthem at Delaware Technical and Community College in Georgetown for the Red, White, and Blue 5K. This event raised funds to support scholarships for first responders.

Sgt. Masten assisted the Milford Central Academy with an evacuation drill they conducted.

K9 Unit –

For the month of September 2021, the Milford Police Department K9 Unit had the following stats:

K9-1 (Mason)

- Building Search2
- Drug/Money Sniff7
- No Bite Apprehensions1

Seized ItemsAmount

- Currency\$1,165.00
- Marijuana10.1 grams
- Heroin7 bags
- OtherParaphernalia

K9-2 (Audie) - Worked a limited work schedule due to promotion and canine being retired.

- Building Search2
- Demo’s1

Councilmember Wilson moved to accept the monthly Police Report, seconded by Councilmember James. Motion carried.

City Manager Report

Manager Whitfield presented the following report:

- We had no issues with the remnants of Hurricane Ida. No calls for public works and electric.

- We received the preliminary data on the pay study. Jamesha and I are going over the recommendations this week.
- Sara and Melody have implemented the Community Grant Page for applications for ARPA money through the City.
- The City Hall basement project is wrapping up. All the flooring is in, cabinets are in, plumbing is connected. There are just a few loose ends to finish up before Jamesha, Melody and Sara move into their new offices.
- Mayor Campbell, Councilpersons James and Marabello, and I attended the DEMEC 27th Annual Gathering at the DEMEC facility in Smyrna. Additionally, I attended the Annual Meeting of the Board of Directors Reorganization Meeting.
- The KENT COUNTY = SUSSEX COUNTY plaques were ordered. The plaques will be installed on the planter box in front of the Santa House, designating the County Line.
- I have been in contact with Mark Chura from the Sussex County Land Trust regarding funding assistance for the purchase of open space/park lands.
- DELDOT has begun work on SE 2nd Street, starting with the installation of handicapped ramps. Paving is to be done by late fall.
- We received numerous complaints about the dimness of the ornamental street lights on Walnut Street downtown. After doing some investigating, it appears the lights must have taken a lightning strike at some point and blew out several rows of the LED head in most of the fixtures. The lead time for replacements is 4 – 6 weeks.
- Melody, Sara, and I held a kick-off meeting with Polco, the company that will be doing the National Citizen Survey for Milford.
- Jamesha, Mayor, Chief Brown and I met to discuss police recruitment and retention strategies.
- Chief Brown, Jamesha and I participated in the police union negotiation session.
- Brad, Mike, Jamesha, Melody, Vince and I met to discuss the proposed Arborist position and recruitment.
- Our mechanic, Vince Waydelis was able to find a part to replace our refuse truck, that we were told would be out of service for 2 months. Vince will make the repair himself and we expect to have the truck back on the road within a week.
- Traffic accidents played havoc with our electrical system on Wednesday evening, September 22. Around 5:15pm, an impaired driver hit and snapped the pole at Walnut and Jefferson (yes, it is the pole that set in the middle of the intersection), knocking out the power for most of downtown. Crews no sooner made a repair and restored power, than a pole was hit along Milford-Harrington Highway and knocked out power again. Kudos for the crews for a quick resolution on both poles.
- The Mayor, Councilpersons James and Marabello (and wives) and I attended the Delaware League of Local Governments Banquet in Dover on September 23.
- The Mayor, Brad and I attended the monthly WIIN project meeting (with Slaughter Beach).
- We have finalized the Agreements of Sale for the Sharp property and Fry property.
- I met with a developer interested in the southeast portion of the city.
- Rob and I met with a landscape architect to complete design sketches of a possible greenway along Deep Branch.
- Mike, Lou, Chief Brown and I met with the Police Station architect and construction manager for an update on the design.
- I had a meeting with DEMA for a final review of the Emergency Operations Plan grant.
- Rob and I met with DELDOT and DBF engineers to discuss truck turning restriction downtown.
- Our phone system went down on September 28 in the afternoon. Thanks to Dale and Denham, they worked through the evening Tuesday to get everything back up by Wednesday morning. We were unable to receive or make calls for most of Tuesday afternoon.
- We had two more resignations from the Electric Division. Presently we have 4 vacancies, with 5 employees remaining in Electric – 3 linemen and 2 ground techs.
- Rob, Sara, Melody and I visited the Pencader Industrial Park in Newark. It was truly a first-class facility on 353 acres that is totally built out. Build out took about 15 years total. We were very impressed with the mixture of facilities, the attractiveness of the park, and the management of the buildings and park.
- We held a preliminary meeting with the school district to discuss a potential school facility impact fee.
- Sara and I met with Chamber of Commerce on Ecotourism in Milford.

- The Mayor, Chief Brown and I met to discuss take-home vehicles and the police station cost estimates.
- The Mayor, Chief Brown, Councilperson James, Mike Svaby, Lou Vitola and I met with RY Johnson and Becker Morgan to discuss cost estimates of the police station that now include more defined site plans (now that the site plan has been approved by Planning).
- New signs were placed at the entrance to the business park off Airport Road.
- Covid still is playing havoc with our employees. We had 7 different employees out this month due to Covid issues.

Public Works Department

Public Works Director Mike Svaby presented the Public Works Report:

The following input represents a high-level list of activities and accomplishments for the month of September, 2021.

Director's Office

- Worked with ICMA Fellow Melody Barger to update Strategic Plan input.
- Joined Sara Pletcher and Lou Vitola in zoom meeting with US Cold Storage on key account review.
- Coordinated Annual APWA meeting in December for speaker guests.
- Attended DelDOT study meeting of East/West Truck Study.

Engineering Division

- Prepped Construction bid for continued operations in annual Streets Project.
- Continued oversight of inspection at Milford Ponds for infrastructure.

Public Services Division

Solid Waste/Facilities Management Section

- Had side loader arm mechanism replaced on one Solid Waste Truck, had turbo module replaced in 2nd Solid Waste Truck.
- Finalized City Hall basement fit out and coordinated carpet and paint choices for Public Water Building.

Streets/Utilities Section

- Removed millings from McColley, Marshall and Mispillion Streets for Street project.
- Erected new signage for finished streets in Streets project.
- Supported Freedom Festival for Joseph for trash and recycling. Placed and returned all barricades, barrels, cones, and MOT signs to/from the PW yard.

Electric/Tech Services Division

- Converted 670 N Dupont from Radio Read to AMI metering.
- Installed instrument-rated metering at Windward Clubhouse.
- Replaced potential transformer for solar farm metering at Del2 Substation.
- Installed 25 electric meter in at Winward Building G.
- Made primary line repairs at Jefferson/Walnut intersection and related outage.
- Made line repairs due to auto accident on Route 14 and related outages.

Planning and Code Department

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Planning Director Pierce provided the following report:

- Through the first nine months of the 2021 calendar year, the City has issued 101 new residential construction permits and five permits for 120 apartment units. The total construction investment in Milford from January through the end of September based on issued building permits was \$34,212,597.
- The City of Milford has seen 107 projects with a committed investment of over \$24.1 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.61 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$478,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission will review draft language for a Wireless Facilities Ordinance at the October Planning Commission meeting.
- The Planning Commission has completed their review of Chapter 230 Zoning and Chapter 200 Subdivision of Land, and their recommendations will be presented to City Council on October 25, 2021 in a workshop session. A summary of revisions along with the full draft will be provided to Councilmembers prior to the workshop.
- The Board of Adjustment will review three applications in October. One application involves the minor subdivision of a large residential lot on the 200 block of Truitt Avenue. The second and third applications involve the consolidation and minor subdivision of older industrial land located along both sides of McColley Street near McCoy Street.
- Century Engineering, DelDOT and City planning staff will present the final draft bicycle master plan update to the Bicycle Advisory Committee on October 5th and will present the final draft to City Council on November 22nd in a workshop session. Staff anticipates having the updated plan approved by City Council before the end of the calendar year.
- The City provided review comments for the Westwood preliminary major subdivision application to the applicant and is awaiting response.
- The City provided review comments for the Cypress Hall final major subdivision application to the applicant and is awaiting response.
- The City received a preliminary site plan application for a fast-food restaurant located at the site of the former Wendy's on N. Dupont Boulevard.
- Staff has begun research into updating the City's building code from the 2012 International Residential Code and 2012 International Building Code to the 2018 version. Staff anticipates having a proposed update for City Council to review before the end of the year with the intent of starting January 1st with the updated code.
- Staff have been working to simplify the building permit application forms and developing supplemental information for residents and contractors performing work within City limits. Staff would like to switch to the new forms beginning January 1st.
- Staff attended the Chamber Economic Development Task Force meeting, Home Builder Association Nuts and Bolts Meeting, Lot 8 Independence Commons preconstruction meeting, Simpsons Crossing Phase 1B preconstruction meeting, and the Kent County East-West Truck Study public workshop.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).

Parks & Recreation Department

Director Dennehy provided the following report:

- September was a challenging month with staffing due to personnel either testing positive for Covid-19 or being exposed to the virus. This affected the department both in Park operations and Recreation.
- A number of volunteers from United Church worked on Goat Island for several hours on September 11th, cleaning and scrubbing the aluminum handrails and guardrails.
- An extensive cleanup of Bicentennial Park, Memorial Park and the river banks of the Mispillion occurred prior to the Freedom Festival.
- Preparations for the Freedom festival included park staff helping to construct stages, prepare the paddle boats, deliver tables and chairs, help install temporary fences, coordinate delivery of port-a-johns.
- Day of the Freedom festival park staff assisted the festival with setting up and taking down of barricades, placing additional trash cans throughout the festival and handling trash removal day of the event, helping to block streets for the fireworks and help trouble shoot any other issues that arose. Overall, it was a successful event and good to see people back at an outdoor event in Milford.
- Recreation staff were busy in September prepping and maintaining sports fields, vetting, hiring and supervising coaches. In addition, all participants had to be registered, tryouts were held for soccer and youth were fitted for uniforms.
- All sports started after Labor Day with Fall Soccer, Field Hockey and Flag football. There is a full schedule each week and weekend. There is a 6 and under developmental soccer program each Wednesday night learning the basics of soccer. For league play we have almost 80 players aged eight and under, ten and under and thirteen and under. Practices are Wednesdays and Thursdays with games on Saturday mornings.
- Flag football is at full capacity with boys and girls playing which is run at Marvel square fields by the Parks and Rec. office on Wednesday nights.
- Our Developmental field hockey program is broken down into beginner and intermediates and is held at Milford High School on Sunday afternoons.
- A Parks and Recreation Advisory board meeting was held in person in September, which was attended by both the City Manager and the Parks and Rec. Director.
- A meeting was held with the City Manager, Public works Director, HR administrator, Electric Superintendent and the P&R Director to discuss the creation of a new arborist position.
- Director submitted an update to the ICMA fellow for the strategic plan update.
- Director submitted an additional ORPT grant to the DNREC to seek grant funding for memorial park improvements for recreation.
- Director continued weekly meetings with the WIIN coalition group, and a monthly meeting.
- Director met with residents at Fork Landing farm to discuss potential debris removal from the tributary which backs up to their development, and some other open space questions.
- Director met with members of DMI, the Economic Development and Community Engagement Administrator, and the ICMA fellow to discuss updating and standardizing the banners which get installed at various times of the year in the downtown.

Human Resources

Human Resources Administrator Jamesha Eaddy provided the following report:

- Interviews were conducted for the positions of Solid Waste Operator/Collector, Electric Line Technician and Audio-visual/Telecommunications Specialist.
- Onboarded new hires for the positions of Building Code Official (1) and Police Officer (5)
- Scheduled Adult and Pediatric First Aid/CPR/AED Training for City employees.
- Scheduled a Security Vulnerability Assessment with PMA Risk Control Services for November for Public Works, Customer Service, Finance, City Hall, Parks and Recreation, and Armory.
- 2021 Service Awards Event scheduled for October 8, 2021 at Public Works.
- Met with the Reward & Recognition Committee to finalize the plans for the 2021 Holiday Party.

- Employee Recognition:

1 Year:

Aline Check-Guzman-Police, Freddy Ellerbusch-Public Works, Mike Svaby-Public Works, Darryl Tilghman-Public Works, Lou Vitola-Finance

5 Years:

Kenneth Perry-Police, Jonathan Ricketts-Police, Dan Washinski-Police, Mark Whitfield-City Manager

10 Years:

Shawn Brittingham-Police

15 Years:

Shawn O'Neil-Public Works

20 Years:

Faith Argo-Finance, Ruth Barkley-Police

25 Years:

Victoria Sessoms-Police

1. Rooster: Lisa Levis, Permit Technician. Recognized for her great attitude and positive energy in the workplace.
2. Where Am I Challenge Winner: Mike Svaby, Public Works Director
3. Retirement effective January 1, 2022 for Gary Bailey with 32 years of service-Police

Economic Development & Community Engagement

Economic Development Administrator Sara Pletcher presented the following report:

Economic Development

- Irish Rose is expanding into the storefront to their immediate left
- NextLevel Nutrition cut their ribbon in the Milford Airpark Plaza
- Henlopen Sea Salt visited two potential expansion locations in the Milford Business Park, including the two remaining vacant lots
- Attended the virtual Central Delaware Economic Summit featuring My Sister's Fault owners
- Attended quarterly CCGM Joint Economic Task Force meeting
- Attended Greater Milford Area Eco-tourism Meeting with special guest Danielle Swallow from WIIN; discussed ideas to bring tourism to the Mispillion River
- Toured NCC industrial park to generate ideas for the Fry Farm
- Working with Public Works to determine if our utilities could provide for a potential industrial park tenant
- Kay's Kitchen n Krafts – new business looking for space in Downtown Milford
- Submitted the Food Bank building for a KEP lead: Project Engine

Community Engagement

- Presented to DMI Board of Directors – how this role and DMI can collaborate
- Attended DMI Program Manager Search Committee meeting to interview round 2 applicants
- Attended National Citizen Survey (NCS) onboarding meeting
- Met with Public Works and ICMA Fellow to prep for Riverwalk Freedom Festival giveaways
- Met with Mispillion Art League representatives regarding a new mural for the side of their building
- Coordinated Milford employees to be represented in DEMEC's Public Power Week video
- Created formalized banner program in partnership with DMI
- Due to a delay in the City's third-party bill printer, the Sept. utility bills and newsletter were not mailed to customers. The included Oct. newsletter is a revamp of the Sept. newsletter and included the Parade insert again.

Meetings/Trainings

- Joined Finance Director and Public Works Director for initial Key Account Program meeting with US Cold Storage
- Met with KEP partners and Planning Director to discuss universally needed code changes
- Attended monthly Public Utility Education Working Group meetings; topic: electric
- Setup and attended four SeeClickFix demonstrations/meetings with Customer Service Dept. and Public Works representatives. SeeClickFix is offered through CivicPlus and would allow citizens to report concerns through the website, social media and an app.
- Met with Troy Mix from UD's Institute of Public Administration regarding the City's ARPA funding plans
- Met with Finance Director and Public Works Director to review our Key Account Program progress to date
- Met with City Manager for monthly Manager Update
- Attended monthly SEDAC meeting; featured speaker: DelDOT secretary
- Attended Hurricane Ida Recovery Briefing: Northeast/Mid-Atlantic
- Met with Slaughter Beach Town Manager
- Completed Adult and Pediatric First Aid/CPR/AED Training
- Watched Kent County East-West Truck Study Public Workshop Webinar

Social Media/Website

- September 2021 Insights:
 - City of Milford Facebook: 52 new likes (total: 2,263); 6,884 reached; 2,089 post engagement
 - Parks & Rec Facebook: 13 new likes (total: 2,466); 1,943 reached; 415 post engagement
 - Instagram: 69 new likes (total: 717); 743 accounts reached; 227 content interactions
 - Twitter: 4 tweets, 1,429 impressions, 795 profile visits, 3 mentions, 1,326 followers
 - Website: 17,540 visits (19,345 last month); 30,670 pageviews (45,063 last month)

Email Campaigns

- Sept. utility newsletter to customers who receive e-bills (3,452): 34.5% open
- Sept. business newsletter (audience: business license holders, 648): 62.8% open

Press Releases & Coverage

- City of Milford Announces Community Grant Program (Sept. 3)
 - DE State News: Milford announces Community Grant Program (Sept. 3)
 - Milford Live: City of Milford Announces Community Grant Program (Sept. 7)
 - DE Public Radio: City of Milford accepting applications for its Community Grant Program (Sept. 15)
- City of Milford hires Adell as new Electric Superintendent (Sept. 10)
 - Milford Live: City of Milford hires Adell as new Electric Superintendent (Sept. 13)
- American Police Hall of Fame and Museum honors MPD Sr. Corporal Timothy Webb (Sept. 23)
 - Milford Live: American Police Hall of Fame and Museum honors MPD Sr. Corporal Timothy Webb (Sept. 25)
 - 47ABC: Cpl. Webb honored with law enforcement purple heart award (Sept. 27)
 - WRDE: Master Corporal TJ Webb Receives Law Enforcement Purple Heart From American Police Hall Of Fame (Sept. 27)

IT Department

IT Director Dale Matthews provided the following report:

We hired Garrett Anderson for the Audio-visual Telecommunications Specialist position.

Below are updates for IT open projects:

- Security:

- Cybersecurity training for all staff is underway. Once employees have completed the training, we can implement the remainder of our plan (test campaigns, additional awareness training, etc.)
- We are talking to vendors about additional security testing with their applications.
- We will be implementing improved authentication and access control practices and policies by the end of December. This will coincide with the completion of IT policies and procedures.
- M365 and Cloud:
 - All email accounts have been migrated to the cloud. We are moving to the next phase which includes moving all shared files to the cloud.
 - We are setting up a training portal for staff to get the latest training on the new Office 365 applications and tools.
 - We have begun the preliminary work required to consolidate the remaining physical servers into a hyperconverged infrastructure. As mentioned in the previous report, this project will be completed over the next 6 months.
- Council Chambers Upgrade:
 - We expect to start this project by early November and complete it by November 30.
- Policies and Procedures:
 - No changes: we are still on track for December 2021 completion.

Finance Department

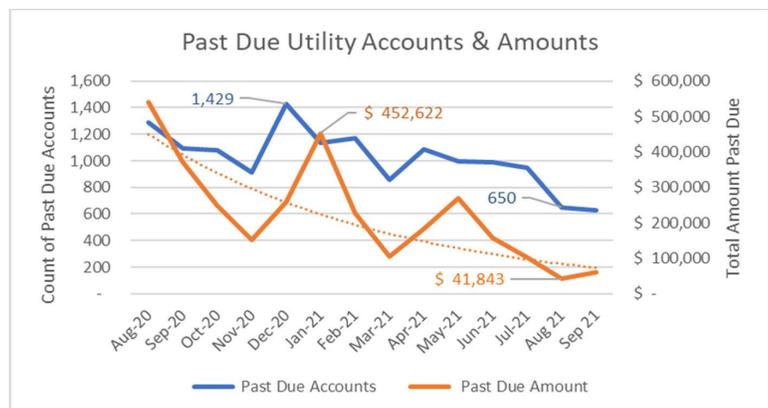
Director Vitola presented the following Finance Staff report:

- Monthly Financial Reporting
 - The second Financial Reporting Package of FY22 covering the first two months of FY21 was distributed to Council with a brief narrative addressing financial results.
 - Several changes were implemented in the report to kick off the fiscal year, most of which are consistent with feedback received at meetings of the Finance Committee and Council throughout FY21. The new content remains a “pilot” for review and can be improved with the continued and welcomed feedback loop.
- Training and other Improvement Efforts
 - The GFOA Investment Management Best Practices training was concluded in September prior to the timely review and revisions to the City’s Investment Management Policy
 - I continued to participate in the ongoing DEMEC line-worker steering committee and electric vehicle stakeholder group meetings during September.
 - I participated in two demonstrations of “SeeClickFix” software, which would allow residents to interface with City staff in a more efficient way to influence the resolution of inquiries and issues.
 - The Key Accounts program continued to gain momentum with another customer call, this time with US Cold Storage.
- Staffing
 - The City’s open payroll accountant position was recently advertised following an unsuccessful attempt to recruit a third-party contractor
 - As many as seven viable candidates will be interviewed from among 14 applicants
 - In the meantime, Sandra Peck continues to execute payroll processes, but the prolonged recruitment has significantly impacted the FY21 audit progress
 - One open position remains in the Customer Service division; the recruitment was initiated in June and remains in process; we may need to re-advertise for the position.
- Enterprise Resource Planning (ERP) Selection Process and Project Kickoff
 - The Tyler Technologies contract and statement of work are being circulated for signatures now following several weeks of review and negotiation

- The Project Management consultant has been selected, paving the way for project kickoff in November. Staff will be informed about the project and what to expect in advance of the initial project meetings.
- Police Facility Project – Planning and Design
 - I met with representatives of PNC Bank in September to discuss the City’s interim financing needs. The Bank’s Counsel are drafting a Bond Anticipation Note (BAN), while the City’s Bond Counsel has drafted a resolution to authorize the issuance of the BAN. The documents should be ready for review and potential approval at the October 25, 2021 meeting of Council.
 - I participated in several meetings with the City’s design architects and construction management firm to gain an understanding of the first update to the project cost estimate in about a year; City staff and consultants have a plan to develop a more confident estimate in parallel with the progression through the design process.
- FY21 Audit Process
 - Sandra Peck and I met again with the new audit team to discuss timing, deliverables and schedules.
 - Unfortunately, given the challenges in the Finance Department resulting from the loss of just one staff member (25% of 4 full-time team), we have fallen behind on the audit process and expect to present the City’s financials at the end of December this year.
- Billing & Customer Service Department
 - National Customer Service Week concluded on October 8, 2021; our customer service professionals were recognized and rewarded with a team lunch and other expressions of gratitude for all their hard work all year.
 - However, I do not believe the team was able to relish the celebration to any great extent:
 - The City’s uCentra (customer-facing) portal has been suffering outages almost daily for weeks; Dale and his team have been instrumental in troubleshooting and restoring service
 - The Customer Service phone system has likewise been out several times in the pastmonth
 - The staffing levels are persistently impacted not only by the vacancies, but by daily staff shortfalls for a variety of reasons
 - The City’s print and mail vendor merged with a larger parent company, which is in the process of consolidating print centers, requiring the City’s mail operations to move to Atlanta, GA, where major staffing and inventory issues of their own has resulted in the firm’s inability to serve us, advise when our on-site bills will be folded, stuffed, printed and mailed, etc.
 - Customer outreach has been undertaken multiple times to advise residents of the status of their bills (which are now being manually printed, folded, stuffed and mailed locally).
 - Customers will not be charged late fees until the automatic billing process resumes.

The graph below exhibits past due accounts and balances over the past year. I would like to thank the Customer

Service team once again for their continued efforts in this difficult area, which is poised to rebound to higher figures thanks to the chaos created by the print and mail disruption, which forces us to extend penalty-free grace periods. But until then, the figures remain strong through September.



Councilmember Fulton moved to accept the City Managers’ staff reports, seconded by Councilmember Boyle. Motion carried.

MONTHLY FINANCE REPORT

Finance Director Vitola presented the following report for August 2021:

The second Financial Reporting Package of fiscal year 2022 (FY22) is enclosed for your review. The following executive summary highlights this month's notable developments and recaps last month's changes to the report:

- Page 1 – Line 22 features the establishment of the Solid Waste Fund Capital Reserve Account, made possible by Council's approval of the FY22 budget, which paved the way for seed funding in the account through forgiveness of the interfund loan extended by the Water Fund Capital Reserves
- Page 2 – Several changes and updates were made to the Restricted Cash Reserves Report
 - The MSA and RTT reserves were combined into one shared summary to make room for solid waste
 - Lines 3 and 17 were added to present the expected contributions and interest earnings in the (now five) capital reserve accounts
 - While less conservative, the addition provides a more realistic view of future funding availability
 - The addition puts the five reserve accounts at parity with the RTT and MSA presentation
 - Lines 12, 13, 24 and 25 feature updated MCR and ERR calculations for the new fiscal year pursuant to the recently approved cash reserve policy
- Page 3 – The Enterprise Funds "P&L Style" Report features a new comparative column and four new rows
 - The rightmost column allows for a comparison of the current and prior FYTD periods by revenue and expense lines and subtotals
 - Rows 16 and 17 allow for a comparison of the current and prior FYTD periods net surplus by fund
 - Rows 18 and 19 allow for a comparison of the actual surplus and seasonalized budget surplus for the current FYTD period
- Page 4 – The General Fund "P&L Style" Report was created last month to complement the existing Enterprise Funds Revenue & Expenditure Report
 - The new statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary
 - The scaled, common-size columns at right match the prior year comparability goals featured in the Enterprise Fund version of the report, while also putting general fund revenues and expenses in context for the first time in the monthly financial reporting package
 - Rows 19 and 20 allow for a comparison of the current and prior year FYTD periods by major function
 - Rows 21 and 22 allow for a comparison of the actual surplus and seasonalized budget surplus for the current FYTD period
- Pages 5-8 – The Revenue Report (p. 5) and the Expenditure Report (p. 6-8) will continue to be produced indefinitely and will be referred to as the "legacy" revenue and expenditure reports

The August YTD results are more revealing than the July results alone, which weren't sufficient to draw meaningful insight into the year ahead. Property taxes were billed in August, accounting for 97.5% of the revenue budget, though the bulk of the cash receipts will be posted in September. Cash balances early in the year are stable, and capital spending remains light across most funds, especially for FY22 project approvals. With that said, sewer fund operating cash was consumed on higher-than-expected Kent County Sewer charges, the ongoing Front St sewer line replacement project and early debt service obligations. Operating expenditures remain below even the seasonalized budget across funds, which is not surprising given our well-documented and indiscriminating staffing challenges, whose only silver lining is manifested in the reported savings versus the budget. As expected, the timing-driven distribution losses pushing the electric fund into a rare deficit last month were almost completely reversed in August, restoring the fund to a positive margin. In fact, all four enterprise funds are stronger in terms of net surplus than both the FY22 YTD budget and the prior FYTD through August, with the exception of the electric fund vs the two months ended last August, when revenues were higher due to volume delivered and costs were lower due to standard distribution line losses.

Councilman James moved to accept the Augst 2021 Monthly Finance Report, seconded by Councilman Fulton. Motion carried.

COMMUNICATIONS AND CORRESPONDENCE

Councilmember James referenced the intersection at Rehoboth Boulevard and Southeast Front Street and the issue of when vehicles are turning left, and vehicles have to go around them. It is also the location of the school bus accident a few months ago.

Chief Brown confirmed the bus accident had nothing to do with the intersection.

Planner Pierce said the intersection was included in the Transportation Improvement District Study that DelDOT is working towards finalizing. The traffic model for that intersection will be based on future growth. Council asked the planner to report the concerns to DelDOT.

Councilmember Wilson reminded attendees of the upcoming School Referendum and encouraged everyone to vote, noting the importance to our children and grandchildren.

She also reported that this Saturday, St. Paul's United Methodist Church will be hosting a big Revival for Survival on Saturday at 3:00 p.m. They are having financial difficulties due to Covid in addition to their aging population. Councilwoman Wilson asked that people support the church or send a donation because they are struggling.

The following letter of appreciation was received from Ann Haggarty, KSI Vice President of Mission Advancement:

I would like to ***Thank You*** for your generous donation in memory of Clifford T. Crouch. Your commitment to KSI and the people that we serve is so important to our organization. When you support KSI, you are part of something really special: helping people with disABILITIES gain employment and life skills in order to actively participate in their communities.

Your belief in KSI as a valuable community asset helped us do some great work this past fiscal year. Your donation will allow the nearly 300 individuals we serve annually to work toward a brighter future.

Thank you again for your generosity. For more information on how your gift helps make a difference in the lives of so many, make sure to visit us on Facebook at [Facebook.com/KSIWorks](https://www.facebook.com/KSIWorks). You can also learn more about upcoming events and keep up to date on the impact we make in our community.

It is my honor to have you as part of the KSI family.

Municipal Electric Utilities Renewable Portfolio Standard Compliance

The following letter was received from DEMEC President and CEO Patrick Pat McCullar:

Submittal of the Municipal Electric Utilities Renewable Portfolio Standard Compliance
Report for the 2020-2021 Program Yera

Dear Councilmembers,

The Delaware Municipal Electric Corporation has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2020-2021 program year on behalf of all eight of our Municipal Electric Utilities. As per state statute, we submit to your local regulatory body a copy of the Municipal Electric Utilities Renewable Portfolio Compliance Report for your records.

UNFINISHED BUSINESS

Funding Authorization/DMI Annual Allocation

Economic Development & Community Engagement Administrator Pletcher presented the following memo:

Per the Downtown Milford, Inc. (DMI)/City Agreement dated June 25, 2018 (terms July 1, 2018 to June 30, 2019 with automatic renewal annually for up to five years), DMI's performance is to be reviewed every Spring with results sent back to DMI by April 30 and funds distributed by Oct. 1.

At the March 8, 2021 City Council meeting, DMI Executive Director Cat Perfetti and DMI President Peggy Riley presented DMI's annual review to City Council. City Council authorized \$45,860 of the FY22 City Budget to DMI; however, a vote to distribute the funds was never made. The DMI distribution does qualify for ARPA funding.

DMI's most recent Balance Sheet and P&L statement is included with this report and DMI representatives will be present at the Oct. 11 Council meeting to answer any questions.

Staff recommends Council approve disbursement of \$45,860 to fulfill the City's contractual obligation to DMI.

When asked if DMI is eligible for ARPA funding, Finance Director Vitola stated we only had preliminary ARPA eligibility advice at the time of the budget. He made a hopeful assumption that 100% of what Council customarily awards to community groups would be eligible for ARPA funds.

There was an indication that as long as the city had a relationship with a non-profit third party, they would be eligible for grants. That is how the budget was formed. The first 5% of \$324,600 contemplated to use ARPA funding for community support, was done with existing organizations.

What was found in July following budget approval, grants are still eligible, but the sub recipients are required to use the funding for an ARPA eligible purchase themselves. The audit trail does not stop when we hand over the funding.

In the case of DMI, his limited understanding is based on the April 2021 presentation about how they spent the previous year's funding for personnel costs. They are short staffed and ARPA funding is eligible to be used to bring staffing levels back to pre-pandemic levels.

If Council were to award any amount of funding up to the amount authorized in the budget, he could execute the plan, funded with ARPA funding.

To his knowledge he is unsure if DMI applied for ARPA funding. If they desired to apply for ARPA funding, it would be a request through either the county or the city.

Councilmember James asked if DMI applied for PPP funding and not ARPA funding. He knows PPP had opened back up for a second round of funding.

When asked about the purpose, Ms. Pletcher explained that they originally requested the \$45,860 for their annual allocation. And an additional \$8,000 to \$9,000 for rent which Council did not approve.

A discussion followed regarding the use of funds for DMI, and/or the Kent Economic Partnership. However, that has not been voted on.

DMI Representative Cat Perfetti confirmed that their treasurer did apply but it was denied.

Lorraine Dion of 281 Wendy Lane, Frederica, stated she is the DMI Interim Director since July 2019. She has 20 years of Main Street experience and was the DMI Director here in 2009. She then provided other related positions she held. She retired but has helped communities in the last six years.

She is currently helping DMI with their Executive Director search because there has been a turnover during Covid. However, she stressed that the service DMI is providing should be considered. They have a strategic plan and are putting a fundraising plan together.

The Main Street organization cannot exist if one of the stakeholders is not the municipality. All the funding from Main Street comes from private and the public sectors. It is up to the Main Street group to find the funding. It can come from cash or in-kind services and cannot exceed 50% of the Main Street's organization budget. The director and the board are responsible for finding the match money. If that is not received any funding from the municipality they will probably have to dissolve as an organization because they cannot remain an accredited Main Street program.

Ms. Dion also noted there is a brand-new Board of Directors and he would hate to think that something approved in April cannot be obtained. They cannot continue to search for a director without any money.

Councilman James explained that though the funding is in the budget, the disbursement was not approved. He also shared that the conversation is not about providing funding, but they are talking about the amount of funding and a continuation on a go-forward basis.

Councilmember Boyle moved to table this discussion to obtain additional information, seconded by Councilmember James. Motion carried with no one opposed.

NEW BUSINESS

Bid Award/2020 Streets & Utility Upgrade Bid Award/2020 Streets & Utility Upgrade Project/Public Works

City Engineer James Puddicombe reviewed the 2020 Streets and Utilities Project including the following improvements:

- Investigation and replacement of 72 potential lead services consisting of just under half a mile of service line.
- Repaving of 1.9 miles (233,775 square feet) of city streets, including North Church Street, North Street, Northwest 5th Street, Northeast Second Street, Mill Street, Kings Highway, Baker Street, and Fisher Avenue.
- Replacement or repositioning of four fire hydrants.
- Replacement of 5,420 square feet of sidewalk and 76 currently non-compliant ADA ramps.
- Abandonment of 3,846 linear feet of old water main including the transfer of any service to the newer main.

In order to improve efficiency and reduce costs, lines 37, 44, 45, 76, 129, 131, 132 and 136 from the Capital Improvement Plan (CIP) all have items addressed within this project.

The City put the project out to bid in the Delaware State News on September 10 and 12, 2021. A mandatory pre-bid conference was held on September 15, 2021 with five contractors in attendance. Of those contractors only one provided a bid prior to the bid opening on October 6, 2021 at 2:00 PM.

The City Engineer reviewed the bid received by Diamond Materials LLC in the amount of \$2,589,742.00 and finds it to be complete, accurate and within the range expected when compared to previous City projects.

We recommend awarding the contract to Diamond Materials LLC in the amount of \$2,589,742.00 as the firm is the apparent low bidder and has earned a strong reputation for local work similar to this project. Funds are proposed to be taken from existing CIP items via a consolidation of the line items listed in the attached spreadsheet. The consolidation of these CIP projects leaves \$200,000 in additional CIP funding requested as part of this project.

The funds to be used would be furnished according to the following amounts and accounts as listed below:

General Fund: \$22,396
Municipal Street Aid: \$107,925
Real Estate Transfer Funds: \$299,641
ARPA: \$2,159,780

The funding of this project is a consolidation of Capital Improvement Plan Projects from Lines 37, 44, 45, 76, 129, 131, 132 and 136. With lines 45 and 136 having \$150,000 and \$50,000 remaining for future projects.

Councilmember Boyle moved to author the 2020 Streets and Utilities Upgrade bid to Diamond Materials LLC in the amount of \$2,589,742 to be funded from the following accounts:

General Fund: \$22,396
Municipal Street Aid: \$107,925
Real Estate Transfer Funds: \$299,641
ARPA: \$2,159,780

Councilmember James seconded the motion which was carried unanimously.

Authorization to Request DELDOT/All Way Stop/Seabury Avenue

In response to citizen complaints, he has been working with DelDOT with regard to speed and traffic control on Seabury. The City Engineer has proposed the placement of All-Way Stop Signs on Seabury Avenue and Elm Street, and Seabury Avenue and Pine Street. This would place stop signs on every street coming into that intersection.

It meets the criteria DelDOT required, and they hope it will improve some of the traffic flow as Simpson Crossing continues to be developed and to make an attempt to prevent shortcutting through that area.

Councilmember Culotta noted that Seabury has had a speeding problem for years, and asked if one all-way stop would suffice. Councilman Fulton said the entire parish at St. Johns Catholic Church has talked about the speeding on the street for years. Anything to control the speed and slow down the flow will assist in the issue. However, he does not want to see a backup problem as a result.

It was confirmed that Cherry Street and Seabury Avenue did not qualify due to its proximity to Route 113.

Councilman Culotta also pointed out that when Milford Ponds and Simpsons Crossing is completed, when residents from the Meadows at Shawnee and others in that area are going to cut through those neighborhoods. They will then be adding stop signs to prevent those vehicles from utilizing their streets.

Traffic impact studies have already been done in that area as part of the subdivision approval process.

Councilwoman Wilson stated that based on the recommendation of Public Works, based on the study that Chief Brown referenced was previously done by the police department, and Chief Brown's opinion that speeding is becoming less of an issue, this plan be presented to DelDOT, seconded by Councilmember James. Motion carried with no one opposed.

Authorization to Request DELDOT/Speed Mats/Kings Highway

The Public Works Department has received complaints of speeding on Kings Highway and has consulted with DelDOT regarding potential solutions. DelDOT has proposed investigation of the issue with the potential to emplace speed reduction devices along the roadway. In order to expedite the process and to have DelDOT initiate the investigation we recommend a formal request be made through action by City Council.

Councilmember Marabello moved to approve the City Engineer by making a formal request to DelDOT on their behalf for investigation of the speeding issue through the Traffic Calming Project Request form provided by DelDOT and indicate their support for traffic calming measures along Kings Highway, seconded by Councilmember Culotta. Motion carried.

Funding Authorization/Transfer from GF Reserves/Pay Study

City Manager Whitfield submitted the following request:

In the FY2021 City Budget, \$35,000 was authorized for a Compensation Study. A contract for the study was awarded to Evergreen Solutions, LLC in the amount of \$ 22,500, and the study was expected to be completed by July 2021. As of the end of FY2021, \$11,250 of the contract has been spent, and additional work was needed to complete the study. As standard practice, any unspent money in budgets at the end of the fiscal year are rolled into General Fund Reserves. No money was budgeted for the completion of the study in the FY2022 City Budget. For this reason, staff recommend transferring \$11,250 from General Fund Reserves to Account #101-1010-413-30-12 to cover the outstanding obligations for the completion of the Compensation Study.

Councilmember James moved to authorize a transfer of \$11,250 from General Fund Reserves to Account #101-1010-413-30-12 to cover the outstanding obligations for the completion of the Compensation Study, seconded by Councilmember Wilson. Motion carried.

EXECUTIVE SESSION

Councilmember James moved to go into Executive Session, seconded by Councilmember Fulton. Motion carried.

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property.

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

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or litigation

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:26 p.m. for the purposes as permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Boyle moved to return to Open Session, seconded by Councilmember James. Motion carried.

Council returned to Open Session at 9:26 p.m.

*Personnel Matter
Teamsters Contract*

Solicitor Rutt advised the first motion to consider is needed to extend retroactive Worker's Compensation for an injured employee. Councilmember James moved to authorize the motion as read by Solicitor Rutt, seconded by Councilmember Wilson. Motion carried.

Solicitor Rutt advised that the second proposed motion would be a motion to extend Worker's Compensation for an additional 90 days for an injured employee with the City Manager executing the MOU, Councilmember James moved to authorize the motion as read by Solicitor Rutt, seconded by Councilmember Wilson. Motion carried.

The real estate matter was not discussed.

ADJOURNMENT

Councilmember James moved to adjourn the Council meeting, seconded by Councilmember Baer. Motion carried.

The Council Meeting adjourned at 9:28p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder