



Milford City Hall Council Chambers 201 South Walnut Street Milford DE 19963

CITY COUNCIL AGENDA Monday, October 10, 2022

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 Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ®. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.

All written public comments received prior to the meeting will be read into the record.

This meeting is available for viewing by the public by accessing the following link:

<https://zoom.us/j/99156131279>

or

<http://www.cityofmilford.com/553/Watch-Public-Meetings>

Members of the public may also dial in by phone using the following number:

Call 301 715 8592 Webinar ID: 991 5613 1279

6:00 PM 15-Minute Public Comment Period*

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Approval of Previous Minutes

Recognition

Introduction/New City Employees

Proclamation 2022-26/Cybersecurity Awareness Month

Proclamation 2022-21/Milford Goes Purple Month

Staff Reports

Monthly Police Report

City Clerk

Monthly City Manager Report:

Public Works Department
Electric Department
Planning & Zoning Department
Parks & Recreation Department
Human Resources
Economic Development & Community Engagement
IT Department
Finance Department

Communications & Correspondence

Unfinished Business

WIIN Update
Council Retreat Date Reminder
FY2021 Audit Update ¹

New Business

Milford Corporate Center Concept Plan Update
Bid Award/Becker Morgan Group/Milford Corporate Center Agreement

Introduction/Ordinance 2022-36

Application of Buccaneer Carwash
Revised Conditional Use
0.989 +/- acres of land located along the east side of N. Dupont Boulevard
and the west side of N. Walnut Street
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present use: Carwash Proposed Use: Carwash
Tax Parcel: MD-16-174.14-01-16.00

Introduction/Ordinance 2022-37

Application of Knight Crossing -- Amended Conditional Use-- Planned Unit Development
25.80 +/- acres of land located south of Cedar Beach Road,
east of Beaver Dam Road and west of Route 1
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment & Townhouse)
Present use: Vacant Proposed Use: Planned Unit Development
Tax Parcel: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

Introduction/Ordinance 2022-38

Application of Knight Crossing – Phase 2A for a Final Major Subdivision
25.80 +/- acres of land located south of Cedar Beach Road,
east of Beaver Dam Road and west of Route 1
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment & Townhouse)
Present use: Vacant Proposed Use: Planned Unit Development
Tax Parcel: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

Introduction/Ordinance 2022-39

Application of Becker Morgan Group, Inc.-- Red Cedar Farms, Inc

Preliminary Major Subdivision

101.42 +/- acres of land located along the east side of Bucks Road and north of Cedar Neck Road

Comprehensive Plan Designation: Low Density Residential

Zoning District: R-2 (low density residential)

Present Use: Vacant Proposed Use: 200-unit Single-family Detached Dwelling Subdivision

Tax Parcel: 3-30-11.00-068.00

Introduction/Ordinance 2022-40/Chapter 197 Streets, Sidewalks, Storm Sewers, and Other Public Places
Article I General Provisions Section 197-5 Pedestrian Safety

EXECUTIVE SESSION

Property Sale/Lease:

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

Legal:

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 potential litigation

Potential Motions:

Land Purchase

Land Purchase/Sale

Legal Issue

Adjournment

All items on the Council Meeting Agenda are subject to a potential vote.

**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.**

Ⓢ Designated Items only; Public Comment, up to three minutes per person will be accepted.

*Comments restricted to same date's Council agenda items.

The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.

05022 062422 082922 090222 091622 091922 092622 100322

100722¹ Language Changed from Adoption to Update/Three (3) Items Removed; Ordinance 2022-40 Clarification Added



CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
August 31, 2022

The City Council of the City of Milford convened in a Workshop Session on Wednesday, August 31, 2022, beginning at 6:03 p.m.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

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Efficiency Smart Program

Finance Director Lou Vitola introduce Director of Account Management Tom Coyle of Efficiency Smart.

Director Vitola informed Council that Efficiency Smart is not what you call you know a true, separate third-party organization and instead are an affiliated nonprofit company. Because DEMEC is the wholesale electric supplier for the eight public power cities and towns in Delaware. DEMEC is then a member of American Municipal Power Incorporated (AMP), which is a larger joint action agency in the Midwest and reaches all the way to Delaware. Efficient Smart is a construct of AMP that is available for all its members, including DEMEC and its members to use.

He shared a great saying that goes “you must have your energy efficiency vegetables before you have your renewable energy dessert. Everybody loves wind and solar and battery storage, and all these great things that can pump renewable energy onto the grid, but one less megawatt of demand, on the grid itself, is just as good as that next incremental supply side generation.

The idea is that we initially need to get energy efficient, and then we worry about supplementing the grid with renewables though they are really happening concurrently. That is the importance of Efficiency Smart.

The Finance Director also stated that Council has probably seen a lot of work coming out of DEMEC related to regulatory lobbyist type activities intending to control the City's ability to own its own destiny in terms of renewable generation, and not be mandated to do it. However, that doesn't mean that DEMEC is necessarily taking aside against it. Instead DEMEC wants all the municipalities to own their own path with the flexibility to do what is best for its residences and community.

On the other side, DEMEC is enabling all its communities with tools like Efficiency Smart to allow incentivizing renewable energy or encourage people to save. That is where Mr. Coyle and his group comes in.

Director Vitola recalled the first three years that the City was on the Efficiency Smart program was March 2018 through March 2021. It was then renewed at that time for another three-year term with enhanced goals, not only to trim kilowatt hours but to also cut demand from the load.

This is a two-tiered approach and what Mr. Coyle will talk about.

Mr. Coyle said he appreciates the chance to come and provide a brief update. As was pointed out, the City is about halfway through this second cycle.

Scott Lynch from DEMEC is also participating virtually in case there are any questions relating to DEMEC. Carolyn Dehorty, who would normally be part of this discussion, is their local account manager in Delaware and is on vacation this week.

Mr. Coyle provided the following information:

The first three-year contract was a megawatt hour performance contract. We had a goal and ended up hitting about 110% of that goal over the three years, the lifetime savings for Milford's customers is just a little bit over \$2.8 million.

Moving forward, not only are the megawatt hour goals attached to that, but Milford was one of the first communities to get into what is called coincident peak summer kw goals. That helps Milford and DEMEC lower their transmission capacity costs and similar items.

The City Manager and his City team are sent a monthly report with an update. It breaks down the dashboard report, or megawatt hour numbers, the second page show the Kw. The number in the left-hand corner shows the goal and the actual savings. It also shows the pipeline that was built toward that goal. While not everything has not closed, a strong pipeline is being built.

The report ending on July 31, 2022, shows we are behind where we would like to be. At this time, he would prefer being above 40% in actual goals.

All energy efficiency programs have run into a problem and the entire world ran into a problem known as Covid. That caused an approximate one-year period no one could get into factories, schools, and hospitals. Getting to engage people face to face became a problem. That created issues with supply chain, and there are issues with labor.

The good news is that is all starting to go away though it has been true across the entire efficiency smart portfolio, and other efficiency programs in the country. Things have started returning to more a normal over the past six months. People are engaged and are planning projects.

We know for a fact that the Kw is harder to get than the megawatt hours and why it is a little bit further behind. Typically, you get about fifteen to twenty percent of 100 megawatt hours in a project, you will probably get about fifteen Kw. The goals are appropriately rationed that way, and how that works out.

So far, this contract is a little over a half million dollars in lifetime customer savings. That is the measure of life expectancy whether it was an LED, air compressor, or HVAC unit and how much it will save that customer for the life. Since Milford has joined the program in the past four and a half years, combined that lifetime savings for customers is slightly over \$3.3 million.

The appliance recycling program is ongoing, and fifty dollars will be paid, regardless of if it is a window air conditioner, dehumidifier, or a residential-size refrigerator or a freezer. That ends September 30th. If it is in working condition, \$100 will be paid to haul it away. That will end on September 30th. The purpose is to remove those secondary units that use a lot of electricity off the grid, and the reason for the incentive.

Ms. Dehorty will be set up at the Riverwalk Festival on September 17th with information and available for questions.

He concluded the presentation by sharing that the City of Milford's website homepage contains a link to Efficiency Smart where residents and businesses can sign up for newsletters. Newsletters are set out to businesses four to six times a year and monthly to residential customers.

Carlisle Fire Company Report

City Manager Whitfield stated that Council had requested a workshop with members of the Fire Company to work out some issues. One of the items discussed was Council's desire to understand how volunteerism membership could be increased within the fire company, as well as improve response times and public outreach.

He also asked that the recent changes to the EMT personnel and some history of the program.

Chief Ryan Knowles stated he is a thirty-year member of Carlisle Fire Company and is his second term as Fire Chief. He recalled the conversations related to the volunteer issues last year. They have worked very diligently to pick up recruitment as well as their retention program. Thirty years ago, it was the place to be. It provided a place to stay out of trouble and was a place where you went and learned. Many people have furthered their career through their local fire companies.

Today's world involves parents and kids involved in travel sports of various kinds. Many parents are working two jobs and sometimes three. Parents are working nights and weekends. There is not a lot of time when people have the time to volunteer anymore.

About ten months ago, they implemented the EMT career staff who are paid at Carlisle. They have dual roles as firefight/EMTs. When the whistle blows, if possible, two EMT firefighters get on the fire truck. They also have a minimum staffing of three-volunteer members, for a total of five, that respond on the first two apparatuses. In that world, it is facing the same battle as there are not a lot of EMTs anymore.

Across the State, everyone has the same issue, and each company pulls a tug of war based on which company is paying higher, who has the best incentives, etc. Again, they regrouped and came up with a solution by trying to be the highest paying in this area to attract more career staff. Again, this is to cover the 4,000 ambulance runs a year and now to supplement fire trucks for the 700 fire calls annually.

The National Fire Protection Association (NFPA) recommends a response time of ten minutes from dispatch. In Delaware, and particularly in Kent County, where Carlisle is dispatched out of, there is a standard of six and a half minutes. If not responding by that time, they re-alert Carlisle and the next two companies. That can be Houston, Slaughter Beach, Frederica, etc.

Carlisle is well under the required response time. On working fire alarms, they are re-alerted after four and a half minutes.

He noted that a lot of their members do not live in town. They are fighting traffic, congestion, and everything related, though they are trying to get there quicker but in a safe, effective manner.

As a result, Chief Knowles does not think Carlisle has a problem with the response time, it comes to when it is needed. There may be a slight lag on the not-so-important arms, such as an oil spill on the roadway, a tree into wires, etc.

If fire trucks from other companies are seen in Milford's district at a house fire or an accident where someone is trapped, that is not because they could not get out. Instead, that is a county standard that the Kent County Fire Chiefs have adopted that basically adds an extra engine to a house fire in a hydrant district. That is something that cannot be changed.

The Chief stated they also require an additional ladder truck and an additional engine for a commercial structure. For a non-hydrant districts, they require an additional tanker and whether that is a tractor trailer tanker or a ten-wheel tanker. Accidents with an entrapment requires a second rescue truck.

If Houston, Slaughter Beach, or Ellendale have responded to a fire scene, that is because they were automatically dispatched with Carlisle, and not because they were unable to get out.

When asked about the additional funding requested from the City, Chief Knowles reiterated they are in a competitive world in the hiring of employees. They are considering incentives and ways to retain these employees. Carlisle's incentive is more money because of the competition. That is needed to keep two ambulance crews 24/7 and the purpose of the additional funding.

When asked if Carlisle has considered bringing a paramedic unit to the Milford noting that this is no longer a small city and is continuing to grow. There was a handshake about thirty years ago between Colin and Bob Stewart when Sussex took care of the other side finally, and Kent moved up the road as they were supposed to according to Councilmember Fulton.

However, this side is still a 'battleground' and whenever money starts hitting the pavement, that is when Sussex complains that their medics keep on going into Kent. Kent is eight minutes from Harrington, with lights and sirens at full

blast, to get here. When you have one on one, it can be city central in six minutes. If they have been pulled south towards Milton, then good luck. Then they are twelve.

Chief Knowles responded by stating that unfortunately, the paramedics in Delaware are controlled by the county. Carlisle does have a voice and have fought several times when they open a new paramedic station for it to be in Milford. The last one that was put in Harington and before that, it was in Frederica. They moved the one from Frederica because they preferred it in Magnolia. When Marvin Sharp was Carlisle Fire Company President, they fought until they came to a happy medium and put it in Frederica. The problem with the medic in Frederica, is Dover is so busy it continues to move north.

The fire company would love to have a paramedic here though they only have so much influence. However, the City and Council may have more influence with the County government.

It was noted the fire company have such a strong voice in Delaware and are one of the largest voting blocs out there to assist someone get re-elected and can drive things to happen.

Councilman Fulton always told Colin if they open something in Milford, to let him know and he would be stationed here, making his commute much shorter.

The Fire Chief also noted they are accepting members for the Fire Company, too, and encouraged Council to join, adding that they do not have to serve in the capacity of a firefighter. A person can serve in the capacity of an office position, which freeze up some of the other people that are firefighters. Maybe that would also prevent the firefighters from having to spend a lot of time at the fire house. He noted that he spent the last three nights until 10 pm and would help prevent the exhaustion that is currently experienced by the firefighters because of the number of calls.

Councilman James then noted that Milford is supported by a four-legged stool. Public works falls under the City Manager, police, education, and fire service. Council can have a direct effect on two of those things--public works and police. Council hires the City Manager and the Police Chief. The school district and the fire service are neither under the City's responsibility.

According to Councilman James, without a working relationship, Council will not be able to fulfil its Charter goal of making sure there is fire service and fire protection in the City of Milford.

He noted that Chief Knowles made a good point, and anyone that reads the news knows that volunteerism in the fire service has been dwindling for years. This is not specific to Milford but is a fact of life. The Councilmembers cannot sit around and just wait for that to totally dissipate, and then ask what happened and how are we going to protect our people with someone responding to the fires?

That is the reason that Councilman James recommends a partnership, which is done in other places. He gathers information to prevent speaking blind in these situations. He said it is important for Council to partner with those that provide that service. He does not yet know if there is a need for part time and some partial pay, along with other incentives and other things, to encourage people to show up and be ready to fight fires.

Councilman James said Council is charged with making those decisions and must figure out a way to make that happen. He also believes as far as the funding, if the fire company and Council can get together in a partnership, by funding a lot of those initiatives Council finds important. If Council can fund parks, land, open space, and business parks, they can find a way to do it for those that provide the fire service for the City of Milford.

He emphasized the need for a working relationship by finding a way to get it done, knowing that volunteerism is on the downward slide. Milford is growing and calls will only increase in both ambulance and fire calls.

Chief Knowles agreed stating they are here tonight to form a relationship. If not concerned about a working relationship, they do not have to be here as they have the ability to seek alternative funding, but they prefer to work with the City to come together to bring in volunteer members for the extra money they can use for the firefighter EMTs.

The main goal of any firefighter EMT working for any fire department in Delaware, is to ride fire trucks and fight fires. He explained the younger guys want to be like the big city. The Chief understands and recalls feeling that way when he was young.

He emphasized the incentive to put them on fire trucks in a busy department, such as Carlisle Fire Company, is extremely high when they can ride those firetrucks like they want too, in addition to handling the EMS runs. Carlisle's EMS runs are running because of the increase in health care facilities in Milford for the elderly. They run to a healthcare facility for inner facility transports at least five times a day. What happens, is at ten o'clock at night, these healthcare facilities become tired of this elderly person being cranky, and they don't want to take their medicine, or possibly they have been sick all day, or something similar. They are tiring of dealing with that patient and call an ambulance to transport them to the hospital. Then they don't have worry about them for twenty-four hours, though that does not occur every time.

When asked the number of individuals that are needed in the dual firefighter/EMT and/or what is the gap, Chief Knowles stated that to operate 24/7, two ambulances or twelve full-time employees. Chief Knowles stated that when a fire call and an ambulance call comes in, his priority is his fireman. The ambulance is responding to that fire scene in case something happens to the firefighter(s).

If one ambulance crew is on the firetruck, the second ambulance is following the firetruck to the fire scene. If one of the firefighters have a heart attack or the fire truck gets into an accident, they are at the scene and transported to the hospital immediately.

It is set up that should another call come in, the neighboring company will respond to take care of the second call, though that is a rare occurrence.

The Chief also said it is also set up for certain priority calls and that ambulance can be diverted to that priority emergency. To effectively do that, the two ambulances are needed. The twelve employees are needed for that to work and the purpose of the request which will allow a rotation of 24 on and 72 off.

When asked how understaffed Carlisle is, Chief Knowles said they just hired two more full-time employees, but are still six under what is needed. However, they have part-time staff that fills those gaps. Right now, that is creating a lot of overtime for the full-time employees to stay over.

He commented that the volunteer EMS is basically nonexistent anymore.

Councilman Culotta noted there are many firefighters that live outside the City. He asked what Council can do to incentivize these volunteers to live within City limits; Chief Knowles said he is open to any incentive the City wants to give them. They get a \$1,000 tax credit from the State of Delaware. That helps some and not others.

Chief Knowles lives at the tip of Lincoln, and he does not want the incentive to live in the City. He has been doing this for thirty years. If Council wants to pay Carlisle's volunteers an incentive, he is 100% for it. Whatever helps get them to the firehouse and volunteer with Carlisle. They do not even have to ride fire trucks, as he stated. The goal is to have people to fill spots.

He is also familiar that the City has employees that are members of other fire companies. He has talked with them numerous times when they're working. When the fire whistle blows and they need help, the Chief promised Council he will have them back on the job within thirty minutes in the case of a working fire. That is because additional resources arrive within thirty minutes, and he is then able to let those employees go back to their normal job.

He suggested a possible incentive for city employees who can help the fire company.

Councilmember Wilson thanked Chief Knowles for educating Council about the dual roles. She pointed out that this Council is interested in finding a way to assist the fire company more as well as the response time. They hear the response time

questions from their constituents and often ask why Houston or another fire company is assisting, and he provided those answers.

Moving forward, Councilmember Wilson said that if Council needs to be more creative to start building something for the future fire department, there is a need to know that now. In that way, they can tackle that beginning during the next budget hearing and every year after that. That needs to be done whether the money is used to hire another person or not, the funding will be available for that purpose and why Council needs to be proactive about it.

The Chief agreed with Councilmember Wilson adding he has talked with President Hazzard many times about it only being a matter of time before Carlisle has a full-time career fire department. They know that is coming. The Fire Commission has been taxed to figure out a way to start funding a career fire department.

Regarding those constituents who complain about Carlisle's response times, the cell phone apps have a two-minute delay. When it is not on the phone and listening to a scanner, it is fed from a repeater and is not live. A lot of fire companies take a bashing on social media. It's all fed from a repeater with a two to three minutes delay.

Carlisle has not reached a point where it is a concern for the Fire Commission and not close, but they do answer every call. He just placed the company back on CPR Assist devices. He also knows the whistle blows more and that Council wants to talk about that. But with CPR assist, someone needs help and that means the ambulance crews need help. The more people the better and that is why they are responding to it a lot more to assist the ambulance crews.

More times than not, the ambulance crews are drained and can go somewhere so many times before they need assistance again.

Councilwoman Wilson described a personal family experience and praised the fire company for their response and assistance that ended up saving a life.

When asked how response time is measured; Chief Knowles confirmed it starts with the alert time until the truck gets out of the door. The dispatcher pushes a button on the CAD system that activates all the equipment. From that point forward, it is a time clock until that first engine, rescue truck or ambulance responds.

It was confirmed that each ambulance has LUCAS devices which is a machine that provides automatic chest compression to a patient.

Chief Knowles then talked about the poor location of the current station today. When asked where a better location would be, he stated he is unsure. He noted that a study was done forty years ago by the University of Delaware to determine the current site, which is no longer suitable in the current day, but he recommends a professional firm be hired to determine the future site.

Councilman James recalled the Planning Commission discussing the matter several years ago and suggested something be memorialized to ensure that discussion continues.

City Manager Whitfield agrees he had talked about the work the University of Delaware does and he had informed Carlisle he would get it on Council's radar because it is their responsibility to look at the best locations.

The Chief said they talked about this at their recent board meeting and one of the issues is there have been too many handshake agreements in the past instead of a written agreement. They prefer to move forward with a standard written agreement to prevent things from falling through the cracks.

He added that it would be great for him if they had a substation south of Milford by the hospital and he only lives three miles from there. However, he may not be responding in fifteen years because he may move, in addition to the other active members.

A discussion followed regarding growth patterns and the timeline of when it may become a fire company with all paid firefighters, and the need for estimated manpower.

It was noted that Milford continues to work on a long-range plan for the City and can help Carlisle plan. In that way, at the time the change is needed, Council would have anticipated the need and planned for it and will be able to help at that time.

Councilman Boyle emphasized the need to know ahead of time to make that commitment to support Carlisle. Because of the planning, City Council can provide a location based on accurate information involving roadways, housing, etc.

The Councilman also noted that there is a need for long-range planning for their equipment as well. There is a need for the company to be aware of the types of future developments to ensure they can access those streets with their equipment, particularly with on-street parking in many developments.

Chief Knowles shared that the Fire Marshall's Office does a very good job of reviewing and commenting on all development plans from the City. It is also sent to Chief Knowles and reviews every plan and will respond if there is a concern.

Councilman Boyle said that he discussed this with Councilman James, and both got the same impression that the Chief already knew when they needed full-time paid staff. The City needs to know that information and that cannot be accomplished without working together.

The Chief said at this point, they do not know when the full-time employees are needed, because in another six months, they could increase volunteers and they could be back to where they need to be.

Chief Knowles also noted that Sussex County has ratified the problem with street width and now requires them to be a certain width because of an issue at the beach getting fire apparatus into a development.

Councilmember Boyle reiterated the need for a working relationship with long times goals, so that City Council has an understanding of what Carlisle is going to need and the projected timeline. Council wants this partnership to be successful so they can be properly supported financially.

Chief Knowles then talked about the enhancement fund uses noting that the fire company is 40 years old. The company outgrew the building at 25 years because the today, the trucks were smaller when it was built. Trucks today are two times the size three times that size.

In addition to being stacked in the firehouse, their offices have been flipped many times and their rooms have been renovated multiple times for various uses. Currently, they a new building is being constructed on their rear property.

A conversation followed regarding individual fire gear. Chief Knowles reported that the cost of five new sets of fire gear is \$26,000. Besides the cost of customizing each member, there is no guarantee they will commit to the company for the next many years. Gear is recycled until its expiration date.

Various incentives were offered including the new EMT/firefighters.

Carlisle President Tor Hazzard, also in his second term, then addressed Council.

He recalled when he was 15 years old, there was a summer paid program financially supported by the State. He and another junior member were hired by that program.

President Hazzard suggested City Council considering that as an option. He agrees they need to go to the schools and get the younger generation back in the fire service.

Referencing the 2021 Annual Report provide the following statistics:

In the ten-year span from 2000 to 2010 we saw our EMS call volume increase by 93% with an additional increase of 37% during the period 2011 to 2021. Overall, in a 21-year period our EMS call volume has increased 130%.

According to census data, Milford had a population of 6,732 in 2000. In 2010 that number had increased to 9,559, an increase of 42%. The most current census data shows a population of 12,484, an additional increase of approximately 30.5%. As the City's population continues to grow at a rate of approximately 3% a year, if our EMS call volume continues the same trend, conservatively they will be responding to 7,000 calls per year, equating to 19 calls per day on average by 2030.

Part of the presentation in March 2022, was to request additional funding to provide the EMT/firefighters on our apparatus. Two more full-time employees were recently hired for a total of six. However, that only staffs on ambulance 24/7. Carlisle has three units and with part-time help, they can attempt to staff the second unit, though his goal is to staff all three units though that is an incredible funding increase.

Right now, they want to get to two units, fully staffed 24/7. That will provide one unit dedicated to the fire scene. The other unit would provide service for additional runs in the district, which happens frequently. This past weekend, they had four ambulance runs in a three-hour time span. That was the purpose of the additional funding request in the amount of \$60,000.

They are slated to be at over 700 fire calls this year, which has never occurred in the past. The fire service is a concern, and the EMS service is a greater concern for the population of Milford. Currently, they are interviewing candidates for a Supervisor of the EMS services. The Administrative Secretary performs a dual role function and handles the administrative duties, but also schedules the EMS staff.

He also noted that the Fire Police are in their trucks almost every alarm.

When asked about the percentage of calls in the City of Milford versus outside City limits and equate the amount the City contributes to Carlisle's budget and the amount received for those calls, it is a great deal even with the increased budget request.

It was also pointed out that the same citizens in the City of Milford, are also citizens of Kent and Sussex Counties, which makes them the same groups of residents.

Through the Delaware State Fire School, the cost of training an EMT is \$500 if the person is a member of the fire department and paid by them. The cost is almost \$1,000 if a non-member.

Polytech High School also offers that training. While both Tech High Schools (Sussex) offer the training, Councilman Boyle believes it would be beneficial for Milford Schools to consider EMT classes. President Tor also noted that Milford High School recently expanded their career program to include medical nursing.

Council wanted another workshop because there are a lot of topics, they want to cover with the Fire Company because they want to assist in as many ways possible.

City Manager Whitfield also commented that several Councilmembers have asked about the fire siren that is in the middle of town and the disruption to downtown festivals to the theater, and just daily life. When he talked with Chief Knowles, he learned that most of the firefighters live outside of town. Carlisle has asked for additional signals to be activated though nothing has been done yet.

He did speak with the Chief about placing the sirens on the edge town and possibly at the four corners of Milford's boundary. The primary reason for the sirens is because the volunteers are on the road with their four ways or blue lights trying to get that of the fire hall. It is important to warn people the firefighters are on the road trying to respond.

The City Manager feels that the sirens in the middle of town is not conducive to the overall goal in terms of alerting motorists and alerting firefighters noting that only eight or so firefighters live in City limits.

Councilman Culotta said the record can reflect the siren does not bother him personally because he is used to it though his wife cannot stand it. He also receives constant complaints from his neighbors. He thinks there is a distributed model that Milford needs to return to which is quieter.

Councilman James is concerned that if we are trying to signal people that there is an emergency and firefighters trying to get through traffic to get to the fire house, now that Milford has grown, there are areas where the siren cannot be heard.

Mayor added that Georgetown has three sirens spread out throughout the community and have no complaints.

Chief Knowles said he has sympathy for the people who hear a very loud siren. But for the firefighters, it is a way of life and what they rely on. He and Mr. Whitfield discussed some possible solutions that were presented at their board meeting, and they are 100% in agreement to move forward with some alternative locations, or solutions to fix the siren issue.

Council agreed the intent is not to remove the siren, but to make it less burdensome on our residents.

Chief Knowles confirmed that two forms of notification is required, one is the pager and the other is the fire siren. If that siren is operating and any malfunction would be within the wiring, the box, or the components of that siren. The phone app is not a reliable application.

He concluded by stating they are here to establish the working relationship and are also to come up with some compromises and solutions as well.

Mayor Campbell directed the City Manager to continue working with Chief Knowles.

Residential Sprinkler Incentive/Enhancement Fund Review

City Manager Whitfield recalled the previous discussions and that Council had asked for an incentive program. At the City Manager's direction, the Planning Director put together the following memo:

Background

City Council held workshops on January 10, 2022, and February 23, 2022, to discuss a proposed amendment to Chapter 88 Building Construction that would adopt the 2018 International Residential Code (IRC), the 2018 International Building Code (IBC), and the 2018 International Swimming Pool and Spa Code (ISPSC). The discussions involved several stakeholders, including representatives from the Delaware Fire Sprinkler Coalition, State Fire Marshal's Office, and Carlisle Fire Company.

The City held a public hearing to adopt Ordinance 2022-19 on June 27, 2022, to amend Chapter 88 Building Construction as outlined above including a requirement to install automatic fire sprinkler systems for one- and two-family dwellings and townhouses. City Council tabled the ordinance adoption until the July 11, 2022, meeting, where City Council adopted the ordinance without the residential sprinkler requirement. Staff was asked to evaluate possible options to incentivize the installation of residential sprinkler systems in new construction.

Current Building Permit Charges

The below Table 1 provides a typical breakdown of City permit charges associated with the construction of a new single-family detached dwelling. Table 1 assumes a construction cost of \$200,000 and a home size of 1,800 square feet.

Table 1-Current Typical Building Permit Charges
See 08/31/22 Council Packet

Sprinkler Incentive Option

To financially support the local fire companies providing service within the corporate limits of the City, the fire company enhancement fund could be increased from 0.25% to 3% of construction cost for all new construction. For a typical house

that costs \$200,000 to build, that would increase the fire company enhancement fund from \$500 to \$6,000 (see table 2 below)

Table 2 – Building Permit Charges with 3% enhancement fund charge
See 08/31/22 Council Packet

Chapter 26 – Enhancement Funds

Based on the current City municipal boundary and the Urban Growth Boundary shown in the City's adopted Comprehensive Plan, properties within the City are currently served by two volunteer fire companies (Carlisle and Houston) and could eventually be served by up to three separate volunteer fire companies (Carlisle, Houston, and Ellendale).

Staff recommends removing references to a specific fire company in the title of the enhancement fund and making the charge a generic fire company fee.

Director Pierce provided the history of the residential sprinkler matter that has been before council during numerous meetings.

At the last workshop, Council requested a program to incentivize sprinkler installation.

Director Pierce then pointed out the urban growth boundary as declared in our comprehensive plan as our targeted annexation area. It is a projected growth pattern that the State has approved us to annex anything within that area. It could take the fifty years or longer. Adjustments have been made in the urban growth boundary from the 2008 plan and the update in 2018.

Also shown were the fire districts that include areas serviced by Houston Fire Company, that are on the western side of Milford, based on the municipal boundary that exists today.

On the southern end of the development area, south of Johnson Road and west of SR 30, there is a section that falls within the Ellendale Fire District. As a result, the City of Milford will eventually be served by up to three fire companies.

He recommends the Carlisle Enhancement Fund eventually should be reworded to make it a Generic Fire Company Enhancement Fund and the language generalized. Currently, the code needs to add Houston Fire Company to Section 26-2 of the Fire Enhancement Code.

Mr. Whitfield discussed the possibility of altering the fire districts with Carlisle. They informed him it is not worth the fight and alluded to lawsuits filed between Clayton and Dover Fire Companies.

Council discussed the various funding sources from the State, and Kent and Sussex County that support the fire company within their jurisdiction.

Director Pierce also provided a complete recap of the residential sprinkler topic from when it was first introduced to City Council. He then reviewed the fees that are included in the building permit cost.

Based on an average 1,800 square foot building with a \$200,000 construction value, the total building permit charge in the City is \$12,410 and again reviewed each charge.

He continued by reiterating that one of the options considered was to increase the Carlisle Enhancement Fund to a set percentage. The memo shows an increase from $\frac{1}{4}$ of 1% to 3%. This would result in an impact of \$5,500 on the average sized house permit.

The Director indicated they made it comparable to both the Delaware Sprinkler Coalition and the National Fire Protection Association (NFPA) and consideration of what the builder's indicated was their costs. This needs to be worthwhile to choose the fire sprinklers. If making it a wash, it would most likely not be considered.

Director Pierce believes that \$5,500 is a good number if the cost is between \$2,500 and \$4,000 and worthwhile to save an additional \$1,500.

Councilman Culotta disagreed stating this is like saying, here is your price and this is the sales price. And by the way, you raised the original price. In the example it goes from a quarter of a percent to three percent is huge. When a home is built or bought, there is a three percent buyer premium, three percent seller premium. That's six percent right there. And this scenario here, you got six percent for permit fees. Now we are adding another three percent for the Carlisle Enhancement Fund.

He said when an incentive was being discussed, speaking for himself, that incentive was about \$2,000 off the \$12,000. This would incentivize the builder to install the sprinklers because a house of this size, it is about what one would spend, though maybe more. Either way, there is an incentive to do it and it is not mandated.

Councilman Culotta said we pat ourselves on the back with our electric costs. Everybody complains they are high, though they are not when compared to other companies. There has been a good job of looking at the cost of electricity and other utilities and determining what the charge will be based on what is really required.

Now you are coming back by the way, we're going to increase your startup fees. In this scenario, \$20,000 is being spent before dirt is turned over. Plus, the county wants to charge a quarter percent which makes a person want to build outside of Milford, which is one of the complaints of having the sprinkler mandate to begin with.

The county sewer fee is a pass thru cost and the City has no control over that. However, water, sewer, and electric impact fees, and the electric connection fee and when a house is built in Milford, and a connection to the main is needed, that is a cost to the person building the home and their plumber must do that.

The idea of an impact fee is the impact to the system because additional load is added. He believes there is room to play with those. The target should be \$2,000 and that would be the incentive right now.

In Sussex County, instead of the Carlisle Enhancement Fund, there is a surcharge of not less than a quarter of one percent, not to exceed half of one percent. He believes we need to look other places.

Councilman James stated that though these are sample numbers, he is unsure an 1,800 to 2,000 square foot home can be built for \$200,000. As a result, the percentage does not have to be that high to get the same bang for the buck, because we know it is going to be more than \$2,000.

Councilman Culotta said we can also mandate things. The traditional set back in Milford is eight feet side to side which calculates to about sixteen feet between structures. A variance for a lesser setback should require sprinklers. Sprinklers should be mandated in homes with five to ten feet between houses.

He does not want to give away the farm, though there is a need to dig deeper from where that can come from.

Councilman Culotta does not want to raise the fire company enhancement fund at all. This is for capital items and not operational items.

He also noted that what the City budgets for Carlisle, those people are also living in the county and in the State as well. But if you live in the county and the State, you are paying state tax and county tax, and not paying City tax. That is already a disadvantage as well.

Councilman Fulton thinks the enhancement fee should remain where it is. Other variations can be considered such as decreased setback variances with sprinkler installation mandates.

A long discussion followed about mandating sprinklers and associated startup costs to be paid by the person building/buying the home.

Councilman Culotta argued that houses are designed to have a certain burn rating. Sprinklers provide a one-hour time to escape. They do not necessarily stop the fire but provides more opportunity to get out. He asked the importance of that one hour and on a new build, not much. His house is old and that is where most of the fire and deaths in Delaware come from.

He thinks we should mandate fire alarms, though that is already done, along with smoke detectors. The Councilman does not agree with mandating sprinklers now. Until the State and county mandates it, Milford can revisit it. This is simply another requirement in Milford that builders will have to deal with.

Councilman James agrees with the idea of homes that are very close should have mandates. If one catches on fire, they will all burn down.

Director Pierce stated the building code draws the line at five feet. Nothing less than five feet separation. Then there is an interpretation of the building code that assumes there is a structure on the property line. Less than five feet starts to impact the number of openings you can have on that wall, so no windows. Less than three feet requires a full fire, rated wall, almost like a townhouse.

The homes that are being constructed as in Simpson's Crossing were approved with a minimum three-and-a-half-foot side setback by Council. Some came in at three and a half, and they have no windows on the entire side walls of those homes. However, Director Pierce pushed for them to meet the five feet.

He also noted that a lot of these new developments are not eight feet from the side. Five feet is where he tries to get them and that would essentially impact a lot of the new developments that Council has approved over the past couple decades, along with duplexes or townhouses.

When considering what has been discussed, Councilman James feels that everything that has been said is correct, but Councilman Boyle's comments need to be considered. Referring to the previous Carlisle Fire Company discussion, available volunteers impact response time, because no one could ultimately show up.

There is still a need to figure out incentives. The Councilman said we do have to keep in mind the budget, because there are always budgetary constraints. Something is going to crowd another item out. Council needs to decide the priorities and what can be given up.

Director Pierce said our permit charges are very competitive with our peer communities. He also noted that there are only three municipalities, out of fifty-seven that mandate sprinklers.

Councilman Culotta says we need to follow the counties who are not mandating sprinklers.

When asked if anyone has spoken with Lewes, Milton, or Newark and their impact on housing development sales and the sprinkler mandate, Director Pierce said they have different housing markets and the reason he has not reached out to them.

Mr. Whitfield added that Carlisle was not in favor of the money incentive, because they stated, 'you cannot put a price on a life', and their preference is to mandate the sprinklers. The additional money means nothing to them when it comes to the loss of a life.

Councilman Culotta said he had a long conversation with Sussex County's Fire Marshal Duane Fox who said the same thing. He feels that in that sense, every house should be built on a cinder block.

Councilman Fulton said there is a cost in Delaware in affordability and service. He thinks that being the number 4 municipality to mandate is a mistake for the City of Milford.

Councilman James said something is needed because life/safety is a big deal. Anytime we can buy an hour to get a family out is huge. Councilman Fulton said when a brain starts dying and there is not a paramedic that can reach that person in this city. So advanced life support in six minutes is unavailable in Milford.

He said that the counties are aware, the City government has been made aware, and previous administrations have been made aware, and internships have been contacted. The State is aware, and nothing has happened yet, and Milford is not a small little town that is a blip on a radar.

Councilman Fulton emphasized that if a variance is requested in the side setbacks, the City's terms will be sprinklers. Keeping the setback widths and is one step in adding the sprinkler system.

When asked what the .75% general government enhancement fund is used for, the City Manager said it went toward the police station.

It was suggested \$2,000 to \$2,500 be used to incentivize fire sprinklers in homes in new developments. Any variation in the deduction of setbacks makes it mandatory.

Director Pierce stated that any number will need to be broken down by size and those calculations should be done internally. The point of bringing this to Council tonight was to show them that Carlisle's boundary goes way beyond the City limits and will involve Houston Fire Company when those homes are finished, and in the future Ellendale Fire Company as we develop southwest of Route 1 beyond Johnson Road.

Solicitor Rutt pointed out with that Council is trying to micromanage the City. He suggests that considering asking the State of Delaware to impose a tax or fee of some sort, and if a sprinkler is installed, that tax or fee is decreased. That provide them the ability to make money that could be given to the firefighter volunteers in which they are paid per run. That then provides a statewide incentive program for homebuilders to install a sprinkler system.

City Manager Whitfield reiterated that Council's directive was for staff to develop an incentive program.

Councilman Culotta then stated that we could do an incentive program based on square footage with given for every 100 square feet of interior space, or the water impact fee could be reduced.

City Manager Whitfield said he would argue against reducing any of the impact fees for water, sewer and electric, just because of the projects we have coming down the pipeline.

Councilman Culotta believes there are many things the City makes revenues from and that any of those things should be considered. Councilman James pointed out the City does not make revenues on the general fund side though Councilman Culotta disagreed noting the electric side makes money.

City Manager Whitfield noted that any extra funds go back into covering operational costs. Referring to Councilman James' point in the earlier discussion about adding fund to new incentives will take funding away from project previously approved, and to be specific, there will be less money to buy land, less money for playgrounds and parkland.

Several inaudible conversations were occurring, and Mayor Campbell ended the conversation about residential sprinklers.

Police Chief Search Update

City Manager Whitfield added some memos to the packet that came from Project Manager Jon Fehlman of HRgovUSA. He presently has approximately nineteen applicants from various parts of the United States, though several appear to be local while others are from as far away as Texas.

The closing date on applications is September 15th and after that date, Mr. Fehlman will review the applicants and weed out those that do not meet our qualifications and narrow that number down before presenting them to City Council for additional review.

Councilman James asked that he not over filter and if an application is close, it should be considered.

Adjournment

Mayor Campbell adjourned the meeting at 8:18 pm.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
September 12, 2022

The City Council of the City of Milford met in Regular Session on Monday, September 12, 2022.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and City Clerk Terri Hudson

COUNSEL: Scott Wilcox, 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 Meetings and Workshops are held in the Council Chambers at City Hall with attendees able to participate remotely as well.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

Following the Pledge of Allegiance, an invocation was given by Councilmember Wilson.

Proclamation 2022-15/Suicide Prevention Awareness

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the August 8, 2022, and August 22, 2022, Council Meetings. Motion to approve made by Councilmember Fulton, seconded by Councilmember Baer. Motion carried.

RECOGNITION

Acting City Solicitor

City Clerk Hudson introduced Moore and Rutt Attorney Scott Wilcox who was in attendance on behalf of Solicitor David Rutt.

Introduction/New City Employees

City Manager Whitfield introduced Bill Pettigrew, the Interim IT Director, and is coming from Brandywine Technology with an extensive background in Window services, cloud networking, and other similar areas.

Economic Development and Community Engagement Administrator introduced the city's new videography and photography intern Kent Milligan, a 2022 graduate of Delaware State University where he studied mass communication.

Proclamation 2022-15/Suicide Prevention Awareness

SUICIDE PREVENTION AWARENESS MONTH

WHEREAS, September is Suicide Prevention Awareness Month — a time to raise awareness of this stigmatized, and often taboo topic; and

WHEREAS, we use this month to shift public perception, spread hope, and share vital information to people affected by suicide; and

WHEREAS, after years of advocacy and preparation, 988 is now available nationwide as the new number to contact for mental health, substance use and suicide crises - a simple, easy-to-remember way for people to get help, regardless of where they live; and

WHEREAS, Suicide is the 2nd leading cause of death among people aged 10 – 34 and the 10th leading cause of death overall in the U.S, increasing by 35% since 1999; and

WHEREAS, Suicide has now become the number one killer of police officers in the United States and today is more than triple that of officers fatally injured in the line of duty, according to Blue H.E.L.P., a nonprofit group that is educating police departments and advocating for benefits for officers suffering from post-traumatic stress; and

WHEREAS, Suicide rates among active-duty military members are presently at an all-time high since recordkeeping began after 9/11, with some branches of the Armed Forces experiencing the highest rate of suicides since before World War II; and

WHEREAS, Suicidal thoughts, much like mental health conditions, can affect anyone regardless of age, gender, or background and are often the result of an untreated mental health condition; and

WHEREAS, Suicidal thoughts, although common, should not be considered normal and often indicate more serious issues; and

WHEREAS, while suicide prevention is important to address year-round, Suicide Prevention Awareness Month provides a dedicated time to come together with collective passion and strength to address this difficult topic because just one conversation can change a life.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim September 2022 as Suicide Prevention Awareness Month in the City of Milford

and ask our citizens to recognize that taking care of ourselves and others includes taking care of mental health; and

I FURTHER encourage all residents to take the time to check-in with family, friends, neighbors, and coworkers regularly and to communicate their appreciation for their existence by any gesture they deem appropriate--a simple phone call, message, handshake, or hug can go a long way towards helping someone realize that Suicide is not the answer.

STAFF REPORTS

Monthly Police Report

Acting Police Chief Huey referenced the letter regarding the take-home care program. Ford Motor Company informed them they were unable to obtain the 2022 Hybrid Police Vehicles, though they had warned them this was a possibility at the time they were ordered. However, because they were unable to honor the state contract pricing, which results in another \$7,600 per vehicle. It was determined that a new state contract under Winner Ford and though slightly higher by \$2,657 per vehicle, Two replacement budget Dodge Durango vehicles were purchased from Hertrich Motors for a savings of \$2,800 per vehicle, though they are not the hybrid model.

He then discussed the report that was included in the packet.

Councilmember Boyle asked that the report contains many acronyms and suggested that the first time it is used, to please spell it out.

The Behavioral Health Unit was then discussed by Councilmember Boyle and James. Acting Chief Huey plans to transition the Behavioral Health Unit Clinician to victim services as well.

The Acting Chief also talked about her involvement in an agreement for some partial funding to help develop best practices for starting a unit for agencies across the United States. She was being paid additional funding through a grant that was reimbursed to the City. The HR Department advised because she is an exempt employee, she could not be paid anything above her normal 40 hours and are now at risk of losing that grant because she is not permitted to perform that function when working her normal duty hours.

Mayor Campbell recommends this be discussed in a separate meeting with Acting Chief Huey, City Manager Whitfield, Councilmember James, and himself.

The Acting Chief confirmed there are two parttime employees, in addition to Clinician Jenna Haines whose hours are very limited. If increased, they would work toward providing that service around the clock. He noted that in one day, there were four overdoses, and extending that program to provide more treatments and referrals, he would hope to reduce the addiction problem in Milford.

It was agreed to discuss the payroll issue previously discussed in a Council workshop with all members present.

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

City Clerk

The City Clerk provide a very brief overview of the monthly activities in her office. The full report was included in the packet.

Councilmember Fulton moved to accept the City Clerk's report, seconded by Councilmember Wilson. Motion carried.

Monthly City Manager Report:

Public Works Department

Electric Department

Planning & Zoning Department

Parks & Recreation Department

Human Resources

Economic Development & Community Engagement

IT Department

Finance Department

Full versions of the City Manager and department reports were included in packet. City Manager Whitfield, Public Works Director Mike Svaby, Electric Director Tony Chipola, Planning Director Rob Pierce, Human Resources Director Jamesha Williams, Economic Development and Community Engagement Administrator Sara Bluhm, and Finance Director Lou Vitola provided brief highlights. Parks & Recreation Director Brad Dennehy was on leave and IT Director Bill Pettigrew being new to the City, will start reporting in October.

Councilman Boyle pointed out the Milford Corporate Center was funded to bring jobs to the City. An interested business that will use a number of acres, with very few employees, he would recommend considering that before signing off on a sale in that situation.

Councilman James moved to accept the City Manager reports, as presented, seconded by Councilman Fulton. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Councilwoman Wilson reported that she has had a number of constituents approach her regarding the individuals who are asking for assistance at every intersection in Milford. This is occurring not only during the day, but now into the evening. This is creating a lot of discomfort for our residents, though she understands it is a nationwide problem.

Acting Chief Huey shared the Attorney General's office has declared Delaware's loitering statute as unconstitutional. The department has been trying to use a Title 21 offense that if the person steps off that curb into the street to retrieve that money, and is witnessed by the police, a ticket will be issued. The Attorney General's office has been very specific in their directions to prohibit any attempt to make the person move along.

Councilman Culotta prefers something in place and recommends using Seaford's ordinance that prohibits standing in the median or in between lanes to panhandle.

Councilman James agreed, adding that if it can be demonstrated especially when standing in the median becomes a safety issue. It puts the driver at risk of potentially hitting the person, and because of the close proximity, something as a minor as a mirror may hit them. He has also talked with many people in the City about this matter. One is a representative of realtors who informed him that when showing properties, observing panhandlers at the intersections and highways discourages people from investing and/or moving to Milford. As a result, it is also impacting economic growth in Milford.

Councilman Baer confirmed the problem is mainly along US Route 113 and that if a donation is being provided by the driver on the opposite side of the highway, they will access that roadway which is a very dangerous situation, and it creates a number of emotions as a result.

Councilwoman Samaroo stated she has received a few emails from constituents saying they recommend some of the housing programs for low-income families. One of those programs, they were not qualified based on the criteria and the other program had a very long waiting list. She asked if the tiny homes are still being considered.

The City Manager said this has been added to Wednesday's Council Workshop and can be discussed at that time.

Councilman Baer reported there are a number of sidewalk pavers across from La Hacienda, on the east side of Walnut Street that have sunk and are created a major trip zone. City Manager Whitfield stated there was a bid award to a contractor who will be making those repairs.

Councilman James commented that there are questions about vehicles being parked on lawns surrounding homes, many with multiple vehicles. It appears there are multiple families living in such homes in the Fourth Ward. He hopes Code Enforcement is aware and addressing those issues.

Councilman Culotta said he was invited to a ribbon cutting on a Wednesday at BrightBloom Centers, which is an organization that took over a doctor's office at 1 Sussex Avenue at 11:00 a.m.

It was confirmed that Perdue will be presenting a check at that time.

Councilman Culotta asked that any invite Mayor Campbell receives should be forward to all City Councilmembers.

Councilmember James pointed out that the Chamber of Commerce advertise these events and suggests that other Councilmembers request being added to their email list.

Councilmember Fulton referenced a route problem for solid waste collections in Ward Two. He appreciates it being addresses and the delays taken care of.

UNFINISHED BUSINESS

Appointment & Reappointments/Parks & Recreation Advisory Board

Parks and Recreation Director Brad Dennehy referenced a number of applications to fill all vacant positions. For the Parks and Recreation Advisory Board, the recommendation is to appoint the following persons:

Darron Johnson -Ward 1 to fill a term to expire 08/31/2023 (Eli Howard).

Bill Shupe - Ward 1 to complete a term that expires 08/31/2024 (Chris Mergner). Bill is retired from Seaford School district, is a former volunteer coach for Milford Parks and Recreation and an avid user of the Riverwalk and Dog Park

The following individuals will be reappointed:

Ronny Baltazar – Lopez; partial term (Andy Fulton) expired 08.31.2022; reappoint for three years 03.31.2022 thru 08/31/2025

Councilmember Boyle moved to approve the two new appointees and reappointment, with terms to expire as presented, seconded by Councilmember James. Motion carried.

Appointment/City Tree Preservation and Advisory Commission

City Manager reminded Council this commission is part of a code that was adopted many years ago. This will activate that committee and is pleased with the degree of expertise of the applicants in landscaping and landscaping architecture. Initial appointments are staggered terms, and once completed, will be eligible for three-year terms.

The following individuals are being recommended for appointment:

Timothy Metzner - Ward 1 for a three-year term
Leigh Muldrow - Ward 2 for a two-year term
Eric Wahl - Ward 1 for a two-year term
Holly Heverly - Ward 2 for a one-year term
Fatima Woodard - Ward 4 for a one-year terms

Councilmember Fulton moved to appoint the five individuals presented to the Tree Preservation and Advisory Commission, seconded by Councilmember Wilson. Motion carried.

NEW BUSINESS

Adoption/Resolution 2022-11/Halloween Trick or Treat Date & Time

After the presentation of the date and time for trick or treating in the City, the floor was opened for public comment. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Resolution 2022-11, seconded by Councilmember Wilson:

HALLOWEEN TRICK OR TREAT

WHEREAS, the children of Milford are free to enjoy the fun and festivity associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family, going door to door in their neighborhoods, displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Monday, October 31, 2022, between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND BE IT FURTHER RESOLVED THAT:

*Costumed celebrants will be permitted to engage in Trick-or-Treat.

*All celebrants are to refrain from committing acts of vandalism or destruction.

*Motorists are asked to be ever watchful of our youngsters making these annual rounds.

Motion carried.

Adoption/Resolution 2022-12/City of Milford 2023 Holidays

A list of holidays for City, Police and Dispatchers were presented.

The floor was opened for public comment and with no one responding, the floor was closed.

Councilmember Boyle moved to adopt Resolution 2022-12 approving the 2023 City Holiday Schedule, seconded by Councilmember James:

APPROVAL OF 2023 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Section 7.3 of Chapter 55 of the City Code, entitled Holidays, currently states the City will grant holiday time off to all employees on all legal holidays, officially adopted and approved by the Milford City Council each calendar year and that all City offices shall be closed during designated City holidays; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12th day of September 2022, by a favorable majority vote, authorize the following holidays be observed beginning January 1, 2023:

HOLIDAY	<i>City Hall & City Administrative Staff, Non-Union Employees, IBEW Union</i>	<i>Police Officers & Police Dispatchers Teamsters Union</i>
	DATE OBSERVED	DATE OBSERVED
New Year’s Day	01/02/2023	01/01/2023
MLK Jr. Birthday	01/16/2023	01/16/2023
Presidents Day	02/20/2023	02/20/2023
Good Friday	04/07/2023	04/07/2023
Memorial Day	05/29/2023	05/29/2023
Juneteenth	06/19/2023	06/19/2023
Independence Day	07/04/2023	07/04/2023
Labor Day	09/04/2023	09/04/2023
Veterans Day	11/10/2023	11/11/2023
Thanksgiving Day	11/23/2023	11/23/2023
Thanksgiving Friday	11/24/2023	11/24/2023
Christmas Eve	12/22/2023	12/24/2023
Christmas	12/25/2023	12/25/2023
New Years	01/01/2024	01/01/2024

Motion

carried.

Introduction/Ordinance 2022-33/Chapter 204 Article I Property Tax Relief-Seniors Citizens

The City Manager introduced the proposed ordinance increasing the current threshold for the senior citizen exemption on real property tax. The last change occurred in 2011. He recommends the following update:

Every person 65 or more years of age having an income not in excess of ~~\$15,000~~ 20,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$40,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed ~~\$25,500~~ 34,000 per year, exclusive of social security and railroad pensions.

Dates :

Introduction: September 12, 2022

Public Comment/Review: September 26, 2022

Introduction Ordinance 2022-34/Chapter 55/Personnel Code/Section 11.3/Political Participation

Mayor Campbell introduced Ordinance 2022-34 and deferred to Human Resources Manager Jamesha Williams. Ms. Williams reviewed the proposal:

The purpose of this memorandum is to outline the recent review of the City's personnel policies and regulations and recommend a revision to Section 11.3 Participation in Political Activity. The revisions will address common issues and frequently asked questions that usually arise before elections.

Employees may not engage in political activity during working times. Political activities include:

- Solicitation, distribution, or receipt of any assessment, subscription or contribution for any political party or cause; and
- Campaigning for any candidate or issue, including posting, wearing, or distributing political material of any kind.

Proposed Revised Language:

Prohibited Political Activities:

Employees may not engage in political activity during working hours while on duty, wearing a uniform and/or while displaying the official logo/seal of the city.

Prohibited political activities include:

1. Solicitation, distribution, or receipt of any assessment, subscription, or contribution for any political party or cause; and
2. Campaigning for any candidate or issue, including posting, wearing, or distributing
3. political material of any kind on City property or in City vehicles.
4. No employee or group of employees, representing themselves as City employees, shall campaign for or against any political candidate, group, or ballot measure. City resources may be used to analyze and provide information about the effects of proposed ballot measures on City operations if the analysis is objective.
5. Use official authority to interfere with an election or while engaged in political activity.
6. Invite subordinate employees to political events or otherwise suggest that they engage in political activity.

Permitted Political Activities:

1. Employees can personally support or oppose any candidate for public office during off-duty hours as private community members only.

This is scheduled for public comments and review by Council at the September 26th Council Meeting.

Dates

Introduction: September 12, 2022

Public Comment/Review: September 26, 2022

Update/Economic Development

Economic Development and Community Engagement Administrator Sara Bluhm reported it has been a year since she last provided an update to City Council.

She reported the following:

Confirmed economic development includes Milford Corporate Center (Fry Farm). One hundred thousand dollars was secured in site readiness funds. The concept plan is prepared that will be presented at the Community Workshop at the end of this month.

There is a primary care office that opened in the old day Bayhealth Walk-In Clinic on Jefferson Avenue. A ribbon cutting is planned for the second week of October.

My Sister's Fault was an Edge Grant recipient in 2022 and are purchasing the building they are currently in. They will expand to include more cold storage with their grant money.

The Milford Public Library's commercial rental (former LifeCycle) has been brought up to market rent rate after their previous tenants moved out. That involves a three-year tiered plan to bring that rent up to a market rent.

The 2021 State Planning Annual report indicates that Milford ranks third in non-residential square footage constructed, only behind Newark and Wilmington.

The Grown Milford website was launched in May. Starting September 15th, the City will have an electronic billboard on Route 1 at Frederica, in the southbound lane, until a static board becomes available. It is predicated the electronic billboard will be used about three months and then as a static board the following nine months.

Sixteen ribbons cuttings have occurred this past year.

Last week, an application for the Transportation and Infrastructure Investment Fund (TIFF) for the entire amount of the cost to create the entrance to the Milford Corporate Center.

In addition, an application to the Site Readiness Fund. The deadline is September 16th and the outcome should be reported sometime in October.

The Milford Wellness Village still has about forty thousand square feet left. Any business interested in Milford she is sending to them.

A downtown retail is looking at the old Milford Chronicle building that has been vacant for a while. The Code Officials and Ms. Bluhm are working with the landlord to bring the building to code.

The facility the Food Bank of Delaware is vacating has been for sale for several months. There are several interested parties as she tries to find a potential buyer.

She then reviewed the Economic Development Incentive Programs within the City Code that Council reviewed over the years. They include the Greater Milford Business Complex program, the Downtown Development District, and the Citywide Job Creating and Capital Investment program. Nine businesses have utilized the program(s) since 2019 and the projective capital investment is over \$60 million dollars. The max projected job creation is 359 and the max impact fees waved is a little over \$610,000.

Over the last year, the Downtown Banner Project has been established with Downtown Milford (DMI), the My Milford app, the Community Calendar, Bucky the chat bot and the Community Cleanup events.

The Customer Resource webpage was established at the request of Councilman Baer and signs promoting the Keep Kids Alive Drive 25 campaign can be seen throughout the City. The E-Newsletter distribution has grown thanks to the assistance of the Customer Service Department.

In addition, positive growth continues in social media—including Facebook, Twitter, and Instagram.

Ms. Bluhm confirmed there are no immediate plans for the lot on South Walnut Street that was purchased by My Sister's Fault.

When asked about shopping centers with open retail spaces and whether their owners/managers have contacted Ms. Bluhm for assistance in filling those vacant storefronts, she indicated they are more silent and do not reach out for help. However, she does recommend those areas when someone is searching. She had one successful meeting with a potential tenant who was interested in the Redner's Shopping Center. However, they are hard sells based on the lease requirements, which includes rent, lease term, and other conditions.

She does reach out to commercial and highway retail, and also works with R&R Realty who has a lot of the commercial listings in Milford.

It was noted that Furniture & Mor is closed, though she is unable to provide information on the new tenant at this time. Aldi Food Store is deep in construction though the opening date is currently unknown.

Strategic Plan Update

Local Government Fellow Melody Barger stated the City has contracted with the University of Delaware's Institute for Public Administration to assist with the Strategic Plan. She met with them last week and created a schedule of events.

Ms. Barger noted the last strategic plan was adopted in 2017. Most of the priorities have been completed. They include, among others, the industrial park whose plans are currently underway, the new police station of which site work has been started, and the sidewalk program and the street program.

Councils' advice and desire is needed on how they would like the city to change and grow. But we also need resident input, which was the purpose of the National Community Survey.

To move forward, the City has contracted with the University of Delaware's Institute of Public Administration to facilitate a Council Retreat to set priorities. Community Conversations will also occur and provide Councilmembers an opportunity to facilitate coffee conversations. That is a brief, four question meeting with constituents that can be done on Council's own time to informally gather information.

A draft strategic plan update will be done, after which Council and public comments will be taken. A final public hearing will be held after which the adoption will occur.

A timeline was then presented (see packet).

Council Retreat Date

A date for the 2022 Council Retreat was discussed. Originally, it was planned for October 22, but Bill McGowan is not available that date. There is a need to pick a Saturday on October 1st, 8th, or the 15th.

After a short discussion, Council agreed to hold the retreat on October 15, 2022.

Update/FY21 City of Milford Audit

Finance Director Lou Vitola stated the updated third draft of the financials starts on page 89 of the Council packet. He is already starting the fourth draft with some very minor changes.

Between the June draft and the third draft, the change in net position in the governmental funds was \$91,000 to the better. There are no substantial changes happening in the back and forth with the auditors, and really where individual lines are being mapped, and how they are presented between the two different types of financials, the two different categories of financials--the Enterprise Funds versus the governmental funds, and where everything flows.

The August draft was some number that rounded up to \$200,000 lower, and now we are back up to a higher number.

Very few of the remaining items to be done belong to the Finance Director. There is some minimal testing left by the auditors who will go back and look at minutes and packets for potential subsequent event disclosures. They will update the legal confirmations, again for the subsequent events and possibly for disclosure items and need to prepare the management representative letter and opinion letter.

It was a really strong year financially. The proprietary fund number have not changed at all and is governmental funds that are shifting around.

The Finance Staff has the ability to digest the closing, reporting, and audit processes completely and on time in a normal year. Unfortunately, this was not a normal year.

The auditors are incredibly thorough, and technically sound. What they don't have is the tacit knowledge of Milford that they will gain after a few years of working with us. They hit a roadblock every time they see something that doesn't flow the way they expect it to flow, or something that doesn't tie out the way they expect it to tie out. Then they cannot go further until a review is done. They have asked for support in detail that has not been required previously.

The auditing firm has also had some turnover of their own and lost one of the two staff accountants on the Milford audit team in the spring. He believes that person has been replaced but are trying to pull in resources from the bench and their headquarters is in Pennsylvania.

Nothing can be done at this point, other than waiting for them to sift through everything to provide a good understanding of what is needed to produce their findings.

He asked Council to let him know if there are any questions as they review this latest update.

Though Fiscal Year 2021 was not an exciting year, it was a strong year and best year in the past three years.

Mr. Vitola expects an issue date of September 2021 and will be back on September 26th for the formal approval by Council.

After a very in-depth synopsis of allocations, governmentals, and proprietary funds, the Finance Director discussed what he hopes is the very last change on the financials. The numbers will almost all be the same, with the exception of the government-wide income statement that shows program revenues and program expenses, or governmentals and proprietary funds on the same page, That will change in how the net position of the internal service funds is shown on the governmentals.

He reported the first draft of the financials was March 22nd. Compared to fiscal year 20, it was about four to five weeks behind. Having that done in mid-February is already late. But because of the turnover and other issues, he said they felt were about four weeks behind. That has ballooned because of what has to happen for the auditors to be comfortable after that point.

The auditors had the trial balance sometime around January but had trouble making sense of the trial balance because it is very large and involves many accounts. He had the same problem in early FY21. Now the scope of the follow-up testing is wider as we get later with a somewhat domino effect, after the initial delay.

They also saw drafts in June, and again on July 12th.

He added they are a very good audit firm and are incredibly thorough, which is what he wants.

When asked the projected date for the FY22 year end, the Finance Director noted that it must be completed in nine months, or at least certain disclosures completed, though the audit is not nailed down. For the infrastructure grant for the Milford Corporate Center, they requested the audited financials at the end of eight months, which leaves thirty fewer days. In the meantime, he has learned his lesson in over promising and under delivering.

He continued stating that at the Council meeting before that eighth month expires, is the goal, or the second meeting of February 2023 is the absolute deadline for the FY22.

Then questioned about what would be done to bifurcate this engagement and find the critical path and get there in a quicker manner without sacrificing any quality, Mr. Vitola stated most importantly, he has another year of doing this same work. The same is true for his staff.

Some things they were only wrapping up last week in terms of AR/AP (accounts receivable/payable) reconciliations or routine items is already done for FY22. The auditors will not look at it until a draft of 22 is done. The other auditors would ask for critical mass such as utility AR support and an excel file for miscellaneous AR which covers eighty percent of the critical mass. Our new auditors are extending AR across seven to eight reportable funds of forty-one funds. AP may be off \$806 which is a 0.05% variance.

The other auditors had the knowledge to look in the files for the reports, get the reasonableness test, and move one. Now that he knows their style and preferences, they will be prepared.

If relying on staff to do this internally again, but if an employee leaves again, that will put them in the same situation as this year. His thought was to have an engagement prepared so that a firm could prepare the financial statement production. His staff would continue to do the management discussion and analysis (MD&A), the transmittal letter, and would tie out the financials.

The same firm could do and maintain independence if they bifurcate it and do it on different sides of the house.

Councilman James asked that Director Vitola keep Council updated on the pursuit of that option, because it will be wise for the City, should any staff turnover occur.

When asked the City Manager's opinion, Mr. Whitfield stated that he has discussed with Director Vitola that as the department director, he needs to provide recommendations, in terms of consulting services or additional staff. In the most recent budget, there was money put aside for a consultant that could turn into an additional staff member if needed. He has faith in the Finance Director to provide the correct direction to keep this from happening again.

Authorization/DelDOT Contract T201820001/NE Front Street TAP Project & Match Funding

City Manager Whitfield explained this involves a DelDOT contract for the Northeast Front Street TAP project and matching funds. As previously mentioned, this came in well under what was budgeted, which he believes was \$800,000. DelDOT's percentage is 20% which bring the City's total to about \$429,000.

The actual costs will be determined by the bids when received, but this is good news, and he recommends Council authorize the execution of the agreement by Mayor Campbell.

Councilmember James moved to authorize Contract T201820001 be signed by Mayor Campbell, seconded by Councilmember Culotta. Motion carried.

Authorization/DelDOT Contract T201904201/US 113 & SR 14 Intersection Improvements

City Manager Whited explained this contract addressed improvements to the intersection at US 113 and SR 14 and is primarily making the City aware DelDOT will be doing the work. There is no cost to the City for this work, though the municipality must provide consent, approval and waiver as required by Title 17.

Councilman James moved to authorize Mayor Campbell to sign Contract T201904201 for the improvements on US Route 113 and State Route 14 as presented in the contract, seconded by Councilmember Boyle. Motion carried.

Authorization/DelDOT Support/US Route 113 Milford Bypass

Planning Director Rob Pierce read the following memo which was also included in the packet requesting City Council support the re-initiation of the US 113 North/South Study:

During the early 2000's, the State of Delaware, Department of Transportation initiated a US113 North/South Study to identify an alignment for a continuous limited access roadway from the Maryland state line to the SR1 interchange in Milford. See the below link for more information regarding the study.

See <https://deldot.gov/projects/Studies/us113/index.shtml> for more detailed and accurate information.

The purpose of the study was to identify, select and protect a limited access alignment to meet existing and future traffic demands.

DelDOT and the Federal Highway Administration split the planning study into four separate but interrelated geographic areas that includes the Milford Area, the Ellendale Area, the Georgetown Area, and the Millsboro-South Area.

A working group for the Milford Area met seventeen times between 2004 and 2007, gathering input from the public and reviewing alignment alternatives. The result of the working group and public outreach effort ended with the adoption of Senate Bill 155 by the General Assembly in 2007. The Bill prohibited DelDOT from proceeding with the US113 North/South Improvements Project in the Lincoln and Milford Area.

As a result, the US113 North/South Study planning effort continued to move forward for the Ellendale, Georgetown, Millsboro, Dagsboro, Frankford, and Selbyville areas. No progress has been made in the Milford area since July 2007. Staff recommends authorizing the Mayor to sign the enclosed letter urging DelDOT to renew the US113 North/South Study with the goal of establishing a preferred alignment for the Milford area.

Manager Whitfield explained that the concern is that everything south of Milford to the Maryland line is now being addressed. But there is no plan from south of Milford to north of Milford and that is what is being suggested. Though they do not know the answer but feel it should be considered.

This also came up with the City Manager met with Carlisle Fire Company due to problems their firefighters experience when responding during some the high-traffic time periods.

He noted it is only going to get worse and with no plan in the horizon, they believe it is prudent that Council understands the need to consider this.

When asked if there is a change of heart since the State Legislators passed a bill to not allow this several years ago, Director Pierce said the Legislators may still feel this way.

It was noted that a tie in to the business parks could be considered.

Councilman Boyle moved to authorize Mayor Campbell to sign the request letter, seconded by Councilmember Wilson. Motion carried.

DelDOT Contract T202107601/Bridge 2-021A Maintenance/Rehoboth Boulevard

City Manager Whitfield noted this is only included on tonight's meeting for information purposes only.

It relates to the agreement for DelDOT notifying us that they will be doing work on the Mispillion Drawbridge beginning later this month and commencing sometime in December. It includes the detour patterns while the work is being completed and will follow the State roadways into the City and will impact traffic while the detour is in place.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statutes, seconded by Councilmember Boyle:

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)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:16 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Wilson moved to go back into regular session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 9:09 p.m.

Councilman Fulton moved to authorize the City Manager to contract with Moore and Rutt Law Firm for the purpose of the litigation as discussed in Executive Session, seconded by Councilmember Boyle. Motion carried with no one opposed.

Councilman Fulton moved to authorize the City Manager to negotiate with a potential developer, seconded by Councilman Baer. Motion carried with no one opposed.

Councilman Fulton moved to deny the offer of donation of inaccessible land to the City, seconded by Councilmember Wilson. Motion carried.

Councilman Fulton moved to authorize the City Manager to continue negotiations for land procurement, seconded by Councilmember Baer. Motion carried.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried.

The Council Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
September 26, 2022

The City Council of the City of Milford met in Regular Session on Monday, September 26, 2022.

PRESIDING: Vice Mayor Jason James Sr.
Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and Deputy City Clerk Katrina White

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 Meetings and Workshops are being held in the Council Chambers at City Hall, with attendees also participating virtually.

CALL TO ORDER

Due to the absence of Mayor Campbell, Vice Mayor James called the Council meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

Adoption/Ordinance 2022-33/Chapter 204/Taxation/Article I/Section 204-1/Property Tax Relief-Seniors Citizens

City Manager Whitfield presented the amendment to the City's Taxation Code that will provide tax relief for senior citizens. Presently, residents are required to have an income of \$15,000 or less, excluding social security and railroad pensions to be eligible for a decrease on real estate taxes. This will raise that income level to \$20,000 for single senior citizens and \$34,000 for a couple.

He stated that Finance Director Lou Vitola calculated the math in terms of the cost-of-living index, and actually comes out to about \$19,600. By this time next year, he and Mr. Vitola agreed that \$20,000 would be a reasonable income level considering the number of residents who were slightly above our current \$15,000 threshold and not eligible. This averages to about \$200 which is not much but does have an impact for a low-income family.

Councilmember Fulton referenced the social security and railroad pensions. He noted this has no impact on (retired military) veterans and asked if they should be considered.

Councilmember Culotta questioned if Councilmember Fulton, who is a retired veteran, receives social security, and it was confirmed he does though he stated it is offset. Councilmember Fulton also noted that VA (Veteran Affairs) benefits are not taxable income. Any veteran that becomes disabled, receive money thought it is not considered income. The medical retirees (disabled or completed 20+ years in the military) earned a military retirement benefit.

Councilmember Culotta recommends the amendment be phrased as a military pension, whether it is the result of a disability or a retiree.

Councilmember James suggested postponing any action on this amendment, because the Finance Director needs to determine the impact this will have on property tax revenue. He does not believe it should be done arbitrarily when considering the impact to all Milford residents.

Solicitor Rutt directed Council that if Council agrees to postpone, then public comment should be taken on the final revision.

When asked the significance of the railroad pension, Solicitor Rutt explained his understanding is that a railroad pension offsets social security. He recommends it stating 'exclusive of social security, military, or railroad pensions' would be the better language.

Councilmember James moved to postpone action on this proposed ordinance to allow the City Manager and Finance Director an opportunity to run the numbers to determine its financial impact, seconded by Councilmember Fulton. Motion carried by unanimous vote.

Adoption/Ordinance 2022-34/Chapter 55/Personnel Code/Section 11.3/Participation in Political Activities

City Manager Whitfield explained this amendment restricts employees from using their office or position within the City to promote or endorse any candidate for office. In other words, 'I, as Mark Whitfield as private citizen', may want to endorse someone but not as the 'City Manager of Milford'. He added that from an ethical standpoint through ICMA, he is also prohibited from doing that.

This amendment to the Personnel Code would codify it and add the language to that Code that prohibits employees from doing that.

It was confirmed this does not prohibit City Council from endorsing a candidate.

Human Resources Director Jamesha Williams added that the manual was adopted in 2018. Since that time, several revisions have been made. This will clarify some of the questions that have been asked since the manual's adoption. It will also address some common issues that happen before elections because people are more interested in politics now previously, and the reason it will be in writing.

Councilmember Culotta said there is some gray area that could be misconstrued that he could mention an event to someone that works for him, and they could claim it is influence. However, for the most part it's written pretty clear.

Councilmember James believes the spirit is correct, and Councilmember Fulton noted that a lot of employers are providing reminders that politics are inappropriate within their workplace. Solicitor Rutt said this tracks the Hatch Act, which is the Federal Act that prohibits Federal employees from engaging in partisan political activity.

When asked if anyone from the public wished to comment, no one responded. The floor was then closed to public comment.

Councilmember Fulton moved to adopt Ordinance 2022-34, as presented (new language in bold italicized text and underlined), seconded by Councilmember James:

ORDINANCE 2022-34
Chapter 44 Personnel Code
Amends Section 11.3 Participation in Political Activities

Section 11.3 Participation in Political Activities

Prohibited Political Activities:

Employees may not engage in political activity during working *hours while on duty, wearing a uniform and/or while displaying the official logo/seal of the city.*

Prohibited political activities include:

1. Solicitation, distribution, or receipt of any assessment, subscription, or contribution for any political party or cause; and

2. Campaigning for any candidate or issue, including posting, wearing, or distributing
3. political material of any kind on City property or in City vehicles.
4. No employee or group of employees, representing themselves as City employees, shall campaign for or against any political candidate, group, or ballot measure. City resources may be used to analyze and provide information about the effects of proposed ballot measures on City operations if the analysis is objective.
5. Use official authority to interfere with an election or while engaged in political activity.
6. Invite subordinate employees to political events or otherwise suggest that they engage in political activity.

Permitted Political Activities:

1. Employees can personally support or oppose any candidate for public office during off-duty hours as private community members only.

Motion carried.

RECOGNITION

New Employee Introduction

Parks and Recreation Director Brad Dennehy introduced two new Recreation Coordinators Derek Moller and Josh Hutchinson.

He is pleased to have them take the position which has been vacant for some time. Mr. Moller has worked in a part-time position for the last three years in various roles within the department. Mr. Hutchinson comes with an extensive resume with Wicomico County in Salisbury. Both attended Shepherd University in West Virginia, though at different times.

Both addressed Mayor and Council stating they were very happy to accept these positions.

Proclamation 2022-16/National Customer Service Week

City Manager Whitfield referenced the proclamation recognizing National Customer Service Week stating the City is very proud of our customer service folks. They are front line and handle citizen complaints, in addition to explaining the billing process to our customers and handling all new accounts and applauded Finance Director Vitola and Customer Service Cash Operations and Revenue Supervisor Suzannah Frederic for the work they do and especially for setting the culture within the division.

NATIONAL CUSTOMER SERVICE WEEK

WHEREAS, National Customer Service Week was first championed by the International Customer Service Association in 1984, proclaimed a National Event by Congress in 1992, and is now celebrated the first full week of October every year; and

WHEREAS, Customer Service Professionals work the front lines and are often the first to meet new customers and make a positive impact on behalf of the City; and

WHEREAS, Through the use of responsive policies and procedures, and by demonstrating simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and

WHEREAS, Having the passion to serve Milford's customers by supporting the City's efforts to deliver safe and reliable power, clean drinking water, sanitary wastewater and solid waste collection and disposal by maintaining a positive attitude when facing adversity, are personal goals of every Customer Service Professional in the City of Milford; and

WHEREAS, We celebrate National Customer Service Week to recognize the phenomenal job that our Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the residents and businesses in the City of Milford; and

WHEREAS, The theme of this year's National Customer Service Week is "Celebrate Service" to recognize the value of service and the contributions of our frontline team who pours their time, energy, and compassion into the work of servicing customers, most often without recognition; and

WHEREAS, We applaud the value of the friendly, face-to-face, personal service our Customer Service Professionals eagerly provide to residents, property owners, businesses, and industries within our City by constantly looking for ways to assist and improve.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 3-7, 2022, to be National Customer Service Week in the City of Milford.

Councilman James added that he hears very good things about our Customer Service staff regarding the interaction, guidance, and help they provide our residents, even those that are irate and confused. They always handle those situations that typically end in a positive manner.

Councilmember Wilson expressed her appreciation about the ability to pay by telephone which Council had asked for many years ago.

Proclamation 2022-17/Dysautonomia Awareness Month

Mayor Campbell then proclaimed October to be Dysautonomia Awareness Month in Milford:

DYSAUTONOMIA AWARENESS MONTH

WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;

WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;

WHEREAS, Dysautonomia impacts people of any age, gender, race, or background, including many individuals living in the City of Milford, Delaware;

WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;

WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;

WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;

WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;

WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the month of October 2022 to be Dysautonomia Awareness Month in the City of Milford.

Councilmember Fulton provided a brief explanation of the disease.

Proclamation 2022-18/Public Power Week

City Manager Whitfield referenced Proclamation 2022-18, recognizing Electric Director Tony Chipola. He then provided a summary of the duties and reliability of our electric crews, adding that \$2.5 million is paid out of the electric fund which prevents a 25-cent tax increase, or 50% increase.

He also noted that the funds to purchase the land for the new police department came from electric funds, in addition to several parks and recreation projects.

The City Manager also noted that Milford has the third lowest electric rates in the State of Delaware, only above New Castle City and Lewes, and that both Delaware Co-Op and Delmarva Power have lower rates.

PUBLIC POWER WEEK

WHEREAS, we, the citizens of the City of Milford, place high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Milford Electric Division provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Electric Division is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the Electric Division is dependable and trustworthy whose local operation provides many consumer protections and continues to make our community a better place to live and work and contributes to protecting the global environment.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 2-8, 2022, be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that the City of Milford Electric Division continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all residents and customers of the City of Milford; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other Public Power Systems in the United States in this celebration of public power and the best practices for consumers, business, the community, and the nation.

COMMUNICATIONS & CORRESPONDENCE

The upcoming Delaware League Dinner/Meeting is in Dover on October 20, 2022. The speaker will present the Broadband Infrastructure Grant Program.

The next SCAT Dinner/Meeting is 'Meet the Candidates Night' and will be held in Seaford on October 5, 2022.

Anyone wishing to attend either event needs to contact the City Clerk's Office.

Councilman James encouraged Councils' attendance noting the number of worthwhile discussions at these meetings that provide education that assist in guiding the City.

City Manager Whitfield reported a press release will be issued tomorrow regarding the new power cost adjustment, due to the Indian River Power Plant situation. Currently, it is .00396 cents/kilowatt hour and will increase to 0.012 cents per kilowatt hour. That represents about a 6.2% increase for the average resident and small businesses and will be effective on power used after October 1, 2022, and impact bills received starting in November.

Despite the increase, the City of Milford will continue to be the third lowest power provider in the State of Delaware. Every power supplier on the Delmarva Peninsula will be impacted as a result of keeping the Indian River plant open.

City Manager Whitfield recommended that people contact their State and Federal elected officials to expedite a transmission line between Vienna, Maryland and the Indian River generating station. Until that line is built, the City of Milford will be charged an additional \$1.2 million each year which is about \$100,000 per month.

MONTHLY FINANCE REPORT

Finance Director Vitola stated that the August Financial Report covering the first two months of FY23 begins on page 16 of the packet.

Cash was stable from July to August, even though the general funds dipped. Because we're as far away from last year's tax levy as possible due to the FY23 levy that was built in August. Already as of Friday in September, cash receipts in the general fund were a million ahead of disbursements. That will rebound in September and October. The consolidated version of the cash and reserve sheet was discussed, with cash being flat month to month.

The \$4 million reserved for the redemption of the electric bonds in January 2022 was delayed. That was due to the revamping the investment policy at a time the rate environment was changing for the positive. The fixed rate of the bonds will not change regardless of the rate environment. In December 2021, \$7 million was funded some key land acquisitions.

The Director had some concerns about the structuring of the \$4 million with it being dedicated one hundred percent to electric, whereas our savings could have been maximized with the redemption of a combination of the electric and sewer bonds that are furthest dated with the higher coupons and the higher rates. The higher the rate to redeem, the more savings we could achieve, even if there was a need to cross subsidize, electric and sewer, and have sewer repay electric.

Being past the January 2022 redemption, the City is on the cusp of a new electric rate study, in addition to deploying investment management resources. This is the time to revisit exactly what we should do with that funding though it is still pegged for some form of redemption. If not a redemption of the debt, then an investment in something that can earn on a taxable basis, because we are tax exempt, something greater than the fixed cost of the bonds.

That is the reason those funds are still being held in electric reserves.

On the P&L pages, the utilities had very strong months in July and with August being the best with 25% less precipitation compared to August 2021. Part of that is because it was a drier, hotter month with water and sewer being boosted. We are stronger across the board in utilities.

In the general fund, results are actually mixed. Ahead of the budget in total across departments but are not quite as good in the first two months of FY21 due to some staffing challenges during that time that artificially reduced payroll expenses. Now that we are back to being fully staffed, we are about \$70,000 heavier than we otherwise were in the general fund last year at this time.

There has not been much ARPA activities, only a few thousand expended on continuing projects.

Page seven is new and a recap of the Police Facility project versus the budget. There is some pre-construction activity, most of which is the Becker Morgan Group design. Construction management is the Richard Y Johnson contract, and the sixteen core bids for construction awarded by Council in April 2022.

While still early, a good chunk of the steelwork contract and the excavating contract was expended in August. Otherwise, it is on track.

The page will be updated throughout the project so to keep Council up to date. Even though \$13,001,562 was awarded among the sixteen bids, the budget at that time was \$16,172,000 which should not change unless change orders are created, or the contingency is utilized. Director Vitola believes the contingency is more than adequate for the project.

A summarization will be issued to Council prior to it being published on the City's website.

The FY21 audit is not included in the packet, and they continue to actively work with the auditors hourly every day to meet continue requests for testing. The auditors are doing the best they can between the two of them, and he and his staff of four are working hard to meet their requests.

It was confirmed that ARPA funds have to be spent by December 31, 2024, though considering what has been allocated, he does not believe they will last that long. There was more than the first tranche spent in 65 days.

Noting the various categories eligible for the ARPA monies, a question was asked if amendments have been made that would change the amounts or cause an item to be reallocated to other categories; Director Vitola said they were well pegged based on the report and the presentation that followed the revised plan.

Because of the length of time that has been spent on the FY21 audit, a question was asked if there are sufficient funds to cover their expenses for the year ending 2023; the Director an amount was added to the FY23 budget, over and above the auditors' quoted amount to get some supplemental help. However, their rate has not changed.

Councilmember James moved to accept August 2022 finance report, as presented, seconded by Councilmember Marabello. Motion carried.

UNFINISHED

BUSINESS

None to discuss.

NEW BUSINESS

Bid Award/Parks & Recreation/Memorial Park South Recreation Improvements

Having received no initial bids, Parks and Recreation Director Dennehy reported that a second bid was advertised in September for the playground and pickleball courts project.

Bids were opened publicly on September 20, 2022, with the following to bids received:

Gateway Construction, Incorporated	\$637,000.00
Thompson & Son Construction, Incorporated	\$750,189.00

Projected costs were in the \$1.3 million range.

RLA Matthew Spong of Duffield Associates reviewed the bids, the bid forms, the bid bonds, and the other required forms submitted with the two bids and determined there were no discrepancies. Additionally, there is only a 15 % spread between the two bids submitted which is a minimal spread especially in today's bidding climate.

As a result, Mr. Spong recommends awarding the base bid contract to Gateway Construction, Incorporated in the amount of \$637,000.00.

Funding for Phase I of the Memorial Park Improvements project includes \$50,000 in general fund reserves as part of the FY22 CIP 211, of which \$6,437 remains available. City Council supported the use of general fund reserves to meet the 25% matching requirement (\$58,344) to secure the \$175,000 FY22 ORPT grant on November 8, 2021.

The City was also awarded \$216,000 in FY22's CRF funding. Another \$250,000 of the \$625,000 was awarded in the FY23 CRF grant for related Parks and Recreation initiatives approved in the current budget for Phase I of this project.

The next phase will include a picnic pavilion and additional walkways to complete a family recreational area.

Councilmember Fulton moved to award the contract for Memorial Park Recreation Improvements Phase 1 to Gateway Construction, Incorporated in the amount of \$705,781 that includes \$637,000 for related design, engineering, project management, and miscellaneous costs of \$68,781, to be funded through a combination of existing funding sources totaling \$699,344 and \$6,437 in general fund reserves remaining from FY22 CIP 211, seconded by Councilmember James. Motion carried with no one opposed.

Introduction/Ordinance 2022-35/City Charter/Redistricting of Wards

City Manager Whitfield introduced Ordinance 2022-35 that proposes redistricting of wards as required by the City Charter every ten years following the completion of the US Census.

The ward maps are included as part of the redistricting ordinance.

Councilmember Boyle asked that all Councilmembers be provided with a detailed copy of their ward map. He is aware there are significant changes in his ward.

*Adoption/Resolution 2022-13/ Outdoor Recreation, Parks, and Trails Grant Deep Branch
& Herring Branch Greenway/Sharp Property Acquisition*

Last year, the City purchased the Sharp property on Rehoboth Boulevard for \$500,000. As a result, an application was submitted through the Outdoor Recreation Parks and Trails for \$150,000. A design professional will again be contracted to determine what the property can best be used for.

A resolution is required for Council's support of the request for funding:

*Approving City of Milford Outdoor Recreation, Parks, and Trails
(ORPT) Grant Application – Deep Branch & Herring Branch Greenway – Sharp Property Acquisition*

WHEREAS, since its establishment in 1974, Milford Parks and Recreation has set out to establish municipal park systems and open space networks; and

WHEREAS, upon adoption of Ordinance 2022-21 on May 23, 2022, City Council amended the City's Comprehensive Plan Future Land Use Maps establishing a proposed open space area along the south side of Herring Branch and Deep Branch from S. Rehoboth Boulevard to S. Walnut Street; and

WHEREAS, the City purchased Sussex County Tax Parcel 3-30-11.00-039.00 on November 16, 2021 which would be part of this open space network and the City seeking partial reimbursement from the ORPT program; and

WHEREAS, the City of Milford will apply to the Delaware Department of Natural Resources and Environmental Control for funding related to the acquisition of Sussex County Tax Parcel 3-30-11.00-039.00 in the amount of \$150,000 from the Delaware Land & Water Conservation Trust Fund; and

WHEREAS, the City Council designates the City Manager, or his/her designee, to manage the project and coordinate ORPT requirements for reporting and reimbursement purposes; and

WHEREAS, the City understands such improvements funded through the ORPT Grant program will remain in outdoor recreation uses in perpetuity.

NOW, THEREFORE, BE IT RESOLVED, that on the 26th of September 2022, Milford City Council, by majority vote, authorize the ORPT Grant Funding request for the Deep Branch & Herring Branch Greenway - Sharp Property Acquisition in the amount of \$150,000 with matching funds for the remainder of the acquisition in the amount of \$400,000 previously coming from General Fund Reserves; and

BE IT FURTHER RESOLVED, it is agreed that the City of Milford shall abide by all requirements of the ORPT Grant Program for reimbursements and stewardship responsibilities.

It was confirmed this property will be part of a much larger plan for recreation that is under consideration by the Parks and Recreation Advisory Board.

Also noted is that the City is restricted to applying for ORPT funds only once a year, though that can include up to three projects. This is the third and final project with Director Dennehy noted that the funding can be used for land acquisition, design, and construction.

Mayor Campbell then opened the floor to public comment; no one responded. The floor was then closed.

Councilmember Marabello moved to adopt Resolution 2022-13, regarding the Outdoor Recreation Parks and Recreation Greenway application, seconded by Councilmember Boyle. Motion carried with no one opposed.

SCADA Upgrade/Sole Source Consideration

Electric Director Tony Chipola asked that City Council consider a recommendation to upgrade the existing SCADA system currently used for data acquisition, control, alarming, and reporting of the critical utility facilities throughout the City, which includes electric substations, water pumping stations/wells, and sewer pumping stations. The existing system has reached end of useful life as spare parts are no longer being manufactured and the software platform is over fifteen years old.

The system is significantly outdated, requiring the use of magnetic tapes for back-up/recovery purposes which itself is an obsolete technology. Similarly, the current system is Non-Windows based, making it difficult to integrate with the constantly changing IT landscape particularly in terms of interoperability and access control. The current system also has heavy deployment of proprietary hardware and software resulting in "Vendor Lock-in" and challenges with integrating new technology.

Modernizing the system would allow for increased scalability with access to wider ranges of supporting software and hardware.

Upgrading the QSCADA-Plus Platform includes an upgrade to our master station hardware/software and client-side software. This would allow the benefit of a modernized system while leveraging hardware currently deployed in the field. The QEI solution natively interfaces with proprietary hardware, and communication protocols currently in use, with the added benefit of increased interoperability, scalability, and system support. This will allow us to migrate away from proprietary infrastructure at a more natural pace. Additional benefits include the ability to convert our existing database as opposed to performing a complete rebuild, reuse of scripts and programs already developed, and leveraging existing familiarity with the QEI architecture from an engineering and operations perspective.

Councilmember Fulton moved to authorize the purchase to QEI, a sole source vendor, in the amount of \$79,519 to upgrade the City's SCADA system, and \$481 for related parts and accessories as budgeted in the 2022 CIP with \$40,000 from Electric Reserves, \$20,000 from Water Reserves and \$20,000 from Sewer Reserves, seconded by Councilmember Culotta. Motion carried with no one opposed.

Authorization/Purchase Grapple Crane Body for Hook Trucks/Public Works Department

Public Works Director Mike Svaby stated that as part of the equipment replacement schedule, and the versatility of the hook trucks with bodies that set on top of them with different functions, a grapple crane function was found and could be used by either of the existing two hook trucks.

Budgeted was \$144,000, and the most recent quote lined up, came in at \$117,940, which is under the capital budgeted amount and is being purchased through the General Services Administration (GSA) with does not require a separate bid process. He is requesting the purchased be authorized through Maryland Industrial Trucks in the amount of \$117,940.

When asked if the maximum two bulk pickups per year per residence, could be increased with this equipment, City Manager Whitfield said he was informed the City has kept up with the demand for bulk pickups. He does not believe there is a very long waiting period before that is completed. There is a charge of \$50 for the third pickup though it is rare there is a need for additional pickups.

In addition, the City also sets large containers/dumpsters in the spring to allow residents to discard additional items at that time.

Councilman James agreed that the City has done a great job keeping up with such collections. He does recommend our Economic Development/Community Engagement Administrator send out a reminder that items must be put out prior to the Monday pickup to prevent residents from placing items curbside throughout the week.

When questioned about the problem with the unexpected increase of the seventeen police vehicles Council was recently informed, Director Svaby said this is being purchased through GSA and is locked in. The police vehicles were initially ordered through the State of Delaware procurement process.

Councilmember James moved to authorize a purchase in the amount of \$117,940 to Maryland Industrial Trucks, in accordance with the GSA contract, with funding from the Solid Waste capital machinery and equipment line item, seconded by Councilmember Wilson. Motion carried with no one opposed.

ADJOURNMENT

Councilmember Marabello move to adjourn, seconded by Councilmember Culotta. Motion carried.

The Council Meeting adjourned at 7:03 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
September 28, 2022

The City Council of the City of Milford convened in a Workshop Session on Wednesday, September 28, 2022, beginning at 6:01 p.m.

face

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

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 Meetings and Workshops were held in the Council Chambers at City Hall though attendees were able to participate virtually.

Water Testing/Backflow Report

In the absence of Mayor Campbell, the meeting began with Vice Mayor James presiding.

City Manager Whitfield reported some recent changes within DNREC's rules with regard to water testing and quality He recalled discussing some backflow testing within the city as well in consideration of backflow preventers.

Public Works Director Mike Svaby introduced Chairman and CEO Larry LaBute of HydroCorp, Incorporated of Melbourne, Florida. Mr. LaBute has more than 39 years protecting the public and private water systems from dangers of backflow, legionella, and other hazards. He will be talking to the Mayor and Council about the upcoming regulations regarding backflow prevention and cross-contamination.

Mr. LaBute referenced the Powerpoint presentation and a video (City Clerk Hudson emailed the video link <https://vimeo.com/hydrocorp/ccprogramstakeholdersadvisory> to Mayor and City Council). He recommended viewing the two-minute video prepared by his Marketing Department to understand the fundamentals and basis of the new regulations.

He then stated that last year, the State of Delaware passed a regulation requiring that all utilities must have a comprehensive backflow prevention program. The purpose of the program is to keep the drinking water safe and is a health and safety issue.

HydroCorp will have been in business for forty years in March assisting utilities with setting up and managing their programs.

The purpose of program is the safety of the drinking water and maintaining the integrity of the distribution system. When the water leaves the plant, it is safe to drink. Potential hazards may exist when connecting to it. Each time there is a connection to the distribution system that is called a cross-connection.

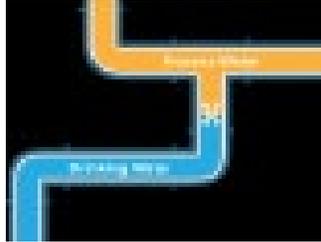
Water is used for many things besides drinking. It is used by car washes, dental offices, laboratories, food processing, and all sorts of things. If each cross connection is not installed properly, water may flow backwards, which is called backflow.

The reason for this program is to ensure customer satisfaction and to avoid any kind of problems, lawsuits, or someone getting sick, which is the worst possible situation, and to maintain regulatory compliance. The overall program is designed number one, for health and safety, eliminate plumbing hazards, water quality assurance, and regulatory compliance.

The regulations were included in the presentation and can be found on the Delaware Rural Water Association's website.

They are very active assisting the State in developing the new regulations to make them understandable as minimally invasive to people as possible. These are the regulations that HydroCorp will be assisting Milford's utility with complying with.

A depiction of drinking water (blue) mixing with processed water (yellow) was shown.



Processed water is any water that is not drinking water. Nothing prevents that from happening and is a cross connection where drinking water is being used for some form of process, though there is no backflow prevention equipment. That would prevent that yellow water from commingling with the blue water.

With a firefighting instance, or flushing out a fire hydrant, there is a sudden loss of pressure, causes the yellow water to go back into the blue. If the yellow water is hooked up to a boiler, and the boiler is not operating properly, and the relief valve is stuck, it may create back pressure and overcome the City water pressure and increase the pressure in the process water which would force water back into the pipe.

The Public Works Director explained that the City is required to cover our largest customers which include SeaWatch International and Perdue. Water is a large part of their day-to-day processes and a good example of the use of processed water. Mr. LaBute explained that Perdue uses a significant amount of reclaim water. They reprocess the water and filter out the water that's being used to wash the chicken, and though it is filtered, it not drinkable anymore, though adequate to be used in some areas. That would be considered process.

He further stated that inspections are needed to determine where these hazardous, unprotected cross connections are located. Assessments are specifically for external connections such as an underground irrigation system. A backflow preventer will protect water from coming back into the building after it leaves through the underground irrigation system which has all kinds of fertilizers, insecticides, animal waste, etc. That is the reason for the required valve in that line to make sure everything is projected outside the building, That is what the Delaware regulations require.

The utility is required to ensure that all backflow prevention that is required outside, and that the building itself is contained, the underground irrigation is addressed, and any hose connections are taken care of. Inside the buildings are the owners' responsibility.

Mr. LaBute shared that a significant education process will be provided to the City of Milford. There are a host of objects that can be selected. An online website will augment the existing website that's dedicated only to residential and or commercial properties, including videos, and frequently ask questions and similar items.

He explained that a car wash has all kinds of hoses and water being used for washing cars and pumps running that are highly hazardous. The pipes can easily be connected in the wrong manner, and the soapy water could be pumped back into the distribution system. To prevent that, they ensure there is a containment backflow preventer to contain the water in that building. It is usually installed very close to the water meter, or before any other connections to the building,

The State of Delaware requires containment for those types of locations and is what they will be looking for, though it mainly pertains to commercial connections. Nothing should be needed in residential but can be elected with secondary water. The Public Works Director and his staff will determine what is needed.

The top four facilities that need corrective action are industrial/manufacturing, schools/institutions, restaurant/fast food processing, and apartment complexes. As previously mentioned, dental offices, mortuaries, and a whole host of facilities that would potentially require corrective action.

If when the building was first installed, it is possible a backflow preventer was included because Delaware's State plumbing code has been in existence for many years. That requires backflow preventers to be installed on carwashes, mortuaries, hospitals, clinics, processing plants, and those type facilities should already have them in place. However, they will be performing inspections to ensure they are there. And because their known location is required by the regulation, they will need to be tested on a regular basis. Keeping that data is all part of the plan in a cross-connection control plan.

Mr. LaBute has sent a rough draft of the working document to the utility, and he will be working with any staff members that this program will touch, to ensure this becomes the City's plan. Once everyone becomes familiar with it, it becomes the City's recipe for implementing the backflow prevention program.

He will coach the utility staff along the way with respect to the regulation, as well as what the various options may be. They will be putting that plan together which they hope to have done by the end of the year.

HydroCorp then becomes an extension of the City's utility and becomes the backflow prevention department. They will manager all the City's customers to ensure that the backflow prevention equipment is tested annually. They ensure that the connections that fail a test are repaired. If a place doesn't have what is needed, they must ensure it gets installed and that the customer receives good pricing from good, qualified plumbers and contractors. They go out to bid to those folks and make sure they are charging a fair price for the work.

Director Svaby explained that the proposal is in hand, and the intent tonight is to introduce the program to City Council, so they understood what this is, and the plan is to kick it off right away.

Mr. LaBute added that the plan must be in place and fully implemented by February 2024. Getting started now provides plenty of time to walk and think it through, start a customer awareness program, and plan a date of when it will be officially kicked off. He anticipates a City of this size can be completed and inspected in full compliance by the end of next year.

Reading through regulation, it is required that all information, inspection data, and testing information must be maintained for ten years. Part of HydroCorp's service includes an online software program that the testers and inspectors will be utilizing in the field. All that data will be gathered and electronically stored, which HydroCorp will store on behalf of the City and the data is always accessible 24/7 on any device that can access the web.

Confirming that anything inside is the building owner's responsibility, part of the plan development is that HydroCorp will notify a high hazzard facility that has the potential to internally contaminate their own drinking water supply. Even with a backflow preventor at the inlet, there can still be an internal backflow event which can cause problems. HydroCorp will notify them and how that is handled specifically will be discussed during the plan development.

It is a legal requirement of the utility to put the hazardous facilities on notice they are requiring containment on their building because there are processes inside the facility that could cause the water to be contaminated. Because the City is protected, does not mean the inside is and an inspection will be needed.

When asked if in the private industry, does the law allow inspections for the water containment and how are the businesses motivated to ensure it is done, or could it cause shutdowns. Mr. LaBute explained the Federal Government has a document called the Safe Drinking Water Act that requires the provider (utility) of water to ensure that the water is safe and meets all Federal drinking water standards to the water meter or inlet of the building. The municipality will not ensure the water to the tap because that is private property.

HydroCorp will ensure that the utility is aware of those locations that may have the potential to have internal problems, to prevent an attorney from coming back and suing the utility for not letting them know that they could contaminate their own drinking water.

Councilmember Fulton asked what the penalty is for businesses that do not fix what has been reported as a problem and will the water service be shut down. Mr. LaBute reiterated the utility must protect the distribution system or the containment facility. If the customer refuses to do it, the City has the authority to discontinue service, which is in the beginning of the regulation. That is the strongest power given to the utility, which is considered the authority of the backflow prevention program.

Director Svaby emphasized this is a new requirement that must be in place by February 2024, but the fact that such a requirement comes along every now and again, whether it is levied locally by Department of Health, by the US Government, it is the norm for operations, the size of Perdue or SeaWatch to have to sustain this type of change.

This past year, there was a recommendation to a large customer that they change their metering configuration. To do that, the water had to be disconnected. They coordinated with them to schedule it on an off-time, and they were more than happy to comply with a coordinated shut off. This will be handled exactly the same way.

Any residence or smaller business that has some pushback, will be provided outreach and education.

Councilman Culotta said a residence will not need backflow, but Mr. LaBute said some type of water will be needed especially with underground irrigation or a secondary water system.

Councilmember Culotta said there are a lot of restaurants that do not have a requirement for plumbing because they have been in business for years and are grandfathered in. Now Milford is going in and tell them that unless they put in a backflow prevention in, or they will be shutdown. He feels this is more government interjection that may not be necessary.

Mr. LaBute reiterated that a backflow preventer inside the building will not be a requirement of the City, but a requirement of the Health Department and the Building and Plumbing Code. The backflow prevention program is to ensure the safety of the distribution system's water. However, they may recommend fixing a plumbing hazard and noted the number of problems with soda machines that were improperly installed.

They will not shut anyone's water off for an improperly installed soda machine. HydroCorp's concern is the incoming water supply.

Councilmember James asked the City's responsibility when they become aware of cross contamination with a soda machine because the City knows people will become sick. Mr. LaBute explained that with respect to the backflow prevention program, they will not be looking inside the building at their soda fountains or plumbing inside. He was using that analogy more along the line of a large industry customer that uses a tremendous amount of water.

It was confirmed that responsibility would fall under the Board of Health, who would have jurisdiction at the State level.

Councilmember James added that if an issue comes to the City's attention, there is a responsibility to report it.

City Engineer James Puddicombe said this issue actually occurred within the last year or so, where a couple of folks that became sick at one of the facilities here in Milford. The Department of Health notifies the City in that situation, and the City has a duty to isolate that area, while the Department of Health tests to verify our system is not contaminated, and once they clear their system, the City resumes water services.

In such events, the City works directly with Department of Health.

Councilmember Baer confirms the valves will be monitored real time by the City. Mr. LaBute explained that in real time, it is similar to having a valve on your sink. There is really nothing to monitor and nothing electronic about it, but instead is a mechanical piece of equipment. However, they are tested annually which is the only monitoring required by the State of Delaware.

When asked if this program is already in the budget or will additional funding be required, Director Svaby explained it is a very nominal amount. The program Mr. LaBute is offering is below \$2,000. The remaining expenses occur around the City's structures and involve a contract plumber who would do the inspection and the Delaware Rural Water Authority. The City is not involved at that point, other than running the program and owning the data that was accumulated.

In regard to future residential construction, Engineer Puddicombe shared that residential units do not currently have backflow preventers, but have dual-check valves, which is a residential equivalent without the testing, et cetera. There is a dual-check valve on every meter pit the City sets.

When asked about an apartment complex, Engineer Puddicombe explained it is a similar situation, though they would typically have detector checks for their fire system. That would be the only part of the system that could have any buildup of algae or similar. The rest of the water would essentially be almost like a straight through with the check valve in the meter pit.

Director Svaby noted that the City did not move forward with the initiative for residential sprinkling systems. But in the event, and if that does occur at some point and there is a separate connection in the meter pit, that would require a backflow valve that would require regular inspections.

Vice Mayor James noted that Mayor Campbell joined Council during the last presentation. Going forward, he will preside over the meeting going forward.

Street Improvement Plan Update

City Engineer Puddicombe reported on the Street Restoration Program.

He shared the following streets are being completed as part of the 2020 Street Project that was approved approximately eight months ago:

- North Street from RT 113 to North Front Street
- Church Street from North Street to Brightway Apartments
- Northwest 5th Street from N. Church Street to Truitt Avenue
- Northwest 3rd Street from N. Church Street to Truitt Avenue
- NE 2nd Street from N. Walnut Street to Pierce Street
- Kings Highway from Williams Street to S. Walnut Street
- Fisher Avenue. from Southeast 3rd Street to SE 2nd Street
- Mill Street
- Barker Street

Engineer Puddicombe worked with KCI Technologies Incorporated on a re-assessment of all streets and discussed the manner in which the conditions of each are evaluated. The average City streets are at 64.9 on a scale of zero (failed) to 100 (good).

Moving forward, \$940,000 is committed to street reconstruction (\$840,000) and maintenance (\$100,000). That includes a slight increase in the pavement condition index moving forward, with slow improvement inspected. However, ARPA and other grant funds have been used to increase those totals, with the goal of seeing a better paving conditions over time throughout the City.

ARPA funds cannot be used specifically for street paving but can be utilized when utility repairs are required, and the above pavement impacted. Most recently, the focus has been on removing asbestos piping. after which the repaving of that specific area on those lower condition streets can be used. The remainder of the paving comes from general fund or municipal street aid.

In-design streets that are part of the bid package include:

- North Church Street from North Street to Northwest Front Street
- South Washington Street from Southeast 2nd Street to 4th Street
- North Washington Street from Northeast Front Street to 6th Street
- North 8th Street from South Rehoboth Blvd. to N. Washington Street
- Northwest 6th Street from Church Street to Truitt Avenue
- Maple Street from Northwest Front Street to South Walnut Street
- School Street from Seabury Avenue to Lakeview Avenue.
- L Street (Removal and replaced with cut through)
- Southeast 3rd Street from Lovers Lane to Charles Street
- Caulk Rd. from Marvel Road to Lakelawn Drive
- Northwest 2nd from North Church Street to West Street
- A Alley from Northwest 5th Street to turn around

Some minor adjustments maybe needed. The plan was to repave all of Maple Street with the replacement of the Maple Street bridge, so that may have to be adjusted. School Street was also included, but because of the anticipated damage due to the construction at the Milford Middle School, that may need to be delayed aligning with that work.

In regard to pavement and maintenance, historically the City predominantly concentrated on the large restoration projects, as occurred with the last group of streets. A few dollars spent earlier in the street process can prolong street life significantly and shift a little bit of that funding to more prolonging repairs in lieu of pothole and patch-type repairs. That should contribute to the longer life of the roadways and better street conditions throughout the City.

From the recent evaluation, approximately 40,000 linear feet of crack ceiling is required, as well as more than 39,000 square feet of patching. Depending on the Street Department's capabilities, having a third party come in to assist them by using some of those capital funds or operation and maintenance funds to speed up the work. The sooner they can be sealed, the less damage occurs overtime to that roadway.

While \$100,000 is earmarked for operations and maintenance, the KCI evaluation estimates it to be \$242,000 total needed citywide for crack sealing and pothole repair, resulting in a shortfall of \$142,000. However, those monies are in capital, and they may request that transfer from Council within the next few weeks in order to complete that work.

Mr. Puddicombe explained that some intermediary steps may have to be considered, including some thinner lift asphalt and things that would remove those items from the major rehabilitation project. That would decrease the rehabilitation project funding but would overall improve city streets in a quicker manner.

CIP Update

Finance Director Vitola noted that a lot of the CIP projects take a lot of effort and design before they can even begin and involve multi-years. A lot of things are needed internally to better track the projects, control them, and understand them.

The process is underway to create a better CIP document with improved naming and numbering conventions, and some standardization. Two capital project meetings have occurred and will continue monthly until all information can be gathered. This will allow the City to get ahead of what is needed when Tyler is implemented.

Tyler will have a grants module and a capital module. We have projects that cross funds, cross disciplines, and departments, and are funded from a mix of reserves, federal and state grants which is a lot to manage. The underlying detail that Local Government Fellow Melody Barger is working on is not yet ready. The status of the projects is summarized on the presentation.

As stated, most of the work has already been done before the Finance Department knows the project has started. When an invoice is received, it is for activity that is thirty to forty-five days old, with bids opened four months prior.

He then provided status updates on various projects and capital equipment and vehicle purchases. He explained there is often a lag and while the funding is encumbered in the system, the invoice is not paid until the vehicle is received, as an example.

Though there are a lot of zeroes on the electric side, Electric Department Director Tony Chipola is very involved and just received approval of the \$80,000 SCADA upgrade at the last Council meeting.

Director Vitola then referenced the water projects referencing the acquisition and infrastructure at the Milford Business Campus. There is still some funding left on the initial approval of the infrastructure for acquisition-related costs that are still ongoing. Otherwise, a lot of projects are moving forward.

Many of the projects were consolidated in FY22 with the comprehensive bid for the FY20 streets and utility package. That included drainage, water, sewer streets, sidewalk, curb, ADA compliance items, and I&I remediation. Approvals from multiple projects, along with ARPA funding was used.

He then provided a status of various sewer projects, including the pump station upgrades that are moving forward.

In public works, the installation of the stormwater pond and public works parking lot paving will happen in tandem though that is not one of the critical projects timewise.

A lot of the street budget were consumed in FY22 as part of the 2020 Streets & Utility Project. ARPA funded \$500,000 of what typically would have been paid by general fund reserves.

The DelDOT agreement for the 20% match required as the City's share of the Streetscapes project on Northwest and Northeast Front Street was signed by Mayor Campbell. Some of the smaller Streetscape's projects are in the preliminary design stages.

He noted the parking improvements, initially approved in FY22, are a high-priority item, though additional funding was needed in FY23. Combining some of those projects may result in less funding though they have not yet been started.

IT has been active beginning their FY23 projects early.

Two police vehicles were found by Acting Police Chief Huey and his team were found that were ordered and canceled by the Federal Government. That met the need of the FY22 order. Additional equipment and vehicle orders were placed as seen by the funding and life-to-date spending.

Two replacements were also received in the amount of \$77,000 of the \$384,000 shown.

The police facility is underway, and a corrected budget breakdown is included.

Director Vitola recalled that Council approved the \$637,000 bid for Parks and Recreation's Memorial Park playground and pickleball courts. That approval also included the balance of the design for the bulk of the engineering and design of the three phases. Of that, there was \$175,000 awarded from DNREC, \$216,000 in the FY22 State bond bill, and \$250,000 from the FY23 State Bond bill.

He explained that makes up just a minority of the \$625,000 awarded in the FY23 bond bill. The remainder will go toward the future phases of the Memorial Park project.

That resulted in a \$58,000 match that was already funded.

In the handrail and lighting project, \$250,000 is earmarked, along with \$100,000 of the pavers and concrete replacement. The pavilion is funded in the FY23 budget general fund reserves.

When asked about the blue tarp on the roof of the Armory outbuilding, it was noted that roof repairs were completed on the main building. City Manager Whitfield said that because Parks and Recreation have possession of the outbuildings, and the Armory is used by a lessee, the two will be clarified in future reports.

Director Vitola noted there are a handful of projects showing zero dollars or not be included in the presentation, that have not yet started. Categories are liminary. And why would we write those down? There's a handful of projects where you've seen zero dollars, or you won't. See him on these slides that are really just not started or just underway. If projects are in the design phase, that's one category.

He then again reviewed the projects that are out to bid that include the handrail upgrades and lightning improvements which will be brought before Council in the near future. The pole replacement, sewer inspection system, and traffic signal upgrades are slowly coming in.

Also referenced were the projects that were just awarded at the last Council meeting.

Director Vitola then talked about the projects that are in process with the new police facility being the largest.

When asked about the Broadband Feasibility Study at a cost of \$50,000, the City Manager explained there is a company that was recommended to him by American Municipal Power who has a lot of experience in broadband exploration for municipalities with electric services. They will recommend either the City own and operate the system solely or partner with another entity.

Director Vitola then talked about the projects that are substantially complete though some post-construction items need to be completed, including payments. The Front Street project, 2020 Combined Street and Utility project, and the City Hall building improvements are mainly done. Though there is no additional money remaining and the project is closed, though there remain some minor items, including blinds, locks, etc., that have to be done and be paid through the building maintenance operating funding.

The projects that were completed were discussed. Those include the ADA Transition Plan, Mispillion Street Group, BlueDEF System for the public works yard, and the Finance Building HVAC upgrades.

Councilman James noted that when he is involved with large construction projects, the construction manager has cameras set up with log in abilities by permitted staff. In that manner, he was able to watch the product from the very beginning until it is complete with a Certificate of Occupancy. He asked if this can done with the new police facility and Director Svaby said that prospect was discussed in preparation for this presentation. Richard Y Johnson is preparing is in the process of proposal, as well as scheduled snap shots each day of the project. That will then provide a repository and can be added to the website for public view.

Director Svaby also shared that Acting Chief Huey has been using his personal drone to take photos that were provided to him, and some of them will be added to our website as well.

Mayor Campbell noted that he often visits the Finance Building and City Hall where frequently only one or two persons are in the building. He suggests cameras be installed at each building and install a two-way audio system to allow employees to communicate with persons prior to them entering either building. This is especially a problem at the Finance Department when the Accounts Payable person is by herself, as well as the City Clerk who works late at night.

When suggested that all City buildings be considered for this system, Director Svaby said all vendors are necessary to install card-reading and camera systems because of the various buildings at public works. He will add proposals for this-type of security system as well.

City Manager Whitfield informed Council the customer service department already has an updated security system.

He then presented a concept of the plaza project for City Hall, that includes continued access for emergency vehicles, he had prepared by a landscaping architect. A decorative removable bollard will be placed behind the sidewalk to prevent the public from using the drive.

Homeless & Loitering Update

City Manager Whitfield noted that Council asked this be added to a future agenda. Martha Gery, Founder and President of Milford Advocacy for the Homeless, was also in attendance.

Four items were to be discussed--housing, the present tent location and the associated health and safety issues, homeless in the downtown area, and the panhandling that is occurring.

Included in the packet are ordinances from Seaford, Milton, Millsboro, and Dewey Beach. However, Manager Whitfield does not believe those from Milton, Millsboro, and Dewey Beach will stand up to the legal challenges explained most recently by Acting Chief Huey.

However, the ordinance from Seaford has been tested according to the City Manager and is addressed as a safety concern to have people in the median or a corner of the highway. It states as follows:

Pedestrian Safety

- A. No person, other than a person in or on a vehicle, shall be on a City Street and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder.
- B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway".
- C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating §12.1.13 A or 8.
- D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of The City of Seaford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

Councilman Culotta said he has received a lot of phone calls from residents about the homeless situation in Milford. He likes Seaford's method because it is an anti-loitering ordinance and not an anti-panhandling ordinance. It also solves the safety issues by not being permitted to loiter in the roadways and would solve what Milford is seeing on the highway.

He asked for confirmation that if a shopping center notifies the police that no loiters are permitted on their property, at that point they are trespassing and can be removed; Acting Chief Huey explained that what is being described is publicly accessible private property. The owners of the property can ask anyone they want to leave their property.

Councilman Culotta believes that all resources can be achieved between Brandywine Counseling and Milford Advocacy for the Homeless, including food, medicine, and a shower. Because the basic needs are met, the argument to panhandle in order to support myself can be debated.

When asked if the homeless encampment result from the State putting the homeless in the hotel north of Milford; Councilmember James thought it already existed, but they were placed in the hotel during the Covid pandemic.

Councilman Culotta said he is noticing more homeless in the area, particularly in the main intersections in Milford and the shopping centers, adding that people are complaining more from a safety view, in addition to the inconvenience.

Councilman James said from his perspective, the City probably has somewhat of an obligation to provide some type of help for everyone in the city regardless of their economic ability or status. He suggests addressing it from a 'how can we help

them move toward life sustainability'. The City nor the State can provide the housing but is there a way to create an avenue with a true endgame for anyone who wants to be helped, though that is not everyone. Perhaps, facilitating a path in that direction because they are probably not in a safe environment now.

There is also an obligation to all other citizens of Milford for a safe, peaceful environment.

He then discussed the close proximity to those that are standing in the highways and roadways, and the fear that even the vehicle mirror could hit them, making it the driver's fault. Particularly when they step off the curb or median to obtain the money or item, there are serious issues.

Councilmember James has also heard concerns from our community's real estate world about the negative look the panhandlers are giving Milford when touring the community. As a result, this may be stymie economic development.

However, he does not want these people considered to be criminals or drug addicts because that is never true. The Councilman wants the City to be humane to the approach in determining a way to help to those that desire and want it.

On the other hand, Council has an obligation to the citizens that want to be free from what they consider harassment or an impact to their business.

Councilmember Fulton agreed that the people in the roadway are risks not only to themselves, but to the safety of the people operating the vehicles as well. He also noted that Milfordians have a big heart and people want to help. The churches in Milford want to help. But they also want the ability to walk from one store to another store without being bothered by someone with their hand out. Most people will avoid the store because they do not carry cash and there will be people asking them for money.

He agrees it is reducing commerce and the freedoms of these large-hearted people that are supporting people of less economic standing. But because of the nonstop requests for help, we need to prevent that heart from being hardened.

Their self-want is a key factor according to Councilmember Fulton because many are perfectly happy living in this manner and do not want change and have no desire to be sucked back into society, though many want and need the help.

He also likes Seaford's ordinance as a first stepping stone though there is a need for the City to be more involved with limitations.

Mayor Campbell reported that other Mayors are looking toward Georgetown right now. They are putting up a 'pallet city' with a communal area in the center. Other towns are waiting to see how this works out, though there are questions about the length of time they will be permitted to stay. Also, when someone finds a job, do they need to find their own housing and will they be able to afford it.

It was noted that Salisbury is putting up tiny houses. Councilman Culotta then pointed out that the location then becomes an issue.

Councilmember James said this can be talked about in many meetings and a lot of presentations provided. He feels Milford should decide what the City is able to do and what is the best approach to help where it is possible, and what problems can be solved, and what pathway should be taken. He wants to get to the point when the City has an action plan.

The Los Angeles (LA) situation was pointed out by Councilmember Fulton and the amount of money that was spent on small homes, encampments, and other resources to help the homeless. The result was the explosion of that population, which continued to grow. Because it is has become overrun, LA can no longer afford the programs that were established.

Though an action plan would be nice, lines need to be drawn. Once that line is hit, there is no going beyond it, and the reason he favors programs with time limitations and registrations, so the information can be used.

Councilmember Marabello recalled the Circle of Light program in Milford. That involved a group of people who were fed in local churches, provided shower abilities, and the participants were drug tested. In those situations, it does not always work so well, though something must be done. He agrees with a timeline and suggests something be added to the budget.

He added that the other question is what happens if nothing helps when trying to steer these folks to get help.

It was agreed that a homeless shelter can be as good or bad as it is managed. People and funding change over time which can impact any program.

Councilwoman Samaroo stated she agrees with Councilmembers James and Fulton. A pathway is needed to come up with a solution. She is familiar with a few nonprofit organizations that assist shelters and asked them how it was working out; they commented they are trying to help them with housing or stability of some form. She also noted there are a number of veterans in those shelters, many are over 65, and some are veterans with disabilities. But getting help when disabled is a very long process that must be completed. The people in these shelters are trying to help them get those benefits and/or financial stability though it is process that never seems to end.

Milford's Advocacy for the Homeless President Gery then explained that they try to help these people get from where they are to being viable people in society. A typical week for her includes visits to Brandywine two or three times interacting with them and was feeding them tonight. They believe in help but with a limit. They will provide food, make sure they don't go to bed hungry and ensure there is a place to sleep.

They do not have housing, so they could provide a tent, but it is up to the person to find a place. Many talk among themselves and often go to tent city. There are others not in tent city. Those that go to tent city are informed they are squatting though they do everything possible to provide them with food, clothing, and a place to keep dry, 24/7.

The community provided 1,000 canisters of propane and small Little Buddy 5,000 BTU heaters. She and her husband delivered them every night to tent city so they would have at least a couple hours of warmth. That was done for twenty people all winter long, though the number increases substantially during the summer.

When the weather starts to get cold, the population begins to deplete because people will make nice with their families.

Councilman Culotta asked if it would make better sense to only provide meals two to three days a week to prevent them from knowing they can always get a meal and the resources they need. He feels this attracting it as opposed to helping it.

Ms. Gery asked him if he would like to go a couple days without eating; Councilmember Culotta said no and that is why he goes to work each day. She explained that the Councilman has two forms of an identification, an address, a cell phone, which are all things needed to get a job.

Councilmember Culotta said he has used day laborers for various duties in his construction business that he does not keep employed all the time. They have come to him and informed him that an organization or person is providing a lot of food. They come to work, but then go back out there to get the resources they need that do not cost them anything.

He would like for them to support themselves in a normal society but wonders if we are enabling the tent city people a little too much, as opposed to providing ways to help.

Ms. Gery said they take it to the next level and that is just the basic things they do. In recent months they have tried to partner with as many organizations who are willing. There are a limited number of volunteers to do many things, though she tries to make sure they each have two forms of identification to get them connected with another organization, whether that is Catholic Charities or a local church, or whatever it might be who will pay for that. Then Brandywine will take them in their vehicle up to get that done. As a result, they have to set it up themselves.

They also have a couple of companies that have very helpful with hiring them. Perdue, SeaWatch, and Cold Storage have done a great job of hiring many of these folks. She noted that there are more homeless that are being hired now than ever before.

Ms. Gery continued explained that Brandywine is open from 7:00 am to 3:00 pm. They are a great partner, and she appreciates all their help. But now a person goes to work, that person is unable to get a shower in the morning, and no food is provided during the day. They come home and there is nothing to eat, so they have to spend some of their money to get food. Their clothes cannot be washed, and a shower and bathrooms are unavailable.

Following a week of that at a new job, the person has a hygiene program, which will cause the person to be terminated. That person may not have any clothing to change into as well, though that is a job requirement.

She emphasized these are some of the simple challenges they are trying to overcome right now. A person gets a job, and they are very excited and then they face all of these problems. To get one load of clothes washed and dried at a local laundromat is about \$25. As a result, a lot of times they give up.

They try their best for the first two weeks to do everything that we can for them. If they cannot get comfortable being homeless. Chances are, if they have the opportunity to get away from it, they will. But once they're embedded in it, it becomes very hard.

Two things are happening right now with all the government funds drying up. She is getting multiple calls every day of not just individuals, but for families, and those that are fifty-five, sixty years old and older, and those on disability. They don't know where to go or what to do. There are many problems that need to be addressed and not just one issue.

As an organization, is provide the bare basic minimum. Then help them do the rest which includes getting a job, getting their ID's, help with budgets, etc. to get them into a normal routine.

Currently they are looking for a community building so they can feed them every night in a building. Right now, they are being fed out of the back of Ms. Gery's Jeep. She explained that feeding them means a bowl of a casserole and a bottle of water, which is really not enough to fill them up. But that may help them continue to work.

Because Brandywine closes at 3:00 pm and is only open Monday to Friday. They are looking for a solution from 3:00 pm to 8:00 pm. When it is cold, they can go to Code Purple from 8:00 pm to 7:00 am, which solves a lot of the issues. In those times, they can provide additional resources including counseling, support processes, groups therapy, or anything they may need.

Finding a community room will allow to provide food and it does not necessarily need a kitchen, because the dinners could be brought and served, then cleaned up.

Ms. Gery wanted to provide a vision for a second. As an example, the old Carlisle Fire Company building has three tiers. The ground floor would have washers and dryers. Meals and showers would then be provided.

The second floor would become a men's shelter of approximately 25 people. The third floor would be used as a women's shelter with approximately 25 people.

In that time, there is a two-year program. The person signs an agreement that says this is a two-year program, and the person promises to be drug-free, go through the program and show up and do what is required. In those two years, though it could be a one-year program, the person is setup for success. After that period, the person is required to leave and there is no solution after that.

That is the program they want to initiate which will help them through the whole process. If they don't want to help themselves, there is the door. They know they cannot help people who don't want to help themselves.

That would be the building and the program Milford has. It does not grow and does not expand.

Councilman Culotta said a homeless center can be built much cheaper than the cost of a building and the needed rehab similar to the old fire house. But the question is where it can be built.

He referenced the shopping center and the commercial space that he said we wanted to do east of Route 1. He said it had nothing to do with what they wanted to do there but had everything to do with how it affected the people around it. This would need to be put in a place that the whole community doesn't come out and say, well—we need it, as long as it is not in their backyard. The better it is managed the less impact it has outside those walls.

Councilman Culotta said he received a complaint about loitering in the downtown area, noting that nothing can be done about people sitting on the benches who are not breaking the law. Ms. Gery said she talks to the homeless about the importance of not bring attention to themselves. Of that population, there are typically four individuals who panhandle. She realizes that at times they are inebriated and/or on drugs, and she understands why people are afraid. However, if they are unable to get some sort of money, crimes, in particular theft, will increase. Many require medication, which they do not have money to pay. When arrested, they have fines to pay, and she had someone working in her yard this week to pay off a fine to prevent going to jail.

Several resources, including the food pantry at Avenue Church, were pointed out. These resources then refer these individuals to the State for additional help. Councilman Culotta said hitting star two on your phone gets a person a voucher for a room. Ms. Gery said she encourages him to do that because you cannot. She deals with this every day after a person calls 211, 1833, and any number they can, but there are no beds.

She continued by saying that most of the people that are in tent city and are homeless right now do have children. They are either with family or are in social services being taken care of. She has no say in tent city, but because they listen to her, she tells them there can be no children in tent city because it is too dangerous. So far, they have honored that. However, if they are there and say overnight, she is unaware of it.

Councilman Fulton expressed concern about Ms. Gery supporting the homeless in a location that is privately owned. She agreed noting that this is the only option she has right now, though she would prefer different options.

According to Ms. Gery, tent city has existed for four years. Prior to that, the homeless were in different areas throughout Milford. She would welcome a different option and she has explained to them that they are squatting.

Councilmember James feels this is a very important topic, but Council needs to now convene amongst itself and come up with an action plan to determine what are we willing to do. He thanked Ms. Gery for the information so that Council understands the state of this issue.

In conclusion, Ms. Gery asked to go on record to thank everyone who has been very supportive, including this Council, and also thanked the City for the ARPA grant. She then confirmed that besides the ARPA money, they are completely funded by the community.

Police & Administration/Work Alignment

City Manager Whitfield said he has already spoken to most of the Councilmembers with regard to the alignment of the work he does as a City in conjunction with the Police Department.

Currently, there is nothing in writing in terms of who reports to whom, in relation to human resources (HR) and information technology (IT).

According to the City Manager, Captain Huey and Captain Huey have been working together to resolve those issues. They recently utilized IT, which is somewhat new, and he plans to bring on an additional person in the IT Department that will specifically work with the police department.

He said we do a lot of work with the Finance Department with the Finance Director and the Police Chief working together. The other item is HR. He referenced the large number of lawsuits that were settled over the past six years that primarily the result of the HR issues within the police department. Utilizing his HR professional will ensure we follow employment laws.

As a Public Works Director, he did not know the employment laws and relied heavily on the HR person to guide him through the disciplinary actions. Utilizing the HR person is important.

This is an opportunity if Council wants to do this, now is the appropriate time.

He then referred to the following regulation from the Town of Milton, which has a similar arrangement as Milford, noting that the Police Chief reports to the City Manager for personnel, finance, and IT. Milton includes that in their code.

Section 22 of Milton's Charter reads as follows:

Milton Charter Section 22 (Police Force)

The Mayor and Town Council shall make such rules and regulations as may be necessary for the organization, government, and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force, under the direction of the Chief of Police, shall have such other duties as the Mayor and Town Council shall prescribe. The Chief of Police shall be subject to the direction of the Mayor or in the Mayor's absence, the Vice Mayor. For financial and budgetary duties, the Chief of Police shall report to the Town Manager or designee.

City Manager Whitfield noted the amount of work that is done within the police department in conjunction with vehicle maintenance and wondered if this change should be codified.

Councilmember James said he has thought of this and is there a duplication of services and are we costing the citizen's money by duplication of services. At the same time, he thought he believes the City Manager is not interested in having the Police Chief report to him, the Chief properly in my vision, reports to Council. He is saying properly, because that means as representatives of the people, that gives the police chief reporting directly to the people through City Council.

He agrees it gets hairy when you're talking about HR and things that nature. When those things happen, what will Council have visibility to? If Council doesn't have visibility into certain things, Council is unable to adequately address issues that that may exist, though he does not want to get into a lot of detail.

Explaining that the police are a totally specialized function with regard to the type of personnel that must be hired, or type of issues that arise around the officers that will never exist with anyone else in this City. Because the Chief reports to Council, they need to always be aware and have the ability to address those issues. Otherwise, it could get lost by Council not having the visibility. But it could happen, and that would not be good for the City.

Mayor Campbell is saying Council should not be involved from an operational point. Council should not be involved with the City Engineer, the Public Works Director, Finance Director, etc. Those employees oversee their departments and personnel issues.

Councilmember James pointed out that every department named all report to the City Manager. Chief reports to City Council. It was clarified he reports to Mayor and Council.

Mayor Campbell said from an operational standpoint, he personally does not think Council should be involved. He became involved when Kenny Brown was Chief, but at the end, when Keith Hudson was around, they always talked about things. He believes those are things that should be handled separately from Council. Because now you're involved with the secretary at public works, involved with the City Engineer in the issue at Milford Ponds. That causes the loss of concentrating on the City. Council to him is to look at the City as a whole and make decisions regarding the City's growth and improvements that are needed.

The City Manager said that Council's role has always been policy. They set the policy and approve the budget. The Police Chief is responsible for the operation of the police department. The city manager is responsible for everything else within the City except the City Clerk. The City Clerk also reports to City Council.

His intent was not to encourage Council to get involved in operations, but it has to do with the crossover and the crossover services. There is need to ensure proper employment laws are being followed, IT services, vehicle maintenance, and you name it. There is a need to make sure it happens in a seamless manner.

Manager Whitfield said it can be left as is, because it obviously has worked in the past, but he is asking if Council is interested in codifying the crossover and what the alignments need to be.

Councilmember Culotta said he feels the current setup is good. He believes the Police Chief, the City Clerk, and the City Manager should continue to report to Council. That is for a multitude of reasons, but mainly if the Police Chief has a direct path to Council when he has a grievance, a concern, a request, he has access to Council. He should not have to go through the City Manager.

However, he agrees there is conflict of interest that he provides the police department their HR representative, and even IT to some extent. The mission of the police is different than the mission of city administration. Because the HR person reports to the City Manager, their allegiance is, and will continue to be, to the City Manager. When the City Manager and the Police Chief disagree about an issue, it can always be construed as the City Manager having more control because he controls the service that is provided to the police.

Then the question is does it make sense for the police to have these things in-house themselves and what is the cost for that; do the police need a full-time person, or can they use a contracted HR person when needed, to separate the powers. For the most part it works, and he does not see the need for a major change.

Councilmember Culotta does agree that the City Council should not be in daily decision making, because currently the Charter says the City Manager has sole hire and firing authority which prohibits a Councilmember from telling the City Engineer to do something other than what the City Manager directed him to do.

He also believes there is a need to delineate between the police and city operations.

Councilmember Fulton said he understands what the City Manager's concern, but we live in a different age. Each department has individual needs and employees who have varied qualifications. The police officers take an oath, and that oath is very clear on what they support and not support. Often organizations want to have their own 'everything' and own entity onto themselves. However, that creates waste and redundancy.

He continued by sharing the military moved a lot of those ancillary resources. Every squadron used to have a personnel department, an admin department with various roles. They took that and put it together in one group that now supported the entire group equally, which reduced billets. But it also provided resources for everyone and the people in personnel knew everything about personnel. But the person sitting at the one squadron may not know it.

Councilmember Fulton said the City's HR person may not know about this law, but we have a professional that lives, eats, and breathes HR. He believes the City should take care of the non-police matters for them. The HR person would come to the Chief and present the applications, but the Chief would still review them, and the same process would take place. Other than, the HR is over here.

He does not think the City Manager would then have control over the Chief by controlling all of his ancillary services. If the City Manager is doing things like that, he will probably be visiting him in a non-friendly manner. If he is having to do those type of things to control the police department, then the police department is not able to fulfill their duties, which means someone is doing something crooked.

Councilmember Fulton believes if the City took over some of the responsibilities of the redundant programs that are housed, he does not think that will hurt the police department but will allow them to more focus on their day-to-day operations and tactical decisions to keep the citizens and visitors of Milford safe.

Councilmember James pointed out the Charter prohibits Council from becoming involved in operations. It is clear that Council is able to go to the City Manager, Police Chief, or City Clerk, but not the people that report under them.

He also does not like redundancy, because it is spending taxpayers' money unwisely. He thinks there is a need to carefully handle the HR piece. That should be examined carefully before a decision is made.

Other departments, like finance and IT, in his mind should be centralized and not separate staff.

According to the City Manager, the only thing that HR would do, is guide the police through the process. He has never received a recommendation from HR saying that is the person that needs to be hired nor is that done with any other department head. It is always up to the department head to make that decision on hiring.

City Manager Whitfield said he does not get involved because he believes it is the department head's responsibility to select and manage that person.

The only thing the HR department does the City Manager explained, is make sure all pertinent laws are followed with regard to the hiring process. It is not about HR taking ownership of who is hired for the police.

Councilmember Culotta asked what occurs when there is an issue with a police employee and how it has to be handled? The HR person reports to the City Manager and what happens if the City Manager disagrees with the issues within the police department.

He recalled a police personnel issue that created conflict. That is why there is a question about whether or not it makes sense to separate the two. Financially, he is unsure if that can be done.

The City Manager explained that HR guides the department head through any disciplinary action, though HR does not make the decision. That has never occurred, and it comes down to the department head making the decision. Making sure everything is done correctly by HR, would prevent losing any lawsuit.

Councilmember Fulton believes that the HR person needs to come up to speed with some of the requirements of the police departments. Again, they have different requirements when involved in a violent situation, a domestic situation, or a DUI. It affects their career feel differently than it would affect a non-police employee.

Councilmember James said if things were to stay as they are, and there is a difference of opinion as to what a perceived outcome should be between peers, meaning the Chief and the City Manager. At that point, Council should be involved by at least hearing what the problem is. Without Council having that visibility is an issue.

Councilman Fulton agreed that any disagreement between them, Council should know about it with the ability to come up with some kind of rendering to come through it.

Solicitor Rutt believes the City Manager is talking about process, and not the final decision. He noted that Councilmember Culotta said the police should be able to handle their own situations. He does not get involved with their litigation issues, though he is very familiar with them.

He agrees that there have been some situations over the past couple years where the process went wrong and how it took place. Had HR been there to say no this cannot be done in this manner, or suggests another way, the City may not have been sued.

Referring to Councilman Fulton's comments about the military where everything comes under a commander, Councilman Boyle stated that Council are the commanders in this situation. All the City's operations eventually fall to Council. If Council were to give IT support, personnel, HR support, though they already provide financial support across the board, they can be adjudicated by the Council if there is a problem. It is separate in setting them up, and he recognizes the police department has significantly different HR needs versus the other City government areas.

He believes they can be ironed out in writing in great detail if that is needed. Again, the reports Council receives may be in executive session when in area of personnel. But in the end, Council gets to review it all. Council makes the final decisions

and arbitrate any disputes. The three City Officials, rarely report to Council and control their own budgets, control their own operational readiness, work planning, etc. Council's role is to sit atop and make sure it is going right and provide the final decision on who gets what.

Once everything is settled in, everyone would benefit including the police department by being an equal footing for the services that the City government provides.

Councilman Boyle recalled a recent comment made at a University of Delaware training session, where the instructor said, 'the business government is to serve', period. If we need to service the various departments within the city government, it needs to be done on an equal footing, where every department, every employee gets equal treatment, in addition to the full support of the service agencies within the city.

He believes there is no problem as long as there are a clear distinction that operational and budgetary concerns belong to the three employees that report to Council. If there is an issue, any of the three should come to Council in executive session for a discussion.

Councilmember James agreed adding that his last point was an extremely important point.

Mayor Campbell then talked about his supervision of 368 people and the personnel employee was responsible for the 368 people. They knew the laws and the reason they are sent to ongoing training throughout the year.

Councilmember Culotta believes there are some components that need to be discussed in an executive session. Solicitor Rutt and City Manager Whitfield said this is not an executive session item. Councilmember Culotta feels there are specific examples that could help that should not be discussed publicly.

Council said this needs to be discussed further.

City Manager Whitfield said Council has the retreat in October and the next workshop is in December. In the meantime, he will draft up a couple of recommendations for Council to look at. One could be a charter change and the other is to do nothing, but Council has the final decision.

Councilman James asked that any draft be provided to Council in advance of the meeting to allow time to review and comment on the document, adding this is not a rush.

Councilmember Boyle added that the Police Chief and City Manager also be given the opportunity to comment on the document.

Electric Service Assistance

When asked about Hurricane Ian, and electric services, City Manager Whitfield explained that every utility company has agreements with other electric companies. Florida Power and Light, where the devastation from this hurricane has occurred, probably has agreements with GPU and others. Municipalities do the same thing and recall a couple years ago when crews were sent to New Smyrna Beach, Florida, after their request.

DEMEC works with American Municipal Power in Columbus, Ohio. Crews are not sent anywhere unless the request is made.

Mayor Campbell adjourned the Council Workshop at 8:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC

City Clerk/Recorder

City of Milford



PROCLAMATION 2022-21 Milford Goes Purple Month

WHEREAS, Delaware Goes Purple is a statewide initiative led by the Sussex County Health Coalition (SCHC) based out of Georgetown Delaware; and

WHEREAS, in 2018, SCHC led the effort to reduce the stigma of addictions, inspired by The Herren Project™ Go Purple campaign; and

WHEREAS, the purpose of Going Purple is to raise awareness and reduce the number of Delawareans suffering with drug and alcohol addiction and to share that recovery is possible; and

WHEREAS, those struggling need to know that their disease is not one they should be ashamed of, or keep hidden;

WHEREAS, this year's project stresses the importance of educating people, especially parents and children, about how the path to addiction most often begins with prescription medications; and

WHEREAS, nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers and other addictive drugs; and

WHEREAS, Delaware Goes Purple empowers each community to stand up to erase the stigma and to support those individuals who need it the most through informed conversations about alcohol dependence, prescription pills and drug addiction.

NOW, THEREFORE, I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare October 2022 as:

Milford Goes Purple Month

in hopes of making an impact and to assist in turning the tide of this epidemic by challenging community leaders, residents, teachers, students, businesses, and their employees to work together to become part of the solution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10th day of October, Two Thousand Twenty-Two.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



PROCLAMATION 2022-26

NATIONAL CYBER SECURITY AWARENESS MONTH

WHEREAS, the City of Milford recognizes the vital role technology has in our daily lives and the future of our Nation and State, whereby today many critical infrastructure sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, healthcare, and emergency response systems; and

WHEREAS, internet users, citizens, and information infrastructure face an increasing threat of malicious cyber-attack, significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, throughout October, in recognition of Cybersecurity Awareness Month, the Department of Homeland Security is committed to raising awareness about ways to combat the constant and ever-increasing danger from cyber threat actors; and

WHEREAS, Milford's IT Director Bill Pettigrew and IT Experts Denham Dodd and Paul Beebe, maintain the security of cyberspace is a shared responsibility in which all of us have a critical role; and

WHEREAS, by integrating cybersecurity into the overall cultures and operations of the City of Milford, the Department leads by example; and

WHEREAS, the Cybersecurity and Infrastructure Security Agency (CISA) a division of the U.S. Department of Homeland Security, and its Cybersecurity Advisor, and State of Delaware Coordinator Arielle Baine, along with the Delaware Department of Technology and Information have declared October as National Cyber Security Awareness Month.

NOW THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim that all residents and businesses within the City of Milford support October 2022 as Cybersecurity Awareness Month; and

AND BE IT FURTHER PROCLAIMED, that as part of the month-long awareness campaign, the City of Milford, on this 10th day of October 2022, joins the Delaware Department of Technology and Information, along with its partners, who have developed month-long activities for all ages to bring awareness of cyber threats, protection methods, and response actions.

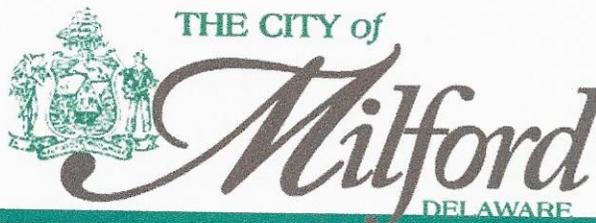
Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



POLICE DEPARTMENT
400 NE Front Street
Milford DE 19963



Phone 302.422.8081
Fax 302-424.2330
www.milfordpolicede.org

TO: Mayor and Members of City Council
FROM: Edward A. Huey, Captain
DATE: October 6, 2022
RE: Activity Report/September 2022

Monthly Stats:

A total of 466 arrests were made by the Milford Police Department during September 2022. Of these arrests, 143 were for criminal offenses and 323 for traffic violations. Criminal offenses consisted of 32 felony and 111 misdemeanors. Traffic violations consisted of 84 Special Duty Radar, 7 Drunk-Driving charges, 232 others.

Police officers investigated 68 accidents during the month and issued 86 written reprimands. In addition, they responded to 1240 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of August, participated in numerous conference calls and virtual meetings including the monthly State Chiefs meeting, City Council and Workshop meetings, bi-weekly City Manager’s meeting with Department Heads, and PD Staff meetings. Also, **numerous** working meetings throughout the month for the new CAD build and go live.

Attended the Rural Subcommittee – Diversion Workgroup Monthly meeting held on September 1, 2022.

Attended LEISS Interface Training for new Computer Aided Dispatch System on September 6, 2022.

Met with City Manager for a Police Update meeting held at City Hall on August 1, 2022.

Attended the Funds to Combat Violent Crimes (FCVC) Committee Meeting held at the Dover PD on September 13, 2022.

Attended the Special Law Enforcement Assistance Fund (SLEAF) meeting held at the Dover PD on September 13, 2022.

Met with City Manager and City Clerk in reference to City Agreements, City Contracts and Council Agendas held at City Hall on September 15, 2022.

Attended the SCPCA meeting held in Georgetown on September 20, 2022.

Interviewed by Jon Fehlman from HRGov for the position of Chief of Police via Zoom held on September 22, 2022.

Hosted Chief Kenneth Brown's Retirement Party held at the Milford Senior Center on September 23, 2022.

Training –

Two officers attended TACOPS East Training held in Alexandria, Virginia from September 7 – September 9, 2022. DEMA is funding the cost for this training.

One officer attended Advanced Roadside Impaired Driving training held at the DSP Academy from September 7 – September 9, 2022.

One officer attended a Microsoft Power Point Course held at the DSP Academy on September 15, 2022.

One officer attended a Canine Tactical Entry Course (SKIDDS) held in Smyrna, Delaware from September 20 – September 27, 2022.

Five officers attended the 2022 Highway Safety Conference held in Dewey Beach, Delaware from September 27 – September 29, 2022.

Public Information/Social Media Update –

September statistics are as follows: Our Nextdoor was not utilized for posts during September. Nextdoor reaches 1731 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 12,042 followers. Posts during the month reached 9,523 people with 4,323 people engaging in our posts. On Twitter our Tweets made 745 impressions and our followers are at 1379. Our Instagram account has 1747 followers and posts during the month reached 737 users.

SRO –

S/Cpl. Bloodsworth has assisted school staffs at Benjamin Banneker, Lulu Ross, and Mispillion Elementary schools with getting the AAA Safety Patrols established for the school year. A group swearing in ceremony is planned for October.

Sgt. Masten, S/Cpl. Bloodsworth, and MPD Clinician Jenna Haines all attended the annual Riverwalk Freedom Festival.

Sgt. Masten met with Milford School District personnel to discuss athletic event safety protocols after hearing of issues at other schools in the northern part of the state at football games. The meeting was to go over our current procedures and to see if any adjustments could be made after hearing more about these other events.

Sgt. Masten, along with other Milford School District personnel, met with a representative from StopIt for a training for new MSD staff. StopIt is an anonymous school safety reporting application available to students at the Milford Central Academy and Milford Senior High School. This application allows students to download the app to their cell phone and make reports about a variety of concerns they may have. It has been a valuable tool for school and student safety since it's been established.

K9 Unit –

For the month of September 2022, the Milford Police Department K9 Unit had the following stats:

K9-1 (Mason):

- CP/Demo 1
- Area Search 2
- Crowd Control 2
- Money Scan (T.16) 1

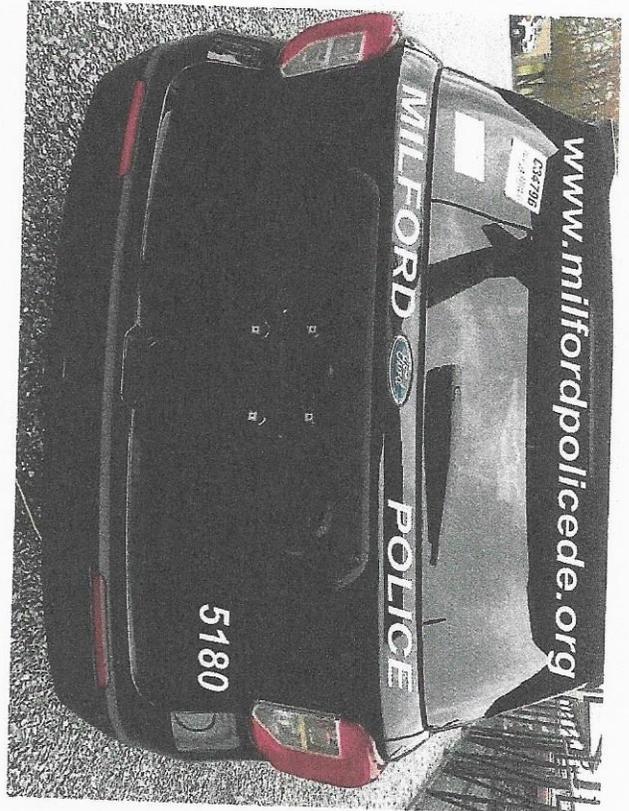
* K9 Mason was utilized to perform an area search for a weapon used after a juvenile was struck in the face with a metal pipe. K9 began scanning the area and would locate the metal pipe linking it to the crime scene.

K9-2 (Raven):

K9 (Raven) and Cpl. Swan were out for the majority of the month due to K9 surgery as well as Swan being out on FMLA. No stats to report.

New Police Vehicle Design:

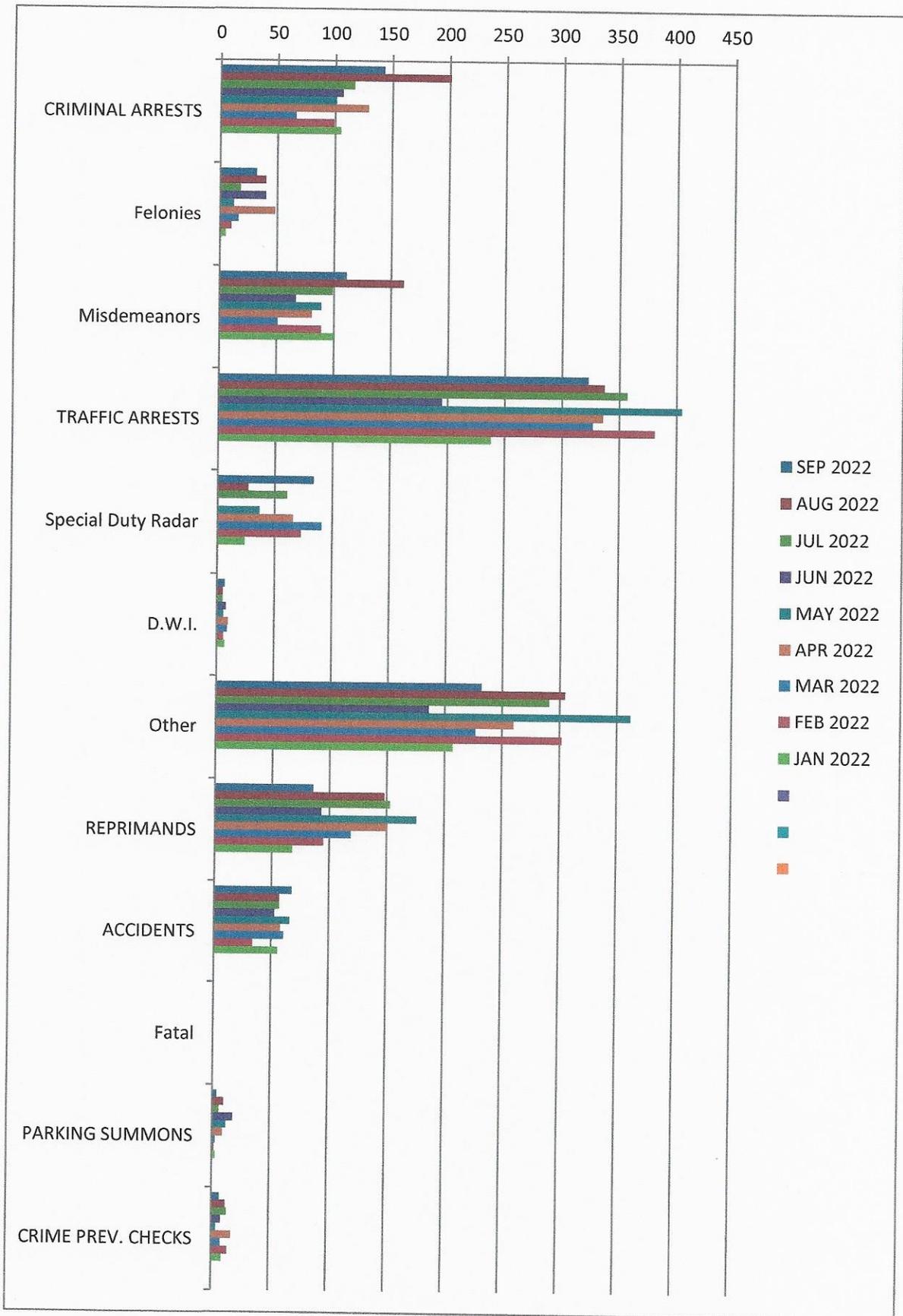
We have changed the design of the Milford Police Vehicles. This was done for several reasons. When we were able to secure three Dodge Vehicles for budget year cars, we could only get them in white. To wrap the vehicles to match the current black and white design of the Tahoe was going to be very expensive, **AND** we have found the durability of the vinyl wrap on the current vehicles is not withstanding the rigors and roughness that a police vehicle sometimes experiences. The two Fords that we were able to obtain were black. Using this design, we were able to lessen the amount of Vinyl on the vehicle while still giving the car that black and white look that is easily recognizable to the residents, along with making the lettering reflective for the safety of the officers doing traffic work at night. The white Dodges have the exact same marking design as the black Fords, but just opposite color combination to create the contrasting black and white color. Pictures are attached.





SEPTEMBER 2022 ACTIVITY REPORT

	SEP 2022	TOTAL 2022	SEP 2021	TOTAL 2021
COMPLAINTS	1240	10577	1274	10186
CRIMINAL ARRESTS	143	1068	95	890
Felonies	32	221	28	153
Misdemeanors	111	848	67	737
TRAFFIC ARRESTS	323	2899	334	2830
Special Duty Radar	84	464	52	581
D.W.I.	7	63	5	67
Other	232	2372	277	2182
REPRIMANDS	86	1089	117	833
ACCIDENTS	68	510	45	440
Fatal	0	0	0	1
PARKING SUMMONS	4	67	4	24
CRIME PREV. CHECKS	7	92	7	100
FINES RECEIVED	\$5,670.48	\$ 54,064.28	\$12,473.09	\$41,443.74



Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
September 5- September 11, 2022	60	1. First Responder Touch A Truck Event	1. An Overview of Child Neglect and Abuse	16	Referrals to Services: Public Assist 10-81 Assist Other Agency Check on Welfare Domestic	1	2	12
September 12- September 18, 2022	62	1. Housing Alliance COC Meeting 2. Salisbury University Presentation 3. Riverwalk Freedom Festival 4. Friendship House Meeting	1. Trauma Focused Treatment	11	Referrals to Services: Public Assist Victims Services 10-81 Check the Welfare	1	2	14
September 19- September 25, 2022	60	1. Delaware Rural Communities Opioid Response Program Meeting	1. PTSD and Veterans 2. Addiction and the Human Brain	13	Referrals to Services: 10-81 Check the Welfare Public Assistance Shoplifting Assist Other Agency	1	0	15
September 26- September 30, 2022	60	1. MH Clinician Huddle 2. Criminal Justice Council Meeting	1. Intimate Partner Violence Assessment	10	Referrals to Services: 10-81 Check the Welfare Public Assistance Assist Other Agency	1	1	14
Totals:	242			50		4	5	55
Overall Totals:	3026.6			651		51	71	644

Milford Police Department - September 2022 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS
Gregory Bisset, LCSW, C-AADC
Danielle Blackwell, LMSW



OFFICE of the City Clerk
 201 South Walnut Street
 Milford, DE 19963

Teresa K. Hudson, MMC
 O 302.422.1111 | F 302.424.3558
 www.cityofmilford.com

DATE: October 1, 2022
 TO: Mayor and Members of City Council
 FROM: Terri Hudson, City Clerk
 RE: September 2022

The number of activities in September continue to climb. A number of exciting fall events are occurring over the next couple months, and these organizers are working hard to make them very special.

A quick reminder of upcoming events in which permits have been issued:

ORGANIZER	EVENT	DATE
Headwaters Action LLC	Acton Children’s Business Fair	10/01/2022
Carlisle Fire Company	Controlled Burning – N. Church St.	10/2/2022 (Rescheduled)
Mispillion Art League	The Big Draw	10/08/2022
Headwaters Acton LLC	Acton Children's Business Fair	10/08/2022 (Rescheduled)
Second Street Players	Mr. Moribund’s Monster Ball	10/14/2022
Milford Parade Committee	Milford Community Parade	10/19/2022
Milford High School	Homecoming Parade	10/28/2022
DMI	Saturday Farmer’s Market	Ending 11/05/2022
DMI	The After Market	Ending 12/17/2022
DMI	Holiday Stroll	12/02/2022

In addition to these events, the Milford Senior Center is hosting a Fall Bazaar as a fundraiser on Saturday, October 29th from 10 am to 4 pm. See attached flyer. This is a great opportunity to support the Senior Center as well as pick up some early holiday gifts!

We spent a great deal of time this month assisting residents and their polling places for the September 6th primary. Due to the growth of Milford, a lot of polling places were changed, and though we are not involved with this election, we were glad to help these folks out to ensure they were able to vote.

A lot of hours continue to be spent working with the newer Department Heads as they educate themselves with archived agreements and documents that impact their areas of expertise.

As always, training continues to be one of my department's priorities. I have taken several sessions through the University of Delaware, Institute of Public Administration courses this week, along with some Lunch and Learn sessions that address a number of helpful topics through Delaware Hospice.

Deputy City Clerk (DCC) White and Parks and Recreation Director Denney worked together to ensure the replacements and reappointments were updated on the Parks and Recreation Advisory Board.

Her Parliamentary Procedure training continues. As City officials, we should be very proud as she works to accomplish her goal of becoming a Registered Parliamentarian, the first for Milford.

She also participated in the Employee Reward and Recognition Committee Meeting in preparation of some upcoming events.

The New England Municipal Clerks Institute and Association hosted an Advanced Decision-Making Technique training session in which DCC White attended.

The Deputy City Clerk attended the Annual Delaware League of Local Government Dinner on September 22nd in Dover at which time the City Manager and City Clerk of the Year awards were announced. Unfortunately, I had another commitment, so I was especially pleased she was able to represent our office.

The appointments to the new Tree Preservation and Advisory Council are now in place and future meetings have been scheduled.

During the September 28th Council Workshop, a suggestion was made to create an ordinance that would close City parks at night. This was partially based on the poor visibility after dark in some our park areas that creates an easy target for a potential vandalism and loitering. With that in mind, the Parks and Recreation Code was updated in 2012 to prohibit any activity or entrance during those times. I have included a copy of the Chapter 165, with related section(s) highlighted. Please let us know if you think any amendments are needed.

IT staff continues to work on some technical issues that have impacted my department. Kudos to Bill, Denham, and Paul for their continuing efforts and expertise!

The next Delaware League of Local Government dinner on October 27, 2022. Those that have not signed up should contact us as registrations are now electronic and cannot be added after the deadline.

No information has been received on the November SCAT meeting.

Ward map redistricting work continues with Davis, Bowen and Friedel's Vice President Ring Lardner and his team. I will be distributing hard copies of both current and new maps on Monday night.

At the time of the original Streetscapes project, the City offered engraved memorial bricks for purchase. It was extremely successful, and we are again being contacted to ask if that program still exists. With the need for many of the bricks in our downtown area to be replaced, this may be something Council may want to reinstate. Perhaps it could also be incorporated in the proposed site plan for the front of City Hall.

Created by shared Local Government Fellow Melody Barger, the City's October Inside Scoop newsletter is included in the packet.

- University of Delaware Virtual & Hybrid Meetings
- Participated in IIMC Professional Development Program
- Coordinated SCAT Dinner registrations and payments (6)
- Coordinated SCAT Breakfast registrations and payments (3)
- Coordinated DLLG September Dinner registrations and payments (7)
- Work continues on final details to re-establish the Pennsylvania Municipal Clerks Institute
- Recognition was provided to Municipal Clerks across the country upon completion of their International Certification Designation
- Co-Chair IIMC Resource & Research Committee
 - A mid-year report was submitted to IIMC's Vice President to be discussed at the Board of Directors meeting. Work continues on proposed policy changes to be presented for a preliminary vote before going to the full membership for a final determination.
- The Committee also oversaw the annual 2022 IIMC Survey emailed to all active members of the organization.
- Meetings continue with IIMC Staff and Vice President Candidates regarding the May International Conference in Minneapolis, Minnesota
- Assisted a number of Delaware Municipalities with procedural and ordinance items
- Record requests/assistance from City Departments (11)
- FOIA requests are at have soared to 88 for the Year
- Created/revised/reloaded 09/12 Council Meeting Agenda (11)
- Created/revised/reloaded 09/12 Council Meeting Packet (15)
- Created/revised/reloaded 09/26 Council Meeting Agenda (7)
- Created/revised/reloaded 09/26 Council Meeting Packet (10)
- Created/revised/reloaded 09/28 Council Workshop Agenda (6)
- Created/revised/reloaded 09/28 Council Workshop Packet (14)
- Created/revised/reloaded Planning Commission Notices (4)
- Created/revised/reloaded Planning Commission Agenda (1)
- Created/revised/reloaded Board of Adjustment Notices (2)
- Created/revised/reloaded Board of Adjustment Agenda (1)
- Provided Notary Public Services (11)
- Transcribed and proofread Minutes from City Council Meetings (4)
- Transcribed and Proofread Minutes from Board of Adjustment (1)
- Transcribed and proofread Minutes from Planning Commission (1)
- Distributed recordings of Council Meetings to various media outlets and communicated with reporters

- Proclamations Created, Signed, Sealed, and Distributed (4)
- Resolutions Created, Signed, Sealed, and Distributed (3)
- Bid Announcements Created/Recreated and Published (7)
- Special Event Permits Requested to Date (42)
- Ongoing Research Continues on Records Management & Storage Contractor
- Coordinated Reference requests of Mayor Campbell

Milford Senior Center Presents

MSC FALL BAZAAR & Craft Show

Saturday, October 29, 2022



10:00AM-4:00PM



Milford Senior Center will host an indoor event on October 29th in our Crystal Room. All Crafts, Hidden Treasures, & Vendors are welcome!

Spaces for Rent:

\$20 per Table

(Spaces are limited)

Call 302-422-3385 to reserve your space now!

Lunch:

Lunch will be Served from 11:00AM—1:00PM

Lunch Menu:

\$13 per Crab Cake Sandwiches, Fries, & a Pickle Meal



Chapter 165 PARKS AND RECREATION

ARTICLE I General¹

§ 165-1. Definitions.

DIRECT ROUTE — The shortest and most direct path a person may travel to access the pedestrian bridge for the purpose of reaching the opposite side of the Bicentennial Park without any detour or additional stop in the park along the way.

PARK — The term park or park area includes all parks, playgrounds, recreation centers and fields, water areas, riverwalks, greenways, trails, nature preserves or other recreational areas and facilities thereon, under the jurisdiction, control or ownership of the City.

PARKS AND RECREATION DIRECTOR — City of Milford Parks and Recreation Director or his/her designee thereof.

PARK USE PERMIT — Document issued by or under the authority of the Parks and Recreation Director granting use of reserved park/facility area and which sets forth terms and conditions applicable thereto.

PERMITTEE — Individuals, firms, associations, corporations, nonprofits and/or a combination thereof granted and receiving approved Park Use Permit.

SPECIAL EVENT — Any outdoor meeting, activity, parade, gathering or group of persons, vehicles, or a combination thereof having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public property, place or building, or on private property which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any outdoor park area which results in use preempting normal use otherwise to be made of the area by the general public or which deviates from the established or customary use.

SPECIAL EVENT — Any activity or gathering, other than regularly conducted church and school related activities, which occurs upon nonresidential property, may have direct or indirect impacts on the transportation system within the City of Milford, requires a level of municipal services for its execution or conduct that is above the level provided under ordinary circumstances, invites and/or advertises general public participation and patronage (with or without charge), is not specifically permitted by the zoning ordinance, has potential to violate the noise ordinance, and/or requires City Council approval for alcohol consumption.

§ 165-2. Fee schedule.

The list of park facilities and fees, based on the number of hours requested, shall be established by resolution of City Council.

165-3. Enforcement.

- A. The Milford Police Department, Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.
- B. Any City employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park any person in violation of this chapter or any other law.

ARTICLE II Parks and Recreation Rental Rules and Regulations²

§ 165-4. Purpose.

The purpose of this article is to establish rules and regulations governing the operation and use of park and recreation facilities including established and designated park, picnic areas, buildings and shelters devoted to recreational purposes, athletic fields, bocce ball courts and other recreational areas and facilities, and the parking areas provided in connection therewith which are located within the Milford City limits, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended, and that the facilities may be conserved and protected for the public good.

§ 165-5. Hours.

A. All public parks, owned and operated by the City of Milford, shall be closed from sunset to sunrise daily, except where otherwise posted or permitted.

Exceptions:

- (1) Bicentennial Park-Persons traveling by foot or bike from the Franklin Street area to the Northeast Front Street area, or reverse, shall only be by direct route and must immediately exit the park upon completion.
 - (a) Persons found congregating, standing, loafing or remaining in the park when required to take the direct route when the park is closed shall be considered in violation of this chapter.
 - (2) Parks owned by City of Milford but managed and operated by Milford Little League.
 - (3) Any other exception to the hours of operations shall require the approval of City Council or specific authorization granted in an approved Special Event Permit.
 - (4) Notice of any permitted exception must be provided to the Milford Police Department.
- B. Any park or portion thereof may be closed to the public by the Parks and Recreation Director at any time and for any interval of time or for certain uses as he/she finds reasonably necessary.

§ 165-6. Rules and regulations.

- A. Patrons shall remove all trash that is brought into the park.
- B. Dogs and other pets are not permitted in the parks during rentals or special events, except as specified and in an approved Special Event Permit.
- C. Deposit shall be refunded only after buildings, grounds and/or equipment is inspected and found to be clean and without damage.
- D. No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.
 - (1) Exception and Regulations.
 - (a) Alcoholic beverages may be sold and consumed at special events in parks upon written request, and only upon City Council approval and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.

- (b) The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.
 - (c) No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.
 - (d) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.
 - (e) Underage persons may be present in the confined service area if accompanied by a responsible adult.
 - (f) The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.
 - (g) Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.
 - (h) For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.
 - (i) If required, a security deposit shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to § 165-2.
- E. The Parks and Recreation Director shall determine whether permittee is required to hire Special Duty Police Officers from the Milford Police Department.
 - F. It is the responsibility of the permittee to rent portable restrooms, if required. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within a reasonable period of time after the conclusion of the event for which the permit was granted.
 - G. Noise levels must comply with Chapter 157 of the City of Milford Code.
 - H. Special event hours are restricted to the following times unless otherwise specified in an approved Special Event Permit:
 - (1) Monday-Saturday 9:00 a.m. to dusk.
 - (2) Sunday 12:00 noon to 7:00 p.m.
 - I. Fire, health and safety regulations must be obeyed at all times.
 - J. The Parks and Recreation Director reserves the right to refuse any Park Use Permit application, revoke any approval of accepted application and/or cancel the proposed event which has been previously approved. The City Manager and/or the Police Chief has the authority to revoke and/or cancel any approved Special Event Permit if it is in the best interest of the public health, safety or welfare and/or if the provisions of the submitted Special Event Permit Application have materially changed or were misrepresented to the City.

§ 165-7. Application and permit.

The Park, Pavilion or Equipment Reservation Application must be completed and signed by the applicant. Upon approval by the Milford Parks and Recreation Director, a Park Use Permit shall be issued.

Park Use Permits shall be required for the exclusive or special use of park grounds, areas, trails or facilities when they are otherwise closed to the public.

The approved Park Use Permit must be in the permittee's possession in order to enforce its privileges, including asking individuals to move from the designated reserved space.

[Ord. No. 2016-13, § 1, 8-22-2016; Ord. No. 2018-01, § 1, 2-12-2018]

Editor's note(s)—Ord. No. 2016-13, § 1, adopted Aug. 22, 2016, amended § 165-7 in its entirety to read as herein set out. Former § 165-7 pertained to application and derived from Ord. No. 2014-10, § 3, adopted June 23, 2014.

§ 165-8. Hold harmless agreement and certificate of liability.

A Hold Harmless Agreement, releasing the City of Milford and its agents from all injury and liability of any kind arising from permittee's use and occupancy of City property must be signed by permittee and received by Milford Parks and Recreation Department before any Park Use Permit will be issued.

A minimum of \$1 million liability insurance is required by a Special Event Permittee. Named as additional insured on the certificate shall be the City of Milford, its agents, officers, employees and volunteers. This certificate must be provided to the City of Milford for review no less than fifteen (15) days prior to the event.

ARTICLE III Smoking Prohibited³

§ 165-9. Smoking.

Smoking is strictly prohibited in the parks.

ARTICLE IV Milford Dog Park⁴

§ 165-10. Creation.

There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).

§ 165-11. Rules and regulations.

As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:

- (1) Park is open sunrise to sunset only.
- (2) All dogs must be licensed and wear current license and vaccine tags.
- (3) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.
- (4) Dog owners/handlers are legally responsible for any damage caused by the dog.

- (5) Dogs must be on a leash and under control at all times outside the fenced area.
- (6) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).
- (7) Only people with dogs are permitted in the fenced area.
- (8) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.
- (9) Excessive barking is prohibited; dogs barking excessively must be removed.
- (10) Dogs exhibiting aggressive behavior are to be removed immediately.
- (11) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may use old grocery sacks/bags.
- (12) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.
- (13) No human or dog food, including treats, are allowed in the park for any reason.
- (14) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.

§ 165-12. Violations; penalties.

Infraction of the rules as stated in § 165-11 may result in temporary or permanent loss of park privileges. All other state and local laws apply.

ARTICLE V Penalty for Violations⁵

[§ 165-13. Fines.]

Any person found violating any clause or provision of any section of this chapter shall be fined, not less than \$50.00 and not more than \$250.00, for each offense upon conviction thereof.

ARTICLE VI Parks and Recreation Advisory Board

§ 165-14. Parks and Recreation Advisory Board.

- A. There is hereby created and established a Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board shall be composed of five persons. The members shall be appointed by the Mayor, with the approval of City Council, for staggered terms of three years each. At the time of the initial appointment, pursuant to this Chapter, the Mayor shall designate the length of term for each member to provide for staggered terms.
 - B. At least four members of the Advisory Board shall be residents of the City of Milford. If it is deemed beneficial to the work of the Advisory Board, one member may be a non-resident, but shall be a resident of the Milford School District.
 - C. Any member who is absent from three consecutive meetings without being excused shall be considered as having vacated his/her appointment.
-

- D. The members of the Advisory Board shall serve without compensation.
- E. The Advisory Board shall meet at least quarterly.

§ 165-15. Responsibilities.

- A. Advisory Board members shall deal with Parks and Recreation employees or contractors solely through the Parks and Recreation Director or, if unavailable, the City Manager. The Advisory Board shall make decisions with respect to its recommendations and/or advice to the Director or the City Council collectively in public meetings in accordance with requirements and provisions of the Delaware Code. Any such recommendations to the City Council shall be communicated in writing in the form of minutes or memos.
- B. The Parks and Recreation Advisory Board is responsible for advising the City Council on policy matters relating to:
 - (1) The development of City parks and recreational facilities,
 - (2) The recreation programs of the City,
 - (3) The fees and charges for the use of parks and recreation facilities and for recreation programs,
 - (4) Other subjects that may be referred to the Advisory Board by City Council or the Parks and Recreation Director.
- C. The Parks and Recreation Advisory Board shall assist the Parks and Recreation Director with educating the public about the benefits of recreational activities, parks and open space, trees and their proper care.



MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: September Monthly Report
Date: October 7, 2022

- Melody and I met with Bill McGown with the Institute of Public Administration from the University of Delaware to discuss their upcoming work on the Strategic Plan. The retreat will be held on October 15 at Etta's Catering.
- Bill Pettigrew began work as the Interim IT Director. Fortunately Dale had most things mapped out for him, and he was able to hit the ground running.
- Rob and I met with David Moore from Milford Housing on a potential affordable housing project.
- Rob, Sara and I met with Uptown Solutions regarding their study on the feasibility of Citywide WiFi
- Melody, Anne Marie Townshend and I met for our quarterly update meeting on the ICMA Fellowship program.
- Melody and I attended the City Manager's Association of Delaware meeting. We hosted the meeting at the public works building.
- I met with Bill Pettigrew and gave him a tour of the City facilities and introduce him to various department heads and key staff members.
- Councilman James and I attended the SCAT steering committee meeting on September 2. A presentation was given by Marcia Scott on DLLG and the benefits of being a member.
- We submitted applications this week for the next round of Site Readiness money and TIIF (Transportation Infrastructure Improvement Fund) money for the Milford Corporate Center. There is over \$3.5 million in play for Milford.
- Public Works and Electric along with Police participated in the First Responder/Touch a Truck event at Fur Babies this week.
- Brad and I reviewed candidates for the Tree Preservation Board and Parks & Rec Advisory Board. We have excellent candidates to present to Council
- Tony and I are working with Carlisle on the relocation of the fire sirens around town.
- The DEMEC board met on September 14 and approved a rate increase equivalent to the increased cost due to the Indian River "must run" PJM decision as well as the replenishment of the two months of Rate Stabilization Reserve. The replenishment will be done over a 16-month time period.
- Captain Huey informed us the issue with the Behavior Health Grant has been resolved. By request of the Milford Police Department, the grant was transferred to Partners in Public Safety Solution (Amy Kevis), and payment for any work done for the grant by Milford Police staff will be paid directly to the staff member through them rather than the City. There is no loss of funds to the City, since the grant only paid for the time personnel spent while working on the grant, which was outside the normal work day.
- Staff met with Tyler Munis regarding the status of the ERP implementation.
- Mayor Campbell, Councilmen Culotta and Marabello and I attended the Annual DEMEC dinner in Smyrna

- Tony, Lou, Rhiannon, and I met regarding the finalization of our RP3 application to the American Public Power Association
- Rob, Mike, James and I met with Century Engineering to kick off the South Walnut Street traffic calming/bike path improvements/curb & sidewalk improvement study project.
- Captain Huey, Terri and I met regarding the protocol for Council agendas, Agreements, and Contracts.
- Scott Lynch (DEMEC and I met with Tom Coyle of Efficiency Smart regarding their interest in preparing a case study for the Efficiency Smart program.
- Mike Svaby and I attended the Delaware Chapter of APWA in Smyrna.
- Speed display signs were ordered this week for Lovers Lane. Funds for the placement were provided by CTF monies through Rep Shupe.
- I attended the International City Managers Association conference in Columbus OH. I attended numerous session on diversity, equity and inclusion as well as session on community outreach, particularly with emphasis on developing a strategic plan. Other session had topics on hiring and retaining in the public sector, solar installation for low/moderate income, developing workforce housing, and improving equity in public participation.
- I along with most of Council attended Chief Brown's retirement dinner. The event was primarily planned and orchestrated by Vicky Sessoms. It will be a memorable event for Chief Brown.
- Mayor Campbell, Councilmembers James (and Pam) and Samaroo, Katrina Wilson and I attended the Delaware League of Local Governments dinner.
- Councilmen James and Marabello, Representative Shupe and I met regarding beautification of entryways into town and assistance we need from DELDOT.
- Rob, Sara and I met with Tsionas, Emory Hill and Becker Morgan on the Milford Corporate Center.
- I have been working with Marcia Scott on planning a roundtable for DLLG to take action on the Indian River "must run" situation.
- We received an email yesterday from Jon Fehlman of GOVHR, stating that he will be sending a booklet of applications for the Police Chief position to us soon. As soon as we receive, I will forward copies to Council and the Mayor.
- On Tuesday September 27 we held an open house on the Milford Corporate Center plans. The open house was widely advertised, and persons living within 500' of the development were sent letter invites. Between 30 and 40 people turned out for the informal presentation. Reactions were mixed. More formal presentations will be scheduled with the Planning Commission and Council in October and November. The intent of the open house was to obtain feedback so that we could address any concerns prior to the formal plans and presentation to Council and the Planning Commission. A public hearing on the plan will be conducted at both those meetings.
- The Mayor and I met with a reported from Delaware State News on various topics involving Milford.
- Various staff members met regarding the submission of a grant to Energize Delaware for an EV feasibility study as well as infrastructure.
- Tony Chipola submitted our application for the renewal of our RP3 (reliable public power provider) designation. Numerous City staff was involved in the application process.
- Public Works has taken numerous precautionary steps in preparation of the rain/wind event forecasted due to the remnants of hurricane Ian.

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Michael Svaby, Director, Public Works

DATE: October 7, 2022

RE: September 2022 - Public Works Department Staff Report

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

Director's Office

- Conducted procurement process for Waste Management Bid process
- Met Signal Controller contractor to assess current condition of City Traffic Signal Control Cabinets and communication network. Conducted Signal controller inventory with vendor to assess warehouse stocking needs
- Held Job Meeting on site at PD Project and at the request of USDA, gave a site tour
- Secured contractor to structure Cross Connection and Backflow Prevention Program – kickoff meeting set for October.
- Acquired price proposal for design of Walnut Street Bridge surface.
- Began discussion with Hearthstone's Maintenance Corporation on waste container configuration
- Attended September WIAC meeting, and webinars on Planning and Funding Your Town's Electric Vehicle Infrastructure, and Per and Polyfluoroalkyl substances (PFAS)
- Conducted two interviews for the three vacant Equipment Operator positions
- Began Route Planning for this winter's snow removal

Facilities Section

- At Public Works, made various repairs and upgrades to systems including HVAC door sweeps pipe repairs, grounds conditions, new camera setup, stripping and waxing of floors.
- At the Armory – Repaired overhead door, solicited quotes for HVAC installation, door replacement, and exterior lighting.
- Solicited and received quotes for new fence around exterior equipment units on the P&R, City Hall and Customer Service Buildings and for refurb of fine carpentry and exterior paint at City Hall

Public Services Division

- Restriped Parking Area surrounding Post Office and Washington St. Pump Station;
- Conducted regular street sweeping as well as sweeping for Special Event prep – 3rd Thursday, Freedom Festival, and Wellness Festival;
- Prepared sandbags for public pickup prior to Hurricane Ian.
- Prepared and Trained 2-year Intern Jose Perez for Class B CDL Driving Test. Jose received his CDL!
- Pulled Pumps at Fork Landing Pump Station and had contractor clean probe tube
- Repaired sink hole at well 5 hydrants.

Engineering- Division

- Reviewed surety and prepared for final inspection of phases 1.1-1.6 at Milford Ponds;
- Inspected paving and sidewalk conditions at Brookstone Trace and provided corrective input to developer.
- Began filtering KCI paving condition report to set street listing for FY 23.
- Set scope for Century Engineering to design scope for SW Front St conversion to two-way traffic (plan is then reviewed by DeIDOT).
- Met with KCI to determine scope for exploratory drilling and locating of drinking water well and tower in the Northwest region of Milford.

New Employee Starts

- None in Public Works Department since the announcement of the last two new employees at the June 27th meeting.

Public Works Department - SEPT 2022	<i>Sept 2021</i>	<i>Sept 2022</i>	<i>FY22 YTD (07/01/21-06/30/22)</i>	<i>FY23 YTD (07/01/22-06/30/23)</i>
Streets/Utility Division				
Signs Installed/Replaced	24	26	66	118
Curb Miles Swept	125	1,200	345	2,500
Sewer Lines Flushed (in feet)	2,800	3,400	6,850	8,525
Sewer Back-up Response	2	1	11	2
Sewer Line Repaired	2	0	2	0
Water Hydrants Flushed	6	12	134	20
Fire Hydrants Replaced/Installed	1	0	4	1
Water Line Repair	2	0	7	2
Water Valves Exercised	24	12	65	44
De-icing Salt Used (tons)	0	0	0	0
Potholes Filled - Cold Patch	60	64	170	181
Potholes Filled/Spray Patch - Gallons Emulsion Used	0	0	7	0
Leaves Collected (Tons)	0	0	0	0
After Hours Calls	2	5	14	19
Crack Sealing (pounds of sealant used)	100	0	100	0
Work Orders Completed	32	33	66	60
Storm Sewer Inlets Cleaned	80	70	235	220
Street Closures/Festivals	6	4	10	9
Engineering Division				
Utility Locates Completed	210	204	322	472
Infrastructure Work Orders Completed	18	10	45	16
Backfill Inspection Work Orders Completed	5	21	22	37
Operations Division				
Fleet Work Orders Completed	23	41	34	115
Fuel Use-Diesel (Gallons)	2,595	2,728	5,467	8,377
Fuel Use-Gas (Gallons)	4,106	3,798	8,662	12,116
Blue Def (Gallons) (May 23-27,2022)		87		257
Solid Waste & Facilities Division				
Refuse Collected (Tons)	309	329	672	962
Recycle Collected (Tons)	61	78	151	256
Yard Waste Collected (Tons)	56	42	148	147
Diversion Percentage (%)	30.00%	23.71%	31.00%	23.71%
Missed Collections	<i>Data Unavailable</i>	75	<i>Data Unavailable</i>	75
Bulk/Brush Collection Requests Completed	97	61	164	206
Containers Delivered	75	53	175	114
Containers Serviced (Swap, Replacement, Removed)	36	17	81	85
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons) 9 Month 2022	85,406,500	90,320,200	759,111,300	763,434,500
Waste Water Transferred (Millions of Gallons) 8 Months 2022	97,597,000	96,321,000	739,358,000	655,569,000
Work Orders Completed	53	61	1	147
Pump Stations Cleaned	0	0	0	5
After Hours Calls	5	6	5	34

Public Works Projects - SEPT 2022	Planning Stage	Bid/PO Award	In Progress	Complete
Water				
Install Automated Blow-off Valves 2 in stock	Charlie / James	charlie	X	
Protection Upgrades Caulk & 10th Street Towers	Steve			
Water Tower Altitude Valve at Caulk Tower	Charlie / James	Schrock	X	DONE
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	Steve / Steve Z.		X	
City-wide Valve & Hydrant Replacement/Improvements	Charlie / James	Charlie		
Standardized Water Treatment Facility Controls	Steve / Steve Z.		X	
DNREC Water Allocation Permit	Steve	State	X	Patty Murray
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair	KCI	KCI	X	
SCADA Instrumentation Upgrades & Integration	Steve E / Steve Z		X	
Targeted Inflow and Infiltration Investigation & Repair	KCI	KCI	X	
North Shore Pump Station Hatch Replacement	DBF	?		
Streets				
Mispillion, McColley, Marshall Streets Reconstruct/Paving				
Fisher Ave				
Financing for Private Sidewalk Improvements				
Street Resurfacing and Rehabilitation, ADA Ramps				
Installation of ADA Compliant Ramps				
Walnut Street Pedestrian Crossing (Landscaping)				
Truck Turning Study				

PARKING				
BUILDINGS				
PW-Complex Security				X
Shutter Painting and Molding Repair- <i>City Hall</i>	X			
Siding Replacement- <i>Parks & Rec</i>		X		
HVAC Replacement- <i>Parks & Rec</i>		X		
Exterior Lighting- <i>Parks & Rec</i>		X		
Basement Waterproofing- <i>Customer Service</i>				X
Concrete Repair Drive-Thru- <i>Customer Service</i>	X			
Door Replacement- <i>Armory</i>	X			
HVAC- <i>Armory</i>	X			
Facilities Management Binder				
Public Works Equipment & Vehicles - SEPT 2022	Planning Stage	Bid/PO Award	In Progress	Complete
ELECTRIC				
Wire Trailer			X	
TECHNICAL SERVICES				
WATER				
Replace W-16 IR Compressor				
Replace W-8 F250 2022	Ordered	Hertrich	Ordered	
Replace W-15 Pick up 2022	Ordered	Hertich	Ordered	
SEWER				
Replace SE-2 Ford F250 Pickup 2022	Ordered	Hertrich	Ordered	
STREETS				
SOLID WASTE				
Grappler Hook Body			X	
GARAGE				
Hetra Lifts for fork lifts				X
WAREHOUSE				
Indoor Forklift			X	
Active Developments - SEPT 2022	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Hearthstone Manor I			X	X
Lighthouse Estates II			X	
Brookstone Trace				X
Brookstone Trace II				X

Orchard Hill				X
West Shores at New Milford				X
Watergate		X		
Walnut Village			X	X
Milford Ponds Phase I				X
Hearthstone Manor II	X			
Milford Ponds Phase II	X			
Simpson's Crossing Phase 1a				X
Simpson's Crossing Phase 1b		X		
Cypress Hall Phase I		X		
Wichersham	X			
Mispyllion Landing		Entrance Only		
Riverwalk Villas	X			
Windward on the River				X
Cypress Hall Phase II	X			
Milford Ponds Phase III	X			
200 NW Front	X			
Hickory Glen	X			
Knights Crossing	X			
Commercial Developments - SEPT 2022	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Microtel			X	
La Kramer		X		
Deep Branch Plaza		X		
Laundry Mat-24 Milford-Harrington Hwy	X			
Delaware Mini Storage		X		
La Kramer				
Deep Branch Plaza				



PUBLIC WORKS FACILITY

180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

Anthony J. Chipola III, Electric Director
PHONE 302.422.1110, Ext 1137
achipola@milford-de.gov

To: Mayor and City Council
From: Anthony Chipola, Electric Director
Subject: September 2022 Electric Dept Staff Report
Date: October 5, 2022

Director's Office

- Held mtg w/ DNREC Program Manager RE: DC Fast Chargers @ Arena's Parking Lot
 - Currently awaiting executed PSA
- Finalized Responses and Submitted application for American Public Power (APPA) Reliable Public Power Provider (RP3) Program
- Met with DMI to discuss Christmas lighting plan downtown
- Attended meeting regarding Volt-Var Optimization
- Met with Efficiency Smart Account Manager to discuss program offerings and promotion
- Worked with Zach (GIS Technician) on Electric Map Standards
- Participated in Workplace Violence Training
- Participated in Capital Project Mtg
- Site visit RE: Cypress Hall to discuss phasing and alternate feed
- Site Mtg for Riverwalk Villas Undergrounding of electric facilities
- Investigated previous installations of Fire Sirens for potential relocations / redeployment

Electric Lines

- Monthly Substation Inspections completed – No Issues Noted
- Began site work at new PD facility
- Repaired faulted cable
- Attended DEMEC Tool & Truck Expo
- Participated in Touch a Truck Event
- Developed various estimates for new developments
- Site visit RE: Cypress Hall to discuss phasing and alternate feed
- Responded to various outages

Technical Services

- Modified lighting on Rte 14 Overpass for "Delaware goes Purple"
- Installed instrument rated metering at 100 Silicato Way medical building
- Installed instrument rated metering at 696 N Dupont Milford Plaza
- Replaced wet well transducer Fork Landing Pump Station
- Worked with customer service to modify TOU routes for more efficient read processing
- Worked with Water Department and Atlantic Controls to design a control mechanism for 10th st water plant
- Met with various contractors to specify metering equipment and advise on installation.

Electric Department - September 2022	September 2021	September 2022	FY22 YTD <i>(07/01/21-09/30/21)</i>	FY23 YTD <i>(07/01/22-09/30/22)</i>
Electric Division				
Trouble Service Call	13	20	74	61
Work Orders Completed	27	47	121	122
Outages	5	6	34	21
LED Street Lights Replaced	12	9	39	21
New Service Install	9	6	24	12
Poles Replaced	1	6	5	19
After Hours Calls	2	11	39	33
Trees Cut (Days)	2	7	4	19
Technical Services Division				
New Electric Service Installed/Meter Set	31	7	89	67
New Water Service Installed/Meter Set	11	4	33	12
Electric Meter Replacement	4	6	17	25
Water Meter Replacement	49	59	157	181
Work Orders Completed	566	667	2,152	1,992
After Hours Calls	6	3	13	10

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: October 3, 2022

RE: September 2022 – Planning Department Staff Report

- During the first nine months of the 2022 calendar year, the City has issued 30 new residential construction permits. The total construction investment in Milford through the end of August 2022 based on issued building permits was \$25,057,168.
- The City of Milford has seen 135 projects with a committed investment of over \$26.7 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 \$2.92 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$617,00 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines (click the below link to see project locations).
<https://milfordde.maps.arcgis.com/apps/MapSeries/index.html?appid=ab3ecb0d8cbc44d884b7c3063f75125c>
- The Planning Commission will review four applications at the October meeting, including the following: Red Cedar Farms Preliminary Major Subdivision, Knight Crossing Phase 2A Final Major Subdivision, Knight Crossing Amended PUD and Buccaneer Carwash Preliminary Conditional Use Site Plan.
- The Board of Adjustment will review three variance applications at the October meeting, including the following: Lands of Melinda Troutman (Troutman Machine Shop), Lands of Jack Currie and Lands of Mitch Edmondson.
- The City held an open house for the Milford Corporate Center concept plan on September 27, 2022 at the Public Works Facility. There were approximately 40-50 residents in attendance.
- The City received a resubmission of the Buccaneer Carwash Preliminary Conditional Use Site Plan and provided plan review comments to the applicant. The application will be placed on the October agendas for review.
- The City received a resubmission for the Red Cedar Farms Preliminary Major Subdivision application and provided plan review comments to the applicant. This application will be placed on the October agendas for review.
- The City received a resubmission for Knight Crossing Phase 2A Final Major Subdivision and provided plan review comments to the applicant. This application will be placed on the October agendas for review. The City will also review an amendment to the Knight Crossing PUD at the October meetings.
- The City reviewed a resubmission for Knight Crossing Phase 2B Final Major Subdivision and provided plan review comments to the applicant.

- The City reviewed a final site plan resubmission for the William Allen Property Management project and provided plan review comments to the applicant.
- The City received a revised submission for 1st State Storage Preliminary Conditional Use Site Plan and is currently reviewing the plans.
- The City received a final site plan resubmission for the Teal Creek Plaza Expansion project and is currently reviewing the plans.
- The City received a final site plan submission for the PAM Milford project and is currently reviewing the plans.
- Attended weekly meetings with interim IT Director and ERP consultant to help advance ERP implementation.
- Submitted six (6) Transportation Alternative Project (TAP) applications for sidewalk and bicycle path projects, including the following: NE Front Street from NE Fourth Street to N. Rehoboth Boulevard, S. Walnut Street from Maple Ave to McCoy Street, NW Front Street from Church Street to Parson Thorne, NW Front Street from Parson Thorne to Route 113, Route 113 from Milford Plaza to North Street and Route 113 from North Street to NW Salevan Place.
- Attended Hearthstone Manor II – Phase I DeIDOT Pre-Submittal meeting.
- Attended kick-off meeting for the S. Walnut Street – Maple to McCoy, traffic calming and multi-modal concept plan project. The City anticipates having a public workshop in November or December to gather feedback and ideas from residents.
- Met with the tenant farmer for the Milford Corporate Center property to review 2023 schedule and project timeline.
- Attended Dover/Kent County MPO East/West Freight Route Stakeholder meeting to review draft document and provide feedback in advance of formal acceptance of the report by the MPO.
- Attended Food Bank groundbreaking ceremony.
- Staff continue 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).
 - [2018 Comprehensive Plan & SE Master Plan \(Click Here to View\)](#)
 - [Downtown Development District Plan \(Click Here to View\)](#)
 - [Rivertown Rebirth Master Plan \(Click Here to View\)](#)
 - [Strategic Plan – Press Play: Vision 2023 \(Click Here to View\)](#)

Case Activity:

	Total
New Cases	45
Closed Cases	31
Open Cases at Start of Period	459
Open Cases at End of Period	479

*221 open cases are for tall grass, which stays open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	5
Dangerous Tree	1
Furniture Violation	0
Generic Violation	2
Property Maintenance Violation	20
Rubbish & Garbage	7
Weeds & Grass	7
Zoning Use Violation	3
Total	45

Rental Licenses Issued: 55

Vendor Licenses Issued: 0

Contractors Licenses Issued: 24

Business Licenses Issued: 6

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	1
Commercial Foundation	2
Commercial Building Permit	4
Construction Trailer	0
Residential Demolition	2
Residential Building New Construction	2
Residential Renovation/Accessory	18
Roof/Siding Permit	4
Sign Permit	5
Solar Panel Permit	0
Utility Permit	7
Total	45

Inspections Performed:

Inspections Performed by Type	Count
Footer	17
Foundation	11
Framing	25
Insulation	7
Final	110
Residential Rental	49
Total	219

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963



PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: October 5, 2022

RE: September 2022 – Parks and Recreation Staff Report

Parks

- Weekly trash runs of all municipal trash cans continued.
- Grass continued to be cut on all park land and right of ways.
- Soccer fields were lined at Tony Silicato Memorial Park for upcoming soccer season.
- Wood chips were replenished in the entire Farmers Market area in preparation for the Freedom Festival. Wood chips were obtained from trees arborist had removed.
- Arborist and helper assisted parks crews with trimming shrubs and trees along the Riverwalk from Maple Avenue to Goat Island.
- Park staff also prepared for the Freedom Festival with cutting all parkland in the downtown, weed whacking all Walnut and Front streets and trimming parking lots.
- Further preparation for the festival included time spent in Bicentennial Park with cutting the grass, weed whacking, trimming shrubs, trimming trees, and cleaning up the Bocce court.
- Assistance for the festival included; erecting a stage at the library amphitheater, placing additional trash cans out, delivering tables and chairs, installing the temporary fence at the beer garden, placing advertising banners up on the bridge, delivering paddle boats and equipment prior to the start of the event.
- Day of festival Parks staff assisted with shutting down roads first thing in the morning, maintaining trash throughout event, assisting with shutting down roads for fireworks display, and cleaning up and reopening roads at conclusion of the event.
- Playground inspections were performed at both playgrounds by a certified playground inspector, minor issues were found. New parts were ordered in hopes of fixing the “animal trackers” at the Can-Do playground. If this does not fix the issues, then all these items will need to be replaced.

Arborist

- As mentioned, arborist and helper assisted parks crew with placing wood chips and trimming trees in preparation for Freedom Festival.
- Responded to seeclickfix request from a resident on 401 Mispillion street to inspect and trim trees.
- Trimmed an overgrown magnolia tree impeding pedestrian traffic at 302 NW Front Street.
- Removed a nuisance tree at NE Front street blocking pole access.
- Trimmed trees on Wilbur street which would have caused main phase electric issues.
- Trimmed bushes, shrubs, trees at Bicentennial Park for festival, relocated a sycamore tree which was blocking the temporary stage.
- Applied herbicide to overgrown porcelain berry vine and wild berry vine along the fence line at ballpark lane.
- Trimmed large tree at the playground behind Parks and Rec. Removed a dead tree at Marvel Square, cut down and hauled away.
- Cleared vegetation and trees that were blocking pole access on Carpenters Pit Road per the Electric Department and residents request.
- Trimmed trees on NW 4th Street from main electric supply lines.
- Removed dead tree on Goat Island and trimmed overhead trees along the trail blocking pedestrian traffic.
- Continued to remove vegetation at Marshall's pond shoreline using mechanical means and begun applying herbicide.
- Attended the monthly safety meeting with the Electric Department.
- Trimmed trees along Rehoboth Blvd. by Sea watch company and applied herbicide to poles for vine control.
- Trimmed trees at 29 Church St. that were growing into the main electric lines and customers service lines.
- Trimmed trees at 503 NW 5th St. that were growing into the main electric lines.
- Removed large downed tree at 2nd St. pump station across from City hall. Trimmed all damaged branches from pine tree that was struck by downed tree.

Recreation

- During the first week of September, staff launched a variety of our legacy youth programs featuring soccer, field hockey and tennis. These programs will run through the month of October.
- Our recreation staff made an appearance at this year's annual "Riverwalk Freedom Festival", where they had a booth set up all day. This was a great opportunity for us to promote our current and future program. At this event we were able to register nearly 30 participants for our upcoming winter activities.
- Staff are working closely with the Community Engagement staff to develop an in-house promotion (commercial) highlighting our current programs. This initiative is focused on enhancing our virtual presence and social outreach within the community.

- Staff are in the process of upgrading and merging our Webtrac online registration platform to streamline and make it more convenient and user friendly to the public.

Other

- The employee recognition award “the rooster” was given by Faith Argo in Finance, to the entire Parks and Rec. Department.
- Memorial park playground and pickleball project was successfully bid and awarded by Council. Bids were received 9/22/ and was approved and awarded by Council 9/26.
- The lighted handrail project is currently out to bid. Director met with the Electric Superintendent and Electrical engineer to finalize electric needs for this project. Bids are due on 10/18.
- Director attended Parks and Rec. Advisory Board meeting.
- New Recreation coordinator Josh Hutchinson started with the Department 9/12.
- Director attended a meeting with the Director of the Boys and Girls Club and our new recreation staff.
- Director attended monthly WIIN meeting.
- Director hosted a City wide “beautification” meeting to encourage additional volunteer opportunities for City projects.







HUMAN RESOURCES
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5142
FAX 302.424.5932
www.cityofmilford.com

TO: Mayor and City Council

FROM: Jamesha C. Williams, MBA, MSL- Human Resources Director

DATE: October 4, 2022

RE: September 2022 –Human Resources Department Staff Report

- Onboarded new hires for the following positions:
Police Officer –4 employees
Billing Clerk II-1 employee
Police Dispatcher-1 employee
Recreation Coordinator-1 employee
- A Job offer was accepted for the position of Public Works Equipment Operator-Streets & Utilities with a start date of October 17, 2022.
- Interviews scheduled for the positions of Technical Support Specialist I-Police and Network Technician.
- Introduced and finalized the Volunteer Time Off (VTO) Policy for City employees. The intention of the volunteer time off program is to create community engagement opportunities for the City of Milford employees that are meaningful, purposeful and helps those in need. At the same time, the City of Milford recognizes that participating in these activities will also enrich and inspire the lives of our employees. City wide volunteer event scheduled for October 5th (2 hours) and October 7th (2 hours) at the Food Bank.
- 2022 Service Awards: Friday, October 14, 2022, at the Parks & Recreation Facility.
- Attended the Central Delaware Career Expo on September 21, 2022, at Bayhealth – (Previously Blue Hen Mall)
- Scheduled Flu-Shot Onsite Clinic with Rite-Aid for City Employees on September 29, 2022.
- 2022 Delaware Municipal Supervisory Management Academy-Partnership with Wilmington University (Third Year) will start on October 5, 2022. 25 Participants include: City of Dover, Town of Cheswold, City of Newark, City of Milford, Town of Milton, City of Wilmington, Kent County, City of Lewes, and Town of South Bethany.

COURSE DESCRIPTIONS:

A. Leadership:

This module will begin by discussing the fundamentals of leadership, including self-awareness, problem-solving, building and maintaining relationships and developing people. The module will then progress to open discussions of individual challenges and how these challenges can be met using classic examples and current literature.

B. Managing Performance, Performance Appraisals and Developing SMART Goals:

This module will discuss the importance of employee engagement and the current thinking around equity measurement and the aligning of employees' goals with the organizations' goals. The importance of a two-way dialogue will be discussed as well as the ultimate goals of an effective performance appraisal. Using the SMART Goals and Expectations model, the individual will learn how to formulate and implement Specific, Measurable, Attainable, Relevant, and Time-based goals to achieve successful career development.

C. Employee Benefits and Onboarding:

The importance of an organization's benefits and its place in attracting and retaining employees will be discussed, along with supervisors' and managers' duties as mentors and coaches to their employees. Further discussions will include the functions of new employee selection and orientation with an emphasis on team building.

D. Developing a Trauma-Informed Mindset

The overarching goal for this training is to build staff capacity to use a trauma-informed approach when assisting individuals in distress. The training will cover the following goals: Understand trauma, including vicarious or secondary trauma, and its impact on individuals. Understand how to build resilience and strengthen connections. Understand how to build your own resiliency and why this is important.

E. Managing Multi-Generational Employees

This discussion will begin with an in-depth study of the challenges managers and supervisors face when managing a multi-generational workforce. This module will include an in-depth discussion of the characteristics of each of these groups, the reasons for their characteristics, and successful methods of instilling trust, open forums, and high-functioning inter-generational teams.

F. Motivating Employees & Customer Service:

An examination of an organization's culture and its effect on employee motivation will be followed by discussions on how to identify and correct undesirable characteristics in an organization's culture. Interactive exercises will include communicating with diplomacy and tact and diversity and Inclusion.

G. Quality Interviews and Candidate Selection:

An in-depth discussion of the organization's recruiting and candidate selection will include the screening of candidates, effective performance indicators, interviewing techniques and the final candidate notification and onboarding. The legal issues in interviewing and candidate selection will be discussed in detail.

H. Building a Culture of Trust and Accountability:

The importance and values of having a culture of trust in an organization will be followed by the effective methods in which that culture of trust is established and maintained. This module will include a discussion of individual self-trust as well as organizational and societal trust. Issues around individual and group accountability will also be treated in several exercises and scenarios.

Recognition:

Jose Perez-Public Works Intern obtained his Commercial Driver's License



Faith Argo, Accounts Payable Coordinator presented the Rooster to the Parks and Recreation Department for the following reasons:

- Maintaining the beautification of our parks and all city facilities
- Working hard to ensure festivals and events are successful
- Organizing seasonal programs for our youths and adults
- Always being willing to help other City departments as needed



To: City Council and Mayor
From: Sara Bluhm, Economic Development & Community Engagement Administrator
Subject: September Monthly Report
Date: Oct. 5, 2022

Economic Development

- Submitted TIF and Site Readiness Level 2 applications
- Attended Sept. SCAT Dinner at Lewes Yacht Club
- Attended People Place's 50th Anniversary Ribbon Cutting
- Provided annual economic development update to City Council
- Attended Central Delaware Economic Summit virtually
- Attended BrightBloom Grand Opening & Ribbon Cutting
- MCC Meetings: Open House pre-planning and debrief
- Discussed potential housing development investment property with potential developer
- Attended MCC Community Open House
- Attended Food Bank of Delaware groundbreaking

Community Engagement

- Village Fest: assisted with day of preparations and hosted a City of Milford table to promote PW materials and KKAD25 signs
- Continued to deliver KKAD25 signs. To date: 66 sign requests; 57 approved requests (9 didn't qualify); 8 to be distributed. Ward breakdown: 10.5% - ward 1; 50.8% - ward 2; 24.6% - ward 3; 14% - ward 4
- Participated in the Kent County Tourism photoshoot
- Prepped shot list and assisted videographer for two days of filming our new CGI videos

Meetings/Trainings

- Attended monthly Community Conversation – Kent County Tourism
- Participated in Capital Project working group meetings
- Reviewed social media policy and practices with new P&R Recreation Coordinators
- Continued discussions with City Manager, Electric Director, IT Director and Uptown Services to discuss city-wide public Wi-Fi feasibility study
- Attended weekly NE Front St. Update meetings with City Engineer and Project Manager
- Attended first quarterly Tyler ERP Implementation Update
- Continued working with Milford Wellness Village to establish new community festival slated for 9/23 – weekly committee meetings
- Provided Zencity an opportunity to present at Dept. Head Mtg
- Attended monthly Kent County Tourism Board meeting
- Reviewed all 2021 Streets drawings with Engineering Dept.
- Attended WIIN Coalition meeting
- Provided Electric Director with a SeeClickFix training
- Attended DMI Economic Vitality meeting

- Completed and submitted Leadership Delaware Class of 2023 application
- Attended Chamber Board Meeting on behalf of the City Manager
- Attended UD's Planning and Funding Your Town's Electric Vehicle Future webinar and learned about a new Energize Delaware grant the city is eligible to apply for
- Attended quarterly Builders Assoc. meeting
- Reviewed website dashboard with Interim IT Director
- Met with City Manager, Electric Director, Finance Director, PW Supervisor, and P&R Director to discuss the Energize Delaware grant and moving forward with an EV Feasibility Study
- Received Milford Community Cemetery website training from web developer

Social Media/Website

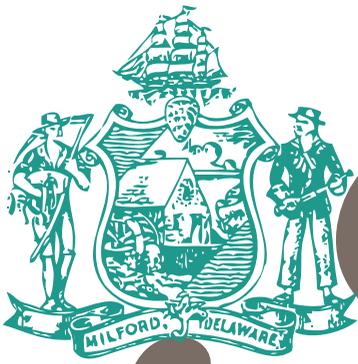
- Sept. 2022 Insights:
 - City of Milford Facebook: 18 new likes (total: 2,787); 7,688 reached (10,795 last month); 585 page visits (473 last month)
 - Parks & Rec Facebook: 39 new likes (total: 2,759); 5,374 reached (7,700 last month); 674 page visits (880 last month)
 - Instagram: 16 new likes (total: 1,043); 741 accounts reached (717 last month); 67 profile visits (74 last month)
 - Twitter: 4 tweet, 612 impressions, 1,360 profile visits, 6 mention, 1,361 followers
 - COM Website: 10,463 users (9,649 last month); 15,207 sessions (14,185 last month); 30,675 pageviews (14,185 last month)
 - ED Website: 127 users (94 last month); 168 sessions (113 last month); 430 pageviews (314 last month)
 - ChatBot: 56 self-service resolutions; 54.9% self-service resolution rate; \$280 cost savings
 - MyMilford: 45 issues created; 26 issues closed; Average Days to Close: 2.2; 203 registered users
 - App Store: 97 downloads (685 all-time downloads)
 - Google Play: August & Sept. #s unavailable by publication deadline (121 all-time downloads)

Email Campaigns

- Sept. utility newsletter to full database (customers and business license holders) (4,795): 48% open

Press Releases & Coverage

- City of Milford invites Public to Milford Corporate Center Open House (Aug. 30)
 - WBOC: City of Milford Plans to Build a Corporate Complex (Sept. 27)
 - 47ABC: \$6.38M industrial park making its way to Milford, aiming to boost employment (Sept. 28)
 - DE State News: Milford residents give feedback on plans for 182-acre business park (Sept. 28)
- Understanding the Upcoming City of Milford Power Cost Adjustment
 - MilfordLIVE: Understanding the Upcoming City of Milford Power Cost Adjustment (Sept. 27)
 - WRDE: City of Milford Details Upcoming Power Cost Increase (Sept. 28)
 - 47AB: Milford implements second power cost adjustment of the year, officials provide tips to save (Sept. 29)
 - Delaware Public Media: Electricity prices in City of Milford set to increase (Sept. 29)



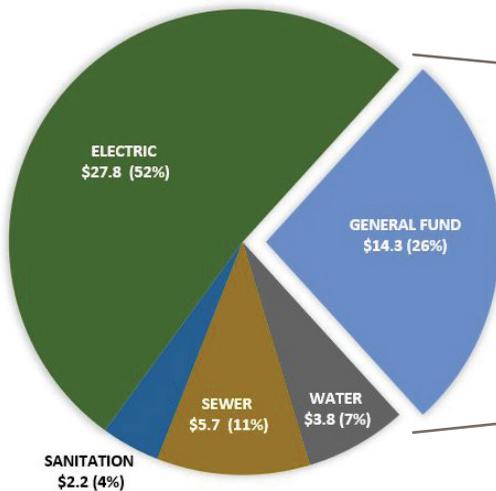
Milford

River Town • Art Town • Home Town

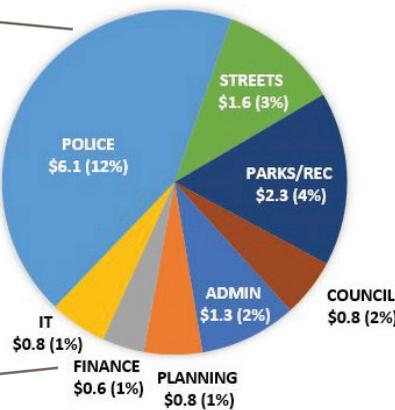
DELAWARE

Fiscal Year 22-23 Approved Operating Budget (in millions)

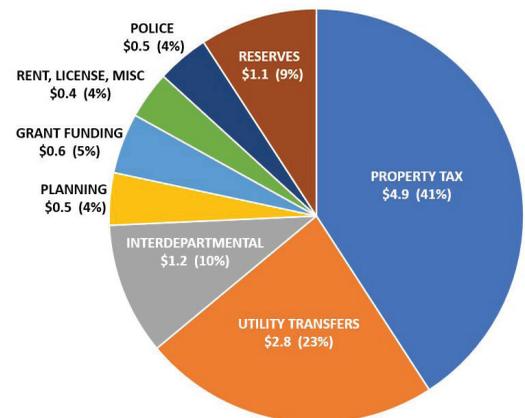
EXPENDITURES
CITY WIDE TOTALS



EXPENDITURES
GENERAL FUND BREAKOUT



INCOME
GENERAL FUND BREAKOUT



Please pardon our delay in getting this information to you, but alas we have our FY22-23 budget breakdown. At its June 13 meeting, City Council adopted the FY22-23 Operating Budget. The pie charts above break down the City's funding sources (income on right) and uses (expenses on left). Property taxes are expected to generate \$4.9 million, while an additional \$2.8 million is from utilities in the form of direct transfers and cost sharing. Police are the largest expense at \$6.1 million, followed by Parks & Recreation at \$2.3 million, Streets at \$1.6 million and Administration at \$1.3 million. The General Fund's largest income source (property tax) is insufficient to cover the cost of the police alone. Without utility support, more pressure would fall on property taxes. Key goals of the budget include balancing funding sources and uses while ensuring rates are fair to both taxpayers and utility users.

City Council Round-up: September

At the Sept. 12 Council Meeting, Council appointed new members to the Parks & Recreation Advisory Board and newly re-established City Tree Commission. These rosters are updated on the city website for viewing. They also heard updates on city-wide economic development efforts, the FY21 audit, and the upcoming strategic plan process, setting an Annual Council Retreat date of Oct. 15, where they'll kick it off. Finally, they authorized two DeDOT contracts: matching funds for the NE Front St. TAP project, which came in under budget, and Rt. 113 & 14 intersection improvements. At the Sept. 26 Council Meeting, Council awarded a bid to Gateway Construction, Inc. for the Memorial Park playground and pickleball courts, authorized the purchase of a Public Works truck, and adopted taxation and personnel ordinances. At the Sept. 28 Council Workshop, Council heard updates on street improvements, Capital Improvement Plan projects, and a presentation from HydroCorp on water testing and backflow. All public meetings can be viewed live or recorded online at www.cityofmilford.com/553/Watch-Public-Meetings.

Public Utility Education

Ways to Save at the Spigot

Most homes have one or more outside water spigots. These are convenient to use for watering grass, gardens and shrubbery, washing cars, filling pools and buckets, etc.

These convenient exterior amenities can quickly become the source of costly accidents, but with exercising just a small amount of care, homeowners can easily enjoy their benefits without the headaches. Consider the following:

- If you water your lawn or garden with a sprinkler, consider purchasing a mechanical timer to insert between the spigot and the hose connection. Using an inexpensive device like this will automatically close the spigot after the set amount of time, avoiding the possibility that you flood your garden or grass needlessly or worse – you go to bed at night forgetting to turn off the spigot and find that your next utility bill reflects consumption greater than all of the houses on your block!
- When you are done utilizing the outside spigot or if you leave home for a few days, always be sure your turn the spigot off and also consider turning off the water supply to the spigot at the valve, inside your home. If there is no valve between your outside spigot and the water source, consider having one installed. When you're not home, your outside spigot becomes a vulnerability for water theft.
- At the end of the summer season, but no later than the end of September, ensure you turn off the spigot at the valve inside your home and open the spigot outside. This allows all water that is trapped in the pipe that feeds the spigot to escape. If it remains trapped in the pipe during the winter months, it could freeze and break the pipe, causing water damage inside your home or if the pipe breaks outside, it will allow water to run wastefully and causing your utility bill to increase.

Practicing these simple approaches of caution will allow you to consume water deliberately and without waste or costly damage to your home.

October Public Meetings

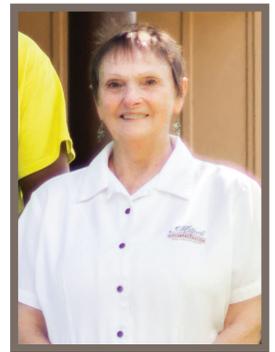
Visit the new Community Calendar on the City website (<http://cityofmilford.com/calendar.aspx?CID=14>), to view the latest community events and public meetings.

- **Monday, Oct. 10, 6pm:** City Council Meeting
- **Saturday, Oct. 15, 9am:** City Council Retreat
- **Monday, Oct. 24, 6pm:** City Council Meeting

Employee Spotlight

Doreen Wrightsman

Parks & Recreation Administrative Assistant



1. How long have you worked for the City of Milford? **32 years**
2. Have you always worked in this role? **Yes; however, over the years I've helped with the youth programs outside of the office, especially in the early years, and also with many of the festivals the department was involved in.**
3. What is your favorite thing about working for the City? **My favorite thing about working with the City is being a part of the many things that we as a department are instrumental in, such as the beautiful parks and Riverwalk for the residents and also the many programs we offer for the youth of the City of Milford promoting healthy lifestyle.**
4. What do you enjoy doing in your free time? **I enjoy reading, spending time with the grandchildren when I can and going for walks on the beach.**

“Doreen is a dedicated member of the Parks and Recreation Department who goes above and beyond in assisting the public. She is an asset to the City of Milford.”

- Brad Dennehy, Parks & Recreation Director

Oct. 1 PCA Increase Explained

The City of Milford, a community electric utility powered by the Delaware Municipal Electric Corporation (DEMEC), will be increasing the current Power Cost Adjustment (PCA) by \$0.00804 per kilowatt-hour (kWh) for a total of \$0.012 beginning in October. Customers will see this increase on their November City of Milford utility bills.

This power cost increase is primarily due to regulations that required the Indian River Power Station in Dagsboro, DE to continue operating for reliability purposes after it filed to shut down. The regulations impact all electric customers in Delaware and are expected to continue for 4.5 years. The passthrough results in a 6.2 percent increase in electric bills for the average household and small business accounts in Milford. Commercial accounts in Milford can expect an increase ranging from about 5.9 to 7.9 percent depending on demand, load factor, seasonality, and time of use.

Even with this rate increase, customers are paying less than they were five years ago (see attached chart). Additionally, the City's overall electric rate continues to be the third lowest rate in the state of Delaware, trailing only the City of Lewes and the City of New Castle.

Date: October 10th 2022
To: Mayor and City Council
From: Bill Pettigrew
Re: October 2022 Information Technology Department Staff Report

I am coming up to speed

October is Cybersecurity month we are working with CISA, MS-ISAC (Multi-State Information Sharing & Analysis Center), The FBI (Special Agent Steve Spillman), and DEMEC's Cybersecurity Roundtable

Looking into a Cybersecurity grant, which is part of the U.S. Infrastructure bill

We conducted a SWOT assessment with the IT Staff for Strengths, Weaknesses, Opportunities & Threats

As I discover more about Milford and it's IT infrastructure I have been writing an SOP manual, it has 85 pages so far

Working with Rob Pierce on the Tyler ERP implementation

Working with Dell to verify hardware solution and converting physical servers to virtual, we discovered an additional \$7,000 in credits owed to us, I asked Dell to run a current live optic scan on our network which is being analyzed now.

We are verifying all hardware end of life and warranty information for possible threats should we have a hardware failure

We are interviewing October 13th & the 20th for the Network Technician position, with the police helpdesk technician position to follow

We completed Central Square Payments a new credit card system as a stop gap prior to the Tyler implementation

We implemented 4 new Multi-Function printer / copiers today at City Hall, Parks & Recreation and 2 at Public Works.

Coming up to speed on the capital expenditure projects



FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: October 7, 2022
Re: September 2022 Finance Department Staff Report

- **Monthly Financial Reporting**
 - The Report for FY23 through August 2022 was distributed to Council and approved
- **Staffing**
 - The Billing Clerk recruitment closed with the addition of Dawn Rowe, who joined us on 10/3/2022
 - I look forward to introducing Dawn at the 10/24/2022 meeting of Council
- **Training and Improvement Efforts**
 - Sandra Peck, Suzannah Frederick, Faith Argo, and Katti Murphy participated in some or all of:
 - ERP¹ Configuration Sessions: (1) General Billing & A/R (2) Payments Processing
 - ERP Training: General Billing & A/R
 - The Customer Service Team participated in a collective total of 31.5 training hours, including the ERP items noted as well as in the areas of leadership, workplace culture, cyber security, and customer relief
- **Police Facility Project Financing**
 - USDA Officials met with Mike Svaby, Brian Jester and I along with RYJ and BMG representatives onsite to (1) conduct site inspection, (2) schedule project update meetings, and (3) train new USDA staff
 - BMG² made progress on the required environmental report required as part of the USDA application
 - Construction activity – “blind” summary:

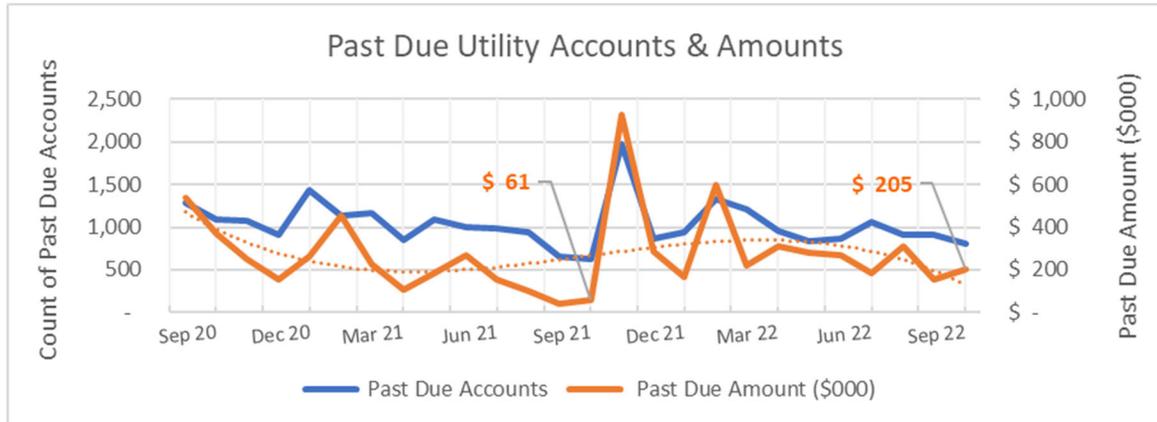
Police Facility Project: Budget & Payment Activity	Through 9/30/2022
Construction & CM: Total Bid Awards	\$ 13,650,954
Plus (Less) Change Orders	(5,674)
Construction & CM: Total Authorized Budget	\$ 13,645,280
Expenses Incurred	\$ 1,620,905
Less: Retainage Withheld	(77,621)
Less: Current Month Unpaid	(531,825)
Total Payments Made	\$ 1,011,459

Project Stats & Progress	Through 9/30/2022
Total Contracts (including RYJ CM)	17
Contracts with Activity	12
Contracts with Activity this Month	6
Open Project with Most Progress:	
Steelwork: RC Fabricators	42.9%
Closed Contracts	-
Overall Progress (Billing-Based)	11.9%

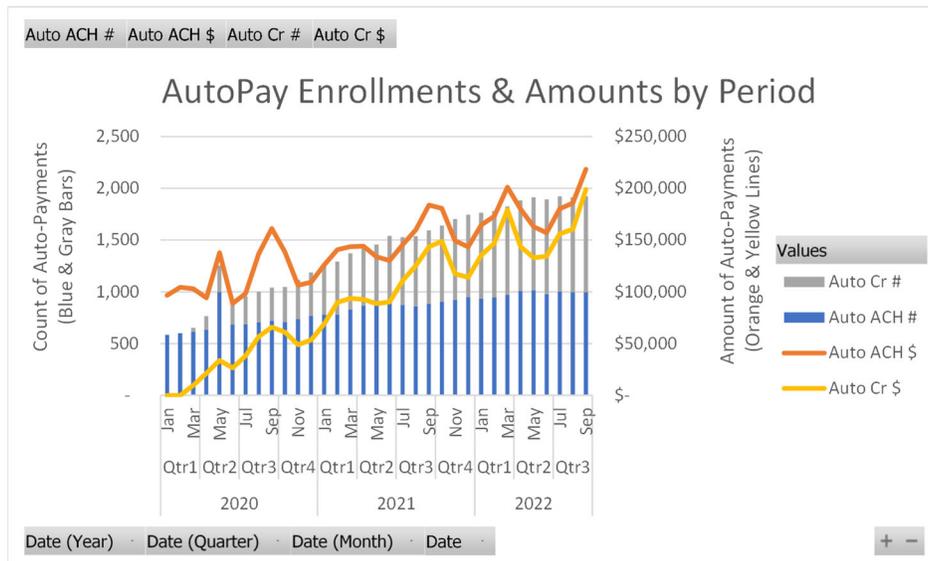
- **External Reporting Requirements**
 - FY21 Audit: progress in September was meaningful but was not enough to result in the issuance of the final audit ahead of the 9/26/2022 meeting of Council. Truly final version of financial reporting package should be available by October 10, 2022 for review ahead of October 24, 2022 issuance
 - Work on the FY22 Audit is underway and ahead of last year’s progress through September
- Supported departments in pursuit of various initiatives: APPA RP3³ application update, DEMEC load forecasting, funding recommendations, grant solicitation, cyber liability coverage, capital asset acquisitions
- **Investment Management RFP**
 - Review of Participation Options with the State Treasurer’s Office continued in September
- **Billing & Customer Service Department**
 - Efforts to upgrade the credit and debit card processing software continued through September and were completed on October 6, 2022

¹ Tyler Technologies Enterprise Resource Planning (ERP) System Conversion Project
² Becker Morgan Group (BMG), Architects for Police Facility Project
³ American Public Power Association (APPA) Reliable Public Power Provider (RP3) Designation; more info at <https://www.publicpower.org/rp3-designated-utilities>

- Billing & Customer Service Department, Continued
 - Past due utility balances remain stable and generally trending downward over the last half year
 - This month's results compare well against the long-term average, though we are higher than last Sept



- The dollar amount past due (solid orange line) is 25% lower than the average for graphed periods but more than double the \$62k near-two-year-low last September
- The accounts with any amount past due (blue line) is 23% below the long-term average
- The graph below exhibits the number and dollar amount of automatic payments by type and period since 2020. We will continue to build on the efforts made in the last two years to increase enrollment.
 - Enrollment (count) is 11 higher than August and 330 (21%) ahead of last September
 - Volume (\$) was \$71k (21%) and \$90k (27%) ahead of August and last September, respectively



- Staff expects enrollment and volume to recede in October with the implementation of the new card processing system and rebounding after a post-implementation adjustment period

The Big Draw Festival Returns to Milford!

Saturday, OCTOBER 8 • 9am–3pm • Park Ave.

Join us for FREE, fun, family-friendly art activities
for artists and non-artists and kids of ALL ages!



Build Sandcastles • Draw sidewalk art with chalk
Paint pumpkins • Draw on our BIG Wall of paper
Paint with coffee • Paint with milk
Free Sketchbook and colored pencils *while supplies last*
Draw a costumed model • Create with magic markers,
paint, crayons, colored paper & so much MORE!

Mispiration Art League
5 N Walnut Street
Milford DE 19963

302-430-7646
mispirationarts@gmail.com

mispirationarts.org/big-draw-de/

 [thebigdrawde](https://www.facebook.com/thebigdrawde)


Mispiration
Art
League
PRESENTS

THE 2022[®]
BIG
DRAW
FESTIVAL



Delaware Division of the 

This organization is supported in part by a grant from the Delaware Division of the Arts,
a state agency in partnership with The National Endowment for the Arts.
The Division promotes Delaware arts events on www.delawarearts.org.

Photos by Becky Fleming and Robert J. Neary

Kent



County

Department of Public Works

Engineering Division

(302) 744-2430

Fax (302) 736-2100

555 Bay Rd., Dover, DE 19901

Wastewater Facilities Division

(302) 335-6000

Fax (302) 335-0365

139 Milford Neck Rd., Milford, DE 19963

September 28, 2022

Michael Svaby
Public Works Director
108 Vickers Dr.
Milford, DE 19963

RE: KENT COUNTY LONG RANGE WASTEWATER MASTER PLAN

Dear Mr. Svaby,

Kent County Department of Public Works is updating our Long Range Wastewater Master Plan to identify critical capacity and operations needs for the County's wastewater collection, conveyance, and treatment system for the next 20 years. This effort includes analyzing the existing force mains and pump stations within the system that flow to the Kent County Regional Resource Recovery Facility for any upgrades required based on flow increases due to population growth and commercial/ industrial development.

The goal of this project is to develop growth and capacity projections and identify capacity deficiencies of the existing system and plan for future capacity needs. A hydraulic model of the core Kent County sanitary sewer pump station and force main system will be produced to run multiple scenarios to evaluate both the existing and future system performance. Input from contributing systems such as yours will be critical to the accuracy of the model and success of the project.

Kent County has contracted KCI Technologies to assist with the system analysis. To establish the existing system and calibrate the model accurately, KCI will be reaching out to each municipality for further information. KCI will be looking for information on the existing sewer system and your projected capacity needs.

KCI will reach out to municipalities directly on our behalf. If you have a different point of contact for this effort, please let us know. If you have any further questions, please reach out to Brian Hall at (302) 744-2430 for more information.

Sincerely,

Diana T. Golt, PE, Public Works Director

Cc: Mark Whitfield, City Manager



Training and Events



Delaware League of Local Governments

Monthly Dinner Meeting

Thursday, October 20, 2022
Maple Dale Country Club
180 Maple Dale Drive, Dover, DE
5:30 - 8:00 p.m.



Tammy Shelton
DTI



Kevin Broadhurst
Comcast



Pedro Romero
Verizon

Broadband for All: Closing the Digital Divide in Delaware

Thank you to our Gold Partners

Delmarva Digital

SIP
Strategic Information Partners
Insurance and Risk Management Services

DFIT
DeLea Founders Insurance Trust

Join us at the Delaware League of Local Governments' monthly dinner meeting on Thursday, October 20, 2022 at the Maple Dale Country Club in Dover! The presentation, "Broadband for All: Closing the Digital Divide in Delaware" features a panel presentation by:

- **Tammy Shelton**, Delaware Broadband Infrastructure Grant Program Manager, Delaware Department of Technology and Information;
- **Kevin Broadhurst**, Vice President of Government and Regulatory Affairs, Comcast;
- **Pedro Romero**, Technology & Public Policy Director, State and Local Government Affairs, Verizon

The total cost of the dinner meeting is \$41. **Register by 10/17 via [Eventbrite](#).**

[Register Now!](#)



THE INSIDE SCOOP



MANAGER'S MINUTE

The crisp cool mornings of autumn are finally here. As daylight continues to get shorter with each passing day, we each begin to focus on cleaning up the yard and getting ready for winter. Our "outside" time begins to diminish, and we turn our attention to indoor activities.

This month we will honor those employees achieving employment milestones with the City during the presentation of Service Awards on October 14. This year, the Parks and Recreation Department will be hosting the event, which will have many activities for employees to enjoy. Please take time out of your day next Friday to recognize the achievements of those employees and join in the festivities.

On October 19, Milford will hold its annual Milford Community Parade. This year's parade theme is Splish Splash. As with previous years, I encourage employees and departments to be part of this community event by participating in the parade or attending along the route.

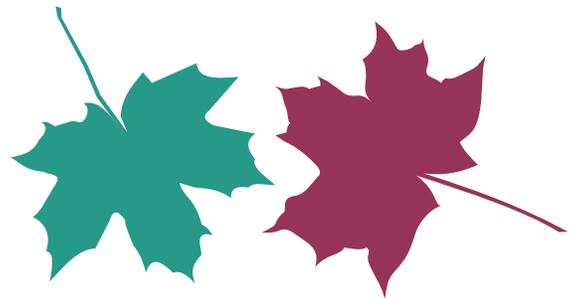
City Council will be holding their annual retreat on October 15. The retreat will primarily be focused on the development of the Strategic Plan for the City, that will guide us for the next 10 years. Happy October! - Mark

Rooster Tracker



"Thank you to the entire Parks and Rec Department for all their hard work and dedication to the city. From maintaining the beautification of our parks and all city facilities, for working festivals and events, organizing seasonal programs for our youths and adults, and always willing to help other City departments when needed."

- Faith Argo



Job Openings

- Public Works Equipment Operator -Solid Waste (1)
- Public Works Equipment Operator - Streets (1)
- Cash Operations Clerk II (1)
- Network Technician (1)
- Technical Support Specialist I - Police (1)
- Water & Wastewater Technician (1)



STUDENT LOAN FORGIVENESS REMINDERS

This year there are TWO great Student Loan Forgiveness Opportunities.

1. The Public Service Loan Forgiveness Program is offering a special waiver ONLY THROUGH OCTOBER 31, 2022 that allows more payments to qualify toward their program. <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service>
2. The One-Time Student Loan Debt Relief program was also passed this year, which offers either \$10,000 or \$20,000 in debt relief to student loan borrowers. The application for this opportunity opens this October. <https://studentaid.gov/debt-relief-announcement/one-time-cancellation>

New Hires

- Kent Milligan - Photographer/Videographer Intern - August 29, 2022
- E. Derek Mola, Recreation Coordinator - August 29, 2022
- Joshua Hutchinson, Recreation Coordinator, September 12, 2022
- Ashley Treco, Police Dispatcher, September 12, 2022
- Rebecca Lenhart, Police Officer (Dover Police Academy) - October 9, 2022
- Hunter Simpson, Police Officer (Dover Police Academy) - October 9, 2022
- Matthew Planer, Police Officer, October 3, 2022
- Dawn Rowe, Billing Clerk II, October 3, 2022
- Carlos Hernandez-Marin, Police Officer (Dover Police Academy) - October 9, 2022

BIRTHDAYS AND ANNIVERSARIES



Birthdays

Faith Argo ~ Ruth Barkley ~
 Sherry Bennett ~ Brian Boyle
 ~ Julie Eisenbrey ~ Kirk
 Marino ~ Kent Milligan

Anniversaries

Timothy Barnett - 22 ~ Leah Brasure -1 ~ Diante' Cannon - 1
 ~ Aline Check-Guzman - 2 ~ Nigel Golding - 9 ~ Edward Huey
 - 33 ~ Lisa Levis - 3 ~ Sandra Peck - 4 ~ Kenneth Perry - 6 ~
 Garrett Smith - 1 ~ Mikhail Stanton - 9



HALLOWEEN TRICK OR TREAT!

Trick Or Treat will be held:
MONDAY, OCTOBER 31, 2022
 6:00pm - 8:00pm



VOLUNTEER TIME OFF

Thanks to H.R. Administrator Jamesha Williams, the City now has a new Volunteer Time Off (VTO) Policy that allows full-time City of Milford employees to receive "paid time off to engage in meaningful and purposeful community engagement opportunities." Employees can receive either 3 hours per month or 3 work days per year of paid volunteer time off. This time off is use-it or lose-it: it does not accrue or get paid out and cannot be carried into the next year. Employees must have been employed for a minimum of 6 months of continuous, regular employment, and have a "meets" or "exceeds" performance record to receive VTO. Time off must be approved with a VTO request form given to your supervisor and the Department Director. You can see the exact policy at this link: <https://www.cityofmilford.com/421/Employee-Policies-Procedures-and-Forms>.

THE FOOD BANK OF DELAWARE BROKE GROUND ON A NEW FACILITY!

The Food Bank of Delaware broke ground on September 29th on a 67,000-square-foot, \$34 million facility to replace the current, 16,000-square-foot facility. The facility is projected to be operational by October or November of 2023. So far \$24 million of the required \$34 million has been raised for the facility, and the Food Bank has launched a public campaign to raise the additional \$10 million. The new facility will help to distribute an additional 3.7 million pounds of fresh foods and 6 million pounds of nonperishable food, and will allow the Food Bank to grow some of their own food.



EMPLOYEE SPOTLIGHT

DOREEN WRIGHTSMAN - PARKS AND RECREATION ADMINISTRATIVE ASSISTANT

How long have you worked for the City of Milford?
32 Years.

Have you always worked in this role?

Yes; however, over the years I've helped with the youth programs outside of the office, especially in the early years, and also with many of the festivals the department was involved in.

What is your favorite thing about working for the City?

Being part of the many things that we as a department are instrumental in, such as the beautiful parks and riverwalk for the residents and also the many programs we offer for the youth of the City of Milford; promoting a healthy lifestyle.

What do you enjoy doing in your free time?

I enjoy reading, spending time with the grandchildren when I can and going for walks on the beach.

"Doreen is a dedicated member of the Parks and Recreation Department who goes above and beyond in assisting the public. She is an asset to the City of Milford."

- Brad Dennehy, Parks and Recreation Director



NEW EMPLOYEE POLICY

Employees are now authorized to wear NFL or NCAA football shirts/jerseys to work on Fridays. All attire must be appropriate for the work environment.



September Challenge: Milford Trivia



City Manager Mark Whitfield recognized NOBODY as the winner of the September edition of Milford Trivia!
Enjoy your Wawa Gift Card NOBODY!

Question: When was the Augusta built in the Vinyard Shipyard?

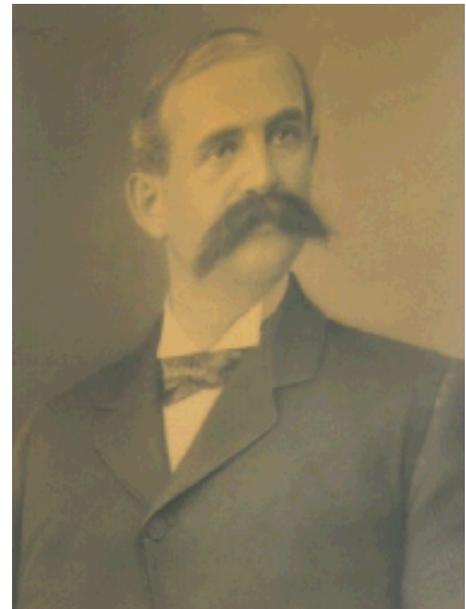
Answer: 1927

To those that said 1930, that was the year a different ship, the Augusta from Newport News, was launched

October Challenge: Milford Trivia!

Who was the 49th Governor of Delaware (they were from Milford)?

The first person to email Melody Barger (mbarger@milford-de.gov) the correct answer wins a **\$10 Wawa Gift Card!**



October is National Cybersecurity Month!

The City of Milford is pleased to announce our partnership with the United States Department of Homeland Security and its sub-agency that is dedicated to protect our country's cyber infrastructure, the Cybersecurity and Infrastructure Security Agency (CISA). Together Milford and CISA can greatly increase our cybersecurity online, at work, and at home by taking a few basic steps.

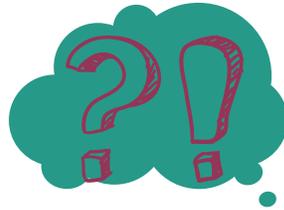


The Milford IT Department wants to remind you that October is Cybersecurity awareness month!



Holiday	City Hall & City Administrative Staff, IBEW Union	Police & Dispatchers Union
New Year's Day	December 31, 2021	January 1, 2022
Martin Luther King, Jr. Birthday	January 17	January 17
President's Day	February 21	February 21
Good Friday	April 15	April 15
Memorial Day	May 30	May 30
Juneteenth	June 20	June 19
Independence Day	July 4	July 4
Labor Day	September 5	September 5
Election Day	November 8	November 8
Return Day (Four Hours)	November 10	November 10
Veterans Day	November 11	November 11
Thanksgiving	November 24	November 24
Day After Thanksgiving	November 25	November 25
Christmas Eve	December 23	December 24
Christmas	December 26	December 25
New Year's Day (2023)	January 2, 2023	January 1, 2023

Did You Know?



September 15 - October 15 is National Hispanic Heritage Month! 10.1% of Delawareans are of Hispanic or Latino descent. The celebration of the month started as National Hispanic Week under President Lyndon B. Johnson and was expanded over a 30 day period by President Ronald Reagan in 1988. This month is especially significant because Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua celebrate independence on September 15, Mexico and Chile celebrate on the 16th and 18th, and Día de la Raza is celebrated on October 12. For more information on Hispanic Heritage in the U.S., check out hispanicheritagemonth.gov.

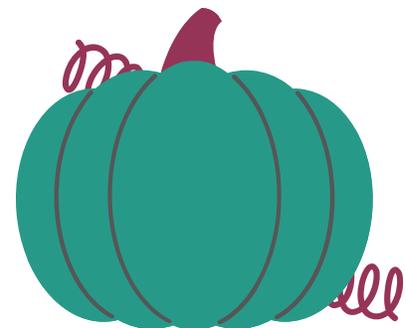


Sources

- <https://www.census.gov/quickfacts/DE>
- <https://www.hispanicheritagemonth.gov/about/>

COMMUNITY EVENTS

- Saturday, Oct. 1, 9am-1pm: Riverwalk Farmer's Market
- Saturday Oct. 8, 9am-1pm: Riverwalk Farmers Market
- Monday, Oct. 10, 6pm: City Council Meeting
- Saturday, Oct. 15, 9am: City Council Retreat
- Saturday, Oct. 15, 9am-1pm: Riverwalk Farmers Market
- Wednesday, Oct. 19, 6:30pm: 2022 Milford Community Parade! "Splish Splash"
- Saturday, Oct. 22, 9am-1pm: Riverwalk Farmers Market
- Monday, Oct. 24, 6pm: City Council Meeting
- Friday, Oct. 28, 7pm: Milford High School Homecoming Game
- Saturday, Oct. 29, 9am-1pm: Riverwalk Farmers Market
- Saturday, Oct. 29: Milford High School Homecoming Dance



CELEBRATING THE 16TH ANNUAL

*Holiday Auction
and
Tastes of Milford*

BENEFITING THE CHAMBER OF COMMERCE FOR GREATER MILFORD AND THE
MILFORD MUSEUM

Thursday November 17th



DOORS OPEN AT 6PM

Local Food Vendors with Sweet and Savory samples!

Vote for Best Taste and Best Display

Over 100 Silent and Live Auction Items

Gift Card Surprise Table - Surprise Table of Cheer

TO PURCHASE TICKETS CALL 422-3344
TICKETS ARE \$20 IN ADVANCE - \$25 AT
THE DOOR (IF NOT SOLD OUT)
CASH, CHECK, AND CC ACCEPTED

A Chamber of Commerce for Greater Milford Event

CORPORATE SPONSORS



18951 ELKS LODGE RD, MILFORD DE 19963

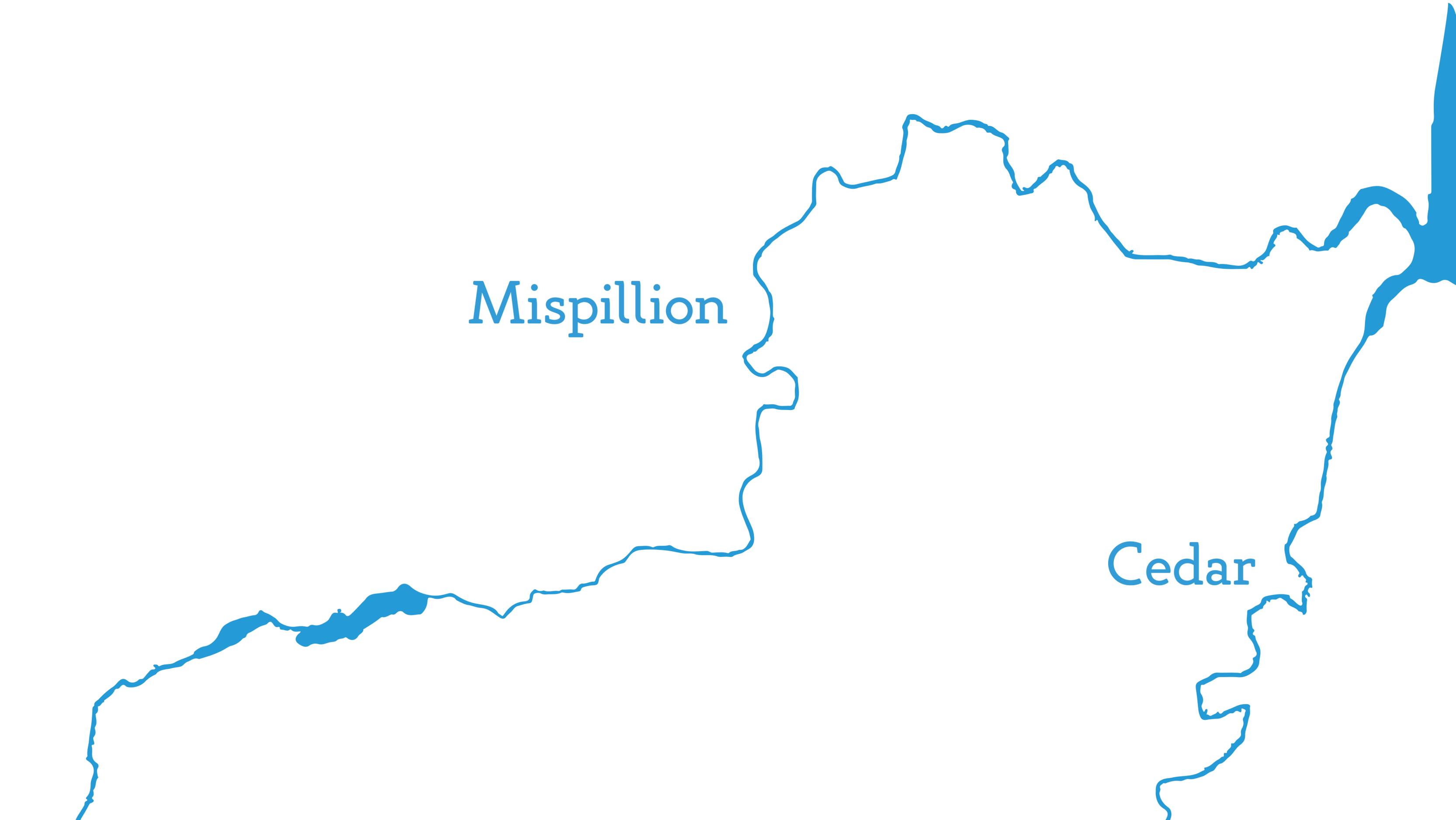


Waterways Infrastructure
& Investment Network

Mispillion & Cedar Creek

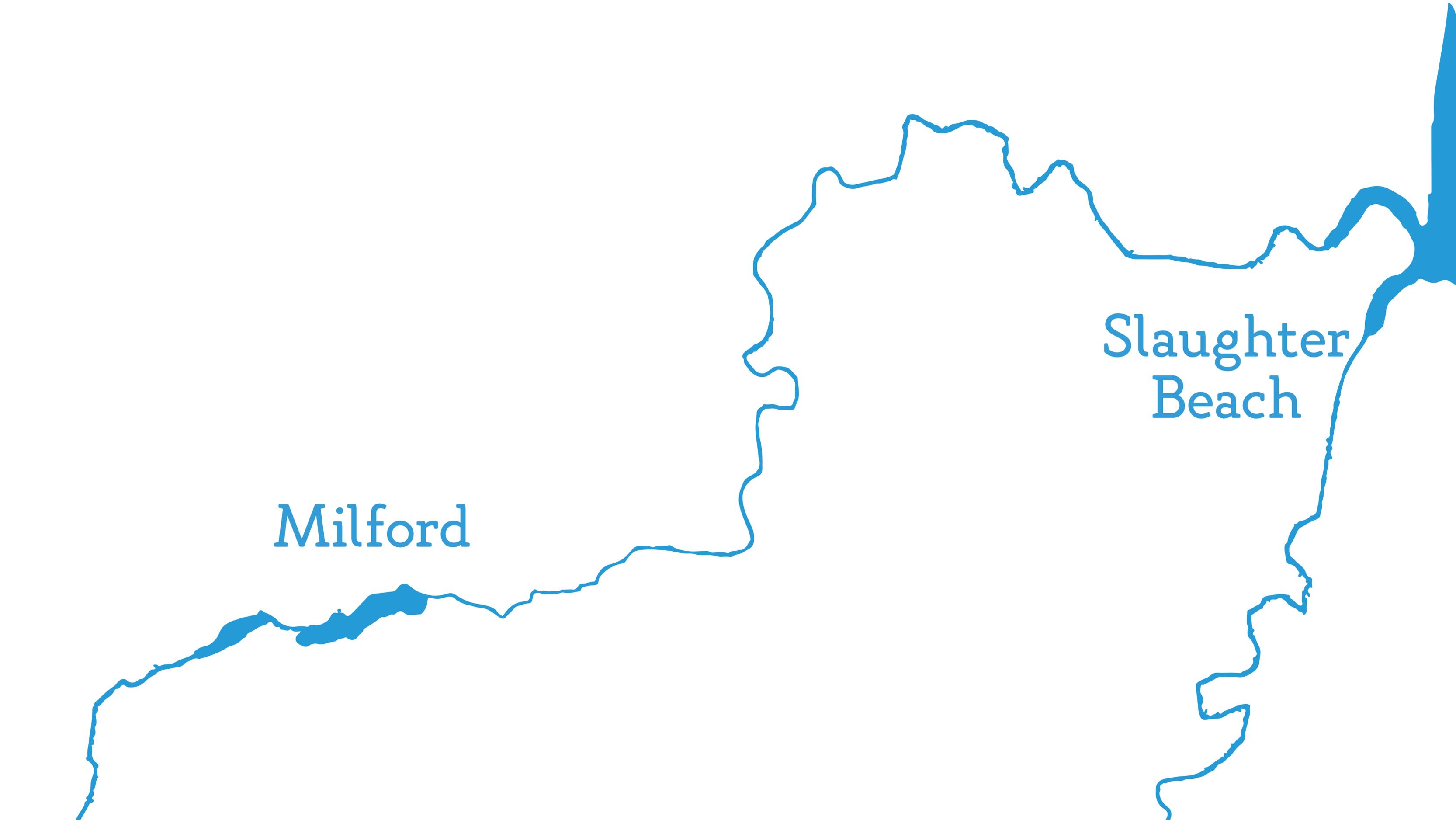
WATERSHED BRANDING STRATEGY

06.13.22

A blue outline map of a region, possibly a coastline or a specific area. The map is irregularly shaped with several protrusions and indentations. Two labels are placed within the map's boundary: 'Mispillion' on the left side and 'Cedar' on the right side. The map is rendered in a solid blue color against a white background.

Mispillion

Cedar

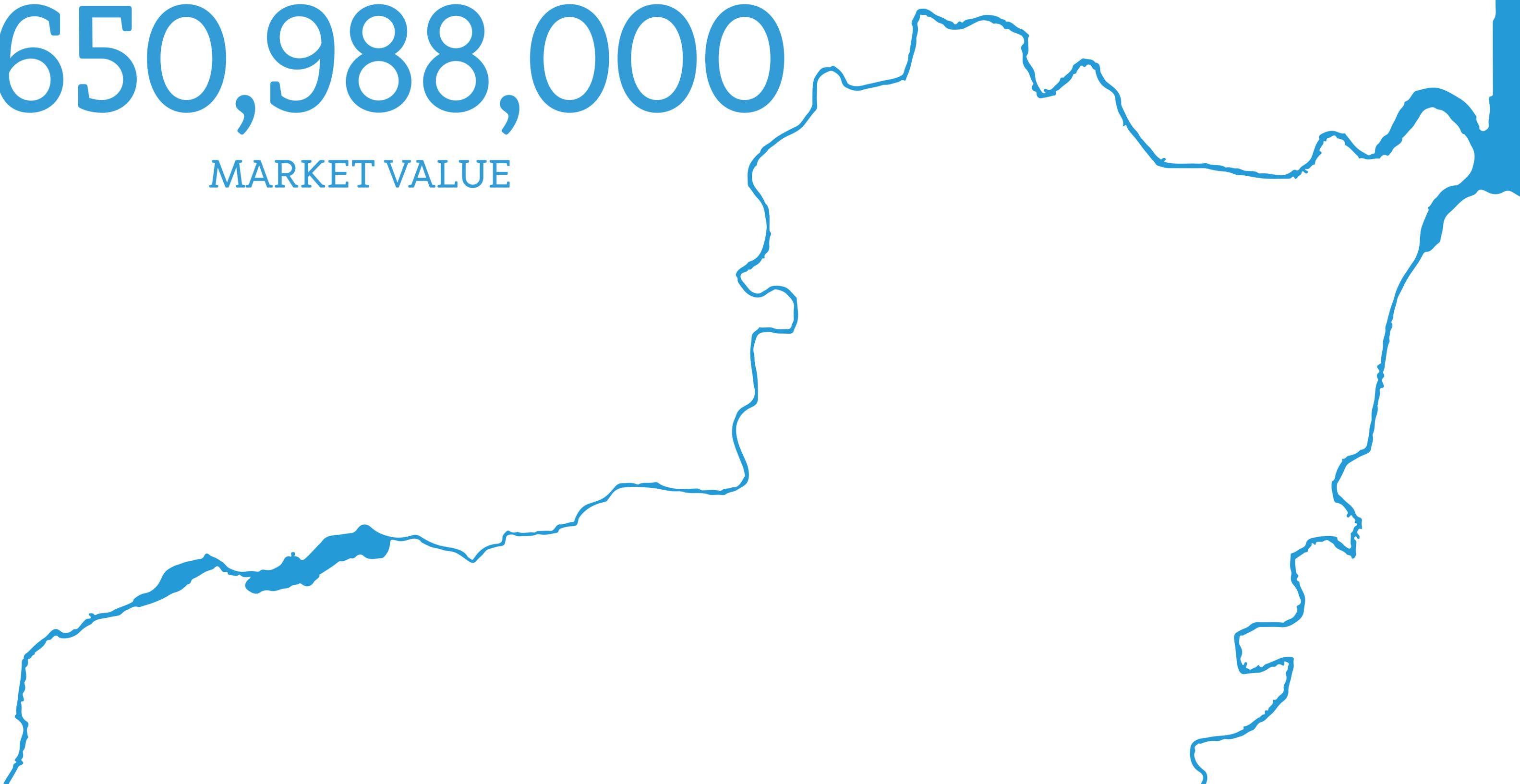
A blue outline map of a coastline. The map shows a long, thin peninsula on the left side, extending from the bottom left towards the center. The rest of the coastline is a large, irregular shape on the right side. Two labels are placed on the map: 'Milford' is located on the left side, near the peninsula, and 'Slaughter Beach' is located on the right side, near the top of the large shape. The labels are in a blue, serif font.

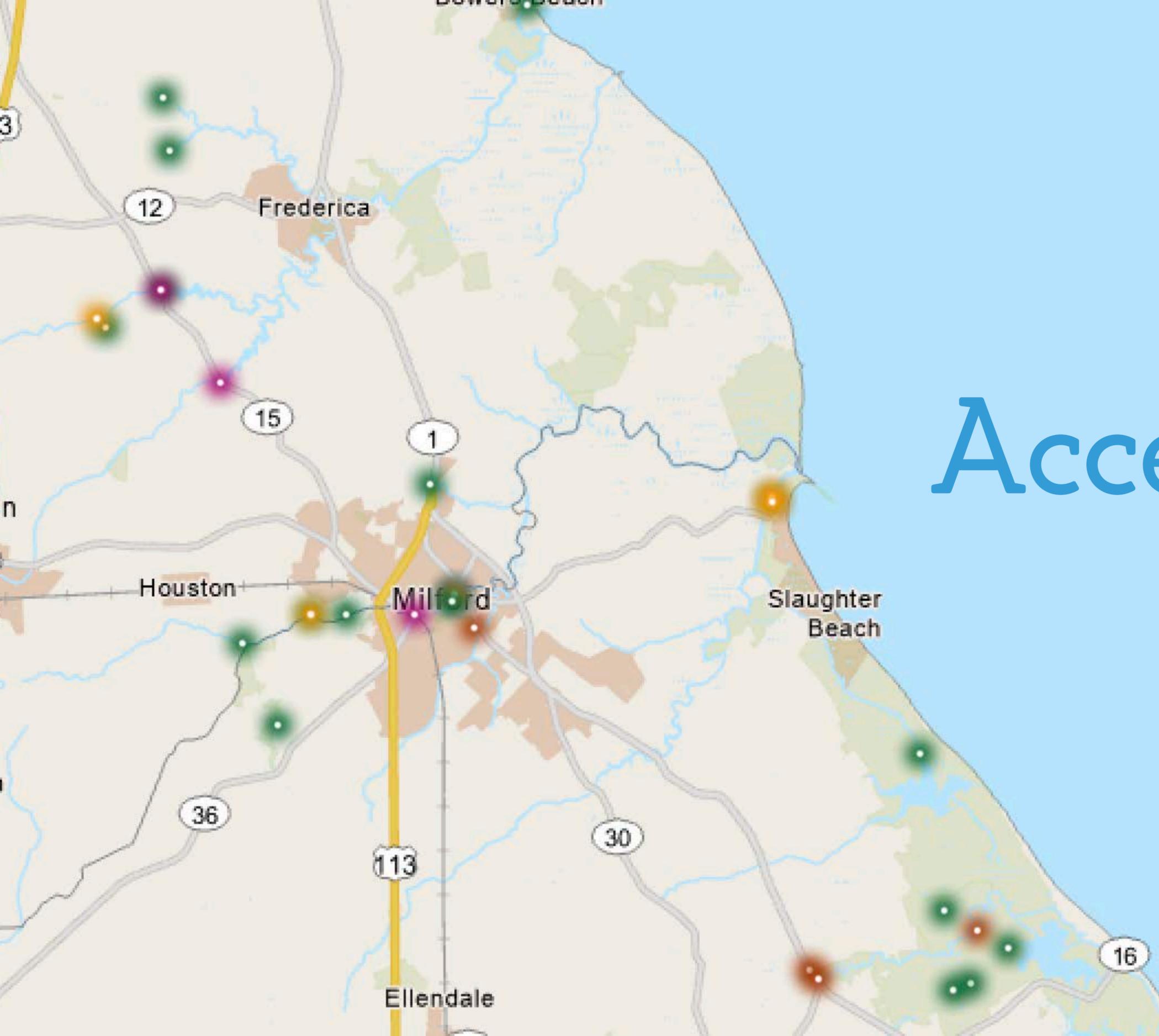
Milford

Slaughter
Beach

\$650,988,000

MARKET VALUE





Access



Delaware
BAYSHORE

All American, All Natural

New Castle | Delaware City | Port Penn | Leipsic



Delaware

BAYSHORE

River Towns

Little Creek | Frederica | Milford | Milton

Augustine | Woodland | Pickering | Kitts Hummock | Bowers



Delaware

BAYSHORE

Beaches

South Bowers | Slaughter | Prime Hook | Broadkill | Lewes

BRAND ELEMENTS

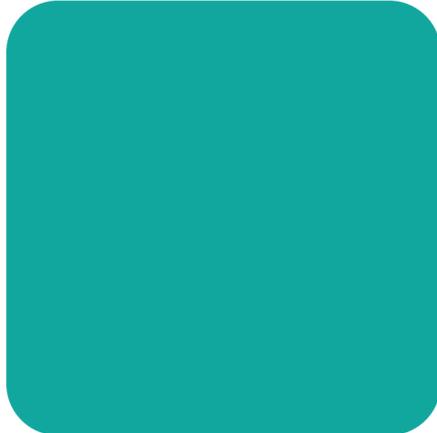
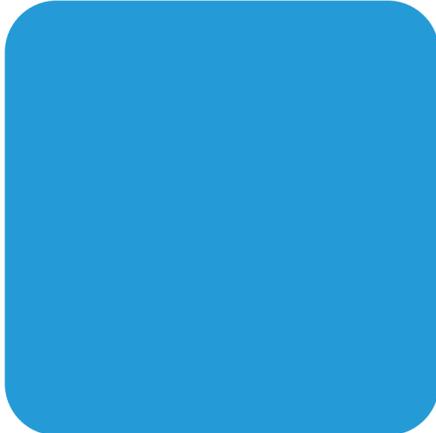
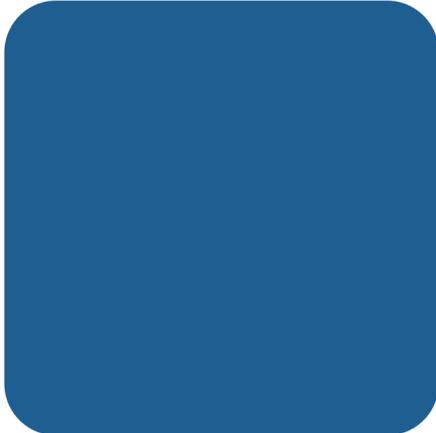


SLAUGHTER
Beach
DELAWARE 


Delaware
BAYSHORE
BYWAY
All American, All Natural

DOWNTOWN
Milford
INCORPORATED 





I am your Display Typeface.

I am your Secondary Typeface.

I am your Accent Typeface

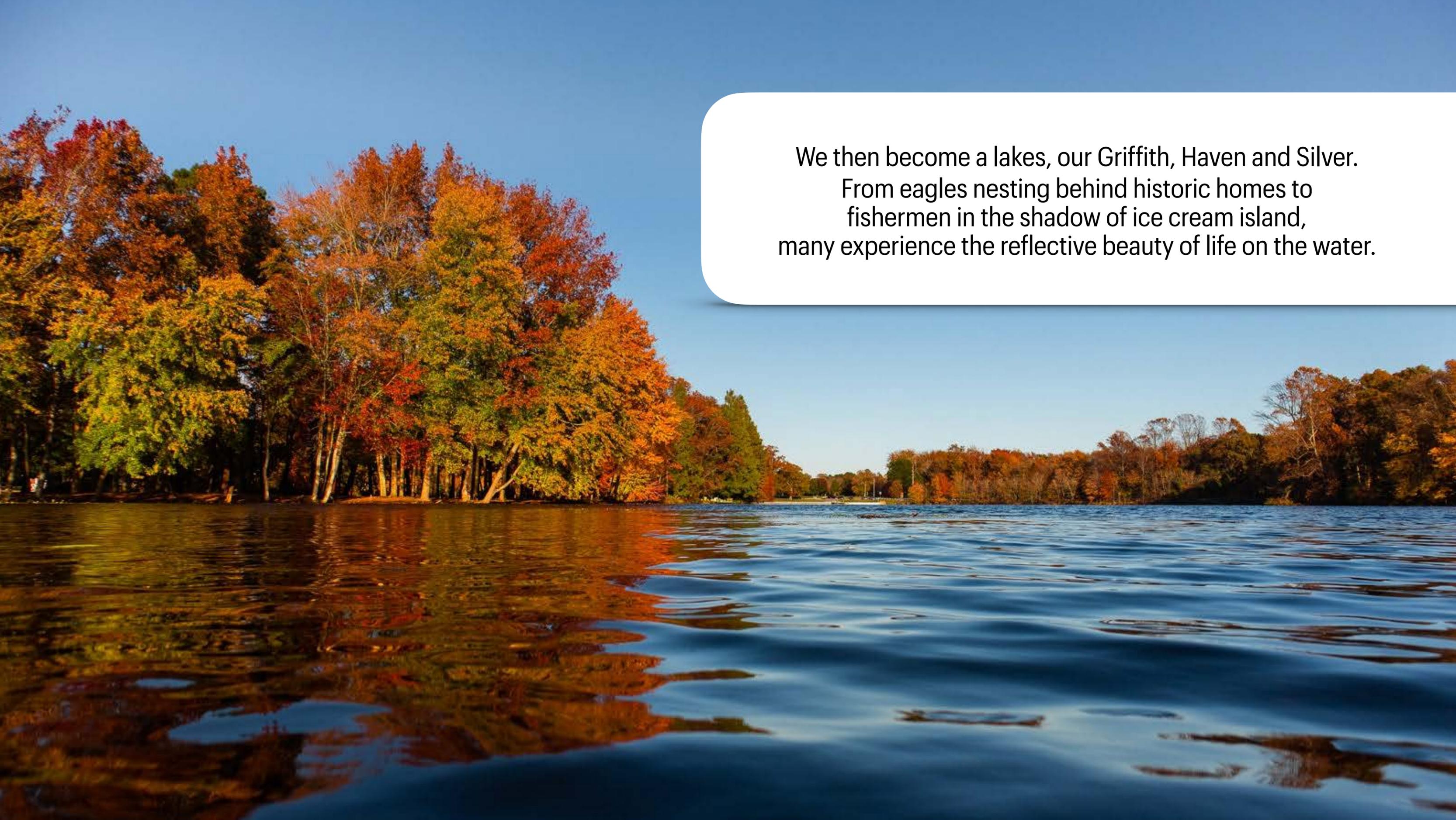
MISPILLION



Deep in a hardwood forest, three small creeks converge.
The woods that surround us make our waters dark and rich.
Nearly invisible. Naturally unnoticed.
Together, they grow.

Through mills ponds, the waters become one, flowing through grist mills and past many a spillway to form the story of our agricultural past.





We then become a lakes, our Griffith, Haven and Silver.
From eagles nesting behind historic homes to
fishermen in the shadow of ice cream island,
many experience the reflective beauty of life on the water.



On we pass into the heart of Delaware's shipbuilding legacy.
It was here that our ancestors built the ships that kept America safe.
It was here that our economy and nature intertwined.



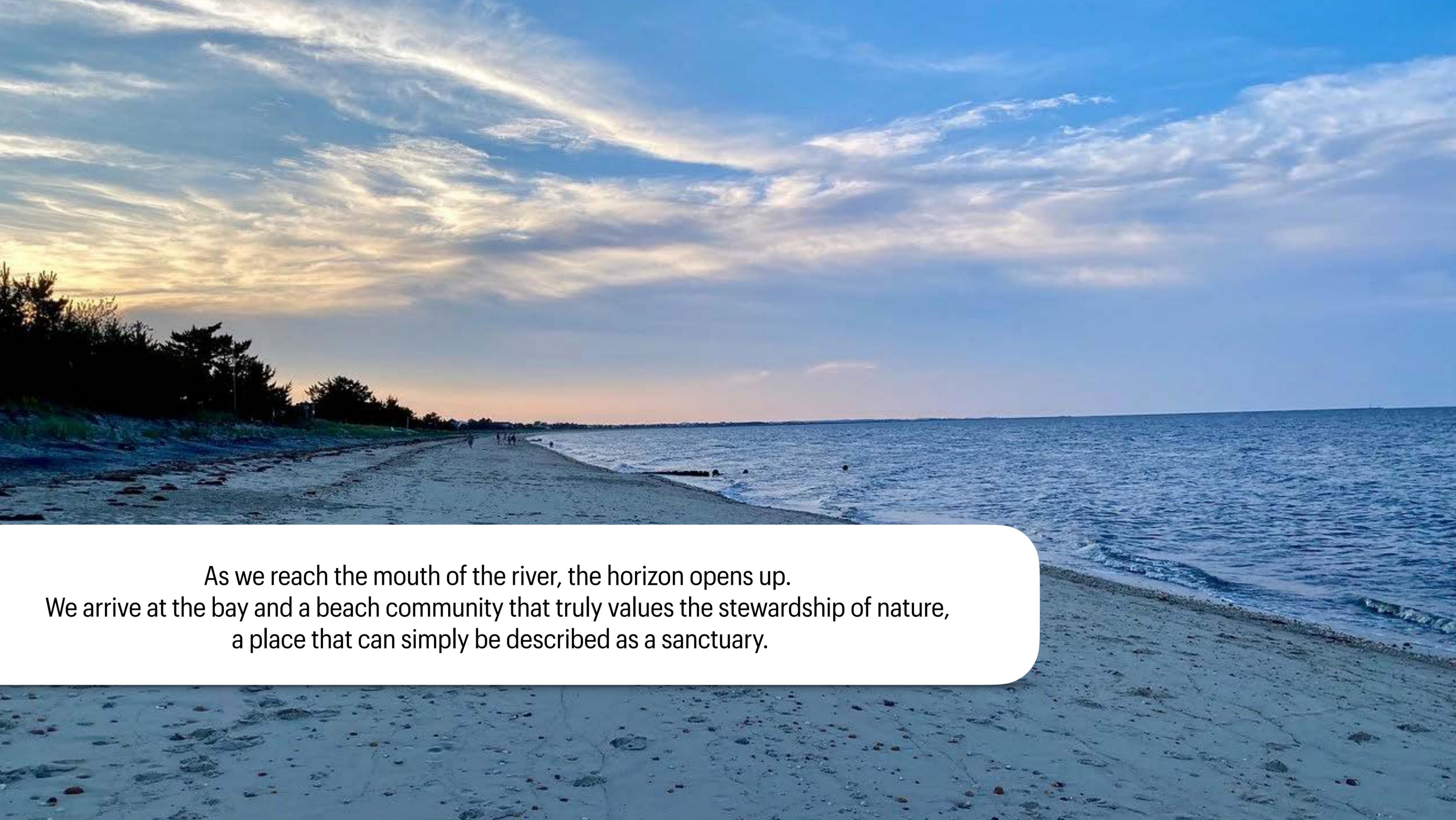
MISPILLION RIVER

14'-0"

Our trip is not done.
We pass island hiking trails, kayak launches and an old school drawbridge
as we reach the pristine beauty of our tidal marsh.
Here, nature truly surrounds us.



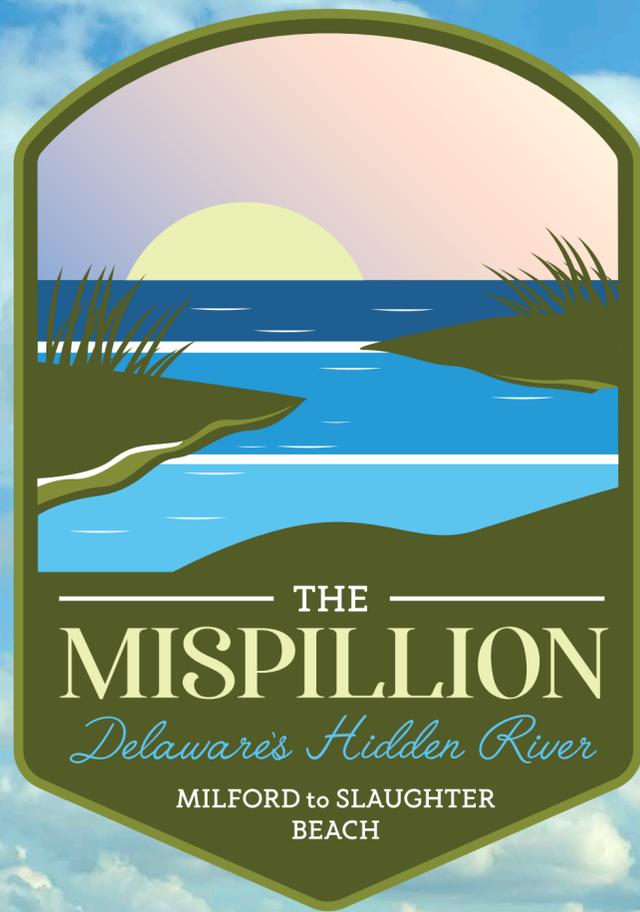
Wildlife refuges and protected wetlands shield this place where salt water and fresh come together, where tides shape our shores, and where the quiet and beauty of Delaware is evident from every angle.



As we reach the mouth of the river, the horizon opens up.
We arrive at the bay and a beach community that truly values the stewardship of nature,
a place that can simply be described as a sanctuary.

We have been called by so many names, yet are still unknown to say many.
Creeks, ponds, river, lakes, marshes, harbors and beaches,
we are all the best of where land meets water.
We are The Mispillion....





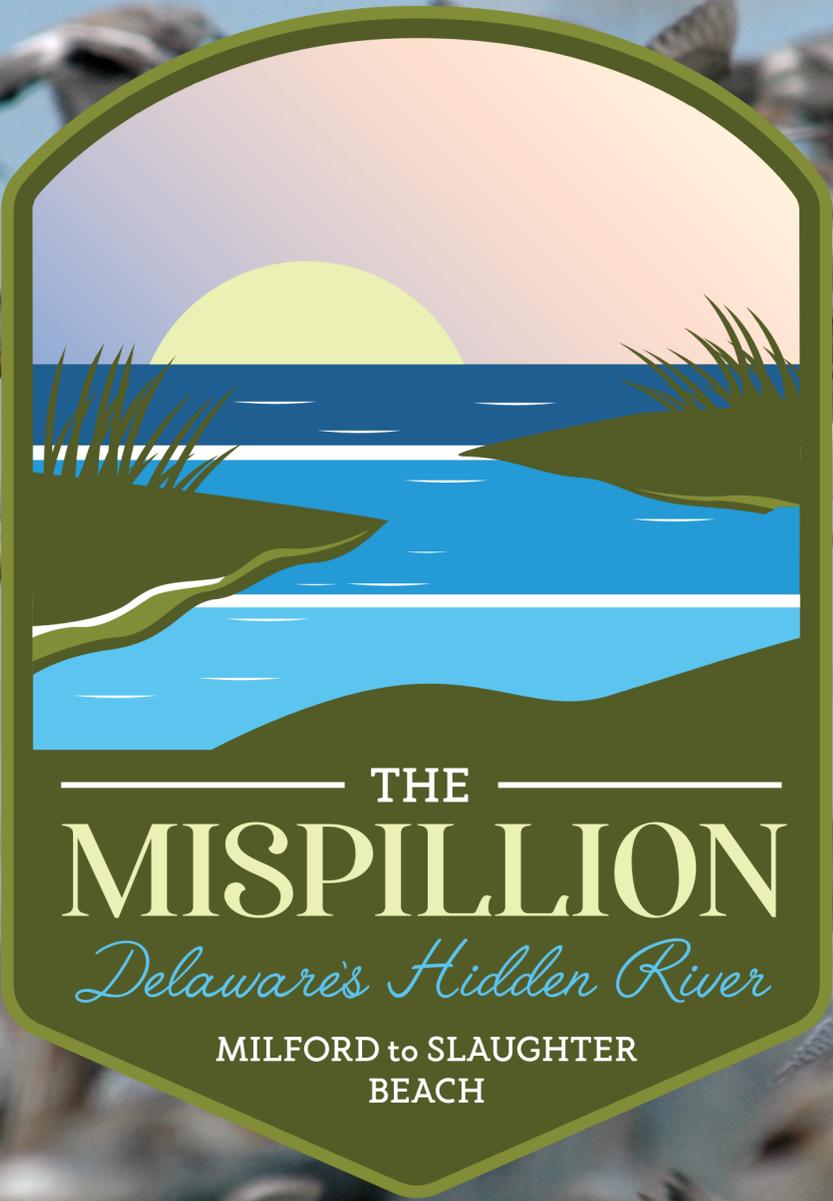
BRAND SYSTEM





— THE —
MISPILLION
Delaware's Hidden River





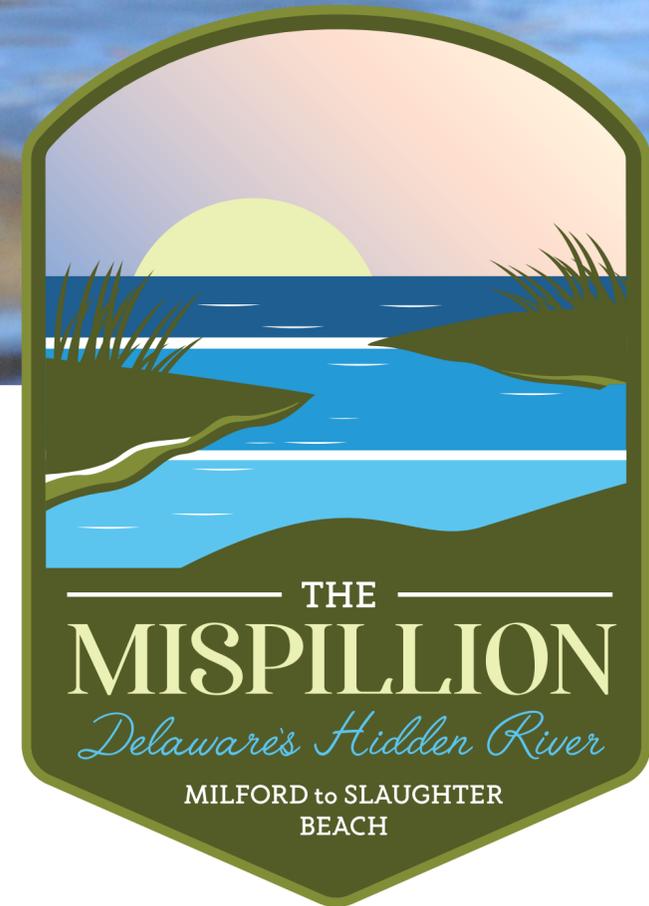
THE
MISPILLION

Delaware's Hidden River

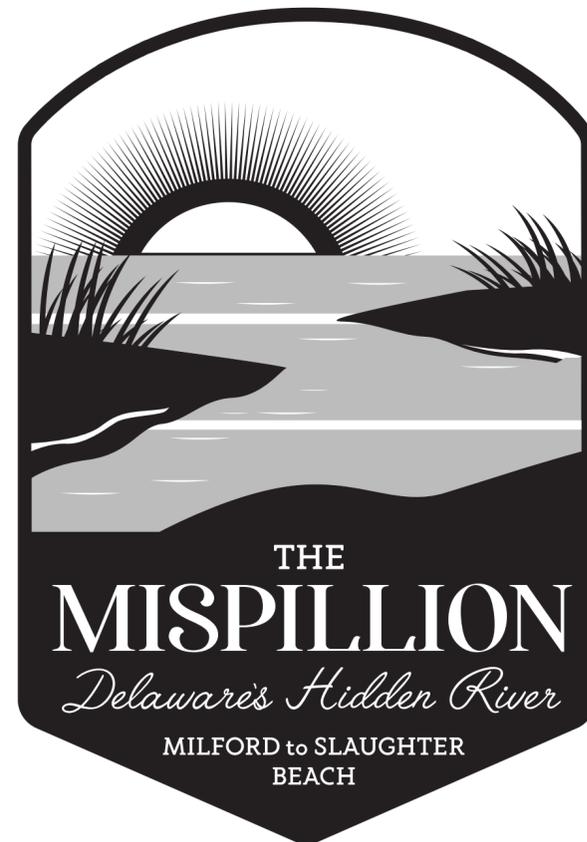
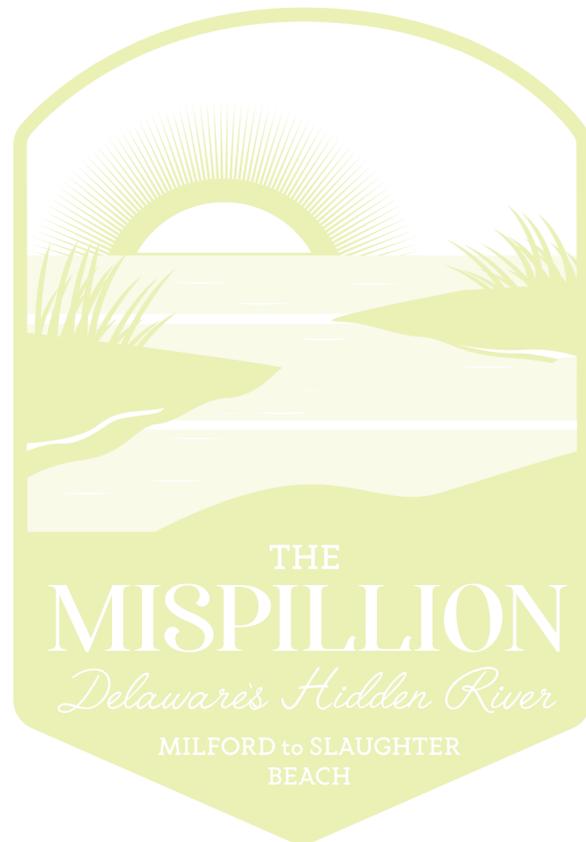
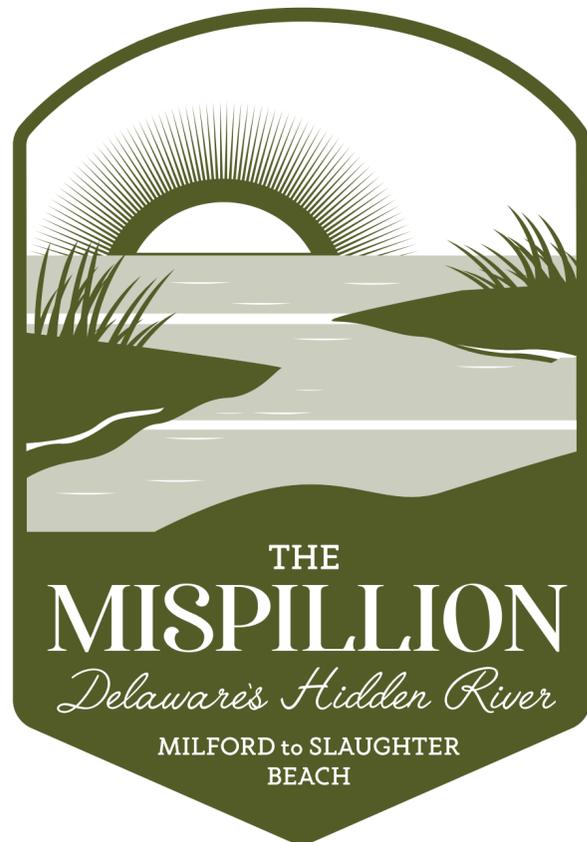
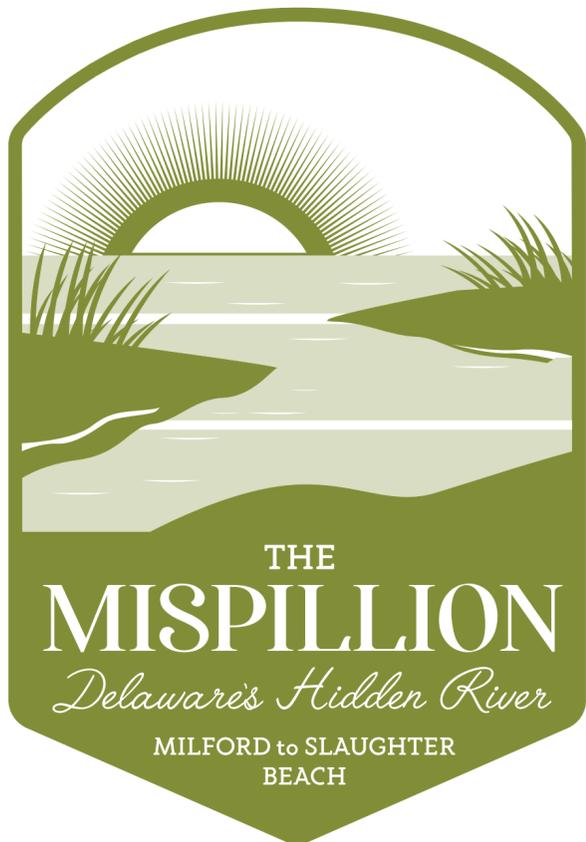
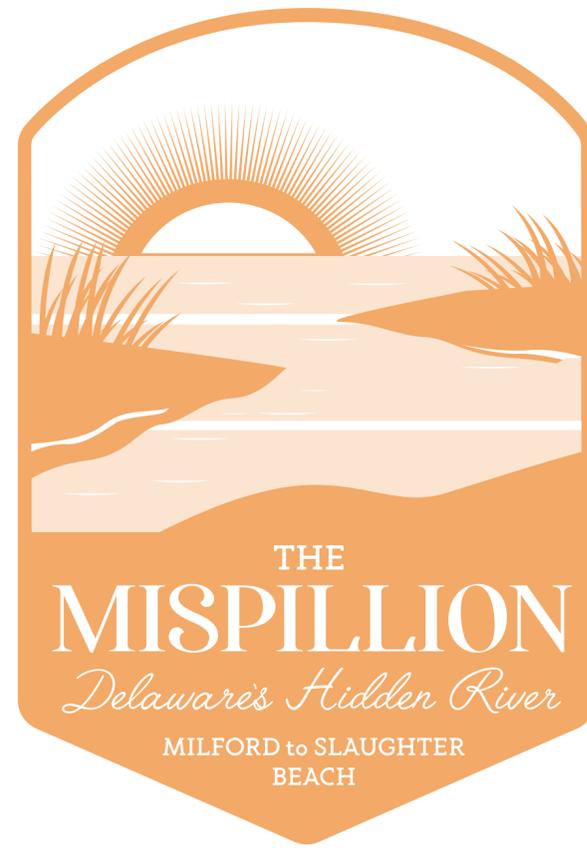
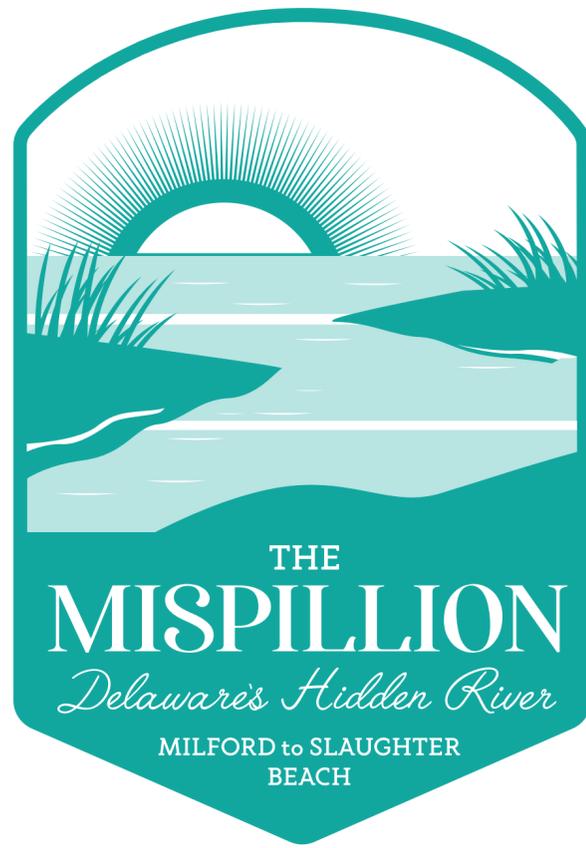
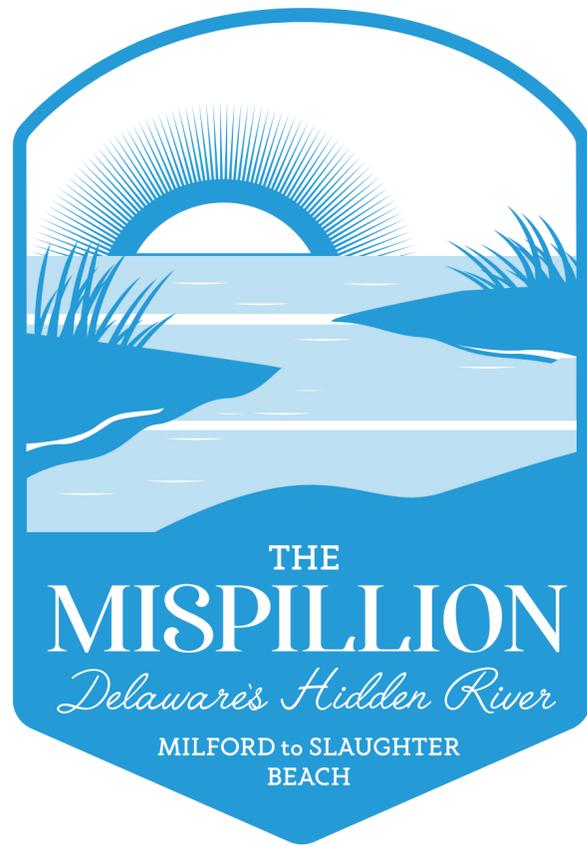
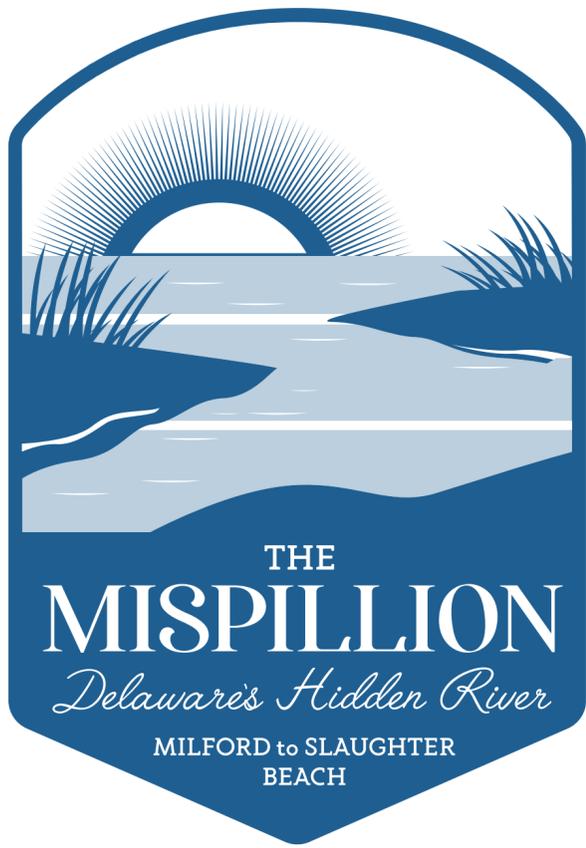
MILFORD to SLAUGHTER
BEACH



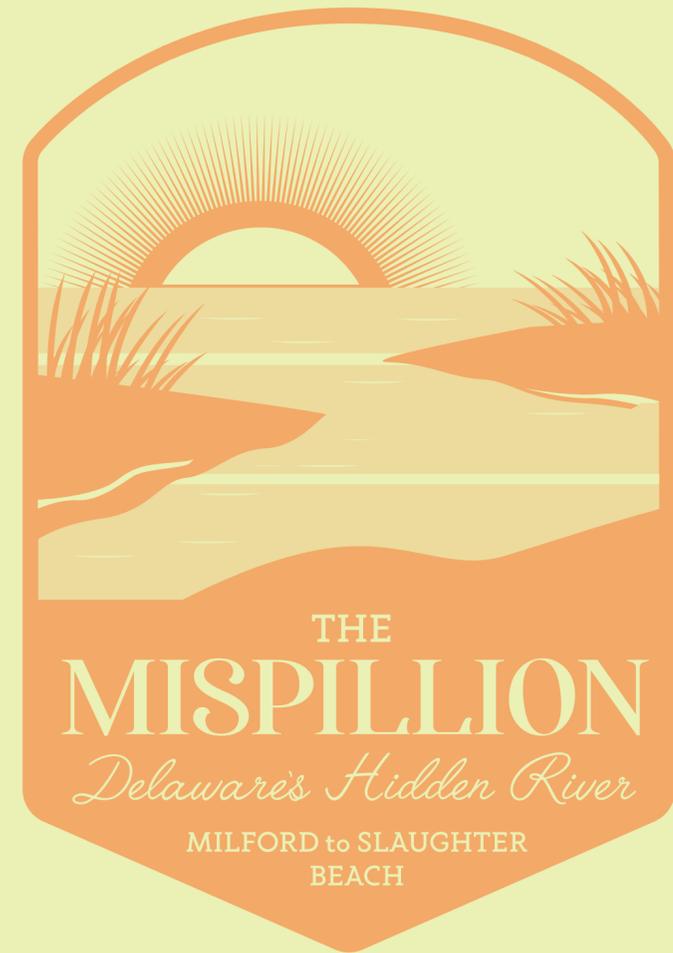
Delaware
BAYSHORE
All American, All Natural

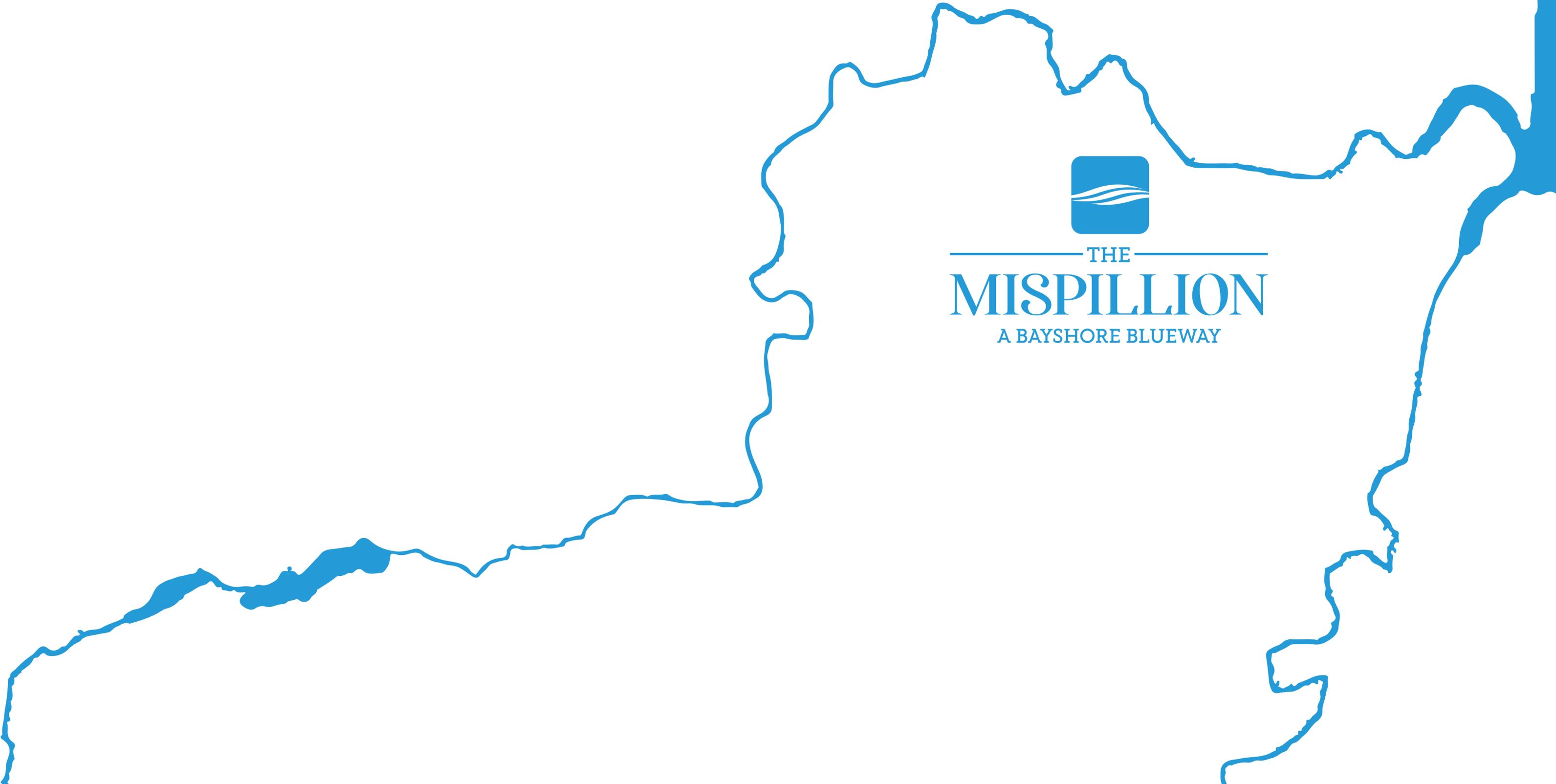






Nature. Undiscovered.





THE
MISPILLION
A BAYSHORE BLUEWAY



THE
MISPILLION
A BAYSHORE BLUEWAY

BRAND EXTENSION





THE
MISPILLION
A BAYSHORE BLUEWAY





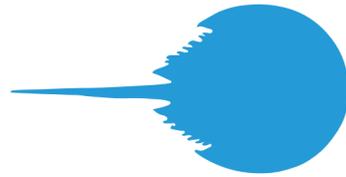
THE
MISPILLION
Delaware's Hidden River



THE
MISPILLION
Delaware's Hidden River



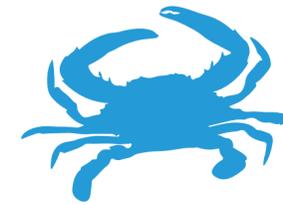
THE
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Delaware's Hidden River



THE
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Delaware's Hidden River



THE
MISPILLION
Delaware's Hidden River



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Delaware's Hidden River



THE
MISPILLION
Delaware's Hidden River



THE
MISPILLION
Delaware's Hidden River



THE
MISPILLION
Delaware's Hidden River

PADDLE

THE

MISPILLION

Delaware's Hidden River

FLOAT

THE

MISPILLION

Delaware's Hidden River

BIKE

THE

MISPILLION

Delaware's Hidden River

FISH

THE

MISPILLION

Delaware's Hidden River

BIRD

THE

MISPILLION

Delaware's Hidden River

WALK

THE

MISPILLION

Delaware's Hidden River

DISCOVER

THE

MISPILLION

Delaware's Hidden River

HIKE

THE

MISPILLION

Delaware's Hidden River

LOVE

THE

MISPILLION

Delaware's Hidden River



THE
MISPILLION
Always Moving





THE
MISPILLION

Intriguing



THE
MISPILLION
Nature in Motion

A sunset over a body of water with silhouetted posts in the foreground. The sun is low on the horizon, casting a golden glow across the sky and reflecting on the water. The foreground features several dark, vertical posts, likely part of a pier or dock, silhouetted against the water. The overall mood is serene and peaceful.

THE
MISPILLION
Breathtaking

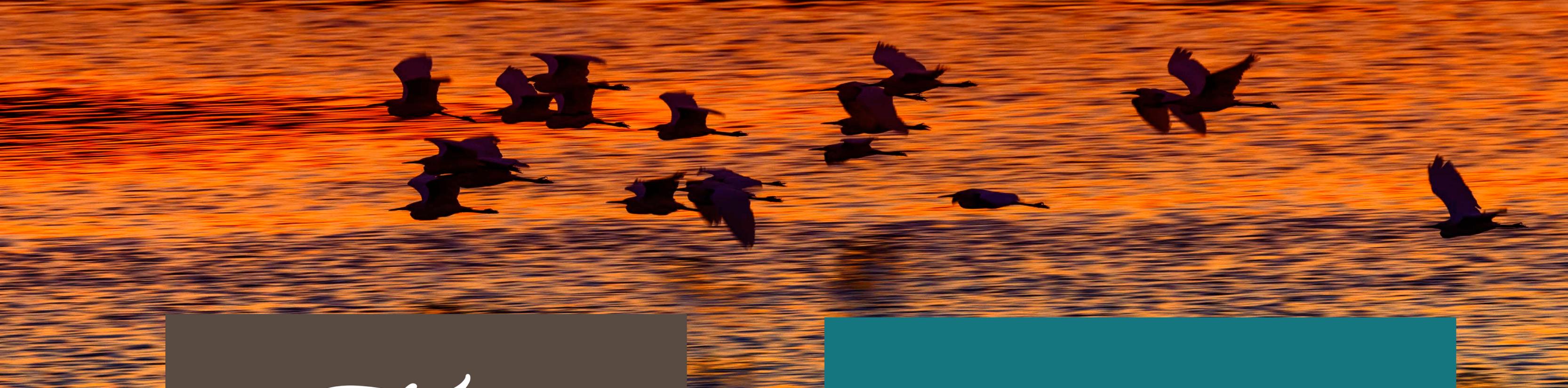


THE
MISPILLION

Unspoiled

COMMUNITY INTEGRATION





Milford
ON THE
MISPILLION
Delaware's River Town

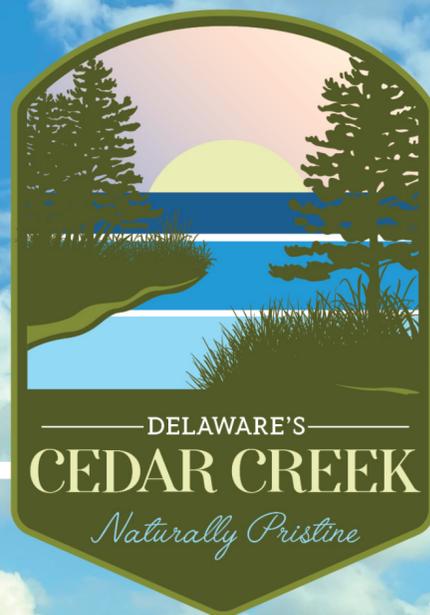
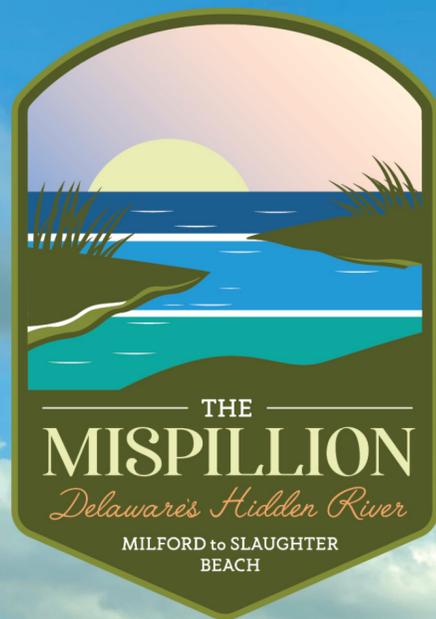
SLAUGHTER BEACH
— AT THE —
CEDAR CREEK
Nature's Sanctuary



DELAWARE
OYSTER
Trail
~

ADDITIONS





Mispillion & Cedar Creek BrandTouch™ Manual

Order comes from simplicity. Inside, you will find the simple rules that guide the Platteville Brand, and will help create equity as we tell others about Platteville.

PREPARED BY



ARNETT MULDROW
316 West Stone Avenue
Greenville, SC 29609
ben@arnettmuldrow.com
arnettmuldrow.com

BRANDTOUCH IMPLEMENTATION CHECKLIST

PHASE 1

Adopt Brand

- Board/Council Adoption
- Share Brand Link with Design Partners

Technical Integration

- Install Fonts
- Copy Brand Folder to Local Drive
- Adopt Internal Toolbox with staff

PHASE 3

Communication

- Update Email Signature
- Adopt Powerpoint Template
- Adopt Digital Letterhead
- Upload Brand Materials to Email Newsletter
- Adopt Envelope Template
- Printer Updated Business Cards

Collateral

- Share Brand Resources
- Share Merchadising Examples
- Share Brand Partner Idea List
- Create Volunteer Shirts
- Create Staff Shirts
- Vehicle Graphics
- Police Badges
- Bench,Trash Can, Public Space Integration

Printing

- Shopping & Dining Guide
- Organization Brochure
- Parking Cards
- Partner Banners
- Visit Cards
- Hours Signs

PHASE 2

Social Media

- Update Facebook Profile
- Update Instagram Profile
- Update Twitter Profile
- Update Pinterest Profile
- Load Photos as gallery in Facebook
- Create Pinterest Board with Brand Elements

Online

- Update Colors on Webpage
- Add New Graphics
- Update Favicon
- Add Brand Statement to Website
- Add Styleguide Request
- Add Brand Resources Page

Event Extension

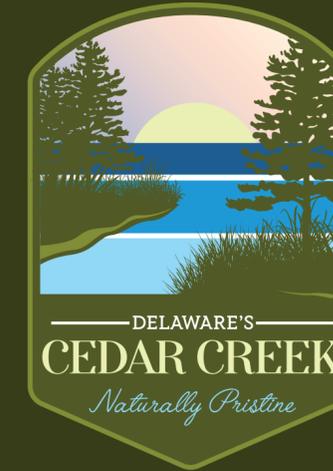
- Logo Adoption
- Social Integration
- Marketing Integration
- Merchandise Expansion
- Signage
- Volunteer Swag

Wayfinding

- Plan Strategic Banner Strategy
- Plan Event Banner Strategy
- Explore Partnering for Comprehensive Wayfinding System
- Bike Sign System
- Bike Lane Branding
- Guerilla Pedestrian Signs
- Parking Signs

Other

-
-
-
-
-
-



HOW TO BE A **BRAND PARTNER**

BRAND MERCHANDISE

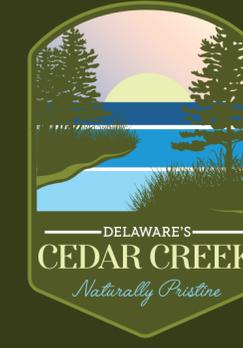
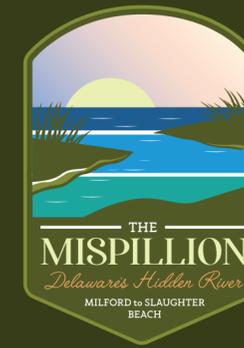
- Hats
- T-Shirts
- Coffee cups
- Decals
- Bumper stickers
- Bags
- Shopping bags
- Cycling jerseys
- Pint glasses
- Guitar picks
- Water bottles
- Outdoor gear
- Polo shirts
- Climbing chalk bags
- Hiking stick medallions
- Rain jackets
- Guitar straps
- Koozies
- Socks
- Invent something

BRAND YOUR DIGITAL PRESENCE

- Add logo to website
- Add logos to Facebook as a gallery
- Link from web to community website
- Use hashtag
- Share photos of branded items
- Tweet the web address
- Link google photo galleries to share
- Profile pics
- Send other businesses and organizations to the web address
- Instagram people having fun

BRAND YOUR PLACE

- Request interest icons
- Look for brand extension opportunities
- Organizational logos
- Street banners
- Wayfinding signage
- Open signs
- Store hours signs
- Shopping & dining guides
- Advertising
- Pocket folders
- Visitor guides
- Business cards
- Brochures
- Annual reports
- Maps
- Trail guides
- Shopping bags
- Loyalty cards



From here, it's completely up to you, your community, your event, or your organization. There's no proper order, only the things that make sense for you!

SHARE WITH US

We would love to hear from you about all the amazing things you come up with to do with the brand. Please share images and stories of the brand at work with us.

CHECK OFF ONE OF THE SUGGESTIONS, AND YOU ARE A BRAND PARTNER!

MAIN 5 COMMUNICATION CHANNELS

SOCIAL

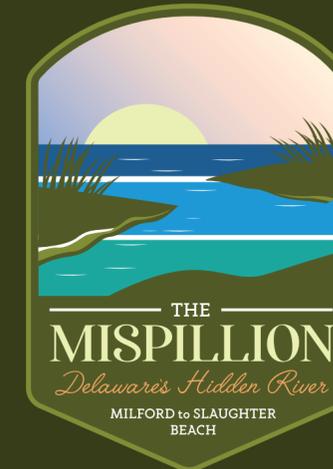
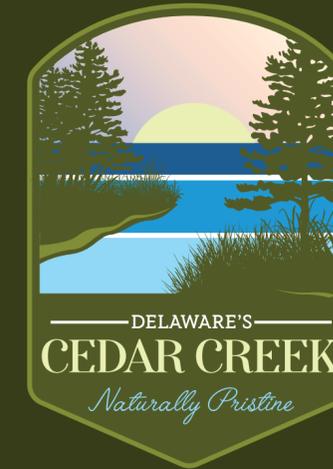
	BOARD	DESIGN	PROMOTION	ORGANIZATION	ECONOMIC VITALITY	WEEKLY	MONTHLY	ANNUAL	DONOR	OWNER	PUBLIC	VOLUNTEER	GOVERNMENT
Facebook Page													
Facebook Merchant Group Page													
Facebook Volunteer Group Page													
Instagram													
Instagram Stories													
Twitter													
Pinterest Product Catalog													
Pinterest Sweet Shot Catalog													
Tik Tok													

WEB/PRINT

Paid Print													
Earned Media													
Press Releases													
Web Updates													
Blog Posts													
Newsletters													
IMPACT Tool													

RELATION & PRESENTATION

Council Update													
Council Presentation													
Organizations Presentation													
Volunteer Campaign													
Donor Campaign													
Sponsorship Single Ask													
Building Owner Visits													
Business Owner Visits													



STRATEGIC EVENT CALENDAR

GOVERNMENT
VOLUNTEER
PUBLIC
OWNER
DONOR
RETAIL
SPECIAL
IMAGE

JANUARY

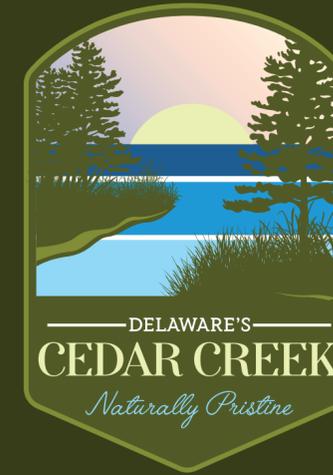
FEBRUARY

MARCH

APRIL

MAY

JUNE



STRATEGIC EVENT CALENDAR

GOVERNMENT
VOLUNTEER
PUBLIC
OWNER
DONOR
RETAIL
SPECIAL
IMAGE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

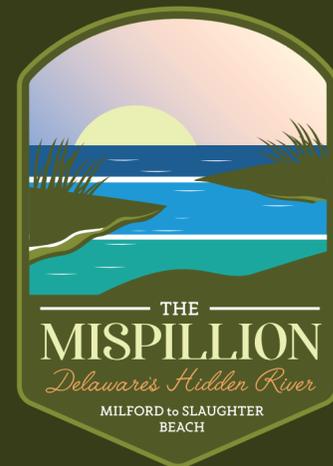
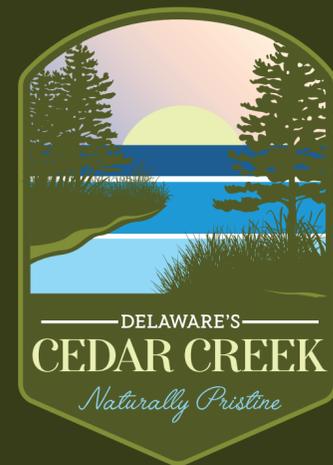


PHOTO ASSET CHECKLIST

Main Street Context

- Daytime
- Nighttime
- Winter
- Holidays
- Festival
- Drone

Farmers Market

- Setup
- Produce Detail
- Product Detail
- Vendor Shot
- Busy Shot
- Transaction Shot

Event

- Setup
- Marketing
- Busy Shot
- Business Owner
- Transaction Shot
- People

Business

- Storefront Day with People
- Storefront Night
- Context with People
- Product Detail
- Owner Shot
- Transaction Shot

Restaurants

- Restaurant Front-Day
- Restaurant Front- Night
- Dining Room w/ People
- Outdoor Dining w/ People
- Food Shot
- Serving Shot

Office/Co-work

- Building Front
- Interior Shot
- Employees working
- Saavy Logos on things

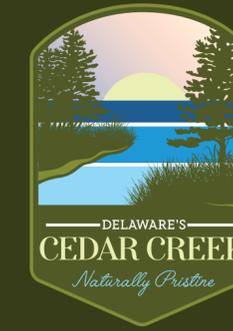
Parades

- Public Safety
- Patio Dining
- Pets
- Bike Racks

Examples



Downtown Context with People



Farmers Market Vendor Shot



Patio Dining



Restaurant with People



Parades

SOCIAL MEDIA STRATEGY



MONTHLY THEMES FOR INSPIRATION

JANUARY NEW STARTS & PLANNING	FEBRUARY DIVERSITY & LOVE	MARCH CLEAN & GREEN	APRIL BEAUTY & COLOR	MAY MAIN STREET FLAVOR	JUNE LOCAL REDISCOVERY
JULY ROAD TRIP	AUGUST HISTORY & CIVICS	SEPTEMBER FESTIVALS, EVENTS & FUN	OCTOBER FALL FOR MAIN STREET	NOVEMBER SHOP SMALL OFTEN	DECEMBER HOLIDAY TRADITIONS

WEEK BY WEEK

MONDAY PICTURES SPEAK	TUESDAY TASTE TUESDAY	WEDNESDAY MAGIC STORY TIME	THURSDAY TRAILHEAD THURSDAY	FRIDAY MAIN EVENT WEEKEND	SATURDAY REST	SUNDAY REST
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DAILY POSTS

GALLERY PHOTO	FOOD PIC	INSPIRATIONAL QUOTE	HIGHLIGHT PRODUCT	PROMOTE EVENTS	STORY DURING EVENTS
BEHIND THE SCENES	MENU PIC	VIEWER POLL	VIDEO TOUR	ACTIVITIES	
OWNER IMAGE	SERVER VIDEO	ASK A QUESTION	UNBOXING VIDEO		
HISTORIC IMAGE	DESSERT POST	THANK YOUR FANS	THIS OR THAT?		

Council Retreat

REMINDER



Saturday, October 15, 2022

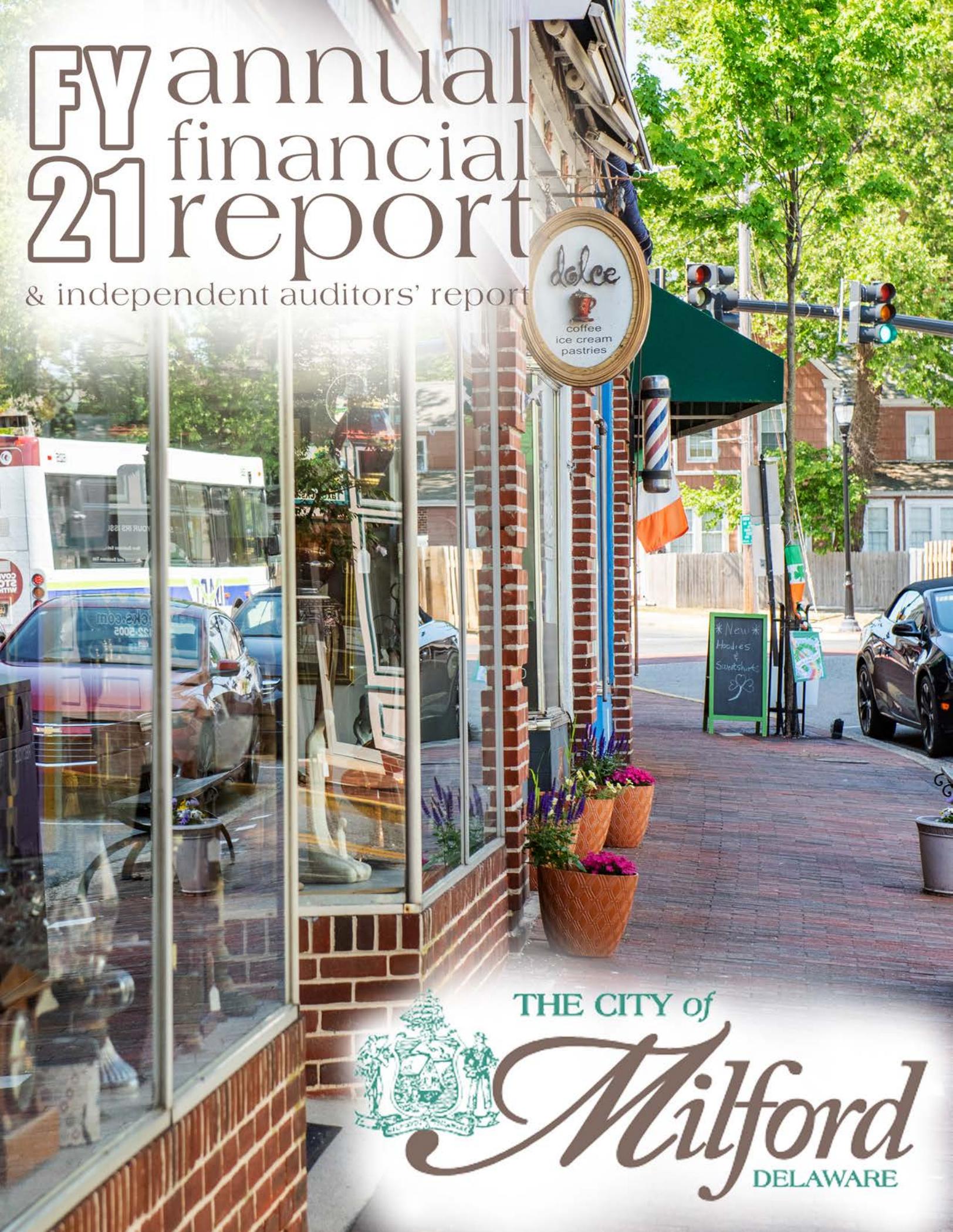
8:30 am – 1:00 pm

Etta's catering

317 S. Rehoboth BLVD

FY annual financial 21 report

& independent auditors' report



THE CITY of

Milford
DELAWARE



The City of Milford, Delaware

Annual Financial Statements

Including Independent Auditors' Report

As of and for the Year Ended June 30, 2021

The City of Milford, Delaware
Table of Contents

TRANSMITTAL LETTER	i
INDEPENDENT AUDITOR’S REPORT	1
MANAGEMENT’S DISCUSSION AND ANALYSIS	3
BASIC FINANCIAL STATEMENTS	14
Government-Wide Financial Statements	
Statement of Net Position	15
Statement of Activities	16
Fund Financial Statements	
Governmental Funds	
Balance Sheet	17
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position ---	18
Statement of Revenues, Expenditures and Changes in Fund Balances	19
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	20
Proprietary Funds	
Statement of Net Position	21
Statement of Revenues, Expenses and Changes in Net Position	22
Statement of Cash Flows	23
NOTES TO THE BASIC FINANCIAL STATEMENTS	24
REQUIRED SUPPLEMENTARY INFORMATION	53
Budgetary Comparison Schedule – General Fund	54
Schedule of Proportionate Share of Net Pension Liability	55
Schedule of Employer Contributions – Pension Plan	56
Notes to Required Supplementary Information	57
ADDITIONAL INFORMATION AND REPORTS	58

The City of Milford, Delaware

Table of Contents

Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements performed in Accordance with Government Auditing Standards -----	62
OTHER SUPPLEMENTAL INFORMATION -----	64
Independent Auditor’s Report on Compliance for each Major Program and on internal control over compliance required by the uniform guidance -----	65
Schedule of Expenditures of Federal Awards -----	66
Notes to Schedule of Expenditures of Federal Awards -----	67
Schedule of Findings and Questioned Costs -----	68



TRANSMITTAL LETTER

March 21, 2022

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

The Finance Department and City Manager's Office are pleased to submit the Annual Financial Report for the City of Milford, Delaware, for the fiscal year ended June 30, 2021.

This report is published to provide the City Council, City staff, our citizens, 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 data presented 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 sufficiently inform that data to enable the reader to gain a complete understanding of the City's financial condition and performance.

REPORT STRUCTURE

The accompanying financial section includes a Management's Discussion and Analysis (MD&A), basic financial statements and combining and individual fund statements, required supplementary information and schedules, and addition information and reports, as well as the independent auditor's report on the basic financial statements. Zelenkofske Axelrod LLC has issued **an unmodified opinion** on the City's financial statements for the year ended June 30, 2021. The independent auditor's report is located at the front of the financial section of this report.

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 Account Standards Board (GASB) and other professional associations, as applicable.

CITY PROFILE

Location & Demographics

The City of Milford is the sixth largest city in population in the State of Delaware, serving more than 11,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex Counties. Located on the Mispillion River, within both Kent and Sussex Counties, the City is approximately 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

Form of Government

The City is a home rule city operating under the Council-Manager form of government. The City Council is composed 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.

OPERATIONS AND FINANCIAL MANAGEMENT

Services Provided

The City of Milford provides critical public services and utilities in the most efficient and cost-effective manner possible for the benefit of its citizens, the business community and non-resident utility customers. Major services provided under general government and enterprise functions include 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 revenues recognized when available and measurable, and expenditures recorded when goods or services are received and associated 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 judgements by management.

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

The City Charter provides 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 major fund levels. Financial reports are produced showing current cash and investment balances, restricted and committed funding detail and actual expenditures by line item versus budget. Revenue performance versus levelized budgetary expectations is incorporated into the monthly financial report. The reporting package is published for public consumption and distributed monthly to City departmental and divisional management and presented to City Council in an open meeting for review and approval.

Internally, line-item detail is reviewed and analyzed for budgetary compliance at the purchase order level before discretionary spending is authorized. Personnel expenditures are monitored and controlled at the departmental level on a position-by-position basis, and capital expenditures are monitored to ensure compliance with budgetary approvals and funding methods.

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's Director of Finance hears and reviews all recommendations made by the independent auditors.

Acknowledgements

The preparation of this report could not have been accomplished without the efficient and dedicated service of the City's Finance Department staff. We sincerely appreciate the efforts made by the Finance team as well as dedicated employees throughout the City.

We sincerely thank the members of City Council and the Finance Committee for their earnest, responsible oversight of the City's independent audit process, but most important, the keen interest and enthusiastic support of our progressive improvements to the transparency and comprehensiveness of the City's financial planning and reporting processes.

Respectfully submitted,



Mark A. Whitfield
City Manager



Louis C. Vitola
Finance Director

INDEPENDENT AUDITOR'S REPORT

p.1

[To be submitted by Independent Audit Firm]

DRAFT

INDEPENDENT AUDITOR'S REPORT

p.2

[To be submitted by Independent Audit Firm]

DRAFT

MANAGEMENT'S DISCUSSION AND ANALYSIS

The Administrative and Financial Management of the City of Milford, Delaware are pleased to offer readers of the City's financial statements this narrative overview and analysis of the financial activities and financial position of the City for the fiscal year ended June 30, 2021. In the broadest context, the financial well-being of a government lies in the underlying means and willingness of its citizens and property owners to fund their pro rata allocation of taxes to support the vision of the government's elected and appointed leadership to deploy tax receipts strategically to ensure the City's tax base, service levels, City assets and the City's desirability will be maintained not just for the current year but well into the future. Financial reporting is limited in its ability to provide this "big picture" but rather focuses on financial position and the net changes in financial position from year to year. In other words, are revenues and expenses higher or lower than the previous year? Has net position (containing both short- and long-term assets and liabilities) or fund balances (the current "spendable" assets less current liabilities) of the City been maintained? We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal (pages i-iii of this report) as well as information contained in the City's annual budget and other community information that can be found by visiting the City's website at www.cityofmilford.com. It should be noted that small differences across different financial statements and tables may differ due to rounding. In addition, the Independent Auditor's Report describes the auditor's association with the various sections of this report and that all additional information from the website and other City sources is unaudited and has not been updated for events that may have occurred following the issuance of the respective report.

IN BRIEF

The assets of the City on a "government wide" or consolidated basis exceeded its liabilities at the close of the most recent fiscal year by approximately \$102.1 million (net position). This number must be viewed in the context that a significant portion of the City's net position (\$47.4 million, or 46.4%) is invested in capital assets, net of related debt, and that most capital assets in government do not directly generate revenue nor can they be sold to generate liquid capital. Additionally, net position restricted for specific purposes total \$17.4 million (17.1%). The remaining \$37.3 million represents unrestricted net position and may be used to meet the government's ongoing obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies. Unrestricted net position increased by \$2 million (5.6%) during fiscal year 2021.

As of the close of the past fiscal year, the City's governmental activities (a subset of the government-wide information reported in the preceding paragraph) reported \$28 million combined ending net position. Within this total, \$17.4 million (62%) is invested in capital assets, net of related debt, \$5.9 million is restricted by specific legal requirements and \$4.7 million represents unrestricted fund balance.

The City's business-type activities include water, sewer, electric and trash operations and, combined with the governmental activities, constitute the balance of the activity measured on a government-wide basis. Business-type activities closed the year with a \$6.2 million increase in

net position to \$74.2 million, \$30 million of which is invested in capital assets, net of related debt and \$11.6 million of which is restricted by specific legal requirements. The remaining \$32.6 million is unrestricted.

Additional details regarding the structure of the City's financial reporting segments and the performance of the City's various funds and departments can be found in the sections that follow.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis serves to introduce the City's basic financial statements, which are composed of four components: 1) government wide financial statements, 2) fund financial statements, 3) notes to the financial statements, and 4) required supplementary information, which includes this discussion and analysis. This report also contains other supplementary information as listed in the Table of Contents.

Government Wide Financial Statements – The government wide financial statements are designed to provide readers with a broad overview of the City's finances in a manner similar to a private-sector business. The Statement of Net Position presents information on all of the City's assets and liabilities, with the difference between the two reported as net position (similar to a private sector balance sheet). Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net position changed during the fiscal year. All changes in net position are reported when the underlying event giving rise of the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g. uncollected taxes and earned by unused compensated absences).

The government-wide financial statements distinguish between functions of the City that are principally supported by (1) taxes and intergovernmental revenues (governmental activities) versus (2) functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government and administration, public safety, public works, and culture and recreation. The business-type activities of the City include water and sewer, electric and sanitation (refuse, or trash fund) operations. The government-wide financial statements can be found on pages 15 and 16 of this report.

Fund Financial Statements – A fund is a self-balancing set of accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories – governmental funds and proprietary funds.

Governmental Funds – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Non-financial assets such as governmental buildings, roads, drainage ways, park land and long-term liabilities such as bonds payable or long-term liabilities that will not be paid with current assets are excluded. Such information may be useful in evaluating a government's near-term financing requirements. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities. The governmental financial statements can be found on pages 17 and 19.

Proprietary Funds – The City maintains two types of proprietary funds. Enterprise funds are presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, electric and sanitation operations.

Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses its internal service funds to account for its fleet services, billing services and City Hall building maintenance cost allocation programs. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Sewer, Electric, and Sanitation funds, because all are considered to be major funds of the City. All internal service funds are combined into a single aggregated presentation in the proprietary fund financial statements. The basic proprietary fund financial statements can be found on pages 21 to 23.

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government wide and fund financial statements. The notes to the financial statements can be found on pages 24 through 52.

Other information – In addition to the basic financial statements and accompanying notes, the basic financial statements contain required supplementary information including this discussion and analysis.

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CITY OF MILFORD, DELAWARE
MANAGEMENT’S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

GOVERNMENT-WIDE FINANCIAL ANALYSIS

The following table (“*MDA Schedule 1*”) summarizes the City’s net position resulting from both the governmental activities and business-type activities reported in Milford’s government-wide financial statements as of June 30, 2021, including comparative tools as of June 30, 2020, as restated pursuant to the implementation of GASB Statement No. 84 and a restatement of government-wide noncurrent liabilities.

MDA Schedule 1

CITY OF MILFORD NET POSITION (*Unaudited*)
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>
	<i>(as Restated)</i>		<i>(as Restated)</i>		<i>(as Restated)</i>	
Current and other assets	\$ 10,894	\$ 15,872	\$ 42,163	\$ 48,529	\$ 53,057	\$ 64,401
Capital assets, net	17,233	17,438	45,548	46,176	62,781	63,614
Total Assets	<u>28,127</u>	<u>33,310</u>	<u>87,711</u>	<u>94,705</u>	<u>115,838</u>	<u>128,015</u>
Deferred outflows of resources	1,583	1,593	311	289	1,894	1,882
Long term liabilities	2,515	1,799	15,260	15,474	17,775	17,273
Other liabilities	642	4,297	4,764	5,366	5,406	9,664
Total Liabilities	<u>3,157</u>	<u>6,096</u>	<u>20,024</u>	<u>20,840</u>	<u>23,180</u>	<u>26,936</u>
Deferred inflows of resources	423	829	-	-	423	829
Net Position						
Net investment in capital assets	17,233	17,438	29,157	29,958	46,390	47,396
Restricted	2,474	5,868	9,923	11,551	12,397	17,419
Unrestricted	<u>6,423</u>	<u>4,672</u>	<u>28,918</u>	<u>32,645</u>	<u>35,341</u>	<u>37,317</u>
Total Net Position	<u>\$ 26,130</u>	<u>\$ 27,978</u>	<u>\$ 67,998</u>	<u>\$ 74,154</u>	<u>\$ 94,128</u>	<u>\$ 102,132</u>

Over time, a government’s net position (especially *changes in net position by category*) may serve as a useful indicator of the organization’s financial condition. The City of Milford is no different; the \$8 million (8.5%) improvement in Milford’s total net position from \$94.1 million as of June 30, 2020 (as restated) to \$102.1 million as of June 30, 2021 reflects positive financial performance (See *MDA Schedule 1*). The City’s net position in FY21 was impacted by the implementation of GASB Statement No. 84 (“GASB 84”) and to a lesser extent, the FY21 allocation of \$3.2 million in funding through the American Rescue Plan Act of 2021 (“ARPA”). The adoption of GASB 84 required a prior period adjustment to incorporate net position formerly reported separately as agency funds into the FY21 opening net position.

The largest portion of the City's net position, \$47.4 million (46.4%) reflects investments in capital assets (e.g., land, building, equipment, improvements and infrastructure), less any outstanding debt used to acquire those assets. The City uses its capital assets and equipment to provide services to citizens; consequently, these assets are not available for future spending, and with the exception of business type assets, do not generate direct revenue for the City. They do, however, represent an obligation on the part of the City to maintain these assets into the future.

Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources required to repay this debt must be provided from other sources, as the

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

capital assets themselves cannot be used to liquidate these liabilities. In addition to the capital assets, another \$17.4 million (17.1%) of the City's net position is subject to legal and local restrictions; the majority of the restricted funds are intended for investment in the repair, maintenance and replacement of the capital assets. The remaining balance of unrestricted net position may be used to meet the City's ongoing obligations to citizens, employees and creditors.

The following table ("MDA Schedule 2") provides a summary of the City's operations for the years ended June 30, 2021 and 2020, as restated pursuant to GASB Statement No. 84 and a restatement of government-wide noncurrent liabilities.

MDA Schedule 2

CITY OF MILFORD CHANGES IN NET POSITION (Unaudited)
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2020	2021	2020	2021	2020	2021
Revenues	<i>(as Restated)</i>				<i>(as Restated)</i>	
Program Revenues:						
Fees, fines and charges for services	\$ 197	\$ 159	\$ 33,434	\$ 34,242	\$ 33,631	\$ 34,401
Operating grants and contributions	812	1,507	83	-	895	1,507
General Revenues:						
Property taxes	4,196	4,340	-	-	4,196	4,340
Real estate transfer taxes	954	1,243			954	1,243
Franchise taxes	1,044	1,647	-	-	1,044	1,647
Impact fees	-	-	885	2,555	885	2,555
Capital grant	580	177	517	1,405	1,097	1,582
Sale of property	(214)	138	-	-	(214)	138
Investment earnings	156	43	584	284	740	327
Miscellaneous	689	230	126	25	815	255
Total revenues	\$ 8,414	\$ 9,483	\$ 35,630	\$ 38,511	\$ 44,044	\$ 47,996
Expenses						
General government	3,102	2,642	-	-	3,102	2,642
Public safety	6,080	5,788	-	-	6,080	5,788
Public works	678	750	-	-	678	750
Culture and recreation	953	956	-	-	953	956
Interest on long-term debt	-	-	336	340	336	340
Electric	-	-	21,083	21,275	21,083	21,275
Water	-	-	2,198	2,130	2,198	2,130
Sewer	-	-	4,322	4,828	4,322	4,828
Trash	-	-	1,327	1,284	1,327	1,284
Total expenses	\$ 10,813	\$ 10,135	\$ 29,268	\$ 29,856	\$ 40,081	\$ 39,991
Increase (decrease) in net assets before transfers and special items	(2,399)	(652)	6,362	8,656	3,771	8,004
Transfers	2,556	2,500	(2,556)	(2,500)	(0)	-
Change in net position	157	1,848	3,806	6,156	3,963	8,004
Net position, July 1	25,973	26,130	64,193	67,999	90,166	94,129
Net position, June 30	\$ 26,130	\$ 27,978	\$ 67,999	\$ 74,154	\$ 94,129	\$ 102,132

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

Total net position increased by \$8 million (8.5%) during fiscal year 2021, marking the City's strongest improvement in government-wide net position in the last three years. The FY21 performance exceeded the year-over-year increase of \$4 million, or 4.4% achieved during the prior fiscal year (See *MDA Schedule 2*) and the \$5.7 million (6.8%) achieved two years prior (not included in exhibit). This year's overall increase in net position consists of a \$1.8 million increase in governmental activities (+7.1%) and a \$6.2 million increase in business-type activities (+9.1%), the former of which is boosted by higher one-time and potentially unsustainable revenue sources, such as realty transfer taxes and grant revenue. The improvement in business-type activities is attributable to utility revenue growth through a combination of organic growth in volume/consumption as well as rate adjustments prescribed by multi-year utility rate studies. Additional detail is provided for the governmental and business-type activities in the following paragraph and the next two sections.

The 2021 government-wide increase of \$8 million is composed of growth in current assets (about \$11.3 million) offset by \$4.2 million increases in current liabilities, netting \$7.1 million in positive growth in liquid net position. Growth in the City's total assets, net of accumulated depreciation, combined with a reduction in long-term liabilities widened net position by about \$1.3 million, further reflecting a healthy year for the City's consolidated balance sheet. Changes in deferred inflows and outflows (net reduction of \$0.4 million) partially offset the positive increases in short- and long-term components of net position to arrive at the net increase of \$8 million, \$5 million of which pushed restricted funds from \$12.4 million to \$17.4 million this year. The remainder of \$3 million represents growth in both net assets and unrestricted net position. Assets grew in a relatively balanced way, with governmental and business-type activities posting minor gains of 1.2% and 2.7%, respectively (\$1.0 million in total). However, the \$2 million increase in government-wide unrestricted net position was mixed across governmental activities (\$1.7 million *reduction*) and business-type activities (\$3.7 million *growth*). The reduction in unrestricted net position across governmental activities during FY21 is attributable to reduced reliance on restricted funding sources, such as realty transfer taxes and economic development funding, and a greater reliance on internal, unrestricted sources of funding, such as operating cash and general fund reserves, to meet operating and capital needs.

Government Activities – The two leftmost columns in *MDA Schedule 2* summarize the City's governmental revenues, expenses, transfers and changes in net position, which ties from *MDA Schedule 2* back to *MDA Schedule 1*.

Revenues generated by governmental activities increased 13% versus the prior year, excluding transfers from business-type activities and special items. While revenue increases are nearly always positive, the governmental revenue increase in FY21 must be couched with the reality that the increases were driven primarily by franchise fees and leases, operating grants and realty transfer taxes, the latter two of which are not guaranteed, reliable sources of recurring revenue. While franchise fees and other lease revenues are more reliable and stable income sources, they are also subject to long- and mid-term market pressures, regulatory risk and technological obsolescence, and are not guaranteed to recur at the level of previous years. Property tax revenue, perhaps the City's most reliable and sustainable revenue source, increased in FY21 by

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

\$144,000 (3%). The increase in property tax revenue was commensurate with the FY19-20 increase, resulting from the combination of parcel growth (count) and growth in assessed value (new construction, not reassessment-driven). The City's property tax rate did not change from 2007-2021, so property tax growth has been driven entirely by new development in Milford, which is a positive sign. In addition, the City increased the property tax rate from \$0.46 to \$0.48275 per \$100 of assessed value effective FY22, so we expect property tax revenue growth to stabilize the City's revenue in the event we face volatility in other revenue sources.

Governmental expenditures decreased by \$0.7 million in FY21, representing improvement of \$1.6 million compared to last year's increase of \$0.9 million from FY19 to FY20. On a percentage basis, the overall decrease was mixed, as public works expense increases of \$0.7 million (11%) were offset by reductions in general governmental and public safety decreases of \$0.46 million (-15%) and \$0.29 million (-5%), respectively. Parks & recreation operational expenditures were slightly higher than FY20 expenditures.

Business – Type Activities – Net position from business-type activities increased by \$6.2 million, or 9.1% from \$68.0 million to \$74.2 million during fiscal year 2021 (See *MDA Schedule 2*). All four major utilities contributed to the positive change in net position across business activities, with the water fund's \$2.1 million (9.3%) increase in net position pacing the electric and sewer funds' increases of 1.9 million (6.4%) and \$1.6 million (10%), respectively, followed by the solid waste fund's increase of \$0.6 million. The positive changes started with top-line revenue as all four utilities posted revenue increases over FY20. The City's revenue growth was balanced and healthy, comprised of steady, organic growth in rate base and controlled, phased increases in usage rates determined through cost-of-service studies conducted for all business-type activities. Further, aside from the sewer fund's 12% increase in operating expenses, the utilities otherwise controlled operating expenses, posting a year-over-year increase of \$0.1 million, or 0.3% (excluding sewer) and 2.0% overall (including sewer). As a result, business-type activities combined to close the year with strong positive operating income of \$4.7 million. In FY20, operating income approached \$4.9 million across the four major utilities, representing an operating margin of 14.4% versus the 13.8% operating margin posted in FY21, which was primarily attributable to the reported operating loss of \$0.16 million in the sewer fund. The sewer fund achieved revenue expectations driven by the aforementioned growth in the customer base and rate increase, but higher costs of service drove the operating loss. The cost increase in the sewer fund was primarily the result of infiltration and inflow costs registering 49% higher than FY20 and nearly 59% higher than the previous five years. Management views this as a one-time anomaly resulting from high activity on residential and commercial development projects, active sewer projects and higher than average rainfall. While infiltration and inflow occur regularly in sewerage systems and can be impacted by weather and ground conditions beyond the control of the City public works and sewer personnel, there are certain initiatives the City has been undertaking on an ongoing basis to identify and address potential sources of infiltration and inflow. As of the preparation of this report, infiltration and inflow costs tracked significantly lower in FY22. Finally, adjusted for non-operating items, all four utilities, including the sewer fund, generated positive income before transfers.

CITY OF MILFORD, DELAWARE
MANAGEMENT’S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

Investment Policies – The City’s accumulated cash surplus and reserves attributable to governmental and business-type activities are combined and invested pursuant to the City’s investment policies, as amended. During the year, the City continued the initiative started in fiscal year 2021 to reallocate investment balances to more heavily weight money market funds in response to changes in the market to capture additional yield without being exposed to incremental risk. Additional information about the City’s investments can be found in Note 8 on page 34. MDA Schedule 3 exhibits a breakdown of the City’s investments by broad asset type as of June 30, 2021 and 2020.

MDA Schedule 3

Description	Category	Carrying Values as of June 30,	
		2021	2020
Money Market Funds			
PFM Asset Management, LLC	1	\$ 9,432,720	\$ 15,729,139
Wilmington Savings Fund Society, NA	1	20,000,000	-
Certificates of Deposit			
PFM Asset Management, LLC	1	-	12,671,000
Total Investments		\$ 29,432,720	\$ 28,400,139

FUND FINANCIAL STATEMENT ANALYSIS

Governmental Funds – The focus of the City’s governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City’s financing requirements. In particular, unreserved fund balances may serve as a useful measure of a government’s net resources available for spending in the next fiscal year. At the end of the current fiscal year, the City’s combined governmental funds reported ending balances of \$11.4 million (See Governmental Funds Balance Sheet on page 17). Within this total, a small amount is categorized as “nonspendable” (prepaid expenses), \$5.9 million is restricted by specific legal requirements, primarily for (a) capital investments in infrastructure and other eligible expenditures pursuant to the US Treasury’s Final Rule governing the use of \$2.9 million in funding advanced through the American Rescue Plan Act of 2021 (“ARPA”) and (b) street improvements, and \$0.2 million has been committed and assigned to specific types of expenditures. The remaining \$5.3 million represents unassigned fund balance in the general fund and can be used for any lawful purpose. In the general fund, the City budgeted a fund balance decrease in the current year of \$2.0 million prior to the use of cash and reserves, although the actual general fund balance exceeded budget expectations to the extent that cash was added to general fund reserves. Actual general fund expenditures were significantly below total budgeted expenses due to cost control measures and staffing below targeted budget.

Proprietary Funds – The City’s proprietary fund statements provide the same type of information found in the government-wide financial statements, but in more detail (See pages 21-23). Unrestricted net position in the enterprise funds totaled \$32.6 million, made up of the electric fund (\$18.4 million), water fund (\$9.0 million), sewer fund (\$4.6 million) and solid waste fund

CITY OF MILFORD, DELAWARE
MANAGEMENT’S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (UNAUDITED)

(\$0.6 million). The total net position across all enterprise funds at the end of the fiscal year was \$74.2 million, representing an increase of \$6.2 million versus fiscal year 2020 as a result of positive increases in net position in the electric, water, sewer, and solid waste funds of \$1.9 million, \$2.1 million, \$1.6 million, and \$0.6 million, respectively versus the prior period.

General Fund Budgetary Highlights – City Council made revisions to the original appropriations approved by the Council before the start of the fiscal year. Overall, these changes resulted in an increase in budgeted operating expenditures of \$0.8 million, net of offsetting increases in anticipated revenues of \$0.6 million. The changes were primarily driven by grant-funded projects, and general administration and public safety expenditures that are added to budget controls when grant revenue is received and spent through the ordinary requisition, purchase order and accounts payable processes.

DEBT ADMINISTRATION

As of June 30, 2021, the City’s bonded indebtedness and outstanding note obligations (See *MDA Schedule 4*) totaled \$16.1 million, all of which is backed by the full faith and credit of the City of Milford taxing authority.

MDA Schedule 4

	Outstanding Debt at Year End Bonds and Notes Payable					
	<u>Government Activities</u>		<u>Business-Type Activities</u>		<u>Total</u>	
	<u>2020</u>	<u>2020</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>
General Obligation Bonds	\$ -	\$ -	\$ 7,127	\$ 6,710	\$ 7,127	\$ 6,710
DE Revolving Fund Loans	-	-	2,851	2,667	2,851	2,667
USDA Loans	-	-	4,791	5,673	4,791	5,673
Kent County Note	-	-	1,122	1,096	1,122	1,096
Total	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 15,891</u>	<u>\$ 16,147</u>	<u>\$ 15,891</u>	<u>\$ 16,147</u>

During fiscal year 2021, the City's outstanding debt increased by \$0.26 million as a result of scheduled payments of debt obligations totaling \$0.74 million offset by \$1.0 million in the new issuance related to phase two of the City’s USDA sewer loan program.

The City’s General Obligation Bond Rating is AA- as rated by S&P Global Credit. Additional information about the City’s long-term debt obligations and a detailed roll-forward of long-term liabilities can be found in Note 10 on pages 40 to 43 of this report.

In connection with the City’s January 2021 referendum, which was approved by the requisite majority of Milford voters, the City issued a bond anticipation note in FY22, the details of which are discussed in Note 17 – Subsequent Events on page 52 of this report.

CAPITAL ASSETS

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2021 amounts to \$63.6 million (net of accumulated depreciation). This investment in capital assets includes land, building, equipment, improvements, and infrastructure assets. The total increase in the City's investment in capital assets, net of accumulated depreciation, for the current fiscal year was \$0.8 million representing an increase of 1.3% versus fiscal year 2020. Additional information on the City's capital assets can be found in Note 9 on pages 37 to 39 of this report. Major capital asset purchases and projects initiated during fiscal year 2021 included the following:

General Fund

- \$606 thousand in street and parking lot paving and construction in progress
- \$198 thousand in building improvements, technology upgrades, vehicles and equipment

Interservice Funds

- \$45 thousand for billing equipment and public works vehicle replacement
- \$88 thousand in ongoing building improvements to City Hall

Electric Fund

- \$575 thousand for a bucket truck, material handler and other equipment replacement
- \$261 thousand for transformers, switches and other distribution upgrades

Water Fund

- \$152 thousand for vehicles and equipment
- \$549 thousand to upgrade wells and service lines on SE 2nd St, Mispillion St, Lovers Ln

Sewer Fund

- \$1 million in sewer line upgrades, primarily NE and NW Front St sewer line replacement
- \$237 thousand in sewer equipment and vehicle replacement.

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ECONOMIC FACTORS AND NEXT YEAR’S BUDGET

The fiscal year 2022 budget for general fund activity is 9.85% higher than fiscal year 2021. The balance between cost control and the delivery of broad services demanded by Milford residents was struck well during the 2022 budget process. Personnel costs in support of our valuable employees represent the largest contribution to general fund costs. Increases in personnel costs, capital expenditures and nonrecurring expenditures, such as a compensation study, citizen survey and property reassessment, contributed to the budget increase in FY22. While a portion of the higher general fund costs will be offset with expected proceeds through the American Rescue Plan Act of 2021 (“ARPA”), economic development initiatives, organic growth in the City’s tax base, and the inaugural water fund transfer to the general fund, the City was not immune from a property tax increase following a period of more than a decade without any increase. The COVID-19 pandemic has continued to cause disruptions in all manner of City operations, but staff remain steadfast in their dedication to service excellence, fiscal responsibility and efficiency. Moreover, City leadership and staff are aligned in efforts to uphold and improve the quality of life in Milford through citywide accessibility to high-quality services, infrastructure, public safety, parks and recreation, backed by strategic investments in property, capital projects and infrastructure to support the City’s growing population and thriving business community.

TIMING OF FY21 FINANCIAL STATEMENTS AND INDEPENDENT AUDIT REPORT

Staffing shortages in the City’s Finance Department, exacerbated by a 42% reduction in third-party contract support contributed to delayed financial statement production and audit processes in FY21. Internal and third-party staffing have rebounded ahead of FY22, promising a return to the City’s normal reporting cycle going forward. The City’s FY23 budget includes provisions to maintain current staffing while increasing contractual services to augment financial reporting and audit requirements. Milford conducted a wage study to promote retention and recruitment through role-based and market-based wage scale realignment. In addition, City Council instituted a pay scale adjustment effective July 1, 2022 to combat the turnover risk associated with cost and wage escalation. The lessons learned during the ‘great resignation’ combined with the swift and meaningful changes instituted by City leadership will significantly reduce the risk of delayed reporting going forward. The City’s financial and operating results were strong in FY21, as increases in revenue and net position outpaced those of FY19 and FY20. The City’s financial position remained healthy throughout FY22. Monthly, unaudited financial reports, the City’s audits, budgets, capital improvement plans and other documents are reported regularly on the City’s website for the benefit of Milford citizens and City stakeholders.

REQUEST FOR INFORMATION

The financial report is designed to provide our citizens, customers, investors and creditors with a general overview of the City's financial structure and past performance. If you have questions about this report or if you would like to request additional information, please contact the Department of Finance, Attention: Finance Director, 10 SE 2nd Street, Milford, DE 19963, call 302-424-5141 or email the finance team at finance@milford-de.gov.

BASIC FINANCIAL STATEMENTS

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
JUNE 30, 2021

	Governmental Activities	Business-type Activities	Total
ASSETS			
Current Assets			
Cash and Equivalents	\$ 13,101,482	15,632,433	\$ 28,733,915
Investments	1,829,774	27,602,947	29,432,721
Receivables	857,603	3,941,606	4,799,209
Inventories	33,030	1,351,963	1,384,992
Prepaid Expenses	49,720	-	49,720
Total Current Assets	15,871,609	48,528,949	64,400,557
Non-Current Assets			
Capital Assets			
Assets Not Depreciated			
Land	8,145,959	2,522,399	10,668,358
Construction in Progress	986,118	283,893	1,270,011
Utility System & Infrastructure	10,467,446	66,222,531	76,689,977
Buildings and Improvements	5,263,295	7,348,799	12,612,094
Equipment and Vehicles	6,781,340	8,715,542	15,496,881
Less: Accumulated Depreciation	(14,205,952)	(38,917,088)	(53,123,040)
Net Capital Assets	17,438,206	46,176,076	63,614,282
Total Assets	33,309,815	94,705,025	128,014,839
DEFERRED OUTFLOWS OF RESOURCES	1,593,059	288,794	1,881,853
LIABILITIES			
Current Liabilities			
Accounts Payable and Accrued Expenses	990,919	3,816,800	4,807,719
Customer Deposits	250,779	722,993	973,772
Unearned Revenue	2,947,371	-	2,947,371
Bonds and Notes Payable	-	797,185	797,185
Compensated Absences	108,406	29,155	137,561
Total Current Liabilities	4,297,475	5,366,134	9,663,609
Noncurrent Liabilities			
Net Pension Liability	608,858	-	608,858
Bonds and Notes Payable	-	15,349,560	15,349,560
Contingent Liabilities	203,516	-	203,516
Compensated Absences	986,479	124,120	1,110,599
Total Noncurrent Liabilities	1,798,853	15,473,681	17,272,533
Total Liabilities	6,096,328	20,839,814	26,936,142
DEFERRED INFLOWS OF RESOURCES	828,554	-	828,554
NET POSITION			
Net Investment in Capital Assets	17,438,206	29,957,901	47,396,107
Restricted for Capital Improvements:			
Assigned by City Council	5,867,781	2,862,555	8,730,336
Impact Fees	-	8,688,456	8,688,456
Unrestricted	4,672,005	32,645,090	37,317,095
Total Net Position	\$ 27,977,992	\$ 74,154,002	\$ 102,131,994

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

**CITY OF MILFORD, DE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021**

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	
Primary Government							
Governmental Activities							
General Government	\$ 2,641,558	\$ 120,070	405,530	\$ -	\$ (2,115,959)		\$ (2,115,959)
Public Safety	5,787,958	-	604,486	133,880	(5,049,592)		(5,049,592)
Public Works	750,052	-	326,420		(423,632)		(423,632)
Culture and Recreation	955,591	33,680	170,819	42,700	(708,392)		(708,392)
Total Governmental Activities	10,135,159	153,750	1,507,255	176,580	(8,297,575)		(8,297,575)
Business-Type Activities							
Electric Fund	21,381,213	25,152,252	-	252,337		4,023,377	4,023,377
Water Fund	2,240,440	3,047,543	-	175,456		982,559	982,559
Sewer Fund	4,950,452	4,668,212	-	977,633		695,393	695,393
Trash Fund	1,283,960	1,373,646	-	-		89,686	89,686
Total Business-Type Activities	29,856,064	34,241,652	-	1,405,427		5,791,015	5,791,015
Total Primary Government	\$ 39,991,223	\$ 34,395,402	\$ 1,507,255	\$ 1,582,006	(8,297,575)	5,791,015	(2,506,560)
General Revenues:							
Taxes:							
Property Taxes, Levied for General Purposes					4,340,239	-	4,340,239
Real Estate Transfer Taxes					1,243,007	-	1,243,007
Franchise Taxes & Fees					1,646,754	-	1,646,754
Gain(Loss) on Disposal of Capital Assets					137,722	-	137,722
Impact Fees						2,554,860	2,554,860
Unrestricted Investment Earnings					43,498	284,295	327,793
Miscellaneous					229,525	25,000	254,525
Change in Net Position in Internal Service Fund					4,908	-	4,908
Transfers					2,500,000	(2,500,000)	-
Total General Revenues, Special Items, and Transfers					10,145,653	364,155	10,509,808
Change in Net Position					1,848,079	6,155,169	8,003,248
Net Position- Beginning of Year (Restated)					26,129,913	67,998,833	94,128,746
Net Position - End of Year					\$ 27,977,992	\$ 74,154,002	\$ 102,131,994

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



Can-Do
PLAYGROUND AT MILFORD

**CITY OF MILFORD, DE
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2021**

ASSETS	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Non-Major Governmental Fund</u>	<u>Total Governmental Funds</u>
Cash and Cash Equivalents	\$ 4,221,518	\$ 7,776,711	\$ 759,511	\$ 12,757,740
Investments	1,829,774	-	-	1,829,774
Taxes Receivable, net of allowance for doubtful accounts	58,283	140,749	-	199,032
Other Receivables	205,268	340,001	-	545,269
Prepaid Expenses	49,720	-	-	49,720
Total Assets	<u>\$ 6,364,563</u>	<u>\$ 8,257,461</u>	<u>\$ 759,511</u>	<u>\$ 15,381,535</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts Payable	233,180	\$ 68,156	\$ 1,817	303,153
Compensated Absences - Current	106,500	-	-	106,500
Unearned Revenue	5,175	2,942,196	-	2,947,371
Other Accrued Expenses	286,613	-	-	286,613
Other Payables	273,734	-	131	273,865
Total Liabilities	<u>905,204</u>	<u>3,010,352</u>	<u>1,948</u>	<u>3,917,503</u>
Fund Balances:				
Restricted	-	5,247,109	620,672	5,867,781
Nonspendable	49,720	-	-	49,720
Assigned	93,401	-	136,891	230,292
Unassigned	5,316,240	-	-	5,316,240
Total Fund Balances	<u>5,459,360</u>	<u>5,247,109</u>	<u>757,563</u>	<u>11,464,032</u>
Total Liabilities and Fund Balances	<u>\$ 6,364,563</u>	<u>\$ 8,257,461</u>	<u>\$ 759,511</u>	<u>\$ 15,381,535</u>

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

CITY OF MILFORD, DE
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

Total Fund Balance, Governmental Funds	\$	11,464,032
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Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Position.		17,225,194
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Internal service funds are used by management to charge the costs of centrally managed services to the funds and departments that consume the services. The assets and liabilities of the internal service funds are included in governmental activities in the Statement of Net Position. The increase is equal to the Internal Service Net Position, including Capital Assets net of accumulated depreciation.		210,224
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Some liabilities and other items are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Position. These items include deferred outflows and inflows of resources related to its state pension plan, its net pension liability, and its long-term compensated absences and contingent liabilities.		(921,458)
		(921,458)

Net Position of Governmental Activities	\$	27,977,992
		27,977,992

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

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2021

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Non-Major Governmental Fund</u>	<u>Total Governmental Funds</u>
REVENUES				
Property Taxes	\$ 4,340,239	\$ -	\$ -	\$ 4,340,239
Real Estate Transfer Taxes	-	1,243,007	-	1,243,007
Fees and Fines	135,538	15,913	-	151,451
Licenses and Permits	1,138,216	-	133,880	1,272,096
Franchise and Lease Revenue	399,787	-	-	399,787
Intergovernmental	508,131	999,124	-	1,507,255
Charges for Services	120,070	-	33,680	153,750
Investment Earnings	33,528	9,970	-	43,498
Miscellaneous	229,525	-	-	229,525
	<u>6,905,034</u>	<u>2,268,014</u>	<u>167,560</u>	<u>9,340,608</u>
Total Revenues				
EXPENDITURES				
Current:				
General Government	1,815,022	-	-	1,815,022
Public Safety	5,560,531	229,056	-	5,789,587
Public Works	644,166	105,886	-	750,052
Culture and Recreation	929,293	-	26,298	955,591
Capital Outlay	563,038	316,869	-	879,907
	<u>9,512,050</u>	<u>651,811</u>	<u>26,298</u>	<u>10,190,159</u>
Total Expenditures				
(Deficiency) Excess of				
Revenues Over Expenditures	<u>(2,607,016)</u>	<u>1,616,203</u>	<u>141,262</u>	<u>(849,551)</u>
OTHER FINANCING SOURCES (USES)				
Transfers In	3,367,635	-	-	3,367,635
Transfers Out	(367,635)	(500,000)	-	(867,635)
Proceeds from Asset Sales	147,795	-	-	147,795
	<u>3,147,795</u>	<u>(500,000)</u>	<u>-</u>	<u>2,647,795</u>
Total Other Financing Sources (Uses)				
Net Change in Fund Balances	540,779	1,116,203	141,262	1,798,244
Fund Balances - Beginning (Restated)	<u>4,918,581</u>	<u>4,130,906</u>	<u>616,301</u>	<u>9,665,788</u>
Fund Balances - Ending	<u>\$ 5,459,360</u>	<u>\$ 5,247,109</u>	<u>\$ 757,563</u>	<u>\$ 11,464,032</u>

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

CITY OF MILFORD, DE
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, 2021

Net change in fund balances - total governmental funds: \$ 1,798,244

Amounts reported for Governmental Activities in the Statement of Activities are different because:

Some items reported in the statement of activities, including changes in deferred outflows and inflows of resources, pension liability, compensated absences and other differences in noncurrent items do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. (50,354)

Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The increase is equal to the change in the Internal Service Net Position 4,908

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 outlays of \$879,907 exceeded depreciation expense of \$774,552 in the current period. 105,355

Government funds report the proceeds from the sale of assets as revenue. In contrast, the Statement of Activities reports the difference between the amount of the proceeds and the net book value of the related assets as a gain or loss. (10,073)

Change in net position of governmental activities \$ 1,848,079

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

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
JUNE 30, 2021

	Business Type Activities - Enterprise Funds					<i>Governmental Activities -Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
ASSETS						
Current Assets						
Cash and Cash Equivalents	\$ 5,186,835	\$ 6,020,424	\$ 3,911,689	\$ 513,485	\$ 15,632,433	\$ 343,742
Investments	14,220,312	9,357,413	3,953,792	71,430	27,602,947	-
Accounts Receivable, net of allowance for doubtful accounts	1,992,033	267,278	420,473	94,810	2,774,594	113,302
Other Receivables	21,908	175,456	967,183	2,465	1,167,012	-
Inventories	1,333,086	18,877	-	-	1,351,963	33,030
Total Current Assets	22,754,174	15,839,448	9,253,137	682,190	48,528,949	490,074
Non-Current Assets						
Capital Assets						
Land and Improvements	2,460,507	33,254	28,638	-	2,522,399	-
Construction in Progress	100,008	175,456	8,429	-	283,893	87,912
Utility System	19,952,164	22,842,223	23,428,144	-	66,222,531	-
Buildings and Improvements	7,056,014	123,078	164,057	5,650	7,348,799	21,340
Vehicles and Equipment	4,043,044	1,893,756	1,443,371	1,335,371	8,715,542	253,404
Less Accumulated Depreciation	(18,249,981)	(9,462,784)	(10,440,025)	(764,298)	(38,917,088)	(149,644)
Net Capital Assets	15,361,756	15,604,983	14,632,614	576,723	46,176,076	213,012
Total Non-Current Assets	15,361,756	15,604,983	14,632,614	576,722	46,176,076	213,012
Total Assets	38,115,930	31,444,431	23,885,751	1,258,912	94,705,025	703,086
DEFERRED OUTFLOWS OF RESOURCES						
Deferred Charges On Refundings	166,880	-	121,914	-	288,794	-
LIABILITIES						
Current Liabilities:						
Accounts Payable	1,808,286	240,046	780,725	37,296	2,866,354	104,149
Salaries and Wages Payable	20,786	9,297	9,030	5,792	44,905	23,138
Other Accrued Expenses	463,737	-	441,804	-	905,541	-
Customer and Other Deposits	668,043	-	-	54,950	722,993	250,779
Compensated Absences	23,058	190	190	5,717	29,155	1,906
Bonds and Notes Payable	231,024	258,334	307,827	-	797,185	-
Total Current Liabilities	3,214,934	507,868	1,539,576	103,755	5,366,133	379,972
Non-Current Liabilities:						
Compensated Absences	69,769	24,564	24,564	5,223	124,120	112,892
Bonds and Notes Payable	4,075,355	5,942,226	5,331,980	-	15,349,560	-
Total Non-Current Liabilities	4,145,123	5,966,790	5,356,544	5,223	15,473,680	112,892
Total Liabilities	7,360,057	6,474,658	6,896,119	108,978	20,839,812	492,864
NET POSITION						
Net Investment in Capital Assets	11,055,378	9,404,423	8,992,808	505,292	29,957,901	213,012
Restricted for Capital Improvements:						
Budgeted by City Council	362,000	1,946,899	482,226	71,430	2,862,555	-
Impact Fees	1,047,790	4,574,502	3,066,164	-	8,688,456	-
Unrestricted	18,457,585	9,043,947	4,570,347	573,211	32,645,090	(2,788)
Total Net Position	\$ 30,922,753	\$ 24,969,771	\$ 17,111,545	\$ 1,149,933	\$ 74,154,002	210,224

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

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2021

	Business Type Activities - Enterprise Funds					<i>Governmental Activities - Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
REVENUES						
Charges for Services	\$ 24,830,790	\$ 2,972,221	\$ 4,667,142	\$ 1,345,758	\$ 33,815,911	\$ 2,647,117
Miscellaneous	321,462	75,322	1,070	27,888	425,741	-
Total Operating Revenues	25,152,252	3,047,543	4,668,212	1,373,646	34,241,652	2,647,117
OPERATING EXPENSES						
Personnel Services	2,584,069	313,390	519,127	382,521	3,799,107	1,641,971
Contractual Services	16,851,873	62,042	3,034,654	345,737	20,294,307	167,603
Utilities	4,913	222,640	282	-	227,834	3,745
Repairs and Maintenance	383,411	99,713	22,159	135,395	640,678	630,441
Other Supplies and Expenses	61,303	818,280	640,289	278,135	1,798,006	156,996
Insurance Claims and Expenses	81,218	20,663	12,181	10,322	124,385	8,428
Bad Debt Expense	23,780	82	1,355	3,436	28,653	-
Depreciation	1,284,002	593,031	597,769	128,414	2,603,216	23,025
Total Operating Expenses	21,274,569	2,129,841	4,827,816	1,283,960	29,516,186	2,632,209
Operating Income (Loss)	3,877,683	917,702	(159,606)	89,686	4,725,465	14,908
NON-OPERATING REVENUES (EXPENSES)						
Interest and Investment Revenue	133,603	105,133	44,631	928	284,295	-
Impact Fees	203,650	1,539,487	811,723	-	2,554,860	-
Capital Grant	252,337	175,456	977,633	-	1,405,427	-
Miscellaneous	10,000	-	15,000	-	25,000	(10,000)
Interest Expense	(106,643)	(110,599)	(122,635)	-	(339,877)	-
Bond Issuance Costs	-	-	-	-	-	-
Total Non-Operating Revenues (Expenses)	492,947	1,709,477	1,726,352	928	3,929,704	(10,000)
Income Before Transfers	4,370,630	2,627,179	1,566,746	90,614	8,655,169	4,908
Transfers In (Out)	(2,500,000)	(500,000)	-	500,000	(2,500,000)	-
Change in Net Position	1,870,630	2,127,179	1,566,746	590,614	6,155,169	4,908
Net Position - Beginning of Year	29,052,123	22,842,592	15,544,799	559,319	67,998,833	205,316
Net Position - End of Year	\$ 30,922,753	\$ 24,969,771	\$ 17,111,545	\$ 1,149,933	\$ 74,154,002	\$ 210,224

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

CITY OF MILFORD, DE
STATEMENT OF CASH FLOWS
ALL PROPRIETARY FUND TYPES
FOR THE YEAR ENDED JUNE 30, 2021

	ENTERPRISE FUNDS					<i>Governmental Activities - Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
Cash Flows from Operations:						
Receipts from Customers	\$ 24,512,159	\$ 2,923,888	\$ 4,572,739	\$ 1,340,924	\$ 33,349,710	\$ 2,793,014
Other Operating Receipts	321,412	76,072	5,079	25,923	428,486	(10,000)
Payments to Suppliers	(17,154,955)	(1,358,580)	(2,978,308)	(759,709)	(22,251,552)	(907,513)
Payments to Employees	(2,610,703)	(309,739)	(515,719)	(377,582)	(3,813,742)	(1,662,786)
Insurance Premiums Paid	(81,218)	(20,663)	(12,181)	(10,322)	(124,385)	(8,428)
Net Cash Provided by Operating Activities	4,986,695	1,310,978	1,071,610	219,234	7,588,516	204,288
Cash Flows from Non-Capital Financing Activities						
Operating Transfers In (Out)	(2,500,000)	(500,000)	-	500,000	(2,500,000)	-
Net Cash Flows Provided by (Used in) Non-Capital Financing Activities	(2,500,000)	(500,000)	-	500,000	(2,500,000)	-
Cash Flows Provided by (Used in) Capital and Related Financing Activities:						
Net cash for additions to Capital Assets	(1,226,977)	(722,880)	(285,087)	-	(2,234,944)	(133,024)
Principal Paid on Debt	(225,000)	(254,675)	(253,402)	-	(733,077)	-
Interest Paid on Debt	(106,643)	(110,599)	(122,635)	-	(339,877)	-
Interfund Loan Repayments	-	500,000	-	(500,000)	-	-
Capital Grant	252,337	-	30,596	-	282,933	-
Impact Fees and Other Development Fees	213,650	1,539,487	811,723	-	2,564,860	-
Net Cash Flows Provided by (Used in) Capital and Related Financing Activities	(1,092,633)	951,333	181,194	(500,000)	(460,106)	(133,024)
Cash Flows from Investing Activities						
Net Proceeds/(Purchases) from Sales and Maturities of Short-Term Investments	(2,615,710)	563,511	409,821	(71,430)	(1,713,807)	-
Income on Investments	133,603	105,133	44,631	928	284,296	-
Net Cash Flows Provided by (Used in) Investing Activities	(2,482,107)	668,644	454,452	(70,502)	(1,429,512)	-
Net Increase (Decrease) in Cash and Cash Equivalents	(1,088,045)	2,430,956	1,707,256	148,732	3,198,899	71,264
Cash and Cash Equivalents - Beginning of Year	6,274,880	3,589,468	2,204,433	364,753	12,433,534	272,478
Cash and Cash Equivalents - End of Year	\$ 5,186,835	\$ 6,020,424	\$ 3,911,689	\$ 513,485	\$ 15,632,433	\$ 343,742
Cash Flows from Operating Activities						
Operating Income (Loss)	\$ 3,877,683	\$ 917,702	\$ (159,606)	\$ 89,686	\$ 4,725,465	\$ 14,908
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided by Operating Activities:						
Depreciation and Amortization	1,284,002	593,031	597,769	128,414	2,603,216	23,025
Effect of Changes in Operating Assets & Liabilities:						
Accounts Receivable, net	(282,855)	(47,501)	(89,037)	(6,913)	(426,306)	(114,881)
Inventory	(80,058)	(3,881)	-	-	(83,938)	(13,228)
Accounts Payable & Accrued Expenses	226,603	(152,025)	719,075	(442)	793,211	64,500
Salaries Payable	(6,504)	2,407	2,165	(462)	(2,394)	(14,944)
Customer Deposits	(12,047)	-	-	3,550	(8,497)	250,779
Liability for Compensated Absences	(20,129)	1,243	1,243	5,401	(12,241)	(5,871)
Net Cash Provided by Operating Activities	\$ 4,986,695	\$ 1,310,978	\$ 1,071,610	\$ 219,233	\$ 7,588,516	\$ 204,288

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

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, as amended: 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 accounting and reporting policies of the City relating to the funds included in the accompanying basic financial statements conform to accounting principles generally accepted in the United States of America (GAAP) applicable to state and local governments. GAAP for local governments include those principles prescribed by the Governmental Accounting Standards Board (GASB).

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 are organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2021. Please note that slight differences may exist due to rounding.

Financial Reporting Entity

The City's basic financial statements include the accounts of all City operations. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's Codification of Governmental Accounting and Financial Reporting Standards, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Based on the aforementioned criteria, the City has no component units.

Use of Estimates

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

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

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 control in governmental funds. Encumbrances as of the end of the fiscal year are reported as reservations of fund balance because they do not constitute expenditures or liabilities, but rather serve as authorization for expenditures in the following year. As of June 30, 2021, the City had no such encumbrances.

Government-Wide and Fund Financial Statements

The government-wide financial statements (statement of net position 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 are normally 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 (a) charges to customers who directly benefit from goods or services provided by a given function or activity and (b) 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.

The City uses Fund Accounting to provide separate financial statements for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements, while non-major funds are consolidated and reported in a single column in the fund financial statements.

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 Fund – The special revenue fund accounts for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Non-Major Governmental Fund – This fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include primarily youth and adult sports leagues, summer camps and clinics. In addition, the fund accounts for building permit revenue levied for specific recreational and public safety initiatives, the latter of which are restricted for local fire and ambulance companies.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-Wide and Fund Financial Statements (continued)

The City reports the following proprietary funds:

Enterprise Funds – The Enterprise Funds of the City include the electric, water, wastewater (“sewer”) and sanitation (“solid waste” or “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, or accountability.

Internal Service Fund – Consists of five internal funds which are used to account for the financing of goods and services provided by one department to other departments of the City on a cost-recovery basis.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus.

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 a source of financing. 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.

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NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

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 60 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. Similarly, accrued compensated absences are recorded as expenditures only when paid.

Permits and fees, recreation fees, fines and court fees, franchise fees and taxes, 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, which 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 therefore only available and recordable upon receipt of cash.

Budgets and Budgetary Accounting

Budgetary Process

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 each year, the City Manager submits to 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.
- 2) Public hearings are conducted to solicit comment from taxpayers and ratepayers.
- 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 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 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.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Cash and Cash Equivalents

Cash and cash equivalents consist of cash, checking and money market accounts generally maturing within three months.

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."

Inventories

Inventory in the internal service fund consists of garage supplies, meter parts and fittings, gasoline and diesel fuel held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The inventory is reported at cost and is presented on an average cost basis.

Inventories in the water and electric funds consist primarily of meters and other equipment and appurtenances required for service connection and revenue billing. The electric fund also carries certain system infrastructure components and replacement parts that serve the dual purpose of internal consumption for repair and maintenance as well as for sale to third party developers required to share in the cost of new connections to the electric system. Inventories in the water and electric funds are reported at cost and presented on an average cost basis.

Capital Assets

Capital 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. Capital assets are recorded at historical cost if purchased, and at fair market value if donated. The capitalization threshold for all capital assets is \$5,000. No dollar threshold is set for land. Capital asset depreciation is recognized using the straight-line method over the estimated lives of the respective assets.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

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, for whom carry-over is unlimited. 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.

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 activities, the liability for compensated absences is reported as a long-term liability in the government-wide financial statements because 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 GASBS No. 16 (GASB Cod. Sec. C60), *Accounting for Compensated Absences*.

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions and pension expense, information about the fiduciary net position of the Delaware Public Employees' Retirement System (DPERS) and additions to/deductions from DPERS fiduciary net position have been determined on the same basis as they are reported by DPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

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 statements of net position. 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 issuance are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs are reported as debt service expenditures.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Subsequent Events

Subsequent events were evaluated through September 26, 2022, which is the date the financial statements were available to be issued. Management of the City have disclosed (1) the execution of a bond anticipation note (BAN) directly placed with a commercial bank as approved by City Council and authorized following a city-wide referendum authorizing approval of the issuance of debt for the construction of buildings and related equipment in support of Milford's Police Department and public safety initiatives, (2) the \$6.5 million acquisition of 182.3 acres of land on December 15, 2021 for the purpose of developing a business campus within the City of Milford, and (3) the \$0.5 million acquisition of 19.4 acres of land on December 15, 2021 for the purpose of assembling a greenway through Milford. Please see note 17: Subsequent Events for additional detail. Management of the City have determined that no events, including the disclosed events, resulted in any adjustment to the accounts reported in these financial statements.

Deferred Outflows of Resources

Decreases in net position that relate to future periods are recorded as deferred outflows of resources in a separate section of the City's government-wide statement of net position. Deferred outflows of resources generally include pension contributions made subsequent to the measurement date but may also include differences in pension plan actuarial data between measurement dates, such as differences between expected and actual plan experience, the effect of actuarial assumption changes, actual investment earnings below expected earnings on plan assets, and changes in the City's proportion of the broader plan. Deferred outflows of resources also include the difference in the carrying value of refunded debt and its reacquisition price, which is then amortized over the shorter of the life of the refunded or refunding bond.

Deferred Inflows of Resources

Increases in net position that apply to future periods are recorded as deferred inflows of resources in a separate section of the City's government-wide statement of net position. Deferred inflows of resources may include differences in pension plan actuarial data between measurement dates, such as differences between expected and actual plan experience, the effect of actuarial assumption changes, actual pension plan investment earnings in excess of projected amounts, and changes in the City's proportion of the broader plan.

Deferred outflows and inflows of resources, excluding employer-specific amounts, will be recognized as pension expense over a total of five years, including the current year.

Government-Wide and Proprietary Fund Net Positions

Net position represents the extent to which the sum of assets and deferred outflows of resources differ from the sum of liabilities and deferred inflows of resources. Net investment in capital assets consists of capital assets net of accumulated depreciation and the outstanding balances of any borrowing spent for the acquisition, construction or improvements of those assets. Net position is reported as restricted when there are limitations imposed on their use either through

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

Governmental Fund Balances

In the governmental fund financial statements, fund balances are classified as follows:

- Non-spendable - Amounts that cannot be spent either because they are in a non-spendable form or because they are legally or contractually required to be maintained intact.
- Restricted - Amounts that can be spent only for specific purposes because of the City Charter, the City code, state or federal laws, or externally imposed conditions by grantor or creditors.
- Committed - Amounts that can be used only for specific purposes determined by a formal action by City Council ordinance or resolution. This includes the Budget Reserve Account.
- Assigned - Amounts that are designated by the Mayor for a particular purpose but are not spendable until a budget ordinance is passed or there is a majority vote approval (for capital projects or debt service) by City Council.
- Unassigned - All amounts not included in other spendable classifications.

Interfund Transactions

During the course of normal operations, the City records transactions between funds to support operations in certain funds, to return a risk premium to certain funds, to allocate administrative and overhead costs among funds, to construct assets, to distribute grant proceeds and to coordinate other activities that impact more than one fund. 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. Interfund loans having repayment terms beyond one year are reported separately as noncurrent assets (lending fund) and noncurrent liabilities (borrowing fund) in the statements of net position.

Interest Capitalization

Interest costs incurred for the acquisition and/or construction of capital assets are capitalized based on the guidelines established by GASBS No. 62, Capitalization of Interest Cost.

The interest capitalization period begins when the following conditions are present:

- Expenditures for the capital asset have been made.
- Activities necessary to prepare the capital asset 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, 2021.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

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 Position

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net position of governmental activities in the government-wide statement of net position. The difference results from the long-term economic focus on the statement of net position 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 position. The details of these differences are presented below:

	All Governmental	Internal Service Funds	Governmental, excluding Internal Service Funds
Land	\$ 8,145,959	\$ -	\$ 8,145,959
Construction in Progress	986,118	87,912	898,206
Utility System & Infrastructure	10,467,446	-	10,467,446
Buildings and Improvements	5,263,295	21,340	5,241,955
Equipment and Vehicles	6,781,340	253,404	6,527,936
Less: Accumulated Depreciation	(14,205,952)	(149,644)	(14,056,308)
Net Difference in Capital Assets	<u>\$ 17,438,206</u>	<u>\$ 213,012</u>	<u>\$ 17,225,194</u>

Noncurrent Liability Differences

Noncurrent 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 position. The details of these noncurrent liability differences are presented below:

Noncurrent Portion of Compensated Absences	\$ (873,589)
Deferred Outflow of Resources - Pension	1,593,059
Deferred Inflow of Resources - Pension	(828,554)
Net Pension Liability	(608,858)
Contingencies, net of Other Changes in Liabilities	(203,516)
Total Current and Long-Term Liability Differences	<u>\$ (921,458)</u>

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 position in the government-wide statement of activities. The differences primarily result from the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental fund financial statements.

CITY OF MILFORD, DELAWARE
 NOTES TO THE BASIC FINANCIAL STATEMENTS
 FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 2: RECONCILIATION OF GOV'T-WIDE AND FUND FINANCIAL STATEMENTS, CONTINUED

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:

	All Governmental	Internal Service Funds	Governmental, excluding Internal Service Funds
Capital Outlay	\$ 1,012,931	\$ 133,024	\$ 879,907
Depreciation and Amortization	(797,578)	(23,025)	(774,553)
Net Difference	<u>\$ 215,354</u>	<u>\$ 109,999</u>	<u>\$ 105,355</u>

Other Differences

Some items reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported in the governmental funds as expenditures. These items include the net changes during the year in the following accounts:

Noncurrent Portion of Compensated Absences	\$ 25,435
Net Change in Pension Liability and Pension Deferred Inflows/Outflows	127,727
Other Liabilities	(203,516)
Total Current and Long-Term Liability Differences	<u>\$ (50,354)</u>

NOTE 3: FINANCIAL INSTRUMENTS

The City invests its eligible reserves in a variety of financial instruments pursuant to its investment policy and records investments at adjusted cost. The City estimates that the fair value of all financial instruments as of June 30, 2021 does not differ materially from the aggregate carrying values of its financial instruments as reported in the accompanying balance sheet and statement of net position.

NOTE 4: REAL ESTATE TAXES

The millage rate levied by City Council on all non-exempt real estate in the City of Milford for the fiscal year ended June 30, 2021 was 4.60 mills (\$4.60 per \$1,000 of assessed valuation, or "AV"), and is commonly expressed as \$0.46 per \$100 of AV. The City executes the annual tax billing, periodic supplemental billing and all real estate tax payment collection internally, though property assessment is conducted by a professional firm through a contractual arrangement. Delinquent taxes are subject to lien by the City. The schedules of real estate taxes levied for the fiscal year 2021 follow:

July 1:	Levy Date (effective date of enforceable lien)
August 1 - September 30:	Face Payment Period
October 1:	Penalty of 1% of cumulative past due balance each month

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 5: IMPACT FEES

All applications for new service connections to water, sewage, and electric systems within the City of Milford's utility service territories are required to contribute 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 the construction, maintenance and expansion of the City's utility infrastructure systems resulting from the growth demands of new development. The commercial impact fees for the year ended June 30, 2021 were \$3,072 and \$1,623 per Equivalent Dwelling Unit (EDU) for water and sewage, respectively, and \$600 and \$1,200 for electric connections of 200 amps and 400 amps, respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Net Position and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Restricted net position as of June 30, 2021 attributable to cumulative impact fee collections is \$8,688,456.

NOTE 6: INTERFUND TRANSACTIONS

During the course of normal operations, the City has numerous transactions between funds including 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 interfund receivables and payables within individual funds. As of June 30, 2021, no transfers qualified as interfund loans, and one interfund transaction among subsidiary funds related to funding of capital expenditures nets to \$0 in the governmental funds.

NOTE 7: 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 8: CASH AND INVESTMENTS

It is the policy of the City of Milford to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City, while conforming to all state and local statutes governing the investment of public funds, using the "prudent person" standard for managing the overall portfolio. The primary objective of the policy is safety (preservation of capital), followed by liquidity, and lastly yield.

The City of Milford utilizes a pooled cash and investment concept for all funds to maximize transactional efficiency and the effectiveness of its investment management program. Investment income from this internal pooling is allocated to the respective funds based upon the sources of funds invested. The deposits and investments associated with the City's participation in the State of Delaware Police and Firefighters' Pension Fund and the State of Delaware County and Municipal Pension Plans are held and managed separately.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 8: CASH AND INVESTMENTS, CONTINUED

Custodial Credit Risk

Custodial credit risk is the risk of loss of City deposits in the event of financial institution failure. The City maintains a formal deposit policy within its broader Investment Policy Statement to manage custodial credit risk. As of June 30, 2021, the City of Milford's bank balances totaled \$28,733,915. FDIC insurance applied to \$250,000 of the deposits, while the remainder of \$28,483,915 was hedged against custodial credit risk because it was collateralized with securities pledged by the City's financial institution and held by its custodian in the name of the City of Milford. Deposits are classified as Category 1 if fully insured, registered or held by the agent in the City's name. The carrying amount of the deposits as of June 30, 2021 was \$28,733,915 and is reported in the financial statements as follows:

Government-wide Statement of Net Position	
Governmental Activities	\$13,101,482
Business-type Activities	<u>15,632,433</u>
Total carrying amount of deposits	<u><u>\$28,733,915</u></u>

Investments

The City of Milford investment policy authorizes the City to invest in obligations of the U.S. Treasury, Federal Agencies, mutual funds invested in securities issued or guaranteed by the U.S. Government and any Federal Agencies, mutual funds invested in corporate debt instruments, registered investment companies (money market funds), repurchase agreements, certificates of deposit, time deposits, taxable and tax-exempt municipal bonds, commercial paper, corporate bonds, and any State of Delaware local government investment pool.

Interest Rate Risk

Interest rate risk is the risk that changes in the market interest rates will adversely affect the fair value of an investment. In accordance with its investment policy, the City of Milford manages its exposure to declines in fair values by limiting the maximum maturity length of investments by security class and investment objective. Certain short-term corporate debt instruments are limited to final maturity of 270-365 days, while certificates of deposit, municipal and corporate bonds are limited to three years or five years depending on the investment objective.

Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. The City of Milford investment policy requires that fixed income securities have a dollar-weighted average credit rating no less than the minimum credit rating at the time of purchase, as rated by Moody's, S&P Ratings and/or Fitch Ratings. The policy has no rating restrictions on the securities issued by the U.S. Government or any of its agencies. Unless FDIC insured, short-term corporate debt instruments must be issued by domestic institutions and carry a short-term rating of A-1 or P-1 by S&P Ratings or Moody's, respectively. Issuers of long-term corporate and municipal debt must hold a long-term rating of at least BBB+, Baa1 or BBB+ by S&P Ratings, Moody's or Fitch Ratings, respectively.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 8: CASH AND INVESTMENTS, CONTINUED

Custodial credit risk - investments

The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, the City of Milford will not be able to recover the value of its investments or collateral securities that are in the possession of a third party. To limit its exposure, the City’s investment policy requires all security transactions that are exposed to custodial credit risk to be processed before the release of City funds on a delivery versus payment (DVP) basis with the underlying investments held by an independent third-party custodian acting as the City of Milford’s agent, in the name of the City of Milford, and evidenced by safekeeping receipts in the City’s name.

Concentration of credit risk

The concentration of credit risk is the risk of loss that may be caused by the City of Milford’s investment in a single issuer. The City’s investment policy limits the amount of the portfolio that can be invested in any one investment vehicle to no more than 20% of the portfolio, except for U.S. Treasury obligations or securities issued by agencies of the U.S. Government.

The City of Milford’s investment policy specifically prohibits the use of or the investment in derivatives and tri-party repurchase agreements.

Fair value of investments

The City of Milford measures and records its investments using fair value measurement guidelines established by generally accepted accounting principles (GAAP). These guidelines recognize a three-tiered fair value hierarchy as follows:

- Level 1: Quoted prices for identical investments in active markets;
- Level 2: Observable inputs other than those in Level 1; and
- Level 3: Unobservable inputs.

As of June 30, 2021, the Government had the following investments:

Year Ended June 30, 2021			
Description	Category	Market Value	Carrying Value
Money Market Funds			
PFM Asset Management, LLC	1	\$ 9,432,721	\$ 9,432,721
Wilmington Savings Fund Society, NA	1	20,000,000	20,000,000
Total Investments		\$ 29,432,721	\$ 29,432,721

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 9: CAPITAL ASSETS

The following schedule presents the capital activity of governmental activities for the fiscal year, including Internal Service Funds:

Asset Categories by Function	Year Ended June 30, 2021				
	Balances 7/1/2020	Additions	Reductions	Adjustments & Transfers	Balances 6/30/2021
<u>Total Governmental</u>					
Capital Assets:					
Land	\$ 8,144,967	\$ 11,065	10,073	\$ -	\$ 8,145,959
Street Improvements	10,367,446	100,000	-	-	10,467,446
Buildings and Improvements	5,155,254	108,041	-	-	5,263,295
Vehicles and Equipment	6,557,847	330,310	106,817	-	6,781,340
Construction in Progress	522,603	463,515	-	-	986,118
<hr/>					
Total Governmental Capital Assets	30,748,117	1,012,931	116,890	-	31,644,158
Accumulated Depreciation	(13,515,191)	(797,577)	(106,816)	-	(14,205,952)
<hr/>					
Total Governmental Capital Assets, Net	<u>\$ 17,232,926</u>	<u>\$ 215,354</u>	<u>\$ 10,074</u>	<u>\$ -</u>	<u>\$ 17,438,206</u>

The following schedule presents the capital activity of governmental activities for the fiscal year, excluding Internal Service Funds:

Asset Categories by Function	Year Ended June 30, 2021				
	Balances 7/1/2020	Additions	Reductions	Adjustments & Transfers	Balances 6/30/2021
<u>Governmental, excluding Internal Service Funds</u>					
Capital Assets:					
Land	\$ 8,144,967	\$ 11,065	10,073	\$ -	\$ 8,145,959
Street Improvements	10,367,446	100,000	-	-	10,467,446
Buildings and Improvements	5,133,914	108,041	-	-	5,241,955
Vehicles and Equipment	6,349,555	285,198	106,817	-	6,527,936
Construction in Progress	522,603	375,603	-	-	898,206
<hr/>					
Total Governmental Capital Assets	30,518,485	879,907	116,890	-	31,281,502
Accumulated Depreciation	(13,388,572)	(774,552)	(106,816)	-	(14,056,308)
<hr/>					
Total Governmental Capital Assets, Net	<u>\$ 17,129,913</u>	<u>\$ 105,355</u>	<u>\$ 10,074</u>	<u>\$ -</u>	<u>\$ 17,225,194</u>

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 9: CAPITAL ASSETS, CONTINUED

The following schedule presents the capital activity of business-type activities for the fiscal year:

	Year Ended June 30, 2021				
Asset Categories by Function	Balances 7/1/2020	Additions	Reductions	Adjustments & Transfers	Balances 6/30/2021
Electric Fund:					
Land	\$ 2,460,507	\$ -	\$ -	\$ -	\$ 2,460,507
Construction in Progress	-	100,008	-	-	100,008
Buildings and Improvements	7,056,015	-	-	-	7,056,015
Electric System	19,400,654	551,772	-	-	19,952,427
Vehicles and Equipment	4,084,171	575,197	616,323	-	4,043,045
Total Capital Assets	33,001,347	1,226,977	616,323	-	33,612,001
Accumulated Depreciation	(17,582,301)	(1,284,002)	(616,323)	-	(18,249,980)
Net Book Value	15,419,046	(57,025)	\$ 0	-	15,362,021
Water Fund:					
Land	27,369	5,885	-	-	33,254
Construction in Progress	-	175,456	-	-	175,456
Buildings and Improvements	118,251	4,827	-	-	123,078
Water System	22,468,335	373,888	-	-	22,842,223
Vehicles and Equipment	1,878,608	162,824	147,676	-	1,893,756
Total Capital Assets	24,492,563	722,880	147,676	-	25,067,767
Accumulated Depreciation	(9,017,428)	(593,031)	(147,676)	-	(9,462,783)
Net Book Value	15,475,135	129,849	\$ 0	-	15,604,984
Waste Water Fund:					
Land	28,638	-	-	-	28,638
Construction in Progress	-	8,429	-	-	8,429
Buildings and Improvements	159,229	4,828	-	-	164,057
Waste Water System	22,386,158	1,041,986	-	-	23,428,144
Vehicles and Equipment	1,432,172	231,867	220,668	-	1,443,371
Total Capital Assets	24,006,197	1,287,110	220,668	-	25,072,639
Accumulated Depreciation	(10,062,924)	(597,769)	(220,668)	-	(10,440,025)
Net Book Value	13,943,273	689,341	\$ 0	-	14,632,614
Solid Waste Fund:					
Buildings and Improvements	5,650	-	-	-	5,650
Vehicles and Equipment	1,473,128	-	137,757	-	1,335,371
Total Capital Assets	1,478,778	-	137,757	-	1,341,021
Accumulated Depreciation	(767,902)	(128,414)	(137,757)	(5,739)	(764,298)
Net Book Value	\$ 710,876	\$ (128,414)	\$ 0	\$ (5,739)	\$ 576,723

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 9: CAPITAL ASSETS, CONTINUED

The following schedule summarizes the capital activity of business-type activities for the fiscal year:

Asset Categories by Function	Year Ended June 30, 2021				
	Balances 7/1/2020	Additions	Reductions	Adjustments & Transfers	Balances 6/30/2021
<u>Total Enterprise Funds</u>					
Land	\$ 2,516,514	\$ 5,885	-	-	\$ 2,522,399
Construction in Progress	-	283,893	-	-	283,893
Buildings and Improvements	7,339,145	9,655	-	-	7,348,800
Electric System	19,400,654	551,772	-	-	19,952,427
Water System	22,468,335	373,888	-	-	22,842,223
Waste Water System	22,386,158	1,041,986	-	-	23,428,144
Vehicles and Equipment	8,868,079	969,887	1,122,424	-	8,715,542
Total Fixed Assets	82,978,885	3,236,966	1,122,424	-	85,093,427
Accumulated Depreciation	(37,430,556)	(2,603,216)	(1,122,424)	(5,739)	(38,917,087)
Net Book Value	\$ 45,548,329	\$ 633,750	\$ 0	\$ (5,739)	\$ 46,176,340

The following schedule summarizes the activity of internal service fund activities for the fiscal year:

Asset Categories by Function	Year Ended June 30, 2021				
	Balances 7/1/2020	Additions	Reductions	Adjustments & Transfers	Balances 06/30/21
<u>Internal Service Funds:</u>					
Land	\$ -	\$ -	\$ -	\$ -	\$ -
Buildings and Improvements	21,340	-	-	-	21,340
Vehicles and Equipment	208,292	45,112	-	-	253,404
Construction in Progress	-	87,912	-	-	87,912
Total Internal Service Funds	229,632	133,024	-	-	362,656
Accumulated Depreciation	(126,619)	(23,025)	-	-	(149,644)
Total Internal Service Funds, Net	\$ 103,013	\$ 109,999	\$ -	\$ -	\$ 213,012

Depreciation expense, which amounted to \$774,552 for the year ended June 30, 2021 was charged to the general government function of the primary government. Depreciation expense for the business-type activities was charged to the funds as noted above.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 10: LONG-TERM DEBT OBLIGATIONS

Long-Term liability activity for the year ended June 30, 2021 is summarized as follows:

	Year Ended June 30, 2021				
	Balances 06/30/20	Additions	Reductions	Balances 06/30/21	Current Portion
Governmental Activities:					
General Obligation Bonds	-	-	-	-	-
Other Liabilities					
Net Pension Liability	\$ 1,131,610	\$ 223,362	\$ (746,053)	\$ 608,919	\$ -
Compensated Absences	1,244,448	-	(25,435)	1,219,013	108,406
Governmental Activities					
Total Debt Obligations:	<u>\$ 2,376,058</u>	<u>\$ 223,362</u>	<u>\$ (771,488)</u>	<u>\$ 1,827,932</u>	<u>\$ 108,406</u>
Business-Type Activities:					
General Obligation Bonds					
Series 2016	\$ 7,100,000	\$ -	\$ (415,000)	\$ 6,685,000	\$ 425,000
Bond Premium	26,562	-	(1,856)	24,706	1,856
Total General Obligation Bonds	7,126,562	-	(416,856)	6,709,706	426,856
State of Delaware					
DNREC WPC RF, 2010	592,820	-	(26,924)	565,896	55,203
Water SRF, 2012A	2,258,670	-	(157,078)	2,101,592	158,653
Note Payable, Kent County	1,121,991	-	(25,914)	1,096,077	26,502
USDA Notes Payable					
Water Facilities, 2013	4,196,565	-	(97,597)	4,098,968	99,681
Sewer Facilities, 2019	594,772	1,000,000	(20,267)	1,574,505	30,289
Total Bonds and Notes Payable	<u>\$ 15,891,380</u>	<u>\$ 1,000,000</u>	<u>\$ (744,636)</u>	<u>\$ 16,146,744</u>	<u>\$ 797,185</u>
Other Liabilities					
Compensated Absences	165,517	-	(12,241)	153,276	29,155
Business-Type Activities					
Total Debt Obligations:	<u>\$ 16,056,897</u>	<u>\$ 1,000,000</u>	<u>\$ (756,877)</u>	<u>\$ 16,300,020</u>	<u>\$ 826,340</u>

General Obligation Bonds

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds are direct obligations and pledge the full faith and credit of the City. Annually, the City is required to compute the rate of property tax required to provide a fund to pay interest and principal at maturity. The City is in compliance with this requirement.

NOTE 10: LONG-TERM DEBT OBLIGATIONS, CONTINUED

General Obligation Bonds, Series 2016

On December 6, 2016, the City issued General Obligation Bonds, Series 2016 in the aggregate principal amount of \$8,065,000, with interest rates ranging from 2.0% to 2.55%. The proceeds of the 2016 bond issuance were utilized to currently refund the outstanding principal balance of \$7,850,000 related to the General Obligation Bonds, Series 2011 A. The 2016 bonds are scheduled to mature January 1, 2037. Semi-annual interest payments commenced July 1, 2017, while annual principal payments commenced January 1, 2018. The bonds had an original issue premium of \$37,171, the unamortized portion of which is included in the balance reflected in the financial statements as of June 30, 2021. The current refunding resulted in an economic gain (difference between the present values of the debt service payments on the old and new debt) of approximately \$1.3 million.

United States Department of Agriculture (USDA)

Water Facility Loan

In June 2013, the City issued bonds in an amount not to exceed \$5 million in connection with its Southeast Water Expansion project. The funding for the project was provided by the USDA under the federal direct loan for rural water and waste disposal systems program. Pursuant to program terms, the City was eligible for distributions of loan proceeds only after incurring project expenditures. The project was completed and the City expended a cumulative total of \$5 million through fiscal year 2017. The balance of the loan as of June 30, 2021 is \$4,098,968, which represents total project expenditures under the program less principal payments made. Under the terms of the note, the City is required to make quarterly payments in the amount of \$46,500, which include interest calculated at the fixed annual rate of 2% on the outstanding balance, which the remainder of each payment applied to the principal balance. The note is scheduled to mature June 28, 2053.

Sewer Facility Loans

In September 2015, Milford City Council approved a resolution to borrow an amount not to exceed \$1.6 million to finance various sewer infrastructure projects, including a supervisory control and data acquisition (SCADA) system, pump station upgrades, inflow and infiltration remediation, and related projects; collectively the "sewer project." A financing agreement was reached with the USDA under the federal direct loan for rural water and waste disposal systems program in two phases. The borrowing limit in phase one is \$0.6 million subject to an annual rate of interest not to exceed 2.375%; the actual rate as determined at final loan closing in December 2019 was 1.75%. The borrowing limit in phase two is \$1 million subject to an annual rate of interest not to exceed 2.125%; the actual rate as determined at final loan closing in December 2020 was 1.25%. Pursuant to program terms, the City is eligible for distributions of loan proceeds only after incurring project expenditures. Certain project components were completed during fiscal year 2021 and the City expended a cumulative total of \$1 million through June 30, 2021 under phase two of the loan program to reach the cumulative total of \$1.6 million across both

NOTE 10: LONG-TERM DEBT OBLIGATIONS, CONTINUED

phases. The balance of the 2019 facilities loan as of June 30, 2021 is \$585,070, representing the balance attributable to phase one project financing. The balance of the 2020 facilities loan as of June 30, 2021 is \$989,436, representing the balance attributable to phase one project financing. Under terms of the notes, the City is required to make quarterly payments in the amount of \$5,226 and 7,960, which include interest calculated at the fixed annual rate of 1.75% and 1.25% on the outstanding balance of the phase one and two loans, respectively, with the remainder of each payment applied to the corresponding principal balance. The notes underlying loans phase one and two are scheduled to mature on December 31, 2059 and 2060, respectively.

State of Delaware Revolving Funds

Water Pollution Control Revolving Fund (WPC RF)

The City received funds in connection with its Wastewater Collection System Expansion project through financing agreements with the Delaware Water Pollution Control Revolving Fund. Funds received for the first part of the project were repaid in full during the fiscal year ended June 30, 2017. Additional funds were received for the second part of the project under a separate financing agreement. The balance of this obligation, as of June 30, 2021, is \$565,896. Semi-annual payments of \$32,852 include interest calculated at an annual rate of 2.0%. The note is scheduled to mature of July 1, 2030.

Drinking Water State Revolving Fund (SRF)

The City has also received funds from the State of Delaware in connection with its Washington Street Water Treatment Facility Replacement Project. The funds were provided by the Delaware Drinking Water State Revolving Funding only as expenditures were incurred by the City and approved by the State, subject to a maximum funding commitment of \$4 million. Interest only payments commenced September 1, 2012 and were due semi-annually at 1% per annum on the balancing outstanding as the project progressed. The project was completed during the fiscal year ended June 30, 2018 at a total cost of \$3,832,876. In accordance with the agreement, upon completion of the project, thirty-five percent of the amounts advanced were forgiven, resulting in forgiveness of debt in the amount of \$1,341,507 in fiscal year 2018. The remaining balance of \$2,491,369 is being amortized over a twenty-year period from the original advance date with interest at 1% per annum. The balance of this obligation as of June 30, 2021 is \$2,101,592. The note is scheduled to mature September 1, 2033.

Kent County Levy Court

Sewer Infrastructure Improvement Loan

Kent County constructed a new southern transmission bypass sewer line and related facilities (the “bypass”) to remediate failing components of its sewer infrastructure. The County issued bonds to finance the cost of the improvements, a significant portion of which run through the City of Milford and benefit the users of Milford’s sewer system. Pursuant to the Agreement for

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 10: LONG-TERM DEBT OBLIGATIONS, CONTINUED

Services, as amended, between the City and Kent County, the City is responsible for the pro rata portion of the debt service attributable to the costs of the bypass installed in the City's sewer service territory. The City is required to remit payments in quarterly installments of \$12,735, which include interest at the fixed rate of 2.25% per annum. The balance of the obligation as of June 30, 2021 is \$1,096,077 and is scheduled to mature November 10, 2050.

Long-Term Debt outstanding as of June 30, 2021 is summarized as follows:

Obligation	Interest Rate (%)	Issue Date	Maturity Date	Amounts Outstanding as of June 30, 2021 (in thousands)			Total
				Electric Fund	Water Fund	Sewer Fund	
General Obligation Bonds							
Series of 2016	2.00-2.55	12/6/16	1/1/37	\$ 4,290	-	\$ 2,395	\$ 6,685
Premium, Series of 2016	2.00-2.55	12/6/16	1/1/37	16	-	8	25
USDA							
Note Payable, 2013	2.125	6/28/13	6/28/53	-	4,099	-	4,099
Note Payable, 2019	1.750	12/31/19	12/31/59	-	-	584	584
Note Payable, 2020	1.250	12/31/20	12/31/60	-	-	990	990
State of Delaware							
DNREC WPC RF, 2010	2.00	12/22/09	7/1/30	-	-	566	566
Drinking Water SRF, 2012A	1.00	3/15/12	9/1/33	-	2,102	-	2,102
Kent County, 2012	2.25	11/12/12	11/10/50	-	-	1,096	1,096
Total Long-Term Debt Obligations				\$ 4,306	\$ 6,201	\$ 5,640	16,147

The annual requirements to amortize all debt outstanding as of June 30, 2021 follow:

Year Ending June 30	Principal	Interest	Total
2022	\$796,659	\$302,972	\$1,099,631
2023	812,519	288,493	1,101,013
2024	823,451	273,801	1,097,252
2025	839,554	258,787	1,098,341
2026	855,733	243,497	1,099,230
2027-2031	4,477,371	977,363	5,454,734
2032-2036	3,163,089	594,990	3,758,080
2037-2041	1,423,334	350,193	1,773,527
2042-2046	1,219,667	228,455	1,448,123
2047-2051	1,287,874	98,693	1,386,567
2052-2056	239,764	23,955	263,720
2057-2061	207,728	7,245	214,974
Total	\$16,146,744	\$3,648,444	\$19,795,188

NOTE 11: COMMITMENTS AND CONTINGENCIES

Open Claims/Judgments

In the ordinary course of the City's municipal and public utility operations, various commitments and contingent liabilities arise in addition to the normal encumbrances for the purchase of goods and services. The City does not anticipate material losses as a result of these transactions over and above the amounts reported in the statement of activities, which includes a provision for claims incurred.

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.

NOTE 12: DEFERRED COMPENSATION PLAN

The City's employee benefits program includes a deferred compensation plan under Internal Revenue Code (IRC) 457(b) which is available to substantially all full-time City employees. Participants may elect contributions through base salary deferral to the Plan not to exceed the lesser of the allowable calendar year maximum under IRC 457(b)(2) and 100% of net compensation. The City matches 100% of employee contributions up to a maximum of 6.0% of the base salary. The City made contributions into the Plan totaling \$299,713 for the year ended June 30, 2021.

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NOTE 13: POST-RETIREMENT BENEFITS

Defined Contribution Plan

The City has a defined contribution plan under IRC 401(a) which was available to substantially all full-time City employees through December 31, 2004 (the “legacy plan”). For plan years beginning January 1, 2005, the City no longer makes contributions to the legacy plan, coinciding with the effective date of the City’s election to participate in the State of Delaware’s County and Municipal Pension Plans. All participants in the legacy plan will remain in the legacy plan until separation of employment from the City and may continue to invest funds in their respective accounts. The legacy plan is administered by VOYA Financial and was last amended and restated January 25, 2016 in order to comply with applicable IRS rules and regulations.

State of Delaware County and Municipal Pension Plans

Effective January 1, 2005, City Council elected, under provisions of the Delaware Code, to participate in the County and Municipal Police and Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service costs up to the maximum of fifteen (15) years of service for all eligible employees. 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 funds. Descriptions of each of the State of Delaware Plans and important disclosures and information follow:

Police and Firefighters’ Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees’ Retirement System (DPERS) and managed by the State Board of Pension Trustees. The plan, which is the State of Delaware County and Municipal Police and Firefighter Pension Plan, covers the City of Milford’s sworn police officers.

The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is composed of five members appointed by the Governor and confirmed by the State Senate, plus two ex-officio members. Service benefits under the plan include 2.5% of final average monthly compensation multiplied by years of credited service up to 20 years, plus 3.5% of final average monthly compensation multiplied by years of service in excess of 20 years. The final monthly compensation is the monthly average of the highest three consecutive years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon five years of credited service.

Employer contributions to the plan are determined annually by the State Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2021 was 16.84% of payroll. In addition, employees are required to contribute 7% of compensation.

NOTE 13: POST-RETIREMENT BENEFITS, CONTINUED

Other Employees' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees Retirement System and managed by the State Board of Pension Trustees. The plan, which is the State of Delaware County and Municipal Other Employees Pension Plan, covers all full-time non-uniformed City employees as well as elected officials. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is composed of five members appointed by the Governor and confirmed by the State Senate, plus two ex-officio members.

Service benefits include 1/60th of final average monthly compensation multiplied by years of credited service, subject to maximum limitations. For this plan, the final average monthly compensation is the monthly average of the highest five years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon five years of credited service.

Employer contributions to the plan are determined annually by the State Board of Pension Trustees. The employer contribution policy is set by State law and required contribution by active members and by participating employers. The contributions required by participating employers are based on actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2021 was 7.28% of pension-creditable payroll. In addition, employees are required to contribute 3.0% of compensation in excess of \$6,000.

Pension Liabilities, Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

The components of the total net pension liability of each plan as of the June 30, 2020 measurement date were as follows:

	Police & Firefighters	Other Employees
Total pension liability	\$ 461,752,000	\$ 69,593,575
Plan fiduciary net position	446,384,000	67,470,200
Employer net pension liability	15,368,000	2,123,375
Plan fiduciary net position as percentage of total pension liability	96.67%	96.95%
Proportionate share of net pension liability	\$ 406,563	\$ 202,295

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 13: POST-RETIREMENT BENEFITS, CONTINUED

The net pension liability was measured as of June 30, 2020, and the total pension liability used to calculate net pension liability was determined by rolling forward the DPERs total pension liability as of June 30, 2019 to June 30, 2020. The City's proportionate share of the net pension liability was calculated utilizing the employer's one-year reported covered payroll as it related to the total one-year reported covered payroll. As of June 30, 2020 and 2019, the City's proportion for each plan is as follows:

	<u>June 30, 2020</u>	<u>June 30, 2019</u>	<u>Increase (Decrease)</u>
Police & Firefighters	2.6455%	2.4289%	0.2166%
Other Employees	9.5271%	9.4728%	0.0542%

For the year ended June 30, 2021, the City recognized pension expense for the plans as follows:

Police & Firefighters	\$ 401,073
Other Employees	303,727
Total	<u>\$ 704,800</u>

As of June 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Police & Fire</u>		<u>Other Employees</u>	
	<u>Deferred Outflows</u>	<u>Deferred Inflows</u>	<u>Deferred Outflows</u>	<u>Deferred Inflows</u>
Difference between expected and actual experience	\$ 404,508	\$ 128,104	\$ 141,312	\$ 142,731
Change of assumptions	150,109	61,420	119,179	-
Net difference between projected and actual investment earnings	-	288,245	-	151,301
Changes in proportions	33,332	17,152	1,279	39,601
Contributions subsequent to the measurement date	412,206	-	331,134	-
Total	<u>\$ 1,000,155</u>	<u>\$ 494,921</u>	<u>\$ 592,904</u>	<u>\$ 333,633</u>

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 13: POST-RETIREMENT BENEFITS, CONTINUED

Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year	Police & Fire	Other Employees	Total
2021	\$ (26,098)	\$ (3,921)	\$ (30,019)
2022	(7,826)	(1,393)	(9,219)
2023	10,553	1,915	12,469
2024	(2,960)	(58)	(3,018)
2025	16,000	108	16,108
Thereafter	34,413	431	34,844
Total	\$ 24,083	\$ (2,918)	\$ 21,165

Actuarial Assumptions

The total pension liability was determined by an actuarial valuation as of June 30, 2019, and update procedures were used to roll forward the total pension liability to June 30, 2020. The following actuarial assumptions were used and applied to all periods included in the measurement:

- Investment return – 7.0%, includes inflation at 2.50%
- Salary increases – Effective average of 2.50%, which reflects an allowance for inflation of 2.50%, plus merit.

The discount rate assumption of 7.0% is unchanged from the prior year. Mortality rates were based on the RP-2014 tables with gender adjustments for healthy annuitants and disabled retirees and an adjusted version on MP-2015 mortality improvement scale on a fully generational basis.

The total pension liabilities are measured based on assumptions pertaining to interest rates, inflation rates and employee demographics in future years. It is likely that future experience will not exactly conform to these assumptions. To the extent that actual experience deviates from these assumptions, the emerging liabilities may be higher or lower than anticipated. The more the experience deviates the larger the impact on the future financial statements.

Investments

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by an asset allocation percentage which is based on the nature and mix of current and expected plan investments, and by adding expected inflation.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 13: POST-RETIREMENT BENEFITS, CONTINUED

Best estimates of geometric real rates of return for each major asset class as of June 30, 2020 are summarized in the following table:

Asset Class	Asset Allocation	Long-Term Expected Real Rate of Return
Domestic Equity	28.5%	5.7%
International Equity	15.2%	5.7%
Fixed Income	28.8%	2.0%
Alternative Investments	23.0%	7.8%
Cash & Equivalents	4.5%	0.0%

Discount Rate

The discount rate used to measure the total pension liability was 7.0%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at rates determined by the Board of Pension Trustees, actuarially determined. Based on those assumptions, the pension plan’s fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the City’s Proportionate Share of the Net Pension Liability

The following presents the City’s net pension liability, calculated using the discount rate of 7.0% as well as what the resulting net pension liability if calculated using a discount rate one percentage point lower (6.0%) or higher (8.0%) than the current rate:

	1% Decrease 6.00%	Current Discount Rate 7.00%	1% Increase 8.00%
Police and Firefighters	\$ 2,263,001	\$ 406,563	\$ (1,108,630)
Other Employees	\$ 1,228,704	\$ 202,295	\$ (640,027)

Pension Plan Fiduciary Net Position

Detailed information about DPERS’ fiduciary net position is available in DPERS Comprehensive Annual Financial Report which can be found on the System’s website at <https://open.omb.delaware.gov>.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2021

NOTE 14: RESTATEMENT OF NET POSITION / FUND BALANCE:

IMPLEMENTATION OF GASB STATEMENT NO. 84, FIDUCIARY ACTIVITIES

The City implemented GASB Statement No. 84, Fiduciary Activities, for the period ended June 30, 2021. As a result, a prior period adjustment was required to recognize certain Parks and Recreation permit revenue totaling \$93,400 through June 30, 2020 previously accumulated and reported as a fiduciary obligation related to the development of parks and recreation facilities. Parks and recreation permit fees of \$42,700 collected during the fiscal year ended June 30, 2021 were reported as cash and assigned fund balance on the Governmental Funds Balance Sheet and Statement of Net Position, as licenses and permits revenue on the Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balances, and as culture and recreation capital grants and contributions on the Government Wide Statement of Activities. Similarly, a prior period adjustment was required to recognize certain permit fee collections totaling \$486,792 through June 30, 2020 previously accumulated and reported as a fiduciary obligation to offset the impact of growth and development on local fire and rescue resources. Enhancement funding fees generated through building permit assessments totaling \$133,880 during the fiscal year ended June 30, 2021 were reported as cash and restricted fund balance on the Governmental Funds Balance Sheet and Statement of Net Position, as licenses and permits revenue on the Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balances, and as public safety capital grants and contributions on the Government Wide Statement of Activities. Additionally, \$436,145 in sewer impact fees collected on behalf of Kent County in connection with the County’s investment in sewer infrastructure utilized by the City of Milford for the treatment and disposal of wastewater were reported as cash and restricted net position on the Proprietary Funds and Government Wide Statements of Net Position. Through the period ended June 30, 2020, sewer impact fees collected on behalf of Kent County were reported in the fiduciary funds.

UNDERSTATEMENT OF PAYABLES

Noncurrent liabilities understated in the Government-Wide Statement of Net Position as of June 30, 2020 are reflected in the Government-Wide Statement of Activities Net Position – Beginning of Year as Restated for the Year Ended June 30, 2021.

	Governmental Activities	General Fund	Non-Major Governmental Fund
Net Position/Fund Balance, as previously stated	\$ 25,937,415	\$ 4,825,181	\$ 129,509
Understatement due to change in custodial funds	580,192	93,400	486,792
Understatement of payables	(387,694)		
Net Position/Fund Balance, as restated	<u>\$ 26,129,913</u>	<u>\$ 4,918,581</u>	<u>\$ 616,301</u>

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NOTE 15: THE DELAWARE MUNICIPAL ELECTRONIC CORPORATION:

The City is a member of the Delaware Municipal Electric Corporation (DEMEC). DEMEC is a public corporation constituted as Joint Action Agency and a wholesale electric utility. DEMEC was established in 1979 and represents eight municipal electric distribution utilities located in the State of Delaware and provides full requirements wholesale electric power supply service to all eight members, including the City of Milford, through the operation of owned generation assets and various wholesale supply contracts with external parties. The City purchases 100% of its electric supply requirements from DEMEC under a long-term full requirements service contract dated January 1, 2004 (the "Agreement"), which will remain in effect unless terminated upon one year's written notice by either party. The obligation of the City to purchase and pay for full requirements service, including its allocated costs under any then current forward contract for capacity and energy between DEMEC and a third party in effect as of the date of notice of termination, shall survive the termination of the Agreement. On May 1, 2001, the City entered into separate power sales agreements to purchase an interest in the capacity produced by Unit 1 of the Warren F. "Sam" Beasley Power Station located in Smyrna, Delaware (the "Facilities"). On May 1, 2011, the City entered into separate power sales agreements to purchase an interest in the capacity produced by Unit 2 of the Facilities. The City is entitled to 20.3 percent of all power supply and ancillary benefits produced from the existing nominal 45 MW and 50 MW natural gas-fired combustion turbine generators installed in connection with Units 1 & 2, respectively, for the useful life of the Facilities. Under the terms of the various agreements, DEMEC is authorized to act as agent for the City in all matters relating to the acquisition and delivery of its wholesale power supply and management of energy cost risk on behalf of the City in the energy markets.

NOTE 16: IMPACT OF CORONAVIRUS (COVID-19):

The World Health Organization declared the spread of Coronavirus Disease (COVID-19) a worldwide pandemic. The pandemic is affecting global markets, supply chains, labor, and communities, including the City of Milford. Specific to the City of Milford, COVID-19 may impact various 2022 operations and financial results, including but not limited to the City's utility and real estate tax collections, utility revenue, lodging tax revenue due to travel restrictions, Parks and Recreation activity due to safety and distancing requirements, and other events, as well as increases in expenditures for emergency preparedness. City Management is taking appropriate actions to mitigate any negative impact, including the delay or deferral of non-critical spending and the solicitation of federal and state grant proceeds to offset emergency preparedness costs and employee safety initiatives. The full impact of COVID-19 on the City's financial condition is unknown, as events continue to develop into 2022. However, no events occurring during the reporting period and no events occurring during the period from July 1, 2021 through September 21, 2022 resulted in the need to recognize any additional expense or record any additional liabilities. Management's expectation is that the impact of the COVID-19 pandemic on the City's financial position will not reach the level of significant materiality, though Management and Council remain diligent in efforts to operate efficiently, avoid unnecessary spending, work safely, and maximize services to the community during the pandemic. Further, the City of Milford was a

NOTE 16: IMPACT OF CORONAVIRUS (COVID-19), CONTINUED:

recipient of funding through the American Rescue Plan Act of 2021 (“ARPA”), which provided a significant level of support to defray any emergency expenditures, meet infrastructure needs and replace revenue shortfalls. Specifically, the City of Milford is categorized as a Non-entitlement Unit of Local Government in the US Department of the Treasury Final Rule governing Coronavirus State and Local Fiscal Recovery Funds. As such, the City’s ARPA funding allocation of \$6,333,892, payable in two equal, annual tranches, was population-driven. The first tranche in the amount of \$3,166,946 was received in June 2021. \$224,750 of the funding was utilized before June 30, 2021, leaving the balance of \$2,942,196 reported as restricted cash and deferred revenue in the special revenue fund in the governmental funds balance sheet on page 17. The second tranche payment of \$3,166,946 was received in June 2022.

NOTE 17: SUBSEQUENT EVENTS:

Bond Anticipation Note (BAN), Series 2021 – Police Facility Contract Award

The City closed on a bond anticipation note (BAN), series 2021 with PNC Bank, N.A. in an amount not to exceed \$20 million on November 30, 2021 as authorized by Council on December 14, 2020 and approved by referendum on January 26, 2021. The temporary, construction-period loan bears a variable rate of interest calculated daily based on the tax-exempt equivalent of the Bloomberg Short Term Bank Yield Index or “BSBY” plus a fixed margin, subject to a floor of 1.08%, billed monthly as applied only to outstanding principal balances drawn. The loan matures on November 30, 2024, at which point the entire principal balance is due and payable in full. The City anticipates satisfying the BAN in full on or before the maturity date with a permanent issuance of long-term, tax-exempt general obligation bonds at a fixed rate of interest. City Council awarded construction contracts totaling \$13,001,562 in April 2022 to build the police facility. As of October 17, 2022, the City incurred expenses totaling \$1,788,286 on the project, of which \$762,717 was met with the City’s reserve funding, \$49,630 was withheld as retainage and \$975,939 was drawn against the BAN.

Property Acquisition – Business Campus

On December 15, 2021, the City acquired agricultural property containing 182 acres of land for the purpose of developing a business campus with commercial and industrial uses. The City’s cash reserves were utilized for the acquisition; no debt issuance or other financing was used to support the acquisition. The City expects to fund the utility and road infrastructure with a combination of utility reserves, intergovernmental grants, fees and other ongoing revenues.

Property Acquisition – Greenway/Trail System

On December 15, 2021, the City acquired agricultural property containing 19 acres of land for the purpose of preserving undeveloped lands and creating a greenway through a natural corridor to interconnect several areas of the City with a series of parks, trails and open space. The City’s cash reserves were utilized for the acquisition; no debt issuance or other financing was used to support the acquisition. The City expects to fund development of parks and trails with a combination of governmental fund reserves, intergovernmental grants, fees and other revenues.



The City of Milford

Required Supplementary Information

As of and for the Year Ended June 30, 2021

**CITY OF MILFORD, DE
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2021**

	Budgeted Amounts		Actual Amounts, Budgetary Basis	Variance with Final Budget - Positive (Negative)
	Original	Final		
REVENUES				
Property Taxes	\$ 4,316,000	\$ 4,316,000	\$ 4,340,239	\$ 24,239
Fees and Fines	114,000	118,000	135,538	17,538
Licenses and Permits	418,000	534,290	1,138,216	603,926
Franchise & Lease Revenue	369,100	369,100	399,787	30,687
Charges for Services	80,007	99,507	120,070	20,563
Intergovernmental	379,368	738,191	508,131	(230,060)
Investment Earnings	20,000	20,000	33,528	13,528
Miscellaneous	15,000	78,655	229,525	150,870
	<u>5,711,475</u>	<u>6,273,743</u>	<u>6,905,033</u>	<u>631,290</u>
EXPENDITURES				
Current:				
General Government	4,026,589	4,269,309	1,815,022	2,454,287
Public Safety	5,694,739	5,973,076	5,560,531	412,545
Public Works	793,646	793,646	644,166	149,480
Culture and Recreation	1,080,966	1,088,542	929,293	159,249
Capital Outlay	403,200	1,282,741	563,038	719,703
	<u>11,999,140</u>	<u>13,407,314</u>	<u>9,512,050</u>	<u>3,895,264</u>
Deficiency of Revenues Over Expenditures	<u>(6,287,665)</u>	<u>(7,133,571)</u>	<u>(2,607,017)</u>	<u>4,526,554</u>
OTHER FINANCING SOURCES				
Real Estate Transfer Tax (from Special Revenue Fund)	500,000	500,000	500,000	-
Transfers In From Electric Fund	2,500,000	2,500,000	2,500,000	-
Proceeds from Sale of Assets	5,000	5,000	147,795	142,795
Other Transfers In	1,336,759	2,162,089	367,635	(1,794,454)
Transfers Out	(12,144)	(12,144)	(367,635)	(355,491)
	<u>(1,958,050)</u>	<u>(1,978,626)</u>	<u>540,778</u>	<u>2,519,404</u>
DEFICIENCY FUNDED BY (SURPLUS DIRECTED TO)				
General Fund Balance and Reserves	<u>1,958,050</u>	<u>1,978,626</u>	<u>(540,778)</u>	<u>(2,519,404)</u>
Net Revenues, Other Financing Sources, Prior Fund Balances and Expenditures	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>

CITY OF MILFORD, DELAWARE
SCHEDULE OF PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
FOR THE LAST SIX FISCAL YEARS (DOLLAR AMOUNTS IN THOUSANDS)

<u>County & Municipal Police and Firefighters' Pension Plan</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Proportion of the net pension liability (asset)	2.6455%	2.4289%	2.2946%	2.3779%	2.3824%	2.4964%
Proportionate share of the net pension liability (asset)	\$ 407	\$ 698	\$ 528	\$ 240	\$ 379	\$ (132)
Covered-employee payroll	\$ 2,485	\$ 2,412	\$ 2,147	\$ 1,906	\$ 1,944	\$ 1,736
Proportionate share of the net pension liability as a percentage of covered-employee payroll	16.4%	28.9%	24.6%	12.6%	19.5%	-7.6%
Plan's fiduciary net position	\$ 446,384	\$ 396,829	\$ 367,470	\$ 325,867	\$ 284,298	\$ 273,109
Plan fiduciary net position as a percentage of the total pension liability (asset)	96.7%	93.3%	94.1%	97.0%	94.7%	-102.0%
<u>County & Municipal Other Employees' Pension Plan</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Proportion of the net pension liability (asset)	9.5271%	9.4728%	10.0609%	10.3165%	10.8530%	12.1628%
Proportionate share of the net pension liability (asset)	\$ 202	\$ 434	\$ 317	\$ 668	\$ 672	\$ 5
Covered-employee payroll	\$ 4,687	\$ 4,107	\$ 4,206	\$ 3,476	\$ 3,628	\$ 3,631
Proportionate share of the net pension liability as a percentage of covered-employee payroll	4.3%	10.6%	7.5%	19.2%	18.5%	0.1%
Plan's fiduciary net position	\$ 67,470	\$ 58,536	\$ 53,122	\$ 45,874	\$ 39,292	\$ 37,840
Plan fiduciary net position as a percentage of the total pension liability	96.9%	92.7%	94.4%	87.6%	86.4%	99.9%

The accompanying notes are an integral part of this schedule.

**CITY OF MILFORD, DELAWARE
SCHEDULE OF EMPLOYER CONTRIBUTIONS - PENSION PLAN
FOR THE LAST SIX FISCAL YEARS (DOLLAR AMOUNTS IN THOUSANDS)**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
<u>County & Municipal Police and Firefighters' Pension Plan</u>						
Contractually required contribution	\$ 406	\$ 358	\$ 218	\$ 269	\$ 240	\$ 251
Contributions in relation to the contractually determined contribution	406	358	218	269	240	251
Contribution (excess) deficiency	<u>\$ -0-</u>					
Covered-employee payroll	<u>\$ 2,485</u>	<u>\$ 2,412</u>	<u>\$ 2,147</u>	<u>\$ 1,906</u>	<u>\$ 1,944</u>	<u>\$ 1,736</u>
Contributions as a percentage of covered-employee payroll	<u>16.35%</u>	<u>14.85%</u>	<u>10.14%</u>	<u>14.12%</u>	<u>12.37%</u>	<u>14.48%</u>
<u>County & Municipal Other Employees' Pension Plan</u>						
Contractually required contribution	\$ 340	\$ 307	\$ 284	\$ 259	\$ 225	\$ 235
Contributions in relation to the contractually determined contribution	340	307	284	259	225	235
Contribution (excess) deficiency	<u>\$ -0-</u>					
Covered-employee payroll	<u>\$ 4,687</u>	<u>\$ 4,107</u>	<u>\$ 4,206</u>	<u>\$ 3,476</u>	<u>\$ 3,628</u>	<u>\$ 3,631</u>
Contributions as a percentage of covered-employee payroll	<u>7.25%</u>	<u>7.47%</u>	<u>6.76%</u>	<u>7.46%</u>	<u>6.21%</u>	<u>6.49%</u>

The accompanying notes are an integral part of this schedule.

**CITY OF MILFORD, DELAWARE
NOTES TO THE PENSION SCHEDULES
FOR THE FISCAL YEAR ENDED JUNE 30, 2021**

NOTE 1 – GENERAL

Required supplementary information includes financial information and disclosures that are required by the Governmental Accounting Standards Board but are not considered part of the basic financial statements.

NOTE 2 – BUDGETARY BASIS

The budgetary comparison schedule is prepared on a basis that is consistent with generally accepted accounting principles (GAAP).

NOTE 3 – PENSION PLANS

The following notes pertain to both the County and Municipal Police and Firefighters Pension Plan and the County and Municipal Other Employees' Pension Plan.

Changes in Benefit Terms

None

Changes in Assumptions

The changes in assumptions used to determine total pension liability are described in Note 13 to the basic financial statements.

Method and Assumptions used in calculations of actuarially determined contributions

The actuarially determined contribution rates in the Schedule of Employers' Contributions are calculated as of the June 30 two years prior to the end of the fiscal year in which the contributions are reported. Complete descriptions of the methods and assumptions used to determine the contribution rates for Fiscal Year 2021 can be found in the June 30, 2019 actuarial valuation reports. The following actuarial methods and assumptions were used to determine contribution rates reported in that schedule:

- Actuarial Cost Method – Entry Age Normal
- Amortization Method – Open 10 Year Level Percent of Payroll
- Remaining Amortization Period – 10 Years
- Asset Valuation Method: 5 Year Smoothed Market
- Actuarial Assumptions
 - Discount Rate – 7.0%
 - Amortization Growth Rate 3.0%
 - Price Inflation – 2.5%

10-year Reporting Requirements

The preceding required supplementary schedules, as related to pensions, are intended to show information for 10 years. Additional years will be displayed as they become available.

The City of Milford

Additional Information

As of and for the Year Ended June 30, 2021

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2021

Taxation

The City annually adopts an assessment listing based on its own assessments of real property. Real Property was last reassessed in the City of Milford in 2012. The assessment reflected recorded sale data available in 2012. Assessments are based on 100% of the 2012 appraised value. Appraisals for all classifications of property are equal to estimated replacement cost less depreciation.

Tax Assessments

Year	Assessment	Ratio, Assessed to Market Value	Market Value
2021	\$ 1,322,462,352	69%	\$ 1,911,072,763
2020	1,304,217,652	74%	1,762,456,286
2019	1,108,131,359	78%	1,420,681,230
2018	1,076,761,765	75%	1,435,213,740
2017	1,064,336,304	81%	1,319,777,017
2016	1,049,526,712	89%	1,175,823,786
2015	1,038,988,192	91%	1,141,745,266
2014	1,030,515,982	95%	1,084,753,665
2013	1,012,236,303	96%	1,054,412,816
2012*	1,005,583,223	96%	1,047,482,524

**Reassessment completed in September 2012*

The City's property tax rate was \$0.46 per \$100 of assessed value throughout the FY21 reporting period. City Council approved the rate of \$0.48275 per \$100 of assessed value effective FY22. Milford also collects a Realty Transfer Tax (RTT) of 1.50% of the consideration of all property transfers within City limits effective July 1, 2001.

Tax Appeals

Milford City Council serves in the capacity of Board of Appeals to review assessments when appealed by property owners. There are generally few appeals of assessments each year.

Ratable Classification	2021 Assessed Value (AV)	2021 Market Value (MV)*	AV ÷ MV
Public Utilities	\$5,401,952	\$7,806,289	
Agriculture	878,100	1,268,931	
Residential	610,189,400	881,776,590	
Multi-Family	43,996,300	63,578,468	
Commercial	310,143,000	448,183,526	
Industrial	11,488,400	16,601,734	
Exempt	340,365,200	491,857,225	
TOTAL	\$1,322,462,352	\$1,911,072,763	69%

**Estimated based on City of Milford market sales data sampling*

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2021

Top 20 Taxpayers

2021 Assessed Value	Land Use	Parcel Owner	2021 Tax Levy
\$ 31,529,800	COMMERCIAL	CLARK AVENUE REALTY	\$ 145,037
18,827,600	COMMERCIAL	MILFORD PLAZA	86,607
16,426,800	COMMERCIAL	WAL-MART STORES	75,563
16,712,200	RESIDENTIAL	KEY PROPERTIES LLC	62,681
9,447,900	MULTI-FAMILY	RESERVE AT SAW MILL	43,460
9,203,100	MULTI-FAMILY	WATERGATE AT MILFORD	42,334
8,252,800	COMMERCIAL	MILFORD CENTER	37,963
6,869,500	COMMERCIAL	CYPRESS CAPITAL	31,600
6,734,300	MULTI-FAMILY	CASCADES	30,978
6,558,100	COMMERCIAL	BALTIMORE AIRCOIL COMPANY	30,167
6,547,100	COMMERCIAL	US COLD STORAGE	30,117
6,144,700	COMMERCIAL	HELMICK MILFORD	28,266
5,302,800	MULTI-FAMILY	CASE EDWARDS MANAGEMENT	24,393
5,162,300	INDUSTRIAL	PURDUE RE HOLDINGS	23,747
4,899,500	MULTI-FAMILY	PURDUE RE HOLDINGS	22,538
4,799,800	COMMERCIAL	TRAN CON BUILDERS	22,079
4,763,300	COMMERCIAL	SW ACQUISITIONS	21,911
4,530,600	COMMERCIAL	RIVERWALK CENTER AT MILFORD	20,841
4,431,600	COMMERCIAL	SHAWNEE FARM	20,385
4,280,000	MULTI-FAMILY	PARSON THORNE REALTY ASSOC	19,688

Tax Collections and Delinquent Taxes

Year Ended June 30	Tax Collection			Past Due
	Taxes Budgeted	Cash Collection	Collection as % of Budget	Outstanding as of June 30
2021	\$ 4,296,000	\$ 4,322,838	101%	\$ 180,783
2020	4,126,385	4,074,644	99%	241,673
2019	3,902,716	3,943,184	101%	210,077
2018	3,820,560	4,038,010	105%	178,337
2017	3,732,970	3,817,534	102%	344,177
2016	3,701,000	3,720,159	101%	307,883
2015	3,746,000	3,660,900	98%	359,772
2014	3,556,965	3,518,917	99%	358,545
2013	3,483,380	3,433,254	99%	281,371
2012	2,989,155	2,974,203	99%	231,245

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2021

Selected Debt Ratios

Selected Demographic Data and Corresponding Direct Debt Ratios

	Direct Debt ¹	Population ²	Assessed Valuation (AV) ¹
	\$ 6,685,000	11,190	\$ 1,322,462,352
Direct Debt per Capita		\$ 597	
Direct Debt as % of AV			0.51%

¹ Debt and AV measured as of and for the period ended June 30, 2021, respectively

² Based on 2020 US Census

Largest Employers

The largest employers in and around the City of Milford follow:

Name	Description	Employee Count*
Perdue Farms, Inc.	Poultry Processing	1,550
Bayhealth, Inc.	Healthcare	800
Milford School District	Education	558
Dentsply Sirona, Inc.	Dental Supplies	525
Sea Watch International, Inc.	Seafood Processing	280
Kent-Sussex Industries, Inc.	Agricultural Products	117
City of Milford	Government	105
First State Manufacturing, Inc.	Industrial Sewing	100

***Employee counts represent estimates based on the City of Milford 2017 Comprehensive Plan**

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Honorable Mayor and Members of the City Council

City of Milford, Delaware

Page 1 of 2

[TO BE PREPARED BY AUDIT FIRM]

DRAFT

[TO BE PREPARED BY AUDIT FIRM]

DRAFT

The City of Milford

Other Supplemental Information Single Audit

For Year Ended June 30, 2021

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM AND ON
INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE**

Honorable Mayor and Members of the City Council

City of Milford, Delaware

Page 1 of 1

[TO BE PREPARED BY AUDIT FIRM]

DRAFT

**CITY OF MILFORD, DE
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2021**

Federal Grantor/Pass-through Grantor/Program	Federal CFDA Number	Pass Through Entity Identifying Number	Passed Through to Subrecipients	Total Federal Expenditures
US Department of Agriculture Community Facilities Loans and Grants Loan Grant	10.766	n/a	\$ - -	\$ 54,236 883,468
US Department of the Treasury American Rescue Plan Act	21.027	n/a	-	224,750
US Department of Justice Coronavirus Emergency Supplemental Funding	16.034	n/a	-	79,839
US Department of Justice Bulletproof Vest Partnership	16.607	n/a	-	1,119
US Department of Justice Edward Byrne Memorial Justice Assistance	16.738	n/a	-	38,522
Total expenditures of federal awards			<u>\$ -</u>	<u>\$ 1,281,934</u>

CITY OF MILFORD, DE
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2021

NOTE 1 – BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of the City of Milford, Delaware under programs of the federal government for the year ended June 30, 2021. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Because the Schedule presents only the selected portion of the operations of the City of Milford, Delaware, it is not intended to and does not present the financial position, changes in net position, or cash flows of the City of Milford.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE 3 – INDIRECT COST RATE

The City of Milford did not use the 10% de minimis indirect cost rate allowed by the Uniform Guidance.

NOTE 4 – USDA COMMUNITY FACILITIES LOANS AND GRANTS

The objective of the USDA Community Facilities Program is to provide loans or grant funds for the development of essential community facilities. The City received funds in the form of both loan draws and grants for its ongoing sewer improvements project. Federal expenditures presented in the Schedule were incurred pursuant to direct loan 9 and grant 10 in the amounts of \$54,236 and \$883,468, respectively, for a total of \$937,704.

**CITY OF MILFORD, DE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2021**

SUMMARY OF AUDITOR'S RESULTS [TO BE PREPARED BY AUDIT FIRM]

Financial Statements

Type of auditor's report issued:

Internal control over financial report

Material weaknesses identified?

Significant deficiencies identified?

Noncompliance material to financial statements noted?

Federal Awards

Internal control over major programs

Material weaknesses identified?

Significant deficiencies identified?

Type of auditor's report issued on compliance for major program:

Any audit findings disclosed that are required to be reported in accordance with 2 CFR section 200.516(a)?

Major Program:

CFDA Number

Name of Federal Program

10766

Community Facilities Loans and Grants

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee?

Milford

River Town.

Art Town.

Home Town.



#wearemilford



LOT 23
4.48 ACRES

LOT 22
4.58 ACRES

LOT 1
6.35 ACRES

100' MINIMUM BUFFER WITH LANDSCAPING

WATER TOWER

CANTERBURY ROAD / RT 15



100' MINIMUM BUFFER WITH LANDSCAPING

**LOT 23
4.48 ACRES**

**LOT 22
4.58 ACRES**

**LOT 1
6.35 ACRES**

WATER TOWER

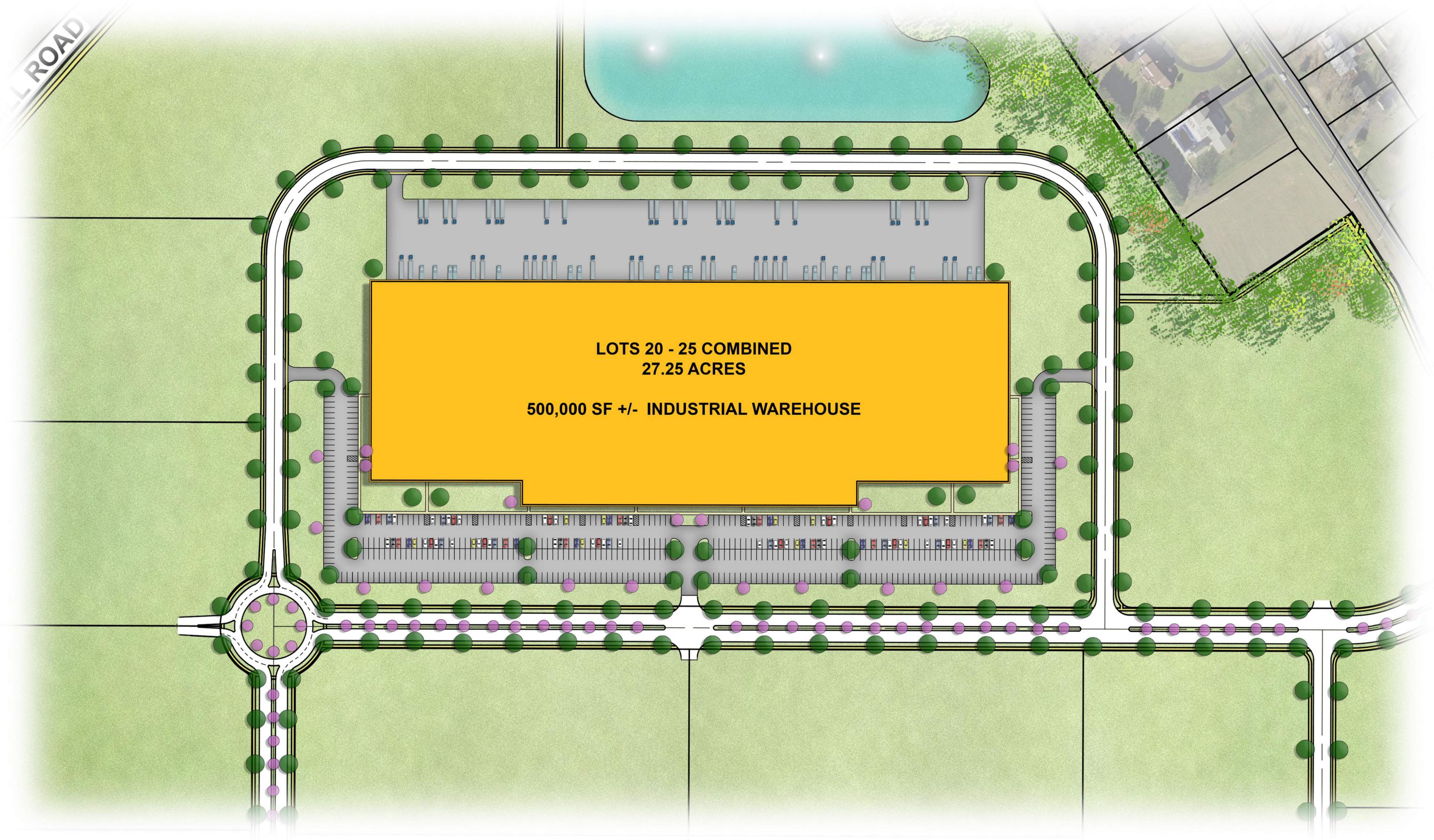
CANTERBURY ROAD / RT 15











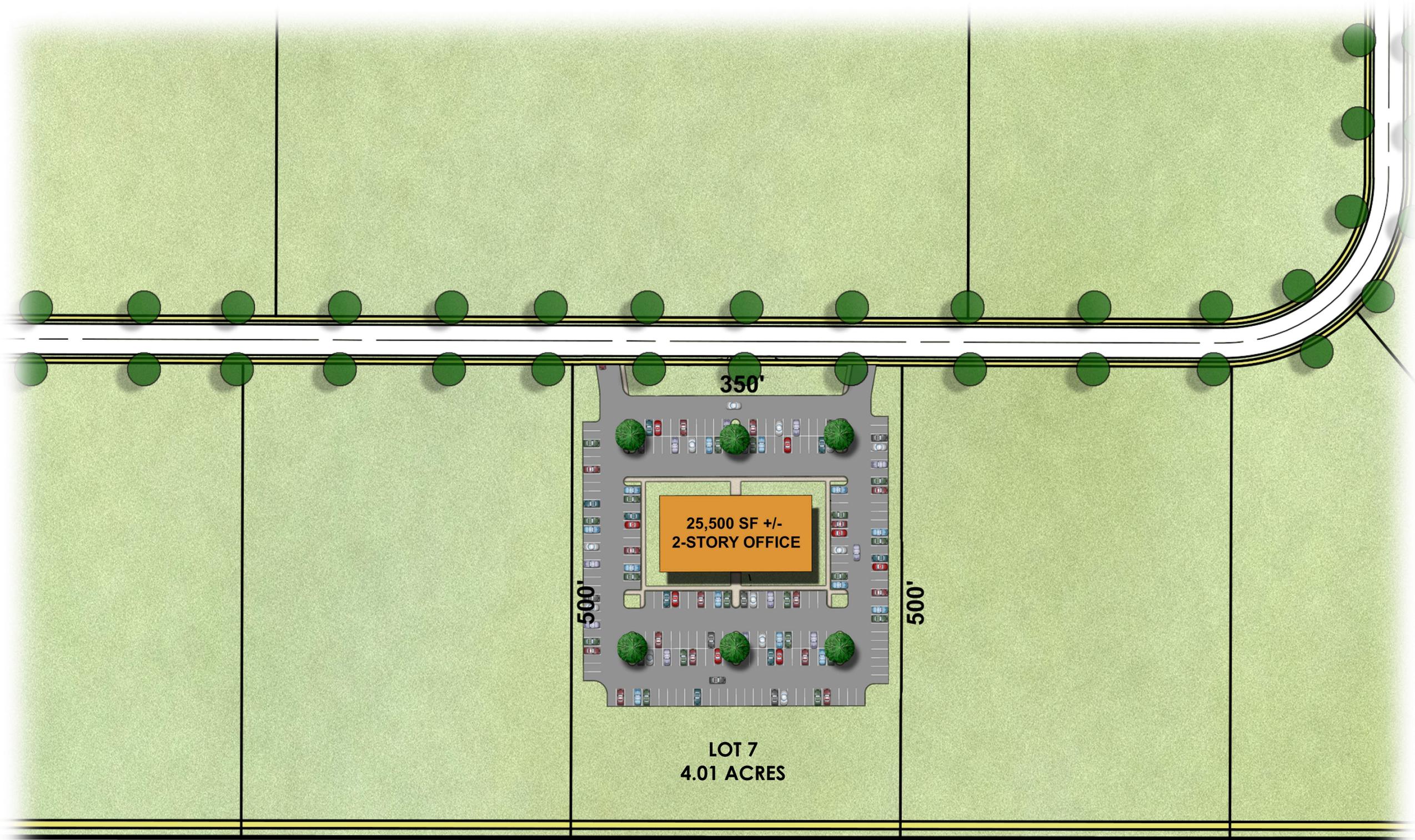




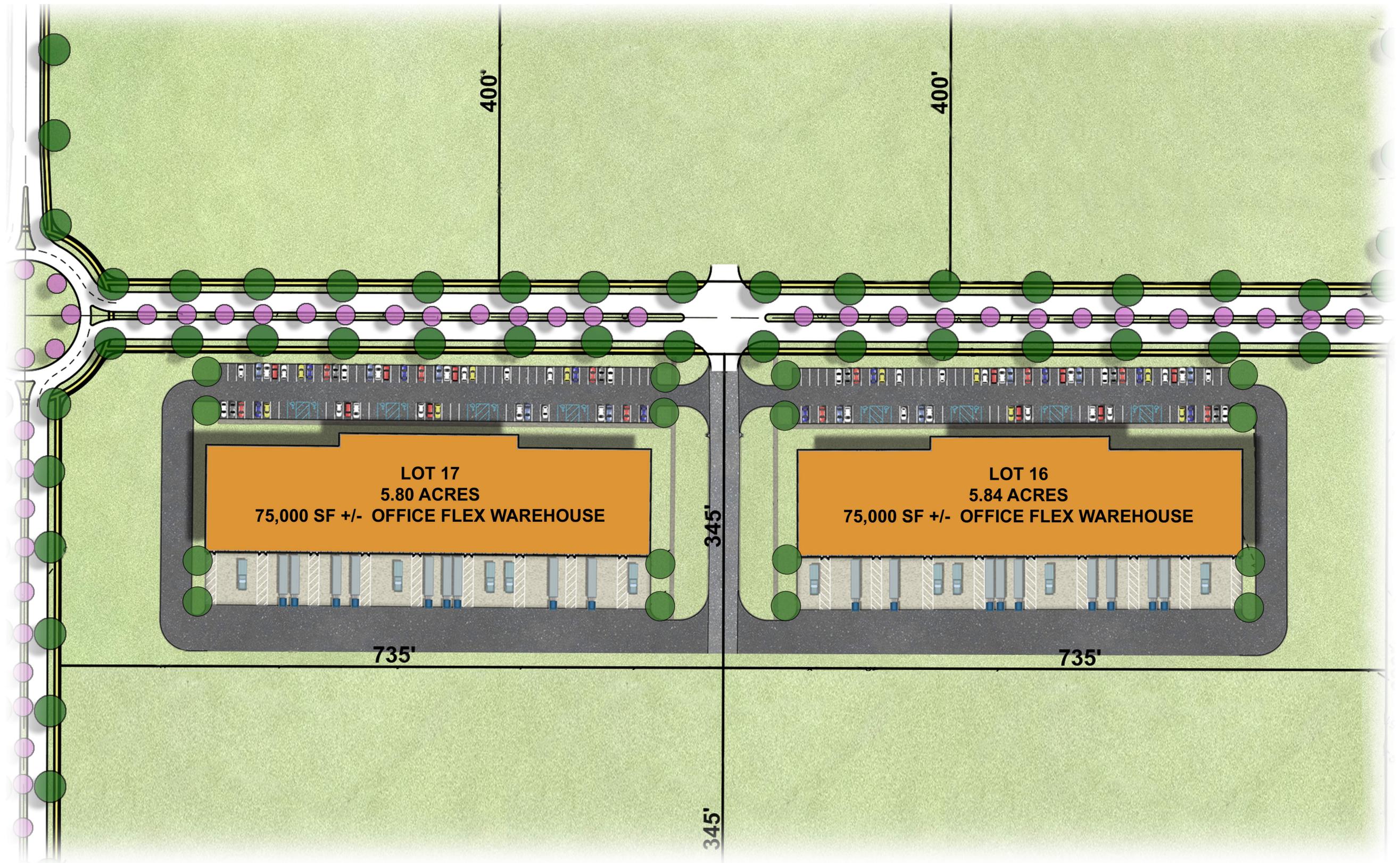








MILFORD HARRINGTON HIGHWAY



TO: City Council and Mayor

FROM: Rob Pierce, AICP - Planning Director

DATE: October 10, 2022

RE: Milford Corporate Center - Concept Master Plan & Engineering Services Contract

Background

On February 14, 2022, City Council authorized the execution of a Memorandum of Understanding (MOU) with Tsionas Management Company, Inc and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Corporate Center located on the Fry property. Phase I of the MOU includes professional assistance with the development of a concept master plan and evaluation of off-site improvements.

On February 28, 2022, City Council authorized the execution of a contract for engineering services to Becker Morgan Group to produce a concept master plan for the Milford Corporate Center.

On August 8, 2022, City Council reviewed the preliminary concept plan prepared by the development team prior to scheduling the public workshop and submitting for State of Delaware Preliminary Land Use Service (PLUS) review. A PLUS hearing was held on August 24, 2022 with State agencies and we are awaiting PLUS comments.

Open House

On September 27, 2022, the City hosted an open house for the Milford Corporate Center concept plan. The purpose of the open house was to present the draft concept plan to the public and collect comments and feedback. The open house was held from 6 to 8 pm at the Public Works Facility. In attendance was Mark Whitfield, Sara Bluhm, and Rob Pierce from the City; Michael Riemann, Chad Carter, and Jonathan Falkowski from Becker Morgan Group; and Clay Hill, Neil Kilian, and Ray Ryback from Emory Hill/Tsionas Management. There were approximately 40 to 50 members of the public present during the two-hour open house. The room was setup with seating in the middle and posters along the perimeter. There was a brief presentation at 6 pm which provided background information on the City's Strategic Plan, Comprehensive Plan amendments, industrial land use analysis and property acquisition. It also outlined future steps that would be required to finalize the concept plan and subdivision of land.

Upon conclusion of the presentation, the public was invited to discuss the project and provide feedback in smaller groups around the room. Some general concerns from neighboring residents included enhanced screening, increased traffic, increased noise and light pollution. Some neighbors were concerned about the proximity of the walking path to their property. Most residents preferred the wet pond with fountains for the two stormwater ponds. Most residents were supportive of not incorporating

an entrance along Church Hill Road. There were seven (7) written comments cards submitted during the open house which are summarized below;

- Not supportive of development of the property.
- General concerns with traffic.
- Concerns regarding police and fire services.
- Concerns regarding water, sewer, electric and other utility services.
- Concerns regarding safety of pedestrian walking path.
- Concerns regarding the cost of the project.
- Requested multimodal connectivity to the existing part of the City.
- Requested areas for employees to park bicycles.
- Requested areas for greenspace/recreation space within the project area for the public and employees to enjoy.
- Incorporate public transit stops.

Enclosed in the packet is an updated concept plan based on feedback from the open house. The plan includes enhanced landscape buffers that would separate the adjacent residential lots with the corporate center and shifts the location of the multi-modal path further from the private residential properties. Please note, that the front lot depths may be reduced to 300 feet prior to preliminary major subdivision to line up with the existing BP (Business Park) and I-1 (Limited Industrial) zoning line, which would not affect the number of proposed lots.

Engineering Services Contract

Enclosed in the packet are two contracts for engineering services from Becker Morgan Group. The first contract in the amount of \$210,000 is for the design and permitting of anticipated DeIDOT road and right-of-way improvements. The second contract in the amount of \$313,000 is for the design and permitting of the onsite construction improvements based on the final concept plan. The scopes of work do not include a Traffic Impact Study (TIS), as it is yet to be determined whether DeIDOT will require a new study or allow revisions to the previously approved TIS for the Homestead subdivision. Additionally, the scopes of work do not include the design of the water tower, wells, water treatment facilities and sewage pumping station. It is anticipated that these regional utility facilities will be designed under separate contracts at the direction of the City Engineer.

The City submitted a Transportation Infrastructure Investment Fund (TIIF) application to the State of Delaware to assist with the design and construction of road improvements for the Milford Corporate Center. If awarded, it is anticipated that the design costs associated with the \$210,000 contract would be reimbursed through the TIIF grant.

Staff recommends City Council authorize the Mayor to execute the two engineering contracts with Becker Morgan Group in the amounts of \$210,000 and \$313,000 for the design and permitting of the Milford Corporate Center to be funded with General Fund Reserves and Economic Development Reserves, respectively. Any grant proceeds received will be reimbursed into the reserves fund(s) from which the initial funding originated. Any funding that we are unable to offset with grant funding will be incorporated into the improved cost of the corporate center and will be reimbursed on a pro rata basis with respect to all funding sources ultimately contributing to the development of marketable, infrastructure-ready lots.

September 29, 2022

Mark Whitfield
City of Milford – City Manager
180 Vickers Drive
Milford, Delaware 19963
mwhitfield@milford-de.gov

Re: **Professional Services**
MILFORD CORPORATE CENTER – CONSTRUCTION DOCUMENTS
Milford, Delaware
2022083

Dear Mr. Whitfield:

Becker Morgan Group, Inc. is pleased you have requested a professional services proposal for the Milford Corporate Center (Construction Documents) located in Milford, Delaware. We appreciate your confidence in our firm.

Enclosed please find an agreement documenting our initial services and compensation. If acceptable, please sign and return the agreement to our office. We will then proceed with our services.

Thank you for the opportunity to be of service. Please do not hesitate to call with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.



J. Michael Riemann, PE
Vice President

CJW/rlh

Enclosure: Proposal (09/29/22) - DE

Proposal/Agreement

Professional Services

MILFORD CORPORATE CENTER – CONSTRUCTION DOCUMENTS

Milford, Delaware
2022083

Project Scope

It is our understanding that you would like to proceed with preparing construction documents for the Milford Corporate Center Subdivision. The site is identified as 5-16-17300-01-0100, is approximately 182 acres and zoned split zoned BP/I-1 within City of Milford jurisdiction.

The property was previously the subject of a residential subdivision known as Homestead (Fry Property) and consisted of nearly 1,100 units. Becker Morgan Group, Inc. has been engaged to develop a conceptual site master plan for the project to consist of a business and industrial campus. Under previous engagement, Becker Morgan Group, Inc. prepared a site master plan dated which consists of approximately 27 lots varying in size from 3.5+/- acres to 12.0+/- acres.

It is our understanding that a traffic impact study (TIS) was previously completed for the Homestead development in 2006. We have engaged in discussions with DelDOT to utilize the previously prepared TIS in lieu of completing a new TIS. However, that decision is outstanding. At this time, we have excluded development of a TIS until a determination is made.

It is our understanding that a roundabout is proposed at the intersection of Rt. 15 and Airport Rd. as well as a full movement intersection along Rt. 14. No access is currently proposed to Church Hill Road. It is our understanding that Rt. 14 and Rt. 15 meet DelDOT's current functional classification requirements. It is our understanding that you are pursuing funding through the Transportation Infrastructure Investment Fund. As a result, survey and civil engineering services for the roundabout, Rt. 14 entrance, and shared use path along the project frontage is excluded from this contract. In addition, widening from the limits of Rt 15 frontage to Church Hill Road is excluded.

It is our understanding that a water tower and pump station will be necessary to serve the site with water and sewer. The details surrounding these facilities are currently unknown. As a result, we have excluded them from our fee at this time.

You would like Becker Morgan Group, Inc. to prepare a submission documents and construction plans for the aforementioned project.

Based on our understanding of the project, we offer the following scope of service.

Services Scope

Boundary & Topographic Survey

\$34,000.00

We will perform a boundary survey the parcel described above. We will locate any visible monuments and perform deed research in order to determine the properties extents. The boundary survey will be performed in accordance with Delaware State Survey standards. The boundary survey will be on Delaware State Plane Horizontal (NAD83) Coordinate System. Upon completion of the Boundary Survey, we will set

additional monuments as necessary. Upon completion of fieldwork, we will provide a signed and sealed boundary survey drawing.

We will perform a topographic survey. The topographic survey will locate existing structures, roadways/paved areas, visible or marked utilities, trees, and other existing conditions necessary to prepare a topographic base plan for the parcels. A topographic base plan will be prepared showing the existing boundaries of the property along with all field surveyed information along with contours at one-foot intervals and spot grades. Wetlands may be present. We will contract with a wetland consultant and bill as a reimbursable expense. The topographic survey will be on Vertical datum (NAVD88). Our survey will be based on the required data needed for site plan design.

Preliminary Subdivision Plan/City of Milford \$85,000.00

We will use the conceptual site plan, approved to develop preliminary site plans for submission to the City of Milford. The preliminary site plans will be prepared in accordance with the city's preliminary site plan requirements. Our site plans will utilize/include information from our topographic base plan along with roadways, site access, setbacks, utilities, grading, drainage, stormwater management and other required zoning information based on preliminary engineering. We will also incorporate the Landscape Plans into the preliminary site plan set.

The city shall review the plans for compliance with the City of Milford ordinances, and for general compliance with the construction standards and specifications. The city shall forward any review comments they may have to us and the project team.

We will address the city's comments accordingly and re-submit the preliminary site plans to the city for subsequent review. When the City has no additional review comments, they will issue a letter acknowledging such. The project will then be placed on the agenda to be considered by the Planning Commission.

We will prepare presentation materials including color graphics of the site plan and make presentation at the Planning Commission and City Council on behalf of the project.

Site Construction Documents \$194,000.00

Once the City of Milford Planning Commission has approved the preliminary site plan, we will prepare the construction drawings for recordation, construction permits, and process applications and submit to the following review agencies: Delaware State Fire Marshal, Delaware Health & Social Services Water Permitting, DNREC Sewer Permit, City of Milford Public Works, City of Milford Planning, Milford Fire Department, DelDOT (LONOR only), Kent Conservation District. Our fee for the construction documents includes revisions based on agencies' comments, and resubmissions. Our fee excludes code and policy changes currently not in affect at the time of this proposal.

Existing Conditions/Demolition Plan

We will prepare an existing conditions / demolition plan to identify the existing site conditions, utilities and topographical information derived from our survey documents. We will identify items to be demolished as necessary to achieve the proposed plan. Our services do not include environmental services or remediation services and assume that you will contract those services separately if needed.

Site Plan

We will prepare a final site plan in accordance with the site plan requirements. These plans will address comments received from the planning department and will include elements such as buildings, pavements, parking configurations, sidewalks, site striping and signage and other general site features.

Grading & Drainage Plans

We will prepare grading and drainage plans to identify existing topographical and utility information as derived from the existing conditions plan. Utilizing this information as a base, this plan will depict the proposed grading, drainage, and stormwater drainage design for this facility. This information will be displayed with topographical contours at one-foot intervals and spot elevation details as required to sufficiently describe the proposed improvements. The plans will also include location, size, type, and elevations of the proposed storm drain system.

Utility Plans

We will prepare utility plans that will identify existing utility information as derived from the existing conditions plan. Utilizing this information as a base, this plan will depict the proposed design for this facility. The plan will illustrate locations of the utilities (including sanitary sewer, water, storm sewer) for the subject project. The plans will include the location, size, type, and elevation of the proposed sanitary sewer and water system including location of manholes, cleanouts, meter pits, valves, fire hydrants, and other related appurtenances. It should be noted that electric, telecom, and gas services will be based on information provided by the local utility companies and/or the project M.E.P. Engineer. Becker Morgan Group will coordinate with the local utility and show information provided by the utility on the construction drawings for reference only. Becker Morgan Group does not design these services and is excluded from our fee.

Profile Sheets

We will prepare profile sheets that will display vertical locations of the proposed storm sewer system to be constructed on site. All tie-in locations to existing utilities are assumed and based upon information provided by the survey or respective utility companies and may not necessarily reflect actual field conditions; therefore, slight modifications once existing utilities are located in the field may be necessary after the original design is completed.

Delaware Health and Social Services

We will submit to Delaware Health & Social Services Division of Public Health for review of the proposed potable water supply system and approval of the construction permit.

Department of Natural Resources & Environmental Control Sewer

We will submit plans to the State of Delaware Department of Natural Resources for review of the sanitary sewer system and approval of the construction permit.

Department of Natural Resources & Environmental Control/Notice of Intent

We will prepare the Notice of Intent (NOI) for submission to Delaware Department of Natural Resources. The NOI permit fee is not included in our fee.

Sediment & Stormwater Management Plans and Report

We will prepare the required Stormwater Assessment Study which is required prior to the pre-application meeting with the agency having jurisdiction ("Agency"). The

study will include GIS information as well as pre-developed drainage maps. We will submit the study to the Agency and attend the required pre-application meeting. Following the pre-application meeting we will prepare Sediment and Stormwater Plans for submission to the Agency. These plans will identify any proposed storm drain layout including pipe size and location as well as catch basin size and location if necessary. These plans will also identify the stormwater management BMP locations. We will also prepare a detailed stormwater management report as required by the Agency. The report will document and compare the stormwater discharge in the pre-developed and post-developed condition as well as outline stormwater quality control design as required by the Agency. Our fee assumes that the existing soils and water table are suitable for infiltration per agency regulations. Extensive design to overcome unsuitable local conditions is excluded and extraordinary design measures could incur additional fees. A watershed study is not expected but could be required. At this point, this is unknown. As a result, we have excluded this from our fee.

Erosion and Sediment Control Plans

We will prepare the required erosion and sediment control plans and submit to the for review. These plans will identify the storm drain layout including pipe size and location as well as catch basin size and location if necessary. These plans will also identify the stormwater management BMP locations. In addition, the plans will include temporary erosion and sediment control measures required during construction in accordance with DNRECs requirements including but not limited to items such as silt fence locations, stabilized construction entrance locations, inlet protection, and slope stabilization. We will also prepare stormwater calculations to document compliance with the Delaware Sediment and Stormwater Regulations.

Fire Protection Plan

We will submit site plans to the Delaware State Fire Marshal's office for review. Plans will detail fire lane access requirements and fire hydrant locations as required by the Office of the State Fire Marshal.

Landscape Plan

We will prepare Landscape Plans that will illustrate the proposed landscaping improvements at this facility, to satisfy the minimum required landscaping per the local jurisdiction's landscape ordinance only. This will be reflective in a display with a legend of the proposed landscaped improvements inclusive of trees, shrubs, related plantings, and landscaping items. The design will be superimposed onto the Site Plan documents and will ultimately be utilized for construction. Additionally, our office will incorporate a planting schedule, which identifies the botanical names, proposed number of plants per species, and size as prepared by our licensed landscape architect. Our fee does not include hardscape design.

Civil Construction Details

We will prepare construction detail sheets, which detail items to be constructed such as sidewalks, manholes, valves, signage, pavement sections, catch basins, cleanouts, curb, trench details, etc.

Construction Phase Services (limited)

HOURLY

We will provide construction phase services on a per occurrence basis only as requested by the owner and/or contractor during construction. Regular site inspections will not be performed and Becker Morgan Group, Inc. will not be responsible for the contractor's quality of work unless specifically requested in writing by the owner and included in an

amended services agreement. Services included as part of basic Construction Phase services are reviewing shop drawing submittals provided by the contractor, answering questions that may arise during construction, and providing drawing clarifications as specifically requested.

Extra Services

We have established a scope of services based on information provided, services requested, and knowledge of the project as it currently exists. There may be instances when unforeseen issues arise and must be managed as part of the design, review and approval process that are not included in the current scope of services.

If unforeseen circumstances arise, an agency provides comments or requires additional design information, or you request information that is outside of the scope of this contract, we will immediately contact you and discuss the potential for extra services. If you as the developer/owner or anyone associated with your efforts requests or requires additions, deletions, or revisions to the scope of this contract, we will immediately contact you and discuss the potential for extra services. Any effort not considered within the scope of this contract will be billed on a time and materials basis, in accordance with our Terms and Conditions of Agreement. We will establish a budget with you prior to commencing with any of the efforts considered under these extra services.

Compensation

We will provide the above-described services on a fixed fee basis of \$313,000.00 with the exception of Construction Phase and Extra Services which we will provide on an hourly basis per our *Terms and Conditions of Agreement (01.01.22)*, with prior authorization.

Exclusions

- Regulatory Matters*: Variances; Exceptions; Amendments, Rezoning
- Surveying*: ALTA/ACSM Surveys; As-Built Surveys; Construction Stake Out Services
- Studies*: Traffic; Community Impact Statements; Feasibility
- Environmental: Phase 1 and Phase 2 Studies; Forest Conservation Compliance*; Wetlands Delineation and Permitting*; Critical Areas Compliance*
- Site light
- Engineering: Geotechnical (Soil Borings and Recommendations); Structural; Mechanical, Electrical, Plumbing; Fire Protection; Life Safety; Technology and Telecommunications
- Design of any Off-Site Improvements or Utility Extensions to the Site*
- Design*: Architecture or Interior Design [Furniture, Fixtures and movable Equipment (FF&E) Specification and/or Procurement; FF&E Color Coordination; Window Coverings]
- Other Consultants: Acoustical; Cost Control; Food Service; Building Envelope; Roofing; Scheduling
- Graphics*: Models; 3D Presentation Materials; Marketing Materials/Presentation Graphics; Project Signage; Computer Animation
- Fees: Filing; Review; Permits; Agency Approvals; Bonds
- Reproduction: Printing of Construction and Bid Sets of Drawings and Specifications
- Coordination of Owner/Tenant Provided Materials or Services



ARCHITECTURE
ENGINEERING

- Water Tower Design*
- Sanitary Sewer Pump Station Design*

* Becker Morgan Group, Inc. has personnel qualified to perform these services as required.

Agreement Terms

Reimbursable items such as printing, mileage, shipping, etc. are not included in our fee, and will be billed separately. The attached *Terms and Conditions of Agreement* documents contract terms and is hereby incorporated into this agreement.

If this proposal is acceptable as written, please sign and return to our office.

Thank you for the opportunity to be of service.

BECKER MORGAN GROUP, INC.

J. Michael Riemann, PE
Vice President

CJW/rlh

City of Milford – City Manager
Mark Whitfield

Accepted: _____

Title: _____

Date: _____

Attachment: *Terms and Conditions of Agreement* (01.01.22) - DE

Client Billing Information	<i>(To Be Completed By Client – Please Print)</i>
Billing Contact Name:	
Billing Entity:	
Billing Address: Street, City, State, Zip:	
Billing Email Address:	
Billing Contact Phone:	

**TERMS AND CONDITIONS OF AGREEMENT
For Professional Services**

Scope of Project and Services

See attached proposal/letter of agreement. All references herein to A/E means Design Professional - Architect, Engineer, Landscape Architect, Surveyor, or Interior Designer.

Fixed Fee Projects

Billings are based upon the percentage of completion of each phase of services.

Hourly Rate Schedule

Compensation for hourly services:

Principals	\$225 - 275/hr
Senior Associate	\$150 - 200/hr
Associate	\$120 - 160/hr
Architect/Engineer/Interior Designer/Landscape Architect & Surveyor	\$145 - 165/hr
Designer	\$100 - 145/hr
Technician	\$ 50 - 110/hr
Support	\$ 50 - 150/hr
Field Crew	\$180/hr
Expert Witness	1.5 x billing rate
3D Scanner	\$200

Rates subject to change each January.

Any consultants required and authorized by the Owner will be billed at cost plus ten (10) percent.

Estimated Fees

Fee estimates are valid for sixty (60) days. Where an estimated total is given for hourly work, it shall not constitute an upset figure, but is provided to assist in project budgeting only.

Initial Payment

Services commence when the Owner's authorization is received with the initial payment, which will be applied to the final invoice.

Invoices

Invoices are sent monthly for services performed. Payment is due upon receipt. A late charge will be added thirty (30) days after the invoice date at 1.5% per month simple interest.

Reproduction Expenses

In-house reproduction expenses incurred in the interest of the project will be billed as follows:

Plots	Size	Regular	Color
	18x24	\$ 5.00	\$10.00
	24x36	\$10.00	\$15.00
	30x42	\$15.00	\$20.00
Photocopies	8½ x 11	\$.15	\$.50
	8½ x 14	\$.20	\$.75
	11x17	\$.25	\$ 1.00
Prints	18x24	\$ 2.00	
	24x36	\$ 3.00	
	30x42	\$ 4.00	

Reimbursable Expenses

Other expenses incurred in the interest of the project (travel, toll communications, postage, delivery, photographs, engineering or other consultants, renderings, models, etc.) will be billed monthly at cost plus ten (10) percent.

Government Agency Fees / Approvals

The owner shall pay directly (outside of Becker Morgan Group, Inc.'s fees and reimbursables) for all of the following governmental charges,

including but not limited to: application fees, review fees, permit fees, plat recordation, governmental charges, impact fees, front footage assessments, water flow and pressure test, tap-in fees, bonds, transfer taxes, etc. Owner should investigate and budget these items in their total project development soft costs. Owner acknowledges that the approval process necessary to estimate or maintain a project timeline is both unpredictable and outside of the A/E's control. A/E does not guarantee approvals by any governing authority or outside agency, nor the ability to achieve or maintain any project timeline.

Additional Services

Services beyond those outlined in the attached Scope of Work, including for revisions due to adjustments in the scope, budget or quality of the project, for redesign of previously approved drawings, and for additional Construction Phase services, will be billed at hourly rates above or at fixed fees.

Change of Scope

All fees are subject to renegotiations if the original scope of service is changed or if services are not completed within two (2) months of the project's projected completion date indicated in the proposal.

Early GMP or Design / Build

If Owner solicits early GMP or Design / Build proposals based upon work-in-progress drawings or prior to A/E's receipt of, and response to, permitting comments, Owner acknowledges that any cost scheduling information resulting for such solicitations or procurement necessary will be subject to revision until the Construction Documents are finally completed and issued for construction, including all addenda. Any services required to highlight drawing changes associated with early GMP or Design / Build proposals shall be compensated as an Additional Service.

Fast-Track or Phased Project Delivery

If Owner requests or requires fast-track design services or early or phased construction document packages, Owner assumes the elevated risk that the design services and/or phased construction document packages will have errors, omissions or incomplete coordination. Accordingly, A/E shall have no liability to Owner with respect to fast-track design services or early or phased construction packages absent gross negligence on the part of the A/E.

Betterment

In the case of design errors or omissions that lead to an increase in the cost of construction, A/E shall have no liability to Owner for the portion of such cost increase that represents betterment or value added to the project.

Third-Party Beneficiaries

Neither the Contractor nor any other person or entity, apart from the Owner and A/E, are intended beneficiaries of the A/E's services. A/E does not warrant or represent that its services or the Construction Documents will be free from errors, omissions or ambiguities. Owner shall inform all prospective contractors and construction managers, in writing, that A/E makes no representation whatsoever to any prospective contractor, trade contractor or construction manager regarding the quality, completeness or sufficiency of the Construction Documents, for any purpose whatsoever.

Design Without Construction Review

Should Owner elect not to engage A/E to perform normal periodic construction observation and normal full service Submittals, RFIs, Substitution and Change Order review services during construction, Owner acknowledges that there is an increased risk to Owner of misinterpretation of A/E's design intent by the Contractor, the Owner or inspecting agencies; an increased risk of non-compliant construction work on the part of the Contractor; and a

reduced opportunity afforded to the A/E and Owner to identify and resolve conflicts, errors or omissions in the construction or in the construction documents at a point when the consequences stemming from such risks and reduced opportunities could have been mitigated or avoided. Accordingly, A/E shall not be liable to Owner or others for any portions of any damages or harm that plausibly could have been avoided had the A/E been engaged to perform full service construction phase services.

Please note: Delaware Code Title 24 – Chapter 3 mandates an A/E is required for "construction contract administration services". If Becker Morgan Group, Inc. is not hired to provide these services, we are required by law to file a Construction Contract Administration Services Provider Change Form with the appropriate officials designating who will be providing the required services directly for the Owner.

Ownership of Documents

All documents (drawings, sketches, reports, etc.) prepared as instruments of service shall remain the copyrighted property of the A/E and are specific only to this project, Owner, and this Agreement. Work which is furnished, but not paid for, will be returned to the A/E and will not be used for any purpose by the Owner until payment in full is rendered. Owner agrees to indemnify, defend and hold A/E harmless for all claims arising out of Owners reuse, misuse, modification or assignment of A/E's instruments of service. This provision shall survive termination of this Agreement.

Insurance

The A/E is protected by Workmen's Compensation, Professional Liability and Standard Public Liability Insurance. The A/E will not be responsible for any loss, damage or liability arising from Owner's negligent acts, errors or omissions or those by Owner's consultants, contractors, and agents or from those of any person whose conduct is not within the A/E's contractual responsibility.

Risk Allocation

Owner and A/E have discussed the risk, rewards and benefits of the project and the A/E's total fee for services. The risks have been allocated such that the Owner agrees that to the fullest extent permitted by law, A/E's total liability to Owner for any and all injuries, claims, losses, expenses, damages or claims expenses arising out of this agreement from any cause or causes, shall not exceed the total fee or \$50,000, whichever is greater. Such causes include, but are not limited to design professional's negligent errors, omissions, or breach of contract. This limitation of liability may be increased up to the limits of A/E's insurance coverage available to pay for said increased liability only if a mutually agreed increase in A/E's fees is negotiated and set to this or written amendment executed by both parties.

Termination of Agreement

This Agreement may be terminated by either party upon seven (7) days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. This Agreement may be terminated by the Owner upon at least seven (7) days written notice to the A/E in the event the Project is permanently abandoned. In the event of termination not the fault of the A/E, the A/E shall be compensated for all services performed to termination date together with Reimbursable Expenses then due.

Environmental Hazards / Subsurface Conditions

The A/E does not perform services related to the identification, containment or removal of asbestos, hazardous waste, or any other environmental hazards, nor will it assume liability for any damages or costs related to these materials. Unless specifically included under A/E's scope of services, A/E assumes no liability for geotechnical engineering or any other analysis or testing of subsurface conditions (including soils and the location of any utilities or structures not visible on the surface).

Nonpayment/Work Stoppage

The A/E reserves the right to stop work on the project upon ten (10) days written notice to Owner for non-payment and withdraw any permit documents. A/E's stoppage of work shall be without liability for consequential or other damages resulting from the stoppage. Restart on the project after thirty (30) days of stoppage will require payment of additional fees.

Standard of Care

The Owner acknowledges the inherent risks associated with construction. In performing professional services, the A/E will use that degree of care and skill ordinarily exercised under similar circumstances by competent licensed A/E in the jurisdiction where the project is located. Under no circumstances shall any other representation (express or implied) or any type of warranty or guarantee be included or intended by the A/E during the completion of its services under this Agreement.

Successors & Assigns

The Owner and the A/E bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

Affidavits / Certifications

Any affidavits or certifications required by government agencies, lenders, or others shall be written to include language acceptable to the A/E. The Owner shall not require certification that would require knowledge or assumption of responsibilities beyond the scope of this agreement.

Miscellaneous Provisions

Unless otherwise specified, this Agreement shall be governed by Delaware Law. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement.

Collection

If it is necessary to enforce collection on any amount past due under this agreement, the A/E shall be reimbursed for all legal and other reasonable costs related thereto, including (33%) attorney's fees, court costs, administrative time and other collection costs.

Certificate of Merit

The Owner shall make no claim (whether directly or in the form of a third party claim) against the A/E unless the Owner shall have first provided the A/E with a written certification executed by a licensed professional in the State of Delaware, specifying each and every act or omission which the certifier contends constitutes a violation of the standard of care expected of an A/E performing professional services under similar circumstances. Such certificate shall be provided to the A/E thirty (30) days prior to the presentation of any such claim.

Frivolous Suit or Counterclaim

In the event the Owner makes a claim (or counterclaim) or brings an action against the A/E for any act arising out of the performance of the services hereunder, and the Owner fails to prove such a claim or action, then the Owner shall pay all

legal and other costs incurred by the A/E in defense of such claim or action.

Electronic Media

If electronic media of project files are requested, the Owner or requesting party must sign an Electronic Media Release Form, plus remit \$200.00 per file, plus printing costs per sheet for one (1) record set for Owner and one (1) set for A/E.

Privity of Contract

Owner agrees that any claim against A/E will be based solely on breach of contract and Owner also agrees that any contract by the Owner with any contractor for work on the project shall specifically state that "Contractor shall make no claim against A/E for the project and Contractor's sole basis for claim shall be breach of contract against the Owner regardless of whether such claim is based on any alleged error or omission of the A/E." Contractor also agrees to place such a clause as this in all its agreements with any subcontractors for the project restricting their right to recovery to breach of contract against the contractor.

Repose

As between the parties to this Agreement, any applicable statute of limitations or repose will begin to run, and any cause of action will have accrued, not later than the date of the last invoice sent to Owner by A/E for project services performed. In no event shall Owner be permitted to make any claim against any party, including third parties not in a privity with this Agreement, after four (4) years from the date of substantial completion of the project or the date of the final payment to A/E for this project, whichever event occurs earliest (referred to as the date of repose), whether the basis of any claim is known or discovered before or after that date of repose.

Publicity

All publicity developed for this project will credit Becker Morgan Group, Inc. as the Architects/Engineers, as appropriate.

January 1, 2022

Becker Morgan Group, Inc.

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ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

September 29, 2022

Mark Whitfield
City of Milford – City Manager
180 Vickers Drive
Milford, Delaware 19963
mwhitfield@milford-de.gov

RE: **Professional Additional Services**
MILFORD CORPORATE CENTER / DELDOT IMPROVEMENTS
Rehoboth Beach, Delaware

Dear Mr. Whitfield:

Becker Morgan Group, Inc. is pleased to have been requested to provide you with a professional services proposal for designing DeIDOT Improvements associated with the Milford Corporate Center located in Milford, Delaware. We appreciate your confidence in our firm.

If this proposal is acceptable as written, please sign and return to our office. Upon receipt, we will proceed accordingly.

Thank you for the opportunity to be of continued service. Please do not hesitate to call with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.

J. Michael Riemann, P.E.
Vice President

CJW/rlh

enc: Proposal (9/29/22)
Terms and Conditions of Agreement (01/01/22)

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BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950
FAX 302.734.7965

RITTENHOUSE STATION
250 SOUTH MAIN STREET, SUITE 109
NEWARK, DELAWARE 19711
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211
WILMINGTON, NORTH CAROLINA 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

Proposal/Agreement

Professional Additional Services

BEEBE REHOBOTH CAMPUS / DELDOT IMPROVEMENTS

Rehoboth Beach, Delaware

Project Scope

It is our understanding that you would like to proceed with designing DelDOT Improvements for the Milford Corporate Center Subdivision. The site is identified as 5-16-17300-01-0100, is approximately 182 acres and zoned split zoned BP/I-1 within City of Milford jurisdiction.

Becker Morgan Group, Inc. has been engaged to develop a conceptual site master plan for the project to consist of a business and industrial campus. Becker Morgan Group, Inc. prepared a site master plan which consists of approximately 27 lots varying in size from 3.5+/- acres to 12.0+/- acres. Design services for the Milford Corporate Center are being handled under separate agreement.

It is our understanding that a traffic impact study (TIS), was previously completed for the Homestead development. We have engaged in discussions with DelDOT to utilize the previously prepared TIS in lieu of completing a new TIS. However, that decision is outstanding. At this time, we have excluded development of a TIS until a determination is made. If a TIS is required, costs can range from \$25,000.00 to \$35,000.00 depending on scope.

It is our understanding that a roundabout is proposed at the intersection of Rt. 15 and Airport Road as well as a full movement intersection along Rt. 14. No access is currently proposed to Church Hill Road. It is our understanding that Rt. 14 and Rt. 15 meet DelDOT's current functional classification requirements. As such, widening of Rt. 14 and Rt. 15 are excluded from our fee but for a small portion adjacent to the round-a-bout. You have made application to the Transportation Infrastructure Investment Fund under separate agreement.

Based on our understanding we offer the following scope of services.

Services Scope

Right of Way Survey

\$14,000.00

We will supplement the boundary survey to locate existing right of way along the project limits. We will locate any visible monuments and perform deed research to determine the limits of right of way. The right of way survey will be performed in accordance with Delaware State Survey standards. The survey will be on Delaware State Plane Horizontal (NAD83) Coordinate System. Upon completion of the Survey, we will set additional monuments as necessary. Upon completion of fieldwork, we will provide a signed and sealed right of way survey drawing.

In addition, we will perform a topographic survey. The topographic survey will locate existing pavement, striping, visible or marked utilities, trees, and other existing conditions necessary to prepare a topographic base plan for project area. A topographic base plan will be prepared showing the existing rights of way of the property along with all field surveyed information along with contours at one-foot intervals and spot grades. The topographic survey will be on Vertical datum (NAVD88). Our survey will be based on the required data needed for site plan design.

Roadway Design

\$157,000.00

We will prepare the construction drawings and submit to DelDOT for review. Our fee for the construction documents includes revisions based on agencies comments, and resubmissions. Our fee excludes code and policy changes currently not in affect at the time of this proposal. We will prepare the following plans and submissions:

Pre-submittal Meeting.

We will prepare necessary materials to schedule a pre-submittal meeting with DelDOT to review the project submission and application. We will prepare a conceptual entrance plan along with trip generation diagrams. We will attend the pre-submittal meeting and provide meeting minutes to the meeting.

Existing Conditions / Demolition Plan

We will prepare an existing conditions / demolition plan to identify the existing site conditions, utilities and topographical information derived from our survey documents. We will identify items to be demolished as necessary to achieve the proposed plan. Our services do not include environmental services or remediation services and assume that you will contract those services separately if needed.

Grading & Utility Plans

We will prepare grading and drainage plans to identify existing topographical and utility information as derived from the existing conditions plan. Utilizing this information as a base, this plan will depict the proposed grading, drainage to the stormwater facility. This information will be displayed with topographical contours at one-foot intervals and spot elevation details as required to sufficiently describe the proposed improvements. The plans will also include location, size, type, and elevations of the proposed storm drain system.

We will prepare utility plans that will identify existing utility information as derived from the existing conditions plan. Utilizing this information as a base, this plan will depict the proposed design for this facility. The plan will illustrate locations of the utilities within the new DelDOT road including storm drain design. The plans will include the location, size, type, and elevation of the proposed utilities and other related appurtenances.

Roadway Profile Sheets

We will prepare road profile sheets that will display vertical locations of the proposed roadway including existing and proposed centerline road profiles and vertical curves as well as any utilities located within the roadway in accordance with DelDOT requirements.

Cross Sections

We will prepare road cross sections at 50' intervals along the new public road in accordance with DelDOT. The sections will include existing and proposed grades, sections, and utilities in accordance with DelDOT requirements.

Signage and Striping Plans

We will prepare signage and striping plans identifying the require DelDOT striping and signage along the new loop road. Plans will be prepared in accordance with the Delaware MUTCD.

Roundabout Plans

We will design the roundabout and the associated offsite roadway improvements identified by DelDOT and we will prepare plans for submission to Development Coordination Department for review. This proposal assumes that DelDOT has acquired the right-of-way necessary for the roundabout.

Entrance Plans

We will design entrances and the offsite roadway improvements identified by DelDOT and we will prepare plans for submission to Development Coordination Department for review. Our fee includes designing one (1) full movement access from Rt. 14 into the Milford Corporate Center.

Hydraulic Report

We will prepare a hydraulic analysis of the proposed drainage design in accordance with DelDOT requirements to analyze the design capacity of the system. In addition, we will include the DelDOT Cover Angle Worksheet as part of the report.

Erosion and Sediment Control Plans

We will prepare the required erosion and sediment control plans and submit to DelDOT for review. These plans will identify the storm drain layout including pipe size and location as well as catch basin size and location if necessary. These plans will also identify the stormwater management BMP locations. In addition, the plans will include temporary erosion and sediment control measures required during construction in accordance with DNREC's requirements including but not limited to items such as silt fence locations, stabilized construction entrance locations, inlet protection, and slope stabilization. We will also prepare stormwater calculations to document compliance with the Delaware Sediment and Stormwater Regulations.

Stormwater Management

As the road will create additional stormwater runoff, we will prepare a stormwater management report and submit to DelDOT for review. It is anticipated that the public road runoff will drain to the same facilities as the on-site stormwater. If a separate DelDOT stormwater facility is required, our fees may need to be adjusted. The report will include a pre-development and post-development analysis as well as stormwater bmp design. We will submit the report to DelDOT for review.

Lighting Design Report and Photometric Analysis

Becker Morgan Group, Inc. will conduct photometric analysis for the subject roundabout which will be presented in a Lighting Design Report in accordance with DelDOT's Lighting Design Guidelines. Becker Morgan Group, Inc. will coordinate with DelDOT Traffic to verify appropriate lighting design criteria. The Lighting Design Report will determine the location for the light poles required to reach the appropriate levels of illumination. Based on Section 4.A.2 and Figure 3A from Appendix W of DelDOT's Traffic Lighting Policy, "the area of illumination at a roundabout should include the limits of the circular intersection area and the area of the roadway up to and including the crosswalks immediately adjacent to the roundabout at the raised splitter islands."

Lighting Plans, Specifications & Estimate

Becker Morgan Group, Inc. will prepare Lighting Plans, Specifications and Estimate (PS&E) following DelDOT concurrence on the Lighting Design Report submitted as part of Task 1. Becker Morgan Group, Inc. will develop Lighting Plans, Specifications and Estimate for the intersection utilizing Becker Morgan's design files. The Lighting PS&E package will include proposed light standards, luminaires, conduits, junction wells, wiring, lighting control cabinet, service pedestal and associated schedules. Becker Morgan Group, Inc. will provide voltage drop calculations for the DelDOT Light Standards in the new system and will prepare a construction cost estimate for DelDOT Traffic's use.

Utility Coordination

Becker Morgan Group, Inc. will coordinate with the utility/power company to determine the power source for the new DelDOT lighting system. This coordination will entail identifying the Power Company's utility pole which can provide service to the meter and cabinet and a Service Application for the new electrical service. From this coordination, the utility/power company will alert Becker Morgan Group, Inc. to the cost associated with the work to provide the new service for the lighting system.

Right-of-Way & Easement Dedication Plat

\$18,000.00

We will prepare a right-of-way and easement plat for the property. The plat will show proposed right-of-way dedications required to bring the adjacent road rights-of-way up to current width requirements as required by DelDOT. The plan will also show proposed easements for shared use paths/sidewalks where required. Should other easements be necessary (utility easements, etc.), they will also be shown on the plat. We will submit the plat to Kent County and DelDOT for review.

Construction Phase Services

\$21,000.00

It is unknown whether or not DelDOT will require level 1 or level 2 inspection services. As a result, we have not included a level 2 inspection. However, we will provide construction phase services during construction to on a per occurrence basis only as requested by the owner and/or contractor during construction. Regular site inspections will not be performed and Becker Morgan Group, Inc. will not be responsible for the contractor's quality of work unless specifically requested in writing by the owner and included in an amended services agreement. Services

included as part of basic Construction Phase services are reviewing shop drawing submittals provided by the contractor, answering questions that may arise during construction, and providing drawing clarifications as specifically requested.

Extra Services

HOURLY

We have established a scope of services based on information provided, services requested, and knowledge of the project as it currently exists. There may be instances when unforeseen issues arise and must be managed as part of the design, review and approval process that are not included in the current scope of services.

If unforeseen circumstances arise, an agency provides comments or requires additional design information, or you request information that is outside of the scope of this contract, we will immediately contact you and discuss the potential for extra services. If you as the developer/owner or anyone associated with your efforts requests or require additions, deletions, or revisions to the scope of this contract, we will immediately contact you and discuss the potential for extra services. Any effort not considered within the scope of this contract will be billed on a time and materials basis, in accordance with our *Terms and Conditions of Agreement*. We will establish a budget with you prior to commencing with any of the efforts considered under these extra services.

Compensation

We will provide the above-described services on a fixed fee basis of \$210,000.00. If Extra Services are requested, we will provide on an hourly basis per our *Terms and Conditions of Agreement (01.01.22)*, with prior authorization.

Exclusions (*the following are excluded from our contract*)

- Regulatory Matters*: Variances; Exceptions; Amendments; Hearings
- Surveying*: Subdivision Plats; ALTA/ACSM Surveys; As-Built Surveys; Construction Stake Out Services
- Studies*: Traffic; Community Impact Statements; Feasibility
- Environmental: Phase 1 and Phase 2 Studies; Forest Conservation Compliance*; Wetlands Delineation and Permitting*; Critical Areas Compliance*
- Engineering: Geotechnical (Soil Borings and Recommendations); Structural; Mechanical, Electrical, Plumbing; Fire Protection; Life Safety; Technology and Telecommunications
- Design of any Off-Site Improvements or Utility Extensions to the Site*
- Design*: Architecture, Landscape, or Interior Design [Furniture, Fixtures and movable Equipment (FF&E) Specification and/or Procurement; FF&E Color Coordination; Window Coverings]
- Other Consultants: Acoustical; Cost Control; Food Service; Roofing; Scheduling
- Graphics*: Models; 2D and 3D Presentation Materials; Marketing Materials/Presentation Graphics; Project Signage; Computer Animation
- Fees: Filing; Review; Permits; Agency Approvals; Bonds
- Reproduction: Printing of Construction and Bid Sets of Drawings and Specifications
- Coordination of Owner/Tenant Provided Materials or Services
- Offsite easement and right of way acquisition*

* Becker Morgan Group, Inc. has personnel qualified to perform these services as required.

Agreement Terms

Reimbursable items such as printing, mileage, shipping, etc. are not included in our fee, and will be billed separately. The attached *Terms and Conditions of Agreement* documents contract terms and is hereby incorporated into this agreement.

If this proposal is acceptable, please sign and return with signature.

Thank you for the opportunity to be of service.

BECKER MORGAN GROUP, INC.

J. Michael Riemann, P.E.
Vice President

JMR/rlh

City of Milford – City Manager
Mark Whitfield

Accepted: _____

Title: _____

Date: _____

Enc: *Terms and Conditions of Agreement (01/01/22) - DE*

Client Billing Information	<i>(To Be Completed By Client – Please Print)</i>
Billing Contact Name:	
Billing Entity:	
Billing Address: Street, City, State, Zip:	
Billing Email Address:	

**TERMS AND CONDITIONS OF AGREEMENT
For Professional Services**

Scope of Project and Services

See attached proposal/letter of agreement. All references herein to A/E means Design Professional - Architect, Engineer, Landscape Architect, Surveyor, or Interior Designer.

Fixed Fee Projects

Billings are based upon the percentage of completion of each phase of services.

Hourly Rate Schedule

Compensation for hourly services:

Principals	\$225 - 275/hr
Senior Associate	\$150 - 200/hr
Associate	\$120 - 160/hr
Architect/Engineer/Interior Designer/Landscape Architect & Surveyor	\$145 - 165/hr
Designer	\$100 - 145/hr
Technician	\$ 50 - 110/hr
Support	\$ 50 - 150/hr
Field Crew	\$180/hr
Expert Witness	1.5 x billing rate
3D Scanner	\$200

Rates subject to change each January.

Any consultants required and authorized by the Owner will be billed at cost plus ten (10) percent.

Estimated Fees

Fee estimates are valid for sixty (60) days. Where an estimated total is given for hourly work, it shall not constitute an upset figure, but is provided to assist in project budgeting only.

Initial Payment

Services commence when the Owner's authorization is received with the initial payment, which will be applied to the final invoice.

Invoices

Invoices are sent monthly for services performed. Payment is due upon receipt. A late charge will be added thirty (30) days after the invoice date at 1.5% per month simple interest.

Reproduction Expenses

In-house reproduction expenses incurred in the interest of the project will be billed as follows:

Plots	Size	Regular	Color
	18x24	\$ 5.00	\$10.00
	24x36	\$10.00	\$15.00
	30x42	\$15.00	\$20.00
Photocopies	8½ x 11	\$.15	\$.50
	8½ x 14	\$.20	\$.75
	11x17	\$.25	\$ 1.00
Prints	18x24	\$ 2.00	
	24x36	\$ 3.00	
	30x42	\$ 4.00	

Reimbursable Expenses

Other expenses incurred in the interest of the project (travel, toll communications, postage, delivery, photographs, engineering or other consultants, renderings, models, etc.) will be billed monthly at cost plus ten (10) percent.

Government Agency Fees / Approvals

The owner shall pay directly (outside of Becker Morgan Group, Inc.'s fees and reimbursables) for all of the following governmental charges,

including but not limited to: application fees, review fees, permit fees, plat recordation, governmental charges, impact fees, front footage assessments, water flow and pressure test, tap-in fees, bonds, transfer taxes, etc. Owner should investigate and budget these items in their total project development soft costs. Owner acknowledges that the approval process necessary to estimate or maintain a project timeline is both unpredictable and outside of the A/E's control. A/E does not guarantee approvals by any governing authority or outside agency, nor the ability to achieve or maintain any project timeline.

Additional Services

Services beyond those outlined in the attached Scope of Work, including for revisions due to adjustments in the scope, budget or quality of the project, for redesign of previously approved drawings, and for additional Construction Phase services, will be billed at hourly rates above or at fixed fees.

Change of Scope

All fees are subject to renegotiations if the original scope of service is changed or if services are not completed within two (2) months of the project's projected completion date indicated in the proposal.

Early GMP or Design / Build

If Owner solicits early GMP or Design / Build proposals based upon work-in-progress drawings or prior to A/E's receipt of, and response to, permitting comments, Owner acknowledges that any cost scheduling information resulting for such solicitations or procurement necessary will be subject to revision until the Construction Documents are finally completed and issued for construction, including all addenda. Any services required to highlight drawing changes associated with early GMP or Design / Build proposals shall be compensated as an Additional Service.

Fast-Track or Phased Project Delivery

If Owner requests or requires fast-track design services or early or phased construction document packages, Owner assumes the elevated risk that the design services and/or phased construction document packages will have errors, omissions or incomplete coordination. Accordingly, A/E shall have no liability to Owner with respect to fast-track design services or early or phased construction packages absent gross negligence on the part of the A/E.

Betterment

In the case of design errors or omissions that lead to an increase in the cost of construction, A/E shall have no liability to Owner for the portion of such cost increase that represents betterment or value added to the project.

Third-Party Beneficiaries

Neither the Contractor nor any other person or entity, apart from the Owner and A/E, are intended beneficiaries of the A/E's services. A/E does not warrant or represent that its services or the Construction Documents will be free from errors, omissions or ambiguities. Owner shall inform all prospective contractors and construction managers, in writing, that A/E makes no representation whatsoever to any prospective contractor, trade contractor or construction manager regarding the quality, completeness or sufficiency of the Construction Documents, for any purpose whatsoever.

Design Without Construction Review

Should Owner elect not to engage A/E to perform normal periodic construction observation and normal full service Submittals, RFIs, Substitution and Change Order review services during construction, Owner acknowledges that there is an increased risk to Owner of misinterpretation of A/E's design intent by the Contractor, the Owner or inspecting agencies; an increased risk of non-compliant construction work on the part of the Contractor; and a

reduced opportunity afforded to the A/E and Owner to identify and resolve conflicts, errors or omissions in the construction or in the construction documents at a point when the consequences stemming from such risks and reduced opportunities could have been mitigated or avoided. Accordingly, A/E shall not be liable to Owner or others for any portions of any damages or harm that plausibly could have been avoided had the A/E been engaged to perform full service construction phase services.

Please note: Delaware Code Title 24 – Chapter 3 mandates an A/E is required for "construction contract administration services". If Becker Morgan Group, Inc. is not hired to provide these services, we are required by law to file a Construction Contract Administration Services Provider Change Form with the appropriate officials designating who will be providing the required services directly for the Owner.

Ownership of Documents

All documents (drawings, sketches, reports, etc.) prepared as instruments of service shall remain the copyrighted property of the A/E and are specific only to this project, Owner, and this Agreement. Work which is furnished, but not paid for, will be returned to the A/E and will not be used for any purpose by the Owner until payment in full is rendered. Owner agrees to indemnify, defend and hold A/E harmless for all claims arising out of Owners reuse, misuse, modification or assignment of A/E's instruments of service. This provision shall survive termination of this Agreement.

Insurance

The A/E is protected by Workmen's Compensation, Professional Liability and Standard Public Liability Insurance. The A/E will not be responsible for any loss, damage or liability arising from Owner's negligent acts, errors or omissions or those by Owner's consultants, contractors, and agents or from those of any person whose conduct is not within the A/E's contractual responsibility.

Risk Allocation

Owner and A/E have discussed the risk, rewards and benefits of the project and the A/E's total fee for services. The risks have been allocated such that the Owner agrees that to the fullest extent permitted by law, A/E's total liability to Owner for any and all injuries, claims, losses, expenses, damages or claims expenses arising out of this agreement from any cause or causes, shall not exceed the total fee or \$50,000, whichever is greater. Such causes include, but are not limited to design professional's negligent errors, omissions, or breach of contract. This limitation of liability may be increased up to the limits of A/E's insurance coverage available to pay for said increased liability only if a mutually agreed increase in A/E's fees is negotiated and set to this or written amendment executed by both parties.

Termination of Agreement

This Agreement may be terminated by either party upon seven (7) days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. This Agreement may be terminated by the Owner upon at least seven (7) days written notice to the A/E in the event the Project is permanently abandoned. In the event of termination not the fault of the A/E, the A/E shall be compensated for all services performed to termination date together with Reimbursable Expenses then due.

Environmental Hazards / Subsurface Conditions

The A/E does not perform services related to the identification, containment or removal of asbestos, hazardous waste, or any other environmental hazards, nor will it assume liability for any damages or costs related to these materials. Unless specifically included under A/E's scope of services, A/E assumes no liability for geotechnical engineering or any other analysis or testing of subsurface conditions (including soils and the location of any utilities or structures not visible on the surface).

Nonpayment/Work Stoppage

The A/E reserves the right to stop work on the project upon ten (10) days written notice to Owner for non-payment and withdraw any permit documents. A/E's stoppage of work shall be without liability for consequential or other damages resulting from the stoppage. Restart on the project after thirty (30) days of stoppage will require payment of additional fees.

Standard of Care

The Owner acknowledges the inherent risks associated with construction. In performing professional services, the A/E will use that degree of care and skill ordinarily exercised under similar circumstances by competent licensed A/E in the jurisdiction where the project is located. Under no circumstances shall any other representation (express or implied) or any type of warranty or guarantee be included or intended by the A/E during the completion of its services under this Agreement.

Successors & Assigns

The Owner and the A/E bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

Affidavits / Certifications

Any affidavits or certifications required by government agencies, lenders, or others shall be written to include language acceptable to the A/E. The Owner shall not require certification that would require knowledge or assumption of responsibilities beyond the scope of this agreement.

Miscellaneous Provisions

Unless otherwise specified, this Agreement shall be governed by Delaware Law. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement.

Collection

If it is necessary to enforce collection on any amount past due under this agreement, the A/E shall be reimbursed for all legal and other reasonable costs related thereto, including (33%) attorney's fees, court costs, administrative time and other collection costs.

Certificate of Merit

The Owner shall make no claim (whether directly or in the form of a third party claim) against the A/E unless the Owner shall have first provided the A/E with a written certification executed by a licensed professional in the State of Delaware, specifying each and every act or omission which the certifier contends constitutes a violation of the standard of care expected of an A/E performing professional services under similar circumstances. Such certificate shall be provided to the A/E thirty (30) days prior to the presentation of any such claim.

Frivolous Suit or Counterclaim

In the event the Owner makes a claim (or counterclaim) or brings an action against the A/E for any act arising out of the performance of the services hereunder, and the Owner fails to prove such a claim or action, then the Owner shall pay all

legal and other costs incurred by the A/E in defense of such claim or action.

Electronic Media

If electronic media of project files are requested, the Owner or requesting party must sign an Electronic Media Release Form, plus remit \$200.00 per file, plus printing costs per sheet for one (1) record set for Owner and one (1) set for A/E.

Privity of Contract

Owner agrees that any claim against A/E will be based solely on breach of contract and Owner also agrees that any contract by the Owner with any contractor for work on the project shall specifically state that "Contractor shall make no claim against A/E for the project and Contractor's sole basis for claim shall be breach of contract against the Owner regardless of whether such claim is based on any alleged error or omission of the A/E." Contractor also agrees to place such a clause as this in all its agreements with any subcontractors for the project restricting their right to recovery to breach of contract against the contractor.

Repose

As between the parties to this Agreement, any applicable statute of limitations or repose will begin to run, and any cause of action will have accrued, not later than the date of the last invoice sent to Owner by A/E for project services performed. In no event shall Owner be permitted to make any claim against any party, including third parties not in a privity with this Agreement, after four (4) years from the date of substantial completion of the project or the date of the final payment to A/E for this project, whichever event occurs earliest (referred to as the date of repose), whether the basis of any claim is known or discovered before or after that date of repose.

Publicity

All publicity developed for this project will credit Becker Morgan Group, Inc. as the Architects/Engineers, as appropriate.

January 1, 2022

Becker Morgan Group, Inc.

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CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 18, 2022 @ 6:00 p.m.
City Council Hearing: Monday, October 24, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

ORDINANCE 2022-36

Application of Buccaneer Carwash
for a Revised Conditional Use Preliminary Site Plan
0.989 +/- acres of land located along the east
side of N. Dupont Boulevard and the west side of N. Walnut Street
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present use: Carwash
Proposed Use: Carwash
Tax Parcel: MD-16-174.14-01-16.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Revised Conditional Use Preliminary Site Plan; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on October 18, 2022; and

WHEREAS, Milford City Council will hold a Public Hearing on October 24, 2022 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Revised Conditional Use Preliminary Site Plan, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Following adoption of Ordinance 2022-36, and upon the effective date, Buccaneer Carwash is hereby granted a Revised Conditional Use Preliminary Site Plan to allow a wash tunnel 1.9 feet from the northern side property line, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: October 18, 2022

City Council Introduction: October 10, 2022

City Council Public Hearing: October 24, 2022

Effective: Ten Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Delaware State News 10-02-22

09-19-2022

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 18, 2022 @ 6:00 p.m.
City Council Hearing: Monday, October 24, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

ORDINANCE 2022-37

Application of Knight Crossing for an
Amended Conditional Use– Planned Unit Development
25.80 +/- acres of land located south of
Cedar Beach Road, east of Beaver Dam Road and west of Route 1
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment & Townhouse)
Present use: Vacant
Proposed Use: Planned Unit Development
Tax Parcel: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an Amended conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on October 18, 2022; and

WHEREAS, Milford City Council will hold a Public Hearing on October 24, 2022 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Amended conditional use, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Following adoption of Ordinance 2022-37, and upon the effective date Knight Crossing is hereby granted an Amended Conditional Use to allow construction of eighty-seven (87) single-family detached condominiums and thirty-five (35) townhouse condominiums for a total of 122 dwelling units, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: October 18, 2022

City Council Introduction: October 10, 2022

City Council Public Hearing: October 24, 2022

Effective: Ten Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Delaware State News 10-02-22

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 18, 2022 @ 6:00 p.m.
City Council Hearing: Monday, October 24, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

ORDINANCE 2022-38

Application of Knight Crossing – Phase 2A for a
Final Major Subdivision
25.80 +/- acres of land located south of Cedar Beach Road,
east of Beaver Dam Road and west of Route 1
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment & Townhouse)
Present use: Vacant Proposed Use: Planned Unit Development
Tax Parcel: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for the Final Major Subdivision of Phase 2A; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on October 18, 2022, whereby public comment will be taken and a recommendation will be made; and

WHEREAS, Milford City Council will hold a Public Hearing on October 24, 2022 to make a final determination following further review and additional public comment of the ordinance.

NOW THEREFORE BE IT RESOLVED, by the City of Milford:

In accordance with Chapter 200 of the City of Milford Code, the City Council hereby finds and determines, as follows:

- Section 1. The Final Major Subdivision Plan of Phase 2A is consistent with the objectives, policies, general land uses and programs in the City of Milford Comprehensive Plan, Subdivision and Zoning Codes, in that it establishes obligations and conditions for the implementation of the Knight Crossing Project.
- Section 2. The Final Major Subdivision Plan is in conformity with public convenience, general welfare and good land use practice.
- Section 3. The Final Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of this community.
- Section 4. The Final Major Subdivision Plan will not adversely affect the orderly development of adjacent properties and will maintain the preservation of property values.
- Section 5. Dates.
City Council Introduction: October 10, 2022
Planning Commission Review & Public Hearing: October 18, 2022
City Council Public Hearing: October 24, 2022
Effective: Ten Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Published: *Delaware State News 10-02-22*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, October 18, 2022 @ 6:00 p.m.
City Council Hearing: Monday, October 24, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and/or City Council. City Council has the option to approve or deny the ordinance. Not adopting the ordinance is the result of City Council rejecting the application. City Council adopting the ordinance is the result of the application being approved, thus the purpose of the notice being written in the affirmative. This form of writing is not intended to influence any decision of the Planning Commission and/or City Council:

ORDINANCE 2022-39

Application of Becker Morgan Group, Inc. on behalf of Red Cedar Farms, Inc
for a Preliminary Major Subdivision
of 101.42 +/- acres of land located along the east side of Bucks Road and
north of Cedar Neck Road. Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (low density residential) Present Use: Vacant
Proposed Use: 200-unit Single-family Detached Dwelling Subdivision
Tax Parcel: 3-30-11.00-068.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Major Subdivision of 101.42 +/- acres into 200 single-family residential lots; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on October 18, 2022; and

WHEREAS, Milford City Council will hold a Public Hearing on October 24, 2022 to allow for public comment and further review of the application.

Section 1. The Preliminary Major Subdivision is consistent with the objectives, policies, general land uses and programs in the City of Milford Comprehensive Plan, Subdivision and Zoning Codes, in that it establishes obligations and conditions for the implementation of the Red Cedar Farm Development.

Section 2. The Preliminary Major Subdivision Plan is in conformity with public convenience, general welfare, and good land use practice.

Section 3. The Preliminary Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of the community.

Section 4. These changes and additions will not adversely affect the orderly development of adjacent properties and will continue to maintain the preservation of property values.

Section 5. Dates.

City Council Introduction: October 10, 2022

Planning Commission Review & Public Hearing: October 18, 2022

City Council Final Review & Public Hearing: October 24, 2022

Effective: Ten Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Published: Delaware State News 10-02-22

City of Milford Public Notice
NOTICE OF ORDINANCE REVIEW
Public Comment: Monday, October 24, 2022 at 6:00 p.m.

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City Council of the City of Milford, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2022-40

Chapter 197 – STREETS, SIDEWALKS, STORM SEWERS, AND OTHER PUBLIC PLACES
ARTICLE I - General Provisions

WHEREAS, the City of Milford has been experiencing an increase in individuals moving to within an unsafe distance from busy intersections in the City limits; and
WHEREAS, the City Council of the City of Milford wishes to preserve pedestrian safety on and around those busy intersections; and
WHEREAS, City Staff seeks to prevent undue harm or injury to pedestrians without creating an overly restrictive environment; and
WHEREAS, Milford City Council will hold a Public Comment Session on October 24, 2022, at 6:00 pm, during their regular meeting; and
WHEREAS, after final review and consideration of the public comments, a final determination will be made.

NOW THEREFORE BE IT RESOLVED the City of Milford hereby ordains as follows:

Section 1. The Code of the City of Milford General Provisions Chapter 197 Article I is hereby amended by inserting a new §197-5 entitled Pedestrian Safety, shown in bold, italicized red text to read as indicated:

197-5. Pedestrian Safety

- A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation, except a vehicle that is legally parked at the curb on the shoulder.**
- B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be “using the safety zone or crosswalk to cross the highway.”**
- C. No operator of a vehicle shall park, stop, or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-5 A or B.**
- D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200)**

feet of the intersection as measured along the center lines where the two rights-of-way intersect.

E. Any violation of 197-5 will result in a fine of not less than \$100.

Section 2. The current §197-5 “Responsibilities of Property Owners or Tenants” is hereby amended by striking the previous Section number and adding a new Section 197-6, indicated by bold, italicized, and red text.

§ 197-5 **6.** Responsibilities of Property Owners or Tenants.

Section 3. The remaining Sections in Chapter 197, specifically 197-6 thru 197-34, will subsequently be renumbered by striking the previous Section number and inserting a new Section number, indicated by bold, italicized, and red text:

ARTICLE I - General Provisions (continued)

§ 197-5 **6.** Responsibilities of Property Owners or Tenants.

§ 197-6 **7.** Speed reduction devices.

§ 197-7 **8.** Litter, refuse, and debris.

§ 197-8 **9.** Throwing and kicking objects and playing games in streets.

ARTICLE II – Streets and Right of Way

§ 197-9 **10.** Street Design.

§ 197-10 **11.** Street name change procedure

§ 197-11 **12.** Street Abandonment, Vacation, Auction or Sale

ARTICLE III – Curb Cuts.

§ 197-12 **13.** Entrance Permit Required.

ARTICLE IV – Sidewalks.

§ 197-13 **14.** Sidewalk Specifications.

§ 197-14 **15.** Responsibility of installation.

§ 197-15 **16.** Responsibility for costs; financing.

§ 197-16 **17.** Specifications

§ 197-17 **18.** Conditions requiring repair or removal and replacement of sidewalks.

§ 197-18 **19.** City to perform work.

§ 197-19 **20.** Stop orders.

§ 197-20 **21.** Liability.

ARTICLE V - Storm Sewers

§ 197-21 **22.** General

§ 197-22 **23.** Prohibited discharges into system.

§ 197-23 **24.** Authority to enter and inspect private property.

§ 197-24 **25.** Violations.

ARTICLE VI - Excavations.

- § 197-~~25~~ 26. Interference with traffic or property.
- § 197-~~26~~ 27. Fire hydrants.
- § 197-~~27~~ 28. Drainage.
- § 197-~~28~~ 29. Barricades.
- § 197-~~29~~ 30. Repair of excavated areas.
- § 197-~~30~~ 31. Required Inspections.

ARTICLE VII – Wireless Facilities within Rights-of-Way.

- § 197-~~31~~ 32. Applicability.
- § 197-~~32~~ 33. Definitions.
- § 197-~~33~~ 34. Permit Required.

ARTICLE VIII – Public Utilities

- § 197-~~34~~ 35. Public Utilities.

Section 4. Dates.

Council Introduction: October 10, 2022

Public Comment & Determination: October 24, 2022

Section 5. Effective Date.

Ten Days Following Adoption by City Council

For additional information on this ordinance or the Code of the City of Milford, please contact the City Clerk's Office at 302.422.1111 or by email at cityclerk@milford-de.gov.



The governing body has recessed to Executive Session. The regular meeting will resume shortly.