

CITY OF MILFORD
COUNCIL MEETING MINUTES
July 25, 2022

The City Council of the City of Milford met in Regular Session on Monday, July 25, 2022.

PRESIDING: 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, Police Chief Kenneth Brown, and City Clerk Terri Hudson

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.

PUBLIC COMMENTS

No one signed up for the Public Comment Session.

PUBLIC HEARING-Board of Revision & Appeals Hearing

No property tax appeals were filed, so the hearing was canceled.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:04 p.m.

INVOCATION AND PLEDGE

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

ROLL CALL

All Councilmembers present.

RECOGNITION

PROCLAMATION 2022-13/FORMER COUNCILMEMBER DOUGLAS MORROW

Mr. Morrow was in attendance, along with his wife, Linda, two sons and grandchildren.

He was presented with the following proclamation:

*PROCLAMATION 2022-13
Honoring Former Councilmember Douglas E. Morrow*

WHEREAS, sworn in as Councilman of the Third Ward in April 1989, Douglas E. Morrow resigned from his elected post in September 2021 because of relocating to New Castle County; and

WHEREAS, many impressive accomplishments have taken place during his 32-year tenure, some involving essential transportation improvements and major utility expansions, the redevelopment of vacated subdivisions throughout the community, the formation of private/public partnerships, completion of critical healthcare projects; and specifically the development of the Greater Milford Industrial Park and Independence Commons, a new City Public Works Facility, the extraordinary revitalization and preservation of Milford's downtown, in particular following

the 2003 fire that nearly destroyed the historic district, completion of the Mispillion Greenway Riverwalk and Park phasing project, the \$314+ million Bayhealth Sussex Campus, the transformation of the former Milford Memorial Hospital into a vibrant Milford Wellness Village offering a multitude of amenities, the 95,000-square-foot Nemours Facility that provides services to both children and seniors, the repurposing of the antiquated Milford Armory that is now open to the public for activities, workshops, seminars, and the approval of a new and modern 31,000+ square foot police facility and much more; and

WHEREAS, Councilman Morrow has served as a member of various committees including, but not limited to Finance, Bill Approval, Police, Public Works, Annexation, Economic Development, and two Charter Review Subcommittees, many of which he led as Chairperson; and

WHEREAS, he served as Milford's representative on the Kent Economic Partnership and was an advocate for issues such as fiscal accountability, public safety, and employee pay and benefits; and

WHEREAS, Councilman Morrow was selected by his Council colleagues to serve as Vice Mayor beginning from May 2013 until May 2020; and

WHEREAS, the call to serve a community is a privilege not everyone accepts, but Councilman Morrow accepted the responsibility with a goal of building a community that thrived economically, while still maintaining the small-town quality of life that the City of Milford has cherished for generations.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, IN COUNCIL MET:

That we hereby honor the tremendous impact and celebrate the exceptional leadership that Douglas E. Morrow has displayed over more than three decades and thank him for helping to guide his beloved City into one of the most prosperous in the State of Delaware, made possible by his commitment, devotion, thoroughness, and concern for its residents and businesses.

Best wishes are extended to him, his wife Linda and his sons and their families in all future endeavors.

He was also presented with gifts from the City and wished him a happy and healthy retirement.

PROCLAMATION 2022-14/RETIRING CHIEF KENNETH BROWN

Chief Brown was recognized with the following proclamation due to his impending retirement on July 31, 2022:

*PROCLAMATION 2022-14
Honoring Retiring Chief Kenneth L. Brown*

WHEREAS, Chief Brown was born and raised in Milford, Delaware, beginning his career with the Milford Police Department in 1986 as a part-time police dispatcher, and later was hired as a law enforcement officer graduating from the Delaware State Police Academy and being sworn-in in May 1988; and

WHEREAS, initially assigned to the Patrol Division, in 1991, Chief Brown transferred to the Criminal Division, where he devoted much time and energy and, due to his success, was promoted to lead investigator; and

WHEREAS, in June 2011, Chief Brown earned the rank of Lieutenant and remained administratively responsible for the Criminal Investigations Division and Training Division; and

WHEREAS, during his 36-year career, Chief Brown expanded his educational horizons by receiving his Associate's Degree in Criminal Justice from Delaware Technical and Community College; and

WHEREAS, Chief Brown is a member of numerous law enforcement organizations, including the International Association of Chiefs of Police, Delaware Police Chiefs' Foundation, Delaware Association of Chiefs of Police,

FBI-LEEDA, National Association of Chiefs of Police, NAACP, SLEAF, and SALLE/EIDE Committees, Police Accreditation Commission, Criminal Justice Advisory Committee, many as a Board Member, and as Chair of the Kent County Police Chiefs Association; and

WHEREAS, Chief Brown is also active throughout the community by serving on the Milford Senior Center Board, Brandywine Counseling and Community Service Board, Delaware Tech Criminal Justice Program Advisory Board, and the Behavioral Health Crisis Task Force; and

WHEREAS, Chief Brown's Badge Number 5111 will officially be retired along with the badge numbers of previous Retired Chiefs of Police 5100, 5101, and 5104; and

WHEREAS, Chief Kenneth Brown's retirement from the Milford Police Department becomes effective on August 1, 2022.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and City Council hereby honor and take pride in bringing special attention to Police Chief Kenneth Brown, and commend him for his many years of exemplary law enforcement service, especially for his positive contributions to the City of Milford.

AND, LET IT FURTHER BE PROCLAIMED that the Mayor and City Council wish him a long, happy, and healthy retirement as he relocates to Dagsboro, Delaware, with his wife, Holly.

Photos followed.

PROCLAMATION 2202-12/NATIONAL SYSTEM ADMINISTRATOR APPRECIATION DAY

Mayor Campbell then proclaimed July 28th as System Administrator Appreciation Day:

PROCLAMATION 2022-12

NATIONAL SYSTEM ADMINISTRATOR APPRECIATION DAY - July 28, 2022

WHEREAS, National System Administrator Appreciation Day is an International Celebration of System Administrators across the globe, officially recognizing the time and effort these device-doctors and tech-therapists sacrifice as they work their magic at unsocial hours;

WHEREAS, Ted Kekatos created National System Administrator Appreciation Day after a Hewlett-Packard magazine advertisement inspired Kekatos to launch the day;

WHEREAS, The advertisement showed grateful co-workers giving their systems administrator flowers and a fruit basket for installing a new printer;

WHEREAS, Just days before, Kekatos had installed several of the same models of printers at his place of work;

WHEREAS, First celebrated on July 28, 2000, and now observed on the last Friday of each July, it is also known as Sysadmin Day, SysAdminDay, SAD, or SAAD; and

WHEREAS, Throughout the City of Milford Offices, if technical issues arise, the System Administrator or IT Professional answers the call; when the company needs to upgrade, they turn to the IT professionals to log long hours to test and complete it.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim July 28, 2022 "National System Administrator Appreciation Day" and acknowledge its Information Technology Department Staff: Dale Matthews, Information Technology Director, Paul Beebe, Technical Support Specialist I and Denham Dodd, Technical Support Specialist II for outstanding and continual support to the organization.

PUBLIC HEARINGS

Solicitor Rutt then read the rules and procedures prior to the hearings.

ORDINANCE 2022-26

Application of Cypress Hall – Residential – Phase I on behalf of Shawnee Farm, LLC for the Final Major Subdivision (Phase I Only) of 91.69 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Cypress Hall. Property is located on the west side of US Route 113 approximately 3,100 feet south of the Shawnee Road intersection Milford, Delaware. Present Use: Vacant; Proposed Use: Planned Unit Development. Tax Map: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Planning Director Pierce then presented the application for the Final Major Subdivision (Phase 1) of Cypress Hall. The property zoning is considered moderate density residential in the comprehensive plan and is currently vacant and the proposed uses is a planned unit development.

The applicant received a revised preliminary major subdivision approval for Phase 1 from City Council back in March 2019 and subsequent extensions were approved by Council in August 2020 and July 2021. Phase 1 includes the construction of 96 townhouse units.

The applicant had previously received record plan approval and recorded the subdivision for Phase 1 for 96 townhouses as well. Some minor revisions were made to the lot layouts in the Phase 1. The majority of the revisions with the Cyprus Hall Development occurred in Phase 2 which is not part of tonight's review.

The final major subdivision was reviewed and is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land. Some conditions that were part of the PUD approval back in March are listed in Section 2 and have been met. The construction plans have also been reviewed for compliance with the City's construction standards by the City Engineer. Section 3 outlines the State Agency approvals attained for the revised approval.

The public notice was published in the Delaware State News on June 7, 2022, and owners of properties within 200 feet of the subject parcels were mailed notices. The site was also posted with a public notice sign.

The Planning Commission reviewed the final major subdivision application on phase one on July 19th and recommended approval by a vote of five to zero.

Associate/Senior Landscape Architect Tim Metzner of Davis Bowen and Friedel, Incorporated of 1 Park Avenue, Milford, stated he is here to represent the applicant Shawnee Farms LLC to request major subdivision approval of Phase 1, the portion that comes off the entrance off of US Route 113 into the site where the townhouse homes will be located. All agency approvals have been received.

The site was previously approved back in 2010-2012 time frame. Construction has started because the back portion, which is the apartments, was the main reason for the revised approval from Council. The apartments had changed since that approval time with a couple minor changes to the lots and the dedication of active recreation area in the center area. Other than that, it is essentially the same number of units, same layout, and same route configuration.

When asked about KCI comment number 2 related to the pipe slope not meeting the DelDOT Road Design Manual flow requirements, Mr. Pierce said the construction plans in this development was approved 10 to 12 years ago. Construction was started under that particular design because nothing was being changed in Phase I. That included the storm water design that was approved by the City previously for the roadways. Through the review and during construction, it was noted that some of the slopes appeared not to meet those standards.

City Engineer James Puddicombe and the KCI Engineer reviewed it to ensure it would not be a problem long term. Based on their professional opinion, the City accepted the design that was previously approved by Council. Any future phases of the development will need to meet those DelDOT drainage requirements.

Mr. Metzner added that the portion with the flat slopes are the connector pipes between the ponds. It is not the pipes that discharge the road drainage and those have a positive slope. Instead, this is the connection between the

ponds with the flat slope. Those ponds were sized to manage up to the hundred-year storm events and will not have any adverse impact in the roadways and are a closed system, or manholes that connect or discharge directly from one pond to the other. They were sized accordingly, and the flat slopes are not discharging any road right-of-way.

Mr. Pierce confirmed that it was acceptable of the engineers because it met two feet per second in this phase. Mr. Metzner confirmed that the storm water calculations that the two feet per second are met, which is based on the amount of flow coming to it. The flatter slopes tend to be more of a problem for the pipes at the upstream end of a run. These are down streaming so there is a lot more velocity coming to it.

The floor was open to public comments. No one responded and the public record was closed.

Solicitor Rutt then announced the Delaware Supreme Court has ruled that if a subdivision plan meets all of the requirements set forth by, in this case the City of Milford, there is no basis for denial.

Councilmember Fulton moved to adopt Ordinance 2022-26, final major subdivision approval of Phase 1, seconded by Councilmember Wilson. Motion carried by the following roll call vote:

Marabello-I approve because it has been approved by the Planning Board five to one and the plans are consistent with Chapter 230 and Chapter 200.

Boyle-I will vote yes for the proposal as it meets the requirements set forth in Chapter 230 and 200.

Fulton-I vote yes, it meets all the requirements of the City and as set forth by the findings from the Supreme Court.

Culotta-I vote yes, based on Planning.

Samaroo- I vote yes based on the Planning Commission's vote of five to zero.

Baer-I vote yes, based on the five to zero have from Planning.

James-I vote yes, it meets all the requirements in the City Code.

Wilson-I vote yes, based on Planning Commission's favorable vote.

ORDINANCE 2022-27

Application of Wickersham on behalf of CCM-Koelig, LLC for the Revised Final Major Subdivision of 39.015 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Wickersham. Property is located along the north side of Johnson Road adjacent to SR1, Milford, Delaware. Present Use: Vacant; Proposed Use: Townhouse Subdivision. Tax Map: 3-30-16.00-005.00, 3-30-16.00-269.00 through 475.00

Planning Director Pierce reported this project is another revised final major subdivision application for a property zoned for garden apartments and townhouses. The comprehensive plan designation is moderate density, residential. The property is currently vacant, and a townhouse subdivision is proposed.

It is located in the southeast neighborhood along the west side of SR 1, north of Johnson Road and south of the SR 1/30 on/off ramp and also south of the water tower in that area.

The applicant received revised preliminary major subdivision approval from Council in August 2021 for the construction of 203 townhouse units and received final major subdivision for the construction of 205 townhouses in 2013 and sat dormant since that time.

As part of the 2021 preliminary major subdivision approval, Council granted a waiver for the sidewalk along the entrance road. In lieu of having sidewalks on both sides, the applicant and Council agreed to allow a 10-foot wide shared-use path from Johnson road through the site, and tie into potential areas to the north. That is consistent with what he laid out on the City's bicycle master plan and is reflected in the final drawings in the packet.

Council also granted a waiver from the shade tree separation of 150 feet. The condition was that any trees lost due to the clusters of townhouses would have to be replanted elsewhere along the streets within the subdivision. That requirement has been met and can be seen in the landscaping plans in the packet as well.

The subdivision plans are consistent with the zoning and subdivision codes. Any waivers that were granted by Council, as part of the preliminary plan, have been met. The construction plans have been reviewed and approved by the City Engineer for compliance with the City's construction standards.

A list of all State Agency and department approvals is provided.

A zoning map was also included displaying the subdivision location and copies of the final record plans and improvement plans.

The public notice was published in the Delaware State News on June 7, 2022, and owners of all properties within 200 feet of the subject parcel were mailed copies of the notice. A public notice sign was also posted on the property.

The Planning Commission reviewed this application at their July 19th meeting and recommended approval by a vote of five to zero.

CE Cliff Mumford of Davis, Bowen and Friedel, Incorporated of 1 Park Avenue, Milford, was present to represent CCM-Koelig, LLC and owner Gary Farrar is in attendance via the telephone.

Mr. Mumford reiterated the plan was recorded in 2013. Part of the reason it was resubmitted was to remove the alleys from behind the townhouses in the first design. The City, owner and DBF got together and decided to remove the alleys. It was redesigned as a result and the total unit count decreased by two units.

During the redesign, the City asked to include the shared use path as part of the Bicycle Master Plan. A 10-foot-wide path was incorporated and dedicated for public use. The path was brought around the water tower into the site and was extended to Johnson Road.

With the revision, DelDOT required a reapproval that included a traffic impact study due to the amount of time that has occurred. Johnson Road and SR Route 1 intersection was reviewed that resulted in no offsite improvements were required other than the entrance improvements into the subdivision.

Included in the right turn lane will be a five-foot bike lane. Because more property was needed to allow both, private property owner to the east of the entrance were asked for right of way or a permanent easement for drainage. Mr. Mumford met with them and staked out the impact, which was also going to require the power pole to be moved. As a result, the property owners did not wish to participate and provided a letter of explanation. DBF used that to send to DelDOT and asked to remove the bike lane in the right turn lane. They agreed and the plan was amended with everything inside the right of way.

The amenities in the subdivision include a walking path, a picnic area, and a multi-use sports field. A tot lot has been added since the preliminary plan was presented to Council.

With the tree waiver, there are now more street trees in the subdivision and most areas have a street tree every 40 feet. That was accomplished by shrinking the driveways two and a half feet on either side which allowed a 5 x 5 grass area for street trees.

Mr. Mumford stated that one of the requirements of DelDOT for any project that abuts SR 1 or a principal arterial, is a noise analysis. They contracted with Century Engineering to place sensors by the houses near Route 1 to determine the decibel level. It was determined that the back row of homes from 41 to 72 would be impacted. To reduce that, a four-foot berm and an eight-foot wall will be built and is now included in plan.

In conclusion, he noted the plan was previously approved by Council and the revisions were made to improve the design for the enjoyment of future residents and to reduce maintenance costs on the City.

At this time, there is no design for the noise wall though it will have to meet the required decibel reduction with no landscaping though it includes a swale.

The floor was then opened for public comment. No one responded and the public hearing session was closed.

Councilmember Marabello moved to adopt Ordinance 2022-27 authorizing CCM Koelig for the revised Major Subdivision of Wickersham, seconded by Councilmember Boyle. Motion carried by the following vote:

Marabello-I approve based on the Planning Commission approval and meets all the requirements of the City.

Boyle-I vote yes for the proposal as it meets the requirements set forth in Chapter 230 and 200.

Fulton-I vote yes, it meets all the requirements of Chapter 230 and Chapter 200 and all the requirements of the City, along with the waivers that were granted by City Council in the past.

Culotta-I vote yes, based on Planning and previous approvals, and looks forwards to more affordable style housing in Milford.

Samaroo- I vote yes based on the Planning Commission's vote and because it meets all City requirements.

Baer-I vote yes, based on the vote of the Planning Commission's five to zero have from Planning and it makes sense for that area.

James-I vote yes, it meets all the requirements of the City and based on the approved review by the City Engineer.

Wilson-I vote yes, based on Planning Commission's vote and because it meets all the requirements in the City Code.

WARD REPORTS/COMMUNICATIONS

First Ward

Councilman Boyle thanked Code Enforcement for responding and handling a homeowner who was renting their pool out for parties in an R-1 zone that was advertised on a national website. Notice was served to the homeowner.

He also referenced an email sent to Council from Marcia Reed, co-owner of Gallery 37, expressing some concerns about activities along the Riverwalk. He asked to further discuss with the police department, particularly from a public relations point.

It was agreed to place on a future workshop.

Fourth Ward

Councilman James thanked the Code Enforcement officials for the attention to Brightway Commons concerning the upkeep of the property, so the residents have a livable area.

Second Ward

Councilman Culotta said there were code enforcement issues brought to his attention in his ward which were addressed.

Second Street Theater

Councilman Marabello reported on the success of Oliver for three weekends.

He also asked that the City Council encourage people to attend the Ladybug Festival this weekend, which is one of the City's largest events.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola provided the following report:

The Financial Reporting Package for the year ended June 30, 2022, is enclosed. The executive summary below highlights this month's notable developments. The "Quick Reference" section of this memo recaps important financial highlights and changes made in FY22 to help shorten the executive summaries, and it will be

condensed/eliminated to make room for FY23 initiatives. FY22 was another strong year for the City. Remarkable progress was made with the combined streets and utilities project, among others, while cash balances finished high with the receipt of the second tranche of ARPA funding.

Positive trends observed most of the year persisted through June to close FY22 with a positive budget variance. Operating expenditures tracked below even the seasonalized budget across funds for all twelve months of the fiscal year. Electric fund margins were stable the final third of the year, though gross margin fell 1.6% (\$0.15mm) shy of the budget. Electric O&M cost control was sufficient to allow both operating margin and the net surplus to exceed the budget. The water, sewer and solid waste funds all closed FY22 with stronger margins and higher surplus than budget. The water fund may have benefited from the dryer weather in FY22, but the positive revenue variance versus the budget is the narrowest among the major utilities at 1.4% ahead. The sewer fund operating results far exceeded the budget, as high I&I costs in FY21 influenced the FY22 budget, only for FY22 I&I to fall to the lowest level in the 17-year history since maintaining the statistics. The dryer FY22 lifted sewer operations to a greater degree than water. Solid waste results had improved five consecutive months before stepping back in June, though FY22 annual results exceeded FY21, which itself was considered a banner year for solid waste.

Total cash and investment balances jumped almost \$1.9 million in June. Had it not been for the receipt of the second tranche of ARPA funding, total liquidity would have dipped by \$1.3 million, explained almost entirely by the \$1.3 million in spending to take the combined streets and utilities project to 97% completion. As a reminder, the “2020” (reflecting the year of original scoping/engineering) streets and utilities project was compiled by efficiently combining initiatives scattered across the FY21 & FY22 CIP in separate but related utility and governmental upgrades.

Asbestos water pipe and gravity sewer line replacement, valve and hydrant upgrades, meter pit replacements, repair and upgrades to sidewalks, curbs and ramps behind utility projects and to ensure compliance with ADA standards, road repair and storm drain inlet/piping improvements were all bid together to achieve cost savings through scale and vendor consolidation. \$2.5 million of the \$2.6 million project was completed in just seven months of activity this spring and summer, with little impact on the City’s reserves: 100% of the water, sewer and stormwater project components (\$2 million) and almost 100% of the general fund project components (\$0.5 million) are being met with ARPA infrastructure funding and MSA/RTT funding, respectively. The success of the combined infrastructure project aside, the City made substantial progress on all manner of projects and initiatives across the board.

The Police launched the Behavioral Health Unit and accelerated its development with ARPA funding following a successful pilot period, all the while advancing the police station design and developing an assigned vehicle program. Parks & Recreation has expanded with land acquisitions and made progress by securing grant for a series of projects that are enhancing the recreational activities and quality of life in Milford. The IT Department has made significant improvements to the City’s data and network security through hardware and software upgrades, training and policy development.

The Cash Operations and Billing / Customer Service department has likewise been adopting significant – and at times, business-interrupting – software upgrades, with several ongoing and several on the horizon. Sewer operations are benefiting from the ongoing I&I investigation, while spare pumps and equipment were put into place this year for redundancy. The electric fund has carried out LED light retrofits across the city while funding lighting and data security initiatives across departments. The water fund may have had its most productive year on record as the interfund financing unit for the acquisition of the Milford Business Campus, along with tower upgrades, the Front Street and Mispillion Street water line replacements, the aforementioned combined (but water-heavy) streets & utility project and other water quality initiatives.

This fiscal year closed with remarkable progress on citizen-demanded, Council-supported, highly visible projects, while at the same time maintaining a healthy balance sheet and strong operating results. We look forward to the same in FY23 with eyes on grant opportunities, financial discipline, and safe, efficient operations both in the field and in the office.

Summary of FY22 Modifications

- New P.1 – Net Cash and Funding Availability Summary (in thousands)

- o New page stacks the beginning and ending cash and investment balances from the Cash Roll forward p.2 into columns 1 and 2 so elements of the Restricted Cash Reserves Report on p.3 can be consolidated into a single, comprehensive executive summary.
- o The Lodging Tax Fund and the Parks & Recreation Facilities Fund were added to p.1 and p.2
- P.2 (formerly p.1) – Cash Roll forward o New Solid Waste Reserves Acct created by FY22 Water Fund interfund loan forgiveness; new variance indicators
- P.3 (formerly p.2) – Restricted Cash Reserves Report
 - o The MSA and RTT reserves were combined into one shared summary to make room for Solid Waste Fund
 - o Lines 3 & 17 added to show additions & interest earnings in the capital reserve accounts
 - o Lines 12, 13, 24 & 25 feature updated MCR & ERR calculations for FY22 pursuant to cash reserve policy
 - o Lines 12 & 24 updated in Feb 2022 to carve out the MCR attributable to Op Cash & report with p.1 Op Cash
- P.4 (formerly p.3) – The Enterprise Funds “P&L Style” Report features a new comparative column and four new rows
 - o The rightmost column compares current vs prior FYTD periods by revenue and expense lines and subtotals
 - o Rows 16-19 compare current net surplus by fund to the seasonalized budget and prior FYTD periods
 - o Variance indicators added for quick reference to both P&L reports; refined in October 2021
- P.5 (formerly p.4) – The General Fund “P&L Style” Report created to complement existing Enterprise Funds P&L Report
 - o Rows 19-22 compare current net surplus by major function to the seasonalized budget and prior FYTD periods
- P.6 (formerly p.5) – Planned Use of ARPA Funding by Category compared to Actual Spending added in Sept 2021
- P.7-11 – Revenue (p.7) & Expenditure/Inter-dept Reports (p.8-11) will be produced indefinitely as “legacy” reports

When asked for a quick snapshot of the current year’s audit (ending July 2022) and how to get there somewhat quicker than previously, Mr. Vitola said he does not want to over promise and under deliver, but first and foremost, we are doing a lot of that work now and it is dovetailing right into the same kind of work we need to do for FY22. One of the things the auditors do to test and really audit the financial statements, is to look at receipts and cash coming in and going out, following the end of the fiscal year.

Because that work is being done for post FY21 and basically the whole year of FY22, they are knocking out dual testing now for 21 and 22.

He also hopes there is no employee turnover in the Finance Department and if they do, they will act much more quickly to find a stop gap.

The third thing is the budget includes a separate CPA engagement. Whether it is with the same firm or another firm, it does not matter, and can still maintain the independent standards which required them to in-house the financial statement development in the first place. Those independent standards can be maintained with a separate engagement, even if it is with the same firm, and funding in the budget to supplement the finance staffing and auditing activities, if necessary.

When compared to FY21, it was asked the latest deadline for the financial report ending for June 30, 2022.

Mr. Vitola said again, being afraid of over promising and under delivering, he would say mid February. Though late, it will improve compared to FY21, and believes it may be shorter than that.

Councilmember Boyle moved to accept the June 2022 Finance Report, seconded by Councilmember Marabello. Motion carried.

UNFINISHED BUSINESS

Downtown Milford Inc/Waiver of Chapter 77/Alcohol Prohibition

A request was received from Downtown Milford, Incorporated for permission to serve alcohol at the Ladybug Festival on Saturday, July 30th. DMI will be serving beer, Mispillion River Brewing and easySpeak will also be serving.

Councilmember Fulton moved to grant a waiver of Chapter 77, Alcohol Prohibition, for the Ladybug Festival downtown on Saturday, seconded by Councilmember Baer. Motion carried.

*Appointment/Reappointment Parks & Recreation Advisory Board
Appointment/Tree Preservation and Advisory Council*

Mayor Campbell reported that applications are still being accepted. Both items will be moved to the next agenda for Council action/

It was confirmed the Tree Council would not be looking at specific subdivisions, but will be providing guidance on the applicable plantings, including Planning Commission's site plan reviews.

NEW BUSINESS

Authorization/ERP Contract Amendment

Finance Director Vitola spoke about the addition of the inventory module with the Tyler ERP implementation project. The total cost to add the module is slightly more than \$45,000 over the course of the five-year agreement. Approximately \$20,000 is a one time implementation fees and the balance represents the discounted \$4,776 annual maintenance fees.

No budget adjustment or CIP update is needed from Council because there are sufficient funds in the existing CIP project for the upfront component. However, for the out years, FY24 and 25 CIP, about \$26,000 more will be spread over those two years than initially anticipated.

Though a small amount, with respect to the whole project, it is a critically important module that we believe was baked into the finance module itself. We had the inventory module in the scope of the RFP though it turns out it is a separate module and a contract amendment is needed.

When asked if the package was reviewed for any other items that were eliminated, Director Vitola said they will but did take a closer look at the inventory capabilities within the fleet and asset management module and had a DEMO of the inventory module.

They were recently back in the contract appendixes with Tyler Representatives on a an unrelated call. They will be done and they have a PM on the project with Brandywine Technologies to double check.

Councilmember Fulton moved to authorize an amendment to the SAS Agreement with Tyler Technologies representing a five year investment totaling \$45,356, seconded by Councilmember James. Motion carried.

Adopts FY23 Tax Warrant/City of Milford

Councilmember James moved to adopt the FY23 Tax Warrant for the City of Milford by allowing the City Manager to bill the property owners as required, seconded by Councilman Fulton:

Greetings:

The Charter of the City of Milford provides the following:

“Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists.”

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Property Assessment Values Per Billing Register	\$ 1,371,516,752
Exemptions	[\$ 371,207,146]
Total Assessed Values	\$ 1,000,309,606
Tax Rate	x \$0.0049275
Estimated Tax Collection	\$ 4,929,026
Senior Citizen Discount	[\$ 34,495]
TOTAL TAX COLLECTION (Fiscal Year 2022-2023)	\$ 4,894,533

Tax Due Date: September 30, 2022

Motion carried.

Milford Ponds Phase III Preliminary Major Subdivision Ext #2

Planning Director Pierce reported that Phase 3 of the project consists of 52 single family detached dwellings. Council granted a one-year extension for Phase 3 last June and the applicant seeking a one year extension for this particular phase.

He then provided history of the project when construction plans were submitted in November 2022 for review and then resubmitted it in February of 2021. A re-submission of the construction plans occurred last week so it appears they are moving forward with the design and should be back before the Planning Commission in a couple of months for final approval.

When asked about the sewage and roadway issues in Milford Ponds, City Engineer James Puddicombe stated they are working with DBF and the developer to try to resolve those issues currently. He hopes they will be completely addressed within the next month or so.

Tim Metzner of DBF explained that when Phase 3 was preliminarily approved, the ponds needed to be redesigned, reapproved, and constructed. That was part of Phase 2's approval which was received last year. Rebuilding those ponds was needed to fit into the revised Phase 2 approval and that construction started last summer and went into the winter. That then impacted Phase 3's approval because Phase 2 needed to be completed approved, constructed and accepted by Soil Conservation. As of June 2022, the approval letter was received from SED for the Phase 2 ponds.

As a result, they can now prepare for submission of the final approval of the site.

When asked about roadways, Mr. Metzner said there are as-built items for Phase 1 that are being corrected by the contractor. The final as-built approvals for Phase 1 have been submitted on the construction-related items. After that, a final walk thru will be scheduled.

To Mr. Metzner's knowledge, the stormwater ponds are going well, and a lot of the sewer-related issues have been correct. The newer construction has passed the related testing.

When asked how to prevent going backwards and to continue on a road of improvement, Mr. Metzner stated the construction that was done in the 2008 to 2010 time frame, was with a new contractor and inspector that were unfamiliar with the City standards. The less than quality work is well documented and fast forward to present day, a lot of that been acknowledged and corrected.

The owner has acknowledged that and has moved from that contractor and has done corrective measure with the hiring of a new contractor. Testing is being done on a daily basis for construction and materials.

Councilmember Boyle moved to approve the one-year extension of Milford Ponds Phase 3, seconded by Councilmember Culotta. Motion carried.

Authorization/One Year Extension/R&R Realty/Real Estate Sales and Services

In 2018, the City solicited proposals from qualified commercial real estate companies for commercial real estate sales and marketing services for City-owned property, primarily within the Greater Milford Business Complex and Independence Commons office park. The City received one proposal in response to the request from R&R Commercial Realty and entered into an initial one-year contract for real estate services. The initial contract was renewed again in 2019, 2020 and 2021 for a one-year terms for which the latest expired on July 6, 2022.

Enclosed is a draft contract renewal for another one-year period for City Council review.

Lots have been sold to the Food Bank, Pest Pro, Mid-Delaware Professionals and JT Performance in recent years. The remaining lots available for purchase and their associated prices are listed in the provided listing agreement for City Council review and concurrence.

According to Planner Director Pierce, lots 7 and 8 have been sold and lot 12 was added to the list.

Councilmember Culotta moved to authorize the one-year extension for R&R Realty for real estate sales and marketing services, seconded by Councilmember Fulton. Motion carried.

ADJOURNMENT

There being no further business, Councilmember Boyle moved to adjourn the meeting, seconded by Councilmember James. Motion carried.

The meeting adjourned at 7:42 pm.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder