

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.

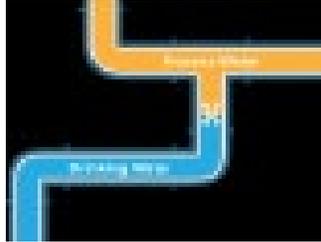
Water is used for many things besides drinking. It is used by car washes, dental offices, laboratories, food processing, and all sorts of things. If each cross connection is not installed properly, water may flow backwards, which is called backflow.

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