



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

## CITY COUNCIL AGENDA Monday, November 28, 2022

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ①. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.

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

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

<https://zoom.us/j/94877121629>

*or*

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

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

*Call 301 715 8592 Webinar ID: 948 7712 1629*

### 6:00 PM

#### 15-Minute Public Comment Period\*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) and providing your name, address, phone number, and the specific agenda item you wish to comment on.

## COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

New City Employee Recognition

Public Hearings/Public Comments ①

Community Development Block Grant Program

Kent & Sussex County Housing Presentations

Adoption/Resolutions 2022-14, 2022-15, 2022-16, 2022-17, 2022-18

Adoption/Ordinance 2022-41

Application of 27 South Walnut QOZB, LLC on behalf of Avery Properties, LLC  
0.15 +/- acres of land located at the northeast corner of SE Front Street  
and S. Walnut Street Address: 27 S. Walnut Street  
Comprehensive Plan Designation: Commercial  
Zoning District: C-2 (Central Business District)  
Present Use: Retail – Single Occupancy  
Proposed Use: Commercial – Multiple Occupancy  
Tax Parcel: 3-30-6.20-002.00

Adoption/Ordinance 2022-42

Application of 1st State Self Storage OZ, LLC  
for a Preliminary Conditional Use  
9.0 +/- acres of land located along the east side of S. Dupont Boulevard  
approximately 350 feet south of the Route 14 intersection  
Comprehensive Plan Designation: Commercial  
Zoning District: C-3 (Highway/Commercial District)  
Present use: Vacant  
Proposed Use: Self Storage  
Tax Parcel: MD-16-183.09-01-58.00

Adoption/Ordinance 2022-43

Electric Tariff Amendment  
Appendix B of the City of Milford Code  
Section 24-13 Net Metering Service

Communication & Correspondence

Monthly Finance Report

Unfinished Business

Update/City of Milford FY2021 Audit

New Business

Bid Award/Parks & Recreation/Handrail Lighting Upgrade Project  
Contract Award/Becker Morgan Group/TIS Milford Corporate Center  
Contract Award/Closed Circuit TV/Sewer Camera Equipment  
<sup>1</sup>Adoption/Resolution 2022-19/Intent to Submit Application/Community Facilities/Direct Loan Program

Executive Session

Motion to Recess into Executive Session

Personnel-

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

Legal-

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

Return to Open Session

Potential Vote/Personnel Matter

Potential Vote/Legal Matter

Adjournment

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

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

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

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

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

092822 100622 111122 11162 112122

<sup>1</sup>112222 Late Addition/Request of City Finance Director

112722 Typo Corrected

112822 Items Removed & Placed on 121422 Agenda



## PUBLIC HEARING

The **City of Milford, Delaware**, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing on **Monday, November 28, 2022, at 6:00 p.m. at the City Hall, 201 South Walnut St., Milford, Delaware** for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This Federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties. The public hearing will also include a status report for Milford's FY-22 projects.

For further information on this hearing, please contact Sussex County Department of Community Development at 855-7777 or the Kent County Department of Planning at 744-2480.

Sussex County promotes equal housing opportunity.



STATE OF DELAWARE  
DELAWARE STATE HOUSING AUTHORITY  
DELAWARE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
DRAFT PROGRAM GUIDELINES FOR FY2023

I. GENERAL

A. Scope and Applicability

These Program Guidelines describe the Delaware Community Development Block Grant (CDBG) Program for Kent and Sussex Counties in Delaware. Funds for this program, when appropriated by the U.S. Congress, are provided in a block grant to the state by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 106 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, and in accordance with HUD rules, regulations and program memoranda.

B. Administration

The Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe, and sanitary housing to low- and moderate-income persons.

C. Program Design and National Objectives

The Delaware FY2023 CDBG Program has been designed so as:

1. to give maximum feasible priority to activities which will benefit low- and moderate-income families;
2. to aid in the prevention of slums and/or blight; and
3. to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

Each CDBG activity must be an eligible activity, and it must comply with one of the above three national objectives. Subgrantees shall ensure that the following records are maintained and kept up to date: 1) records demonstrating that each activity undertaken meets one of the national objectives; and 2) a full description of each activity carried out (or being carried out) in whole or in part with CDBG funds, including the nature and purpose of the activity, its location (if the activity has a geographical location) and the amount of CDBG funds budgeted, obligated and expended for the activity.

EXCEPT THAT the aggregate use of Title I funds received by the state during the period of Federal Fiscal Years 2022, 2023, and 2024 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit low- and moderate-income persons. In

order to comply with the 70 percent principal benefit requirement, it is further agreed that not less than 70 percent of the total FY2023 CDBG Grant shall be utilized for activities that benefit low- and moderate-income persons as defined in Section I.D. of these Program Guidelines.

D. Low- and Moderate-Income Definition

1. Low- and moderate-income persons are those persons whose incomes do not exceed the income limits for lower-income families pursuant to Section 8 of the United States Housing Act of 1937 as amended, and provided to the State of Delaware by HUD in a table of income limits as set forth by dollar amount and family size. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures dated 6/15/22.)
2. Low- and moderate-income households are all persons occupying the same housing unit, regardless of their relationship to each other, whose combined incomes do not exceed the income limits described in paragraph I.D.1., above.

E. Documentation of National Objectives and Low- and Moderate-Income Benefit

1. Documentation of National Objective.

a. Infrastructure (public works) Activities:

For each activity determined to benefit low- and moderate-income persons based on the area served by the activity, Subgrantees must maintain records containing: 1) the boundaries of the service area; and 2) a summary of the income characteristics of the persons in the service area showing that at least 51 percent of area residents are low/moderate income.

b. Housing Rehabilitation Activities:

For each direct benefit activity determined to directly benefit low- and moderate-income persons based on the household income of those directly benefiting and where the activity involves the submission of an application or the completion of a personal record, Subgrantees must maintain sufficient evidence to ensure such benefits would accrue to low- and moderate-income persons, the income limits applied, and the point in time when the benefit was determined.

Individual household incomes must be thoroughly documented to verify that they are 100 percent low to moderate income before each housing unit is provided housing rehabilitation assistance. No rehabilitation assistance shall be provided to households that are not low to moderate income, except as provided under Section III.C.2.c. of these Program Guidelines (urgent need).

Subgrantees must maintain records including the number of units to be rehabilitated, and the amount to be spent on each unit to be rehabilitated.

c. Housing Code Enforcement/Demolition:

Documentation to be maintained by Subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area must include: 1) the boundaries of the area; and, 2) a description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the requirements in 24 CFR 570.208(b)(1).

Documentation to be maintained by Subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on the elimination of specific conditions of blight or physical decay not located in a slum or blighted area must include a description of how the threats to public health and safety are to be corrected.

d. Transitional Housing Construction/Rehabilitation:

For each activity determined to benefit low- and moderate-income persons because the activity involves a facility or service designed for use predominantly by low- and moderate-income persons, Subgrantees shall maintain sufficient evidence to ensure that the predominant users would be low- and moderate-income persons.

e. Urgent Needs:

For each activity determined to meet a community development need having a particular urgency, Subgrantees shall maintain documentation including: 1.) the nature and degree of seriousness of the conditions requiring assistance; 2.) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; 3.) information on the timing of the development of the serious condition; and, 4.) evidence confirming that other financial resources to alleviate the need were not available.

2. Target Areas

- a. Community-wide low- and moderate-income percentages are noted in Attachment B to the Program Guidelines. The list is from HUD's **ACS 5-year 2011-2015** Low/Moderate Income Summary Data. These community-wide low- and moderate-income percentages will normally be used only for infrastructure activities such as a town well.

b. Infrastructure (public works) activities must utilize either the community-wide low- and moderate-income figures noted in Attachment B, a survey following the methodology contained in the 9/23/14 HUD Notice CPD-14-013, "Guidelines for Conducting Income Surveys to Determine the Percentage of Low- and Moderate-Income (LMI) Persons in the Service Area of a Community Development Block Grant (CDBG)-Funded Activity," or the available Census data at the tract or block group level, to show that target area residents are 51 percent low/moderate income. Census maps can be found **using the Response Outreach Area Mapper (ROAM) at: <http://data.census.gov>. Estimates of the number of low- and moderate-income individuals can be found at: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/>. Past surveys not utilizing the HUD methodology will not be accepted.**

c. Housing rehabilitation activities do not have to document that the target area residents are 51 percent low/moderate income. Instead, the target area will be defined on the basis of the number of substandard dwelling units contained within its boundaries. The total number of dwelling units shall also be enumerated. Documentation of these figures shall normally be accomplished through a windshield survey. A substandard dwelling unit is defined as failing to meet the standards of the Delaware State Housing Code or the housing code adopted by the jurisdiction where the unit is located.

Where no discernible target areas exist within a community's corporate limits, the entire community may be identified as a rehab target area. The total number of dwelling units, and the number of substandard dwelling units, shall be documented as for any other target area.

d. Housing Code Enforcement/Demolition:

Unless housing code enforcement/demolition activities meet the national criteria for slum and blight, these activities require target area determinations utilizing the HUD Survey Methodology or Census data documenting a 51 percent benefit to low/moderate-income persons.

e. DSHA Pre-Approval:

All target area survey instruments, descriptions of how surveys were conducted, survey results, maps clearly indicating service area boundaries, a rationale/justification for the service area determination, and a rationale for the method used to determine low- and moderate-income benefit (if Census information is not used) must be approved by DSHA prior to the submission of an application. Census data must be

used to the maximum extent feasible for determining the income of persons residing in service areas. **Both target areas and applications** must have, **and request funding for**, at least four eligible units per target area. All target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **January 19, 2023**.

f. Service Area Determination guidance can be found at the Section titled “Determining the service area” on pages 3-9 to 3-11 of the “Guide to National Objectives & Eligible Activities for State CDBG Programs,” available from DSHA, or at:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/library/stateguide](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide).

g. Areas of Minority Concentration

To affirmatively further Fair Housing, DSHA will provide up to 5 points in the Application Review scoring at Section V.B.1.d. to applications that target areas having disproportionate housing needs by race and ethnicity. Areas of racial and ethnic minority concentration are defined as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the jurisdiction overall, as of the 2010 Census. In Kent County there are 8 Census tracts identified as having concentrations of Black or African American residents, including 402.03, 405.01, 410, 412, 414, 415, 425, and 433. Kent County also has one Census tract having a concentration of Hispanic residents: 425. In Sussex County, there are five Census tracts having concentrations of Black or African American residents: 501.05, 502, 504.06, 504.07, and 518.02. Sussex County also has four Census tracts having concentrations of Hispanic residents: 501.04, 505.03, 505.04, and 514.

F. Program Outcome Performance Measurement

On pages 11470 to 11481 of the March 7, 2006 Federal Register, HUD published a “Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs”. This Notice on Performance Measurement is to be followed in establishing and reporting outcome performance measures for each activity for FY2023. Subgrantees are required to provide proposed outcome/objective statements for each activity in their CDBG applications, and actual outcome/objective statements with indicators in their quarterly and closeout reports.

G. Affirmatively Furthering Fair Housing

In addition to typical reporting requirements, in an effort to affirmatively further Fair Housing, DSHA will increase monitoring and require increased reporting

relative to Fair Housing issues. Eligible jurisdictions will be required to submit reports (1) detailing addresses of beneficiaries and their membership in protected classes and (2) a narrative report updating DSHA about progress on meeting objectives outlined in the Statewide Fair Housing Plan and other efforts to affirmatively further Fair Housing, such as training, outreach and new programs.

## II. General Information for Applicants

### A. Eligible Applicants

Eligible applicants are units of general local government in Kent and Sussex Counties, the Kent County Levy Court and the Sussex County Council.

### B. Number and Type of Applications

Each unit of local government and each county government may make only one application for funds in each program year, with the exception of applications for emergency activities and infrastructure for new housing development. An application from the Kent and Sussex County Governments may include unincorporated portions of the county, as well as those incorporated areas whose governing bodies have specifically requested to be included in the county's application. Written evidence of that request must be included with the county's application. If a local government has requested to be included in a county application it may not make a separate application, except applications for emergency activities and infrastructure for new housing development submitted after the normal application deadline.

### C. Activities Outside an Applicant's Boundaries

An applicant may apply for CDBG funds for eligible program activities, which are partially outside its boundaries if it can be demonstrated that these activities are appropriate to meet the applicant's needs and objectives. Such activities must be consistent with State and local law, and the county or municipality within which these activities will take place must agree to such activities.

### D. Activities Within an Application

Within a single application or fiscal year, an applicant may seek funding for activities, which address more than one community development need, as long as the total does not exceed the maximum allocation of **\$1,200,000**. The CDBG funds requested, either by themselves or in combination with other funds, must be sufficient to complete the proposed activities. An allocation exceeding **\$600,000** would have to be extremely competitive.

E. Eligible Activities

The 2023 program will provide funds to units of general local government and to counties not entitled to receive CDBG funds directly from HUD to undertake eligible approved activities, as listed in these Program Guidelines. The program is competitive in nature and it is anticipated that the demand for funds will far exceed the total amount available to the State. Therefore, eligible applicants selected for funding will be those communities and counties whose applications best address locally-determined needs of low- and moderate-income families as contained in the Delaware Consolidated Plan for FY2020 - 2024, and which are also consistent with the 51 percent principal benefit requirement or otherwise meet one of the three National Objectives, and which meet one or more State priorities.

Applicants should be aware that proposed activities, which do not meet a State priority will be deemed unresponsive and not considered by the review panel, unless sufficient fundable activities meeting a State priority are not received by DSHA.

III. State Priorities and Set-Asides

The following are the State's priorities and set-asides for FY2023 CDBG funding:

A. Maintenance of Existing Housing

1. Rehabilitation of substandard residential properties occupied by 100 percent low- and moderate-income households.

- a. General

- 1) Applicants must submit a list of all residential properties to be rehabilitated, with each property identified as owner- or renter-occupied. However, local governments with current waiting lists containing at least twice the number of applicants than are proposed for assistance may simply submit a certification to that effect, without submitting the normal list of properties to be rehabilitated. Applicants' waiting lists must be updated each year, prior to submission to DSHA. Applicants must provide a picture and an address and directions to each house for the top four rehab applicants on each waiting list. In addition, applicants must contact each of the top four (4) applicants on a rehab waiting list to confirm that they still: are interested in and eligible for CDBG assistance, and have eligible rehabilitation needs.

For the FY2023 program year, if rehab applicants are exhausted in targeted areas before funds are exhausted in those areas, excess

funds from those areas can be transferred to other target areas. If all eligible rehab applicants are exhausted in all target areas before funds are exhausted in those areas, then the excess funds from those areas can be transferred to scattered site rehabilitation.

- 2) All residential properties receiving CDBG assistance must be rehabilitated up to the standards of the Delaware State Housing Code or the local equivalent code, except that those properties only receiving assistance under a funded Emergency Home Repair activity under Section III.A.1.g. do not need to be brought completely up to code at the time the emergency repair is completed. All CDBG applicants must include a clause in their rehabilitation contracts, which enables them to rescind the contract in the event it is determined during the course of construction that the proposed rehabilitation is not feasible due to unforeseen conditions not known at the time the contract was executed. **The limit of CDBG/HOME funds that may be expended per dwelling unit for rehabilitation of owner-occupied stick-built or modular housing is \$40,000. Owner-occupied stick-built or modular units requiring more than \$40,000 in rehabilitation assistance must meet the Substantial Reconstruction requirements in Section III.A.6. of these Program Guidelines.**
- 3) All applicants requesting CDBG rehabilitation assistance must have adopted and be enforcing a housing code equivalent to or more restrictive than the Delaware State Housing Code. (Municipalities may be under contract for the enforcement of the code by county government.) The CDBG Subgrantee must certify that the property is up to housing code standards when rehabilitation is completed.
- 4) The CDBG/HOME housing rehabilitation program is a deferred loan program. The loan interest rate is 0%. The deferred loans can be reduced on a pro-rata basis over the time period for the lien. At the end of the loan term, the total amount of the loan would then be forgiven and satisfied.
  - a. A lien in the amount of the rehabilitation costs must be placed against all properties receiving CDBG/HOME rehabilitation assistance, except that: no lien will be required to be placed on properties receiving less than \$5,000 in CDBG only rehabilitation assistance (not HOME rehabilitation assistance) for water/sewer hookups, meter installations, and emergency repairs. Properties receiving

rehabilitation assistance funded in whole or in part with HOME funds will have a lien placed regardless of amount.

- b. Except as noted above, loan terms for CDBG/HOME Rehabilitation Assistance:

For all homeowners regardless of age:

|                             |                 |
|-----------------------------|-----------------|
| Under \$15,000              | 5 Years         |
| <b>\$15,000 to \$40,000</b> | <b>10 Years</b> |
| <b>&gt;\$40,000</b>         | <b>15 Years</b> |

- c. Deferred loans may be recorded in second position behind the homeowners' first mortgage, if required. Pro-rata payback of a CDBG-deferred loan to the Subgrantee is required when the property is sold or transferred, except the lien may continue on the property without repayment when the property is sold or transferred to a low/moderate-income household. Pro-rata payback of a HOME-deferred loan to DSHA is required when the property is sold, refinanced, or transferred.
  - d. Applicants may take up to 10% of the program income from the return of CDBG only deferred loan funds for use as administration funds. Applicants must report the taking of CDBG program income and CDBG program income administration funds on their next drawdown. All HOME program income funds must be returned to DSHA, **unless the applicant's HOME rehabilitation contract with DSHA permits the applicant to retain the program income for additional HOME rehabilitation projects.**
- 5) The applicant must have adopted a rehabilitation manual containing all forms and procedures to be used, including: procedures for coordinating with similar rehabilitation programs and an executed Programmatic Agreement (PA) with the National Advisory Council and State Historic Preservation Office.
- 6) Applicants may use up to 50 percent of their CDBG funds for community-wide rehabilitation. Counties proposing to use their community-wide funds in incorporated communities must obtain a resolution from that community authorizing such rehabilitation to be done.

- 7) Applicants must use 51 percent of their CDBG funds in designated DSHA-approved target areas. Subject to DSHA approval, where no identifiable smaller target areas exist, the target area requirement may be waived for a particular community.
  - 8) Except in cases of emergency rehabilitation, applicants must certify that units to be rehabilitated will be insured for at least the amount and period of the rehab loan.
  - 9) Local officials shall determine the suitability of providing rehabilitation assistance to any given residential property.
  - 10) Applicants are encouraged to support the Statewide initiative to hire minority-, veteran- or women-owned businesses. The company must be (a) 51 percent owned by minority, Veteran and/or woman or (b) 51 percent managed by minority group, service disabled veteran/veteran and/or woman and (c) certified as a MVWBE (or home state equivalent) in home state of business as for-profit business. For further information please refer to <http://gss.omb.delaware.gov/osd/index.shtml>.
- b. Lead-Based Paint: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households constructed prior to January 1, 1978 receiving Federally-funded project-based assistance.
- 1) Grantees shall follow the lead-based paint regulations found at 24 CFR part 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
  - 2) In cases where evaluation or hazard reduction or both are undertaken, the Subgrantee shall provide a notice to occupants in accordance with Section 35.125.
  - 3) Subgrantees must provide a lead hazard information pamphlet to all families receiving assistance living in pre-1978 housing, and obtain a signed acknowledgment from occupants that they have received the pamphlet.
  - 4) Lead-based paint inspection, risk assessments, testing, hazard reduction and abatement and treatment are eligible expenses.
  - 5) Inspection/risk assessment/testing reports must be kept by the Subgrantee for a period of three years.

- 6) The Subgrantee must conduct paint testing or presume the presence of lead-based paint, in accordance with Section 35.930.
  - 7) CDBG administration funds may be used for rehabilitation Subgrantee lead-based paint certification training. No matching funds are required for administrative funds used for CDBG Subgrantee lead-based paint certification training.
- c. Rental Rehabilitation of housing units occupied by 100 percent low- and moderate-income households.
- 1) A maximum of \$15,000 per unit may be provided for CDBG rental rehabilitation.
  - 2) CDBG rental rehabilitation loans will be financed at 3 percent amortized over a period of 10 years and will not be deferred.
  - 3) Only 75 percent of the rehabilitation cost may be financed by CDBG funds. The remaining 25 percent must be financed through private funds.
  - 4) The servicing of 3 percent CDBG rental rehabilitation loans shall be handled by DSHA through an agreement with a private servicing agent. The costs to DSHA of providing servicing will be reimbursed from principal and interest payments made by the owner to the Subgrantee. All principal and interest for rental rehabilitation loans shall be repaid on a regular monthly schedule after completion of the work.
  - 5) All rental units financed with CDBG funds must be occupied by low- and moderate-income persons at affordable rents throughout the duration of the loan agreement. Affordable rents are defined as Fair Market Rents (FMR) published periodically by the Federal HUD Section 8 Existing requirements. See Attachment D to these Program Guidelines for the most recent figures dated 10/01/22.
  - 6) All CDBG rental rehabilitation must utilize the forms and procedures contained in Delaware CDBG Rental Rehabilitation Procedures dated November, 1990.
- d. The rehabilitation of manufactured housing occupied by 100 percent

low- and moderate-income households shall utilize the same rehabilitation procedures as other housing, except that the following additional requirements apply:

- 1) There shall be a limit of **\$20,000** per manufactured home rehabilitated on rental lots. There shall be a limit of **\$30,000** per manufactured home rehabilitated where the owner owns both the manufactured home and the lot it is situated on;
  - 2) The CDBG Subgrantee must certify that the property will have at least 10 years of habitable life after rehabilitation is completed;
  - 3) The CDBG Subgrantee must obtain documentation that the manufactured home is in place and installed in accordance with local environmental, zoning and housing/building code requirements, prior to starting work on the property;
  - 4) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, the unit must have a permanent foundation in order to be eligible for rehabilitation funds. If no permanent foundation exists, then the total rehabilitation contract specifications for a unit must include the installation of the foundation. For manufactured housing situated on rental lots, the permanent foundation requirement does not apply; and
  - 5) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, and where the manufactured housing unit is beyond economical repair, the CDBG Subgrantee receiving HOME rehabilitation funds may only use HOME rehabilitation funds to replace the unit with a manufactured housing unit not more than 20 years old. **There shall be a limit of \$35,000 per manufactured home replacement.** All manufactured housing to be replaced must have been condemned by the applicant's code enforcement official, and the replacement unit must meet the standards of the Delaware State Housing Code or the local housing code. A ten-year lien must be placed against all properties where manufactured housing is replaced with HOME funds. For manufactured housing situated on rental lots, the replacement option does not apply.
- e. Water and/or sewer hookup of 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing rehabilitations, including the documentation of low- and

moderate-income household according to the definition provided in Section I.D.2, above.

- f. Energy Efficiency: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households. To the maximum extent feasible and cost-effective, Subgrantees' work write-ups and specifications for rehab work necessary to bring the dwelling unit up to housing code standards shall require ENERGY STAR qualified products and procedures. Subgrantees shall utilize the Energy Star website directly at: <http://www.energystar.gov/homeadvisor> to determine the recommended energy-efficient specifications for rehabilitation and remodeling. The recommendations on these websites shall be followed for all required work and materials, including, but not limited to: windows, heating and air conditioning systems, ventilation, insulation, air sealing, water heaters, light fixtures, lighting, and doors. The CDBG Subgrantee shall also coordinate its housing rehabilitation waiting lists, to the extent feasible, with the Delaware Weatherization Assistance Program waiting list, and the waiting lists of all other agencies that offer emergency home repair programs.
  
- g. Emergency Home Repair of residential properties owned and occupied by 100 percent low- and moderate-income households. CDBG applicants may apply for a separate Emergency Home Repair category of housing rehabilitation funds to address an emergency condition threatening the health or safety of an owner-occupied household's occupants. Emergency Home Repair is separate from emergency rehabilitation under Section III.C.2. of these program guidelines. Repairs that generally qualify as emergency home repair include: heating, plumbing, electrical, roofing, and structural problems.
  - 1) An emergency is defined as an unexpected occurrence or combination of events calling for immediate action. Unsafe electrical wiring, a non-working heater in winter, or structural conditions that are a major defect or are life-threatening and considered unsafe are examples of true emergencies.
  - 2) A minimum of \$500 and maximum of \$7,500 may be provided per home in CDBG emergency home repair assistance.
  - 3) Homeowners must meet all eligibility requirements to participate in the program.

- 4) A five-year lien must be placed against all properties receiving \$5,000 or more in CDBG emergency home repair funds.
2. Housing code enforcement in areas of slum and blight (as defined in state regulations) or which benefit an area of at least 51 percent low- and moderate-income persons. (Also note Section I.E.2.d.)
  - a. Applicants proposing housing code enforcement activities must certify that they will maintain during the period of the CDBG contract, in addition to their expenditures for carrying out any program assisted with CDBG funds, a level of expenditures for code enforcement activities at not less than their normal expenditures for such activities in the year prior to the execution of the CDBG Contract.
  - b. Applicants requesting CDBG assistance for code enforcement must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
3. Demolition of substandard structures in areas of slum and blight (as defined in state regulations) or which benefit 51 percent low- and moderate-income persons on an area or spot basis. Applicants for demolition funds may use up to 50 percent of such funds for community-wide demolition.
  - a. All structures to be demolished must have been condemned by the applicant's code enforcement official. Applicants requesting CDBG assistance for demolition must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
  - b. Demolitions to be accomplished with the voluntary consent of the owner and at the discretion of the community, must be in the form of a permanent 0 percent deferred loan, that is not forgivable, unless new housing constructed on the property becomes exclusively: 1) owned and occupied as the principal residence(s) of low/moderate-income household(s); or, 2) rented by low/moderate-income household(s) for a period of at least ten years.
  - c. For non-voluntary demolitions, the governing body of the applicant must provide evidence that it has exhausted other available legal procedures to secure remedial action by the

owner of the structure(s) involved, that demolition action is required, and that it has the legal authority to demolish the structure(s).

- d. The applicant requesting CDBG assistance for non-voluntary demolitions must agree to place a tax lien on the property so that monies expended for razing, demolition, and removal of eligible structures or part(s) thereof, may be collected in the same manner as other real estate taxes. All such monies recovered shall be deemed to be program income.
  - e. Demolition liens, whether in the form of a 0 percent deferred loan, or a real estate tax lien, may be subordinated to a new mortgage on the property if the property is sold or transferred for the purpose of low/moderate-income housing. The lien will then continue in the original form until such time as the property is converted to a use other than for the purpose of low/moderate-income housing, at which time the lien will be required to be repaid; or, until such time as the property is actually used to house low/mod-income household(s) as described in Section III.A.3.b., above, at which time the lien will be forgiven.
4. Construction or rehabilitation of emergency/transitional/permanent supportive housing serving of at least 51 percent low- and moderate-income limited clientele.
- a. Applicant must provide evidence that the construction or rehabilitation will benefit at least 51 percent low- and moderate-income persons. This evidence must demonstrate that at least 51 percent of daily normal users of the facility are principally low- and moderate-income persons.
  - b. Applicant must certify that it will not charge any fees for accessing such assisted facilities so as to have the effect of precluding low- and moderate-income persons from obtaining said access.
  - c. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook.
  - d. No such activities will be funded unless additional funding has

been secured for the provision of services which are complementary to the programmatic purpose of the activity.

- e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested such as building codes, insurance, and the State architectural accessibility standards prescribed by the State of Delaware Architectural Accessibility Board.
  - f. If the facilities to be assisted are publicly owned, the facilities must be nonresidential buildings which are not used for the general conduct of government such as "city halls, county administration buildings, state capitol or office buildings, or other facilities in which the legislative or general administrative affairs of government are conducted." (Section 102 (a)(21) of the Act); and which meet the requirements of 24 CFR 570.200 (5)(b).
  - g. If the facilities to be assisted are privately owned by a nonprofit organization, the organization must meet the requirements of 24 CFR 570.204 (c)(1), and be operated so as to be open for use by the general public during all normal hours of operation and otherwise meet the requirements of 24 CFR 570.200 (5)(b).
  - h. The applicant must comply with all restrictions and limitations regarding the use of CDBG funds by nonprofit organizations which are church-related found at 24 CFR 570.200(j).
- 5. Relocation assistance as required under the Uniform Relocation Act, Delaware Code, and 24 CFR 570.
  - 6. Substantial reconstruction of housing occupied by 100 percent low- and moderate-income households.

A unit of general local government may use CDBG funds to reconstruct residential structures (i.e. rebuild the structure on the same site) having a low- and moderate-income owner/occupant and consisting of one dwelling unit if either:

- a. The need for the reconstruction was not determinable until after rehabilitation on the structure had already commenced; or

- b. The housing that is being reconstructed is part of a neighborhood rehabilitation effort in which the unit of general local government is carrying out or proposes to carry out housing rehabilitation activities, and the housing to be reconstructed would otherwise be a part of the housing rehabilitation in that neighborhood; and the unit of general government determines:
        - 1) That the housing to be reconstructed is unsuitable for rehabilitation based upon severe structural deficiencies and an estimated cost of rehabilitation of **more than \$40,000**;
        - 2) The estimated cost of reconstruction is at least 20 percent less than the estimated cost of purchasing comparable newly constructed housing (including land) located in that neighborhood or in a comparable neighborhood of the unit of general local government; and
        - 3) The estimated cost of the reconstruction is less than the fair market value of the reconstructed housing and land based on an appraisal obtained before reconstruction.
      - c. The unit of general local government shall document the basis for each of the determinations noted above.
  - 7. Provision of housing-related services in conjunction with activities noted above. Such housing-related services could include: training in housekeeping, fair housing and homeownership counseling, and other housing-related services not provided by other social service agencies, but that support the programmatic purpose of the activities noted above.
  - 8. Set-aside: 60-90 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Existing Housing set aside will be dependent upon the quality and type of applications received in FY2023.
- B. Infrastructure benefiting at least 51 percent low- and moderate-income

persons

The following activities in support of this State priority for low- and moderate-income persons are eligible:

1. Definition of infrastructure: The installation or improvement of water systems, sewer systems, streets, storm drainage systems, sidewalks. This includes all related activities such as engineering, land surveys, site acquisition (for housing development), planning studies, relocation assistance, etc.;
2. Architectural/engineering studies for infrastructure directly related to housing development, including feasibility studies, site tests and soil borings;
3. Preparation of grant applications to other grantor agencies;
4. Acquisition of land for new housing development, in accordance with the requirements of the Uniform Relocation Act of Delaware Code;
5. Clearance and site preparation for new housing development for low- and moderate-income persons;
6. Installation or improvement of infrastructure benefiting service areas of at least 51 percent low- and moderate-income persons, including: water, sewer, streets, sidewalks;
7. Planning studies, including comprehensive plans and zoning ordinances, which clearly by their intent and design, encourage the provision of affordable housing for low- and moderate-income persons; and
8. For items 1-7 as applicable above:
  - a. The applicant must provide evidence that it will provide a minimum cash or in-kind match for each activity, as described below. Cash matches may be provided through other sources of funding for the same activity;

Infrastructure Match Requirements

| <u>Total Activity Cost</u> | <u>Cash Match</u> | <u>or In-Kind Match</u> |
|----------------------------|-------------------|-------------------------|
| Up to \$100,000            | 10% of Activity   | 15% of Activity         |
| \$100,000+ to \$199,999    | 15% of Activity   | 20% of Activity         |
| \$200,000+                 | 20% of Activity   | 25% of Activity         |

- b. Applicant must provide evidence that at least 51 percent of the persons benefited by the activity are in fact low- and moderate-income persons;
  - c. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds. The term special assessment is defined to mean a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties;
  - d. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
  - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested.
9. Set-aside: 10-40 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Infrastructure for Housing Development and Maintenance set-aside will be dependent upon the quality and type of applications received in FY23.
- C. Emergency activities (water, sewer, housing rehabilitation and demolition), which have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet such needs.
- 1. For emergency water and sewer activities:
    - a. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds;

- b. The nature, degree of serious and immediate threat must be documented by letters from appropriate agencies such as the State Division of Public Health, DNREC, State/local fire officials, etc.;
  - c. The serious and immediate threat must be of recent origin or recently became urgent, that is, the condition developed or became critical within 18 months of a certification that must be made by the applicant in its application;
  - d. Applicant must certify and document that it is unable to finance the construction of these facilities without CDBG funds. Such documentation shall include: (a) if appropriate, letters from other grantor agencies such as the Department of Natural Resources and Environmental Control, Department of Transportation, Division of Public Health, etc., confirming that funds were not available; (b) appropriate financial statements showing the lack of local funds; and (c) a financial analysis of why the activity is not feasible through use of other methods of local funding such as the proceeds of general obligation bonds, special assessments, etc.;
  - e. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
  - f. The applicant must certify that it will obtain all necessary permits and will comply with all federal, State and local standards and regulations that pertain to the type of activity requested.
2. For emergency rehabilitation and demolition:
- a. Required as a direct result of a natural disaster, such as a tornado, flood, hurricane, or similar catastrophe;
  - b. State has made a formal request to the Federal Emergency Management Agency for preliminary damage assessment and/or for which federal disaster assistance has been officially sought by the State;
  - c. At the discretion of the DSHA Director, rehabilitation assistance may be provided to persons not of low/moderate

income when the need for such assistance is clearly documented;

- d. Emergency rehabilitation and demolition activities will only be provided to cover losses not covered by insurance; and
  - e. Both emergency rehabilitation and demolition assistance will utilize the same liens and contracts as used for regular rehabilitation and demolition programs.
3. Set-aside: 0-7 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the emergency activities set aside will be dependent upon the quality and type of applications received in FY23.

D. Administration

1. At least 50 percent of the administrative cost of the activity(ies) must be provided by the local funds of the applicant.

2. Matching Requirements

These local funds may be drawn from local operating appropriations, nonprofit organization funds, proceeds of general obligation revenue bonds or other funds expended for the same purpose as the CDBG funds are expended. Any costs incurred by the applicant for activities that directly benefit the CDBG activity and meet the requirements of OMB Circular A-87 may be used to meet this match requirement. However, these funds must be spent in the same consecutive twelve-month period as the CDBG funds. For the purpose of this match requirement an applicant is considered to be: (a) a county's application for its unincorporated areas; (b) incorporated areas applying on their own; or (c) incorporated areas under a county's application.

3. Administrative Costs Limits

Administrative costs allowable to participating units of general local government under the CDBG Program shall be governed by the matching requirement in Paragraph 2. above, the contract budget and by the federal requirement that the State and its CDBG Subgrantees are limited to an aggregate amount of administrative costs that represent twenty percent of the State's total grant from HUD in any given federal fiscal year. It should be noted that the total amount of CDBG funds available for administration in FY23 may be less than the amount currently allocated, depending upon the number and quality of applications received, and the amount of funding allocated by HUD.

The maximum allocation for all administrative and program delivery costs for any single applicant shall not exceed **\$250,000** in any program year. Applications shall provide the salaries of all program administration personnel to be funded through CDBG funds. DSHA may separate rehabilitation specialists' salaries from general administration costs and allocate funding for those salaries as rehabilitation program delivery costs.

#### IV. Application Submission

##### A. Submission Date

Applications for the State's FY2023 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **February 23, 2023**. Applications for emergency activities and infrastructure for housing development will be considered at any time during the program year, subject to the following conditions: sufficient unallocated CDBG funds must be available to fund the activity(ies); assuming the availability of CDBG funds, a review panel will be convened to evaluate such proposals as well as those activities which were not originally recommended for full funding; and the need for CDBG funds must have arisen after the application deadline and be required for immediate use. **ONE SIGNED ORIGINAL AND ONE ELECTRONIC COPY of the application must be submitted.**

##### B. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms and questionnaires as may be applicable to the specific proposed activity.

##### C. Documentation and Certifications

Application for CDBG funds must include all such documentation and certifications as may be prescribed in these Program Guidelines and in the application, instructions prescribed by DSHA.

##### D. Program Performance Period

All applications for 2023 funds shall be to finance CDBG-eligible activities that shall be initiated after July 1, 2023, and completed no later than June 30, 2025.

#### V. Application Review

A. DSHA Staff

1. DSHA staff will review all applications for completeness and to determine whether the applications meet the minimum threshold requirements for all applications.
2. If the assessment by DSHA staff indicates that an application fails to meet any of the applicable threshold requirements, and the applicant has not provided the requested information to make the application complete, DSHA staff will prepare a report on each such application and submit it to the Director of DSHA. If the Director of DSHA agrees with the assessment by DSHA staff, the application will be considered unresponsive. Such applications will not be forwarded to the review panel(s) referred to below, but will be returned to the applicant with a reason for the rejection. Any application that has been assessed as unresponsive shall be precluded from any further consideration in the FY23 CDBG Program, unless it is modified after July 1, 2023 to meet the threshold requirements for activities having a particular urgency or infrastructure for new housing development, and provided it falls within the requirements for a request for "recaptured/ remaining funds" after July 1, 2023 as specified in Section VI.D. of these Program Guidelines.
3. It is essential that the amount of CDBG funds requested in each application be reflected in a budget which is both reasonable and realistic, and which conforms with all the requirements for such budgets contained in these Program Guidelines and the instructions for CDBG applications. Because of this, DSHA staff may, after determining that an application has met all the applicable threshold requirements, enter into direct negotiations with an applicant to reach agreement on any budgetary modifications that should be made before the application is presented to the review panel(s) that will evaluate the proposal(s).
4. The DSHA staff shall provide the review panel(s) with a separate staff report on each application that will at a minimum include the following:
  - a. Certification that the application/applicant has met all applicable threshold requirements, including evaluation of low- and moderate-income benefit;
  - b. Certification that the proposed budget represents a realistic/reasonable budget which conforms to all applicable instructions and policies;
  - c. The conformance of the proposed activities to the goals and objectives of the Delaware Consolidated Plan; and
  - d. An evaluation of the applicant's capacity, and past performance under the CDBG Program.

B. Review Panel(s)

1. The review panel(s), composed of persons with the appropriate background and experience, shall evaluate each proposed activity, based upon the following criteria. A maximum total of 100 points may be received by an application.

a. Low- and Moderate-Income Benefit (Provided by DSHA staff):

Applications showing a greater benefit to low- and moderate-income persons for similar activities will be rated higher than those showing a lesser benefit to low- and moderate-income persons. Up to 25 points as follows:

- (1) 90-100% L/M = 25
- (2) 80-89% L/M = 20
- (3) 70-79% L/M = 15
- (4) 60-69% L/M = 10
- (5) 51-59% L/M = 5
- (6) 0 -50% L/M = 0

b. Management Capacity (provided by DSHA staff): Each applicant's management capacity for each of the activities proposed will be evaluated on the basis of the most recent monitoring report(s), current or proposed staff qualifications, progress achieved in completing its current CDBG Program (if applicable), and most recent audit report(s) (if applicable). Up to 5 points as follows:

- (1) outstanding = 5
- (2) above standard = 3
- (3) standard = 1
- (4) below standard = 0 (no allocation)

c. Cost/benefit of Activity: Each proposed activity will be evaluated on the basis of the following factors. Up to 70 points as follows:

(1) severity of need, including the number, percent and geographic concentration of low/moderate-income families; number, percent and geographic concentration of substandard housing; number, percent and geographic concentration of housing needing public facilities; health and/or safety conditions; emergency status:

| <u>Points</u> | <u>Need</u>    |
|---------------|----------------|
| 1             | not documented |
| 8             | moderate       |
| 15            | severe         |

(2) holistic impact of activity, meaning, the degree (percentage, from Section IV. B. and C. of application) to which the identified need(s) for the activity(ies) is/are proposed to be addressed:

| <u>Points</u> | <u>Impact</u> |
|---------------|---------------|
| 1             | low           |
| 8             | moderate      |
| 15            | high          |

- (3) cost reasonableness, meaning, the reasonableness of the proposed program activity costs taking into account construction estimates and the availability of other resources:

| <u>Points</u> | <u>Cost/Reasonableness</u> |
|---------------|----------------------------|
| 1             | low                        |
| 8             | moderate                   |
| 15            | high                       |

- (4) leveraging of other resources, meaning extent to which other firm, committed funding sources are identified:

| <u>Points</u> | <u>Other Resources</u> |
|---------------|------------------------|
| 1             | minimal or no match    |
| 8             | moderate match         |
| 15            | significant match      |

- (5) suitability/feasibility of work plan, meaning the extent to which the applicants proposed scope of work will realistically be accomplished within the next fiscal year:

| <u>Points</u> | <u>Plan Feasibility</u> |
|---------------|-------------------------|
| 1             | poor                    |
| 3             | fair                    |
| 5             | good                    |

- d. Targeting Areas of Minority Concentration: Applications showing a greater benefit to areas of minority concentration (see Section I.E.2.g.) for similar activities will be rated higher than those showing a lesser benefit to areas of minority concentration. Up to 5 points as follows:

| <u>Points</u> | <u>Minority Targeting</u> |
|---------------|---------------------------|
| 1             | poor                      |
| 3             | fair                      |
| 5             | good                      |

- e. An oral presentation by the applicant to the review panel will supplement the application scores and serve as a factor in the panel's final decision.

## 2. Review Panel Recommendations

DSHA staff will prepare a summary evaluation of all applications received, which will include the scores for each proposed activity as described in V.B. above, and a descriptive summary of the review panel's comments and recommended priorities for funding.

C. Director of DSHA

The Director of DSHA will make the final decisions on allocating CDBG funds, based upon the review panel(s) recommendations and any additional relevant information obtained subsequent to those recommendations. Such additional information will only be considered if it reflects a substantive change in the application review criteria noted in Section V.B.1. above.

D. Allocations

Allocations to specific activities will be based on approved contract budgets. The maximum allocation for any single applicant shall not exceed **\$1,200,000** in any program year. Applicants should be aware that a total of approximately **\$2,500,000** is expected to be available for program activities. An allocation exceeding **\$600,000** would need to be extremely competitive.

VI. Additional Funding

A. Program Income Returned to Unit of Local Government

1. Program income means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds allocated by the State in a contract with a unit of general local government.
2. The use of program income is subject to all the applicable requirements of federal law, HUD regulations and program memoranda, and the general requirement of these Program Guidelines, which are consistent with said law, regulations and program memoranda. Additionally, the specific requirements for Program Income as are contained in the State's Financial Handbook shall also apply.
3. Program income retained by the unit of local government will:
  - a. be added to funds committed to the activity and used to further the same program activity as the income was derived;
  - b. not be used to pay administrative costs; and

- c. be expended before additional funds are drawn down from DSHA for the same activity.
4. Program income not authorized for retention and expenditure by the unit of local government will be returned to the State.

B. Program Income Returned to the State of Delaware

Section 104(i) of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, authorizes States to distribute program income when such income has been returned to the State. Program income returned to the State shall be disbursed to communities under open CDBG Contracts prior to making additional draws from the U.S. Treasury. The funds thus freed up shall be allocated in accordance with Section VI.D. below.

NOTE: Program income generated by CDBG rental rehabilitation loan repayments is considered program income of the unit of local government, even though such repayments are made directly back to DSHA through its loan servicing agreement. All such program income will be distributed to the appropriate unit of local government in accordance with the provisions of Section VI.A. above.

C. Reallocated/Supplementary Funds

Reallocated funds are those HUD has recaptured from a Small Cities Subgrantee and "reallocated" to Delaware. If Delaware should receive any "reallocated funds" from HUD for distribution as part of the FY23 CDBG Program, these funds shall be allocated in the same manner and under the same conditions as described in Section VI.D. below. Supplementary funds are those funds that HUD may award to the State after July 1, 2023, and shall also be allocated in the same manner and under the same conditions as described in Section VI.D. below.

D. Recaptured/Remaining Funds

1. Recaptured funds are those CDBG funds which remain unobligated after a CDBG contract has either been closed out or terminated; or after it has been determined that the total amount of CDBG funds originally allocated in a given contract are not required to complete the proposed activity for which they are allocated.

Remaining funds are funds for which a method of distribution was contained in a prior year's Program Guidelines, but which have not been, and are no longer intended to be so distributed. Remaining funds may also be an amount left over after the state has awarded all of its contracts, but the left-over amount is too small to fund an application.

2. Recaptured/remaining funds that shall be received from its recipients by June 15, 2023, shall be included as part of the FY23 allocations in accordance with all applicable requirements of these Program Guidelines.

3. Recaptured/remaining funds that shall be received from its recipients after June 15, 2023 shall be set aside for the following purposes:
  - a. To provide additional funding for any activity already under contract so long as the total amount of funds allocated does not exceed the **\$1,200,000** maximum allocation for any single applicant; in those cases where an unforeseen situation may have arisen after the original contract budget had been approved (the burden of proof will rest with the applicant); or when the activity has not been funded in the total amount originally requested;
  - b. To fund emergency activities and infrastructure for housing development that were not previously submitted as part of the FY23 CDBG Program and the need for which may have arisen after the deadline for FY23 applications has passed. The **\$1,200,000** maximum allocation of CDBG funds for any single applicant in any program year shall apply;
  - c. At the discretion of the Director of DSHA, eligible applications not originally recommended for funding because of limited resources may be reconsidered for funding after approved activities noted in (a) and (b) above have been funded; and
  - d. The priorities for distributing funds under this part shall be in accordance with the state's method of distribution found in Section V.

E. Combining Other Funding to Comprehensively Address Rehabilitation Needs

- A. Again, in FY23, greater emphasis will be given to applications, which take a holistic approach to community development through comprehensively combining all funding sources, one community at a time. DSHA expects applications responsive to this change in emphasis to combine smaller CDBG funding requests with Housing Preservation Grant (HPG) funding in target areas. Where these other sources of funding are used to comprehensively address rehabilitation needs and to lessen the demand on CDBG rehabilitation funding, greater consideration will be given to CDBG infrastructure requests. As a result, rehabilitation needs will be comprehensively addressed, more CDBG funds will be available for infrastructure activities, and community development needs in general will be holistically addressed. In the scoring of applications, strong emphasis is given to leveraging, and, leveraging funds must be shown and identified in activity budgets. Letters of commitment signed by a majority of the board/council committing the match, and including the source of the match, must accompany any applications claiming to have matching funds.

VII. Waivers of Policy

The Director of DSHA may waive any requirement of these Policies not required by federal/state law or federal regulation, whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Delaware CDBG Program. Waivers shall be made in writing, citing the policy provision to be waived, the authority for the waiver, and be supported by documentation of the pertinent facts. Where only a portion of the policy provision is to be waived, the waiver must expressly limit itself to that portion.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS  
(EFFECTIVE 6/15/22)

| # of Person per house | <u>Kent County</u> |               |               |               | <u>Sussex County</u> |               |               |               |
|-----------------------|--------------------|---------------|---------------|---------------|----------------------|---------------|---------------|---------------|
|                       | 30% of Median      | 50% of Median | 60% of Median | 80% of Median | 30% of Median        | 50% of Median | 60% of Median | 80% of Median |
| 1                     | \$16,250           | \$27,050      | \$32,460      | \$43,250      | \$17,650             | \$29,400      | \$35,280      | \$47,050      |
| 2                     | \$18,550           | \$30,900      | \$37,080      | \$49,400      | \$20,200             | \$33,600      | \$40,320      | \$53,800      |
| 3                     | \$20,850           | \$34,750      | \$41,700      | \$55,600      | \$22,700             | \$37,800      | \$45,360      | \$60,500      |
| 4                     | \$23,150           | \$38,600      | \$46,320      | \$61,750      | \$25,200             | \$42,000      | \$50,400      | \$67,200      |
| 5                     | \$25,050           | \$41,700      | \$50,040      | \$66,700      | \$27,250             | \$45,400      | \$54,480      | \$72,600      |
| 6                     | \$26,900           | \$44,800      | \$53,760      | \$71,650      | \$29,250             | \$48,750      | \$58,500      | \$78,000      |
| 7                     | \$28,750           | \$47,900      | \$57,480      | \$76,600      | \$31,250             | \$52,100      | \$62,520      | \$83,350      |
| 8                     | \$30,600           | \$51,000      | \$61,200      | \$81,550      | \$33,300             | \$55,450      | \$66,540      | \$88,750      |

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

Attachment B to the Delaware CDBG Program Guidelines

LIST OF LOW/MODERATE-INCOME BENEFIT FIGURES  
IN KENT AND SUSSEX MUNICIPALITIES (FY2021 HUD LMISD)

| <u>Place Number</u> | <u>City / Town</u> | <u>% Persons Low/Mod</u> | <u>Place Number</u> | <u>City / Town</u> | <u>% Persons Low/Mod</u> |
|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
| 07250               | Bowers             | 45.3%                    | 60290               | Rehoboth B.        | 22.7%                    |
| 10760               | Camden             | 30.9%                    | 64320               | Seaford            | 55.4%                    |
| 14660               | Cheswold           | 35.2%                    | 64840               | Selbyville         | 49.9%                    |
| 15440               | Clayton            | 31.6%                    | 67050               | Slaughter B.       | 28.5%                    |
| 21387               | DAFB Housing       | 58.4%                    | 67700               | S. Bethany         | 27.0%                    |
| 25840               | Farmington         | 77.7%                    |                     |                    |                          |
| 26620               | Felton             | 46.0%                    |                     |                    |                          |
| 28440               | Frederica          | 39.8%                    |                     |                    |                          |
| 33120               | Harrington         | 61.2%                    |                     |                    |                          |
| 33250               | Hartly             | 18.1%                    |                     |                    |                          |
| 36760               | Houston            | 38.4%                    |                     |                    |                          |
| 39100               | Kenton             | 60.0%                    |                     |                    |                          |
| 41700               | Leipsic            | 41.6%                    |                     |                    |                          |
| 42870               | Little Creek       | 47.3%                    |                     |                    |                          |
| 44430               | Magnolia           | 63.1%                    |                     |                    |                          |
| 47420               | Milford            | 46.9%                    |                     |                    |                          |
| 67310               | Smyrna             | 34.2%                    |                     |                    |                          |
| 74330               | Viola              | 15.1%                    |                     |                    |                          |
| 80830               | Woodside           | 40.0%                    |                     |                    |                          |
| 81350               | Wyoming            | 38.9%                    |                     |                    |                          |
| 05690               | Bethany Beach      | 15.9%                    |                     |                    |                          |
| 05820               | Bethel             | 29.4%                    |                     |                    |                          |
| 06730               | Blades             | 61.3%                    |                     |                    |                          |
| 08680               | Bridgeville        | 41.1%                    |                     |                    |                          |
| 18950               | Dagsboro           | 38.7%                    |                     |                    |                          |
| 20380               | Delmar             | 54.9%                    |                     |                    |                          |
| 20900               | Dewey Beach        | 38.0%                    |                     |                    |                          |
| 24020               | Ellendale          | 64.3%                    |                     |                    |                          |
| 26880               | Fenwick Island     | 20.2%                    |                     |                    |                          |
| 28310               | Frankford          | 45.6%                    |                     |                    |                          |
| 29090               | Georgetown         | 63.3%                    |                     |                    |                          |
| 31560               | Greenwood          | 41.0%                    |                     |                    |                          |
| 33900               | Henlopen Acres     | 16.1%                    |                     |                    |                          |
| 41310               | Laurel             | 65.1%                    |                     |                    |                          |
| 41830               | Lewes              | 38.4%                    |                     |                    |                          |
| 47420               | Milford            | 46.9%                    |                     |                    |                          |
| 47940               | Millsboro          | 48.7%                    |                     |                    |                          |
| 48200               | Millville          | 30.7%                    |                     |                    |                          |
| 48330               | Milton             | 43.6%                    |                     |                    |                          |
| 53920               | Ocean View         | 20.5%                    |                     |                    |                          |

Attachment C to the Delaware  
CDBG Program Guidelines

CERTIFICATIONS BY APPLICANTS  
FOR  
THE DELAWARE CDBG PROGRAM

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
  - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);

- 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated July 17, 2017 and Section 508 of the Housing and Community Development Act of 1987; and
  - 3) Each applicant certifies that it has included in its notice of public meeting the following language:
 

"...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals..."
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
  - (e) Its chief executive officer or other officer of the applicant approved by DSHA:
    - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1 (a)(3) and carry out this responsibility in accordance with the "Overview of Environmental Review Procedures" issued for the Delaware CDBG Program and dated July 1989; and meet the requirements of 24 CFR Part 58 and 24 CFR 570.604; and
    - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
  - (f) The program will be conducted and administered in compliance with:
    - (1) Title VI of the Civil Rights Act of 1964 (Pub. L 88-352) and implementing regulations issued in 24 CFR Part 1;
    - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
    - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);

- (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
- (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the State review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
- (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
- (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
- (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
- (10) The labor standards requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
- (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
- (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
- (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
- (14) Section 106 of the National Historic Preservation Act of 1966, as amended via the Advisory Council on Historic Preservation's Regulations, Protection of Historic and Cultural Properties (36 CFR 80);
- (15) The provisions of the Hatch Act, which limits the political activity of employees; and

- (16) The lead-based paint requirements of 24 CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with the HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.
- (i) It will give HUD, DSHA, the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts.

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY2023 Program Guidelines shall govern the use of the assistance provided by the State to local government units in FY2023-FY2024.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
  - 2) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, who are not persons of very low income.
  
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

---

Signature of Authorized Official Date

---

Title of Official

Attachment D to the Delaware  
CDBG Program Guidelines

DSHA-35

**SECTION 8 EXISTING FAIR MARKET RENTS  
AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

I. FAIR MARKET RENTS - (Revised 10/1/22)

| KENT COUNTY |      |       |       |       |  |
|-------------|------|-------|-------|-------|--|
| 0-BR        | 1-BR | 2-BR  | 3-BR  | 4-BR  | Manufactured<br>(Mobile) Home<br>Space |
| 979         | 984  | 1,182 | 1,680 | 1,893 | 472                                    |

| SUSSEX COUNTY |      |       |       |       |  |
|---------------|------|-------|-------|-------|--|
| 0-BR          | 1-BR | 2-BR  | 3-BR  | 4-BR  | Manufactured<br>(Mobile) Home<br>Space |
| 744           | 840  | 1,106 | 1,443 | 1,758 | 442                                    |

II. CONTRACT RENT ANNUAL ADJUSTMENT FACTORS FOR UNITS WITH NO  
TURNOVER - (Effective 02/16/22)

| HIGHEST COST UTILITY |          |          |
|----------------------|----------|----------|
|                      | Included | Excluded |
| Southern Region      | 1.0192   | 1.0239   |

NOTE: The Annual Rent Adjustment Factors shown above may be used by investors/owners after the first year of the rehabilitation loan. However, the rents charged by investors/owners may not exceed the current Fair Market Rents for the duration of the loan.



DEVELOPMENT SECTION  
18 THE GREEN  
DOVER, DELAWARE 19901

(302) 739-4263

**TOLL FREE: (888) 363-8808**

(800) 232-5460 DE RELAY

September 19, 2022

MEMORANDUM

TO: Eligible Communities and Kent & Sussex Counties  
FROM: Andrew J. Lorenz   
SUBJECT: **Draft FY2023 CDBG Program Guidelines**

Attached is a draft copy of the FY2023 Community Development Block Grant (CDBG) Program Guidelines, Application Package, and a Notice of Public Meeting to be published as part of the process. The Program Guidelines and Application Package have **been changed from last year as follows:**

- **Under Section I.E.2.e., all target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on January 19, 2023;**
- **“Section III.D., COVID-19 Relief Related Public Service Activities,” has been deleted from the guidelines because COVID-19 relief related Public Service Activities are no longer eligible CDBG activities. In addition, “Section III.E., Special Grant Amendments for COVID-19 Disasters or Emergencies,” has been deleted from the guidelines because CDBG amendments to CDBG contracts and applications for COVID-19 Disasters or Emergencies are no longer eligible. “Section III.F., Administration,” has been relabeled only, as “Section III.D., Administration;” and,**
- **Under Section IV.A., applications for the State's FY2023 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on February 23, 2023. ONE SIGNED ORIGINAL AND ONE ELECTRONIC COPY of the application must be submitted.**

Please review this draft and submit any comments by October 5, 2022, if possible, so that we can get the Final Program Guidelines out promptly after the public comment period ends October 20, 2022. Comments will also be received at a virtual FY2023 CDBG public meeting scheduled for October 5, 2022, at 10:00 a.m.

If you have any questions please contact me in the Community Development Section 739-0261 or via e-mail at [andy@destatehousing.com](mailto:andy@destatehousing.com). Thank you.

ajl:

Attachments

**DELAWARE STATE HOUSING AUTHORITY (DSHA)  
FY2023 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, UEI number, and EIN number of Applicant:

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |

B. Name, position and signature of Person Submitting Application:

|                     |
|---------------------|
|                     |
|                     |
| Signature and Date: |

C. Application on behalf of: (Name, address, UEI number, and EIN number)

|  |
|--|
|  |
|  |

Name, position, and e-mail address of authorizing official:

|                     |  |
|---------------------|--|
|                     |  |
| E-Mail Address:     |  |
| Signature and Date: |  |

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

|  |
|--|
|  |
|--|

F. Summary of Request:

(Attach cost breakdown for each activity requested on page two. Activities must be in order of priority).

Total Units/Low-Moderate Income Units Served: \_\_\_\_\_/\_\_\_\_\_  
Total CDBG Program Funds Requested: \$ \_\_\_\_\_  
Total Cash Matching Funds: \$ \_\_\_\_\_  
Total In-Kind Match Value: \$ \_\_\_\_\_  
Total Program Cost (if different from amount requested) \$ \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

(Attach additional pages as necessary.)

II. Low/Moderate-Income Benefit:

LOW/MODERATE-INCOME BENEFIT TABLE – INSTRUCTIONS

The amount of benefit to low- and moderate-income persons must be calculated for each activity, as described below:

1. In column 1, list the activity.
2. In column 2, show the total number of persons that the activity will serve.
3. In column 3, show the number of low- and moderate-income persons that the activity will serve.
4. In column 4, divide column 3 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
5. In column 5, show the amount of funds requested for the activity.
6. In column 6, multiply column 4 by column 5 to show the amount of those funds that will be used to benefit low- and moderate-income persons.
7. List the source of data used to calculate benefit in the space provided at the bottom of this page. If a local survey was conducted, briefly summarize the survey method used and attach a copy of the survey instrument. (DSHA should be contacted before the survey is conducted to assure that the acceptable survey methodology is being used, or that prior surveys are still valid.)

LOW/MODERATE-INCOME BENEFIT TABLE

| 1. Activity | 2. Total Persons Activity Will Serve | 3. L/M Persons Activity Will Serve | 4. % L/M Persons Activity Will Serve | 5. Amount Requested For Activity | 6. Amount L/M Benefit |
|-------------|--------------------------------------|------------------------------------|--------------------------------------|----------------------------------|-----------------------|
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |
|             |                                      |                                    |                                      |                                  |                       |

Source of Data:

III. Management Capacity

A. List the person(s) to be responsible for administering the CDBG Program, and title(s):

| <u>CDBG Personnel</u> | <u>Title(s)</u> |
|-----------------------|-----------------|
| _____                 | _____           |
| _____                 | _____           |
| _____                 | _____           |

- B. Attach resumes or other supporting documentation for the personnel of new applications and new CDBG Program managers, which establishes the capacity of the personnel above to effectively manage a CDBG Program. **Attach the salaries of all program administration personnel to be funded through CDBG funds.**
- C. If the applicant proposes to contract out any portion of its administration, a copy of the proposed subcontract **must be** attached.
- D. Past performances under the Delaware CDBG Program will be evaluated by DSHA based upon past monitoring reports, audit findings, and timely completion of contracts. No additional documentation is required of the applicant under this section.

#### IV. Application Work Plan

Each proposed program activity must address each of the following areas. Failure to specifically address any of these elements will make the application incomplete, forcing DSHA to consider the application unresponsive.

- A. Each program activity must be addressed separately. Program activities must be listed in order of priority with the program activity of highest priority first. This order of priority for program activities must be followed on all forms contained in this application.
- B. Each program activity must be fully described. For rehabilitation programs, this description must include THE NEED FOR THE PROPOSED ACTIVITY, the numbers of units to be rehabilitated, any special population groups the rehabilitation program will address, the target area, the NUMBER OF UNITS NEEDING REHABILITATION ASSISTANCE, THE PERCENTAGE OF UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, AND THE PROPOSED OUTCOME.
- C. For public infrastructure projects, a detailed description of the work to be accomplished, the need for the proposed activity, the target area, the linear footage of what type and size of infrastructure to be provided, the NUMBER OF UNITS NEEDING INFRASTRUCTURE ASSISTANCE, THE PERCENTAGE OF THE UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, THE PROPOSED OUTCOME, the location of what type and size of land acquisition, the matching funds to be provided, and the population groups to be addressed must be provided.
- D. Provide a timetable showing monthly milestones for completion of each activity. All FY23 Contracts will commence on July 1, 2023 and terminate on June 30, 2025.
- E. Attach maps indicating target areas.
- F. Attach drawings, plans, or other documentation necessary to describe program activities.
- G. Describe each activity's conformance with the goals and objectives of the Delaware Consolidated Plan.
- H. Describe the extent to which the proposed project(s) will result in a measurable concrete reduction of one or more significant problems identified in the Delaware Consolidated Plan.
- I. Describe the extent to which the project builds upon previous work or supplements other work that will be funded from other sources.

- J. Analyze the reasonableness of total cost in view of the cost benefit(s) to be achieved.
- K. Describe source and amount of any funds used to leverage the CDBG portion of the project. Indicate when these funds will be available. Attach documentation of any match.
- L. Describe any in-kind resources to be applied to the project. Attach documentation of any match.
- M. Attach documentation of any match. Matching resolutions must be signed by a majority of Board/Council members and must include the source of funds.
- N. For infrastructure projects, a description of why the jurisdiction is unable to pay for the activity without CDBG assistance.

V. Each application should also describe the following:

- A. Describe any plans for the provision of housing for existing residents and anticipated growth for the area;
- B. Describe any plans for the provision of adequate sites with supporting infrastructure for future housing, including housing for low/moderate-income residents of the area; and
- C. Describe any efforts to coordinate with businesses regarding the development of the community as it affects low/moderate-income residents of the area.

VI. Application Submission

1. **Submission Date for the FY2023 CDBG Program**

Applications for the state's FY2023 CDBG Program must be received in DSHA's office at 18 The Green, Dover, Delaware 19901 no later than **4:00 p.m. on February 23, 2023 - ONE SIGNED ORIGINAL AND ONE ELECTRONIC COPY of the application must be submitted.**

2. **Application Content and Format**

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms as may be applicable to the specific proposed activity.

VII. Additional Requirements

- A. Re-Use Plan.
- B. Rehabilitation Manual.
- C. Target Area Approval.
- D. Boards and Commissions Reporting Form.
- E. Form HUD-2880 (Disclosure/Update Report).

STATE OF DELAWARE  
 DELAWARE STATE HOUSING AUTHORITY  
DELAWARE CDBG PROGRAM – PROJECT COST SUMMARY

CONTACT PERIOD – FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Summary of Program Activities  
 Amount of Source

| I. PROGRAM ACTIVITIES             | CDBG/HOME<br>PROGRAM<br>FUNDS | LOCAL<br>FUNDS | OTHER FUNDS | TOTAL |
|-----------------------------------|-------------------------------|----------------|-------------|-------|
| A.                                |                               |                |             |       |
| B.                                |                               |                |             |       |
| C.                                |                               |                |             |       |
| D.                                |                               |                |             |       |
| E.                                |                               |                |             |       |
| F.                                |                               |                |             |       |
| G.                                |                               |                |             |       |
| H.                                |                               |                |             |       |
| I.                                |                               |                |             |       |
| J.                                |                               |                |             |       |
| <b>TOTAL PROG. ACTIVITY COST</b>  |                               |                |             |       |
| <b>II. ADMINISTRATION</b>         |                               |                |             |       |
| A. SALARIES                       |                               |                |             |       |
| B. OTHER EMPLOYMENT COSTS         |                               |                |             |       |
| C. TRAVEL                         |                               |                |             |       |
| D. CONTRACTUAL SERVICES           |                               |                |             |       |
| E. SUPPLIES & MATERIALS           |                               |                |             |       |
| <b>TOTAL ADMINISTRATION COSTS</b> |                               |                |             |       |
| <b>III. TOTAL PROGRAM COSTS</b>   |                               |                |             |       |

**NOTES:**

1. \* Denotes Cash Match
2. \*\* Denotes In-kind Match
3. List Sources of Each Match Amount on Additional Page

**This form also available from DSHA in EXCEL fillable spreadsheet. Please use the EXCEL version.**

CERTIFICATION BY APPLICATIONS  
FOR  
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
  - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
  - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated April 13, 2020 and Section 508 of the Housing and Community Development Act of 1987; and
  - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
  - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
  - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
  - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
  - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
  - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
  - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
  - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
  - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
  - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
  - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
  - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
  - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
  - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
  - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
  - (15) The provisions of the Hatch Act, which limits the political activity of employees;
  - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.

- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following “special condition” is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD’s final regulations related thereto, which supersede or are not provided in the FY23 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY23-FY24.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
  - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title of Official

VIII. Exhibits

A. The following exhibits should be attached to the application, as applicable, in order noted below:

1. Authorization for “on behalf of” applications.
2. A copy of the notice of public hearing and summary of comments received.
3. Activities Under the Existing Housing Set Aside:
  - a. Rehabilitation:
    - 1) Copy of rehabilitation manual;
    - 2) Re-use plan for program income generated by rental rehab;
    - 3) DSHA target area approval attached;
    - 4) Identification of amount of funds and number of units to be accomplished in approved target areas and community-wide; and
    - 5) Identification of mobile home units to be rehabilitated including number owner-and/or renter-occupied.
  - b. Demolition:
    - 1) Amount of funds and units to be accomplished in approved target areas and community-wide identified; and
    - 2) Re-use Plan for program income from demolition liens attached.
4. Activities Under Infrastructure Project Set Aside:
  - a. Water and Sewer:
    - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
    - 2) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
      - a) letters from other grantor agencies
      - b) financial statements
      - c) financial analysis
    - 3) Letters from community or appropriate agencies documenting commitment and source of matching funds.
5. Activities Under Emergency Project Set-Aside:
  - a. Water and Sewer:
    - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
    - 2) Documentation attached demonstrating that condition developed or became critical within 18 months of application; and
    - 3) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
      - a) letters from other grantor agencies
      - b) financial statements
      - c) financial analysis

TODD F. LAWSON  
COUNTY ADMINISTRATOR

(302) 855-7742 T  
(302) 855-7749 F  
tlawson@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

October 1, 2022

The Honorable Arthur J. Campbell, Mayor  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Mayor Campbell:

Please be advised that the Sussex County Council has authorized the Sussex County Community Development Office to assist local governments in Sussex County in preparation of Community Development Block Grant (CDBG) applications. In an effort to bring as much CDBG funding to Sussex County as possible, Director Brandy Nauman, is prepared to offer assistance to your community in applying for CDBG funding. The only financial responsibility for the town is to pay for advertising the public hearing.

Last year the Delaware State Housing Authority proposed to keep CDBG minimum target area numbers, as well as, the remainder of the guidelines the same as FY 23. This means that your community must have **a minimum of 4-targeted homes** to be eligible for the CDBG housing rehabilitation program.

**In order to be considered, Infrastructure projects must be in a predominately low to moderate-income area. A house-by-house income survey must be complete to prove area household incomes. Additionally, we require a complete set of engineering plans, cost estimates, documentation of existing matching funds, and a letter stating that the requested project will be completed within one year (see enclosed CDBG Infrastructure requirement sheet). Sussex County Council's highest priority is housing rehabilitation assistance for Sussex County.**

The process, if accepted by your Council, would have Sussex County apply for the CDBG funding on your town's behalf, and if funded, Sussex County would administrate the projects for you. All administrative cost would be paid for by grant and County funds.

We are required to schedule public hearings in each city or town that is applying for the funding during November or December to be able to meet the application deadline. I respectfully request that if your community is interested in participating with the County in a CDBG application, please notify Brandy Nauman, at the Sussex County Community Development and Housing Division at 855-7777 by October 31, 2022.

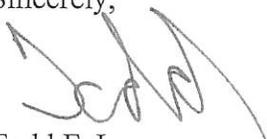


COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

The Honorable Arthur J. Campbell, Mayor  
October 1, 2022  
Page Two.

Do not hesitate to contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'TFL', with a large, sweeping flourish extending to the right.

Todd F. Lawson  
County Administrator

TFL/nr

cc: Mark Whitfield, City Manager  
pc: Brandy Nauman

# City of Milford



## RESOLUTION 2022-14 Sussex County

Councilmember \_\_\_\_\_ submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

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

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

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

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

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

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

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ \_\_\_\_\_, total CDBG grant request is \$ \_\_\_\_\_.  
Matching funds in the amount of \$ \_\_\_\_\_ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 28th DAY OF NOVEMBER 2022.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

### *Councilmembers*

Daniel Marabello

Brian Baer

Mike Boyle

Nirmala Samaroo

Andrew Fulton

Jason James Sr.

Todd Culotta

Katrina Wilson

\_\_\_\_\_  
Arthur J. Campbell

Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE \_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Sussex County Council

# City of Milford



## Resolution 2022-15 CITIZEN PARTICIPATION CERTIFICATE OF ASSURANCE Sussex County

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

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

The City of Milford has held a Public Hearing on November 28, 2022 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and following a Public Hearing, endorsed this application.

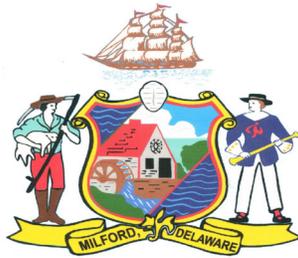
---

Mayor Arthur J. Campbell

Attest \_\_\_\_\_

Adopted: November 28, 2022

# City of Milford



## RESOLUTION 2022-16 AFFIRMATIVELY FURTHERING FAIR HOUSING Sussex County

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

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

**NOW THEREFORE, BE IT RESOLVED**, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against or denied a fair and equal opportunity to housing.

**AND BE IT FURTHER RESOLVED**, that the City of Milford take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

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

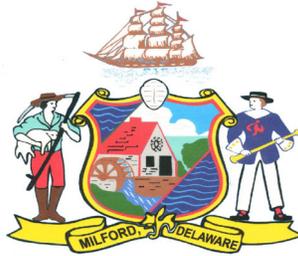
The Resolution was adopted by a vote of the Councilmembers of the City of Milford on November 28, 2022.

---

Mayor Arthur J. Campbell

Attest \_\_\_\_\_

# City of Milford



## RESOLUTION 2022-17

### Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes Mayor Arthur J. Campbell, to submit the Fiscal Year 2023 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2023 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was adopted by a majority of the Council of the City of Milford on November 28, 2022.

---

Mayor Arthur J. Campbell

Attest \_\_\_\_\_

# City of Milford



## RESOLUTION 2022-18 AFFIRMATIVELY FURTHERING FAIR HOUSING Kent County

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

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

**NOW THEREFORE, BE IT RESOLVED**, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against or denied a fair and equal opportunity to housing.

**AND BE IT FURTHER RESOLVED**, that the City of Milford take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws; and

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

The Resolution was passed by a vote of the Councilmembers of the City of Milford on November 28, 2022.

---

Mayor Arthur J. Campbell

Attest \_\_\_\_\_

**CITY OF MILFORD**  
**NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, November 15, 2022 @ 6:00 p.m.  
City Council Hearing: Monday, November 28, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2022-41**

Application of 27 South Walnut QOZB, LLC on behalf of Avery Properties, LLC  
0.15 +/- acres of land located at the northeast corner of SE Front Street  
and S. Walnut Street Address: 27 S. Walnut Street  
Comprehensive Plan Designation: Commercial  
Zoning District: C-2 (Central Business District)  
Present Use: Retail – Single Occupancy  
Proposed Use: Commercial – Multiple Occupancy  
Tax Parcel: 3-30-6.20-002.00

WHEREAS, the applicant proposes to convert the existing commercial two-story structure into four commercial tenant spaces on the first floor and two commercial offices on the second floor; and

WHEREAS, Chapter 230-42 states in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements upon conditional use approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on November 15, 2022, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on November 28, 2022, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, the notice as required by Chapter 230, was published in the Delaware State News on October 28, 2022, and provided to property owners within 200 feet of the subject parcel.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, a conditional use permit will be granted to 27 South Walnut QOZB, LLC on behalf of Avery Properties, LLC to allow a Multiple or Mixed Use Structure at 27 South Walnut Street.

Section 2. Construction shall commence within one year of the date of issuance of the permit, otherwise the Conditional Use becomes void.

Section 3. Dates.

City Council Introduction: November 14, 2022

Planning Commission Review & Public Hearing: November 15, 2022

City Council Public Hearing: November 28, 2022

Section 4. If this ordinance is adopted by City Council, it will become effective 10 days following the date the action is taken. If not adopted, the ordinance becomes null and void unless addressed at a later date. Should that occur, the ordinance would be republished, and new notices mailed to properties within 200 feet of the subject parcel(s).

102422

Published: *Delaware State News 10-28-2022*



## DATA SHEET FOR 27 SOUTH WALNUT QOZB, LLC

Planning Commission Meeting: November 15, 2022

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|   |   |  |
|---|---|--|
| <b>Application Number / Name</b>                  | : | 22-027 / 27 South Walnut QOZB, LLC   |
| <b>Applicant</b>                                  | : | 27 South Walnut QOZB, LLC<br>586 Milford-Harrington Highway<br>Milford, DE 19963   |
| <b>Owner</b>                                      | : | Avery Properties, LLC<br>673 N. Bedford Street<br>Georgetown, DE 19947   |
| <b>Application Type</b>                           | : | Conditional Use  |
| <b>Present Comprehensive Plan Map Designation</b> | : | Commercial   |
| <b>Present Zoning District</b>                    | : | C-2 (Central Business District)  |
| <b>Present Use</b>                                | : | Retail – Single Occupancy  |
| <b>Proposed Use</b>                               | : | Commercial – Multiple Occupancy  |
| <b>Size and Location</b>                          | : | 0.15 +/- acres of land located at the<br>northeast corner of SE Front Street and S.<br>Walnut Street, addressed as 27 S. Walnut<br>Street. |
| <b>Tax Map &amp; Parcel</b>                       | : | 3-30-6.20-002.00   |

ENC: Staff Analysis Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Property Survey



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**STAFF REPORT**  
**October 27, 2022**

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|   |   |   |
|---|---|---|
| <b>Application Number / Name</b>              | : | 22-027 / 27 South Walnut QOZB, LLC  |
| <b>Present Comprehensive Plan Designation</b> | : | Commercial  |
| <b>Present Zoning District</b>                | : | C-2 (Central Business District)   |
| <b>Present Use</b>                            | : | Retail – Single Occupancy   |
| <b>Proposed Use</b>                           | : | Commercial – Multiple Occupancy   |
| <b>Tax Map &amp; Parcel</b>                   | : | 3-30-6.20-002.00  |
| <b>Size and Location</b>                      | : | 0.15 +/- acres of land located at the northeast corner of SE Front Street and S. Walnut Street, addressed as 27 S. Walnut Street. |

---

**I. BACKGROUND INFORMATION:**

- The applicant proposes to convert the existing commercial two-story structure into four commercial tenant spaces on the first floor and two commercial offices on the second floor as shown on the provided draft floor plans.
- Chapter 230-42 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”

**II. STAFF ANALYSIS:**

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Conditional Use:

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.
  - A. The presence of adjoining similar uses.

*The Central Business District has a variety of commercial and mixed-use buildings that provide retail and office business opportunities in downtown Milford. The proposed use*

*would be similar to other two-story commercial structures in the immediate vicinity, including the Mispillion Art League building on N. Walnut Street. The property to the north contains mixed use building with two commercial first floor tenants and eight residential units on the second and third floors. The property to the east contains the parking lot for the Milford Public Library.*

- B. An adjoining district in which the use is permitted.

*The proposed multi-unit commercial use is consistent with the purpose and intent of the C-2 Central Business District.*

- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

*The Comprehensive Plan promotes commercial development in the Central Business District and the proposed use would be consistent with the City's downtown master plan and Downtown Development District Plan through the redevelopment of a vacant building which will provide additional employment opportunities in downtown Milford.*

- D. There is sufficient area to screen the conditional use from adjacent different uses.

*The property to the north contains a mixed-use structure with two first floor commercial tenants and eight residential units on the second and third floors. The property to the east contains the parking lot for the Milford Public Library. The property is bound on the south by SE Front Street and on the west by S. Walnut Street. No screening is proposed nor needed since the proposed use is consistent with the surrounding uses and the purpose of the central business district.*

- E. The use will not detract from permitted uses in the district.

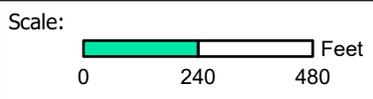
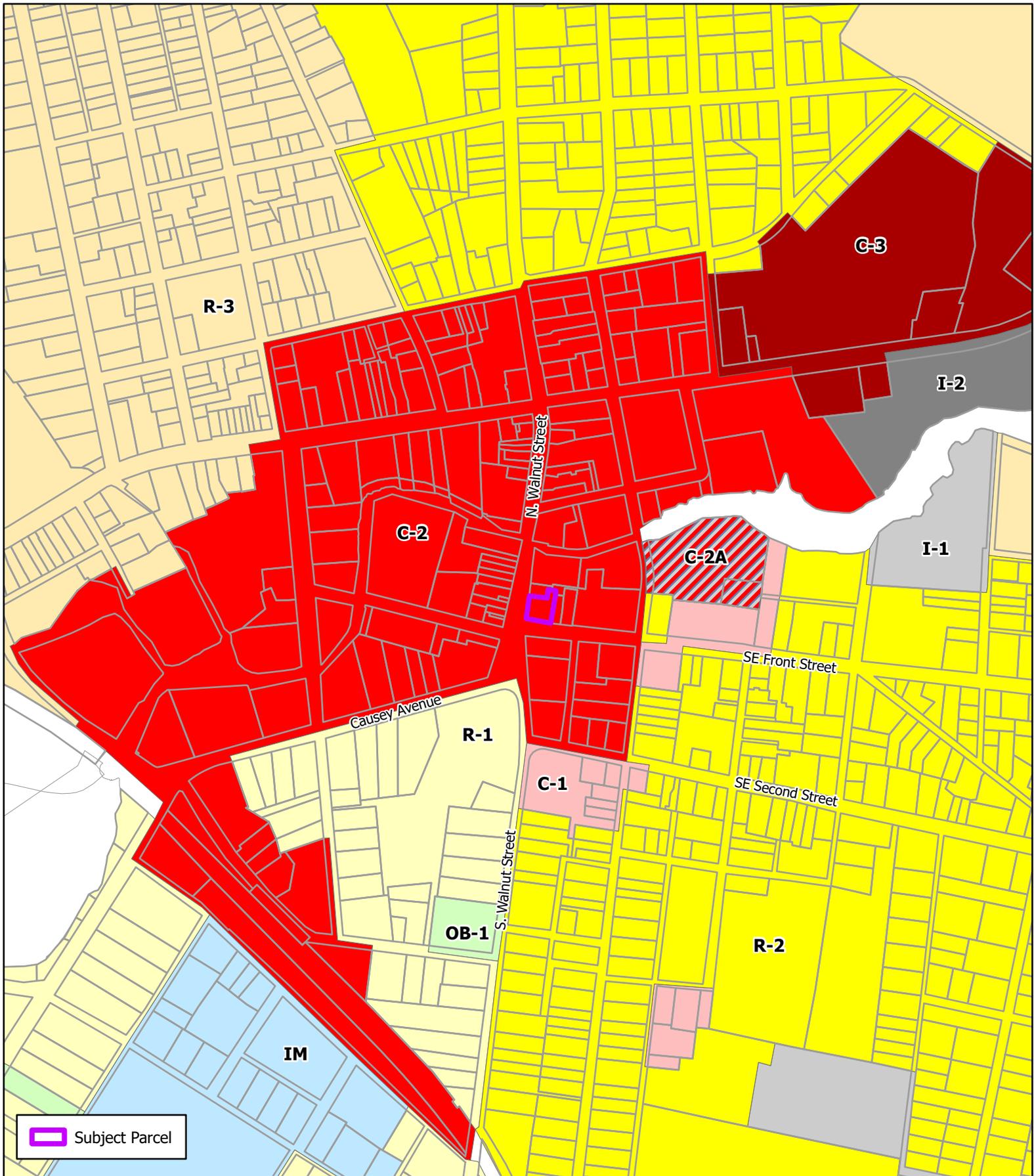
*The proposed multi-tenant use is consistent with the purpose and intent of the C-2 Central Business District and should not detract from similar adjacent commercial uses.*

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

*The subject parcel is located within the Central Business District which does not require off-street parking for permitted uses. The employees and customers of the proposed uses would utilize existing off-street public parking lots maintained by the City and on-street parking. The proposed uses would be located within the existing structure and no additions are being proposed, therefore there would be no change in building setbacks from the current conditions. No screening is proposed nor needed since the proposed use is consistent with other uses in the neighborhood. It should be noted that the subject parcel is located within the Victorian Historic District and the applicant, if approved, should work to preserve the historic character of the building.*

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:

- The applicant must obtain a building permit from the Planning Department and obtain approval from the State Fire Marshal's Office and State Plumbing Office.
- The applicant should consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area.



Drawn by: WRP      Date: 10/27/22

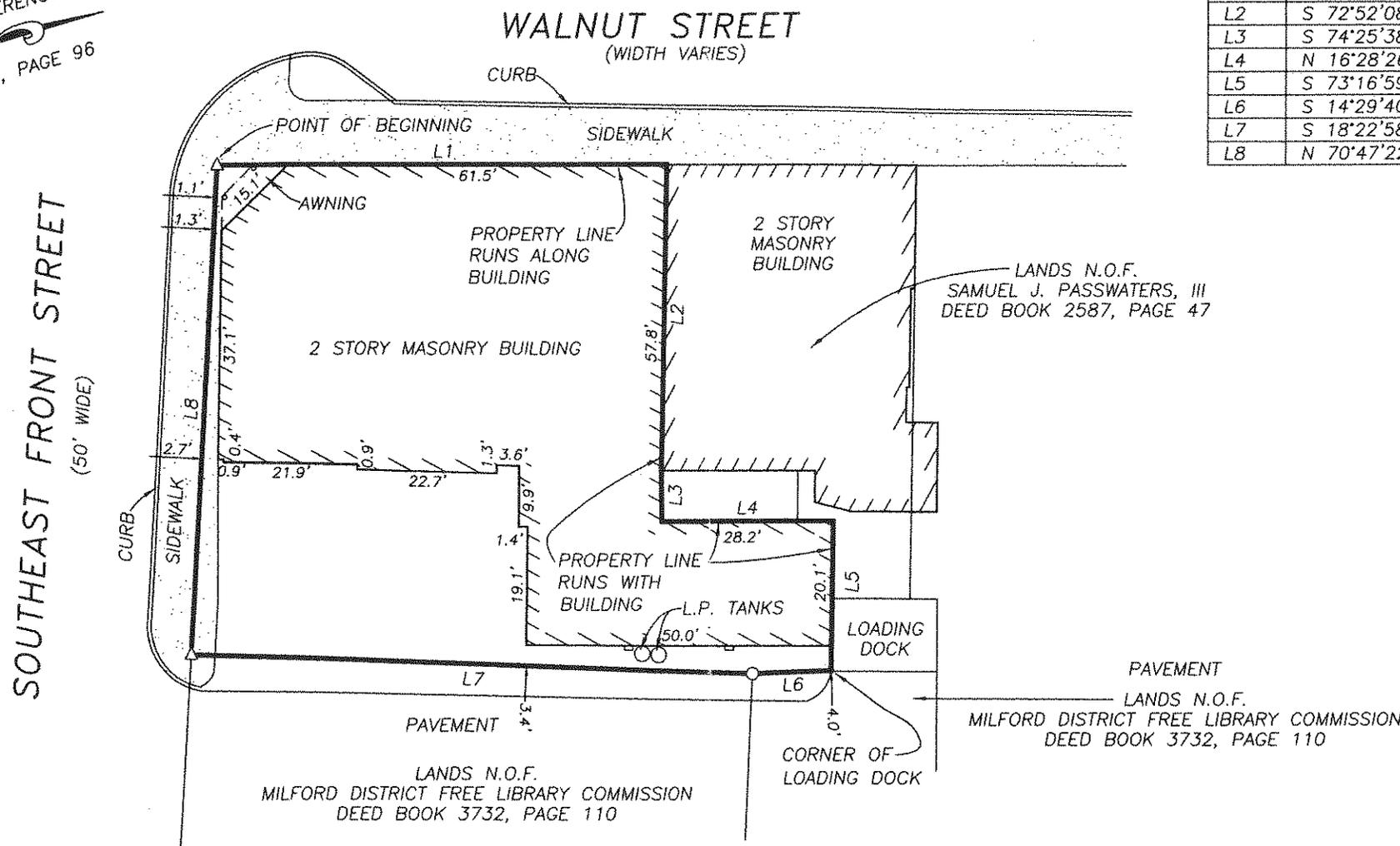
Title:

Variance  
**27 South Walnut QOZB, LLC**  
 Location & Zoning Map

Filepath: CU\_27SouthWalnut.aprx

BEARING REFERENCE  
PLOT BOOK 138, PAGE 96

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 16°22'04" E | 73.14'   |
| L2   | S 72°52'08" E | 49.53'   |
| L3   | S 74°25'38" E | 8.31'    |
| L4   | N 16°28'26" E | 28.21'   |
| L5   | S 73°16'59" E | 24.20'   |
| L6   | S 14°29'40" W | 12.92'   |
| L7   | S 18°22'58" W | 91.74'   |
| L8   | N 70°47'22" W | 79.38'   |



**NOTES:**

CLASS "B", SUBURBAN SURVEY  
SOURCE OF TITLE: DEED BOOK 1008, PAGE 23  
A TITLE SEARCH WAS NEITHER REQUESTED,  
PROVIDED OR UTILIZED FOR THIS SURVEY

Prepared By  
R.B. KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
100 SOUTH RACE STREET  
MILFORD, DELAWARE 19947  
PHONE: (302) 856-6699  
FAX: (302) 856-6699  
WWW.RBKEMP.COM

*R.B. Kemp*  
R.B. KEMP, III, P.L.S. 541

**LEGEND:**  
△ SET DRILL HOLE  
○ SET IRON BAR

**BOUNDARY SURVEY PLAN**

PREPARED FOR  
**TRANSATLANTIC SHIPPING AGENCY, INC.**

FOR PROPERTY KNOWN AS  
27 SOUTH WALNUT STREET  
SITUATED IN  
CITY OF MILFORD, CEDAR CREEK HUNDRED  
SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 6,711± SQUARE FEET  
SCALE: 1" = 20'  
DATE: DECEMBER 17, 2012

**NOT FOR CONSTRUCTION**

PROJECT  
22.012  
**27 S. WALNUT RENOVATIONS**

27 S. WALNUT ST.  
MILFORD, DE 19963

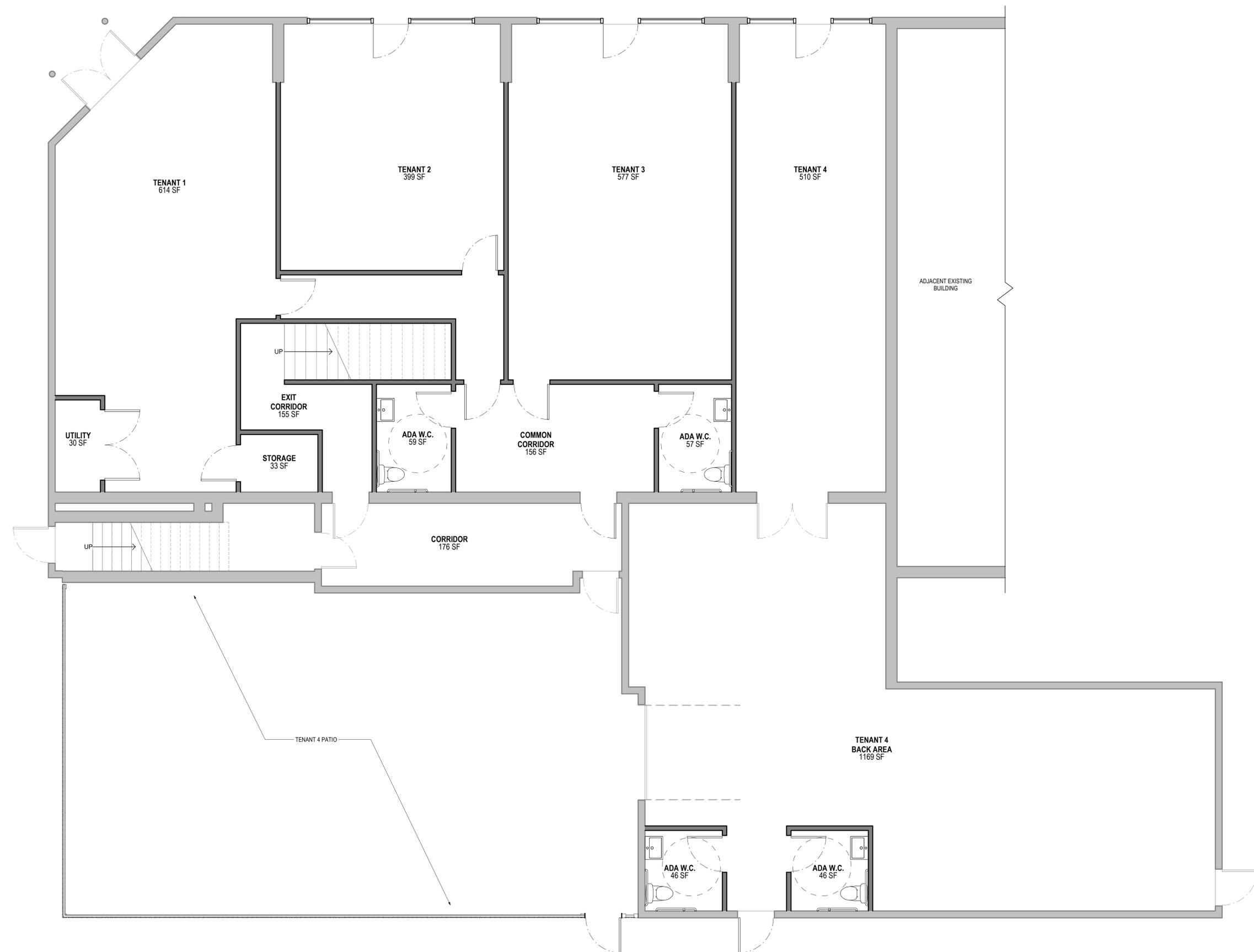
ISSUE DATE  
**9/15/2022**  
**SCHEMATIC DESIGN**  
REVISIONS

| NO. | DATE |
|-----|------|
|     |      |

SCALE  
As indicated

**FIRST FLOOR PLAN**

**A111**



**WALL LEGEND**  
— EXISTING  
— NEW

**SCALE**  
0' 2' 8'  
1' 4' 8'  
1/4" = 1'-0"

CONSULTANTS

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the Laws of the State of Maryland.

Daniel Moreno-Holt  
License No: 15521  
Expiration: 06-25-2024  
STAMP

**NOT FOR CONSTRUCTION**

PROJECT  
22.012  
**27 S. WALNUT RENOVATIONS**

27 S. WALNUT ST.  
MILFORD, DE 19963

ISSUE DATE  
**9/15/2022**  
**SCHEMATIC DESIGN**

REVISIONS

| NO. | DATE: |
|-----|-------|
|     |       |

SCALE  
As indicated

**SECOND FLOOR PLAN**

**A112**



**WALL LEGEND**  
— EXISTING  
- - - NEW

**SCALE**  
0' 2' 8'  
1' 4' 1/4" = 1'-0"

LEVEL 2 - PROPOSED

1

27 South Walnut Street  
Conditional Use Narrative

The purpose of the conditional use application is to receive approval to construct second story office space above first floor retail. The request is to divide the building into 4 separate retail spaces on the first floor, and 2 separate office spaces on the second floor.

The first story will be split into 4 retail spaces. The most northern retail space is the largest and has an active LOI for a tenant. This tenant will operate a fresh yogurt/acai bowl, smoothie & juice bar in the front section, and will have an event space for parties of 90 or less in the rear section. This space will have an outdoor patio and will be suitable for small events. Kids parties will be marketed heavily by this tenant as it is a big need in our town.

The next retail space will be occupied by the owners where a gourmet candy store will be opened at a later date. The store will have a section of high end candy and chocolates for adults, and a kids section as well.

The two northern retail spaces will be smaller at 400 & 600 square feet, and will be reserved for retail businesses to help increase foot traffic in Downtown Milford. We have received interest from several businesses like speciality ice cream, retail clothing, photography, charcuterie, and more.

The second story will house 2 tenants both with office usage. One tenant has an active LOI signed and will be performing tasks for her 2 businesses in one large space. The two business will be counseling services, and medical billing services. The remaining space on the second floor on the Southern portion of the building does not have a prospective tenant but will be suitable for any type of office use.

The building is approved by the National and State Historic Preservation Offices at this time for significant storefront enhancements. We will be doing construction within guidelines of the offices, preserving as much of the historic character as possible.

We believe (as evidenced by our other projects in town) that strategically placed business types throughout the town will continue to help our downtown grow as a local destination.

yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.

F. Storage of explosives and bulk or wholesale storage of gasoline above ground.

G. Quarries, screening plants and all associated uses.

H. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

I. Recreational Vehicle Prohibited Activities.

(1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.

(2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.

(3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.

(4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-425. - Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

§ 230-45.1. — Community residential treatment programs.

A. — These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

(1) — Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

(2) — The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

(3) — The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

(4) — The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

(5) — The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

**CITY OF MILFORD**  
**NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, November 15, 2022 @ 6:00 p.m.  
City Council Hearing: Monday, November 28, 2022 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2022-42**

Application of Milford Self Storage LLC on behalf of 1st State Self Storage OZ, LLC  
for a Preliminary Conditional Use

9.0 +/- acres of land located along the east side of S. Dupont Boulevard  
approximately 350 feet south of the Route 14 intersection

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway/Commercial District)

Present use: Vacant

Proposed Use: Self Storage

Tax Parcel: MD-16-183.09-01-58.00

WHEREAS, Chapter 230-14(C)(11) states “business, commercial or industrial uses that do not adversely affect neighboring properties” are a conditional use subject to special requirements set forth by City Council; and

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Conditional Use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 15, 2022; and

WHEREAS, Milford City Council will hold a Public Hearing on November 28, 2022 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Preliminary Conditional Use, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Following adoption of Ordinance 2022-42, and upon the effective date, 1st State Self Storage OZ, LLC is hereby granted a Preliminary Conditional Use to allow a 90,000 square foot two-story self-storage building, six 2,400 square foot self-storage buildings and two 2,250 square foot self-storage buildings, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: November 15, 2022

City Council Introduction: November 14, 2022

City Council Public Hearing: November 28, 2022

Effective: Ten Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Delaware State News 10-28-2022*

*10-24-2022; 11-28-22*

## DATA SHEET FOR 1<sup>ST</sup> STATE SELF STORAGE

Development Advisory Committee: June 15, 2022

Planning Commission Meeting: November 15, 2022

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|   |   |   |
|---|---|---|
| <b>Application Number / Name</b>                  | : | 20-032 / 1 <sup>st</sup> State Self Storage   |
| <b>Applicant</b>                                  | : | 1 <sup>st</sup> State Self Storage OZ, LLC<br>606 Baltimore Avenue, Suite 202<br>Townson, MD 21204                                  |
| <b>Owner</b>                                      | : | Milford Self Storage, LLC<br>606 Baltimore Avenue, Suite 202<br>Townson, MD 21204   |
| <b>Application Type</b>                           | : | Preliminary Conditional Use Site Plan   |
| <b>Present Comprehensive Plan Map Designation</b> | : | Commercial  |
| <b>Present Zoning District</b>                    | : | C-3 (Highway/Commercial District)   |
| <b>Present Use</b>                                | : | Vacant  |
| <b>Proposed Use</b>                               | : | Self Storage  |
| <b>Size and Location</b>                          | : | 9.0 +/- acres of land located along the east side of S. Dupont Boulevard approximately 350 feet south of the Route 14 intersection. |
| <b>Tax Map &amp; Parcel</b>                       | : | MD-16-183.09-01-58.00   |

ENC: Staff Analysis Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Preliminary Site Plan

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**STAFF REPORT**  
**October 27, 2022**

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|   |   |   |
|---|---|---|
| <b>Application Number / Name</b>              | : | 20-032 / 1 <sup>st</sup> State Self Storage   |
| <b>Present Comprehensive Plan Designation</b> | : | Commercial  |
| <b>Present Zoning District</b>                | : | C-3 (Highway Commercial District)   |
| <b>Present Use</b>                            | : | Vacant  |
| <b>Proposed Use</b>                           | : | Self Storage  |
| <b>Tax Map &amp; Parcel</b>                   | : | MD-16-183.09-01-58.00   |
| <b>Size and Location</b>                      | : | 9.0 +/- acres of land located along the east side of S. Dupont Boulevard approximately 350 feet south of the Route 14 intersection. |

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to construct a 90,000 square feet two story self-storage building, six (6) 2,400 square foot self-storage buildings and two (2) 2,250 square foot self-storage buildings on the above referenced parcel as shown on the provided preliminary site plans.
- Chapter 230-14(C)(11) states “business, commercial or industrial uses that do not adversely affect neighboring properties” are a conditional use subject to special requirements set forth by City Council.

**II. STAFF ANALYSIS:**

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Preliminary Conditional Use Site Plan:

- The applicant sought a variance from Chapter 230-45.2(D) from the Board of Adjustment on September 10, 2020 which states “no buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area.” The applicant proposes to install the stormwater outfall and perform general regrading of the steep slopes located along the south side of the project site within the required wetland buffer area.

- Other than the wetland buffer variance request, the Preliminary Site Plan meets the minimum standards to Chapter 230 Zoning and Chapter 200 Subdivision of Land.
- The plans have been reviewed for general compliance with the City's Standard Construction Specifications. The applicant acknowledged plan review comments from the City Engineer and agrees to address these during the Final Site Plan submission process.
- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

*The property is bound on the north by an existing railroad easement and an existing retail pharmacy. The property is bound on the south by the Mispillion River and bound on the east by a residentially zoned property containing two dwelling units. The property is bound on the west by Route 113.*

B. An adjoining district in which the use is permitted.

*The proposed use is allowed by conditional use approval within the C-3 Highway Commercial and the I-1 Limited Industrial zoning districts.*

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

*The Comprehensive Plan designates this area as Highway Commercial. The proposed use is consistent with the land use plan for the Comprehensive Plan and the zoning code permits the use by conditional use approval from City Council.*

D. There is sufficient area to screen the conditional use from adjacent different uses.

*The project contains an existing line of trees on the eastern edge that provides a visual buffer from the adjacent residential property to the east. A landscape buffer has been shown on the preliminary site plan and will include a 6 foot tall privacy fence. No screening is required from the Mispillion River or the railroad easement.*

E. The use will not detract from permitted uses in the district.

*The proposed use should not detract from other permitted uses in the district. The subject parcel is located along an established principal arterial state maintained road which includes other highway commercial uses.*

F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

*The site is located along an established state maintained principal arterial (S. Dupont Boulevard) and the applicant will be required to obtain DelDOT approval for the proposed entrance prior to final site plan approval. The proposed site plan meets the*

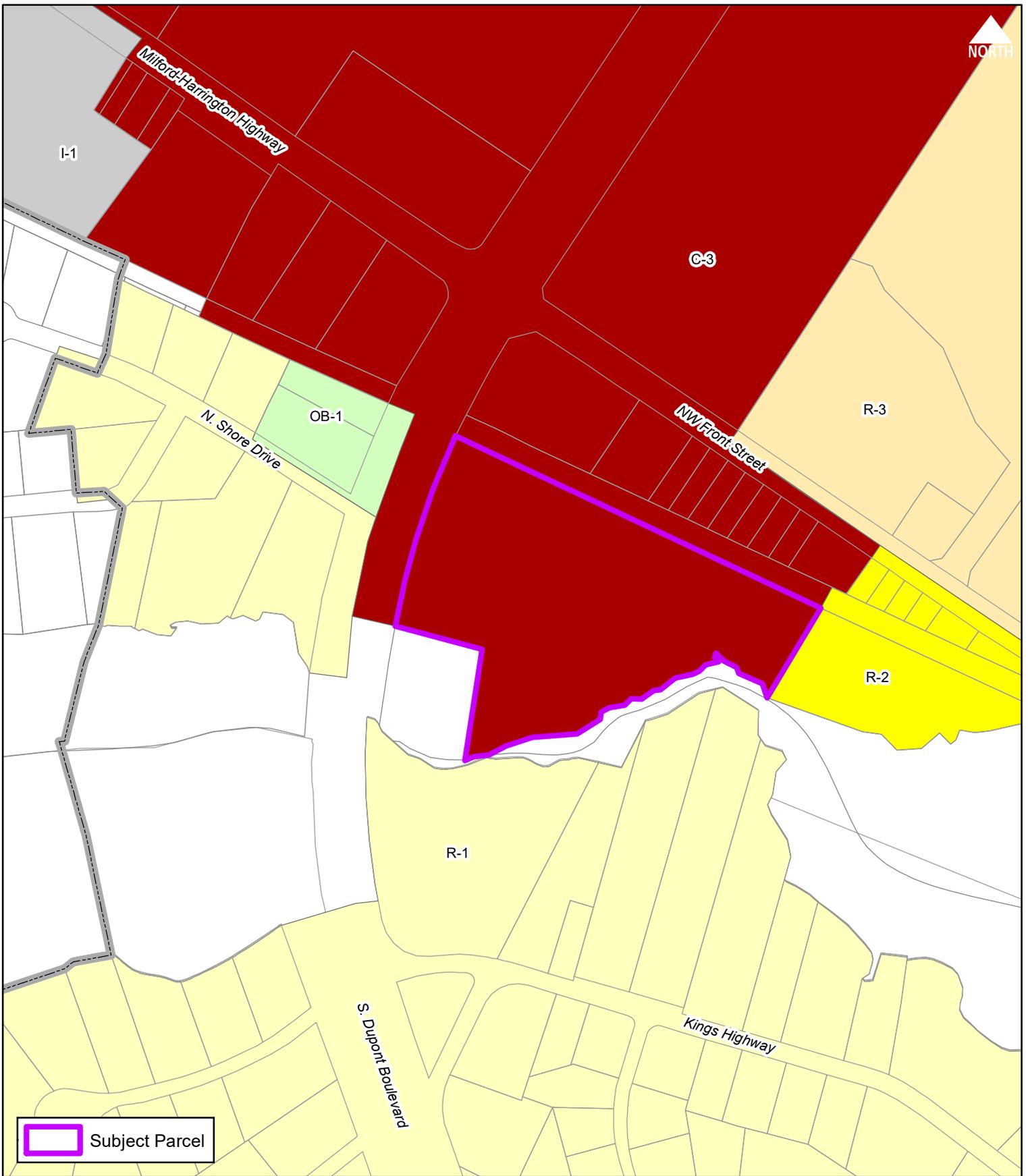
*minimum parking and setback requirements for the proposed use and screening has been provided between the subject parcel and the residentially zoned property to the east.*

- The following comments must be addressed prior to final site plan approval:
  - Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office and Sussex Conservation District;
  - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
  - Applicant must obtain final approval of engineering plans from the City Engineer; and,
  - Additional department and agency comments outlined in Section III.

### **III. AGENCY COMMENTS:**

- **Office of State Planning Coordination**  
See attached response to PLUS comments dated July 30, 2020.
- **DelDOT Planning, Development Coordination**
  1. No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department.
  2. The developer shall contact DelDOT to schedule a pre-submittal meeting.
- **Delaware Health and Social Services – Division of Public Health**  
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**  
No comments provided.
- **Sussex Conservation District**  
No comments provided.
- **Delaware State Fire Marshal's Office**  
See attached comments.
- **Carlisle Fire Company**  
No comments provided.
- **City of Milford Public Works Department, City Engineer**  
See attached Preliminary Site Plan review comments dated October 5, 2022 and corresponding responses from the applicant.
- **City of Milford Electric Department**  
No comments provided.

- **City of Milford Parks and Recreation Department**  
No comments provided.
- **City of Milford Police Department**  
No comments provided.
- **Milford School District**  
No comments provided.



|   |                                     |   |
|---|-------------------------------------|---|
|   | Scale:  Feet<br>0      150      300 | Title:<br><b>Preliminary Conditional Use Site Plan</b><br><b>1st State Self Storage</b><br><b>Location &amp; Zoning Map</b> |
|   | Drawn by: WRP      Date: 05/16/22   |   |
| Filepath: PreliminaryCUSitePlan_1stStateSelfStorage.mxd |                                     |   |

**SITE DATA**

- PROJECT TITLE/NAME: 1ST STATE SELF STORAGE  
ADDRESS: 11 SOUTH DUPONT BOULEVARD MILFORD, DE 19963
- TAX PARCEL: MD-16-183.09-01-58.00-000  
DEED REFERENCE: D 0616 0331
- OWNER: MILFORD SELF STORAGE, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MARYLAND 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER  
410-494-8989
- DEVELOPER: 1ST STATE SELF STORAGE OZ, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MARYLAND 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER  
410-494-8989
- EXISTING ZONING: C-3
- PROPOSED ZONING: C-3
- EXISTING USE: HIGHWAY COMMERCIAL (VACANT)
- PROPOSED USE: HIGHWAY COMMERCIAL (SELF STORAGE)
- TOTAL SITE ACREAGE: 9.37 AC.±
- NET DEVELOPMENT CALCULATIONS:
 

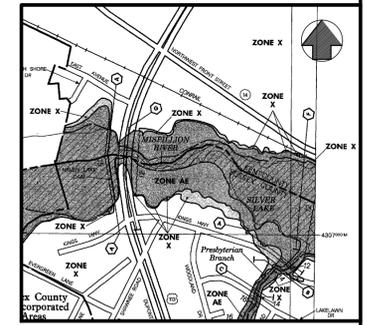
|                            |                  |
|----------------------------|------------------|
| BUILDING FLOOR AREA (GSF): | 108,900 SF.      |
| BUILDING AREA (FOOTPRINT): | 1.47 AC. (15.7%) |
| PARKING/MISC. IMPERVIOUS:  | 1.36 AC. (14.5%) |
| OPEN SPACE:                | 2.51 AC. (26.9%) |
| EXISTING FORESTED WETLAND: | 3.17 AC. (33.8%) |
| OPEN WATER (WETLAND):      | 0.52 AC. (5.50%) |
| FOREST:                    | 0.34 AC. (3.60%) |
- BULK AREA REQUIREMENTS: C-3 HIGHWAY COMMERCIAL DISTRICT  
MINIMUM SETBACKS: 

|                              |                     |
|------------------------------|---------------------|
| REQUIRED                     | PROVIDED            |
| FRONT: 30'                   | 30'                 |
| SIDE: 20' (50' AGGREGATE)    | 20' (50' AGGREGATE) |
| REAR: 50'                    | 50'                 |
| LOT WIDTH: 150' MIN          | 230' - 725'±        |
| MIN LOT AREA: 1 ACRE         | 9.25 AC.±           |
| MAX BUILDING HEIGHT: 35 FEET | 2 STORIES <=35'     |
| MAX LOT COVERAGE: 80%        | < 35%               |
- PARKING SPACE CALCULATIONS: 1 PER 2 EMPLOYEES ON SHIFT OF GREATEST EMPLOYMENT PLUS 1 PER 200 SF OF AREA DEVOTED TO SALES  
REQUIRED: 1 EMPLOYEE + 200 SF = 2 SPACES  
PROVIDED: 3 SPACES + 1 HANDICAPPED SPACE  
11,400 SF LOADING SPACE AREA
- WETLANDS: 3.31 AC.± (36.8%)
- EXISTING BASE INFORMATION AND BOUNDARY PROVIDED BY MERIDIAN ARCHITECTS & ENGINEERING, AS SHOWN ON FINAL SITE PLAN DATED APRIL 30, 2010. TOPOGRAPHIC DATA PROVIDED BY MORRIS & RITCHE ASSOC., INC. DATED MARCH 3, 2022. WETLAND BOUNDARY PROVIDED BY GEO-TECHNOLOGY ASSOC., INC. DATED MARCH 23, 2021.
- HORIZONTAL AND VERTICAL DATUM IS DELAWARE STATE PLANE NAD83/88 WITH A BENCHMARK PROVIDED ON SHEET PP-3.
- WATER SERVICE: PUBLIC - CITY OF MILFORD
- A.) SANITARY SEWER: PUBLIC - CITY OF MILFORD  
B.) ESTIMATED EDUs: 1 EDU + (6 FUs / 6) = 2 EDU (GENERAL COMMERCIAL USAGE CATEGORY)
- ELECTRIC SERVICE: PUBLIC - CITY OF MILFORD  
SERVICE TO BE DRAWN FROM POWER POLE WITH NUMBER 51426 13111
- THE SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN ZONES X (OUTSIDE THE LIMITS OF THE 100 YEAR FLOODPLAIN) AND AE (100 YEAR FLOODPLAIN BASE FLOOD ELEVATION 12 FEET) AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 100050037J (COMMUNITY NUMBER 100042) WITH EFFECTIVE DATE OF JANUARY 6, 2005.
- SITE DOES NOT CONTAIN ANY WELLHEAD PROTECTION AREAS, SOURCE WATER PROTECTION AREAS, OR AREAS OF EXCELLENT GROUNDWATER RECHARGE.
- THE STORM DRAIN SYSTEM WILL BE PRIVATELY OWNED AND MAINTAINED.
- 40 MPH SPEED LIMIT ALONG DUPONT HIGHWAY (RTE. 113)

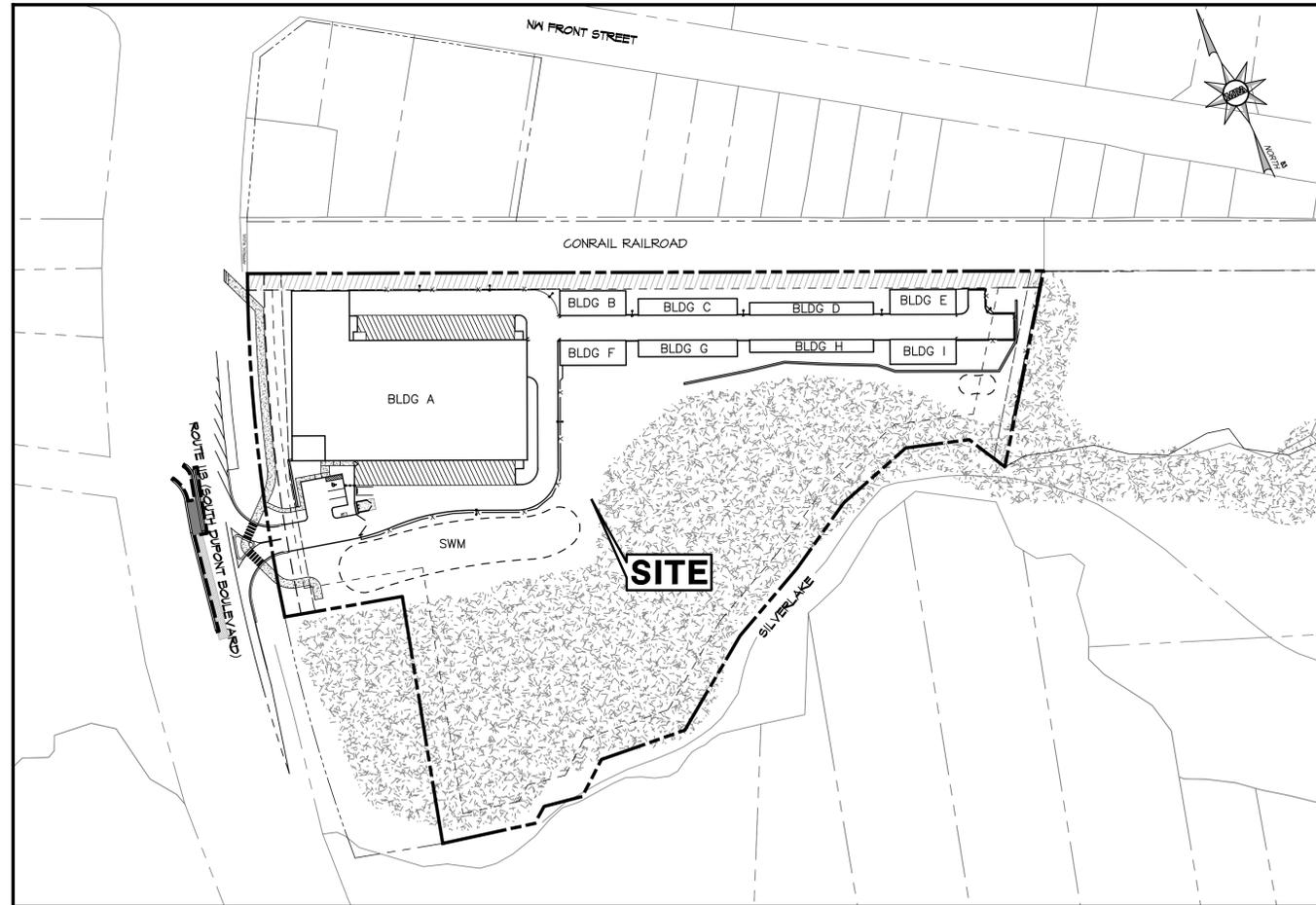
# 1ST STATE SELF STORAGE CITY OF MILFORD CONDITIONAL USE / PRELIMINARY SITE PLAN



**LOCATION MAP**  
SCALE: 1" = 2,500'



**FLOODPLAIN MAP**  
FEMA PANEL: 100050037J  
DATE: JANUARY 6, 2005  
SCALE: 1" = 800'



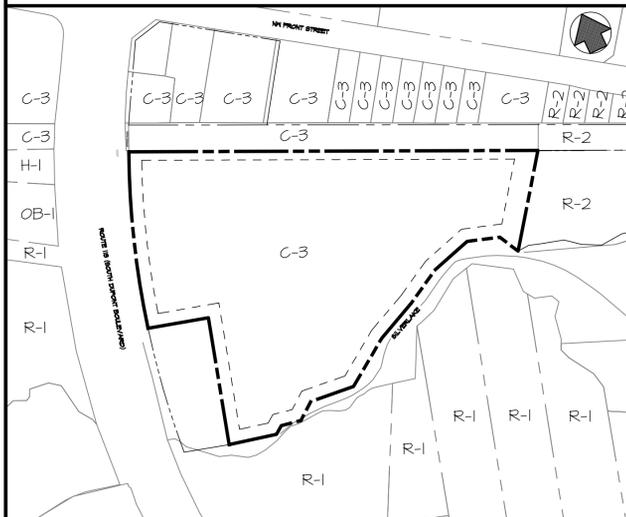
**SITE OVERVIEW**  
SCALE: 1" = 100'

**INDEX OF DRAWINGS**

| Sheet Number | Sheet Title       |
|--------------|-------------------|
| PP-1         | TITLE             |
| PP-2         | PRELIMINARY NOTES |
| PP-3         | PRELIMINARY PLAN  |



BEFORE YOU DIG  
CALL UTILITY  
LOCATION SERVICES  
IT'S THE LAW!  
MISS UTILITY  
811



**ZONING MAP**  
SCALE: 1" = 200'

**WETLAND STATEMENT**

**WETLANDS STATEMENT**  
GEO-TECHNOLOGY ASSOCIATES, INC (GTA) HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAT TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBSEQUENT LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. GTA'S REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN REGION (VERSION 2.0), DATED NOVEMBER 2010. THE LIMITS OF THE WATERS OF THE U.S., INCLUDING WETLANDS, WERE EVALUATED IN THE FIELD BY GTA PERSONNEL USING BEST PROFESSIONAL JUDGEMENT. NO JURISDICTIONAL DETERMINATION WAS OBTAINED FOR THIS PROPERTY.

MATTHEW JENNETTE  
GEO-TECHNOLOGY ASSOCIATES, INC.  
ABINGDON, MD 21009  
410-515-9446

**CITY OF MILFORD APPROVAL**

MARK WHITFIELD CITY MANAGER DATE

**CITY PLANNING DEPARTMENT APPROVAL**

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

**CITY ENGINEER APPROVAL**

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

DANIEL STRING, P.E. CITY ENGINEER DATE

**ENGINEER'S CERTIFICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON, OTHER THAN THE PROPERTY BOUNDARY AND TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED STANDARDS AND PRACTICES AND BY THE KENT COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE PROPOSED MANNER AND LAYOUT OF THE SUBDIVISION.

KENNETH W. USAB, P.E. DATE 10/13/22  
DE. LICENSE NO. #10832

**DEVELOPER'S PLAN DEVELOPMENT APPROVAL:**

I, AS DEVELOPER OF THE PROJECT, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

SIGNATURE DATE

1ST STATE SELF STORAGE OZ, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MD 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER

**OWNER'S APPROVAL:**

I HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF ALL PROPERTY THAT IS BEING AMENDED BY THIS PLAN AND THAT THE PLAN WAS MADE UNDER MY DIRECTION AND FREE CONSENT; AND THAT I DESIRE THAT THIS PLAN BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATION.

SIGNATURE DATE

MILFORD SELF STORAGE, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MD 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER

**MRA**  
**MORRIS & RITCHE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS,  
SURVEYORS AND LANDSCAPE  
ARCHITECTS  
8 WEST MARKET STREET  
GEORGETOWN, DE. 19947  
302-855-5734

OWNER  
MILFORD SELF STORAGE, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MD 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER  
PHONE: (410) 494-8989

DEVELOPER  
1ST STATE SELF STORAGE OZ, LLC.  
606 BALTIMORE AVENUE, SUITE 202  
TOWSON, MD 21204  
ATTN: BRUCE G. O'HEIR, MANAGING MEMBER  
PHONE: (410) 494-8989

**1ST STATE SELF STORAGE**  
CONDITIONAL USE / PRELIMINARY PLAN  
CITY OF MILFORD, DELAWARE  
MILFORD HUNDRED  
KENT COUNTY, DE



© CONTENTS COPYRIGHT 2022  
MORRIS & RITCHE ASSOCIATES, INC.

| NO.              | REVISION    | DATE            |
|------------------|-------------|-----------------|
| JOB NO. 20841X02 | DRAWN BY PP | ISSUED 10/13/22 |
| SHEET TITLE      |             |                 |

TITLE  
SHEET NUMBER  
**PP-1**

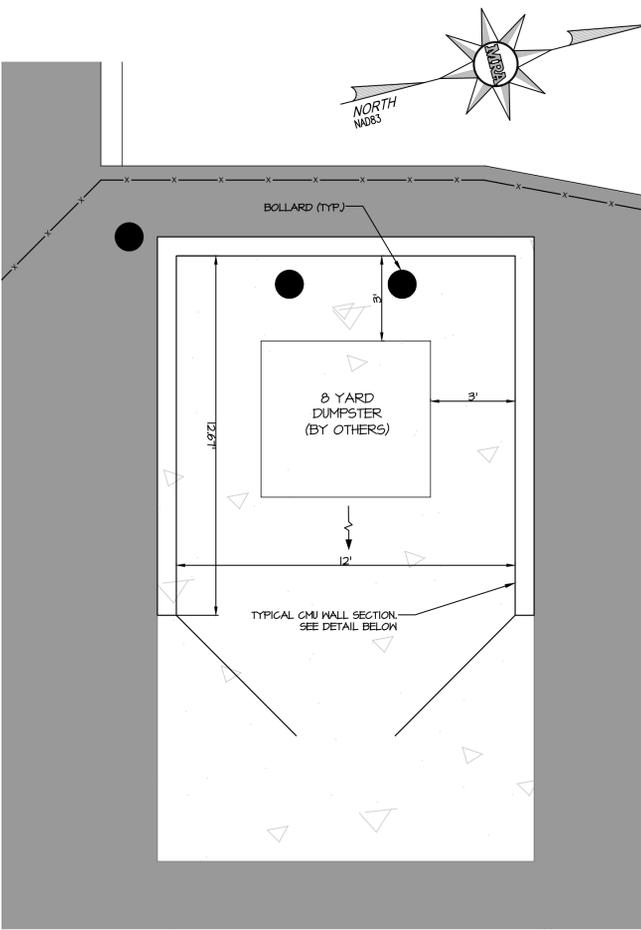
G:\20841X01 - 1st State Self Storage\DE\PP\OT\ENG SET\PRELIMINARY PLAN\20841X01-Preliminary Title and Notes.dwg, 10/13/2022 11:09:45 AM, 0kmrns, 1:1, Copyright 2022 Morris & Ritchie Associates, Inc.



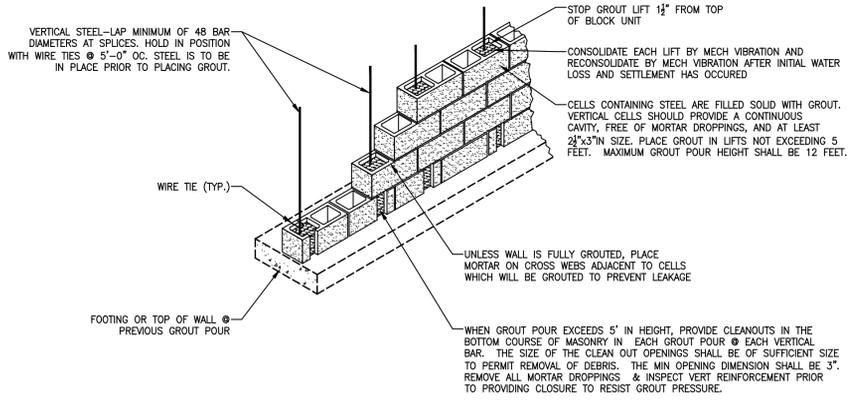
| NO.              | REVISION    | DATE            |
|------------------|-------------|-----------------|
| JOB NO. 20841X02 | DRAWN BY PP | ISSUED 10/13/22 |
| SHEET TITLE      |             |                 |

**GENERAL SITE PLAN NOTES**

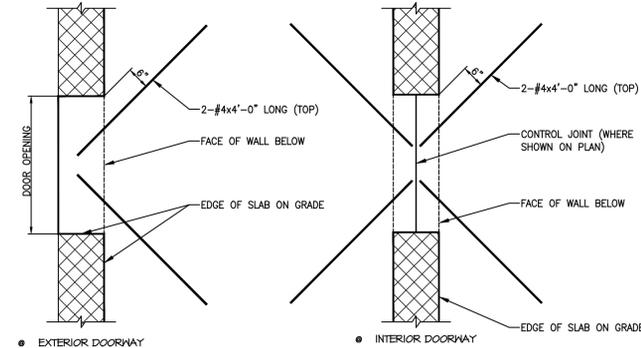
- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY MORRIS & RITCHE ASSOC, ON SEPTEMBER 15, 2022.
- A TOPOGRAPHIC SURVEY WAS PERFORMED BY MORRIS & RITCHE ASSOC., INC. OF GEORGETOWN, DELAWARE ON MARCH AND APRIL, 2022. ELEVATIONS ARE BASED ON CONTROL MONUMENT, NORTHING: 332907.7086, EASTING: 648475.9979, WITH AN ELEVATION OF 23.439' NAVD83.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83.
- HYDRIC SOILS ARE INDICATED AS BEING PRESENT ACCORDING TO THE KENT COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY MATTHEW JENNETTE, A LICENSED WETLANDS SCIENTIST FROM GEO-TECHNOLOGY ASSOCIATES, INC (GTA).
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES, AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
- ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 42 INCHES.
- THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
- THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASED THE PIPE IN CONCRETE.
- THE SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN ZONES X (OUTSIDE THE LIMITS OF THE 100 YEAR FLOODPLAIN) AND AE (100 YEAR FLOODPLAIN BASE FLOOD ELEVATION 12 FEET) AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 1005C0037J (COMMUNITY NUMBER 100042) WITH EFFECTIVE DATE OF JANUARY 6, 2005.
- ALL ROADWAYS ARE TO BE SWEEPED FREE OF SEDIMENT ON A DAILY BASIS.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, CUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERE TO APPLICABLE.
- CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
- THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES, INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
  - ALL ITEMS HAVE PASSED CITY INSPECTION;
  - THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
  - THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
- SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER TWENTY-FOUR (24) MONTHS, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED, FOR GOOD CAUSE, BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL OF A CONDITIONAL USE IN CONJUNCTION WITH A SITE PLAN APPLICATION SHALL EXPIRE UPON EXPIRATION OF THE ASSOCIATED SITE PLAN.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN EIGHTEEN (18) MONTHS OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL POST A COMPLETION GUARANTEE IN THE AMOUNT OF 125% OF THE COST OF INSTALLATION FOR THE CONSTRUCTION OF RECREATIONAL AND OPEN SPACE AMENITIES, INCLUDING BUT NOT LIMITED TO COMMUNITY BUILDINGS, PLAYGROUNDS, WALKING PATHS, LANDSCAPING AND LANDSCAPE SCREENING. THE GUARANTEE SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO OBTAIN CERTIFICATES OF OCCUPANCY AND ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTEE. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
- UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD83 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
  - ALL PROPERTY MONUMENTS/MARKERS;
  - SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
  - WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
  - STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
  - ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
- THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
- THE PROJECT SITE DOES NOT FALL WITHIN A SOURCE WATER PROTECTION AREA.
- STATE OR FEDERALLY REGULATED WETLANDS ARE PRESENT ON THE SITE AND WERE DELINEATED BY GEO-TECHNOLOGY ASSOCIATES, INC.
- \*\*OPTIONAL FOR RESIDENTIAL SITE PLANS ONLY\*\* UPON RECORDED OF THIS PLAT, THE CITY WILL HAVE THE RIGHT OF INGRESS AND EGRESS TO ALL MULTIFAMILY AREAS FOR THE PURPOSE OF MAINTAINING UTILITIES AND FOR TRASH REMOVAL SERVICES.



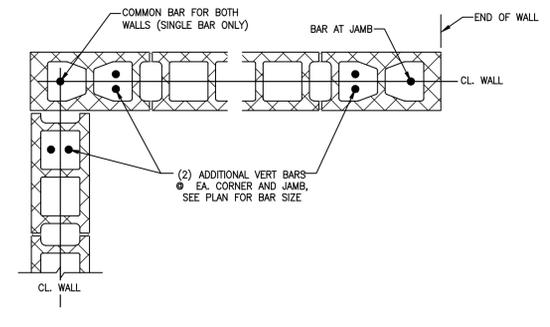
**DUMPSTER PAD DETAIL**  
SCALE 1" = 3'



**TYPICAL CMU WALL CONSTRUCTION DETAIL**  
NOT TO SCALE



**ADD'L SLAB ON GRADE REINFORCING**  
NOT TO SCALE



**TYPICAL JAM AND CORNER REINFORCING**  
NOT TO SCALE

**1ST STATE SELF STORAGE**  
CONDITIONAL USE / PRELIMINARY PLAN  
CITY OF MILFORD, DELAWARE  
MILFORD HUNDRED  
KENT COUNTY, DE



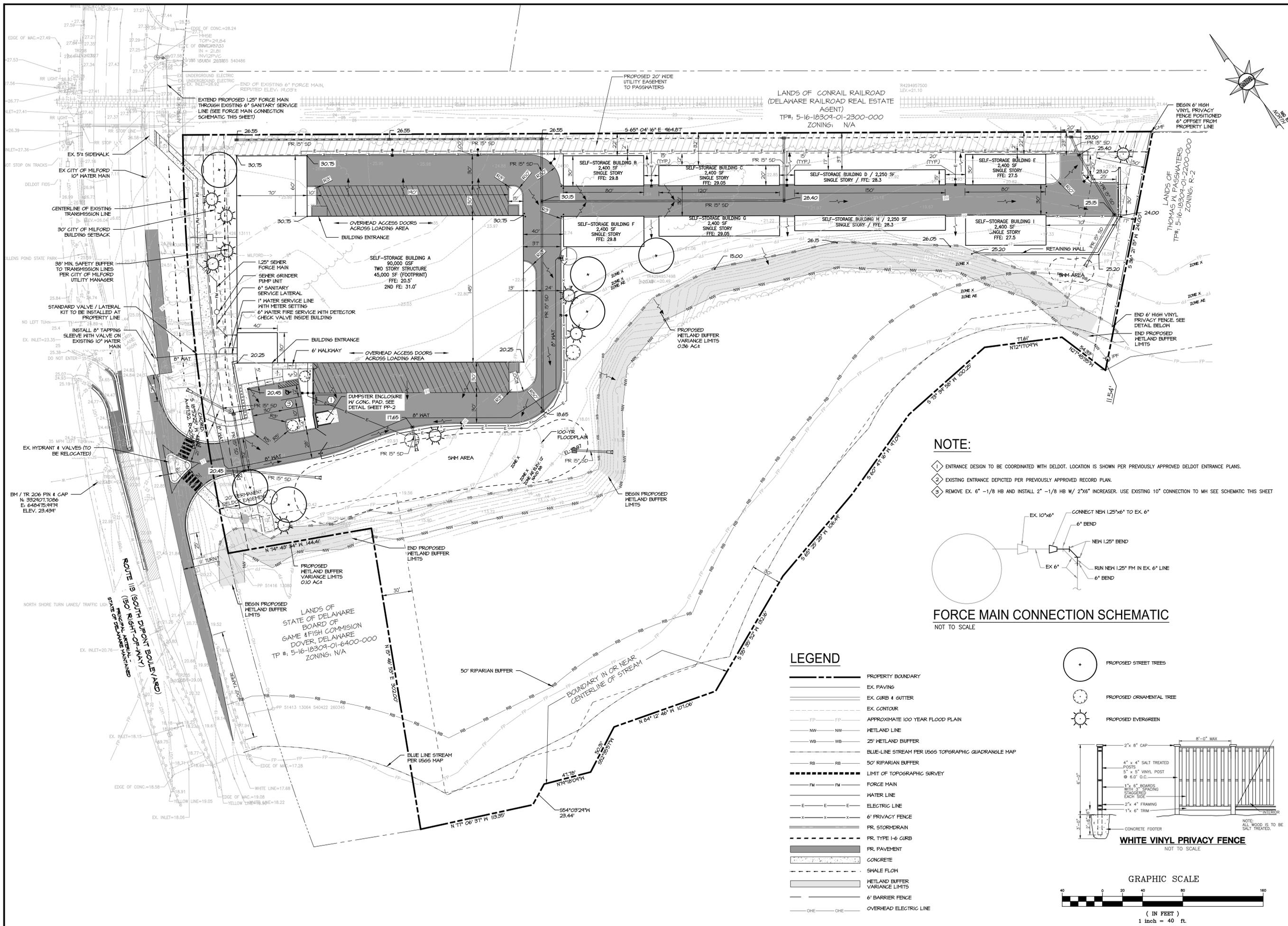
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| NO.              | REVISION    | DATE            |
|------------------|-------------|-----------------|
| JOB NO. 20841X02 | DRAWN BY PP | ISSUED 10/13/22 |
| SHEET TITLE      |             |                 |

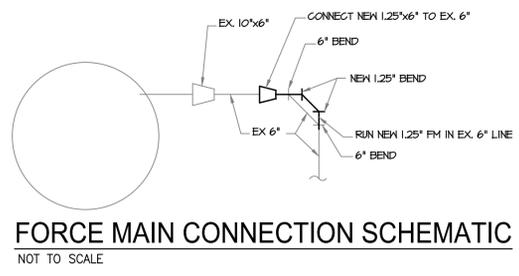
PRELIMINARY PLAN

SHEET NUMBER

PP-3

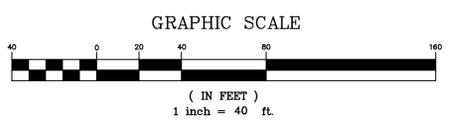
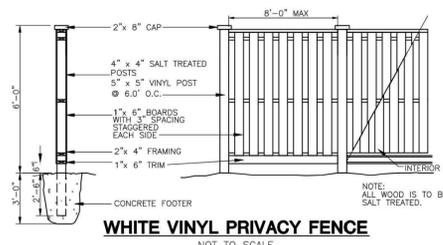


- NOTE:**
- 1 ENTRANCE DESIGN TO BE COORDINATED WITH DELDOT. LOCATION IS SHOWN PER PREVIOUSLY APPROVED DELDOT ENTRANCE PLANS.
  - 2 EXISTING ENTRANCE DEPICTED PER PREVIOUSLY APPROVED RECORD PLAN.
  - 3 REMOVE EX. 6" -1/8 HB AND INSTALL 2" -1/8 HB W/ 2"x6" INCREASER. USE EXISTING 10" CONNECTION TO MH SEE SCHEMATIC THIS SHEET

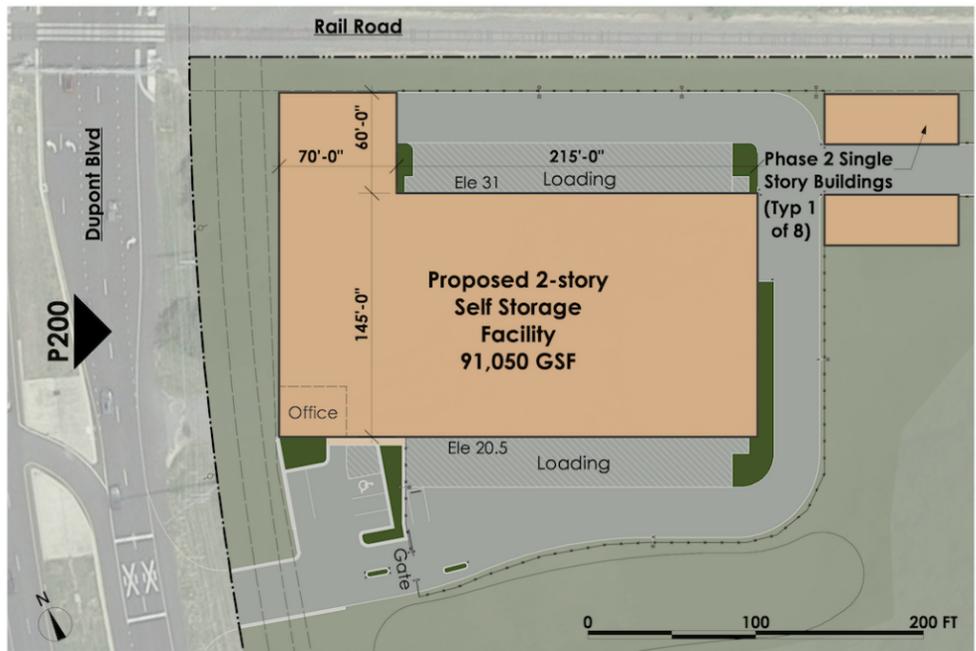


- LEGEND**
- P— P— PROPERTY BOUNDARY
  - EX. PAVING
  - EX. CURB & GUTTER
  - EX. CONTOUR
  - FP— FP— APPROXIMATE 100 YEAR FLOOD PLAIN
  - NW— NW— WETLAND LINE
  - WB— WB— 25' WETLAND BUFFER
  - RB— RB— BLUE-LINE STREAM PER US66 TOPOGRAPHIC QUADRANGLE MAP
  - RB— RB— 50' RIPARIAN BUFFER
  - --- --- LIMIT OF TOPOGRAPHIC SURVEY
  - FM— FM— FORCE MAIN
  - --- --- WATER LINE
  - E— E— ELECTRIC LINE
  - x— x— 6' PRIVACY FENCE
  - PR. STORMDRAIN
  - PR. TYPE 1-6 CURB
  - PR. PAVEMENT
  - --- --- CONCRETE
  - --- --- SHALE FLOW
  - --- --- WETLAND BUFFER VARIANCE LIMITS
  - --- --- 6' BARRIER FENCE
  - OHE— OHE— OVERHEAD ELECTRIC LINE

- ⊕ PROPOSED STREET TREES
- ⊙ PROPOSED ORNAMENTAL TREE
- ☀ PROPOSED EVERGREEN



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Site Diagram



# CONDITIONAL USE WRITTEN SUMMARY

## **1<sup>st</sup> State Storage – Milford Facility**

11 South DuPont Blvd.

Milford, Delaware

Kent County

MRA #20841X01

1<sup>st</sup> State Storage OZ, LLC proposes to construct an approximately 91,200 +/- square foot self-storage site (including a manager's office) on US 113 NB, north of Silver Lake. The tax parcel, MD-16-183.09-01-58.00-000, is zoned C-3 Highway Commercial. Per Chapter 230, Section 14, Subsection C (17) "Business, commercial or industrial uses that do not adversely affect neighboring properties" are considered a "Conditional use subject to special requirements" and "are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX" of Chapter 230. The intended purpose of this written summary is to apply for and show how the proposed site meets the requirements set forth in City of Milford code and as part of the application process.

The developer is proposing to modify the previously Approved Conditional Use Plan / Preliminary Site Plan due to unanticipated soil conditions related to non-structural fill that had been placed previously on the property. Those soils are not suitable for building foundations used for self-storage structures and would either need to be replaced with suitable structural fill or require installation of pile foundations which are not considered to be economically feasible.

The proposed plan consists of a Building A; a 72,000 SF two story conditioned storage building structure that will be partially buried below grade and Buildings B thru I; consisting of eight (8) additional one-story unconditioned storage structures. The total building area is 91,200 GSF. The 500-750 SF managers office will be located on the first floor of Building A. No employees other than the facility manager are anticipated. Office hours of operation are tentatively proposed to be M-F 9AM to 5PM and Sat 9AM-1PM. 24/7 access to storage units is anticipated. Storage of hazardous materials will be prohibited.

Access to the second story of Building A is through "at grade" entrance[s] to the second story on the side of the structure closest to the existing railroad, with a substantial portion of the side of the structure fronting on US Route 113 being buried partially or completely below grade. The design as proposed will minimize the amount of building structure visible from US Route 113 and allow for better buffering / landscaping and an overall reduction in impervious area.

The subject site is bounded on the West by US 113 and on the North by the Conrail Railroad property. It is bounded to the East by a parcel zoned R-2 Residential which includes two residences. The Southerly boundary adjoins State lands (with no zoning information provided by the City of Milford) and the Mispillion River connection between Haven and Silver Lakes. The properties on the North side of the railroad tracks are all zoned C-3 Highway Commercial. Approximately 3.68 acres of the subject site is forested, with less than approximately 0.20 acres of clearing anticipated.

The Criteria for approval of a Conditional Use on the property are addressed as follows:

**A. *The presence of adjoining similar uses.***

The project site is located in the existing US Route 113 highway commercial corridor in Milford in an area that is almost completely developed with similar Highway Commercial uses. A project on the site was approved in 2010 for a mixed use commercial and self-storage development. In October 2021 the current developer received Conditional Use (refer to APPL # 20-032) approval for a similar self-storage facility by the Town. The proposed modifications resulted from the unanticipated site conditions noted above on this previously highly disturbed site.

**B. *An adjoining district in which the use is permitted.***

The property adjoins other properties with a C-3 zoning designation that would permit this type of development as a Conditional Use.

**C. *There is a need for the use in the area proposed as established by the Comprehensive Plan.***

There is clearly a need for self-storage facilities in the area to serve the recently constructed new residential communities and small businesses serving the new residents. We are also not aware of the availability of other "climate controlled" storage for residents in the immediate area.

**D. *There is sufficient area to screen the conditional use from adjacent different uses.***

Substantial buffering from adjacent uses is provided by the existing Railroad ROW and densely forested buffer that extends along the entire southern side of the property.

**E. *The use will not detract from permitted uses in the district.***

The proposed facilities should complement and not detract from the permitted uses in the district. Siting the self-storage facilities in an area that is expected to have the least impact on adjoining properties and uses due to the physical site conditions (i.e. adjacency of railroad ROW and dense forest buffer). The proposed project is expected to have very minimal impact on traffic in the area due to the low trip generation as compared to other permitted uses in the C-3 District. The location also provides direct access to US Route 113 and will result in no adverse traffic in the adjacent road network within nearby residential areas. It should be noted the City of Milford previously approved a site plan in 2010 that would *have* created higher trip generation for the property.

**F. *Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.***

The proposed design will enhance the screening and setbacks of the facilities by minimizing the siting of structures on the US Route 113 frontage and enhancing buffering to the surrounding properties. Burying a portion of the 1<sup>st</sup> floor of Building A and reducing the combined overall building and paving footprint from 3.16 AC of impervious area to +/- 2.48 AC are both improvements as compared to the most recent Conditional Approval for a similar self-storage facility. These modifications to the previously approved plan Conditional Use Plan will further limit adverse influences on adjoining uses.

The subject site will also meet all City of Milford Code requirements to include (but not be limited to) building setbacks, parking, and landscape screening. Approvals will ultimately be obtained from DelDOT, the Kent Conservation District, City of Milford Public Works, State Fire Marshal, and the Office of Drinking Water prior to obtaining final approvals from the City of Milford. The regulatory agency approvals will provide the sufficient safeguards to remove potential adverse influences as required by the City of Milford Code

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



July 30, 2020

State of Delaware  
Office of State Planning Coordination  
Haslet Armory - Third Floor  
122 Martin Luther King, Jr. Boulevard South  
Dover, Delaware 19901

ATTN: Ms. Constance C. Holland, AICP

RE: 1<sup>st</sup> State Self Storage – Milford Facility  
PLUS Review 2020-06-05  
MRA 20841

Dear Ms. Holland:

This letter is pursuant to your letter dated July 23, 2020 and the meeting with State agency planners on June 24, 2020, to discuss the proposed plans the 1<sup>st</sup> State Self Storage – Milford Facility in the City of Milford, Kent County, Delaware. We reviewed all comments and offer the following response to each comment.

Each comment in your letter is shown in *italicized text* followed by our written responses on behalf of the Applicant, 1<sup>st</sup> State Self Storage OZ, LLC:

*“Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the Town of Milford has governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town and County.**”*

**Response:** The Applicant will comply with applicable Federal, State and local regulations. The Applicant understands that the project is in the City of Milford and will need to comply with any and all regulations/restrictions set forth by the City and County.

### **“Strategies for State Policies and Spending**

*This project is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas.*

**Response:** The Applicant is aware the project is located primarily in an Investment Level 1 area, as well as an Investment Level 2 area. The proposed project has been designed with respect to existing infrastructure. The site’s water, sanitary sewer, and electric service will be provided by the City of Milford, requiring minor extensions from existing infrastructure. A similar commercial entrance was previously designed and approved by DeIDOT in 2010 for a mixed-use project. This project will seek to provide an entrance in the same location, with minimal design changes (if any).

8 West Market Street, Georgetown, DE 19947 (302) 855-5734 Fax: (302) 855-0157 www.mragta.com

### “Code Requirements/Agency Permitting Requirements

#### Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on South DuPont Boulevard (US Route 113) must be designed in accordance with DeIDOT’s Development Coordination Manual.*

**Response:** The Applicant is aware the site access must be designed in accordance with DeIDOT’s Development Coordination Manual. The intent is to utilize the design from the previously approved entrance, incorporating provisions to address any existing site changes (from the previous project) and changes in the Development Coordination Manual as applicable.

- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).*

**Response:** A pre-submittal meeting will be requested prior to plan submission.

- *Section 1.6.1 of the Manual addresses the location of entrances onto the State-maintained road system. Preliminarily the entrance location is acceptable as proposed.*

**Response:** The intent is to utilize the design from the previously approved entrance, accounting for any site changes (from the previous project) and any changes in the Development Coordination Manual.

- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*

**Response:** Applicable DeIDOT fees will be paid for by the Applicant.

- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 10th edition of the Institute of Transportation Engineers’ Trip Generation Manual, and assuming 75,300 square feet of Mini-Warehouse, DeIDOT estimates that the total daily trips generated would be 114 vehicle trip ends per day and that the trip generation during the weekday evening peak hour would be 13 vehicle trip ends. Therefore, the plan does not meet the warrants for a TIS.*

**Response:** Comment acknowledged.

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site’s frontage on South DuPont Boulevard. By this regulation, this dedication is to provide a minimum of 30 feet from the outside edge of the travel lanes. The following right-of-way dedication note is required, “An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”*

**Response:** 30 feet of right-of-way currently exists from the outside edge of the travel lanes. Right-of-way dedication is therefore anticipated at this time.

- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on South DuPont Boulevard. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."*

**Response:** A permanent easement, along with the required note, will be provided on construction and record plans.

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
  - *Depiction of all existing entrances within 450 feet of the entrance on South DuPont Boulevard.*
  - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

**Response:** One entrance exists within 450 feet of the proposed entrance on South DuPont Boulevard. It will be noted on the plans. A TIS is not required, so required improvements will be determined by the auxiliary lane worksheet as well as discussions with DelDOT prior to initial submission.

- *Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT will require a sidewalk along the frontage on South DuPont Boulevard. On the north end, the sidewalk should connect to the existing sidewalk just south of the railroad crossing.*

**Response:** A sidewalk along the site's frontage will be provided, including a connection with the existing sidewalk. There is no existing sidewalk to the south of the property, so the southern connection will follow DelDOT's termination policy.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along South DuPont Boulevard.*

**Response:** Stormwater facilities other than bioswales and filter strips are not proposed inside the 20 foot width from the right-of-way.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

**Response:** Comment acknowledged.

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated. Of particular concern is a large transmission pole near the proposed entrance.*

**Response:** The intent is to utilize the design from the previously approved entrance, accounting for any site changes (from the previous project) and any changes in the Development Coordination Manual. The transmission pole's location in relation to the entrance will be noted on the topographic survey. It is believed the impact to the entrance design of existing utilities will be minimal. If the pole is found to be in a location conflicting with the current entrance design, the entrance design will be adjusted so that a utility relocation plan will not be needed.

- *In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.del.dot.gov/Business/subdivisions/index.shtml>.*

**Response:** The Intersection Sight Distance spreadsheet will be completed and included with the project's initial submission. Sight distance triangles will be included on the plans.

## **Department of Natural Resources and Environmental Control – Michael Tholstrup - 735-3352**

### **Stormwater Management and Hydric Soils**

- *For projects greater than 5,000 square feet, a detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site.*

**Response:** A detailed sediment and stormwater management plan and application will be submitted to the Kent Conservation District.

- *The clear area on this property was used as a dredge disposal site when Silver Lake was dredged in the late 80's or early 90's. A geotechnical soils report is recommended to ensure that soils are suitable for building and stormwater management purposes.*

**Response:** A geotechnical soils report will be obtained, determining the soil suitability for both building and stormwater management purposes.

- *Based on soil maps, hydric soils are present in the southern portion of the parcel, outside of the development footprint.*

**Response:** Comment acknowledged.

- *DNREC reviewers discourage building on hydric soils because they are an important source of water storage. The loss of this water storage function through excavation, filling, or grading of intact native hydric soils increases the probability for more frequent drainage and flooding events.*

**Response:** Comment acknowledged.

- *The applicant should contact the Kent Conservation District to schedule a pre-application meeting to discuss the geotechnical soils report, sediment and erosion control, and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.*

**Response:** A pre-application meeting with Jared Adkins will be requested prior to submission of a sediment and stormwater management plan and application.

### **Flooding**

- *The southern portion of the project site is within a Special Flood Hazard Area. The proposed site plans indicate that structures will be constructed just outside of the mapped floodplain boundary.*

**Response:** Comment acknowledged.

- *The southern portion of the project site is also within an area subject to sea level rise. By 2050, sea levels are projected to rise between .7 and 1.9 feet; by 2100 they are projected to rise 1.7 to 5.0 feet. Rising sea levels on this site will inundate the forested portion of the parcel and increase the flood risk where development is proposed.*

**Response:** Comment acknowledged.

## **Wetlands**

- *Statewide Wetlands Mapping Project (SWMP) maps indicate the presence of forested freshwater wetlands in the forested area of the property. The PLUS application indicates that the wetlands have been previously delineated, and no wetland fill is anticipated.*

**Response:** No disturbance to the wetlands is anticipated.

## **Water Quality and TMDLs**

- *This project is located within in the greater Delaware River and Bay drainage, specifically within the Mispillion River watershed. A Total Maximum Daily Load (TMDL) is the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards. The TMDL for the Mispillion River watershed calls for a 57 percent reduction for both nitrogen and phosphorus from baseline conditions. The TMDL also calls for an 87 percent reduction in bacteria from baseline conditions.*

**Response:** The stormwater management design will confirm with TMDL requirements for this watershed per applicable regulations.

## **State Historic Preservation Office – Contact Carlton Hall 736-7404**

- *Soils in the cleared area are well drained, prime farmland, but most of the wooded area is poorly drained, not prime farmland. Proximity to the river would have made this a desirable place in prehistoric times. Its hard to tell what sort of landscaping has been done to level that area, but the Milford City Beers shows a tannery at that location, as well as a store and Milford Mill in the vicinity. The archaeological potentials are based on the fact that the area may not have been graded too much, but the 1992 aerial might show some earthmoving, therefore there is low potential for prehistoric and historic archaeological potential.*

**Response:** Comment acknowledged.

## **Recommendations/ Additional Information**

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. These suggestions do not represent State code requirements. They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (but in no way required) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

## **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to South DuPont Boulevard.*

**Response:** Comment acknowledged. No such facilities are required for this project. The existing City Milford facilities are adequate for service.

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

**Response:** Comment acknowledged and comments are addressed in this letter.

- *Please be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019, and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.*

**Response:** The Standard General Notes will be added to the plans.

**Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352**

**Flooding**

- *Structures should be elevated above the current Base Flood Elevation to minimize flood risk and potential flood insurance costs. Floodplain maps are likely to change in the future, potentially encompassing portions of the proposed development.*

**Response:** All proposed structures will be constructed outside the regulated flood zone.

**Wetlands**

- *Maintaining, at minimum, a 100-foot vegetated buffer around any wetland perimeter to protect the function and integrity of wetlands. Wetland buffers reduce the amount of sediment and pollutants that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.*

**Response:** Comment acknowledged. The project design will conform with applicable City of Milford, State and Federal regulations.

- *The applicant is encouraged to maintain inputs to natural wetlands at pre-construction levels by avoiding increases or decreases in water levels and avoiding diversion of surface water from roadways and stormwater facilities into on-site wetlands.*

**Response:** Comment acknowledged. The project design will conform with applicable City of Milford, State and Federal regulations.

**Water Quality and TMDLs**

- *To support the State’s water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and the amount of impervious cover, as well as increasing the use of green infrastructure.*

**Response:** Comment acknowledged. The project design will conform with applicable City of Milford, State and Federal regulations.

- *Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff. If open-water stormwater management is selected for use, they should be employed minimally, for the management of stormwater.*

**Response:** Comment acknowledged. The project design will conform with applicable City of Milford, State and Federal regulations.

- *A project’s TMDL nutrient and bacteria loading rates should be determined at the preliminary project design phase of development. Both the Nutrient Load Assessment protocol and the Chesapeake Bay program model are tools that have been developed to assess changes in nutrient loading (e.g., nitrogen and phosphorus), thus providing governmental entities with quantitative information about the project’s impacts on baseline water quality and help them design and implement the most environmentally-effective practices. The Chesapeake Bay program model can be found here: <http://cast.chesapeakebay.net/Documentation/ModelDocumentation>*

**Response:** Comment acknowledged. The project design will conform with applicable City of Milford, State and Federal regulations.

**Low Impact and Sustainable Development Recommendations**

*The following strategies and resources are provided to help reduce these impacts to our natural resources while supporting development goals.*

**Energy Efficiency and Renewable Energy Sources**

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy*

*efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy ([www.de.gov/greenenergy](http://www.de.gov/greenenergy), [www.de.gov/eeif](http://www.de.gov/eeif))*

**Response:** Comment acknowledged.

- *Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality ([www.de.gov/cleantransportation](http://www.de.gov/cleantransportation)).*

**Response:** Given the proposed use of this project as a self-storage facility, electric vehicle charging infrastructure is not likely to be installed.

### **Solid Waste Reduction**

- *The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.*

**Response:** Comment acknowledged.

- *Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.*

**Response:** Comment acknowledged.

### **Air Pollution Reduction**

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

**Response:** Comment acknowledged.

- *Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.*

**Response:** Given the proposed use of this project as a self-storage facility, bicycle racks will not be installed.

***“Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.”***

**Response:** Written responses were provided to all PLUS comments as noted above.

Ms. Constance C. Holland, AICP  
1<sup>st</sup> State Self Storage – Milford Facility  
PLUS Review 2020-06-05  
July 30, 2020  
Page 8 of 8

On behalf of the Applicant, we thank the Office of State Planning and other State Departments for their comments. If you should have any questions or require additional information, please do not hesitate to contact me at (302) 855-5734, or via email at [kusab@mrakta.com](mailto:kusab@mrakta.com).

Respectfully Submitted,  
**MORRIS & RITCHIE ASSOCIATES, INC.**



Kenneth M. Usab, P.E.  
Principal

Enclosures

CC: Kent County Planning Department  
City of Milford

City of Milford, Delaware  
Development Advisory Committee

Comment Sheet

\*\*\*\*\*



DATE OF REVIEW: May 17, 2022

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**  
**William C. Kelly, CFI, Sr. Fire Protection Specialist**

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: 1<sup>st</sup> STATE SELF STORAGE (20-032)

*The reasons and conditions applied to this project and their sources are itemized below:*

\*\*\*\*\*

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from duPont Blvd must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

[www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

***THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE***

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



October 13, 2022

The City of Milford  
180 Vickers Drive  
Milford, Delaware 19963

ATTN: Mr. Robert Pierce, Planning Director

RE: 1<sup>st</sup> State Self Storage  
Plan Review – Revised Conditional Use Plan / Preliminary Site Plan  
City of Milford, Delaware  
KCI Job No. 131803632 – Task 25  
MRA #20841X02

Dear Mr. Pierce:

This letter is pursuant to your letter dated October 5, 2022, in regard to KCI Technologies' review of the Revised Conditional Use and Preliminary Site Plan for 1<sup>st</sup> State Self Storage, in Kent County, Delaware. We reviewed all comments and offer the following response to each comment.

**Comments 5, 9, 23, 24, and 25 have been addressed for consideration of the Conditional Use and Preliminary Plan approvals.** Each comment in the KCI letter is shown in *italicized text* followed by our written responses on behalf of the Applicant, Mr. Bruce G. O'Heir, of Milford Self Storage, LLC:

1. *Address the following in the Site Data column:*

- a. *Verify the Deed Reference per Kent County Pride. **Addressed.***
- b. *The projected number of EDUs per Kent County Code Section 128-18 is 1 EDU + (# FUs/9). Revise the note accordingly. **Addressed.***
- c. *Remove the reference to lot depth, this is not a requirement of the City Code. **Addressed.***
- d. *Remove "3-Stories" as the height limitation on note number 11. The height limitation is 35 feet. **Addressed.***
- e. *The previous application included a residence for the employee managing the property. Will there be a residential component to this application? **Comment Noted.***

2. *Address the following on Sheet PP-2:*

- a. *Update the Site Plan Notes based on the attached. Ensure all notes are completed in their entirety. For example, notes 38 and 39 on the provided sheet are to be removed based on the new notes but were not filled out. **Addressed.***
3. *Provide all adjacent property information to the south and northeast of the site including owner, tax parcel number, and zoning. **Addressed.***
4. *Currently, the plan is not showing inlets in front of the building, clarify how the stormwater will be managed in this area. In addition, provide spot grades and proposed grading so the path of flow can be verified. **Addressed.***

5. *Currently, 5 parking spaces are provided including the handicap space: however, it is labeled as 4. Correct the label for total number of parking spaces. **Addressed with Comment – Clarify how the 200 SF of floor area of sales space was determined.***

**Response:** The parking space label was previously updated as requested. Information for the retail area “sales space” was provided by the Developer. The 40’ x 30’ area shown on the plan is not intended to be solely for sales.

6. *Revise the plan to show the up to date 100-year floodplain per the current FEMA FIRM panel (label BFE) and floodway. A LOMR will be required to be submitted prior to final site plan approval to officially correct the FEMA FIRMs. **Comment Remains – Provide the LOMR prior to final site approval.***
7. *Dimension the width of the entrance on the plan. **Addressed.***
8. *Provide a shared use path along the entire lot frontage of Route 113. Coordination and approval from DeIDOT will be needed for this. In addition, extend a sidewalk from the shared use path to the entrance of the main building near the parking area. Also provide an ADA accessible path to the entrance of the building. **Addressed with Comment – Provide DeIDOT approval for the shared use path.***
9. *Dimension the distance between the property line and the edge of pavement southeast of Building E. **Addressed with Comment – Provide a dimension from the property line to edge of pavement on the turning space adjacent to building E.***

**Response:** A dimension has been added from the turning space to the property boundary as requested. Dimensions have also been added from all the other storage units on the north side of the property to the property boundary for your convenience.

10. *Show the existing overhead electric easement along the property frontage. **Addressed with Comment – Provide/show the non-inclusive public utility easement on the plans prior to final construction and record plans approval.***
11. *How will the conflict between the proposed entrance and the overhead electric pole guy wires be resolved? **Addressed.***
12. *Relocate the proposed water connection so that it is outside the entrance and median island. The water service should extend perpendicular from the water main to the property line where the water meter should be set. In addition, indicate the method of water service connection at the main. **Addressed.***
13. *Provide a cap and blow off at the end of the water line on east side of the building. The water main is currently shown extending after the building connection. **Addressed.***
14. *The fire line detector check valve will need to be placed within the building or buildings being served by the fire lines. Detector check valves should not be located in an outside pit. **Addressed.***
15. *Label the size of the proposed domestic and fire water services and revise the plans accordingly. **Addressed.***
16. *Label the Sewer Grinder pump unit and revise the plan accordingly. **Addressed.***
17. *Change the force main label between the grinder pump unit and the main building to “ss” and indicate the proposed size of the sewer lateral and sewer force main. **Addressed.***

18. *Currently, the proposed force main is shown tying into existing water this is incorrect. Indicate how the force main will connect to the connection point. An extension pipe may be necessary to dissipate the energy before entering any connection manhole. **Addressed.***
19. *Show the proposed accesses/entrances to the buildings and revise the plan accordingly. **Addressed.***
20. *Provide bicycle parking per chapter 230-20 of the City of Milford Zoning code or request a waiver from this requirement. **Comment Remains – Provide a waiver once it's obtained.***
21. *Show the locations of proposed parking lot lighting. Final Site Plan approval will require a lighting plan demonstrating compliance with IES standards. **Comment Remains – Provide lighting plan for the final review.***
22. *Per Chapter 230-20(K) of the City of Milford Zoning Code, add upright curbing in the parking lot area and revise the plans accordingly. **Addressed.***
23. *Per chapter 230-20(L) of the City of Milford Zoning Code, add landscaped 9'x18' islands at each end of the parking row. The parking spaced up against the fence would be shifted away from the fence as a result of this adjustment. The current arrangement would lead to difficulty backing out of this parking space to leave the site without hitting the fence. **Comment Remains – A minimum of 9'x18' islands shall be provided at both ends of each row of parking. Currently, there is only one island provided. Provide another island at the other side and revise the plans accordingly.***

**Response:** The parking area by the entrance to the building has been redesigned to conform with Milford Zoning Code to show a grassed island greater than 9'x18' next to the ADA parking space. The walk has been adjusted while still allowing flow for people coming in from offsite as well as those from the parking area.
24. *The city recommends moving the dumpster enclosure closer to the main building. This will also prevent the trash truck from having to go deep into the site to pick up the trash. In addition, provide a detail for dumpster screening. **Addressed with Comment – Label the dumpster enclosure and provide a detail for dumpster pad and screening.***

**Response:** The dumpster pad has been labeled on the plan and dumpster enclosure details have been provided on Sheet PP-2 as requested.
25. *Per chapter 230-22(B) of the City of Milford Zoning Code, an opaque 6-foot-tall barrier along the entire eastern property line shared with the residentially zoned property is required. Currently, there is a fence proposed around the buildings and parking lot area; however, the fence along the eastern edge should be closer to the property line and extend from the railroad easement to the upper part of the ground slope heading down to the pond. **Comment Remains.***

**Response:** The fence is shown to the east side of the site. It is labeled with a begin and end of fence as well as information on where the fence is to be placed when constructed and where the detail is located.
26. *The proposed fence arrangement around the site may impact the owner's ability to access other portions of the site for maintenance, specifically areas to the north between the buildings and the railroad. Clarify how the owner will access these areas to maintain the proposed swales and vegetation. **Addressed.***
27. *What is the purpose of the large asphalt square on the northwest side of the main building? Will there be outside storage on the site? If so, please indicate the location. In addition, if this area on the*

*northwest side of the site will be for outside storage, the city requests additional screening be provided along the road frontage. **Comment Noted.***

28. *Currently, there are overhead utilities along Route 113. Verify that the overhead utilities will not cause any construction issues. **Comment Noted.***
29. *Provide a water meter pit and curb stop at the property line. **Addressed.***
30. *Provide the design data for the force main showing the design flow rate, total dynamic head, and velocity with your final submission. **Comment Remains.***
31. *Provide a valve (lateral kit) at the property line for the force main to delineate Town/Private owned force main. The lateral kit should include a check valve, ball valve, and valve box to allow for operation and maintenance of the valves. The lateral kit will delineate the change in ownership between the city/owner. **Addressed.***
32. *Add the size, pipe type, location, inverts, elevation, etc. of all existing and proposed utilities (Sanitary, water, storm, etc.). The utilities shall follow the City's Standard Specifications. **Comment Remains.***
33. *Provide that there is 18" vertical separation between water and sanitary sewer crossings. This may be addressed on the final site construction set submission with a note or profiles showing the vertical separation. **Comment Remains.***
34. *Verify that there is 12" vertical separation between water and storm sewer crossings. This may be addressed on the final construction set submission with a note or profiles showing the vertical separation. **Comment Remains.***
35. *Currently, the proposed forcemain and the existing water do not have at least 10' of horizontal separation. Revise the plans accordingly. **Addressed.***
36. *Approval and coordination from the railroad will have to be completed prior to commencement of construction. Verify that there will be no disturbance on their property. In addition, coordination will have to be made for the sidewalk and force main extension since they are close to the railroad. **Comment Noted.***
37. *Submit the following:*
  - a. *Lighting Plan that meets IES standards. **Comment Remains.***
  - b. *Landscape Plan. **Comment Remains.***
  - c. *Fire Marshal Approval. **Comment Remains.***
  - d. *Kent Conservation District approval for the Sediment and Stormwater Management Plans. **Comment Remains.***
  - e. *DelDOT LONO. **Comment Remains.***

CITY OF MILFORD PUBLIC NOTICE  
NOTICE OF ORDINANCE REVIEW

The following ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of City Council on Monday, November 28, 2022 that begins at 6:00 p.m.

Ordinance 2022-43  
Electric Tariff Amendment  
Appendix B of the City of Milford Code  
Section 24-13. NET METERING SERVICE

WHEREAS, the Code of the City of Milford Appendix B Electric Rules and Regulations establishes Rules and Regulations for the distribution and delivery of electric service on the City of Milford's electric system; and

WHEREAS, Senate Bill 298, signed into law in July 2022, amends provisions in Title 26 of the Delaware Code, Section 1014, related to the rules and regulations promulgated by the Public Service Commission, municipal electric companies, and electric cooperatives related to net metering; and

WHEREAS, the statute creates a need to amend the City of Milford Electric Tariff by eliminating the reimbursement of excess generation at the end of an annual period, discontinuing any rollover, and zeroing out excess solar at the end of the annualized billing cycle, and standardizing the net metering cap calculation across utilities with an increase from 5% to 8%; and

WHEREAS, these changes are intended to support and encourage solar development in an equitable manner for future solar customers, protect customers from aggressive oversized system sales, and mitigate the financial and operational risks that the City of Milford and other electric utilities are confronting due to excess generation that frequently leads to the restriction an/or denial of new solar applications to ensure the maintenance of a safe and reliable system.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The City of Milford Electric Tariff shall be amended to coincide with Senate Bill 298 and provisions of Title 26 Section 1104 of the Delaware Code.

Section 2. Section 24-13 entitled Net Metering Service is hereby amended with strikeouts indicating matter stricken and underlined text as newly added language.

24-13. NET METERING SERVICE

1. AVAILABILITY

This Net Metering Service (NMS) Rider is available to all Customers, including all Farm Customers, who own their renewable power generation resource(s) (Customer Generator). The primary intent of this installation is to offset part or all the Customer's own electricity requirements. Capacity under the NMS Rider cannot be more than 25 kilowatts for Residential Customers, 100 kilowatts for Farm Customers or usage for

farming activities and 500 kilowatts for all other non-Residential Customers. The primary source of fuel must be solar, wind, hydro, fuel cell, gas from anaerobic digestion of organic material or another approved source of renewable energy which must be located at the Customer's premises for which the Customer is using the NMS Rider. The NMS Rider is applicable to a Customer-Generator interconnected and operated in parallel with the City's transmission and/or distribution facilities. Application for the installation of a Customer Generator system in excess of the above specified limitations, but not to exceed 2 megawatts, may be considered at the City's sole discretion and shall be made under a special contract.

Any Customer who elects the NMS Rider must apply by filling out the Generation Interconnection Application at least 60 days in advance of the proposed activation date. Approval of the application by the City must be granted prior to activation of the electric generation facility.

~~If the total generating capacity of all Customer Generators using NMS served by the City exceeds five percent (5.0%) of the capacity necessary to meet the City's aggregated Customers monthly peak demand for a particular calendar year, the City may elect not to provide the NMS to any additional Customer-Generators should the total generating capacity exceed the threshold outlined in Title 26 of the Delaware State Code.~~

## 2. APPLICATION FOR THE NMS RIDER

Any Customer who elects the NMS Rider must apply by filling out the Generation Interconnection Application at least 60 days in advance of the proposed activation date. The Application must include the generator size, type, manufacturer, and manufacturer specifications of all components of the electric generation facility. Approval of the application by the City must be granted prior to activation of the Customer Generator.

## 3. CONNECTION TO THE CITY'S SYSTEM

- A. The Customer Generator cannot be connected to the City's system unless it meets all applicable safety and performance standards set forth by the following: The Technical Considerations Covering Parallel Operations of Customer Owned Generation dated January 1, 2007, National Electric Safety Code, Underwriters Laboratories, Institute of Electrical and Electronic Engineers, North America Electric Reliability Council ("NERC") and the City's Electric Service Handbook. Special Attention should be given to the National Electric Code Sections 690 and 705. The Customer must, at his expense, obtain any and all necessary permits, inspections, and approvals required by any local public authorities and any other governing regulations in effect at that time. All the interconnection with the City's System shall be either done by the City or approved by the City.
- B. The Customer Generator must be installed and configured so that parallel operation must cease immediately and automatically during system outages or loss of the City's primary power supply. The Customer must also cease parallel operation upon notification by the City of a system emergency, abnormal condition, or in cases where such operation is determined to be unsafe, interferes with the City's supply of service to other Customers, or with the operation or maintenance of the City's system. Customer Generator system and equipment that comply with the

above listed codes and standards shall be deemed to have generally complied with these requirements.

1. If it is necessary for the City to extend or modify portions of its systems to accommodate the delivery of electricity from the Customer Generator, such extension or modification shall be performed by the City at the Customer's expense. For new Customers, such expense shall be determined by the difference between the total cost and the investment the City would make to install a normal service without the Customer Generator.

C. In the event that a net-metering customer abandons the property where the energy generating equipment is located, the equipment may remain connected to the electric distribution system, unless the equipment presents a risk to the safety and reliability of the electric distribution system.

#### 4. DELIVERED VOLTAGE

The delivered voltage and delivery point of the Customer Generator shall be at the same delivered voltage and delivery point that would be supplied by the City if the Customer purchased all of its electricity from the City.

#### 5. CONTRACT TERM

The contract term shall be the same as the Customer's applicable Rate Schedule or Service Classification.

#### 6. RATE

- A. The monthly billing shall be as stated in the Rate Schedule applicable to the Customer. Under the NMS Rider, only the per kWh charge component billed for electricity delivered by the Customer is affected. The Customer will pay for all kWh delivered by the City to the Customer. If the Customer has delivered electricity to the City system, the City will provide for Customers to be credited in kilowatt hours valued at an amount per kilowatt hour equal to the sum of Delivery Service charges and Supply Service charges for Residential Customers, and the sum of the volumetric energy (kWh) components of the Delivery Service charges and Supply Service charges for non-Residential Customers for any excess energy production of their generating facility that exceeds the Customer's on-site consumption of kWh in a billing period. Excess kWh credits shall be credited to subsequent billing periods to offset a Customer's consumption in those billing periods.  
~~At the end of the calendar year, a Customer may request a payment from the City for any excess kWh credit. The payment will be calculated by multiplying the excess kWh credits by the Supply Service rate applicable to the Customer. The Customer-generator retains ownership of Renewable Energy Credits (REC) associated with electric energy produced and consumed by the Customer-generator. Disposition of excess kWh Credits at the end of the annualized billing period shall be in accordance with Delaware State Code.~~
- ~~B. Supply Service Charge and Supply Service Rate - This charge shall be used at the end of an annualized billing period in a calculation to pay Net Energy~~

~~Metering ("NEM") customers who request payment for any regulatory defined and eligible excess kWh credits. The payment for residential customer accounts shall be calculated by multiplying the excess kWh credits by the Customer's Supply Service Charges from the first block of Supply Service Charges that would otherwise be applicable at the end of the Customer's Annualized Billing Period, excluding non-volumetric charges, such as the transmission capacity charge and/or demand charges.~~

#### 7. METERING

An electric meter service will be installed at the Customer's location to measure the energy consumed and the energy delivered to the City system. The City will furnish, install, maintain, and own all metering equipment. Cost will be determined under the Additional Costs and Responsibilities clause below.

#### 8. ADDITIONAL COSTS AND RESPONSIBILITIES

The Customer will be required to pay for any additional transmission and distribution costs, the cost of metering, transformation, system protection, and any related safety/protective equipment in excess of what would normally be paid for by the City. Protective equipment will be installed by the Customer to provide safety for personnel, provide adequate protection for the City's electric utility system and to the Customer's property, and to prevent any interference with the City's supply of energy to the City's Customers. This equipment will be owned, installed, and maintained by the Customer at its own expense.

#### 9. FAILURE TO COMPLY

The City may disconnect the Customer Service from the City's electric system if the Customer fails to comply with any of the provisions of the NMS Rider. The City also retains the right to disconnect the Customer Generator if it interferes with the City's Service or ~~is~~ poses a safety or reliability risks to the City's electric system. The Customer shall also be responsible for all the penalties and costs caused by Customer's failure to comply with this Section.

#### 10. RULES AND REGULATIONS

All the City's applicable Rules and Regulations shall apply to the Service rendered under this NMS Rider. All minimum billings, charges for kWh, kW, Purchased Power Cost Adjustment, General Cost Adjustment, Public Utility Tax, Renewal Energy Charge, etc. will be covered under the applicable Rate Schedule.

#### Section 3. Dates

Council Introduction: November 14, 2022

Public Comments & Council Determination: November 28, 2022

#### Section 4. Effective

This ordinance becomes effective ten days following its adoption by City Council.

Published: DSN 112222



PUBLIC WORKS FACILITY

180 Vickers Drive  
Milford, DE 19963  
www.cityofmilford.com

Anthony J. Chipola III, Electric Director

PHONE 302.422.1110, Ext 1137

achipola@milford-de.gov

To: Mayor and City Council  
From: Anthony Chipola, Electric Director  
Subject: Net Metering Policy Changes  
Date: November 7, 2022

Senate Bill 298 was signed into law in July which amends provisions in Title 26 of the Delaware Code, Section 1014 related to the rules and regulations promulgated by the Public Service Commission, municipal electric companies, and electric cooperatives on the subject of net metering.

The intent of this memo is to address the changes impacting current City of Milford solar customers. A complete list of the state's code changes can be found at the end of this document.

The first of these changes is that utilities shall no longer reimburse excess generation at the end of an annual period.

Second, excess solar generation will no longer roll over from year to year. All excess generation remaining at the end of the annualized billing cycle shall be zeroed out.

Third, the net metering cap calculation was standardized across utilities and increased from 5% to 8%.

These changes were intended to support and encourage solar development in a way that is equitable for future solar customers, protects customers from aggressive oversized system sales, and mitigates the financial and operational risks that utilities currently face. As solar penetration continues to grow, utilities are challenged in dealing with excess generation often leading to restricting and/or denying new solar applications in order to maintain a safe and reliable system.

Staff formed a working group to discuss these changes and developed an action plan to effectively transition current practices and procedures to align with the amended code.

Staff recommend the annual period referenced in state code be defined to end April 30 to correspond with the April reading for each cycle. As solar production during the winter months is minimal, this schedule would allow customers to draw down any banked credits generated and minimize excess generation. At the end of the 2023 annual period, any solar customer participating in the NMS program will be issued a final, one-time payment in the amount corresponding to any remaining banked solar credits at the solar generation rate at the time of issuance.

Staff has also taken liberty in updating Appendix B Section 24-13 of the City ordinance to reflect the changes in Title 26 of the Delaware Code. A red-line version is attached as part of this memo for reference.

## Summary of changes to Title 26:

1. Over-production of on-site solar generation
  - a. At the end of the annualized billing period, the utility shall no longer reimburse or credit net-metering customers for any Excess kWh Credits
  - b. Should a net-metering customer abandon the property where the energy generating equipment is located:
    - i. The equipment may remain connected to the electric distribution system
    - ii. Unless the equipment presents a risk to the safety and reliability of the electric distribution system
2. Customer banking credits year-to-year
  - a. Excess kWh Credits shall revert to the utility at the end of the annualized billing period
3. Cost of the net meter
  - a. Non-residential customers are responsible for paying the reasonable cost of any new, replacement, or modified meter(s)
  - b. Residential customers are responsible for paying no more than \$200 toward the reasonable cost of any new, replacement, or modified meter(s)
  - c. Non-residential and residential customers shall not own the meter(s), which shall remain the property of the electric supplier
4. Meter data for utilities
  - a. To maintain system safety and reliability (not just accurate billing/crediting)
  - b. Consent may be waived by the customer
5. Waiver authority for larger solar capacity (farms)
  - a. Municipal electric utility is responsible for reviewing/approving solar requests for farms larger than maximum capacity
6. Considerations granted to utility when reviewing applications
  - a. Utilities can consider the reliability, safety, and capacity of the electric distribution system when reviewing interconnection applications and net-metering requests
7. Net-metering cap & calculation
  - a. Net-metering cap increased to 8%
  - b. Cap calculation is done the same way by all electric utilities in DE
    - i. Calculation for cap must be done in megawatts (MW) of AC (alternating current)
    - ii. Denominator is determined by the utility's average Delaware transmission peak for the preceding 3 years

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**HAPPY HOUR**



**DECEMBER 1, 2022**  
**2 PM - 4 PM**



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**N. WALNUT ST/N. REHOBOTH BLVD/10<sup>TH</sup> ST  
INTERSECTION STUDY  
Public Input Meeting**

The City of Milford and the Dover/Kent County Metropolitan Planning Organization (MPO) has hired Century Engineering, Inc. to perform a traffic study of the area surrounding the 10<sup>th</sup> Street & N. Walnut Street intersection near the Milford High School and Central Academy property. The purpose of the study is to analyze traffic conditions, identify gaps in the pedestrian and bicycle network and develop a recommended concept plan for improvements to enhance the N. Walnut Street, N. Rehoboth Boulevard, N. Washington Street and 10<sup>th</sup> Street intersection. The final concept plan would be used to develop construction plans for future City and State capital projects.

The City will be hosting a public input meeting on **Tuesday, December 13, 2022 from 6:00 PM to 8:00 PM** at the Public Works Facility, 180 Vickers Drive, Milford, DE. All parties of interest are invited to participate in the planning process.

Questions should be directed to Rob Pierce, Planning Director, at 302-424-8395 or [rpierce@milford-de.gov](mailto:rpierce@milford-de.gov).



**S. WALNUT STREET TRAFFIC CALMING &  
BIKE/PEDESTRIAN CONCEPT PLAN  
Public Input Meeting**

The City of Milford has hired Century Engineering, Inc. to perform a traffic study of S. Walnut Street between McCoy Street and S. Maple Avenue. The purpose of the study is to analyze traffic conditions, identify possible improvements for traffic calming/speed reduction, identify gaps in the pedestrian network and develop a recommended concept plan for bicycle, pedestrian and road improvements to enhance the S. Walnut Street corridor. The final concept plan would be used to develop construction plans for future City capital projects.

The City will be hosting a public input meeting on **Thursday, December 15, 2022 from 6:00 PM to 8:00 PM** at City Hall, 201 S. Walnut Street, Milford, DE. All parties of interest are invited to participate in the planning process.

Questions should be directed to Rob Pierce, Planning Director, at 302-424-8395 or [rpierce@milford-de.gov](mailto:rpierce@milford-de.gov).



Financial Reporting Package  
As of and For the Period Ended October 31, 2022

Net Cash and Funding Availability Summary (*in thousands*)

Cash & Investment Balance Rollforward

Restricted Cash Reserves Report

Enterprise Funds YTD Revenue & Expenditure Report

General Fund YTD Revenue & Expenditure Report

Appendix: ARPA Funding Plan vs Actual Expenses

Appendix: Milford Police Facility Project Spending vs Budget

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*Legacy* Revenue Report with MTD & YTD vs Annual Budget

*Legacy* Expenditure Report with MTD & YTD vs Annual Budget

*Legacy* Interservice Department Cost Allocation

City of Milford, Delaware  
 Net Cash and Funding Availability Summary (in thousands)<sup>1</sup>  
 For the Period Ended October 31, 2022

1 **Operating Cash Balances**

▼ Marks Ref Closing Bal<sup>4</sup>

| Description                              | Opening Balance<br>(Sep 30, 2022) | Closing Balance<br>(Oct 31, 2022) | Projected<br>Cashflows | Commitments &<br>Restrictions | Minimum Cash<br>Requirement/ERR | Uncommitted /<br>Unrestricted |
|--|-----------------------------------|-----------------------------------|------------------------|-------------------------------|---------------------------------|-------------------------------|
| General Fund                             | \$ 3,844 ↑                        | \$ 5,209                          | \$ -                   | \$ (499)                      | \$ (1,491)                      | \$ 3,219                      |
| Electric Fund                            | 3,553 →                           | 3,569                             | -                      | (19)                          | (1,652)                         | 1,898                         |
| Water Fund                               | 2,210 ↑                           | 2,448                             | -                      | (736)                         | (294)                           | 1,418                         |
| Sewer Fund                               | 1,441 ↑                           | 1,689                             | -                      | (642)                         | (205)                           | 843                           |
| Solid Waste Fund                         | 652 ↑                             | 720                               | -                      | (314)                         | (190)                           | 216                           |
| <b>Operating Cash Totals<sup>4</sup></b> | <b>\$ 11,699</b>                  | <b>\$ 13,636</b>                  | <b>\$ -</b>            | <b>\$ (2,211)</b>             | <b>\$ (3,831)</b>               | <b>\$ 7,594</b>               |

9 **Federal, State and Other Special Purpose Cash Balances**

| Description                                      | Opening Balance<br>(Sep 30, 2022) | Closing Balance<br>(Oct 31, 2022) | Projected<br>Cashflows | Commitments &<br>Restrictions | Minimum Cash<br>Requirement/ERR | Uncommitted /<br>Unrestricted |
|--|-----------------------------------|-----------------------------------|------------------------|-------------------------------|---------------------------------|-------------------------------|
| General Improvement                              | \$ 613 →                          | \$ 613                            | \$ -                   | \$ (500)                      | \$ -                            | \$ 113                        |
| Municipal Street Aid (MSA)                       | 437 ↑                             | 504                               | 269                    | (773)                         | -                               | -                             |
| Realty Transfer Tax (RTT)                        | 4,788 →                           | 4,823                             | 417                    | (3,075)                       | (1,203)                         | 961                           |
| Economic Development                             | 425 ↑                             | 519                               | 89                     | (106)                         | -                               | 502                           |
| Lodging Tax Fund <sup>3</sup>                    | 501 →                             | 520                               | 99                     | (619)                         | -                               | -                             |
| ARPA Grant Fund                                  | 2,189 ↓                           | 1,887                             | -                      | (1,887)                       | -                               | -                             |
| <b>Special Purpose Cash Totals<sup>2,4</sup></b> | <b>\$ 8,953</b>                   | <b>\$ 8,866</b>                   | <b>\$ 874</b>          | <b>\$ (6,960)</b>             | <b>\$ (1,203)</b>               | <b>\$ 1,576</b>               |

18 **Reserve Fund Cash Balances<sup>1</sup>**

| Description                              | Opening Balance<br>(Sep 30, 2022) | Closing Balance<br>(Oct 31, 2022) | Projected<br>Cashflows | Commitments &<br>Restrictions | Minimum Cash<br>Requirement/ERR | Uncommitted /<br>Unrestricted |
|--|-----------------------------------|-----------------------------------|------------------------|-------------------------------|---------------------------------|-------------------------------|
| General Fund Capital Reserves            | \$ 1,759 →                        | \$ 1,750                          | \$ 2,499               | \$ (3,359)                    | \$ (356)                        | \$ 534                        |
| Water Fund Capital Reserves              | 2,639 →                           | 2,624                             | 736                    | (1,087)                       | (2,238)                         | 35                            |
| Sewer Fund Capital Reserves              | 3,928 →                           | 3,945                             | 642                    | (1,076)                       | (3,437)                         | 74                            |
| Solid Waste Fund Capital Reserves        | 267 →                             | 265                               | 386                    | (640)                         | -                               | 11                            |
| Electric Fund Capital Reserves           | 15,075 →                          | 15,064                            | 19                     | (6,617)                       | (4,753)                         | 3,713                         |
| <b>Operating Cash Totals<sup>4</sup></b> | <b>\$ 23,669</b>                  | <b>\$ 23,648</b>                  | <b>\$ 4,283</b>        | <b>\$ (12,779)</b>            | <b>\$ (10,784)</b>              | <b>\$ 4,367</b>               |

26 **Impact Fees and Police/General Facilities Cash Balances**

| Description   | Opening Balance<br>(Sep 30, 2022) | Closing Balance<br>(Oct 31, 2022) | Projected<br>Cashflows | Commitments &<br>Restrictions | Minimum Cash<br>Requirement/ERR | Uncommitted /<br>Unrestricted |
|---|-----------------------------------|-----------------------------------|------------------------|-------------------------------|---------------------------------|-------------------------------|
| Police & General Gov't Facilities                     | \$ 24 ↑                           | \$ 53                             | \$ 232                 | \$ (285)                      | \$ -                            | \$ -                          |
| Carlisle Fire Co Permit Fund                          | 555 →                             | 565                               | 78                     | (643)                         | -                               | -                             |
| Parks & Recreation Facilities <sup>3</sup>            | 146 →                             | 146                               | -                      | (146)                         | -                               | -                             |
| Water Impact Fee Reserves                             | 4,802 →                           | 4,802                             | -                      | (4,802)                       | -                               | -                             |
| Sewer Impact Fee Reserves                             | 2,751 →                           | 2,751                             | -                      | (2,751)                       | -                               | -                             |
| Electric Impact Fee Reserves                          | 1,106 →                           | 1,107                             | 5                      | (1,112)                       | -                               | -                             |
| <b>Impact Fees &amp; Police/GF Totals<sup>4</sup></b> | <b>\$ 9,385</b>                   | <b>\$ 9,424</b>                   | <b>\$ 315</b>          | <b>\$ (9,739)</b>             | <b>\$ -</b>                     | <b>\$ -</b>                   |

|                                 |                  |                  |                 |                    |                    |                  |
|---------------------------------|------------------|------------------|-----------------|--------------------|--------------------|------------------|
| <b>Grand Totals<sup>4</sup></b> | <b>\$ 53,706</b> | <b>\$ 55,574</b> | <b>\$ 5,471</b> | <b>\$ (31,689)</b> | <b>\$ (15,818)</b> | <b>\$ 13,537</b> |
|---------------------------------|------------------|------------------|-----------------|--------------------|--------------------|------------------|

<sup>1</sup>New report merges Cash Roll (p.2) and Restricted Reserves (p.3) into one single reference for net funds available after commitments & restrictions.

<sup>2</sup>The decrease in Special Purpose Cash Balances was driven by the application of ARPA funding to capital projects. Please see Appendix for ARPA Spend (line 16) vs Plan Detail.

<sup>3</sup>The Parks & Recreation Facilities and Lodging Tax Fund have historically not been represented on the monthly finance reports but were added in February 2022 and will be included going forward for comprehensiveness and transparency.

<sup>4</sup>Closing Balance Indicator sets Red, Yellow and Green signify month-to-month cash variance as follows:



-10% ≤ Variance ≤ 10%



-5% ≤ Variance ≤ 5%



-2.5% ≤ Variance ≤ 2.5%

City of Milford, Delaware  
Cash and Investment Balance<sup>1</sup> Rollforward  
For the Period Ended October 31, 2022

1 **Operating Cash Balances**

▼ Marks Ref Closing Bal<sup>4</sup>

| Description                              | Opening Balance<br>(Sep 30, 2022) | Receipts <sup>2</sup> | Interest<br>Earned | Disbursements           | Closing Balance<br>(Oct 31, 2022) |
|--|-----------------------------------|-----------------------|--------------------|-------------------------|-----------------------------------|
| General Fund                             | \$ 3,843,590                      | \$ 2,854,788          | \$ 834             | \$ (1,490,198) ↑        | \$ 5,209,014                      |
| Electric Fund                            | 3,553,260                         | 2,321,742             | 2,569              | (2,308,196) →           | 3,569,375                         |
| Water Fund                               | 2,209,666                         | 322,457               | 1,972              | (86,348) ↑              | 2,447,747                         |
| Sewer Fund                               | 1,440,824                         | 479,190               | 911                | (231,494) ↑             | 1,689,431                         |
| Solid Waste Fund                         | 652,141                           | 132,162               | 133                | (64,497) ↑              | 719,940                           |
| <b>Operating Cash Totals<sup>4</sup></b> | <b>\$ 11,699,481</b>              | <b>\$ 6,110,338</b>   | <b>\$ 6,420</b>    | <b>\$ (4,180,733) □</b> | <b>\$ 13,635,507</b>              |

9 **Federal, State and Other Special Purpose Cash Balances**

| Description                                    | Opening Balance<br>(Sep 30, 2022) | Receipts          | Interest<br>Earned | Disbursements <sup>3</sup> | Closing Balance<br>(Oct 31, 2022) |
|--|-----------------------------------|-------------------|--------------------|----------------------------|-----------------------------------|
| General Improvement                            | \$ 613,031                        | \$ -              | \$ 148             | \$ - →                     | \$ 613,179                        |
| Municipal Street Aid (MSA)                     | 437,089                           | 66,561            | 161                | - ↑                        | 503,811                           |
| Realty Transfer Tax (RTT)                      | 4,788,485                         | 57,968            | 1,252              | (25,000) →                 | 4,822,704                         |
| Economic Development                           | 425,079                           | 93,675            | -                  | - ↑                        | 518,754                           |
| Lodging Tax Fund                               | 500,884                           | 19,558            | -                  | - →                        | 520,442                           |
| ARPA Grant Fund <sup>3</sup>                   | 2,188,816                         | -                 | -                  | (301,926) ↓                | 1,886,890                         |
| <b>Special Purpose Cash Totals<sup>4</sup></b> | <b>\$ 8,953,385</b>               | <b>\$ 237,762</b> | <b>\$ 1,560</b>    | <b>\$ (326,926) □</b>      | <b>\$ 8,865,780</b>               |

18 **Reserve Fund Cash Balances**

| Description                                 | Opening Balance<br>(Sep 30, 2022) | Receipts         | Interest<br>Earned | Disbursements <sup>3</sup> | Closing Balance<br>(Oct 31, 2022) |
|---|-----------------------------------|------------------|--------------------|----------------------------|-----------------------------------|
| General Fund Capital Reserves               | \$ 1,759,052                      | \$ -             | \$ 2,478           | \$ (11,570) →              | \$ 1,749,959                      |
| Water Fund Capital Reserves                 | 2,639,104                         | 2,450            | 3,718              | (21,419) →                 | 2,623,853                         |
| Sewer Fund Capital Reserves                 | 3,928,206                         | 26,570           | 5,534              | (15,357) →                 | 3,944,954                         |
| Solid Waste Fund Capital Reserves           | 266,779                           | -                | 376                | (2,105) →                  | 265,050                           |
| Electric Fund Capital Reserves              | 15,075,401                        | -                | 21,237             | (32,237) →                 | 15,064,402                        |
| <b>Reserve Fund Cash Totals<sup>4</sup></b> | <b>\$ 23,668,542</b>              | <b>\$ 29,020</b> | <b>\$ 33,343</b>   | <b>\$ (82,688) □</b>       | <b>\$ 23,648,217</b>              |

26 **Impact Fees and Police/General Facilities Cash Balances**

| Description   | Opening Balance<br>(Sep 30, 2022) | Receipts         | Interest<br>Earned | Disbursements | Closing Balance<br>(Oct 31, 2022) |
|---|-----------------------------------|------------------|--------------------|---------------|-----------------------------------|
| Police & General Gov't Facilities                     | \$ 23,612                         | \$ 29,019        | \$ -               | - ↑           | \$ 52,631                         |
| Carlisle Fire Co Permit Fund                          | 555,214                           | 9,701            | -                  | - →           | 564,915                           |
| Parks & Recreation Facilities                         | 146,100                           | -                | -                  | - →           | 146,100                           |
| Water Impact Fee Reserves                             | 4,802,187                         | -                | -                  | - →           | 4,802,187                         |
| Sewer Impact Fee Reserves                             | 2,751,465                         | -                | -                  | - →           | 2,751,465                         |
| Electric Impact Fee Reserves                          | 1,106,340                         | 600              | -                  | - →           | 1,106,940                         |
| <b>Impact Fees &amp; Police/GF Totals<sup>4</sup></b> | <b>\$ 9,384,919</b>               | <b>\$ 39,320</b> | <b>\$ -</b>        | <b>\$ - □</b> | <b>\$ 9,424,239</b>               |

|                                 |                      |                     |                  |                         |                      |
|---------------------------------|----------------------|---------------------|------------------|-------------------------|----------------------|
| <b>Grand Totals<sup>4</sup></b> | <b>\$ 53,706,327</b> | <b>\$ 6,416,440</b> | <b>\$ 41,323</b> | <b>\$ (4,590,347) ✓</b> | <b>\$ 55,573,743</b> |
|---------------------------------|----------------------|---------------------|------------------|-------------------------|----------------------|

1 Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves and Net Cash & Funding Availability Reports for detail.  
 2 General Fund Operating Cash increased with the second wave of property tax receipts.  
 3 \$0.3 million in ARPA funding (Line 16) is primarily closeout work for the NE Front St Water Line and 2020 Combined Streets/Utilities projects. \$0.1 million disbursed from reserves (lines 20-24) reflects ongoing progress on capital projects.  
 4 Closing Balance Indicator sets **Red**, **Yellow** and **Green** signify month-to-month cash variance as follows:

|                              |                            |                                |
|------------------------------|----------------------------|--------------------------------|
|                              |                            |                                |
| <b>-10% ≤ Variance ≤ 10%</b> | <b>-5% ≤ Variance ≤ 5%</b> | <b>-2.5% ≤ Variance ≤ 2.5%</b> |

City of Milford, Delaware  
Restricted Cash Reserves Report  
As of October 31, 2022

| General Fund Capital Reserves              |           | Amount         |
|--|-----------|----------------|
| Cash/Investment Balance (10/31/22)         | \$        | 1,749,959      |
| Expected Contributions & Interest          |           | 498,983        |
| Restricted Funds:                          |           |                |
| Vehicle & Equipment Replacement            |           | (199,695)      |
| Street Repair                              |           | (688,000)      |
| Parking Enhancements                       |           | (320,000)      |
| Parkland, Trails & Recreation              |           | (816,443)      |
| Other Proj                                 |           | (497,330)      |
| OpEx Support (Tax R/A & PD R/M)            |           | (837,986)      |
| Support Policy with RTT <sup>1</sup>       |           | 2,000,000      |
| Draft Reserve (MCR) Policy <sup>2</sup>    |           | -              |
| Equipment Replacement Reserve <sup>2</sup> |           | (355,800)      |
| <b>Uncommitted Reserve Balance</b>         | <b>\$</b> | <b>533,688</b> |

| Electric Fund Capital Reserves             |           | Amount           |
|--|-----------|------------------|
| Cash/Investment Balance (10/31/22)         | \$        | 15,064,402       |
| Expected Contributions & Interest          |           | 19,237           |
| Restricted Funds:                          |           |                  |
| Electric Vehicles & Equipment              |           | (124,532)        |
| Lighting & System Improvements             |           | (593,628)        |
| Traffic Signal Upgrades                    |           | (350,000)        |
| Citywide Projects                          |           | (1,489,045)      |
| Redeem / Defeasement Bond <sup>7</sup>     |           | (4,060,000)      |
| Draft Reserve (MCR) Policy <sup>3,6</sup>  |           | (4,693,372)      |
| Equipment Replacement Reserve <sup>3</sup> |           | (60,000)         |
| <b>Uncommitted Reserve Balance</b>         | <b>\$</b> | <b>3,713,062</b> |

| Water Fund Capital Reserves                |           | Amount        |
|--|-----------|---------------|
| Cash/Investment Balance (10/31/22)         | \$        | 2,623,853     |
| Expected Contributions & Interest          |           | 736,023       |
| Restricted Funds:                          |           |               |
| Vehicle & Equipment Replacement            |           | (137,776)     |
| Streets 2020 Utility Engineering           |           | (201,000)     |
|  |           | -             |
| Milford Business Campus                    |           | (92,385)      |
| Sum of FY23 Projects                       |           | (655,878)     |
| Draft Reserve (MCR) Policy <sup>3,6</sup>  |           | (2,099,788)   |
| Equipment Replacement Reserve <sup>3</sup> |           | (137,776)     |
| <b>Uncommitted Reserve Balance</b>         | <b>\$</b> | <b>35,273</b> |

| Solid Waste Reserves                          |           | Amount        |
|---|-----------|---------------|
| Cash/Investment Balance (10/31/22)            | \$        | 265,050       |
| Expected Contributions & Interest             |           | 386,116       |
| Restricted Funds:                             |           |               |
| Solid Waste Vehicles & Equipment <sup>4</sup> |           | (549,500)     |
| Solid Waste Alloc of PW Projects              |           | (90,500)      |
|   |           | -             |
| Draft Reserve (MCR) Policy <sup>4,6</sup>     |           | -             |
| Equipment Replacement Reserve <sup>4</sup>    |           | -             |
| <b>Uncommitted Reserve Balance</b>            | <b>\$</b> | <b>11,166</b> |

| Sewer Fund Capital Reserves                |           | Amount        |
|--|-----------|---------------|
| Cash/Investment Balance (10/31/22)         | \$        | 3,944,954     |
| Expected Contributions & Interest          |           | 642,266       |
| Restricted Funds:                          |           |               |
| Sewer Vehicles & Equipment                 |           | (160,112)     |
| Citywide Projects & Engineering            |           | (22,869)      |
| Utility Engineering                        |           | -             |
| Sum of FY23 Projects                       |           | (892,755)     |
| Draft Reserve (MCR) Policy <sup>3,6</sup>  |           | (3,327,474)   |
| Equipment Replacement Reserve <sup>3</sup> |           | (110,000)     |
| <b>Uncommitted Reserve Balance</b>         | <b>\$</b> | <b>74,010</b> |

| MSA & RTT Reserves                     |           | Amount         |
|--|-----------|----------------|
| RTT Balance (10/31/22)                 |           | 4,822,704      |
| MSA Balance (10/31/22)                 |           | 503,811        |
| MSA & RTT Est Receipts thru FY22:      |           | 686,182        |
| MSA: Street & Bridge Improvements      |           | (1,190,958)    |
| RTT: Transfer to Police Dept           |           | (200,000)      |
| RTT: Sidewalk Project Funding          |           | (426,170)      |
| MSA & RTT: 2020 Combined St-Util       |           | (31,000)       |
|  |           | -              |
| RTT: Support GF Policies <sup>1</sup>  |           | (2,000,000)    |
| RTT: Draft Reserve Policy <sup>5</sup> |           | (1,203,346)    |
| <b>Uncommitted Reserve Balance</b>     | <b>\$</b> | <b>961,223</b> |

<sup>1</sup>Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for foreseeable future

<sup>2</sup>Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget

<sup>3</sup>Approved Reserve Policies split Minimum Cash Req'd from COS study into new MCR & Equip Repl Reserve (20% of CIP)

<sup>4</sup>Solid Waste Reserves initiated in FY22 with seed funding from interfund loan forgiveness. Through at least FY23, 100% reserved for purchase of new vehicle per FY23-27 CIP; moved from MCR to Restricted

<sup>5</sup>Approved Reserve Policies recommend dynamic MCR based on average of trailing-three-year RTT receipts; FY23 increase related to strong FY22 vs FY19, which fell out of T3 Avg

<sup>6</sup>The Days Operating Expenditures (Days OpEx) piece of MCRs reclassified from Reserve balances here to Operating Cash; the Total MCR has not changed, except Solid Waste (\$170k added to MCR for OpEx)

<sup>7</sup>The interest rate environment was changing as we entered December 2021, which coincided with \$7 million property investment cash outflows, prompting a review of the value of the redemption. Redemption in Jan '23 will be evaluated with FY23 electric rate study and investment management program. At a minimum, a review of the longest-dated maturities across electric and sewer must be reviewed

City of Milford, Delaware  
Enterprise Funds: Statement of Revenues & Expenditures  
For the YTD Period Ended October 31, 2022 vs Prior FYTD & Current Budget (in thousands)

|   | 205             | 202             | 203             | 204             |                   |                             |                             |
|---|-----------------|-----------------|-----------------|-----------------|-------------------|-----------------------------|-----------------------------|
| Enterprise Funds Profit & Loss<br>(P&L) Statement                 | Electric        | Water           | Sewer           | Solid Waste     | Total             | FY23 Total<br>(as % of Rev) | FY22 Total<br>(as % of Rev) |
| 1 Operating Revenue   | \$ 9,389        | \$ 1,231        | \$ 1,846        | \$ 513          | \$ 12,979         | 100.0%                      | 100.0%                      |
| 2 Cost of Revenue <sup>1</sup>                                    | (6,938)         | (102)           | (836)           | (136)           | (8,012)           | -61.7%                      | -59.9%                      |
| 3 <b>Gross Margin</b>   | <b>2,451</b>    | <b>1,128</b>    | <b>1,010</b>    | <b>377</b>      | <b>4,966</b>      | <b>38.3%</b>                | <b>40.1%</b>                |
| 4 Operating Expenses  |                 |                 |                 |                 |                   |                             |                             |
| 5 Operations & Maintenance  | (204)           | (88)            | (25)            | (124)           | (441)             | -3.4%                       | -13.6%                      |
| 6 Personnel   | (518)           | (98)            | (94)            | (70)            | (779)             | -6.0%                       | -5.3%                       |
| 7 <b>Total Operating Expenses</b>                                 | <b>(722)</b>    | <b>(185)</b>    | <b>(119)</b>    | <b>(194)</b>    | <b>(1,220)</b>    | <b>-9.4%</b>                | <b>-19.0%</b>               |
| 8 <b>Operating Income</b>   | <b>\$ 1,729</b> | <b>\$ 943</b>   | <b>\$ 892</b>   | <b>\$ 183</b>   | <b>\$ 3,747</b>   | <b>28.9%</b>                | <b>21.2%</b>                |
| 9 Non-Operating Revenue (Expense)                                 | 9               | -               | -               | -               | 9                 | 0.1%                        | 0.2%                        |
| 10 <b>Surplus (Deficit) for debt service &amp; capital</b>        | <b>1,738</b>    | <b>943</b>      | <b>892</b>      | <b>183</b>      | <b>3,756</b>      | <b>28.9%</b>                | <b>21.3%</b>                |
| 11 Debt Service - Principal & Interest                            | -               | (136)           | (31)            | -               | (167)             | -1.3%                       | -1.5%                       |
| 12 Capital Spending / Contributions from (to) Reserves            | (122)           | (93)            | (32)            | (12)            | (259)             | -2.0%                       | -0.5%                       |
| 13 <b>Surplus (deficit) available for transfers</b>               | <b>1,616</b>    | <b>714</b>      | <b>829</b>      | <b>171</b>      | <b>3,330</b>      | <b>25.7%</b>                | <b>19.3%</b>                |
| 14 Transfers Out  | (625)           | (75)            | -               | -               | (700)             | -5.4%                       | -7.7%                       |
| 15 <b>Net Surplus (Deficit) - FYTD through Oct 2022</b>           | <b>\$ 991</b>   | <b>\$ 639</b>   | <b>\$ 829</b>   | <b>\$ 171</b>   | <b>\$ 2,630</b>   | <b>20.3%</b>                | <b>11.5%</b>                |
| 16 <b>Net Surplus (Deficit) - FYTD through Oct 2021</b>           | <b>\$ 741</b>   | <b>\$ 296</b>   | <b>\$ 330</b>   | <b>\$ 26</b>    | <b>\$ 1,392</b>   | <b>11.5%</b>                |                             |
| 17 <b>Current vs Prior - Favorable (Unfavorable)<sup>2</sup></b>  | <b>↑ \$ 251</b> | <b>↑ \$ 344</b> | <b>↑ \$ 499</b> | <b>↑ \$ 145</b> | <b>↑ \$ 1,238</b> | <b>↑ 8.7%</b>               |                             |
| 18 <b>Net Surplus (Deficit) - Current FYTD Budget</b>             | <b>\$ 39</b>    | <b>\$ 134</b>   | <b>\$ 133</b>   | <b>\$ 2</b>     | <b>\$ 308</b>     | <b>3.1%</b>                 |                             |
| 19 <b>Current vs Budget - Favorable (Unfavorable)<sup>2</sup></b> | <b>↑ \$ 952</b> | <b>↑ \$ 505</b> | <b>↑ \$ 695</b> | <b>↑ \$ 169</b> | <b>↑ \$ 2,322</b> | <b>↑ 17.2%</b>              |                             |

<sup>1</sup>Cost of Revenue reported in the electric fund reflects wholesale cost of power and serves as an ideal revenue offset to arrive at gross margin. Cost of revenue in the water, sewer and solid waste funds are estimated based on a limited set of known, direct inputs to the cost of providing the utility services billed. Aside from Kent County sewer treatment charges, costs of revenue in the water, sewer and solid waste funds are likely understated.

<sup>2</sup>Comparative Indicators **Green**, **Yellow** and **Red** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

# City of Milford, Delaware

## General Fund: Statement of Revenues & Expenditures<sup>1</sup>

For the YTD Period Ended October 31, 2022 vs Prior FYTD & Current Budget (in thousands)

| General Fund Sources and Uses of Funding                         | Admin & Council    | Public Safety      | Parks & Rec       | Planning & All Other | Total              | FY23 Total<br><i>(as % of Rev)</i> | FY22 Total <sup>2</sup><br><i>(as % of Rev)</i> |
|--|--------------------|--------------------|-------------------|----------------------|--------------------|------------------------------------|---|
| <b>Sources of Funding:</b>                                       |                    |                    |                   |                      |                    |                                    |   |
| Real Estate (Property) Taxes                                     | \$ 4,884           | \$ -               | \$ -              | \$ -                 | \$ 4,884           | 79.9%                              | 71.9%   |
| Permits, Licensing & Franchise Fees                              | 57                 | -                  | -                 | 102                  | 158                | 2.6%                               | 2.3%  |
| Fines, Fees & Misc Revenue                                       | 18                 | 200                | -                 | -                    | 218                | 3.6%                               | 2.7%  |
| <b>General Revenue Subtotal</b>                                  | <b>4,958</b>       | <b>200</b>         | <b>0</b>          | <b>102</b>           | <b>5,260</b>       | <b>86.0%</b>                       | <b>76.9%</b>                                    |
| Utility Transfers & Cost Allocation                              | 775                | -                  | -                 | -                    | 775                | 12.7%                              | 20.2%   |
| Grant Revenue  | 5                  | -                  | -                 | -                    | 5                  | 0.1%                               | 0.9%  |
| Application of Reserve Balances                                  | -                  | 75                 | -                 | -                    | 75                 | 1.2%                               | 2.1%  |
| <b>General Fund Operating Support</b>                            | <b>780</b>         | <b>75</b>          | <b>0</b>          | <b>0</b>             | <b>855</b>         | <b>14.0%</b>                       | <b>23.1%</b>                                    |
| <b>Total Sources of Funding</b>                                  | <b>\$ 5,738</b>    | <b>\$ 275</b>      | <b>\$ -</b>       | <b>\$ 102</b>        | <b>\$ 6,114</b>    | <b>100.0%</b>                      | <b>100.0%</b>                                   |
| <b>Uses of Funding:</b>  |                    |                    |                   |                      |                    |                                    |   |
| Operations & Maintenance   | 418                | 373                | 173               | 182                  | 1,146              | 18.7%                              | 14.5%   |
| Personnel  | 238                | 1,579              | 190               | 547                  | 2,553              | 41.8%                              | 35.8%   |
| <b>Total Operating Expenses</b>                                  | <b>656</b>         | <b>1,952</b>       | <b>363</b>        | <b>729</b>           | <b>3,700</b>       | <b>60.5%</b>                       | <b>50.3%</b>                                    |
| <b>Surplus (Deficit) for Debt Svc &amp; Capital</b>              | <b>\$ 5,082</b>    | <b>\$ (1,677)</b>  | <b>\$ (363)</b>   | <b>\$ (627)</b>      | <b>\$ 2,415</b>    | <b>39.5%</b>                       | <b>49.7%</b>                                    |
| Debt Service - Principal & Interest                              | -                  | -                  | -                 | -                    | -                  | 0.0%                               | 0.0%  |
| Capital Spending / Transfers from (to) Reserves                  | 29                 | 78                 | 68                | -                    | 175                | 2.9%                               | 0.0%  |
| <b>Net Surplus (Deficit) - FYTD through Oct 2022</b>             | <b>\$ 5,052</b>    | <b>\$ (1,755)</b>  | <b>\$ (431)</b>   | <b>\$ (627)</b>      | <b>\$ 2,240</b>    | <b>36.6%</b>                       | <b>49.7%</b>                                    |
| <b>Net Surplus (Deficit) - FYTD through Oct 2021<sup>2</sup></b> | <b>\$ 5,317</b>    | <b>\$ (1,453)</b>  | <b>\$ (346)</b>   | <b>\$ (287)</b>      | <b>\$ 3,231</b>    | <b>49.7%</b>                       |   |
| <b>Current vs Prior - Favorable (Unfavorable)<sup>2</sup></b>    | <b>➔ \$ (264)</b>  | <b>⬇️ \$ (302)</b> | <b>⬇️ \$ (85)</b> | <b>⬇️ \$ (340)</b>   | <b>⬇️ \$ (992)</b> | <b>⬇️ -13.1%</b>                   |   |
| <b>Net Surplus (Deficit) - Current FYTD Budget</b>               | <b>\$ 5,442</b>    | <b>\$ (1,471)</b>  | <b>\$ (561)</b>   | <b>\$ (513)</b>      | <b>\$ 2,897</b>    | <b>48.3%</b>                       |   |
| <b>Current vs Budget - Favorable (Unfavorable)<sup>3</sup></b>   | <b>⬇️ \$ (390)</b> | <b>⬇️ \$ (284)</b> | <b>⬆️ \$ 131</b>  | <b>⬇️ \$ (114)</b>   | <b>⬇️ \$ (657)</b> | <b>⬇️ -11.6%</b>                   |   |

<sup>1</sup>This Statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary. The common size reporting (two rightmost columns) benefits readers in two ways; first, each line is scaled with total revenue to add context, and second, the common size format is comparable across fiscal years and budgets. This report should be considered a working draft that will be improved over time to improve its usefulness to readers.

<sup>2</sup>This format presents expenditures in the context of funding sources while comparing subtotals (rightmost column) and the net surplus (deficit) to the prior YTD period (rows 19 & 20)

<sup>3</sup>Comparative Indicators **Green**, **Yellow** and **Red** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

Appendix: Planned Use of Funding vs Spending by Category  
American Rescue Plan Act of 2021 ("ARPA")

| <i>Actual Spending by Category vs Plan, as Amended</i> |                     |                     |                      |                      |                     |  |
|--|---------------------|---------------------|----------------------|----------------------|---------------------|--|
| ARPA Eligibility Categories                            | Plan<br>(5/31/22)   | Actual<br>(9/30/22) | Actual<br>(10/31/22) | Oct 2022<br>Activity | Remaining           | Notes  |
| <b>COVID-19 Health Impact</b>                          | <b>\$ 1,073,014</b> | <b>\$ 511,254</b>   | <b>\$ 515,804</b>    | <b>\$ 4,550</b>      | <b>\$ 557,210</b>   |  |
| Operational Facilities                                 | 516,776             | 261,427             | 261,471              | 44                   | 255,305             | Initial Spending on PD Vehicles  |
| Administering COVID-19 Response                        | 228,379             | 24,000              | 24,000               | -                    | 204,379             | Pro Rata portion of DE Treasury ARPA Attorney  |
| Behavioral Health Care                                 | 180,000             | 160,418             | 164,924              | 4,506                | 15,076              | Primarily Personnel Costs  |
| Air Quality & Ventilation                              | 147,262             | 64,812              | 64,812               | -                    | 82,450              | HVAC Repair in Finc Office; PW Areas Tentative   |
| COVID-19 Mitigation                                    | 598                 | 598                 | 598                  | -                    | -                   | Vaccination Incentive; COVID test kits   |
| <b>COVID-19 Economic Impact</b>                        | <b>\$ 861,157</b>   | <b>\$ 841,144</b>   | <b>\$ 846,875</b>    | <b>\$ 5,731</b>      | <b>\$ 14,282</b>    |  |
| Assistance to Community (Annual)                       | 324,460             | 324,460             | 324,460              | -                    | -                   | DMI, Armory, Museum, CFC   |
| Assistance to Community & Households                   | 256,929             | 256,929             | 256,929              | -                    | -                   | MHDC, CFC, Food Bank, Library  |
| Critical Ops Staffing / Retention                      | 236,476             | 236,476             | 236,476              | -                    | -                   | December 2021 Initiative   |
| Aid Tourism Recovery                                   | 25,483              | 17,858              | 23,589               | 5,731                | 1,894               | Signage / Banner Upgrade   |
| Operational Facilities                                 | 15,184              | 2,796               | 2,796                | -                    | 12,388              |  |
| Parks & Rec Programming                                | 2,625               | 2,625               | 2,625                | -                    | -                   | Signage cost share with DMI  |
| <b>Infrastructure</b>                                  | <b>\$ 4,329,460</b> | <b>\$ 2,787,416</b> | <b>\$ 3,079,061</b>  | <b>\$ 291,645</b>    | <b>\$ 1,250,398</b> |  |
| Water Quality  | 2,877,074           | 2,076,712           | 2,343,084            | 266,372              | 533,990             | Misp St Proj; NE Front St Water Line Replacement; 2020 Combined Utilities / Streets Proj |
| Flood/Pollution Control                                | 724,600             | 210,480             | 212,729              | 2,248                | 511,871             | 4th St Drainage & Mispillion St Project  |
| Improve Resilience to Disasters                        | 435,000             | 267,794             | 267,794              | -                    | 167,206             | Pump Station Upgrades, Spare Pumps & IT Initiatives                                      |
| Improve Wastewater Treatment                           | 292,785             | 232,430             | 255,454              | 23,024               | 37,331              | Sewer part of Mispillion St Proj; NW Front Sewer   |
| <b>Revenue Recovery</b>                                | <b>\$ 70,262</b>    | <b>\$ -</b>         | <b>\$ -</b>          | <b>\$ -</b>          | <b>\$ 70,262</b>    |  |
| Parks & Rec Programming                                | 62,500              | -                   | -                    | -                    | 62,500              |  |
| Economic Development                                   | 7,762               | -                   | -                    | -                    | 7,762               |  |
| Public Safety Operations                               | -                   | -                   | -                    | -                    | -                   |  |
| <b>Grand Total</b>                                     | <b>\$ 6,333,893</b> | <b>\$ 4,139,815</b> | <b>\$ 4,441,740</b>  | <b>\$ 301,926</b>    | <b>\$ 1,892,152</b> |  |

Appendix: Milford Police Facility Project Spending vs Budget  
Project Inception through October 30, 2022

| <i>Actual Spending by Category &amp; Subcategory vs Budget</i> |                               |                     |                    |                   |                     |                           |                          |                       |  |
|--|-------------------------------|---------------------|--------------------|-------------------|---------------------|---------------------------|--------------------------|-----------------------|--|
| Bid Category   | Awarded<br>Contracts / Budget | Project<br>Activity | Less:<br>Retainage | Total<br>Payments | PNC BAN<br>Payments | Facility Fund<br>Payments | General Fund<br>Payments | Notes                 |  |
| <b>Pre-Construction</b>  | \$ 835,265                    | \$ 813,031          | \$ -               | \$ 813,031        | \$ -                | \$ (783,360)              | \$ (29,671)              |                       |  |
| Design / Architecture  | 805,594                       | 783,360             | -                  | 783,360           | -                   | (783,360)                 | -                        | FY19-FY23             |  |
| Referendum / Administrative                                    | 29,671                        | 29,671              | -                  | 29,671            | -                   | -                         | (29,671)                 | FY19-FY22             |  |
| <b>Construction Management</b>                                 | \$ 649,392                    | \$ 68,490           | \$ -               | \$ 68,490         | \$ (32,970)         | \$ -                      | \$ -                     |                       |  |
| Fixed/On-Stie Construction Mgmt: RYJ                           | 266,260                       | 47,892              | -                  | 47,892            | (23,946)            | -                         | -                        | FY23                  |  |
| Variable Const Mgmt Fees: RYJ                                  | 383,132                       | 20,598              | -                  | 20,598            | (9,024)             | -                         | -                        | FY23                  |  |
| <b>Construction: 16 Core Bids</b>                              | \$ 12,995,888                 | \$ 1,905,156        | \$ 95,258          | \$ 1,809,898      | \$ (1,787,886)      | \$ -                      | \$ -                     |                       |  |
| Sitework: Zack Excavating                                      | 1,939,124                     | 760,898             | 38,045             | 722,853           | (722,853)           | -                         | -                        | FY23 / Current        |  |
| Concrete: Gullwing   | 293,000                       | 108,000             | 5,400              | 102,600           | (102,600)           | -                         | -                        | FY23 / Current        |  |
| Masonry: L. Wilson   | 790,000                       | 145,789             | 7,289              | 138,500           | (138,500)           | -                         | -                        | FY23 / Current        |  |
| Steel Work: R.C. Fabricators                                   | 868,000                       | 492,700             | 24,635             | 468,065           | (468,065)           | -                         | -                        | June (FY22) - Current |  |
| Carpentry & Gen: Conventional                                  | 1,076,360                     | 23,170              | 1,159              | 22,012            | 0                   | -                         | -                        |                       |  |
| Roofing: Quality Exteriors                                     | 933,252                       | 11,720              | 586                | 11,134            | (11,134)            | -                         | -                        | June (FY22) - Current |  |
| Hardware: Precision  | 232,231                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| Glasswork: Walker & LaBarge                                    | 183,600                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| Drywall/Stud: Peninsula  | 1,317,000                     | 58,740              | 2,937              | 55,803            | (55,803)            | -                         | -                        | FY23 / Current        |  |
| Acoustical: Master Interiors                                   | 259,080                       | 10,000              | 500                | 9,500             | (9,500)             | -                         | -                        | June (FY22) - Current |  |
| Floor Covering: Tri-State                                      | 479,440                       | 4,408               | 220                | 4,188             | (4,188)             | -                         | -                        | June (FY22) - Current |  |
| Caulk & Paint: M&S Painting                                    | 66,570                        | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| Casework: Modular Concepts                                     | 108,125                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| Mechanical: J.F Sobieski                                       | 2,079,326                     | 213,012             | 10,651             | 202,362           | (202,362)           | -                         | -                        | June (FY22) - Current |  |
| Fire Sprinkler: Bear Industries                                | 98,780                        | 11,718              | 586                | 11,132            | (11,132)            | -                         | -                        | FY23 / Current        |  |
| Electrical: Filec Services                                     | 2,272,000                     | 65,000              | 3,250              | 61,750            | (61,750)            | -                         | -                        | FY23 / Current        |  |
| <b>Construction: Other Activity</b>                            | \$ 500,000                    | \$ -                | \$ -               | \$ -              | \$ -                | \$ -                      | \$ -                     |                       |  |
| City Portion - Technology                                      | 150,000                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| City Portion - Furniture, Fixtures & Equip                     | 350,000                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| <b>Post-Construction / Contingencies</b>                       | \$ 1,185,697                  | \$ -                | \$ -               | \$ -              | \$ -                | \$ -                      | \$ -                     |                       |  |
| Builder's Contingency  | 520,062                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| Owner's Contingency  | 665,635                       | -                   | -                  | -                 | -                   | -                         | -                        |                       |  |
| <b>Grand Total</b>   | \$ 16,166,242                 | \$ 2,786,677        | \$ 95,258          | \$ 2,691,419      | \$ (1,820,856)      | \$ (783,360)              | \$ (29,671)              |                       |  |

City of Milford, Delaware  
 Legacy Revenue Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended October 31, 2022

*33.3% of Year Elapsed*

| Account / Function                                 | FY23 Budget,<br>as Approved | MTD Actual          | YTD Actual           | YTD Actual as %<br>of Annual Budget |
|--|-----------------------------|---------------------|----------------------|-------------------------------------|
| <b>General Fund:</b>                               |                             |                     |                      |                                     |
| Economic Development Fund                          | \$ 105,860                  | \$ -                | \$ -                 | 0.0%                                |
| General Fund Reserves                              | 837,986                     | -                   | -                    | 0.0%                                |
| ARPA Funding - Operating Support                   | 270,411                     | 4,506               | 4,506                | 1.7%                                |
| Realty Transfer Tax - Police                       | 300,000                     | 25,000              | 75,000               | 25.0%                               |
| Real Estate Tax                                    | 4,941,100                   | 5,025               | 4,883,793            | 98.8%                               |
| Business License                                   | 67,000                      | 1,080               | 5,090                | 7.6%                                |
| Rental License                                     | 110,000                     | 1,425               | 10,875               | 9.9%                                |
| Building Permits                                   | 215,000                     | 13,190              | 52,219               | 24.3%                               |
| Planning & Zoning                                  | 85,100                      | 4,364               | 27,986               | 32.9%                               |
| Leases and Franchise Fees <sup>1</sup>             | 428,351                     | 12,521              | 56,599               | 13.2%                               |
| Grasscutting Revenue                               | 16,000                      | 1,333               | 5,333                | 33.3%                               |
| Police Revenues <sup>2</sup>                       | 491,250                     | 12,249              | 200,163              | 40.7%                               |
| Misc. Revenues <sup>1</sup>                        | 19,500                      | 2,775               | 10,184               | 52.2%                               |
| Transfers In                                       | 4,046,909                   | 258,333             | 775,000              | 19.2%                               |
| <b>Total General Fund Revenue</b>                  | <b>\$ 11,934,467</b>        | <b>\$ 341,803</b>   | <b>\$ 6,106,748</b>  | <b>51.2%</b>                        |
| <b>Enterprise Funds:</b>                           |                             |                     |                      |                                     |
| Water Fund Revenues                                | \$ 3,138,348                | \$ 294,892          | \$ 1,230,704         | 39.2%                               |
| Sewer Fund Revenues                                | 3,117,701                   | 258,158             | 1,088,286            | 34.9%                               |
| Kent County Sewer                                  | 2,036,770                   | 181,868             | 766,215              | 37.6%                               |
| Solid Waste Fund Revenues                          | 1,609,208                   | 126,581             | 513,190              | 31.9%                               |
| Electric Fund Revenues                             | 27,538,891                  | 1,985,166           | 9,394,343            | 34.1%                               |
| <b>Total Enterprise Fund Revenue</b>               | <b>\$ 37,440,918</b>        | <b>\$ 2,846,665</b> | <b>\$ 12,992,738</b> | <b>34.7%</b>                        |
| Other Enterprise Revenue                           | \$ -                        | \$ 2,891            | \$ 14,427            |                                     |
| Other Enterprise Expense                           | -                           | (3,188)             | (29,127)             |                                     |
| <b>Total General &amp; Enterprise Fund Revenue</b> | <b>\$ 49,375,385</b>        | <b>\$ 3,188,170</b> | <b>\$ 19,084,786</b> | <b>38.7%</b>                        |

<sup>1</sup>Recurring, budgeted revenue such as franchise fees, tower leases and pole attachment fees reclassified from miscellaneous revenues (line 14) to leases and franchise fees (line 11)

<sup>2</sup>Police revenue was boosted in September with the billing of the school district's SRO funding, pushing the YTD total over \$200,000 in October

City of Milford, Delaware  
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended October 31, 2022

*33.3% of Year Elapsed*

| Fund / Account / Divisional Groupings  | FY23 Budget,<br>as Approved | MTD Actual     | YTD Actual     | YTD Actual as %<br>of Annual Budget | Unexpended<br>Balance |
|--|-----------------------------|----------------|----------------|-------------------------------------|-----------------------|
| <b>General Fund</b>                    |                             |                |                |                                     |                       |
| <b>City Administration</b>             |                             |                |                |                                     |                       |
| Personnel                              | \$ 822,844                  | \$ 57,703      | \$ 228,924     | 27.8%                               | \$ 593,920            |
| Operation & Maintenance (O&M)          | 254,591                     | 46,215         | 80,707         | 31.7%                               | 173,884               |
| Capital                                | 226,250                     | -              | -              | 0.0%                                | 226,250               |
| <b>Subtotal: City Administration</b>   | <b>1,303,685</b>            | <b>103,918</b> | <b>309,631</b> | <b>23.8%</b>                        | <b>994,054</b>        |
| <b>Planning &amp; Zoning</b>           |                             |                |                |                                     |                       |
| Personnel                              | 592,088                     | 45,723         | 183,557        | 31.0%                               | 408,531               |
| O&M                                    | 136,943                     | 20,888         | 50,771         | 37.1%                               | 86,172                |
| Capital                                | 50,000                      | -              | -              | 0.0%                                | 50,000                |
| <b>Subtotal: Planning &amp; Zoning</b> | <b>779,031</b>              | <b>66,611</b>  | <b>234,328</b> | <b>30.1%</b>                        | <b>544,703</b>        |
| <b>Council</b>                         |                             |                |                |                                     |                       |
| Personnel                              | 36,688                      | 2,142          | 8,892          | 24.2%                               | 27,796                |
| Legal                                  | 29,300                      | -              | -              | 0.0%                                | 29,300                |
| City Hall Building Expense             | 35,810                      | -              | -              | 0.0%                                | 35,810                |
| Insurance                              | 14,200                      | 2,881          | 9,134          | 64.3%                               | 5,066                 |
| Christmas Decorations                  | 5,000                       | 291            | 291            | 5.8%                                | 4,709                 |
| Council Expense                        | 44,000                      | 1,573          | 9,508          | 21.6%                               | 34,492                |
| Employee Recognition                   | 28,000                      | 3,890          | 7,387          | 26.4%                               | 20,613                |
| Codification                           | 10,000                      | 0              | 3,397          | 34.0%                               | 6,603                 |
| Carlisle Fire Company                  | 205,000                     | -              | -              | 0.0%                                | 205,000               |
| Museum                                 | 35,500                      | -              | 35,500         | 100.0%                              | -                     |
| Downtown Milford, Inc.                 | 47,500                      | 47,500         | 47,500         | 100.0%                              | -                     |
| Milford Public Library                 | 26,750                      | -              | -              | 0.0%                                | 26,750                |
| Transcription Service                  | -                           | -              | -              | -                                   | -                     |
| Armory Expenses                        | 50,000                      | 1,725          | 6,306          | 12.6%                               | 43,694                |
| Community Festivals                    | 70,000                      | -              | 20,000         | 28.6%                               | 50,000                |
| Election - Wages                       | 5,000                       | -              | -              | 0.0%                                | 5,000                 |
| Election - Supplies                    | 2,800                       | -              | -              | 0.0%                                | 2,800                 |
| Other O&M                              | 59,516                      | 529            | 8,029          | 13.5%                               | 51,487                |
| Capital                                | 75,000                      | -              | 5,000          | 6.7%                                | 70,000                |
| <b>Subtotal: Council</b>               | <b>780,064</b>              | <b>60,532</b>  | <b>160,944</b> | <b>20.6%</b>                        | <b>619,120</b>        |

City of Milford, Delaware  
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended October 31, 2022

*33.3% of Year Elapsed*

| Fund / Account / Divisional Groupings           | FY23 Budget,<br>as Approved | MTD Actual          | YTD Actual          | YTD Actual as %<br>of Annual Budget | Unexpended<br>Balance |
|---|-----------------------------|---------------------|---------------------|-------------------------------------|-----------------------|
| <b>Finance</b>                                  |                             |                     |                     |                                     |                       |
| Personnel                                       | 508,442                     | 38,920              | 154,461             | 30.4%                               | 353,981               |
| O&M   | 54,413                      | 2,532               | 13,489              | 24.8%                               | 40,924                |
| Capital   | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: Finance</b>                        | <b>562,855</b>              | <b>41,451</b>       | <b>167,950</b>      | <b>29.8%</b>                        | <b>394,905</b>        |
| <b>Information Technology</b>                   |                             |                     |                     |                                     |                       |
| Personnel                                       | 447,230                     | 15,542              | 97,192              | 21.7%                               | 350,038               |
| O&M <sup>1</sup>                                | 254,156                     | 71,607              | 171,825             | 67.6%                               | 82,331                |
| Capital   | 65,837                      | 3,370               | 24,176              | 36.7%                               | 41,661                |
| <b>Subtotal: Information Technology</b>         | <b>767,223</b>              | <b>90,520</b>       | <b>293,193</b>      | <b>38.2%</b>                        | <b>474,030</b>        |
| <b>Police Department</b>                        |                             |                     |                     |                                     |                       |
| Personnel                                       | 5,226,663                   | 400,257             | 1,578,752           | 30.2%                               | 3,647,911             |
| O&M   | 958,611                     | 157,631             | 338,306             | 35.3%                               | 620,305               |
| Capital   | -                           | -                   | 77,926              |                                     | (77,926)              |
| <b>Subtotal: Police Department</b>              | <b>6,185,274</b>            | <b>557,888</b>      | <b>1,994,984</b>    | <b>32.3%</b>                        | <b>4,190,290</b>      |
| <b>Streets &amp; Grounds Division</b>           |                             |                     |                     |                                     |                       |
| Personnel                                       | 376,673                     | 29,353              | 111,331             | 29.6%                               | 265,342               |
| O&M   | 501,469                     | 58,293              | 113,682             | 22.7%                               | 387,788               |
| Capital   | 720,000                     | -                   | -                   | 0.0%                                | 720,000               |
| <b>Subtotal: Streets &amp; Grounds Division</b> | <b>1,598,142</b>            | <b>87,646</b>       | <b>225,013</b>      | <b>14.1%</b>                        | <b>1,373,130</b>      |
| <b>Parks &amp; Recreation</b>                   |                             |                     |                     |                                     |                       |
| Personnel                                       | 688,620                     | 51,181              | 190,345             | 27.6%                               | 498,275               |
| O&M   | 563,870                     | 82,657              | 172,548             | 30.6%                               | 391,322               |
| Capital   | 1,085,443                   | 37,451              | 67,639              | 6.2%                                | 1,017,804             |
| <b>Subtotal: Parks &amp; Recreation</b>         | <b>2,337,933</b>            | <b>171,289</b>      | <b>430,532</b>      | <b>18.4%</b>                        | <b>1,907,401</b>      |
| <b>Total General Fund Expenditures</b>          | <b>\$ 14,314,209</b>        | <b>\$ 1,179,856</b> | <b>\$ 3,816,574</b> | <b>26.7%</b>                        | <b>\$ 10,497,635</b>  |

City of Milford, Delaware  
Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
For the YTD Period Ended October 31, 2022

*33.3% of Year Elapsed*

| Fund / Account / Divisional Groupings               | FY23 Budget,<br>as Approved | MTD Actual          | YTD Actual           | YTD Actual as %<br>of Annual Budget | Unexpended<br>Balance |
|---|-----------------------------|---------------------|----------------------|-------------------------------------|-----------------------|
| <b>Enterprise Funds:</b>                            |                             |                     |                      |                                     |                       |
| <b>Water Division</b>                               |                             |                     |                      |                                     |                       |
| Personnel   | \$ 371,466                  | \$ 55,722           | \$ 97,642            | 26.3%                               | \$ 273,824            |
| O&M   | 1,710,659                   | 175,141             | 344,428              | 20.1%                               | 1,366,231             |
| Transfer to General Fund                            | 300,000                     | 25,000              | 75,000               | 25.0%                               | 225,000               |
| Capital   | 1,052,900                   | 12,573              | 37,122               | 3.5%                                | 1,015,778             |
| Debt Service  | 365,274                     | 0                   | 136,137              | 37.3%                               | 229,137               |
| <b>Subtotal: Water Division</b>                     | <b>3,800,299</b>            | <b>268,436</b>      | <b>690,329</b>       | <b>18.2%</b>                        | <b>3,109,970</b>      |
| <b>Sewer Division</b>                               |                             |                     |                      |                                     |                       |
| Personnel   | 360,693                     | 53,710              | 93,772               | 26.0%                               | 266,921               |
| O&M <sup>1</sup>                                    | 1,858,390                   | 149,241             | 287,049              | 15.4%                               | 1,571,341             |
| Capital   | 1,037,400                   | 12,573              | 31,872               | 3.1%                                | 1,005,528             |
| Debt Service  | 412,478                     | 5,226               | 31,147               | 7.6%                                | 381,331               |
| <b>Subtotal: Sewer Division (excl. Kent County)</b> | <b>3,668,961</b>            | <b>220,750</b>      | <b>443,840</b>       | <b>12.1%</b>                        | <b>3,225,121</b>      |
| Kent County Sewer                                   | 2,036,770                   | 183,051             | 728,529              | 35.8%                               | 1,308,241             |
| <b>Subtotal: Sewer Division (Comprehensive)</b>     | <b>5,705,731</b>            | <b>403,801</b>      | <b>1,172,369</b>     | <b>20.5%</b>                        | <b>4,533,362</b>      |
| <b>Solid Waste Division</b>                         |                             |                     |                      |                                     |                       |
| Personnel   | 359,479                     | 15,612              | 69,855               | 19.4%                               | 289,624               |
| O&M   | 1,181,700                   | 174,355             | 337,187              | 28.5%                               | 844,513               |
| Capital   | 655,750                     | 6,134               | 12,245               | 1.9%                                | 643,505               |
| <b>Subtotal: Solid Waste Division</b>               | <b>2,196,929</b>            | <b>196,101</b>      | <b>419,287</b>       | <b>19.1%</b>                        | <b>1,777,642</b>      |
| <b>Subtotal: Water, Sewer &amp; Solid Waste</b>     | <b>11,702,959</b>           | <b>868,339</b>      | <b>2,281,984</b>     | <b>19.5%</b>                        | <b>9,420,974</b>      |
| <b>Electric Division</b>                            |                             |                     |                      |                                     |                       |
| Personnel   | 1,598,456                   | 128,547             | 517,865              | 32.4%                               | 1,080,591             |
| O&M   | 2,983,845                   | 297,305             | 588,076              | 19.7%                               | 2,395,769             |
| Transfer to General Fund                            | 2,500,000                   | 208,333             | 625,000              | 25.0%                               | 1,875,000             |
| Capital   | 953,300                     | 37,200              | 121,740              | 12.8%                               | 831,560               |
| Debt Service  | 324,315                     | -                   | -                    | 0.0%                                | 324,315               |
| <b>Subtotal: Electric Division (excl. Power)</b>    | <b>8,359,916</b>            | <b>671,385</b>      | <b>1,852,681</b>     | <b>22.2%</b>                        | <b>6,507,235</b>      |
| Power Purchased                                     | 19,484,755                  | 1,482,155           | 6,937,718            | 35.6%                               | 12,547,037            |
| <b>Subtotal: Electric Division (Comprehensive)</b>  | <b>27,844,671</b>           | <b>2,153,540</b>    | <b>8,790,399</b>     | <b>31.6%</b>                        | <b>19,054,272</b>     |
| <b>Total Enterprise Fund Expenditures</b>           | <b>\$ 39,547,629</b>        | <b>\$ 3,021,879</b> | <b>\$ 11,072,383</b> | <b>28.0%</b>                        | <b>\$ 28,475,247</b>  |
| <b>Grand Total Operating Budget</b>                 | <b>\$ 53,861,838</b>        | <b>\$ 4,201,735</b> | <b>\$ 14,888,957</b> | <b>27.6%</b>                        | <b>\$ 38,972,882</b>  |

<sup>1</sup>Actual IT O&M expenditures are nearly 40% of the FY23 O&M budget because Microsoft O365 annual maintenance is due in August; the P&L style budget is seasonalized

City of Milford, Delaware  
 Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended October 31, 2022

*33.3% of Year Elapsed*

| Account / Divisional Groupings                 | FY23 Budget,<br>as Approved | MTD Actual          | YTD Actual          | YTD Actual as %<br>of Annual Budget | Unexpended<br>Balance |
|--|-----------------------------|---------------------|---------------------|-------------------------------------|-----------------------|
| <b>Interservice Departments</b>                |                             |                     |                     |                                     |                       |
| <b>Garage</b>                                  |                             |                     |                     |                                     |                       |
| Personnel                                      | \$ 134,110                  | \$ 7,065            | \$ 30,121           | 22.5%                               | \$ 103,989            |
| Operation & Maintenance (O&M)                  | 128,475                     | 5,661               | 17,666              | 13.8%                               | 110,809               |
| Capital  | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: Garage</b>                        | <b>262,585</b>              | <b>12,726</b>       | <b>47,787</b>       | <b>18.2%</b>                        | <b>214,798</b>        |
| <b>Public Works</b>                            |                             |                     |                     |                                     |                       |
| Personnel                                      | 881,630                     | 58,156              | 256,383             | 29.1%                               | 625,247               |
| O&M  | 237,282                     | 14,604              | 65,362              | 27.5%                               | 171,920               |
| Capital  | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: Public Works</b>                  | <b>1,118,912</b>            | <b>72,761</b>       | <b>321,745</b>      | <b>28.8%</b>                        | <b>797,167</b>        |
| <b>Tech Services</b>                           |                             |                     |                     |                                     |                       |
| Personnel                                      | 294,863                     | 24,327              | 92,639              | 31.4%                               | 202,224               |
| O&M  | 461,599                     | 18,523              | 90,126              | 19.5%                               | 371,473               |
| Capital  | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: Tech Services</b>                 | <b>756,462</b>              | <b>42,850</b>       | <b>182,765</b>      | <b>24.2%</b>                        | <b>573,697</b>        |
| <b>Billing &amp; Collections</b>               |                             |                     |                     |                                     |                       |
| Personnel                                      | 760,557                     | 52,616              | 200,178             | 26.3%                               | 560,379               |
| O&M  | 360,235                     | 35,262              | 98,697              | 27.4%                               | 261,538               |
| Capital  | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: Billing &amp; Collections</b>     | <b>1,120,792</b>            | <b>87,877</b>       | <b>298,875</b>      | <b>26.7%</b>                        | <b>821,917</b>        |
| <b>City Hall Cost Allocation</b>               |                             |                     |                     |                                     |                       |
| O&M  | 84,875                      | 4,915               | 21,179              | 25.0%                               | 63,696                |
| Capital  | -                           | -                   | -                   |                                     | -                     |
| <b>Subtotal: City Hall Cost Allocation</b>     | <b>84,875</b>               | <b>4,915</b>        | <b>21,179</b>       | <b>25.0%</b>                        | <b>63,696</b>         |
| <b>Interdepartmental Cost Allocation</b>       | <b>\$ (3,343,626)</b>       | <b>\$ (221,129)</b> | <b>\$ (872,351)</b> | <b>26.1%</b>                        | <b>\$ (2,471,275)</b> |
| <b>Net Interdepartmental Costs<sup>1</sup></b> | <b>\$ -</b>                 | <b>\$ -</b>         | <b>\$ -</b>         |                                     | <b>\$ -</b>           |

<sup>1</sup>All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.

## DRAFT INVITATION TO BID

### Sealed Bids for Contract No. 14305 – Riverwalk Railing Upgrades

Bids will be received at the City of Milford City Hall, 201 S Walnut Street, Milford, Delaware, 19963, until **1:30 p.m.** local time on **Tuesday, October 4, 2022**, at which time they will be publicly opened and read aloud in the Council Chambers. Bidder bears the risk of late delivery. Any bids received after the stated time will not be considered.

This bid includes all labor, materials, equipment, tools, and mobilization for removing existing Railings and installing Aluminum Railings with Stainless Steel Cables and under-rail lighting.

**A NON-MANDATORY** Pre-Bid Meeting will be held on **Tuesday, September 20, 2022**, at 2:00 PM at the Parks & Recreation Office, 207 N Franklin Street, Milford, Delaware 19963 for the purpose of establishing the listing of subcontractors and to answer questions. Representatives of each party in a joint venture are encouraged to attend this meeting. **ATTENDANCE AT THIS MEETING IS NOT REQUIRED FOR BIDDING ON THIS CONTRACT BUT IS STRONGLY RECOMMENDED.**

Three (3) copies of the sealed bids shall be addressed to the City of Milford, Attention: City Clerk's Office, Milford City Hall, 201 S Walnut Street Milford, DE 19963. The outer envelope should clearly state: **"Contract 14320 Riverwalk Railing Upgrades- SEALED BID - DO NOT OPEN."**

Contract documents are available at the Office of Duffield Associates, 1060 S. Governors Avenue, Dover, DE 19904, Telephone Number 302.674.9280. Receipt of \$50.00 per set of printed copies or \$40.00 for an electronic copy is required. Copies can also be purchased at the Pre-Bid meeting if notified in advance. Both fees are non-refundable.

Checks are to be made payable to "Duffield Associates, LLC". To obtain electronic copies or to purchase documents by credit card contact Audrey C. Jones, Sr. Project Administrator at 302-239-6634 ext. 2201 or email [ajones@verdantas.com](mailto:ajones@verdantas.com) For technical questions, contact Matt Spong, RLA, Senior Consultant, at [mspong@duffnet.com](mailto:mspong@duffnet.com).

This project is subject to the State of Delaware's prevailing rate regulations.

Bidders will not be subject to discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, or national origin in consideration of this award, and Minority Business Enterprises, Disadvantaged Business Enterprises, Women-Owned Business Enterprises and Veteran-Owned Business Enterprises will be afforded full opportunity to submit bids on this contract.

Each bid must be accompanied by a bid security equivalent to ten percent of the bid amount and all additive alternates. The successful bidder must post a performance

bond and payment bond in a sum equal to 100 percent of the contract price upon execution of the contract. The Owner reserves the right to reject any or all bids and to waive any informalities therein. The Owner may extend the time and place for the opening of the bids from that described in the advertisement, with not less than two calendar days' notice by certified delivery, facsimile machine, or other electronic means to those bidders' receiving plans.

The Contractor shall comply with all requirements set forth in Section 6962, Chapter 69, Title 29 of the Delaware Code.

During the construction work, the Contractor and each Subcontractor shall implement an Employee Drug Testing Program in accordance with OMB Regulation 4104 - "Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on "Large Public Works Projects". "Large Public Works" is based upon the current threshold required for bidding Public Works as set by the Purchasing and Contracting Advisory Council.

Owner: City Of Milford  
By; Arthur J. Campbell  
Title: Mayor  
Date: 9/11/2022

**City of Milford Riverwalk**  
**Duffield Project No. 14305**  
**ADDENDUM #1**  
**Date issued 9/27/2022**

**NOTICE:** Attach this Addendum #1 to the project manual for this project. It modifies and becomes part of the contract documents. Work or materials not specifically mentioned here are to be as described in the main body of the specifications and as shown on the drawings. Acknowledge receipt of this addendum in the space provided on the Bid Form.

**This Addendum # 1 consists of three (3) pages.**

**1. GENERAL**

**a.) The deadline for Sealed Bids has been extended.**

Sealed Bids for Contract No. 14305 –Milford Riverwalk Railing Upgrades has been extended. Bids will **NOW** be received at the City Clerk's office located at 201 South Walnut Street Milford, Delaware, 19963 until **1:30 p.m.** local time on **Tuesday, October 18, 2022.**

**Please provide 3 copies of all bid forms and required attachments:  
Unit Costs, Sub-contractors List, Non-Collusion Statement, Bid Bond, Drug Testing Affidavit .**

- b.)** The general scope of work is to: Provide all labor, materials, equipment, tools, and mobilization for removing existing wood post and metal pipe railing and installing aluminum railing system with stainless steel cable infill, 2 gates and an under-rail LED lighting system.
- c.)** Any questions about the Project Manual or Drawings must be submitted in writing by email to the project consultant's Project Manager, Pete Moscufo, RLA, Senior Project Manager email: [pmoscufo@duffnet.com](mailto:pmoscufo@duffnet.com) **by noon on Monday 10/10/2022 to be included in the final Addendum #2 that will be issued on Wednesday 10/12/2022.**
- d.)** **A Non -MANDATORY** Pre-Bid Meeting was held on Tuesday, September 20, 2022, at 2:00 p.m. at the Parks Department offices located at 207 South Franklin Street in Milford, DE for the purpose of establishing the listing of subcontractors and to answer questions.
- e.)** Contactors in Attendance were:
- ❖ Greg Tucker; Chesapeake Turf  
[greg@chesapeaketurf.com](mailto:greg@chesapeaketurf.com)

- ❖ Pierce Thompson; Thompson & Sons Contracting, Inc.  
[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net) 302-335-3404

**f.)** Others in attendance were:

- ❖ Brad Dennehy, Director Milford Department of Parks  
Email: [bdennehy@milfod-de.gov](mailto:bdennehy@milfod-de.gov)
- ❖ Matt Spong, RLA, Senior Consultant, Duffield Associates, Inc.  
Email: [msspong@duffnet.com](mailto:msspong@duffnet.com)

**g.)** Planholders are:

- ❖ Road Safety Systems, LLC  
12 Park Drive, Shamong, NJ 08088  
Email: [bob@roadsafetysystems.com](mailto:bob@roadsafetysystems.com) 609-801-9332
- ❖ Chesapeake Turf, LLC  
26760 Siloam Road PO Box 2696, Salisbury, MD 21801  
Email: [rick@ChesapeakeTurf.com](mailto:rick@ChesapeakeTurf.com) 410-341-4363
- ❖ Thompson & Sons, Inc. 9  
44 Bay Road, Milford, DE 19963  
[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net) 302-335-3404

**2. Project Manual items discussed were:**

- a)** The Project is subject to State of Delaware prevailing wage rates. A copy of the State of Delaware Prevailing Wage Rates for Highway Construction, Sussex County DE is provided in the project manual.
- b)** The Contractor shall comply with all requirements set forth in Section 6962, Chapter 69, Title 29 of the Delaware Code.
- c)** During the contract work, the Contractor and each Subcontractor, shall implement an Employee Drug Testing Program in accordance with OMB Regulation 4104 - "Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on "Large Public Works Projects". "Large Public Works" is based upon the current threshold required for bidding Public Works as set by the Purchasing and Contracting Advisory Council.
- d)** The proposed subcontractors' list was discussed and **approved**.

**3. Clarifications / Revisions to the Project Manual.**

**a.) Table of Contents pg. TOC-2**

Clarification: Project Drawings Sheet E1 Electrical Plan and Sheet E2 Electrical Notes and Specifications **WERE NOT ISSUED** with the contract documents. They will be issued to all plan holders in Addendum #2.

**b.) Revise the Unit Price List (Bid Form pg. BF-2) item #12 to read: "Heavy-duty 1.5" diam. PVC electrical conduit"**

**c.) TS 4 Railings**

Section 14.0 Products

A. Manufacturers: Acceptable Manufacturers

Acceptable Manufacturer:

Feeney Inc. (DesignRail), which is located at: 2603 Union St.; Oakland, CA 94607; Toll Free Tel: 800-888-2418; Email: request info (commercial@feeneyinc.com);

Web: <https://www.feeneyinc.com/Feeney-Commercial>

SC&R which is located at 3315 NE 112th Avenue #73, Vancouver, Washington 98682, 888-686-7245 Attn: Allison Freiburg x 2203

OR APPROVED EQUAL

Viva Railings is not an acceptable manufacturer as their system, including posts and rails, is stainless steel. This is not equal to the details and materials shown on the drawings and notes on Sheet 4 Site Details.

**4. Additional items discussed at the Pre-Bid meeting were:**

**a) LIQUIDATED DAMAGES:** The contract documents do not include provisions for liquidated damages.

**b) CONSTRUCTION SCHEDULE:** The time anticipated for construction is 120 days. The actual schedule will be negotiated between the successful bidder and the City of Milford and is dependent on weather, materials availability, etc.

**c) EXISTING ELECTRICAL:** Existing can-type lights and conduit (that is mounted on the existing steel bulkhead below the existing walk/bulkhead cap) will be removed by the City of Milford Electrical Department prior to the start of construction.

RE: Project No. 14305  
Riverwalk Railing Upgrades  
**Addendum #1**  
September 27, 2022  
Page 4

**END OF ADDENDUM #1**

November 18, 2022

City of Milford  
201 S. Walnut Street  
Milford, DE 19963  
Attn: Arthur Campbell, Mayor

Re: Mispillion Railing Replacement Project  
Duffield Project No. 14305

Dear Mayor Campbell,

On November 15, 2022, one (1) sealed bid was received for the above referenced project. The bid opening was conducted at 1:30 PM at City Hall. Terry Hudson, City of Milford City Clerk and Trisha Sawicki, ASLA, Senior Designer, Duffield Associates were present for the bid opening.

The results of the bid opening are summarized in the table below:

| Name of Bidder                     | Addenda  | Subs List | NonCollusion Statement | Delaware Business License | Testing Affidavit | Base Bid     |
|------------------------------------|----------|-----------|------------------------|---------------------------|-------------------|--------------|
| Thompson & Sons Construction, Inc. | included | included  | included               | included                  | included          | \$301,534.00 |

The apparent low bidder is Thompson & Sons Contracting, Inc. I have reviewed the bids, the bid forms, the bid bonds, and the other required forms submitted with the bid and there appears to be a discrepancy between the total bid tabulated by Unit Cost on Sheet BF-2 of \$301,504.00 (see attached Bid Tab) and the total lump sum amount entered at the bottom of sheet BF-1 of \$301,534.00. Additionally, the final estimate of probable construction costs was \$303,185. Accordingly, I recommend awarding the base bid contract to Thompson & Sons Contracting, Inc. for Three Hundred One Thousand Five Hundred Four Dollars and Zero Cents (\$ 301,504.00).

Once the City Council reviews the bids and makes an official recommendation in writing to award the base bid to Thompson & Sons, Inc., we will receive the required payment and materials bonds and certificates of insurance from the contractor. We will then prepare the Owner - Contractors Agreement (AIA form A-101.) and the City and the contractor can negotiate a schedule for construction.

Please contact us if you have any questions.

Sincerely,

DUFFIELD ASSOCIATES, LLC



D. Dwight Walters, P.E.  
Senior Project Manager

DDW:acj

N:\Projects\14000\14305\Correspondence\Exports\2022-11-18 to Milford\14305-Milford Railing Bid Comparisons-20221118.docx

cc: Mark Whitfield, City Manager  
Brad Dennehy, Director of Parks & Recreation

Encl: Bid Tabulation (Duffield)  
Bid Documents (Thompson & Son Contracting Inc.)

## Bid Tabulation - Milford Riverwalk Railing Upgrade (Duffiled No. 14305)

Bid received November 15, 2022

| Thompson & Sons Contracting Inc. |                                       |        |      |            |                     |                   |
|----------------------------------|---------------------------------------|--------|------|------------|---------------------|-------------------|
| Item #                           | Item Name                             | Qty    | Unit | Unit Cost  | Bid Total           | Notes             |
| 1                                | Mobilization & General Conditions     | 71,734 | LS   | \$1.00     | \$71,734.00         |                   |
| 2                                | Demolish existing Railing             | 575    | LF   | \$75.00    | \$43,125.00         |                   |
| 3                                | Concrete Cutting & Patching           | 2      | SF   | \$80.00    | \$160.00            |                   |
| 4                                | Aluminum Railing Post                 | 133    | EA   | \$370.00   | \$49,210.00         |                   |
| 5                                | Aluminum Railing                      | 575    | LF   | \$47.00    | \$27,025.00         |                   |
| 6                                | Aluminum Gate                         | 4      | EA   | \$2,950.00 | \$11,800.00         |                   |
| 7                                | SS Cable Infill                       | 1,100  | SF   | \$12.50    | \$13,750.00         |                   |
| 8                                | Under-rail Lighting                   | 820    | SF   | \$45.00    | \$36,900.00         |                   |
| 9                                | Low-voltage Transformer               | 4      | EA   | \$4,755.00 | \$19,020.00         |                   |
| 10                               | GFI Outlet                            | 0      | EA   | \$0.00     | \$0.00              | Deleted per Add 5 |
| 11                               | Bonding & Grounding per Electric Plan | 28,750 | LS   | \$1.00     | \$28,750.00         |                   |
| 12                               | Heavy Duty 1.5 PVC Electrical Conduit | 1      | LF   | \$30.00    | \$30.00             |                   |
|                                  | <b>Total</b>                          |        |      |            | <b>\$301,504.00</b> |                   |

**Key:**

LS = Lump Sum

LF = Linear Feet

SF = Square Feet

EA = Each

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

For Bids Due: November 15, 2022  
~~October 4, 2022~~

To: City of Milford  
Department of Parks & Recreation  
207 Franklin Street  
Milford, Delaware 19963

Name of Bidder: Thompson & Sons Contracting Inc.

Delaware Business License No.: DE-2011122869 Taxpayer ID No.: FEIN: 352383221

(Other License Nos.): N/A

Phone No.: ( 302 ) 335 - 3404 Fax No.: ( 302 ) 335 - 3422

The undersigned, representing that he has read and understands the Bidding Documents and that this bid is made in accordance therewith, that he has visited the site and has familiarized himself with the local conditions under which the Work is to be performed, and that his bid is based upon the materials, systems and equipment described in the Bidding Documents without exception, hereby proposes and agrees to provide all labor, materials, plant, equipment, supplies, transport and other facilities required to execute the work described by the aforesaid documents for the lump sum itemized below (See page BF-2):

\$ Three Hundred, One Thousand, Five Hundred, Thirty-Four Dollars and Zero Cents

(\$ 301,534.00 )

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**UNIT PRICES**

Unit prices conform to applicable project specification section. Refer to the drawings and specifications for a complete description of the following Unit Prices:

|   | UNIT                | UNIT PRICE                   |
|---|---------------------|------------------------------|
| UNIT PRICE No. 1: Mobilization & General Conditions   | <u>71,734.00</u> LS | \$ <u>\$71,734.00</u>        |
| UNIT PRICE No. 2: Demolish existing Railing   | <u>575</u> LF       | \$ <u>75.00 Lf</u>           |
| UNIT PRICE No. 3: Concrete Cutting & Patching   | <u>2</u> SF         | \$ <u>80.00 Sf</u>           |
| UNIT PRICE No. 4: Aluminum Railing Post   | <u>133</u> EA       | \$ <u>370.00 Ea.</u>         |
| UNIT PRICE No. 5: Aluminum Railing  | <u>575</u> LF       | \$ <u>47.00 Lf</u>           |
| UNIT PRICE No. 6: Aluminum Gate   | <u>4</u> EA         | \$ <u>2,950.00 Ea.</u>       |
| UNIT PRICE No. 7: SS Cable Infill   | <u>1,100 Sf</u> SF  | \$ <u>12.50 Sf</u>           |
| UNIT PRICE No. 8: Under-rail Lighting   | <u>820</u> SF       | \$ <u>45.00</u>              |
| UNIT PRICE No. 9: Low-voltage Transformer   | <u>4</u> EA         | \$ <u>4,755.00</u>           |
| UNIT PRICE No. 10: GFI Outlet   | <u>—</u> EA         | \$ <u>Deleated Per Add 5</u> |
| UNIT PRICE No. 11: Bonding & grounding all existing and proposed electrical features and metal structures (see Electrical Plan) | <u>28,750.00</u> LS | \$ <u>28,750.00</u>          |
| UNIT PRICE No. 12: Heavyduty 1.5 PVC electrical conduit   | <u>1</u> LF         | \$ <u>30.00</u>              |

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

I/We acknowledge Addendums numbered 1,2,3,4,5 and the price(s) submitted include any cost/schedule impact they may have.

This bid shall remain valid and cannot be withdrawn for 120 days from the date of opening of bids, and the undersigned shall abide by the Bid Security forfeiture provisions. Bid Security is attached to this Bid.

The Owner shall have the right to reject any or all bids, and to waive any informality or irregularity in any bid received.

This bid is based upon work being accomplished by the Sub-Contractors named on the list attached to this bid.

Should I/We be awarded this contract, I/We pledge to achieve substantial completion of all the work within calendar days of the Notice to Proceed.

The undersigned represents and warrants that he has complied and shall comply with all requirements of local, state, and national laws; that no legal requirement has been or shall be violated in making or accepting this bid, in awarding the contract to him or in the prosecution of the work required; that the bid is legal and firm; that he has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding.

Upon receipt of written notice of the acceptance of this Bid, the Bidder shall, within twenty (20) calendar days, execute the agreement in the required form and deliver the Contract Bonds, and Insurance Certificates, required by the Contract Documents.

I am / We are an Individual / a Partnership / a Corporation

By Thompson & Sons Contracting Inc. Trading as Thompson & Sons Contracting Inc.  
(Individual's / General Partner's / Corporate Name)

Delaware  
(State of Corporation)

Business Address: 300 Torbert RD  
Milford, DE 19963

Witness: Bonnie F Thompson By: W.P. Thompson Jr.  
(SEAL) Bonnie F Thompson ( Authorized Signature ) W.Pierce Thompson Jr.  
Owner/C.E.O.  
( Title )

Date: 11/15/2022

- ATTACHMENTS**  
Sub-Contractor List  
Non-Collusion Statement  
Bid Security  
(Others as Required by Project Manuals)

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

In accordance with Title 29, Chapter 6962 (d)(10)b Delaware Code, the following sub-contractor listing must accompany the bid submittal. The name and address of the sub-contractor must be listed for each category where the bidder intends to use a sub-contractor to perform that category of work. In order to provide full disclosure and acceptance of the bid by the Owner, it is required that bidders list themselves as being the sub-contractor for all categories where he/she is qualified and intends to perform such work.

| Subcontractor Category    | Subcontractor                               | Address (City & State)   |
|---------------------------|---|--|
| 1. Site Demolition        | <u>Thompson &amp; Sons Contracting Inc.</u> | <u>300 Torbert RD<br/>Milford, DE 19963</u>                    |
| 2. Concrete Patch         | <u>Thompson &amp; Sons Contracting Inc.</u> | <u>300 Torbert RD<br/>Milford, DE 19963</u>                    |
| 3. Fencing                | <u>Seagull Fencing and Concrete LLC</u>     | <u>30143 Discount Land RD<br/>Laurel, DE 19956</u>             |
| 4. Electrical             | <u>American Electric Services LLC</u>       | <u>265 Trout Way<br/>Frederica, DE 19946</u>                   |
| 5. De Prof. Land Surveyor | <u>Atlantic Surveying &amp; Mapping LLC</u> | <u>PO Box 247<br/>Harbeson, DE 19951</u>                       |
| 6. Geotechnical Engineer  | <u>Hillis Carnes Engineering Assoc.</u>     | <u>10975 Guilford RD STE A<br/>Annapolis JCT MD 20701-1125</u> |

(concrete tests)

RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305

BID FORM

NON-COLLUSION STATEMENT

This is to certify that the undersigned bidder has neither directly nor indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this proposal submitted this date to theTown of Leipsic, Delaware.

All the terms and conditions of Contract No. 14020 have been thoroughly examined and are understood.

NAME OF BIDDER: Thompson & Sons Contracting Inc.

AUTHORIZED REPRESENTATIVE (TYPED): W. Pierce Thompson Jr.

AUTHORIZED REPRESENTATIVE (SIGNATURE): *W. P. Thompson Jr.*

TITLE: Owner/C.E.O

ADDRESS OF BIDDER: 300 Torbert RD

Milford, DE 19963

PHONE NUMBER: 302-335-3404

Sworn to and Subscribed before me this 15th day of November 2022.

My Commission expires July 06, 2024.

NOTARY PUBLIC

*Bonnie Faye Thompson*

Bonnie Faye Thompson



**THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED.**

**AFFIDAVIT  
OF  
EMPLOYEE DRUG TESTING PROGRAM**

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects requires that Contractors and Subcontractors implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds.

We hereby certify that we have in place or will implement during the entire term of the contract a Mandatory Drug Testing Program for our employees on the jobsite, including subcontractors, that complies with this regulation:

Contractor/Subcontractor Name: Thompson & Sons Contracting Inc.  
Contractor/Subcontractor Address: 300 Torbert RD  
Milford, DE 19963  
Authorized Representative (typed or printed): W. Pierce Thompson Jr.  
Authorized Representative (signature): W. Pierce Thompson Jr.  
Title: Owner/C.E.O

Sworn to and Subscribed before me this 15th day of November 20 22.

My Commission expires July 06, 2024. NOTARY PUBLIC Bonnie Faye Thompson  
Bonnie Faye Thompson

**THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED.**



# STATE OF DELAWARE

## Department of Finance Division of Revenue

### ACTIVE BUSINESS LICENSE

2011122869

EFFECTIVE

01/01/2022 - 12/31/2024

ISSUED TO

THOMPSON & SONS CONTRACTING INC  
300 TORBERT RD  
MILFORD DE 19963-7144

LOCATION

THOMPSON & SONS CONTRACTING INC  
300 TORBERT RD  
MILFORD, DE 19963-6108

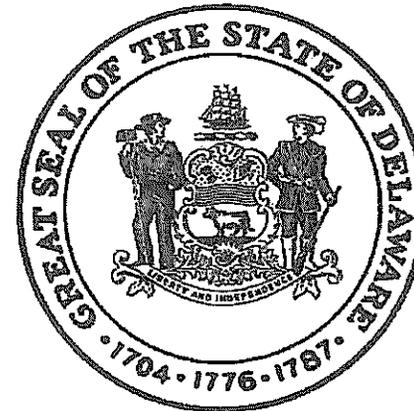
TRADE, BUSINESS, OR  
PROFESSIONAL ACTIVITY

RESIDENT CONTRACTOR

ISSUED: 01/09/2020

FEE PAID: \$150.00

Is hereby licensed to practice, conduct, or engage in the  
occupation or business activity indicated above in  
accordance with the license application duly filed  
pursuant to Title 30, Delaware Code.



2024

POST CONSPICUOUSLY - NOT TRANSFERABLE



**Certificate Number:**

DE-2021-000000263

Valid for both Private and Public Work



**Registration Date:**

07/07/2021

**Expiration Date:**

07/07/2023

**State of Delaware**

**Department of Labor**

Office of Contractor Registration

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**THOMPSON & SONS CONTRACTING INC**

**Valid for both Private and Public Work**

**Responsible Representative(s)**

Bonnie F Thompson/ Corporate Secretary

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

Karryl D. Hubbard

Secretary of the Delaware Department of Labor

# STATE OF DELAWARE

## Department of Finance Division of Revenue

ACTIVE BUSINESS LICENSE  
2007603056

EFFECTIVE

01/01/2021 - 12/31/2023

ISSUED TO

SEAGULL FENCE AND CONCRETE LLC  
30143 DISCOUNT LAND RD  
LAUREL DE 19956-3679

LOCATION

SEAGULL FENCE AND CONCRETE LLC  
30143 DISCOUNT LAND RD  
LAUREL, DE 19956-3679

TRADE, BUSINESS, OR  
PROFESSIONAL ACTIVITY

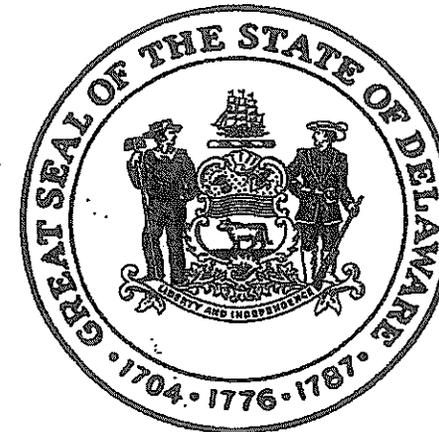
RESIDENT CONTRACTOR

2023

ISSUED: 12/18/2020  
FEE PAID: \$225.00

Is hereby licensed to practice, conduct, or engage in the occupation or business activity indicated above in accordance with the license application duly filed pursuant to Title 30, Delaware Code.

POST CONSPICUOUSLY - NOT TRANSFERABLE



Certificate Number:  
DE-2021-000000077  
Valid for both Private and Public Work



**State of Delaware**  
Department of Labor  
Office of Contractor Registration

Registration Date:  
07/02/2021  
Expiration Date:  
07/02/2023

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**SEAGULL FENCE AND CONCRETE LLC**

**Valid for both Private and Public Work**

Responsible Representative(s)  
Jose Villeda

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

Karryl D. Hubbard  
Secretary of the Delaware Department of Labor

LICENSE NO. 2005209226 DORBL

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

POST CONSPICUOUSLY

DLN: 20 92318 10

BUSINESS CODE 331  
GROUP CODE

LICENSED ACTIVITY CONTRACTOR-RESIDENT

DATE ISSUED: 08/18/20

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

AMERICAN ELECTRICAL SVCS LLC  
265 TROUT WAY  
FREDERICA DE 19946-1866



AMERICAN ELECTRICAL SVCS LLC  
265 TROUT WAY  
FREDERICA DE 19946-1866

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE

JENNIFER R. HUDSON

DIRECTOR OF REVENUE

**Certificate Number:**

DE-2022-000005149

Valid for both Private and Public Work



**Registration Date:**

07/23/2021

**Expiration Date:**

07/23/2022

**State of Delaware**

**Department of Labor**

Office of Contractor Registration

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**AMERICAN ELECTRICAL SVCS LLC**

**Valid for both Private and Public Work**

**Responsible Representative(s)**

Deane C Betts

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

A handwritten signature in black ink that reads "Karryl D. Hubbard".

Karryl D. Hubbard

Secretary of the Delaware Department of Labor

LICENSE NO. 2012605004 DOBRL

POST CONSPICUOUSLY

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

DLN: 199711128

BUSINESS CODE 007  
GROUP CODE

LICENSED  
ACTIVITY

PROFESSIONAL AND/OR PERSONAL SERVICES

DATE ISSUED: 11/11/19

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

ATLANTIC SURVEYING & MAPPING LLC  
PO BOX 247  
HARBESON DE 19951-0247



ATLANTIC SURVEYING & MAPPING LLC  
26373 LEWES GEORGETOWN HWY  
HARBESON DE 19951-2869

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

JENNIFER R. HUDSON

DIRECTOR OF REVENUE

LICENSE NO. 2007216311 DBRL

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

POST CONSPICUOUSLY

DLN: 20 60107 36

BUSINESS CODE 540  
GROUP CODE 007

LICENSED ACTIVITY PROFESSIONAL SERVICES- ENGINEER  
PROFESSIONAL AND/OR PERSONAL SERVICES

DATE ISSUED: 01/13/20

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

HILLIS CARNES ENGINEERING ASSOC  
OF SALISBURY LLC  
10975 GUILFORD RD STE A  
ANNAPOLIS JCT MD 20701-1125



HILLIS CARNES ENGINEERING ASSOC  
1277 MCD DR  
DOVER DE 19901-4639

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

JENNIFER R. HUDSON  
DIRECTOR OF REVENUE

**IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION**

Federal E.I. No. or  
Social Security Number B15250578682 001

Business Code 540  
Group Code 007

Licensed Activity PROFESSIONAL SERVICES- ENGINEER  
PROFESSIONAL AND/OR PERSONAL SERVICES

The State of Delaware Business License printed above must be posted in a public area at the location address listed. If you have any questions regarding this license, please call (302) 577-8778.

**REPLACEMENT LICENSES**

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

**OTHER IMPORTANT INFORMATION**

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at [www.revenue.delaware.gov](http://www.revenue.delaware.gov). You must submit all business tax returns filed with the Division of Revenue under the same identification number. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

**INTERNET SITE**

The Division of Revenue web address is: [www.revenue.delaware.gov](http://www.revenue.delaware.gov). Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID BOND**

TO ACCOMPANY PROPOSAL  
(Not necessary if security is used)

KNOW ALL MEN BY THESE PRESENTS That: Thompson & Sons Contracting, Inc.  
\*\*\*\*\* of 300 Torbert Road, Milford, DE in the County of Sussex County and  
State of Delaware as Principal, and Old Republic Insurance Company  
of 445 S Mooreland Rd., Ste. 200, Brookfield in the County of Waukesha County and State of Wisconsin  
as Surety, legally authorized to do business in the State of Delaware ("State"), are held and firmly unto  
the State in the sum of \*\*\*\*\* Dollars (\$  
\*\*\*\*\*), or TEN percent not to exceed Ten Percent (10%) of the bid submitted herewith  
\*\*\*\*\* Dollars (\$  
\*\*\*\*\* ) of amount of bid on Contract No. 14305  
\*\*\*\*\* , to be paid to the State for the use and benefit of  
for which payment well and truly to be made, we do bind ourselves, our and each of our heirs,  
executors, administrators, and successors, jointly and severally for and in the whole firmly by these  
presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bonded **Principal** who has  
submitted to the City of Milford a certain proposal to enter into this  
contract for the furnishing of certain material and/or services within the State, shall be awarded this  
Contract, and if said Principal shall well and truly enter into and execute this Contract as may be  
required by the terms of this Contract and approved by the City of Milford  
\*\*\*\*\* Contract to be entered into within twenty days after the date of official notice of the award  
thereof in accordance with the terms of said proposal, then this obligation shall be void or else to be  
and remain in full force and virtue.

Sealed with Corporate seal and dated this 1st day of November in the year of our Lord two  
thousand and Twenty-Two (2022).

**SEALED, AND DELIVERED IN THE PRESENCE OF:**

Corporate Seal  
Attest Bonnie F. Thompson  
Witness: Katrina Biter Katrina, Biter, Witness  
By: Thompson & Sons Contracting, Inc.  
W. P. [Signature]  
Name of Bidder (Organization)  
Authorized Signature  
OWNER / C.E.O.  
Title  
Old Republic Insurance Company  
Name of Surety  
By: R. Clay Foltz, Attorney-in-Fact  
Title





# OLD REPUBLIC INSURANCE COMPANY

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania stock insurance corporation, does make, constitute and appoint:

ROBERT C FOLTZ, M. KATELYN FOLTZ, JAMIE KEPPLER, RYAN HAVELow, OF DOVER, DE

its true and lawful Attorney(s)-in-Fact, with unlimited power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than self-insurance workers compensation bonds guaranteeing payment of benefits or black lung bonds) , as follows:

### ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC INSURANCE COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a meeting on December 10, 2019. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC INSURANCE COMPANY on December 10, 2019.

RESOLVED FURTHER, that the chairman, president or any vice president of the Company's surety division, in conjunction with the secretary or any assistant secretary of the Company, be and hereby are authorized and directed to execute and deliver, to such persons as such officers of the Company may deem appropriate, Powers of Attorney in the form presented to and attached to the minutes of this meeting, authorizing such persons to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds, other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds. The said officers may revoke any Power of Attorney previously granted to any such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company (i) when signed by the chairman, president or any vice president of the Company's surety division and attested and sealed (if a seal be required) by any secretary or assistant secretary; or (ii) when signed by a duly authorized Attorney-in-Fact and sealed with the seal of the Company (if a seal be required).

RESOLVED FURTHER, that the signature of any officer designated above, and the seal of the Company, may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC INSURANCE COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 19TH day of APRIL, 2022.

Karen J. Staffner  
Assistant Secretary



OLD REPUBLIC INSURANCE COMPANY  
Alan Pavlic  
Vice President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 19TH day of APRIL, 2022, personally came before me, ALAN PAVLIC and KAREN J. HAFFNER to me known to be the individuals and officers of the OLD REPUBLIC INSURANCE COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say; that they are said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said organization.



Kathryn R. Pearson  
Notary Public  
My commission expires: 9/28/22  
(Expiration of notary commission does not invalidate this instrument)

### CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

66-2000



Signed and sealed at the City of Brookfield, WI this 1st day of November, 2022

Karen J. Staffner  
Assistant Secretary

THE BOND AGENCY



PARKS & RECREATION DEPARTMENT  
207 Franklin Street  
Milford, DE 19963

PHONE 302.422.1104  
FAX 302.422.0409  
www.cityofmilford.com

TO: Mayor and City Council  
FROM: Brad Dennehy-Parks and Recreation Director  
DATE: November 22, 2022  
RE: Recommendation to award contract for Riverwalk Lighting & Handrail Upgrade

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### EXECUTIVE SUMMARY

Staff recommend Council award the contract for the Riverwalk Lighting and Handrail Upgrade to Thompson & Sons Construction, Inc. in the amount of \$301,504, plus engineering and design costs estimated at \$87,500 and a minor project contingency of \$3,496 (about 1.2% of bid) funded through a combination of confirmed grant awards and the required \$75,000 in matching funds from electric fund reserves as originally approved in the FY22-26 CIP and FY22 Operating Budget.

### SUPPORTING INFORMATION

This project will improve safety along the targeted section of the Riverwalk through improved visibility and the installation of new aluminum handrails. Together with the broader additions and upgrades to recreational amenities along the Riverwalk, this work is strongly desired by the citizens of Milford as communicated through citizen surveys, which help shape the City’s strategic planning. City Council have demonstrated support for the comprehensive improvements through adoption of the most recent Capital Improvement Plans, which included components of the project as early as FY19 (originally smaller, separate projects) with more certain plans arising as grant awards materialized and electric reserve funding was committed in the FY22 operating budget. Delaware leaders agree with the priority the City has assigned to the project. We have been granted \$75,000 in matching funds from the State of Delaware via the FY21 Outdoor Recreation Parks and Trail (ORPT) program (see enclosed Council Resolution) and \$275,000 through the FY23 Bond Bill / Community Reinvestment Funds (CRF). The grant awards have sharply reduced the City funding required for the project.

I wholly support this project and I believe it is an integral component of the broader park facilities being constructed as part of the phased improvements to Memorial Park. Individually remarkable as stand-alone projects unto themselves, these new amenities are positioned to take the City bounding forward as part of a coordinated gameplan set to serve Milford’s residents and visitors for years to come.

### RECOMMENDATION

I recommend Council award the contract for the Riverwalk Railing Upgrade – Mispillion Greenway from North Walnut Street to Washington Street to Thompson & Sons Construction in the amount of \$305,000, representing the bid of \$301,504 with a contingency allowance, plus \$87,500 in estimated engineering and design costs funded with a combination of \$75,000 in electric fund reserves, \$75,000 in ORPT matching funds and the balance of \$242,500 through CRF funds.

November 18, 2022

City of Milford  
201 S. Walnut Street  
Milford, DE 19963  
Attn: Arthur Campbell, Mayor

Re: Mispillion Railing Replacement Project  
Duffield Project No. 14305

Dear Mayor Campbell,

On November 15, 2022, one (1) sealed bid was received for the above referenced project. The bid opening was conducted at 1:30 PM at City Hall. Terry Hudson, City of Milford City Clerk and Trisha Sawicki, ASLA, Senior Designer, Duffield Associates were present for the bid opening.

The results of the bid opening are summarized in the table below:

| <b>Name of Bidder</b>              | <b>Addenda</b> | <b>Subs List</b> | <b>NonCollusion Statement</b> | <b>Delaware Business License</b> | <b>Testing Affidavit</b> | <b>Base Bid</b> |
|------------------------------------|----------------|------------------|-------------------------------|----------------------------------|--------------------------|-----------------|
| Thompson & Sons Construction, Inc. | included       | included         | included                      | included                         | included                 | \$301,534.00    |

The apparent low bidder is Thompson & Sons Contracting, Inc. I have reviewed the bids, the bid forms, the bid bonds, and the other required forms submitted with the bid and there appears to be a discrepancy between the total bid tabulated by Unit Cost on Sheet BF-2 of \$301,504.00 (see attached Bid Tab) and the total lump sum amount entered at the bottom of sheet BF-1 of \$301,534.00. Additionally, the final estimate of probable construction costs was \$303,185. Accordingly, I recommend awarding the base bid contract to Thompson & Sons Contracting, Inc. for Three Hundred One Thousand Five Hundred Four Dollars and Zero Cents (\$ 301,504.00).

Once the City Council reviews the bids and makes an official recommendation in writing to award the base bid to Thompson & Sons, Inc., we will receive the required payment and materials bonds and certificates of insurance from the contractor. We will then prepare the Owner - Contractors Agreement (AIA form A-101.) and the City and the contractor can negotiate a schedule for construction.

Please contact us if you have any questions.

Sincerely,

DUFFIELD ASSOCIATES, LLC



D. Dwight Walters, P.E.  
Senior Project Manager

DDW:acj

N:\Projects\14000\14305\Correspondence\Exports\2022-11-18 to Milford\14305-Milford Railing Bid Comparisons-20221118.docx

cc: Mark Whitfield, City Manager  
Brad Dennehy, Director of Parks & Recreation

Encl: Bid Tabulation (Duffield)  
Bid Documents (Thompson & Son Contracting Inc.)

## Bid Tabulation - Milford Riverwalk Railing Upgrade (Duffiled No. 14305)

Bid received November 15, 2022

| Thompson & Sons Contracting Inc. |                                       |        |      |            |                     |                   |
|----------------------------------|---------------------------------------|--------|------|------------|---------------------|-------------------|
| Item #                           | Item Name                             | Qty    | Unit | Unit Cost  | Bid Total           | Notes             |
| 1                                | Mobilization & General Conditions     | 71,734 | LS   | \$1.00     | \$71,734.00         |                   |
| 2                                | Demolish existing Railing             | 575    | LF   | \$75.00    | \$43,125.00         |                   |
| 3                                | Concrete Cutting & Patching           | 2      | SF   | \$80.00    | \$160.00            |                   |
| 4                                | Aluminum Railing Post                 | 133    | EA   | \$370.00   | \$49,210.00         |                   |
| 5                                | Aluminum Railing                      | 575    | LF   | \$47.00    | \$27,025.00         |                   |
| 6                                | Aluminum Gate                         | 4      | EA   | \$2,950.00 | \$11,800.00         |                   |
| 7                                | SS Cable Infill                       | 1,100  | SF   | \$12.50    | \$13,750.00         |                   |
| 8                                | Under-rail Lighting                   | 820    | SF   | \$45.00    | \$36,900.00         |                   |
| 9                                | Low-voltage Transformer               | 4      | EA   | \$4,755.00 | \$19,020.00         |                   |
| 10                               | GFI Outlet                            | 0      | EA   | \$0.00     | \$0.00              | Deleted per Add 5 |
| 11                               | Bonding & Grounding per Electric Plan | 28,750 | LS   | \$1.00     | \$28,750.00         |                   |
| 12                               | Heavy Duty 1.5 PVC Electrical Conduit | 1      | LF   | \$30.00    | \$30.00             |                   |
|                                  | <b>Total</b>                          |        |      |            | <b>\$301,504.00</b> |                   |

**Key:**

LS = Lump Sum

LF = Linear Feet

SF = Square Feet

EA = Each

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

For Bids Due: November 15, 2022  
~~October 4, 2022~~

To: City of Milford  
Department of Parks & Recreation  
207 Franklin Street  
Milford, Delaware 19963

Name of Bidder: Thompson & Sons Contracting Inc.

Delaware Business License No.: DE-2011122869 Taxpayer ID No.: FEIN: 352383221

(Other License Nos.): N/A

Phone No.: ( 302 ) 335 - 3404 Fax No.: ( 302 ) 335 - 3422

The undersigned, representing that he has read and understands the Bidding Documents and that this bid is made in accordance therewith, that he has visited the site and has familiarized himself with the local conditions under which the Work is to be performed, and that his bid is based upon the materials, systems and equipment described in the Bidding Documents without exception, hereby proposes and agrees to provide all labor, materials, plant, equipment, supplies, transport and other facilities required to execute the work described by the aforesaid documents for the lump sum itemized below (See page BF-2):

\$ Three Hundred, One Thousand, Five Hundred, Thirty-Four Dollars and Zero Cents

(\$ 301,534.00 )

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**UNIT PRICES**

Unit prices conform to applicable project specification section. Refer to the drawings and specifications for a complete description of the following Unit Prices:

|                    |  | UNIT             | UNIT PRICE                      |
|--------------------|--|------------------|---------------------------------|
| UNIT PRICE No. 1:  | Mobilization & General Conditions  | <u>71,734.00</u> | LS \$ <u>\$71,734.00</u>        |
| UNIT PRICE No. 2:  | Demolish existing Railing  | <u>575</u>       | LF \$ <u>75.00 Lf</u>           |
| UNIT PRICE No. 3:  | Concrete Cutting & Patching  | <u>2</u>         | SF \$ <u>80.00 Sf</u>           |
| UNIT PRICE No. 4:  | Aluminum Railing Post  | <u>133</u>       | EA \$ <u>370.00 Ea.</u>         |
| UNIT PRICE No. 5:  | Aluminum Railing   | <u>575</u>       | LF \$ <u>47.00 Lf</u>           |
| UNIT PRICE No. 6:  | Aluminum Gate  | <u>4</u>         | EA \$ <u>2,950.00 Ea.</u>       |
| UNIT PRICE No. 7:  | SS Cable Infill  | <u>1,100 Sf</u>  | SF \$ <u>12.50 Sf</u>           |
| UNIT PRICE No. 8:  | Under-rail Lighting  | <u>820</u>       | SF \$ <u>45.00</u>              |
| UNIT PRICE No. 9:  | Low-voltage Transformer  | <u>4</u>         | EA \$ <u>4,755.00</u>           |
| UNIT PRICE No. 10: | GFI Outlet   | <u>—</u>         | EA \$ <u>Deleated Per Add 5</u> |
| UNIT PRICE No. 11: | Bonding & grounding all existing and proposed electrical features and metal structures (see Electrical Plan) | <u>28,750.00</u> | LS \$ <u>28,750.00</u>          |
| UNIT PRICE No. 12: | Heavyduty 1.5 PVC electrical conduit   | <u>1</u>         | LF \$ <u>30.00</u>              |

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

I/We acknowledge Addendums numbered 1,2,3,4,5 and the price(s) submitted include any cost/schedule impact they may have.

This bid shall remain valid and cannot be withdrawn for 120 days from the date of opening of bids, and the undersigned shall abide by the Bid Security forfeiture provisions. Bid Security is attached to this Bid.

The Owner shall have the right to reject any or all bids, and to waive any informality or irregularity in any bid received.

This bid is based upon work being accomplished by the Sub-Contractors named on the list attached to this bid.

Should I/We be awarded this contract, I/We pledge to achieve substantial completion of all the work within calendar days of the Notice to Proceed.

The undersigned represents and warrants that he has complied and shall comply with all requirements of local, state, and national laws; that no legal requirement has been or shall be violated in making or accepting this bid, in awarding the contract to him or in the prosecution of the work required; that the bid is legal and firm; that he has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding.

Upon receipt of written notice of the acceptance of this Bid, the Bidder shall, within twenty (20) calendar days, execute the agreement in the required form and deliver the Contract Bonds, and Insurance Certificates, required by the Contract Documents.

I am / We are an Individual / a Partnership /  a Corporation

By Thompson & Sons Contracting Inc. Trading as Thompson & Sons Contracting Inc.  
(Individual's / General Partner's /  Corporate Name)

Delaware  
(State of Corporation)

Business Address: 300 Torbert RD  
Milford, DE 19963

Witness: Bonnie F Thompson By: W.P. Thompson Jr.  
(SEAL) Bonnie F Thompson ( Authorized Signature ) W.Pierce Thompson Jr.  
Owner/C.E.O.  
( Title )

Date: 11/15/2022

- ATTACHMENTS**  
Sub-Contractor List  
Non-Collusion Statement  
Bid Security  
(Others as Required by Project Manuals)

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID FORM**

In accordance with Title 29, Chapter 6962 (d)(10)b Delaware Code, the following sub-contractor listing must accompany the bid submittal. The name and address of the sub-contractor must be listed for each category where the bidder intends to use a sub-contractor to perform that category of work. In order to provide full disclosure and acceptance of the bid by the Owner, it is required that bidders list themselves as being the sub-contractor for all categories where he/she is qualified and intends to perform such work.

| Subcontractor Category    | Subcontractor                               | Address (City & State)   |
|---------------------------|---|--|
| 1. Site Demolition        | <u>Thompson &amp; Sons Contracting Inc.</u> | <u>300 Torbert RD<br/>Milford, DE 19963</u>                    |
| 2. Concrete Patch         | <u>Thompson &amp; Sons Contracting Inc.</u> | <u>300 Torbert RD<br/>Milford, DE 19963</u>                    |
| 3. Fencing                | <u>Seagull Fencing and Concrete LLC</u>     | <u>30143 Discount Land RD<br/>Laurel, DE 19956</u>             |
| 4. Electrical             | <u>American Electric Services LLC</u>       | <u>265 Trout Way<br/>Frederica, DE 19946</u>                   |
| 5. De Prof. Land Surveyor | <u>Atlantic Surveying &amp; Mapping LLC</u> | <u>PO Box 247<br/>Harbeson, DE 19951</u>                       |
| 6. Geotechnical Engineer  | <u>Hillis Carnes Engineering Assoc.</u>     | <u>10975 Guilford RD STE A<br/>Annapolis JCT MD 20701-1125</u> |

(concrete tests)

RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305

BID FORM

NON-COLLUSION STATEMENT

This is to certify that the undersigned bidder has neither directly nor indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this proposal submitted this date to theTown of Leipsic, Delaware.

All the terms and conditions of Contract No. 14020 have been thoroughly examined and are understood.

NAME OF BIDDER: Thompson & Sons Contracting Inc.

AUTHORIZED REPRESENTATIVE (TYPED): W. Pierce Thompson Jr.

AUTHORIZED REPRESENTATIVE (SIGNATURE): *W. P. Thompson Jr.*

TITLE: Owner/C.E.O

ADDRESS OF BIDDER: 300 Torbert RD

Milford, DE 19963

PHONE NUMBER: 302-335-3404

Sworn to and Subscribed before me this 15th day of November 2022.

My Commission expires July 06, 2024.

NOTARY PUBLIC

*Bonnie Faye Thompson*

Bonnie Faye Thompson



**THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED.**

**AFFIDAVIT  
OF  
EMPLOYEE DRUG TESTING PROGRAM**

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects requires that Contractors and Subcontractors implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds.

We hereby certify that we have in place or will implement during the entire term of the contract a Mandatory Drug Testing Program for our employees on the jobsite, including subcontractors, that complies with this regulation:

Contractor/Subcontractor Name: Thompson & Sons Contracting Inc.  
Contractor/Subcontractor Address: 300 Torbert RD  
Milford, DE 19963  
Authorized Representative (typed or printed): W.P. Thompson Jr.  
Authorized Representative (signature): W. Pierce Thompson Jr.  
Title: Owner/C.E.O

Sworn to and Subscribed before me this 15th day of November 20 22.

My Commission expires July 06, 2024. NOTARY PUBLIC Bonnie Faye Thompson  
Bonnie Faye Thompson

**THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED.**



# STATE OF DELAWARE

## Department of Finance Division of Revenue

ACTIVE BUSINESS LICENSE  
2011122869

EFFECTIVE

01/01/2022 - 12/31/2024

ISSUED TO

THOMPSON & SONS CONTRACTING INC  
300 TORBERT RD  
MILFORD DE 19963-7144

LOCATION

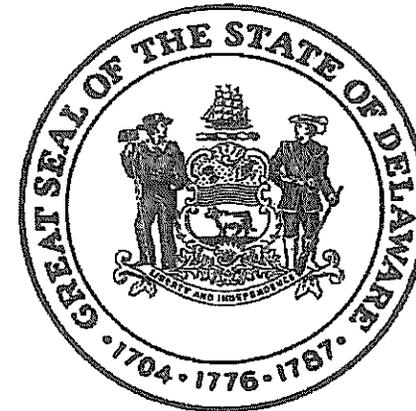
THOMPSON & SONS CONTRACTING INC  
300 TORBERT RD  
MILFORD, DE 19963-6108

TRADE, BUSINESS, OR  
PROFESSIONAL ACTIVITY

RESIDENT CONTRACTOR

ISSUED: 01/09/2020  
FEE PAID: \$150.00

Is hereby licensed to practice, conduct, or engage in the  
occupation or business activity indicated above in  
accordance with the license application duly filed  
pursuant to Title 30, Delaware Code.



2024

POST CONSPICUOUSLY - NOT TRANSFERABLE



**Certificate Number:**

DE-2021-000000263

Valid for both Private and Public Work



**Registration Date:**

07/07/2021

**Expiration Date:**

07/07/2023

**State of Delaware**

**Department of Labor**

Office of Contractor Registration

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**THOMPSON & SONS CONTRACTING INC**

**Valid for both Private and Public Work**

**Responsible Representative(s)**

Bonnie F Thompson/ Corporate Secretary

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

Karryl D. Hubbard

Secretary of the Delaware Department of Labor

# STATE OF DELAWARE

## Department of Finance Division of Revenue

ACTIVE BUSINESS LICENSE  
2007603056

EFFECTIVE

01/01/2021 - 12/31/2023

ISSUED TO

SEAGULL FENCE AND CONCRETE LLC  
30143 DISCOUNT LAND RD  
LAUREL DE 19956-3679

LOCATION

SEAGULL FENCE AND CONCRETE LLC  
30143 DISCOUNT LAND RD  
LAUREL, DE 19956-3679

TRADE, BUSINESS, OR  
PROFESSIONAL ACTIVITY

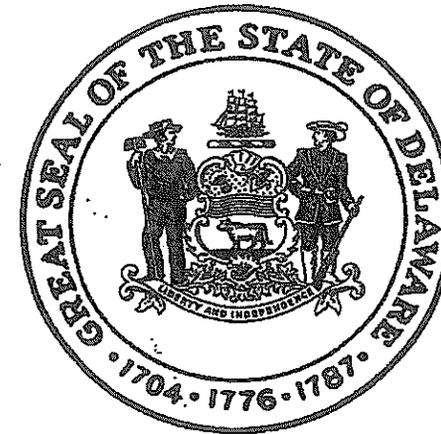
RESIDENT CONTRACTOR

2023

ISSUED: 12/18/2020  
FEE PAID: \$225.00

Is hereby licensed to practice, conduct, or engage in the occupation or business activity indicated above in accordance with the license application duly filed pursuant to Title 30, Delaware Code.

POST CONSPICUOUSLY - NOT TRANSFERABLE



Certificate Number:  
DE-2021-000000077  
Valid for both Private and Public Work



Registration Date:  
07/02/2021  
Expiration Date:  
07/02/2023

**State of Delaware**  
Department of Labor  
Office of Contractor Registration

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**SEAGULL FENCE AND CONCRETE LLC**

**Valid for both Private and Public Work**

Responsible Representative(s)  
Jose Villeda

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

Karyl D. Hubbard  
Secretary of the Delaware Department of Labor

LICENSE NO. 2005209226 DORBL

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

POST CONSPICUOUSLY

DLN: 20 92318 10

BUSINESS CODE 331  
GROUP CODE

LICENSED ACTIVITY CONTRACTOR-RESIDENT

DATE ISSUED: 08/18/20

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

AMERICAN ELECTRICAL SVCS LLC  
265 TROUT WAY  
FREDERICA DE 19946-1866



AMERICAN ELECTRICAL SVCS LLC  
265 TROUT WAY  
FREDERICA DE 19946-1866

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE

JENNIFER R. HUDSON

DIRECTOR OF REVENUE

**Certificate Number:**

DE-2022-000005149

Valid for both Private and Public Work



**Registration Date:**

07/23/2021

**Expiration Date:**

07/23/2022

**State of Delaware**

**Department of Labor**

Office of Contractor Registration

**Delaware Contractor Registration Act**

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

**AMERICAN ELECTRICAL SVCS LLC**

**Valid for both Private and Public Work**

**Responsible Representative(s)**

Deane C Betts

*Non Transferable*

*This Certificate may not be transferred or assigned  
and may be suspended or revoked by the  
Secretary of the Delaware Department of Labor*

A handwritten signature in black ink that reads "Karryl D. Hubbard".

Karryl D. Hubbard

Secretary of the Delaware Department of Labor

LICENSE NO. 2012605004 DOBRL  
POST CONSPICUOUSLY

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

DLN: 199711128

BUSINESS CODE 007  
GROUP CODE

LICENSED ACTIVITY PROFESSIONAL AND/OR PERSONAL SERVICES

DATE ISSUED: 11/11/19

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

ATLANTIC SURVEYING & MAPPING LLC  
PO BOX 247  
HARBESON DE 19951-0247



ATLANTIC SURVEYING & MAPPING LLC  
26373 LEWES GEORGETOWN HWY  
HARBESON DE 19951-2869

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

JENNIFER R. HUDSON  
DIRECTOR OF REVENUE

LICENSE NO. 2007216311 DBRL

STATE OF DELAWARE  
DIVISION OF REVENUE

**VALID**  
01/01/20 - 12/31/22  
NOT TRANSFERABLE

POST CONSPICUOUSLY

DLN: 20 60107 36

BUSINESS CODE 540  
GROUP CODE 007

LICENSED ACTIVITY PROFESSIONAL SERVICES- ENGINEER  
PROFESSIONAL AND/OR PERSONAL SERVICES

DATE ISSUED: 01/13/20

**\*\*VALIDATED\*\***

**2022**

LICENSE FEE: \$ 225.00

MAILING ADDRESS

**BUSINESS LICENSE**

BUSINESS LOCATION

HILLIS CARNES ENGINEERING ASSOC  
OF SALISBURY LLC  
10975 GUILFORD RD STE A  
ANNAPOLIS JCT MD 20701-1125



HILLIS CARNES ENGINEERING ASSOC  
1277 MCD DR  
DOVER DE 19901-4639

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION  
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE  
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

JENNIFER R. HUDSON  
DIRECTOR OF REVENUE

**IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION**

Federal E.I. No. or  
Social Security Number B15250578682 001

Business Code 540  
Group Code 007

Licensed Activity PROFESSIONAL SERVICES- ENGINEER  
PROFESSIONAL AND/OR PERSONAL SERVICES

The State of Delaware Business License printed above must be posted in a public area at the location address listed. If you have any questions regarding this license, please call (302) 577-8778.

**REPLACEMENT LICENSES**

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

**OTHER IMPORTANT INFORMATION**

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at [www.revenue.delaware.gov](http://www.revenue.delaware.gov). You must submit all business tax returns filed with the Division of Revenue under the same identification number. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

**INTERNET SITE**

The Division of Revenue web address is: [www.revenue.delaware.gov](http://www.revenue.delaware.gov). Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

**RIVERWALK RAILING UPGRADE  
MISPILLION GREENWAY  
N WALNUT STREET to WASHINGTON STREET  
MILFORD, DELAWARE  
CONTRACT NO. 14305**

**BID BOND**

TO ACCOMPANY PROPOSAL  
(Not necessary if security is used)

KNOW ALL MEN BY THESE PRESENTS That: Thompson & Sons Contracting, Inc.  
\*\*\*\*\* of 300 Torbert Road, Milford, DE in the County of Sussex County and  
State of Delaware as Principal, and Old Republic Insurance Company  
of 445 S Mooreland Rd., Ste. 200, Brookfield in the County of Waukesha County and State of Wisconsin  
as Surety, legally authorized to do business in the State of Delaware ("State"), are held and firmly unto  
the State in the sum of \*\*\*\*\* Dollars (\$  
\*\*\*\*\*), or TEN percent not to exceed Ten Percent (10%) of the bid submitted herewith  
\*\*\*\*\* Dollars (\$ \*\*\*\*\* ) of amount of bid on Contract No. 14305  
\*\*\*\*\*, to be paid to the State for the use and benefit of  
for which payment well and truly to be made, we do bind ourselves, our and each of our heirs,  
executors, administrators, and successors, jointly and severally for and in the whole firmly by these  
presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bonded **Principal** who has  
submitted to the City of Milford a certain proposal to enter into this  
contract for the furnishing of certain material and/or services within the State, shall be awarded this  
Contract, and if said Principal shall well and truly enter into and execute this Contract as may be  
required by the terms of this Contract and approved by the City of Milford  
\*\*\*\*\* Contract to be entered into within twenty days after the date of official notice of the award  
thereof in accordance with the terms of said proposal, then this obligation shall be void or else to be  
and remain in full force and virtue.

Sealed with Corporate seal and dated this 1st day of November in the year of our Lord two  
thousand and Twenty-Two (2022).

**SEALED, AND DELIVERED IN THE PRESENCE OF:**

Corporate Seal  
By: Thompson & Sons Contracting, Inc.  
W. P. [Signature]  
Name of Bidder (Organization)  
Authorized Signature  
Attest Bonnie F. Thompson  
OWNER / C.E.O.  
Title  
Old Republic Insurance Company  
Name of Surety  
Witness: Katrina Biter  
Katrina, Biter, Witness  
By: R. Clay Foltz, Attorney-in-Fact  
Title





# OLD REPUBLIC INSURANCE COMPANY

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania stock insurance corporation, does make, constitute and appoint:

ROBERT C FOLTZ, M. KATELYN FOLTZ, JAMIE KEPPLER, RYAN HAVELow, OF DOVER, DE

its true and lawful Attorney(s)-in-Fact, with unlimited power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than self-insurance workers compensation bonds guaranteeing payment of benefits or black lung bonds) , as follows:

### ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC INSURANCE COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a meeting on December 10, 2019. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC INSURANCE COMPANY on December 10, 2019.

RESOLVED FURTHER, that the chairman, president or any vice president of the Company's surety division, in conjunction with the secretary or any assistant secretary of the Company, be and hereby are authorized and directed to execute and deliver, to such persons as such officers of the Company may deem appropriate, Powers of Attorney in the form presented to and attached to the minutes of this meeting, authorizing such persons to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds, other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds. The said officers may revoke any Power of Attorney previously granted to any such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company (i) when signed by the chairman, president or any vice president of the Company's surety division and attested and sealed (if a seal be required) by any secretary or assistant secretary; or (ii) when signed by a duly authorized Attorney-in-Fact and sealed with the seal of the Company (if a seal be required).

RESOLVED FURTHER, that the signature of any officer designated above, and the seal of the Company, may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC INSURANCE COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 19TH day of APRIL, 2022.

*Karen J. Haffner*

Assistant Secretary



OLD REPUBLIC INSURANCE COMPANY

*Alan Pavlic*

Vice President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 19TH day of APRIL, 2022, personally came before me, ALAN PAVLIC and KAREN J. HAFFNER to me known to be the individuals and officers of the OLD REPUBLIC INSURANCE COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say; that they are said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said organization.



*Kathryn R. Pearson*  
Notary Public

My commission expires: 9/28/22

(Expiration of notary commission does not invalidate this instrument)

### CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

66-2000



Signed and sealed at the City of Brookfield, WI this 1st day of November, 2022

*Karen J. Haffner*

Assistant Secretary

THE BOND AGENCY

# City of Milford



## Resolution 2021-02

### Approving City of Milford Outdoor Recreation, Parks and Trails (ORPT) Grant Application 20-255T

**WHEREAS**, Since its establishment in 1974, Milford Parks and Recreation has set out to promote community recreation with an emphasis on using the Mispillion River for water-related recreation; and

**WHEREAS**, threading its way through the heart of the City, the Mispillion Riverwalk ("Riverwalk") offers numerous recreational opportunities to both visitors and residents alike while aiding in the revitalization of Milford's downtown; and

**WHEREAS**, a section of the guardrail system on the Riverwalk located between North Walnut and North Washington Streets has been identified as a safety hazard requiring repairs, as well as additional lighting to accommodate those walkers and bicyclists who take advantage of the scenic Mispillion River; and

**WHEREAS**, the City of Milford applied to the Delaware Department of Natural Resources and Environmental Control, for funding related to the design and engineering of enhanced lighting on the Riverwalk at "Library Square" in the amount of \$75,000 from the Delaware Land & Water Conservation Trust Fund; and

**WHEREAS**, on September 28, 2020, the Grant Review Committee reviewed and evaluated applications and on October 14<sup>th</sup>, 2020, unanimously authorized the funding of \$75,000 contingent upon the City of Milford providing matching funds; and

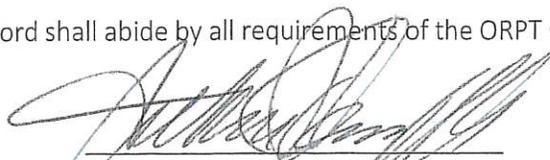
**WHEREAS**, upon the recommendation of the City's Finance Director and City Manager, the City Council of the City of Milford hereby agrees to contribute matching funds of \$75,000 from the Electric Reserve Funds; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that on the 25<sup>th</sup> day of January 2021, the City Council of the City of Milford, by majority vote, authorize the ORPT Grant Funding Application 20-255T and matching funds of \$75,000 from Electric Reserves, for improvements to the existing guardrail system and additional and enhanced lighting for the wellbeing and safety of the high-volume of residents and visitors who utilize the Riverwalk; and

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

  
Arthur J Campbell, Mayor of Milford

Attest:

  
Teresa K. Hudson, City Clerk



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PLANNING OUR  
CLIENTS' SUCCESS

November 14, 2022

Rob Pierce, Planning Director  
City of Milford  
180 Vickers Drive  
Milford, Delaware 19963

Re: **Professional Services**  
**MILFORD CORPORATE CENTER / TRAFFIC IMPACT STUDY**  
Milford, DE  
202208300

Dear Mr. Pierce:

Becker Morgan Group, Inc. is pleased to provide you with a professional services proposal for Traffic Impact Study services for the Milford Corporate Center project located in Milford, Delaware. We appreciate your continued confidence in our firm.

If this proposal is acceptable as written, please sign and return to our office. Upon receipt, we will proceed accordingly with our services.

Thank you for the opportunity to be of continued service. Please do not hesitate to call with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.

Christopher Duke, PE, PTOE  
Associate Principal

CDD/bar/apg

enc: Proposal (11/14/2022)

202208300af-ppl-TIS

BECKER MORGAN GROUP, INC.

THE TOWER AT STAR CAMPUS  
100 DISCOVERY BOULEVARD, SUITE 102  
NEWARK, DELAWARE 19713  
302.369.3700

309 SOUTH GOVERNORS AVENUE  
DOVER, DELAWARE 19904  
302.734.7950

PORT EXCHANGE  
312 WEST MAIN STREET, SUITE 300  
SALISBURY, MARYLAND 21801  
410.546.9100

3333 JAECKLE DRIVE, SUITE 120  
WILMINGTON, NORTH CAROLINA 28403  
910.341.7600

www.beckermorgan.com



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ENGINEERING

November 14, 2022

## Proposal / Agreement

### Professional Services

#### MILFORD CORPORATE CENTER / TRAFFIC IMPACT STUDY

Milford, DE  
202208300

### Project Scope

It is our understanding you would like Becker Morgan Group, Inc. to prepare a Traffic Impact Study to support the Milford Corporate Center project in Milford, Delaware. You have previously contracted with us for full services. This contract shall be considered additional services to our existing contract.

On 10/24/2022, a Traffic Impact Study Scoping Meeting was hosted by DeIDOT and the City of Milford for this project. The Scoping Meeting was memorialized in a Scope of Work provided by DeIDOT, dated 11/03/2022. Based on our understanding of the study parameters, the following scope of services is offered:

### Services Scope

#### Traffic Impact Study

As this project will generate greater than 500 trips per day and 50 trips per peak hour, a Traffic Impact Study (TIS) is required, per DeIDOT and City of Milford regulations. We attended the TIS Scoping Meeting to determine the specific requirements of the study. Per the Scoping Meeting, we will evaluate the following intersections for capacity and level-of-service:

- 1) Site Entrance A / Delaware Route 15 / Airport Road
- 2) Site Entrance B / Delaware Route 14
- 3) Delaware Route 14 / Delaware Route 15 / Holly Hill Road (Kent Road 447)
- 4) Delaware Route 14 / Williamsville Road (Kent Road 443)
- 5) US Route 113 / Delaware Route 14
- 6) Delaware Route 14 / Church Hill Road (Kent Road 404)
- 7) Delaware Route 14 / Sandbox Road (Kent 398)
- 8) Delaware Route 14 / Bloomfield Drive (Kent Road 396)
- 9) Delaware Route 15 / Church Hill Road
- 10) Delaware Route 15 / Crickett Hollow Lane (Kent Road 400)
- 11) Delaware Route 15 / Ward Branch Lane (Kent Road 399)
- 12) Church Hill Road / Goldfinch Drive (*Backfill*)
- 13) Church Hill Road / Bowman Road (Kent Road 401)
- 14) Church Hill Road / Tub Mill Pond Road (Kent Road 119)

We will evaluate the intersections listed above given the traffic scenarios below. Case 3a contemplates one (1) full access on SR 15. Case 3b contemplates one (1) full access on SR 14 and one (1) full access on SR 15.

- 1) Existing Case – Case 1
- 2) Future Case without development – Case 2
- 3) Future Case with development given access scenario A – Case 3a
- 4) Future Case with development given access scenario B – Case 3b

We will evaluate the intersections for each traffic scenario listed above during the non-summer weekday A.M. and weekday P.M., peak hours. We will perform new traffic counts at the intersections listed above, as well as collect Automatic Traffic Recorder (ATR) data in vicinity of each proposed entrance on SR 14 and SR 15. The costs of new traffic counts are included in our fee.

Per the Scoping Meeting, there are several committed developments to be considered in the Study. They are:

- 1) **Hickory Glen** (159 units of mid-rise multi-family housing – townhouses, and 240 units of mid-rise multi-family housing - apartments).
- 2) **Dogwood Meadows** (124 single-family detached houses).
- 3) **Southfield** (87 single-family detached houses)
- 4) **Westwood Subdivision** (182 single-family detached houses and 158 units of low-rise multi-family housing).
- 5) **Ching Mixed Use Property** (105-unit campground, 35 cabins and 70 R/V camper spaces), 29,200 square feet of retail space, a 5,585 square foot convenience market with sixteen (16) fueling positions, three (3) 2,500 square foot fast-food restaurants, a 5,000 square foot high-turnover sit-down restaurant, a 100-room hotel, a 7,500 square foot daycare, 3,200 square feet of office / store space, and a 215-parking space 1-slide park).

We will prepare trip generation, distribution, and assignment figures associated with these committed developments for DeIDOT review and include them in Case 2 and 3 volume development. We will contact the City of Milford to determine what portion of these developments has already been built (if any) and revise trip generation accordingly. If additional committed developments are required beyond those listed above, our fee will need to be revised.

We will prepare the content of the TIS Report and make the following submissions to DeIDOT, as required in DeIDOT's Development Coordination Manual:

*Traffic Count and Trip Distribution Submission*

1. Collect turning movement count data as described above.
2. Prepare turning movement diagrams of existing peak hour traffic volumes.
3. Prepare Committed Development trip generation and trip distribution diagrams.

*Preliminary TIS*

1. Description of project, study area, and existing traffic and transportation conditions including crash data summary and crash diagrams.
2. Site trip / Pass-by trip generation diagrams.
3. Site trip distribution / trip assignment diagrams.
4. Future condition turning movement diagrams.

*Final TIS*

1. Capacity / Level-of-Service Analysis.
2. Identification of geometric, operational, and/or design improvements to the study intersections (if any).
3. Prepare final report.

Final TIS Coordination

HOURLY

After submission of the Final Traffic Impact Study Report to DeIDOT, DeIDOT will review and prepare a DRAFT letter documenting their review and final recommended improvements. We will then have an opportunity to review the DRAFT letter and meet with DeIDOT and New Castle County to discuss. It is possible that additional elements of study, outside of what is specifically mentioned herein, may be necessary for use in negotiations with DeIDOT and the County before the Final TIS Recommendation Letter is finalized. Additional elements of study, along with agency correspondence and coordination related to this, will be billed under the existing Extra Services Task at the hourly rates outlined in the attached *Terms and Conditions of Agreement*.



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**Compensation**

For the services described above (excluding Final TIS Coordination), we will bill you a fixed fee in the amount of \$28,000.00. If Extra Services are requested, we will provide on an hourly basis per our *Terms and Conditions of Agreement (01/01/22)*, with prior authorization.

**Exclusions** (the following are excluded from our contract)

- Regulatory Matters\*: Variances; Exceptions; Amendments; Hearings; Review Meetings
- Surveying\*: Subdivision Plats; Recordation; Agency Reviews; ALTA/ACSM Surveys; Recordation Drawings; As-Built Surveys; Construction Stake Out Services
- Studies\*: Community Impact Statements; Feasibility; Transportation Management Plan; Signal Justification Study
- Environmental: Phase 1 and Phase 2 Studies; Forest Conservation Compliance\*; Wetlands Delineation and Permitting\*; Critical Areas Compliance\*
- Engineering: Geotechnical (Soil Borings and Recommendations); Civil\*; Structural; Mechanical, Electrical, Plumbing; Fire Protection; Life Safety; Technology and Telecommunications
- Design of any Off-Site Improvements or Utility Extensions to the Site\*
- Design\*: Architecture, Landscape
- Other Consultants: Scheduling
- Graphics\*: Models; 2D and 3D Presentation Materials; Marketing Materials/Presentation Graphics; Project Signage; Computer Animation
- Fees: Filing; Review; Permits; Agency Approvals; Bonds
- Reproduction: Printing of Construction and Bid Sets of Drawings and Specifications
- Coordination of Owner / Tenant Provided Materials or Services

\* Becker Morgan Group, Inc. has personnel qualified to perform these services as required.

**Agreement Terms**

Reimbursable items such as printing, mileage, shipping, etc. are not included in our fee, and will be billed separately. The attached *Terms and Conditions of Agreement* documents contract terms and is hereby incorporated into this agreement. The requirement for an initial payment has been waived. If this proposal is acceptable as written, please sign and return to our office. We will then proceed accordingly with our services.

Thank you for the opportunity to be of continued service.

BECKER MORGAN GROUP, INC.

  
Christopher Duke, PE, PTOE  
Associate Principal

  
J. Michael Riemann, PE  
Vice President

cdd/bar/apg

City of Milford

Accepted: \_\_\_\_\_

Title: \_\_\_\_\_

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



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ENGINEERING

| <b>Client Billing Information</b>             | <i>(To Be Completed By Client – Please Print)</i> |
|---|---|
| Billing Contact Name:                         |   |
| Billing Entity:                               |   |
| Billing Address:<br>Street, City, State, Zip: |   |
| Billing Email Address:                        |   |
| Billing Contact Phone:                        |   |

enc: *Terms and Conditions of Agreement (01/01/22) DE*

202208300af-ppl-TIS

**TERMS AND CONDITIONS OF AGREEMENT  
For Professional Services**

**Scope of Project and Services**

See attached proposal/letter of agreement. All references herein to A/E means Design Professional - Architect, Engineer, Landscape Architect, Surveyor, or Interior Designer.

**Fixed Fee Projects**

Billings are based upon the percentage of completion of each phase of services.

**Hourly Rate Schedule**

Compensation for hourly services:

|   |                    |
|---|--------------------|
| Principals  | \$225 - 275/hr     |
| Senior Associate  | \$150 - 200/hr     |
| Associate   | \$120 - 160/hr     |
| Architect/Engineer/Interior Designer/Landscape Architect & Surveyor | \$145 - 165/hr     |
| Designer  | \$100 - 145/hr     |
| Technician  | \$ 50 - 110/hr     |
| Support   | \$ 50 - 150/hr     |
| Field Crew  | \$180/hr           |
| Expert Witness  | 1.5 x billing rate |
| 3D Scanner  | \$200              |

*Rates subject to change each January.*

Any consultants required and authorized by the Owner will be billed at cost plus ten (10) percent.

**Estimated Fees**

Fee estimates are valid for sixty (60) days. Where an estimated total is given for hourly work, it shall not constitute an upset figure, but is provided to assist in project budgeting only.

**Initial Payment**

Services commence when the Owner's authorization is received with the initial payment, which will be applied to the final invoice.

**Invoices**

Invoices are sent monthly for services performed. Payment is due upon receipt. A late charge will be added thirty (30) days after the invoice date at 1.5% per month simple interest.

**Reproduction Expenses**

In-house reproduction expenses incurred in the interest of the project will be billed as follows:

| Plots       | Size    | Regular | Color   |
|-------------|---------|---------|---------|
|             | 18x24   | \$ 5.00 | \$10.00 |
|             | 24x36   | \$10.00 | \$15.00 |
|             | 30x42   | \$15.00 | \$20.00 |
| Photocopies | 8½ x 11 | \$ .15  | \$ .50  |
|             | 8½ x 14 | \$ .20  | \$ .75  |
|             | 11x17   | \$ .25  | \$ 1.00 |
| Prints      | 18x24   | \$ 2.00 |         |
|             | 24x36   | \$ 3.00 |         |
|             | 30x42   | \$ 4.00 |         |

**Reimbursable Expenses**

Other expenses incurred in the interest of the project (travel, toll communications, postage, delivery, photographs, engineering or other consultants, renderings, models, etc.) will be billed monthly at cost plus ten (10) percent.

**Government Agency Fees / Approvals**

The owner shall pay directly (outside of Becker Morgan Group, Inc.'s fees and reimbursables) for all of the following governmental charges,

including but not limited to: application fees, review fees, permit fees, plat recordation, governmental charges, impact fees, front footage assessments, water flow and pressure test, tap-in fees, bonds, transfer taxes, etc. Owner should investigate and budget these items in their total project development soft costs. Owner acknowledges that the approval process necessary to estimate or maintain a project timeline is both unpredictable and outside of the A/E's control. A/E does not guarantee approvals by any governing authority or outside agency, nor the ability to achieve or maintain any project timeline.

**Additional Services**

Services beyond those outlined in the attached Scope of Work, including for revisions due to adjustments in the scope, budget or quality of the project, for redesign of previously approved drawings, and for additional Construction Phase services, will be billed at hourly rates above or at fixed fees.

**Change of Scope**

All fees are subject to renegotiations if the original scope of service is changed or if services are not completed within two (2) months of the project's projected completion date indicated in the proposal.

**Early GMP or Design / Build**

If Owner solicits early GMP or Design / Build proposals based upon work-in-progress drawings or prior to A/E's receipt of, and response to, permitting comments, Owner acknowledges that any cost scheduling information resulting for such solicitations or procurement necessary will be subject to revision until the Construction Documents are finally completed and issued for construction, including all addenda. Any services required to highlight drawing changes associated with early GMP or Design / Build proposals shall be compensated as an Additional Service.

**Fast-Track or Phased Project Delivery**

If Owner requests or requires fast-track design services or early or phased construction document packages, Owner assumes the elevated risk that the design services and/or phased construction document packages will have errors, omissions or incomplete coordination. Accordingly, A/E shall have no liability to Owner with respect to fast-track design services or early or phased construction packages absent gross negligence on the part of the A/E.

**Betterment**

In the case of design errors or omissions that lead to an increase in the cost of construction, A/E shall have no liability to Owner for the portion of such cost increase that represents betterment or value added to the project.

**Third-Party Beneficiaries**

Neither the Contractor nor any other person or entity, apart from the Owner and A/E, are intended beneficiaries of the A/E's services. A/E does not warrant or represent that its services or the Construction Documents will be free from errors, omissions or ambiguities. Owner shall inform all prospective contractors and construction managers, in writing, that A/E makes no representation whatsoever to any prospective contractor, trade contractor or construction manager regarding the quality, completeness or sufficiency of the Construction Documents, for any purpose whatsoever.

**Design Without Construction Review**

Should Owner elect not to engage A/E to perform normal periodic construction observation and normal full service Submittals, RFIs, Substitution and Change Order review services during construction, Owner acknowledges that there is an increased risk to Owner of misinterpretation of A/E's design intent by the Contractor, the Owner or inspecting agencies; an increased risk of non-compliant construction work on the part of the Contractor; and a

reduced opportunity afforded to the A/E and Owner to identify and resolve conflicts, errors or omissions in the construction or in the construction documents at a point when the consequences stemming from such risks and reduced opportunities could have been mitigated or avoided. Accordingly, A/E shall not be liable to Owner or others for any portions of any damages or harm that plausibly could have been avoided had the A/E been engaged to perform full service construction phase services.

Please note: Delaware Code Title 24 – Chapter 3 mandates an A/E is required for "construction contract administration services". If Becker Morgan Group, Inc. is not hired to provide these services, we are required by law to file a Construction Contract Administration Services Provider Change Form with the appropriate officials designating who will be providing the required services directly for the Owner.

**Ownership of Documents**

All documents (drawings, sketches, reports, etc.) prepared as instruments of service shall remain the copyrighted property of the A/E and are specific only to this project, Owner, and this Agreement. Work which is furnished, but not paid for, will be returned to the A/E and will not be used for any purpose by the Owner until payment in full is rendered. Owner agrees to indemnify, defend and hold A/E harmless for all claims arising out of Owners reuse, misuse, modification or assignment of A/E's instruments of service. This provision shall survive termination of this Agreement.

**Insurance**

The A/E is protected by Workmen's Compensation, Professional Liability and Standard Public Liability Insurance. The A/E will not be responsible for any loss, damage or liability arising from Owner's negligent acts, errors or omissions or those by Owner's consultants, contractors, and agents or from those of any person whose conduct is not within the A/E's contractual responsibility.

**Risk Allocation**

Owner and A/E have discussed the risk, rewards and benefits of the project and the A/E's total fee for services. The risks have been allocated such that the Owner agrees that to the fullest extent permitted by law, A/E's total liability to Owner for any and all injuries, claims, losses, expenses, damages or claims expenses arising out of this agreement from any cause or causes, shall not exceed the total fee or \$50,000, whichever is greater. Such causes include, but are not limited to design professional's negligent errors, omissions, or breach of contract. This limitation of liability may be increased up to the limits of A/E's insurance coverage available to pay for said increased liability only if a mutually agreed increase in A/E's fees is negotiated and set to this or written amendment executed by both parties.

**Termination of Agreement**

This Agreement may be terminated by either party upon seven (7) days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. This Agreement may be terminated by the Owner upon at least seven (7) days written notice to the A/E in the event the Project is permanently abandoned. In the event of termination not the fault of the A/E, the A/E shall be compensated for all services performed to termination date together with Reimbursable Expenses then due.

**Environmental Hazards / Subsurface Conditions**

The A/E does not perform services related to the identification, containment or removal of asbestos, hazardous waste, or any other environmental hazards, nor will it assume liability for any damages or costs related to these materials. Unless specifically included under A/E's scope of services, A/E assumes no liability for geotechnical engineering or any other analysis or testing of subsurface conditions (including soils and the location of any utilities or structures not visible on the surface).

**Nonpayment/Work Stoppage**

The A/E reserves the right to stop work on the project upon ten (10) days written notice to Owner for non-payment and withdraw any permit documents. A/E's stoppage of work shall be without liability for consequential or other damages resulting from the stoppage. Restart on the project after thirty (30) days of stoppage will require payment of additional fees.

**Standard of Care**

The Owner acknowledges the inherent risks associated with construction. In performing professional services, the A/E will use that degree of care and skill ordinarily exercised under similar circumstances by competent licensed A/E in the jurisdiction where the project is located. Under no circumstances shall any other representation (express or implied) or any type of warranty or guarantee be included or intended by the A/E during the completion of its services under this Agreement.

**Successors & Assigns**

The Owner and the A/E bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

**Affidavits / Certifications**

Any affidavits or certifications required by government agencies, lenders, or others shall be written to include language acceptable to the A/E. The Owner shall not require certification that would require knowledge or assumption of responsibilities beyond the scope of this agreement.

**Miscellaneous Provisions**

Unless otherwise specified, this Agreement shall be governed by Delaware Law. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement.

**Collection**

If it is necessary to enforce collection on any amount past due under this agreement, the A/E shall be reimbursed for all legal and other reasonable costs related thereto, including (33%) attorney's fees, court costs, administrative time and other collection costs.

**Certificate of Merit**

The Owner shall make no claim (whether directly or in the form of a third party claim) against the A/E unless the Owner shall have first provided the A/E with a written certification executed by a licensed professional in the State of Delaware, specifying each and every act or omission which the certifier contends constitutes a violation of the standard of care expected of an A/E performing professional services under similar circumstances. Such certificate shall be provided to the A/E thirty (30) days prior to the presentation of any such claim.

**Frivolous Suit or Counterclaim**

In the event the Owner makes a claim (or counterclaim) or brings an action against the A/E for any act arising out of the performance of the services hereunder, and the Owner fails to prove such a claim or action, then the Owner shall pay all

legal and other costs incurred by the A/E in defense of such claim or action.

**Electronic Media**

If electronic media of project files are requested, the Owner or requesting party must sign an Electronic Media Release Form, plus remit \$200.00 per file, plus printing costs per sheet for one (1) record set for Owner and one (1) set for A/E.

**Privity of Contract**

Owner agrees that any claim against A/E will be based solely on breach of contract and Owner also agrees that any contract by the Owner with any contractor for work on the project shall specifically state that "Contractor shall make no claim against A/E for the project and Contractor's sole basis for claim shall be breach of contract against the Owner regardless of whether such claim is based on any alleged error or omission of the A/E." Contractor also agrees to place such a clause as this in all its agreements with any subcontractors for the project restricting their right to recovery to breach of contract against the contractor.

**Repose**

As between the parties to this Agreement, any applicable statute of limitations or repose will begin to run, and any cause of action will have accrued, not later than the date of the last invoice sent to Owner by A/E for project services performed. In no event shall Owner be permitted to make any claim against any party, including third parties not in a privity with this Agreement, after four (4) years from the date of substantial completion of the project or the date of the final payment to A/E for this project, whichever event occurs earliest (referred to as the date of repose), whether the basis of any claim is known or discovered before or after that date of repose.

**Publicity**

All publicity developed for this project will credit Becker Morgan Group, Inc. as the Architects/Engineers, as appropriate.

January 1, 2022

**Becker Morgan Group, Inc.**

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TO: City Council and Mayor

FROM: Rob Pierce, AICP - Planning Director

DATE: November 28, 2022

RE: Milford Corporate Center – Traffic Impact Study - Engineering Proposal Authorization

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### **Background**

On February 14, 2022, City Council authorized the execution of a Memorandum of Understanding (MOU) with Tsionas Management Company, Inc and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Corporate Center located on the Fry property. Phase I of the MOU includes professional assistance with the development of a concept master plan and evaluation of off-site improvements.

On February 28, 2022, City Council authorized the execution of a contract for engineering services to Becker Morgan Group to produce a concept master plan for the Milford Corporate Center.

On August 8, 2022, City Council reviewed the preliminary concept plan prepared by the development team prior to scheduling the public workshop and submitting for State of Delaware Preliminary Land Use Service (PLUS) review. A PLUS hearing was held on August 24, 2022 with State agencies and we are awaiting PLUS comments.

On October 10, 2022, City Council authorized engineering service contracts with Becker Morgan Group in the amounts of \$210,000 and \$313,000 for the design and permitting of onsite construction improvements and anticipated DelDOT road and right-of-way improvements. The contracts excluded the cost for a new Transportation Impact Study (TIS).

### **Engineering Services Contract – Traffic Impact Study**

The City and Becker Morgan Group met with DelDOT representatives on October 24, 2022 where it was determined that the project would require the preparation of a new Traffic Impact Study (TIS). The City received the enclosed proposal from Becker Morgan Group for these services.

**Staff recommends City Council authorize the Mayor to execute the engineering agreement with Becker Morgan Group in the amount of \$28,000 for the preparation of a Traffic Impact Study for the Milford Corporate Center to be funded with General Fund Reserves. Any grant proceeds received will be reimbursed into the reserves fund from which the initial funding originated. Any funding that we are unable to offset with grant funding will be incorporated into the improved**

**cost of the corporate center and will be reimbursed on a pro rata basis with respect to all funding sources ultimately contributing to the development of marketable, infrastructure-ready lots.**



PUBLIC WORKS DEPARTMENT  
180 Vickers Drive  
Milford, DE 19963

PHONE 302.422.1110  
FAX 302.422.1117  
www.cityofmilford.com

To: Mayor and City Council

Thru: Mark Whitfield, City Manager  
Michael Svaby, Public Works Director

From: James Puddicombe, City Engineer

Subject: Sewer Division, CCTV Sewer Camera

Date: November 21, 2022

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Staff requests City Council consider a recommendation to purchase a CCTV sewer inspection camera system. With our recurring maintenance requirement to evaluate sewer lines on an ongoing basis, the City will spend an estimated \$2.15-\$5.50 per liner foot (LF) with contractors who conduct line inspections. The City currently has over 300,000 LF of sewer line installed, representing a total cost of over \$1.2 million. In the last 12 months the City has spent \$67,394 on CCTV inspections for I&I investigation alone. Assuming the pace of inspections continues, this unit would pay itself back in two years. In addition, this equipment will be used to troubleshoot water leaks and to inspect and approve the slope of storm water pipe, leading to additional cost avoidance by ensuring properly constructed utility systems prior to City acceptance.

The purchase of the unit was identified as a need in the FY23 Capital Improvement Plan (CIP)<sup>1</sup> and was approved for \$120,000 in current year sewer funding in the FY23 Sewer Fund Operating Budget.

The purchase of this system will be made through use of the Houston Galveston Area Council (HGAC) Contract. Specifications for the CUES Mark III system are attached. The purchase price in HGAC is \$123,000, requiring additional funding in the amount of \$3,000.

**RECOMMENDATION:**

Staff recommend City Council authorize a purchase order in the amount of \$123,000.00 to CUES in accordance with the HGAC contract and submitted proposal funded with current sewer operating fund resources.

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<sup>1</sup> City of Milford FY23-27 CIP as Approved April 25, 2022, Page 4 of 9, line 78 "ROVVER Mainline Sewer Inspection System" linked here: <https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3633>



Date: November 28, 2022  
To: Mayor and City Council  
Through: Mark A. Whitfield, City Manager  
From: Louis C. Vitola, Finance Director  
Re: Declaration of Intent to Apply for USDA Community Facilities Loan

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#### EXECUTIVE SUMMARY

The application package for the USDA Police Facility Loan requires a formal *notice of intent to apply* approved by the governing body. Staff recommend approval of the enclosed resolution, which will satisfy the USDA requirement.

#### ADDITIONAL INFORMATION

Staff and the police facility project management team from the Becker Morgan Group, Richard Y. Johnson, and John Hynes have been working closely with the USDA Community Facilities Team on the final application package for long-term financing that will be put in place when the project is complete. We anticipate finalizing the application early in December for USDA consideration. The enclosed resolution only serves to formalize the City's intent to apply to the USDA for the police facility loan; no terms or conditions of the loan are being modified or changed in any way. All prior resolutions authorizing the debt issuance remain in force and unchanged.

#### RECOMMENDATION

Staff recommend approval of the enclosed resolution declaring the City of Milford's intent to apply for the USDA Community Facility Direct Loan Program for long-term financing of the City's new police headquarters.



## RESOLUTION 2022-19

### Declaration of Intent to Apply to United States Department of Agriculture Community Facilities Direct Loan Program

*WHEREAS, the City of Milford (the "City") expects to issue a maximum of \$20,000,000.00 principal amount of its general obligation bonds or notes (the "Bonds") to finance the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Capital Project"); and*

*WHEREAS, the City Council of the City of Milford, Delaware ("Council") approved Resolution 2020-30 on October 12, 2020, authorizing the maximum principal amount, interest rate and general terms of the Bonds ("the Financing Terms"), and scheduling a public hearing on the proposed borrowing for December 14, 2020; and*

*WHEREAS, Council approved Resolution 2020-41 on December 14, 2020, proposing the Financing Terms unto the electors of the City and authorizing a Special Election (the "Referendum") to be held on January 26, 2021; and*

*WHEREAS, the Referendum was authorized by the electors of the City on January 26, 2021; and*

*WHEREAS, the Capital Project is being financed through the design and construction phases with the City's 2021 Bond Anticipation Note (the "BAN") placed directly with PNC Bank, N.A. in April 2021; and*

*WHEREAS, the Capital Project is expected to be financed on a long-term basis through the issuance of the City of Milford General Obligations Bonds, in one or more series or subseries (the "Bonds"); and*

*WHEREAS, the USDA offers competitive long-term financing and other funding alternatives unavailable in traditional debt markets through its Community Facilities Direct Loan Program; and*

*WHEREAS, this Resolution is intended to constitute the intent of Council to apply to the USDA Community Facilities Direct Loan Program to finance all or any portion of the project costs on a long-term basis.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford as follows:*

- 1. The City finds and determines that the foregoing recitals are true and correct.*
- 2. The City hereby declares the intent to apply to the USDA Community Facilities Direct Loan Program to finance all or any portion of the Capital Project pursuant to the existing terms established by Council and approved by the electors of the City.*
- 3. Council hereby authorizes the City Manager to effectuate all application requirements, including any public notice requirements, specified by the USDA to meet eligibility requirements of the Community Facilities Direct Loan Program.*
- 4. The Mayor of the City is directed to execute any forms related to the USDA Community Facilities Direct Loan Program in the name and on behalf of the City as is required by the City Charter.*
- 5. Resolution 2022-19 is hereby approved and adopted by Milford City Council this 28th day of November 2022.*

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*Mayor Arthur J. Campbell*

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*City Clerk Teresa K. Hudson*