



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

CITY COUNCIL AGENDA February 27, 2023

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 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

Proclamation 2023-03/Black History Month

Proclamation 2023-04/Captain Edward Huey's Retirement

Public Hearings/Public Comments ①

Ordinance 2023-07

Lands of Oak Forest Park, LLC/Change of Zone

3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard

Comprehensive Plan Designation: Low Density Residential

Present Zoning District: R-2 (Residential District)
Proposed Zoning District: C-1 (Neighborhood Commercial) (Proposed Lot One only)
Present Use: Golf Course, Clubhouse and Restaurant
Proposed Use: Restaurant/Brew Pub (Proposed Lot 1)
Tax Parcel: 3-30-11.00-008.00 (portion)

Ordinance 2023-08/Pedestrian Safety Ordinance
Chapter 197 – Streets, Sidewalks, Storm Sewers, and Other Public Places
Adds New Article entitled Pedestrian Safety

Communications/Correspondence

Monthly Finance Report

Unfinished Business

Cancelation/City of Milford Annual Election ¹
Update/Milford Corporate Center

New Business

Update/PD Project/Change Order Report
Authorization/Utility Extension Outside City Limits

Executive Session

Motion to Recess into Executive Session

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

Return to Open Session

Potential Vote/Personnel

Adjournment

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

ALL 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, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING SHALL BE FROM THE COUNCIL PACKET AND REFERENCED BY PRESENTER USING AUDIO AND VISUAL MEANS TO ENSURE VIRTUAL PARTICIPATION BY ALL IN ATTENDANCE.

Ⓢ 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.*

021423

¹ 022123 Late Addition by City Clerk/Deadline this Date

² 022223 Ordinance (2309-08/Number Corrected
Items Added by City Manager (Staff Meeting)

022423 Items Removed

022723 Item Removed

022723 Open House Announcement Added





PROCLAMATION 2023-03 BLACK HISTORY MONTH

WHEREAS, Black History Month was first celebrated in February 1976 by the Association for the Study of African American Life and History; and

WHEREAS, the Association continues to support the study of African American History in homes, schools, churches, organizations, businesses, and government; and while it believes that Black history, like American history, should be studied 365 days a year, it continues to view February as the critical month for pursuing this mission; and

WHEREAS, the history of African Americans unfolds across the canvass of America, beginning before the arrival of the Mayflower and continuing to the present; and

WHEREAS, from port cities where Africans disembarked from slave ships to the battle fields where their descendants fought for freedom, from the colleges and universities where they pursued education to places where they created communities during centuries of migration, the imprint of Americans of African descent is deeply embedded in the narrative of the American past as these sites prompt us to remember but over time became hallowed grounds; and

WHEREAS, the Black History Month 2023 theme, "Black Resistance," explores how African Americans have resisted historic and ongoing oppression, in all forms, especially the racial terrorism of lynching, racial pogroms and police killings since the nation's earliest days; and

WHEREAS, linked to this theme, this City is the proud home of the Milford Eleven, a special group who gained national attention as the first African American students to attend a previously all-white Milford School in 1954; and

WHEREAS, while only in the Milford School District for 28 days, their impact was far reaching as they proudly paved the way for continued Civil Rights action.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do proclaim the month of February 2023 as BLACK HISTORY MONTH and urge all citizens in Milford, Delaware to celebrate our diverse heritage and culture and continue our efforts to create a world that is more just, peaceful and prosperous for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 1st day of February 2023.

Mayor Arthur J. Campbell

Attest:

Acting City Clerk Katrina White



PROCLAMATION 2023-03 BLACK HISTORY MONTH

WHEREAS, Black History Month was first celebrated in February 1976 by the Association for the Study of African American Life and History; and

WHEREAS, the Association continues to support the study of African American History in homes, schools, churches, organizations, businesses, and government; and while it believes that Black history, like American history, should be studied 365 days a year, it continues to view February as the critical month for pursuing this mission; and

WHEREAS, the history of African Americans unfolds across the canvass of America, beginning before the arrival of the Mayflower and continuing to the present; and

WHEREAS, from port cities where Africans disembarked from slave ships to the battle fields where their descendants fought for freedom, from the colleges and universities where they pursued education to places where they created communities during centuries of migration, the imprint of Americans of African descent is deeply embedded in the narrative of the American past as these sites prompt us to remember but over time became hallowed grounds; and

WHEREAS, the Black History Month 2023 theme, "Black Resistance," explores how African Americans have resisted historic and ongoing oppression, in all forms, especially the racial terrorism of lynching, racial pogroms and police killings since the nation's earliest days; and

WHEREAS, linked to this theme, this City is the proud home of the Milford Eleven, a special group who gained national attention as the first African American students to attend a previously all-white Milford School in 1954; and

WHEREAS, while only in the Milford School District for 28 days, their impact was far reaching as they proudly paved the way for continued Civil Rights action.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do proclaim the month of February 2023 as BLACK HISTORY MONTH and urge all citizens in Milford, Delaware to celebrate our diverse heritage and culture and continue our efforts to create a world that is more just, peaceful and prosperous for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 1st day of February 2023.

Mayor Arthur J. Campbell

Attest:

Acting City Clerk Katrina White



PROCLAMATION 2023-04

COMMENDING CAPTAIN EDWARD HUEY ON HIS RETIREMENT

Whereas, Edward A. Huey started his career in law enforcement with Rehoboth Beach Police Department in 1985 as a seasonal Dispatcher and then as a Seasonal Officer until August 1986, when at age 20, he was hired by Laurel Police Department as a Law Enforcement Officer until January 1987;

Whereas, he was then recruited and hired by Seaford Police Department, graduating from the Delaware State Police Academy as a member of the 31st Municipal/54th State Police Class in March 1987;

Whereas, he was hired by Milford Police Department in October 1989 where he would spend the next 34 year of his career;

Whereas, in 1990, Huey was promoted to Patrolman First Class and in 1991, was sent to the Virginia State Police Drug Abuse Resistance Education (DARE) Officer Training program after which he became a DARE Program Instructor for the next three years;

Whereas, in 1992, he was promoted to the rank of Corporal and was awarded the State of Delaware Veterans of Foreign Wars Officer of the Year;

Whereas, the following year, he was recognized as Milford Elks Lodge 2401 Police Officer of the Year;

Whereas, in September 1994, Milford Police Department was rewarded the North Milford Initiative Program grant and Corporal Huey was assigned to the program whose purpose was to address root causes of criminal activity during the crack cocaine epidemic;

Whereas, these efforts including the closing of a problematic bar which was the site of persistent police responses for decades that had evolved into an open-air drug market, after which the City purchased the property, after which additional federal funding was acquired through Huey's efforts to demolish the building and replace it with a Community Head Start educational facility, that exists in that location today;

Whereas, Huey also the organized the inaugural and very popular and anticipated First Night out In Milford, a community-based program to establish better relationships between police and the community's that they serve; and

Whereas, he also became a certified bicycle patrol officer during that time as well and went on to become one of the first International Police Mountain Bike Association's certified instructor in Delaware and went on to teach hundreds of officers from various states and locales the skills necessary to patrol safely on bicycles;

Whereas, in 1996, he was selected to serve at the Atlanta Olympic Games on the prestigious Centennial World Olympic Games Security Team and later that year was promoted to the rank of Sergeant and transferred back to the Patrol Division where he served for the next several years;

Whereas, when Milford Police Department made a decision to pursue national accreditation, Sergeant Huey was selected to author the Departments policy and procedure manual and serve as an Accreditation Manager;

Whereas, in 1997, Huey was nominated by the Milford Jaycee's as one of Delaware's Outstanding Young Delawareans and in 1999, received the National Association of Police Organizations TOP COPS Award;

Whereas, between 2005-2014 Huey became responsible for the installation of all emergency equipment, dash cameras, and radios of all police vehicles, resulting in a substantial savings to the City of Milford;

Whereas, he was promoted to the rank of Lieutenant in June 2007 where he assumed the responsibilities of the Internal Affairs investigations, Fleet Operations, IT Services, Dispatch Center Equipment and Personnel and Hiring Manager; chaired a committee in 2008 with other members of the department to build out the New World System allowing for a modern comprehensive Computer Aided Dispatch System and Records Management System, all while attending evening classes to obtain his bachelor's degree in Administration of Justice;

Whereas, in January 2022, Huey was promoted to the rank of Captain/Deputy Chief of the Milford Police Department and in February, began working on the successful development of the Computer Aided Dispatch and Records Management Software as a joint venture with the Smyrna Police Department, during which time he created a computer lab which allowed the two departments to

collaborate with guidance from Tyler Technology/ New World Public Safety;

Whereas, in August 2022, Chief Kenneth Brown retired his position and Huey was appointed the Acting Chief of Police, a position he retained until mid-February 2023; this date, he continues to serve as the Department's Captain and Police IT Manager;

Whereas, after a commendable career, Captain Edward Huey announced his retirement effective March 1, 2023; he has been a respected and accomplished leader both in the organization and throughout the Milford community and has been instrumental in making the Milford Police Department one of the most respectable departments in the State of Delaware.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim that Captain Edward Huey has

faithfully served the City of Milford, the Milford Police Department, the City's residents and the overall community for three decades;

AND, I FURTHER proclaim best wishes and good fortune to Captain Huey, his wife Kim, and his family, as he enters retirement and be it known, by all, that his outstanding service and dedication to the City of Milford shall not be forgotten.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 27th day of February 2023.

Mayor Arthur J. Campbell

Attest:

Acting City Clerk Katrina White



DATA SHEET FOR OAK FOREST PARK, LLC

Planning Commission Meeting: February 21, 2023

Application Number / Name	:	23-001 / Oak Forest Park, LLC
Applicant	:	Oak Forest Park, LLC PO Box 452 Smyrna, DE 19977
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial) (Proposed Lot 1 only)
Present Use	:	Golf Course, Clubhouse and Restaurant
Proposed Use	:	Restaurant/Brew Pub (Proposed Lot 1)
Size and Location	:	3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard. Addressed as 6152 S. Rehoboth Blvd.
Tax Map & Parcel(s)	:	3-30-11.00-008.00 (portion)

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



STAFF REPORT
January 11, 2023

Application Number / Name	:	23-001 / Oak Forest Park, LLC
Size and Location	:	3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard. Addressed as 6152 S. Rehoboth Blvd.
Tax Map & Parcel(s)	:	3-30-11.00-008.00 (portion)

I. BACKGROUND INFORMATION:

- The applicant proposes subdivide parcel 3-30-11.00-008.00 into two parcels, separating the existing golf course operation from the former restaurant and pro shop. The applicant is requesting to rezone approximately 3.93 acres of land from R-2 (Residential District) to C-1 (Neighborhood Commercial) shown as “Proposed Lot 1” on the provided survey. The rezoned portion of the property currently contains the existing clubhouse and restaurant. The applicant would like to renovate the existing clubhouse and restaurant into a standalone restaurant and brewpub.
- Staff would review the minor subdivision administratively per Chapter 200 Subdivision of Land.

II. STAFF ANALYSIS:

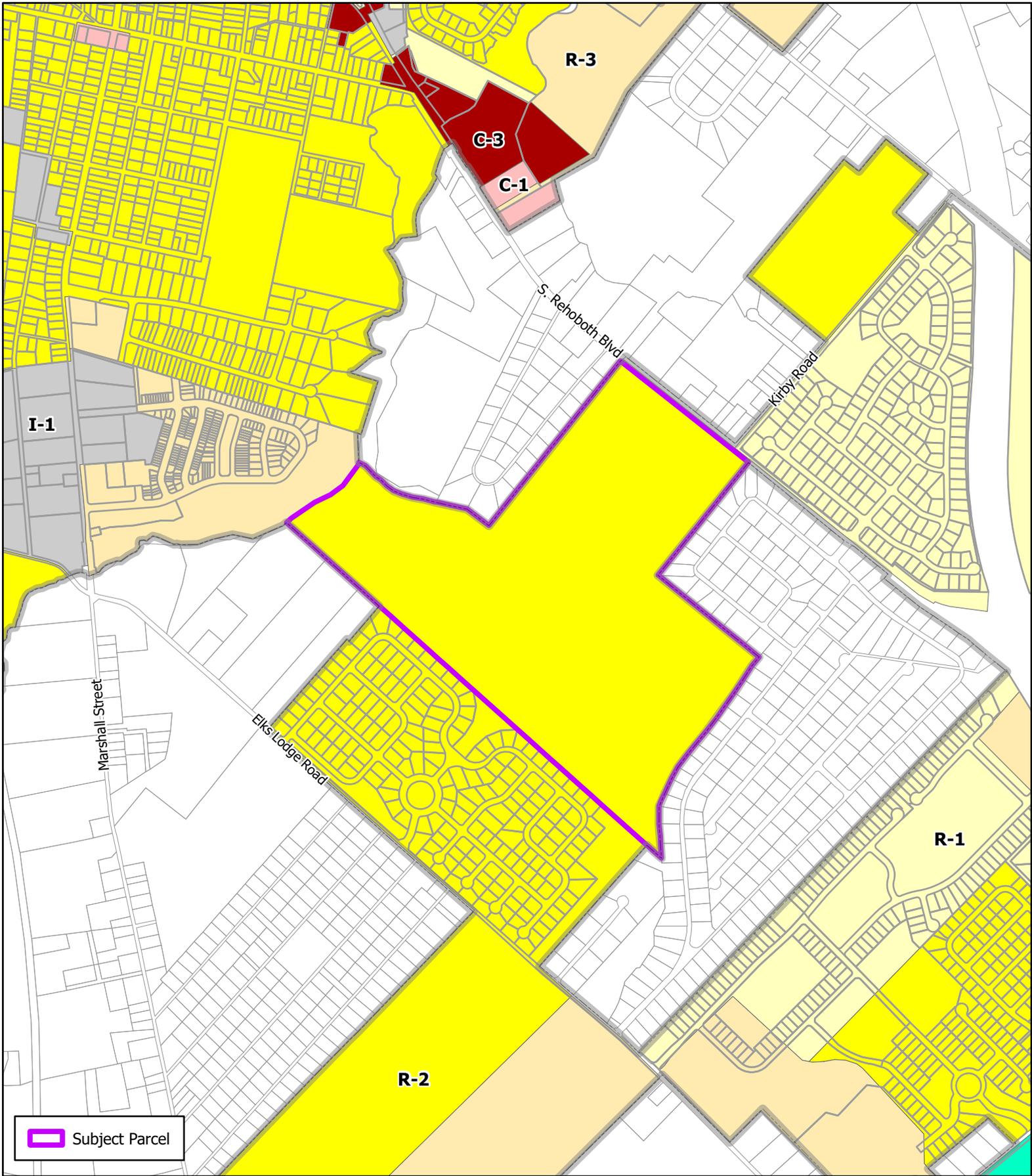
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Low Density Residential, for which C-1 (Neighborhood Commercial) is a suitable zoning designation. See attached Land Use & Zoning Link table from the comprehensive plan document.
- Per the 2018 Comprehensive Plan, “Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

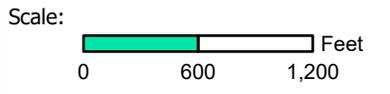
- Chapter 230 states, the purpose of the C-1 district is to provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- “Restaurants, excluding fast-food service or franchised food service operated restaurants” are permitted uses within the C-1 zoning district.
- The provided plan provides adequate off-street parking for the restaurant on the C-1 zoned property per the City’s off-street parking requirements found under Chapter 230-21. The zoning ordinance does not provide a specific parking calculation for a public golf course. The residual land containing the golf course would contain 81 parking spaces, which equates to more than four spaces per hole, which should be adequate.
- Any future use of the property must comply with Chapter 230 and the C-1 (Neighborhood Commercial District) zoning use and area regulations. Enclosed is a copy of the current permitted and conditional uses within the C-1 District.

III. AGENCY COMMENTS:

- DeIDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



 Subject Parcel



Drawn by: WRP Date: 01/31/22

Title:
Change of Zone
Oak Forest Park, LLC
Location & Zoning Map

Filepath: COZ_OakForestPark.aprx

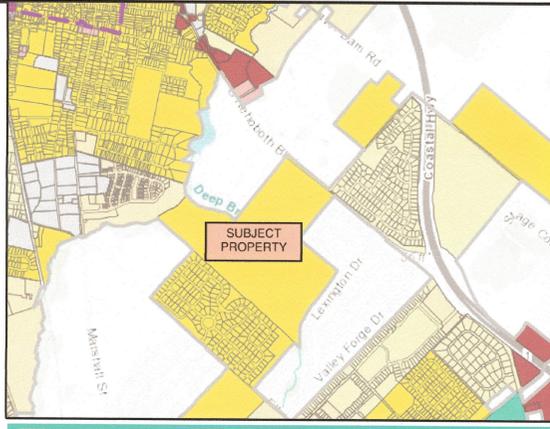
SITE DATA:
 TAX MAP 330-11.00-8.00
 ADDRESS 6152 SOUTH REHOBOTH BLVD. MILFORD, DELAWARE 19963
 CEDAR CREEK HUNDRED, SUSSEX COUNTY

EXISTING -
 AREA 149.30 ACRES MORE-OR-LESS
 ZONING DISTRICT R-2 (RESIDENTIAL DISTRICT)
 USE PUBLIC GOLF COURSE & RESTAURANT (ROOKERY NORTH)

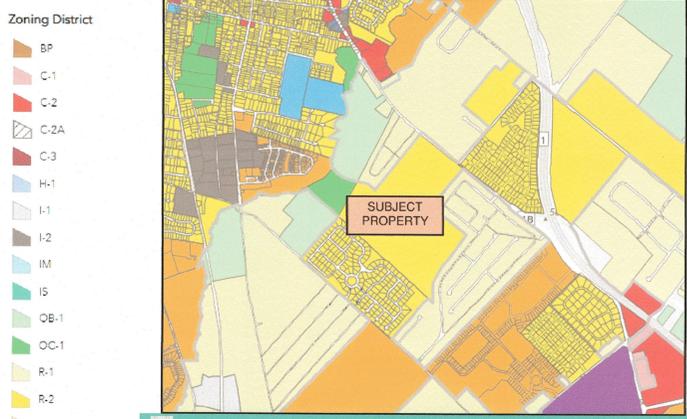
2018 COMP PLAN FUTURE LAND USE DESIGNATION LOW DENSITY RESIDENTIAL
 SANITARY SEWER EX. SEPTIC & CITY OF MILFORD
 WATER COMMERCIAL ONSITE WELL

PROPOSED -

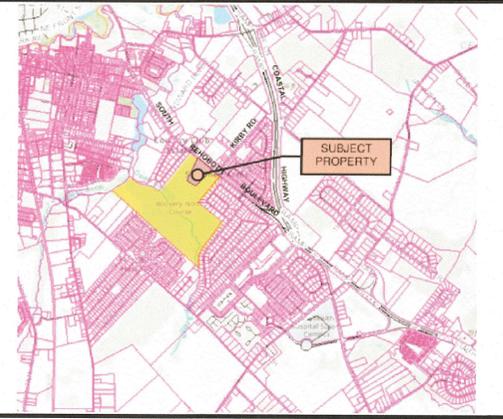
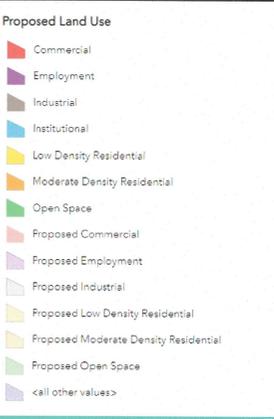
AREA	PROPOSED LOT 1 3.93± ACRES	RESIDUAL 145.37± ACRES
ZONING DISTRICT	C-1 (COMMUNITY NEIGHBORHOOD COMMERCIAL)	R-2 RESIDENTIAL DISTRICT
USE	RESTAURANT	PUBLIC GOLF COURSE
2018 COMP PLAN FUTURE LAND USE DESIGNATION	LOW DENSITY RESIDENTIAL	LOW DENSITY RESIDENTIAL
SANITARY SEWER	MILFORD	MILFORD
WATER	MILFORD	MILFORD
MAX. LOT COVERAGE	80%	30%
PARKING BUILDING PATHS, WALKWAYS, ETC.	0.75± ACRES 0.24± ACRES	
TOTAL	0.30± ACRES 1.29± ACRES (33%)	



City of Milford - Parcel and Zoning Map



City of Milford - Comprehensive Plan Future Land Use Map (as amended)



LOCATION MAP - SCALE: 1"=1 MILE±

PARKING RATIONALE:

EXISTING PARKING	164 SPACES
C-1 RESTAURANT (200-SEATS)	
REQUIRED	67 SPACES
EXISTING	76 SPACES
R2 PUBLIC GOLF COURSE	81 EXISTING SPACES
SHARED PARKING	7 SPACES

AREA REGULATIONS:

§ 230-10 R-2 (RESIDENTIAL DISTRICT) B. PERMITTED USES => § 230-9. - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. (9) COUNTRY CLUB, REGULATION GOLF COURSE, INCLUDING CUSTOMARY ACCESSORY USES, PROVIDED THAT ALL BUILDINGS HAVE A MINIMUM SETBACK OF 120 FEET FROM ALL STREET AND PROPERTY LINES.

INTERIOR LOT AREA (MIN.)	10,000 S.F.
CORNER LOT AREA (MIN.)	13,000 S.F.
LOT COVERAGE (MAX)	40%
LOT WIDTH (MIN.)	80-FEET
BUILDING HEIGHT (MAX.)	35-FEET
ACCESSORY BLDG. (MAX)	15-FEET
FRONT YARD SETBACK (MIN.)	25-FEET
REAR YARD SETBACK (MIN.)	25-FEET
(FOR CORNER LOTS THE REAR YARD MAY BE REDUCED 20% IN DEPTH TO ALLOW FOR THE SKEWING OF RESIDENTIAL DWELLING ON THE LOT)	
SIDE YARD SETBACK (MIN.)	12-FEET EACH SIDE

C-1 ((COMMUNITY (NEIGHBORHOOD) COMMERCIAL))

A PERPETUAL CROSS ACCESS EASEMENT FOR INGRESS, EGRESS, REGRESS, PARKING, UTILITIES AND DRAINAGE WILL BE PROVIDED WITHIN THE PARKING LOT, DRIVE AISLES AND COMMERCIAL ACCESS AREAS SHOWN AS PER THIS PLAT.

ARTICLE III - USE AND AREA REGULATIONS

§ 230-12. - C-1 COMMUNITY (NEIGHBORHOOD) COMMERCIAL DISTRICT.

IN A C-1 DISTRICT NO BUILDING OR PREMISES SHALL BE USED AND NO BUILDING SHALL BE ERRECTED OR ALTERED WHICH IS ARRANGED, INTENDED OR DESIGNED TO BE USED EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES AND COMPLYING WITH THE REQUIREMENTS SO INDICATED.

- A. PURPOSE. THE C-1 DISTRICT WILL PROVIDE FOR LIMITED COMMERCIAL AND PROFESSIONAL SERVICES ACTIVITIES THAT CAN BE COMPATIBLE IN A NEIGHBORHOOD SETTING TO PROVIDE GOODS AND SERVICES TO LOCAL RESIDENTS.
- B. PERMITTED USES. PERMITTED USES FOR THE C-1 DISTRICT SHALL BE AS FOLLOWS:
 - (7) RESTAURANTS, EXCLUDING FAST-FOOD SERVICE OR FRANCHISED FOOD SERVICE OPERATED RESTAURANTS.
- D. AREA REGULATIONS.
 - (1) MINIMUM LOT AREA SHALL BE 10,000 SQUARE FEET.
 - (2) MAXIMUM LOT COVERAGE SHALL BE 80%.
 - (3) MINIMUM LOT WIDTH SHALL BE 80 FEET.
 - (4) HEIGHT OF BUILDINGS SHALL NOT EXCEED 35 FEET.
 - (5) MINIMUM FRONT YARD SETBACK SHALL BE 25 FEET.
 - (6) SIDE YARDS SHALL BE AT LEAST 12 FEET IN WIDTH.
 - (7) MINIMUM REAR YARD SHALL BE 25 FEET.
 - (8) PARKING SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE IV OF THIS CHAPTER.
 - (9) LANDSCAPE SCREENING SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE V OF THIS CHAPTER.
 - (10) SIGNS SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE VI OF THIS CHAPTER.
 - (11) ACCESSORY STRUCTURES IN AGGREGATE SHALL OCCUPY NO MORE THAN 30 PERCENT OF THE REQUIRED REAR AND SIDE YARD OF THE LOT AREA AND MAY NOT DOMINATE IN AREA, EXTENT OR PURPOSE TO THE PRINCIPAL USE OR STRUCTURE. THE ARE OF THE PRINCIPAL STRUCTURE SHALL BE CALCULATED USING THE DEFINITION OF FLOOR AREA IN THIS CHAPTER.
 - (12) ACCESSORY STRUCTURES SHALL BE LOCATED IN THE SIDE AND REAR LOT AREAS.
 - (13) ACCESSORY STRUCTURES FOR RESIDENTIAL USES SHALL BE LOCATED AT LEAST 5 FEET FROM THE REAR LOT LINE AND AT LEAST 5 FEET FROM THE SIDE LOT LINE AND SHALL NOT BE LOCATED LESS THAN 5 FEET FROM A PRINCIPAL STRUCTURE.
 - (14) ACCESSORY STRUCTURES FOR NON-RESIDENTIAL USES SHALL MEET THE PRINCIPAL USE SETBACKS AND SHALL NOT BE LOCATED LESS THAN 5 FEET FROM A PRINCIPAL STRUCTURE.

ARTICLE IV - OFF-STREET PARKING AND LOADING

§ 230-21. - PARKING AND LOADING STANDARDS.

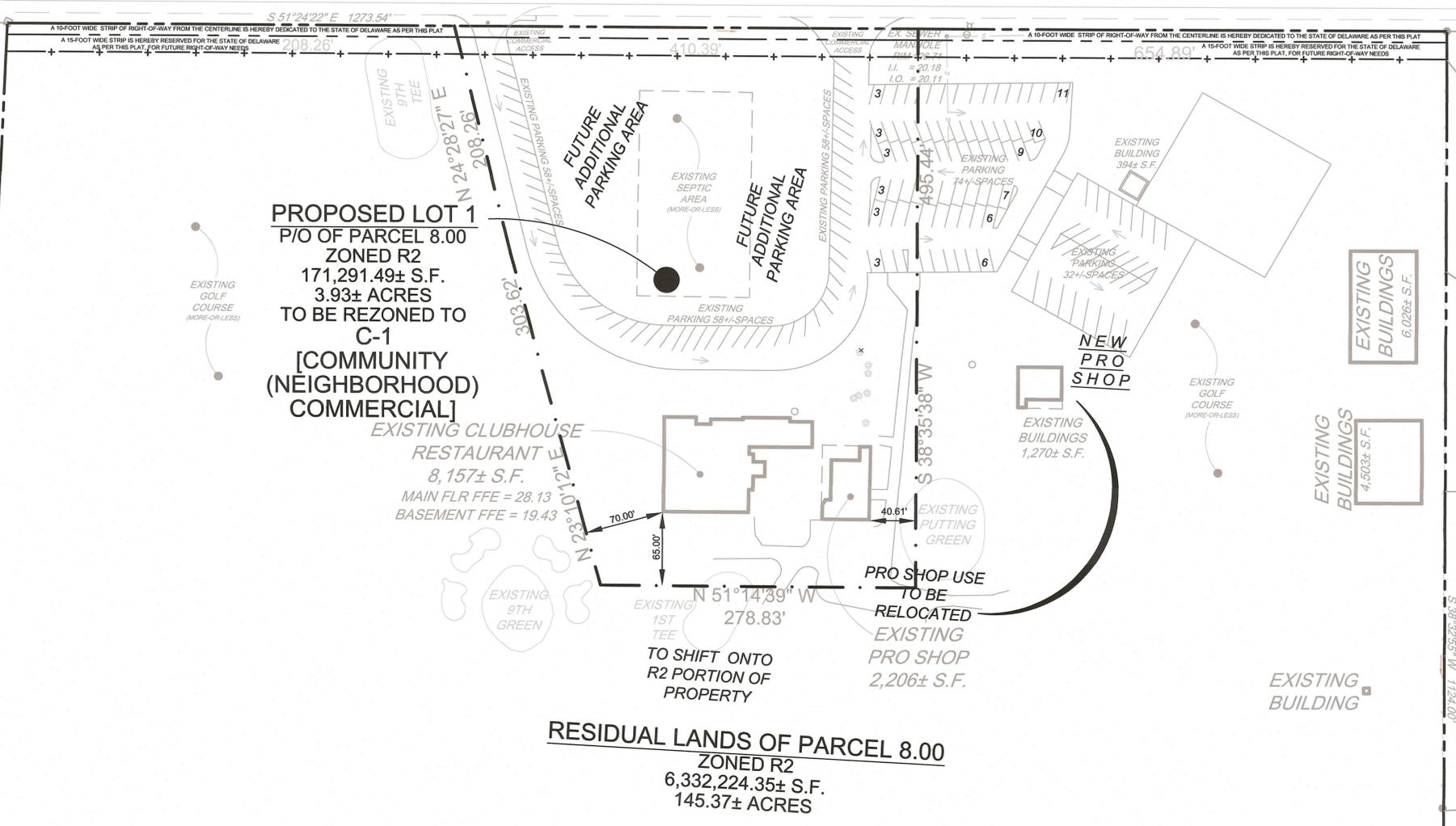
- B. USE STANDARDS. ALL USES PERMITTED IN THIS CHAPTER SHALL BE SUBJECT TO THE FOLLOWING MINIMUM OFF-STREET PARKING REQUIREMENTS IN ADDITION TO ANY SPECIAL REQUIREMENTS AS INDICATED IN EACH ZONING DISTRICT.
 - RESTAURANTS, FAST FOOD, TAVERNS AND SIMILAR USES: 1 SPACE PER 3 SEATING ACCOMMODATIONS.

ARTICLE V - LANDSCAPE SCREENING

§ 230-22. - DISTRICT REQUIREMENTS.

- B. COMMERCIAL DISTRICTS. IN ANY C-1, OB-1, OC-1 C-2 OR C-3 DISTRICT, A FIFTEEN-FOOT VISUAL AND SOUND BUFFER AREA SHALL BE PROVIDED ON NON-RESIDENTIAL USE PROPERTIES (OTHER THAN AGRICULTURAL USES) WHEN ABUTTING A RESIDENTIAL USE. SCREENING SHALL CONSIST OF AN OPAQUE BARRIER AT LEAST SIX FEET IN HEIGHT ACCOMPANIED BY LANDSCAPING.

SOUTH REHOBOTH BOULEVARD
 DELAWARE STATE ROUTE 14 | ALTERNATE DE. ST. ROUTE 1
 EXISTING 60-FOOT ROW | MINOR ARTERIAL - FUTURE 80-FOOT ROW / 10,595 AADT (2021)



Pennoni
 PENNONI ASSOCIATES INC.
 1807 Z Davidson Drive
 Milford, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

DELETED FOR THE STATE OF DELAWARE
 No. 17771
 PROFESSIONAL ENGINEER
 1/17/2023

TM: 330-11.00-PORION OF 8.00
 N/F THE GREENS AT BROADVIEW, LLC
 6152 S REHOBOTH BLVD MILFORD, DE 19963
 CITY OF MILFORD, CEDAR CREEK HUNDRED, SUSSEX COUNTY, DE

ZONING AMENDMENT PLAT
 OAK FOREST PARK, LLC
 P.O. BOX 452
 SMYRNA, DE 19777

NO.	DATE	REVISIONS	BY
1	2023-01-09	PER CITY COMMENTS VIA EMAIL DATED 2023-01-09	KEDMHD

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS OR FOR THE EXTENSION OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT OAKPR22001
 DATE 2022-12-30
 DRAWING SCALE 1"= 60'
 DRAWN BY MHD
 APPROVED BY MHD/AMD

0 60' 120'
 SHEET 1 OF 1

*OAK FOREST PARK, L.L.C.
P.O. BOX 452
SMYRNA, DE 19977
(302) 653-1212*

January 9, 2023

The City of Milford
180 Vickers Drive
Milford, DE 19963

Attn: Planning & Zoning

RE: 6152 S. Rehoboth Blvd.
Milford, DE 19963

The existing Rookery North golf course, formerly known as Shawnee Country Club, has been sitting vacant for the past 2 years. However, effective December 27, 2022, Tim and Matt Johnson t/a Oak Forest Park, LLC have purchased the golf course and former country club. Our plan is to reopen the golf course and country club after giving them both an extensive remodel. The golf course will remain a regulation 18-hole course with semi-private memberships, that will also be open to the public.

The old country club building will receive a much-needed facelift both inside and out using the existing footprint. Our concept for the former country club is to open a restaurant and brewpub that will occupy the main building and former pro shop. This new restaurant and brewpub is expected to employ 75-100 people, not including the 15-25 employees for the golf course. Ample parking already exists to satisfy the needs for both the restaurant and golf course. Typical hours of operation for the restaurant will be comparable to other restaurants in town, which are approximately 8am-9pm. The plan is to have the restaurant and brewpub open to the public by September 1st 2023.

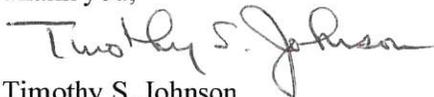
Currently, a restaurant and brewpub would be an approved conditional use in the R2 zoning as long as the golf course remains open. The potential tenant is going to make a substantial investment into the renovation of the former clubhouse and because of this, they would like the option to purchase their portion of the property in the future. Essentially, we would like to carve out 4 acres for the restaurant and rezone this to C1, which would be an approved use.

For the golf course, work has already begun to clean up the existing landscaping. We plan to have the first 9 holes, driving range, and pro shop open by September 1st 2023 to coincide with the opening of the restaurant. The final 9 holes, we will have open by June 1st 2024, if not sooner. Since the existing course layout will remain the same, all of our concentration will be on landscaping and refurbishing the greens, fairways, bunkers, and irrigation systems. The former pool house will be remodeled into the new pro shop which will provide services to both golf and pickleball activities.

Aside from the golf course, we know the City of Milford is looking to connect multiple properties going West towards Elks Lodge Rd. We have no problem with allowing the city to install a bike/walking path across our property to allow access to other adjacent properties in the future.

The future success of this property depends on the establishment of a new restaurant, which will be the anchor, and create an attraction for the golf course. We would hate to see the golf course fail once again and houses take its place. We are excited about the potential for this property and the great benefit it will once again provide residents of the City of Milford and surrounding communities.

Thank you,



Timothy S. Johnson
Managing Member

MJ/bjd

Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

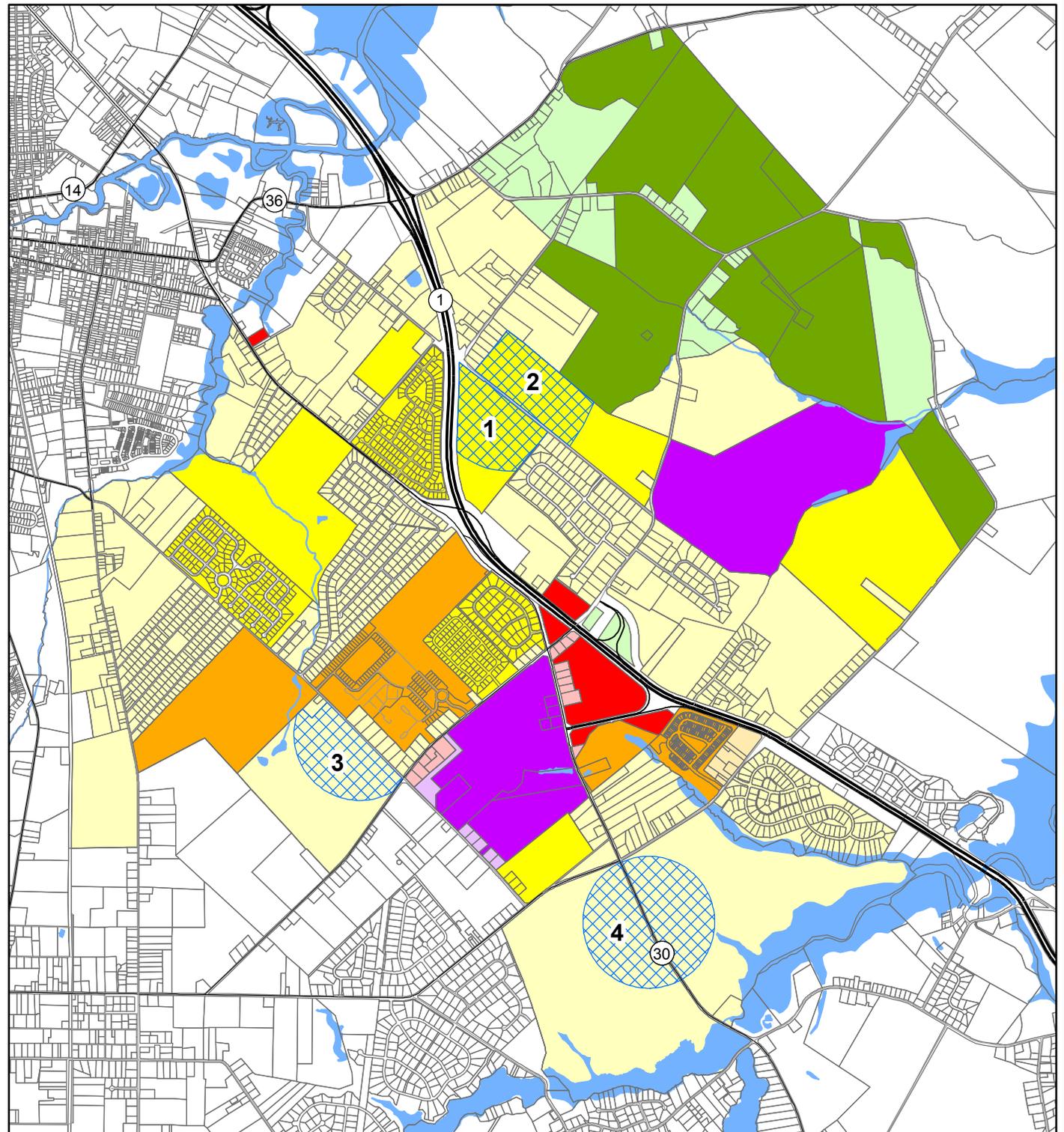
Revised March 2019

Legend

-  TDR Receiving Areas
-  TDR Sending Areas
-  Commercial
-  Employment Center
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Commercial
-  Proposed Employment
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture



0 0.25 0.5 1 Miles



Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

“...within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.”

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
Industrial	H-1 – Institutional Development
	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford’s zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford’s zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

- (b) Maximum lot coverage shall be 80%.
- (c) Minimum lot width shall be 50 feet.
- (d) Minimum front yard setback shall be 30 feet.
- (e) Minimum rear yard setback shall be 30 feet.
- (f) Minimum side yard setback shall be 20 feet.
- (g) The maximum number of dwelling units per building shall be 24.
- (h) The number of dwelling units per acre shall not exceed 16.
- (i) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.
- (5) Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (6) Parking shall comply with the requirements provided in Article IV of this chapter.
- (7) Signs shall comply with the requirements provided in Article VI of this chapter.
- (8) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
- (10) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
- (12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
 - (1) Single-family **detached** dwellings.
 - (2) ~~Offices for professional services and administrative activities.~~ **Professional Offices.**
 - (3) ~~Branch offices only of financial institutions and banks.~~ **Financial institutions, loan companies and banks.**
 - (4) ~~Barbershops and beauty shops.~~ **Personal service establishments.**
 - (5) Studio ~~—workshop~~ **for artists, designers, photographers, musicians, sculptors and related uses,** including sales.
 - (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
 - (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
 - (8) Retail sales and specialty stores.
 - (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
 - (10) Public parking lot.
 - (11) Off-street parking as an accessory use.
 - (12) ~~Antique shop or bookstore.~~

- (~~1213~~) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.
 - (~~1314~~) Community recreation center, as a nonprofit community service.
 - (~~1415~~) Laundromats.
 - (~~1516~~) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.
 - (c) Minimum lot width shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Convenience stores with gas pumps.
 - (2) Community residential treatment program.
 - (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.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

- [a] Site plan, including parking area and landscaped area.
- [b] Floor plan, with elevation drawings or photographs of existing building.
- [c] List of board members, proprietors or governmental officials to whom staff are responsible.
- [d] Written neighborhood relations plan.
- [e] Complaint recording and resolution plan.

(3) ~~All dwellings other than single family with a maximum density of 12 units per acre.~~ **Daycare Centers.**

(4) Undertaker or funeral home.

D. Area regulations.

- (1) Minimum lot area shall be **10,000** ~~3,630~~ square feet.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be **80** ~~30~~ feet.
- (4) Height of buildings shall not exceed ~~three stories or~~ 35 feet.
- (5) Minimum **front yard** ~~building~~ setback shall be **25** ~~10~~ feet.
- (6) Side yards shall be at least **12** ~~five~~ feet in width.
- (7) Minimum rear yard shall be 25 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an

CITY OF MILFORD

NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, February 21, 2023 @ 6:00 p.m.

City Council Hearing: Monday, February 27, 2023 @ 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 2023-07

Legal Owner Oak Forest Park, LLC for a Change of Zone from R-2 (Residential District) to C-1 (Neighborhood Commercial) (Proposed Lot 1 only) on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard Present Use Golf Course, Clubhouse and Restaurant; Proposed Use Restaurant/Brew Pub (Proposed Lot 1) Tax Map & Parcel 3-30-11.00-008.00 (portion)

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-2 to C-1, to permit a Restaurant/Brew Pub (Proposed Lot 1) on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Low Density Residential; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on February 21, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on February 2, 2023 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

Section 1. The adoption of this Ordinance hereby grants Legal Owner Oak Forest Park, LLC a Change of Zone from R-2 to C-1 on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard, Sussex County, Milford, Delaware, Tax Map & Parcel 3-30-11.00-008.00 (portion).

Section 2. Any future use of the property must comply with the City Zoning Code §230-12. C-1 Neighborhood Commercial District.

Section 3. Scheduled Dates.

City Council Introduction: Monday, February 13, 2023

Planning Commission Review & Public Hearing: Tuesday, February 21, 2023

City Council Public Hearing: Monday, February 27, 2023

Effective: Ten (10) Days following Adoption

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

Advertised: *Delaware State News 02-02-2023*

8 East Thrush Drive
Milford, DE 19963
February 23, 2023

Milford City Council Members
201 South Walnut Street
Milford, DE 19963

RE: Proposed Ordinance #2023-08/Rookery North/Change of Zone
Approved by P&Z on 2/21/23

Dear Mayor Campbell, Mark Whitfield, and Honorable City Council Members:

What in the good name of Schlitz Beer---was the Milford Planning & Zoning Board thinking when they approved and forwarded the request of Ordinance # 2023-08 to the Milford City Council to change the front 3.93 acres of The Rookery North property on South Rehoboth Boulevard from Residential to Commercial? This is setting a precedent, and local developers---you know who they are---will be jumping all over this to encroach on other residential neighborhoods.

Since the issue we nearby residents are having against this project is the Zoning change, I propose that rather than change the Zoning Code, the title of the proposed brewpub be changed to accommodate the existing R-2 definition. Call it “specialty brews,” “hand-crafted libations,” “brewed on premises,” or whatever, and work around the already approved R-2 Zone definition. Leave the Zone at R-2 Low Density Residential! Changing the Zone leaves this 3.93 acres open to too many undesirable businesses if the proposed plan doesn’t last, as has happened in the past. Also, the parties involved could change their mind and spin it off as soon as it is sold as commercial property!

Have the council members given thought to temporary outdoor events that may be held, bringing in a few thousand people? Concerts, food trucks, charity events, car shows, tent revival meetings, etc.?

At the February 21st P&Z meeting, we heard from the developer and the proposed restaurant/pub investor telling all the glorious accolades from the businesses they already own. One speaker, Joe Palermo, had a very good point: **“With the five businesses and two more in-process, why can’t the restaurateur get a business loan on his collateral without this particular piece of land being zoned commercial?”** Something else is going on here, it just doesn’t make sense.

So why this property? It is surrounded by private homes where we expected to have a peaceful existence in an R-2 Residential Zone. Most of the citizens who want the proposed brew pub and restaurant don’t live anywhere near the property. Well, I live VERY near it...don’t I matter?

With less than 12,000 people owning/renting/living in Milford, here are 14 of Milford’s food establishments serving alcohol; all but 2 or 3 have bar seating:

- | | |
|---------------------|-----------------------|
| Benvenuto | Easy Speak |
| Surf & Turf | Applebee’s |
| Ruby Tuesday | Park Place Tavern |
| Japanese Steakhouse | Arena’s |
| The Palace | Milford Bowling Lanes |
| Mamma Maria’s | Grotto Pizza |
| La Tonalteca | Shang Hai |

Bars present:

- Misphillion Brewery
- Feebs Brewery
- Milford Billiards
- Milford Tavern

Membership clubs:

- VFW
- American Legion
- Elks Lodge
- Milford Moose Center

Liquor Stores

- Uptown Liquors
- Mike’s Liquor Mart
- Discount Liquors
- M&M Liquors
- O’Neill’s Liquors
- Cypress Wine & Spirits

And now for more of my personal opinions:

1. Some people want this to draw summer travelers into Milford? Just what South Rehoboth Boulevard needs, out-of-town people coming in for the brewpub. **The money spent at this location is going right back to the owner(s) who live outside of Milford. Where is the gain? A few Milfordians working there?**
2. Help me understand the benefit to the development that I live in. How does this benefit me? Bright lights, big bright signage, difficulty getting in and out of our entrance, noise, trash. Are my taxes going to go down? NO!
3. DMI (Downtown Milford Inc.) is struggling to bring people into our city center businesses on Walnut and Front Streets. No people traveling to this proposed venture are going to benefit downtown Milford.
4. The principal investor at this meeting stated that the pub/restaurant hours would be consistent with other restaurants in Milford and he continued with the statement that one of his locations closes 9pm weekdays and 10pm weekends. So, on a Thursday I can bring in a group at 8:50pm, the doors close at 9pm, but we can stay another 2 or 3 hours while we dine and drink? **Don't be fooled by the sales pitch! See for yourself...I have attached Exhibit A that lists the Milford food and drink establishments with their current hours.**

I am requesting that Ordinance # 2023-08 be denied, or at least Tabled so that more research be done with the taxpayers most affected, the neighbors around this property.

Respectfully,

Gloria Markowitz
302 422-8003

Att: Exhibit A

From: Jacquelyn Cates <jvcates@live.com>

Date: February 23, 2023 at 13:28:03 EST

To: "Culotta, Todd" <tculotta@milford-de.gov>

Subject: Rookery property rezoning request

My name is Jacquelyn Cates and I live at 102 Matthews Circle Milford, DE 19963. I would like to go on record and submit this statement in support of the rezoning request submitted by the new owner/developer of the Rookery North property. I have lived in my home, less than 1 mile from this property, for over 10 years and am familiar with the property and the roads leading to and from it. My children are licensed drivers and frequently travel those roads. As a lifelong Milford resident who has seen the rise and fall of the old Shawnee Country Club, later The Rookery North, I 100% support the changes requested by the new owners. Their logic regarding the substantial investment by the entity who will rehab and run the restaurant makes sense. Operating independently of the course and providing dining opportunities to the residents in this area outside of course hours only makes sense for a successful business plan for this area. All the restaurants in Milford are located within city limits and are less accessible to those of us who live south of Marshall Millpond. There are no activities in the area either. With the addition of the course and proposed upgrades and added activities, residents in the area are within walking distance to the property and would benefit from the outdoor trails and proposed courts that would be open for public use. Having a restaurant with refreshments and light fare only makes sense during business hours and providing dinner services after hours ensures that the restaurant can remain independently successful without relying on those who come only for the golf course and other activities. Some residents in the area have expressed concerns about intoxicated drivers on the roads who would be coming from the restaurant if it was allowed to be operational after course hours. I think it is unfair to make that assumption given that there is a liquor store directly across the street from the course that has been there for decades and has had little to no impact on intoxicated driving in the area. To put that responsibility on the proposed restaurant is very obtuse. I have no doubt that an establishment operating with a liquor license will train their employees and have proper protocol in place to avoid overserving their patrons and allowing them to leave intoxicated. It would only make sense, given the litigious society we live in.

In conclusion, I'd like to say that I think revamping the property and providing a dining establishment for South Milford residents to patronize will be a great addition to our town. My husband and I often find ourselves going to Milton if we want to have dinner out because we don't particularly care for the hustle and bustle of the city. I support the requested zoning changes for the success of the course as well as the longevity of the proposed restaurant. Thank you for your time and attention.

Sincerely,

Jacquelyn Cates

8 East Thrush Drive
Milford, DE 19963
February 23, 2023

Milford City Council Members
201 South Walnut Street
Milford, DE 19963

RE: Proposed Ordinance #2023-08/Rookery North/Change of Zone
Approved by P&Z on 2/21/23

Dear Mayor Campbell, Mark Whitfield, and Honorable City Council Members:

What in the good name of Schlitz Beer---was the Milford Planning & Zoning Board thinking when they approved and forwarded the request of Ordinance # 2023-08 to the Milford City Council to change the front 3.93 acres of The Rookery North property on South Rehoboth Boulevard from Residential to Commercial? This is setting a precedent, and local developers---you know who they are---will be jumping all over this to encroach on other residential neighborhoods.

Since the issue we nearby residents are having against this project is the Zoning change, I propose that rather than change the Zoning Code, the title of the proposed brewpub be changed to accommodate the existing R-2 definition. Call it “specialty brews,” “hand-crafted libations,” “brewed on premises,” or whatever, and work around the already approved R-2 Zone definition. Leave the Zone at R-2 Low Density Residential! Changing the Zone leaves this 3.93 acres open to too many undesirable businesses if the proposed plan doesn’t last, as has happened in the past. Also, the parties involved could change their mind and spin it off as soon as it is sold as commercial property!

Have the council members given thought to temporary outdoor events that may be held, bringing in a few thousand people? Concerts, food trucks, charity events, car shows, tent revival meetings, etc.?

At the February 21st P&Z meeting, we heard from the developer and the proposed restaurant/pub investor telling all the glorious accolades from the businesses they already own. One speaker, Joe Palermo, had a very good point: **“With the five businesses and two more in-process, why can’t the restaurateur get a business loan on his collateral without this particular piece of land being zoned commercial?”** Something else is going on here, it just doesn’t make sense.

So why this property? It is surrounded by private homes where we expected to have a peaceful existence in an R-2 Residential Zone. Most of the citizens who want the proposed brew pub and restaurant don’t live anywhere near the property. Well, I live VERY near it...don’t I matter?

With less than 12,000 people owning/renting/living in Milford, here are 14 of Milford’s food establishments serving alcohol; all but 2 or 3 have bar seating:

- | | |
|---------------------|-----------------------|
| Benvenuto | Easy Speak |
| Surf & Turf | Applebee’s |
| Ruby Tuesday | Park Place Tavern |
| Japanese Steakhouse | Arena’s |
| The Palace | Milford Bowling Lanes |
| Mamma Maria’s | Grotto Pizza |
| La Tonalteca | Shang Hai |

Bars present:

- Misphillion Brewery
- Feebs Brewery
- Milford Billiards
- Milford Tavern

Membership clubs:

- VFW
- American Legion
- Elks Lodge
- Milford Moose Center

Liquor Stores

- Uptown Liquors
- Mike’s Liquor Mart
- Discount Liquors
- M&M Liquors
- O’Neill’s Liquors
- Cypress Wine & Spirits

And now for more of my personal opinions:

1. Some people want this to draw summer travelers into Milford? Just what South Rehoboth Boulevard needs, out-of-town people coming in for the brewpub. **The money spent at this location is going right back to the owner(s) who live outside of Milford. Where is the gain? A few Milfordians working there?**
2. Help me understand the benefit to the development that I live in. How does this benefit me? Bright lights, big bright signage, difficulty getting in and out of our entrance, noise, trash. Are my taxes going to go down? NO!
3. DMI (Downtown Milford Inc.) is struggling to bring people into our city center businesses on Walnut and Front Streets. No people traveling to this proposed venture are going to benefit downtown Milford.
4. The principal investor at this meeting stated that the pub/restaurant hours would be consistent with other restaurants in Milford and he continued with the statement that one of his locations closes 9pm weekdays and 10pm weekends. So, on a Thursday I can bring in a group at 8:50pm, the doors close at 9pm, but we can stay another 2 or 3 hours while we dine and drink? **Don't be fooled by the sales pitch! See for yourself...I have attached Exhibit A that lists the Milford food and drink establishments with their current hours.**

I am requesting that Ordinance # 2023-08 be denied, or at least Tabled so that more research be done with the taxpayers most affected, the neighbors around this property.

Respectfully,

Gloria Markowitz
302 422-8003

Att: Exhibit A

EXHIBIT A

Milford Food Establishments & Bars - Hours of Operation

New restaurant owner stated his business will have hours in conjunction with others in Milford. The work has been done for you. Not many 9pm closures as was said at the meeting.

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Benvenuto	4-9	4-9	4-9	4-9	4-9	4-9	-
Surf & Turf	4-10	4-10	4-10	4-10	4-11	4-11	4-11
Ruby Tuesday	11-10	11-10	11-10	11-10	11-11	11-11	11-10
Mt. Fuji	4:30-10	4:30-10	4:30-10	4:30-10	4:30-10:30	4:30-10:30	4:30-10:30
The Palace	10-10	10-10	10-10	10-10	10-11	10-11	7a-10
Mamma Maria's	10-10	10-10	10-10	10-10	10-11	10-11	10-10
La Tonalteca	11-10	11-10	11-10	11-10	11-10	12-10:30	12-9
Easy Speak	-	-	2-11	2-11	12-1am	12-1am	10-7
Applebees	11:30-11	11:30-11	11:30-11	11:30-11	11:30-12	11:30-12	11:30-11
Park Place Tavern	11-11	11-11	11-11	11-11	11-1am	11-1am	11-9
Arena's	11-10	11-10	11-10	11-10	11-12	11-12	11-10
Milford Lanes	9a-10	6-10:30	9a-10	11-9	5-12	9-12	11-10
Grotto Pizza	11-11	11-11	11-11	11-11	11-11	11-11	11-11
Shang Hai	-	-	11-9	11-9	11-9	11-9	11-9
Bars Only:							
Mispillion River	3-6	3-9	3-9	12-9	12-11	12-11	12-6
Feebs Brewery	-	-	-		5-10	5-10	5-10
Milford Billiards	5-12	5-12		5-12	5-1am	5-1am	5-1am
Milford Tavern	3-1am	3-1am	3-1am	3-1am	3-1am	2-1am	3-1am

And here we go...from NextDoor on 2-22-23

Karyn Hudson • Meadows At Shawnee
TO Julieann Giannone

“I think this is a great thing that's coming to the area. I think everyone needs to calm down and stop worrying about what COULD be going in or WHAT IF the brew pub fails. Milford is growing and I embrace that. For anyone that is worried about drunks leaving the brew pub clearly don't see the drunks driving out of the liquor store parking lot. but I guess that's ok? ut anything and everything...**Looking forward to new places to shop and dine and hopefully hear some music on a deck enjoying a cocktail in the summer”**

NOTICE OF ORDINANCE REVIEW
Amends The Code of the City of Milford
Chapter 197 Streets, Sidewalks, Storm Sewers, and Other Public Places
By Adding a new Article entitled Pedestrian Safety

Public Notice is hereby given the City Council of the City of Milford will take public comment on the following proposed ordinance on Monday, February 27, 2023, at their regular meeting beginning at 6:00 pm in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware. After a review, City Council will make a final determination by adopting, denying, amending or postponing action on the ordinance. All interested parties are invited to attend and/or comment. Written comments must be submitted prior to the Council Meeting.

ORDINANCE 2023-08

WHEREAS, the City Council of the City of Milford wish to preserve pedestrian safety on and around busy intersections; and

WHEREAS, City Staff are seeking ways to prevent undue harm or injury to pedestrians without creating an overly restrictive environment; and

WHEREAS, the Milford City Council held a Public Comment Session on February 27, 2023, as part of the review of the proposed Code Amendment, after which a final determination was made; and

WHEREAS, the adopted ordinance will become effective ten days following the approved date by City Council.

NOW THEREFORE BE IT RESOLVED the City of Milford hereby ordains:

Section 1. Amends Chapter 197 of the Code of the City of Milford entitled Streets, Sidewalks, Storm Sewers, and Other Public Places

Section 2. Chapter 197 of the Code of the City of Milford is amended by inserting a new Article 9 Section 197-35 shown by underlined italicized text as follows:

ARTICLE IX – Pedestrian Safety.

197-35 Purpose.

Promotes pedestrian safety by deploying safety practices to reduce pedestrian injuries and fatalities.

- A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation within 200 feet of a traffic signal, except a vehicle that is legally parked at the curb on the shoulder.
- B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall no longer be considered “using the safety zone or crosswalk to cross the highway.”
- C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-35 A or B.
- D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

Section 3. Refer to Ordinance 2022-40 entitled Pedestrian Safety for previous history on this matter.

Section 4. Scheduled Dates

City Council (Re-) Introduction: February 13, 2023

City Council Public Hearing: February 27, 2023

Section 5. Effective

Ten (10) Days following adoption

DSN 022623 F

WHEREAS, the City of Milford has been experiencing an increase in individuals moving to within an unsafe distance from busy intersections in the City limits; and

WHEREAS, the City Council of the City of Milford wishes to preserve pedestrian safety on and around those busy intersections; and

WHEREAS, City Staff are seeking to prevent undue harm or injury to pedestrians without creating an overly restrictive environment; and

WHEREAS, the Milford City Council held a Public Hearing on [INSERT DATE] to allow for additional public comment and further review of the application, after which a final determination was made; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption.

NOW THEREFORE BE IT RESOLVED the City of Milford hereby ordains as follows:

Section 1. It is now unlawful for anyone to approach any vehicle in operation within 200 feet of a traffic signal.

Section 2. Loitering on a median for an excessive amount of time is considered prima facie evidence of violation of the above.

Section 3. No one may park or leave standing a vehicle where prohibited, or suddenly decrease the speed of that vehicle to respond to persons violating the above.

Section 4. Scheduled Dates.

City Council Introduction: February 13, 2023 ~~October 10, 2022~~

City Council Public Hearing: [INSERT DATE] February 27, 2023

Effective: Ten (10) Days following adoption.

Chapter 197 STREETS, SIDEWALKS, STORM SEWERS AND OTHER PUBLIC PLACES

ARTICLE I General Provisions

§ 197-1. Purpose.

This chapter defines the use, maintenance and installation requirements of sidewalk, entrances, storm sewer, streets and alleyways.

§ 197-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right-of-way.

AWNING — A piece or several pieces of canvas, plastic, metal or similar material joined together and stretched over or attached to a frame to be affixed to the exterior of a building in front of a window or doorway for the purposes of providing protection from the sun or weather, for ornamentation of the building and/or for display of a business name or logo type.

CANOPY — A roof-like structure, projecting from a wall or supported on pillars, for the purposes of providing protection from the sun or weather, ornamentation of the building and/or display of a business name or logo type.

CITY ENGINEER — The City Engineer of the City of Milford or their duly authorized representative.

CITY MANAGER — The City Manager or their duly authorized representative.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the City of Milford or their duly authorized representative.

DRAIN — means any pipe which carries water in a drainage system.

DRIVEWAY APPROACH — That portion of the driveway between the curb and the property line.

PANEL — Any defined section by joints, or score marks or an approximate square when joints do not exist.

PRIVATE STORM SEWER — Means any storm sewer not within the City ROW or otherwise dedicated to and accepted by the City.

PROPERTY OWNER — Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.

PUBLIC — Any facility within the public right-of-way between the property line and street curb and surfacing.

PUBLIC STORM SEWER — Means any storm sewer owned by the City.

STORM SEWER — Means any system used for conveying rain water, stormwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.

§ 197-3. Authority to temporarily close streets and sidewalks.

- A. The City Manager shall have the authority to temporarily close or block streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public's safety or to conduct work on streets or sidewalks.
- B. Notification shall be provided to Milford Police Department, City Departments and the Carlisle Fire Company.
- C. Any street or sidewalk closure that occurs requires proper maintenance of traffic, pursuant to the guidelines in the most recently amended Delaware Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), and sidewalk accessibility, pursuant to the guidelines laid out by the Americans with Disabilities Act.
- D. Any roadway, lane or sidewalk closure request having direct and indirect impacts on a State of Delaware right-of-way must inform the Special Events Manager with the Delaware Department of Transportation Traffic Safety Section.
- E. Emergency closures performed by emergency personnel including Police, Fire and Ambulatory Services are not required to gain permission from the City Manager to obstruct streets and

sidewalks immediately preceding, during and shortly following emergency circumstances but shall strive to maintain traffic control in a safe manner.

§ 197-4. Right of way use and construction permits.

- A. Temporary occupation of the right of way. No person shall occupy or place any object, building or structure that occupies the right of way on a temporary basis without first obtaining written approval from the City Manager or designee for that purpose.
- B. Permanent occupation of the right of way.
 - (1) No person shall occupy or place any object, building or structure that occupies the right of way on a permanent basis without first obtaining written approval from the City Manager for that purpose. The right of way may not be permanently occupied for any reason except for provision of proper access to buildings or improvements to protect buildings after gaining written approval from the City Manager.
 - (2) Placement of canopies and awnings within rights-of-way.
 - (a) APPLICABILITY - The provisions of this section shall apply only to commercial establishments located within commercial zoning districts.
 - (b) WRITTEN APPROVAL REQUIRED - It shall be unlawful for any person to construct, erect or affix any canopy or awning which is situated within or encroaches upon any right-of-way owned or maintained by the city, unless and until such canopy or awning placement shall have been approved by the city manager. Prior to review and action by the city manager, the department of planning shall review each application. Concluding its review, the department of planning shall make a recommendation on each application under this section and forward its findings and recommendation to the city manager, in writing, for review and consideration.
 - (c) MAINTENANCE - Any such canopy or awning shall be maintained in good condition. If, upon inspection by the building inspector, such canopy or awning is determined by the building inspector to be in a state of disrepair or is otherwise in violation of the original approval, the applicant, owner or other responsible person shall be given reasonable notice by the building inspector to undertake corrective action. Failure to restore such canopy or awning to an acceptable condition or to otherwise comply with the original approval may, upon order of the city council, result in the removal of the canopy or awning at the property owner's expense.
 - (d) CONDITIONS - The city council may impose any additional conditions as it may deem necessary to protect the best interests of the city, its citizens and surrounding properties.
 - (e) RESPONSIBILITY - The applicant, owner or other responsible person shall enter into a written agreement with the city council to accept full responsibility for persons or property injured as a result of the canopy or awning and to completely indemnify and save harmless the city from any liability of any nature whatsoever regarding the canopy or awning.
- C. Entrance Construction.
 - (1) It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the City Manager.
- D. Sidewalk Construction.

- (1) Installation of all curbs, sidewalks, and gutter shall be made in compliance with the City of Milford Standard Construction Specifications, most recent edition, available on the City website. Written approval from the City shall be required prior to any work being performed.
- E. Excavation or Placement of Utilities.
 - (1) No person shall injure or tear up any pavement, dig any hole, ditch or drain in, or dig or remove any soil, stone, earth, sand, or gravel from any street, public alley or public ground in the city, without having first obtained a written permit from the City Manager given in accordance with the provisions of this chapter.
- F. Permit or License Fee. A person desiring a permit required by the provisions of this chapter shall pay such fee as may be established by the City Council.
- G. No permit shall be issued to any person permitting or allowing the opening or the making of an excavation in any street, sidewalk, public alley or public place, or any part thereof, until the person making application for such permit shall have first executed to the city a good and sufficient bond in the amount of 100% of the cost of the construction work, with sureties to be approved by the City Manager, conditioned to indemnify and keep harmless the City from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the City may suffer or to which it may be put or which may be recovered from it or on account of the issuance of such permit or from or on account of any act or thing done by virtue of the authority given in such permit or by reason of careless or improper guarding of said openings or excavation, or for any damage, loss or expense to any person caused by or on account of the obstruction of any street, sidewalk, public alley, or public space, or the tearing up, repairing or removing of such street, sidewalk, public alley or public place, or part thereof. Upon satisfactory completion of construction work, a maintenance bond in the amount of 10% shall be retained for a period of one-year for the completed work within the right-of-way.

§ 197-5. Responsibilities of property owners or tenants.

- A. Property owners shall be responsible for maintaining, repairing, or replacing sidewalks adjacent to their property, and for keeping sidewalks in good repair, in safe condition, free of snow, ice, and vegetation, and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility. The City is responsible for repair of ADA curb ramp at intersections; however, the property owner is responsible for the clearing snow, ice, and vegetation.
- B. It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 12 hours of daylight after it has ceased snowing, or to permit debris or other materials to accumulate at any time so that pedestrians cannot conveniently and safely pass.
- C. It is the responsibility of the owner or occupant of any premises abutting upon a sidewalk to keep the landscaped area between the sidewalk and the curblineline, or where no sidewalk exists between the property line and curblineline or paved street, maintained in accordance with the standards set forth in the Property Maintenance Code of the City of Milford Chapter 174.
- D. It shall be unlawful to sweep, blow or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course more than incidental amounts of grass.
- E. All persons occupying commercial establishments or premises fronting on any street or public place shall keep the sidewalk immediately front of the premises clear of debris or other materials so that pedestrians may conveniently pass, and shall not sell, display or advertise goods or services on the sidewalk. Further, upon obtaining special permission from the City Manager (or his/her

designee), such persons may utilize, for the display of merchandise, areas within the sidewalk right-of-way.

- F. It shall be unlawful and a nuisance for any person to obstruct or obscure, or permit to be obstructed or obscured, the light from any streetlight erected by the authority of the city, by erecting any object upon or over any street or sidewalk. If, within five days after receiving a notice from the City Manager to remove the obstruction, the violator fails to comply with the notice, the City Manager shall proceed to have the obstruction removed and shall charge the cost of removal to the violator.
- G. The following clearances must be maintained for the proper flow of vehicular and pedestrian traffic along all streets and sidewalks.
 - (1) Vision Clearance Areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. Trees, bushes and other vegetation shall be maintained as to not obscure an intersection vision clearance. No fences or other structures shall be erected as to interfere with the required vision clearance.
 - (2) Vehicle Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 14 feet of vertical clearance between the street and the bottom of the vegetation to allow the safe passage of vehicular traffic.
 - (3) Pedestrian Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 8 feet of vertical clearance between the sidewalk and the bottom of the vegetation to allow the safe passage of pedestrians and a minimum passing area the width of the sidewalk or 3 feet whichever is greater.
- H. Violations; penalties. Any person(s) violating any provision of this section shall be fined as provided for in the Code of the City of Milford, Chapter 1, General Provisions.

§ 197-6. Speed reduction devices.

- A. Prohibited. Any device used as a means of speed reduction on a city street, drive, parking lot, or any other driven surface, which causes a change in elevation is prohibited unless permission from the City Manager is obtained.
- B. Permitted. Speed cushions may be installed on privately owned commercial property, at the owner's expense.
- C. Installation and Design Standards. Installation and design standards for speed reduction devices shall be in accordance with the Delaware Traffic Calming Design Manual.

§ 197-7. Litter, refuse, and debris.

- A. It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.
 - (1) Exception. Items permitted and regulated in Chapter 193.

§ 197-8. Throwing and kicking objects and playing games in streets.

- A. It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager. Basketball hoop standards, skate board ramps, hockey nets, soccer goals, and other such devices shall not be placed within the street or right-of-way.

ARTICLE II Streets and Right-of-Way

§ 197-9. Street design.

- A. All streets construction, including pavement section, curb ramps, curb cuts and other right-of-way improvements shall be in accordance with Chapter 200 Subdivision of Land and the City's Standard Construction Specifications.

§ 197-10. Street name change procedure.

- A. Recognizing that changing the name of a city street already named is a complicated and expensive procedure affecting many departments and many persons, the following procedure is adopted:
- (1) **Petition.** In order to initiate the procedure for changing the name of an existing street, a petition of other formal request must be received from a majority of the property owners abutting on the street in question, which documentation must be submitted to the Planning Director for further processing. The Planning Director shall verify that the requirements of a majority of the owners has been met. If the petition or other documentation does not meet this requirement, then the request shall be summarily dismissed by the city clerk and the person or persons presenting such request shall be notified.
 - (2) **Comments to Committee.** Once the requirements of subsection (1) of this section have been met, the Planning Director shall refer the request to the development advisory committee (DAC) to obtain comments of all involved parties, specifically including the police department, fire department, public works department, department of planning and city manager. The response from the DAC shall be submitted to the city clerk.
 - (3) **Planning Commission Review.** The Planning Director shall refer the petition and the DAC comments directly to the planning commission for its review and recommendation regarding the request. No public hearing is required before the planning commission and the planning commission shall recommend approval of the change of name or disapproval of the change of name, along with its reasons.
 - (4) **Notice of Hearing.** Upon recommendation from the Planning Commission, a public hearing shall be scheduled for a regular council meeting regarding the request, and notice of the public hearing shall be given by placing such notice in one edition of a local newspaper, to be published at least ten days prior to the date of the public hearing before the city council.
 - (5) **Council Hearing.** The council shall hear public comments, and shall, at the conclusion of the public hearing, vote to approve the change of name or to disapprove the change of name. An affirmative vote to change the name shall require an affirmative vote of two-thirds of all persons elected to the council. If the change of name is granted, then notifications thereof shall be given to the city manager to implement the name change.

§ 197-11. Street abandonment, vacation, auction or sale.

- A. **Definition.** For purposes of this section, "Street" or "Public Street" shall consist of the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the City of Milford. "Street" does not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).
- B. **Power of the City Council to Abandon, Vacate, Sell or Auction Public Streets.** City Council has the power and authority to abandon, vacate, sell or auction public streets or parts thereof, whenever City Council may deem it to be in the best interest of the City of Milford. The adjacent landowners of record have the first right to purchase or acquire any street being sold or auctioned by the City of Milford.
- C. **Procedure.** For any action taken under this section, the procedure to be followed is as follows.

- 1(1) Upon its own motion, or upon a petition of the majority of the adjacent landowners to the street, the City Council may adopt a Resolution that identifies the street or any portion thereof and states the action being considered. The Resolution must include a general description of the street, and the time, place and date of the hearing when City Council will consider the matter and allow any interested parties to appear and comment thereon.
- (2) A copy of said Resolution shall be sent via certified mail to all adjacent landowners of record, the county in which the street is located, and the Delaware Department of Transportation at least 10 days before the scheduled hearing.
- (3) A copy of the Resolution shall be published in a newspaper of general circulation within the City of Milford once a week for two consecutive weeks prior to the date fixed for the hearing.
- (4) City Council may, following the hearing affording any interested persons an opportunity to be heard, take any such action by adoption of a resolution that must provide a legal description of such street or portion thereof and state whether such street or portion thereof to be abandoned, vacated, sold or auctioned.
- (5) Upon adoption of the resolution, the street as described will cease to exist as a public street. If the action taken involves the vacation or abandonment of the street, the persons entitled to enclose the street may proceed to use and occupy the vacated street. The City of Milford may convey to any purchaser or adjacent landowner any interest the City of Milford may have in the street.

ARTICLE III Curb Cuts

§ 197-12. Entrance permit required.

- A. It shall be unlawful for any person to alter the curb of any street without a permit issued by the city manager or designee.
- B. Entrances shall comply with the requirements of Chapter 230 Zoning and the City's Standard Construction Specifications.

ARTICLE IV Sidewalks

§ 197-13. Sidewalk specifications.

- A. Sidewalks shall be located as outlined in Chapter 200 Subdivision of Land and meet the requirements of the City's Standard Construction Specifications.
- B. The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

§ 197-14. Responsibility of installation.

- A. In all new construction sites and subdivisions, the City shall require the builder or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.
- B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City Engineer for permission to install said improvements. The City, at its own discretion, may install curb and gutter at the City's expense. Upon approval of the City Engineer, the property owner may install sidewalks at their own expense. The City Engineer shall provide lines and grades, in writing, for said installations.
- C. The City Council may order the installation of sidewalks at existing residents and commercial businesses, where sidewalks do not exist, at the property owner's expense, and the property owner shall, within 365 days, shall make the improvements.

§ 197-15. Responsibility for costs; financing.

- A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction. Where the City Council has waived the requirement for sidewalk installation a fee shall be assessed in the approximate amount of installation costs to be placed into escrow for construction by the City at a future date.
- B. In instances where sidewalk installation, repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.
- C. Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.
- D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

§ 197-16. Specifications.

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition.

§ 197-17. Conditions requiring repair or removal and replacement of sidewalks.

All City sidewalks shall be maintained in compliance with current American with Disabilities Act requirements. In addition, sidewalks exhibiting a likelihood of failure within a 4 year period such as those with extensive cracking or heaving may require replacement prior to falling out of ADA compliance. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair.

§ 197-18. City to perform work.

- A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.
- B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.
- C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.
- D. Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

§ 197-19. Stop orders.

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this chapter or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

§ 197-20. Liability.

Nothing in this chapter, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

ARTICLE V Storm Sewers

§ 197-21. General.

- A. It shall be unlawful for any person to tap or have tapped any public storm sewer without a permit from the City Manager.
- B. Public storm sewers shall be designed and constructed according to the City's Construction Standards and Specifications and Delaware Stormwater Management Regulations.

§ 197-22. Prohibited discharges into system.

- A. It shall be unlawful for any person or group of persons to throw, place or deposit, or attempt to throw, place or deposit, or cause to be thrown, placed or deposited, any article, object or substance in any of the storm sewers or into any of the inlets into the storm sewers of the city, or into any of the streets, lanes, alleys or gutters of the streets in the city from which such article, object or substance would be likely to enter into the storm sewers of the city, which object, or substance would injure in any manner said storm sewer system or area into which such storm sewers empty.

§ 197-23. Authority to enter and inspect private property.

- A. The City Manager and their authorized agents shall have the authority to enter upon any lands as may reasonably be necessary to discharge their duties pursuant to this chapter. Pursuant to the entry, the city manager and their authorized agents shall properly discharge their duties, which may include inspection, conveyance or removal of materials necessary for construction upon the land or improvement or repair of any drain, gutter, storm sewer, manhole or natural watercourse.

§ 197-24. Violations.

- A. Whenever the City Manager or their authorized agents shall determine that a condition exists which violates any portion of this chapter, the City Manager or their authorized agents shall notify the property owner or occupant of the specific violation.
- B. Unless the condition is remedied within ten days after notice is given, the city may cause the condition to be remedied and assess the cost thereof against the property owner.
- C. Any person violating any of the provisions of this chapter shall, upon conviction therefore, pay to the city the cost of any of the repairs resulting from the violation and be subject to the penalty provided in Chapter 1 General Provisions.

ARTICLE VI Excavations

§ 197-25. Interference with traffic or property.

- A. The holder of a permit issued pursuant to this chapter shall take all appropriate measures to ensure that, during the performance of the excavation work, traffic conditions shall be maintained as nearly normal as practical at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

§ 197-26. Fire hydrants.

- A. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants.

§ 197-27. Drainage.

- A. The holder of a permit issued pursuant to this chapter shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

§ 197-28. Barricades.

- A. All street and sidewalk excavations shall be properly protected by a fence or suitable barrier, and if left open at night, in order to prevent injury to pedestrians or vehicles using the street or sidewalks, by proper lights.

§ 197-29. Repair of excavated areas.

- A. When any excavation is made in a street or sidewalk, all earth and other materials taken up shall, when the work is completed, be replaced by the person making the excavation. The earth shall be rammed solid so as to be even with the street level and all paving shall be replaced so that the street or sidewalk shall be in as good or better condition than before the excavation. Replacement work shall be under the supervision of the city manager and, if he deems that it is improperly done, he shall cause it to be properly done, charging the costs thereof to the person responsible.

§ 197-30. Required inspections.

- A. The City Manager shall make such inspections as are reasonably necessary to enforce this chapter. He shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

ARTICLE VII Wireless Facilities within Rights-of-Way

§ 197-31. Applicability.

The provisions of this section shall apply to the use of rights-of-way as dedicated to the city or as otherwise maintained by the city.

§ 197-32. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

WIRELESS COMMUNICATIONS FACILITY (WCF) — An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

§ 197-33. Permit required.

- A. It shall be unlawful for any person to construct, erect or affix any wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city, unless and until such use of the right-of-way shall have been approved. A rights-of-way use permit shall be obtained from the city manager or their designee.
- B. Each application for permit shall be accompanied by a fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- C. Each wireless support structure not owned or maintained by the city located within or that encroaches upon any right-of-way owned or maintained by the city shall be subject to an annual fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- D. Construction, erection or placement of any wireless communication facility or wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city shall be in accordance with the provisions of Chapter 230 Zoning, Chapter 88 Building Construction, Appendix A Electric Rules and Regulations and other applicable City, State or Federal Regulations.

ARTICLE VIII Public Utilities

§ 197-34. Public utilities.

- A. Placement of any public utilities within the public right-of-way, either underground or overhead, shall obtain a permit from the Public Works Department as outlined in Article I of this Chapter.
- B. Public utilities shall be subject to a franchise agreement as approved by City Council.
- C. It shall be unlawful for any person, company, city employee, or any employee of a contractor engaged by the city, to make an attachment to or within Milford Electric Division (MED) facilities without a valid, existing pole, duct, or conduit license agreement. All new or renewed pole, duct, or conduit license agreements with the MED shall be adopted pursuant to this chapter. The provisions of this chapter shall be deemed incorporated in each such agreement and shall be limited in scope or application only to the extent agreed by the parties or required by applicable federal or Delaware law. Notwithstanding the foregoing, MED may at its option enter into a joint use agreement with another utility that owns or controls poles that are utilized by MED; in such instances the terms of such joint use agreement may vary from the specifications of this section to the extent reasonable to reflect the reciprocal nature of the joint use agreement.

ARTICLE IX – Pedestrian Safety.

197-35 Purpose.

Promote pedestrian safety and ensure roadways and streets as described herein within the jurisdiction of the City of Milford are safer for those traveling by foot.

- A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation within 200 feet of a traffic signal, except a vehicle that is legally parked at the curb on the shoulder.
- B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be “using the safety zone or crosswalk to cross the highway.”
- C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-5 A or B.
- D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

PARKS & RECREATION INVITES YOU TO A

GROUNDBREAKING CEREMONY

*HELP
CELEBRATE
MILFORD'S
NEW
PICKLEBALL
COURTS &
CHILDREN'S
PLAYGROUND*

When:

Saturday,

March 4, 2023

11:30 a.m.

Where:

Memorial Park

Washington Street

Adjacent to

Milford Public

Library Parking

Area



PARKS & RECREATION INVITES YOU TO A

GROUNDBREAKING CEREMONY

*HELP
CELEBRATE
MILFORD'S
NEW
PICKLEBALL
COURTS &
CHILDREN'S
PLAYGROUND*

When:

Saturday,

March 4, 2023

11:30 a.m.

Where:

Memorial Park

Washington Street

Adjacent to

Milford Public

Library Parking

Area



To: Mayor and City Council
Cc: Mark Whitfield, City Manager; Finance Department
From: Louis C. Vitola, Finance Director
Date: February 26, 2023
Re: Financial Reporting Package – January 2023

The Financial Reporting Package for the FYTD period ended January 31, 2023 is enclosed. The executive summary below highlights this month’s notable developments. The “Quick Reference” section of this memo recaps key financial highlights and changes made in FY23 to help shorten the executive summaries. So far, the only change made in FY23 is the August addition of a second appendix to report the progress on the new Police Facility Construction Project in terms of the final budget versus actual spending. In this month’s report, the appendix is found on page 7 following the ARPA summary.

Through January, the utility funds exceed expectations in total against the seasonalized FY23 budget, although to a lesser extent than last month, which is due primarily to debt service paid in January, progress on capital projects and budgeted vehicle & equipment funding, which was executed in January. Results versus the first seven months last fiscal year remain unfavorable in total, which is driven primarily by electric results but exacerbated by water and solid waste results, both of which tipped to a negative variance in January. Gross margin across the utilities held up from December to January, but debt service, capital spending and operating expenses combined to push the utilities behind compared to the same period last year. Only the sewer fund held ground in January, maintaining strong results over both the budget and prior year thanks to the continued trend of low inflow and infiltration costs.

The results in the general fund are mixed, as the unfavorable results versus YTD last January grew to -12.7% as compared to last month’s half-year mark of -12.0% versus the YTD December 2021 results. However, most general fund departmental groups’ variance against the YTD seasonalized budget improved this month, pushing the thin positive variance achieved for the first time last month up to a positive variance of 6.6% in January.

Cash and investments jumped over \$2 million in January, with FY23 bond bill advance funding (\$1.5 million), USDA sewer project grant close-out (\$0.7 million) and strong RTT receipts (almost \$0.3 million) leading the way.

Quick Reference for FY23 Financial Developments and Report Upgrades

Recap FY23 Financial Highlights



Summary of FY23 Modifications

- New Appendix added (see page 7) to recap expenditures on new Police Facility Construction vs budget



Financial Reporting Package
As of and For the Period Ended January 31, 2023

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

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)¹
 For the Period Ended January 31, 2023

1 **Operating Cash Balances**

▼ Marks Ref Closing Bal³

Description	Opening Balance (Dec 31, 2022)	Closing Balance (Jan 31, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund	\$ 4,802 ➡	\$ 4,531	\$ -	\$ (497)	\$ (1,491)	\$ 2,543
Electric Fund	3,665 ➡	3,430	-	(14)	(1,652)	1,764
Water Fund	2,641 ➡	2,781	-	(732)	(294)	1,755
Sewer Fund	1,870 ➡	1,738	-	(640)	(205)	893
Solid Waste Fund	686 ➡	700	-	(314)	(190)	196
Operating Cash Totals³	\$ 13,665 ●	\$ 13,180	\$ -	\$ (2,197)	\$ (3,831)	\$ 7,152

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

Description	Opening Balance (Dec 31, 2022)	Closing Balance (Jan 31, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Improvement ²	\$ 663 ↑	\$ 2,203	\$ -	\$ (500)	\$ -	\$ 1,703
Municipal Street Aid (MSA)	504 ➡	506	269	(775)	-	-
Realty Transfer Tax (RTT) ²	4,917 ➡	5,177	128	(2,998)	(1,203)	1,104
Economic Development	515 ➡	515	89	(106)	-	498
Lodging Tax Fund	545 ➡	556	99	(655)	-	-
ARPA Grant Fund	1,612 ➡	1,509	-	(1,509)	-	-
Special Purpose Cash Totals³	\$ 8,756 ●	\$ 10,466	\$ 585	\$ (6,543)	\$ (1,203)	\$ 3,305

18 **Reserve Fund Cash Balances¹**

Description	Opening Balance (Dec 31, 2022)	Closing Balance (Jan 31, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund Capital Reserves	\$ 1,603 ↑	\$ 2,043	\$ 2,497	\$ (3,299)	\$ (356)	\$ 885
Water Fund Capital Reserves	2,369 ➡	2,475	732	(763)	(2,237)	208
Sewer Fund Capital Reserves ²	3,962 ↑	4,746	640	(1,037)	(3,437)	912
Solid Waste Fund Capital Reserves	259 ➡	258	386	(637)	-	7
Electric Fund Capital Reserves	15,005 ➡	15,042	14	(6,502)	(4,753)	3,801
Operating Cash Totals³	\$ 23,198 ●	\$ 24,565	\$ 4,269	\$ (12,238)	\$ (10,783)	\$ 5,813

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

Description	Opening Balance (Dec 31, 2022)	Closing Balance (Jan 31, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
Police & General Gov't Facilities	\$ 179 ➡	\$ 191	\$ 64	\$ (255)	\$ -	\$ -
Carlisle Fire Co Permit Fund	622 ➡	626	21	(647)	-	-
Parks & Recreation Facilities	147 ➡	147	2	(149)	-	-
Water Impact Fee Reserves	4,852 ➡	4,894	211	(5,105)	-	-
Sewer Impact Fee Reserves	2,778 ➡	2,800	112	(2,912)	-	-
Electric Impact Fee Reserves	1,142 ➡	1,149	36	(1,185)	-	-
Impact Fees & Police/GF Totals³	\$ 9,719 ●	\$ 9,808	\$ 446	\$ (10,253)	\$ -	\$ -

Grand Totals³	\$ 55,337 ●	\$ 58,019	\$ 5,300	\$ (31,231)	\$ (15,818)	\$ 16,270
---------------------------------	--------------------	------------------	-----------------	--------------------	--------------------	------------------

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

²Realty Transfer Taxes (RTT) posted an unexpectedly strong January; staff is researching the sales activity in both counties. The spike in Sewer Reserves reflects the USDA closeout of the final component of the \$4mm combined loan & grant funded sewer project on NW Front St. The General Improvement fund increase reflects the receipt of FY23 Bond Bill funding in support of various Parks & Rec and Streets Projects.

³Closing 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 Balance¹ Rollforward
For the Period Ended January 31, 2023

▼ Marks Ref Closing Bal⁴

1 **Operating Cash Balances**

2	Description	Opening Balance (Dec 31, 2022)	Receipts	Interest Earned	Disbursements	Closing Balance (Jan 31, 2023)
3	General Fund	\$ 4,802,249	\$ 1,124,850	\$ 1,564	\$ (1,397,455) →	\$ 4,531,208
4	Electric Fund	3,665,133	2,962,462	3,962	(3,201,772) →	3,429,785
5	Water Fund	2,641,250	384,634	3,676	(248,556) →	2,781,004
6	Sewer Fund	1,869,621	437,661	1,775	(571,235) →	1,737,823
7	Solid Waste Fund	686,391	142,789	224	(129,272) →	700,133
8	Operating Cash Totals⁴	\$ 13,664,645	\$ 5,052,395	\$ 11,202	\$ (5,548,290) 🟡	\$ 13,179,953

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

10	Description	Opening Balance (Dec 31, 2022)	Receipts	Interest Earned	Disbursements ³	Closing Balance (Jan 31, 2023)
11	General Improvement ²	\$ 663,482	\$ 1,539,677	\$ 341	\$ - ↑	\$ 2,203,499
12	Municipal Street Aid (MSA)	504,081	1,365	240	- →	505,686
13	Realty Transfer Tax (RTT) ²	4,916,734	283,528	2,176	(25,000) →	5,177,438
14	Economic Development	515,247	-	-	- →	515,247
15	Lodging Tax Fund	544,648	11,331	-	- →	555,979
16	ARPA Grant Fund ³	1,611,789	-	-	(103,255) →	1,508,534
17	Special Purpose Cash Totals⁴	\$ 8,755,980	\$ 1,835,901	\$ 2,757	\$ (128,255) 🟢	\$ 10,466,383

18 **Reserve Fund Cash Balances**

19	Description	Opening Balance (Dec 31, 2022)	Receipts	Interest Earned	Disbursements ³	Closing Balance (Jan 31, 2023)
20	General Fund Capital Reserves	\$ 1,602,907	\$ 547,045	\$ 6,772	\$ (113,734) ↑	\$ 2,042,990
21	Water Fund Capital Reserves	2,369,332	117,368	10,412	(21,749) →	2,475,362
22	Sewer Fund Capital Reserves ²	3,961,609	771,919	16,876	(3,992) ↑	4,746,413
23	Solid Waste Fund Capital Reserves	259,031	-	1,059	(1,689) →	258,402
24	Electric Fund Capital Reserves	15,004,921	57,090	60,822	(80,698) →	15,042,135
25	Reserve Fund Cash Totals⁴	\$ 23,197,801	\$ 1,493,421	\$ 95,941	\$ (221,863) 🟡	\$ 24,565,301

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

27	Description	Opening Balance (Dec 31, 2022)	Receipts	Interest Earned	Disbursements	Closing Balance (Jan 31, 2023)
28*	Police & General Gov't Facilities	\$ 178,610	\$ 12,761	\$ -	- →	\$ 191,371
29	Carlisle Fire Co Permit Fund	621,637	4,254	-	- →	625,890
30	Parks & Recreation Facilities	146,500	400	-	- →	146,900
31	Water Impact Fee Reserves	4,852,032	42,202	-	- →	4,894,234
32	Sewer Impact Fee Reserves	2,777,805	22,301	-	- →	2,800,106
33	Electric Impact Fee Reserves	1,142,140	7,200	-	- →	1,149,340
34	Impact Fees & Police/GF Totals⁴	\$ 9,718,725	\$ 89,118	\$ -	\$ - 🟡	\$ 9,807,843

35	Grand Totals⁴	\$ 55,337,150	\$ 8,470,836	\$ 109,900	\$ (5,898,407) 🟢	\$ 58,019,480
----	---------------------------------	----------------------	---------------------	-------------------	-------------------------	----------------------

¹Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves and Net Cash & Funding Availability Reports for detail.

²Realty Transfer Taxes (RTT) posted an unexpectedly strong January (Rookery transaction). The spike in Sewer Reserves reflects the USDA closeout of the final component of the \$4mm combined loan & grant funded sewer project on NW Front St. The General Improvement fund increase reflects the receipt of FY23 Bond Bill funding in support of various Parks & Rec and Streets Projects.

³\$103k in ARPA funding (Line 16) is primarily FY22 water infrastructure carryover and utility/data security. \$222k disbursed from reserves (lines 20-24) reflects ongoing progress on capital projects, including engineering/design, ERP, Parks & Rec projects, etc.

⁴Closing 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
Restricted Cash Reserves Report
As of January 31, 2023

General Fund Capital Reserves		Amount
Cash/Investment Balance (1/31/23)	\$	2,042,990
Expected Contributions & Interest		497,072
Restricted Funds:		
Vehicle & Equipment Replacement		(199,695)
Street Repair		(676,709)
Parking Enhancements		(320,000)
Parkland, Trails & Recreation		(798,012)
Other Proj		(471,544)
OpEx Support (PD R/M)		(832,986)
Support Policy with RTT ¹		2,000,000
Draft Reserve (MCR) Policy ²		-
Equipment Replacement Reserve ²		(355,800)
Uncommitted Reserve Balance	\$	885,316

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (1/31/23)	\$	15,042,135
Expected Contributions & Interest		14,236
Restricted Funds:		
Electric Vehicles & Equipment		(57,022)
Lighting & System Improvements		(584,637)
Traffic Signal Upgrades		(344,256)
Citywide Projects		(1,456,256)
Redeem / Defeasement Bond ⁷		(4,060,000)
Draft Reserve (MCR) Policy ^{3,6}		(4,693,372)
Equipment Replacement Reserve ³		(60,000)
Uncommitted Reserve Balance	\$	3,800,828

Water Fund Capital Reserves		Amount
Cash/Investment Balance (1/31/23)	\$	2,475,362
Expected Contributions & Interest		732,183
Restricted Funds:		
Vehicle & Equipment Replacement		(136,859)
Streets 2020 Utility Engineering		(201,000)
		-
Milford Business Campus		(9,215)
Sum of FY23 Projects		(416,002)
Draft Reserve (MCR) Policy ^{3,6}		(2,099,788)
Equipment Replacement Reserve ³		(136,859)
Uncommitted Reserve Balance	\$	207,821

Solid Waste Reserves		Amount
Cash/Investment Balance (1/31/23)	\$	258,402
Expected Contributions & Interest		385,855
Restricted Funds:		
Solid Waste Vehicles & Equipment ⁴		(549,500)
Solid Waste Alloc of PW Projects		(87,690)
		-
Draft Reserve (MCR) Policy ^{4,6}		-
Equipment Replacement Reserve ⁴		-
Uncommitted Reserve Balance	\$	7,066

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (1/31/23)	\$	4,746,413
Expected Contributions & Interest		639,791
Restricted Funds:		
Sewer Vehicles & Equipment		(160,112)
Citywide Projects & Engineering		(2,869)
Utility Engineering		-
		-
Sum of FY23 Projects		(873,662)
Draft Reserve (MCR) Policy ^{3,6}		(3,327,474)
Equipment Replacement Reserve ³		(110,000)
Uncommitted Reserve Balance	\$	912,087

MSA & RTT Reserves		Amount
RTT Balance (1/31/23)		5,177,438
MSA Balance (1/31/23)		505,686
MSA & RTT Est Receipts thru FY23:		396,940
MSA: Street & Bridge Improvements		(1,190,958)
RTT: Transfer to Police Dept		(125,000)
RTT: Sidewalk Project Funding		(426,170)
MSA & RTT: 2020 Combined St-Util		(31,000)
		-
RTT: Support GF Policies ¹		(2,000,000)
RTT: Draft Reserve Policy ⁵		(1,203,346)
Uncommitted Reserve Balance	\$	1,103,590

¹Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for foreseeable future
²Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget
³Approved Reserve Policies split Minimum Cash Req'd from COS study into new MCR & Equip Repl Reserve (20% of CIP)
⁴Solid 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
⁵Approved 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
⁶The 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)
⁷The 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.
Economic or "artificial" defeasement of the debt was introduced to the electric rate consultants and prospective investment managers; revised plan for defeasement being evaluated now.

City of Milford, Delaware
Enterprise Funds: Statement of Revenues & Expenditures
For the YTD Period Ended January 31, 2023 vs Prior FYTD & Current Budget (in thousands)

Enterprise Funds Profit & Loss (P&L) Statement	Electric		Water		Sewer		Solid Waste		Total	FY23 Total (as % of Rev)	FY22 Total (as % of Rev)	
1 Operating Revenue	\$	16,303	\$	2,054	\$	3,055	\$	905	\$	22,317	100.0%	100.0%
2 Cost of Revenue ¹		(12,173)		(189)		(1,509)		(212)		(14,081)	-63.1%	-60.5%
3 Gross Margin		4,130		1,865		1,547		694		8,235	36.9%	39.5%
4 Operating Expenses												
5 Operations & Maintenance		(1,588)		(694)		(537)		(517)		(3,337)	-15.0%	-13.9%
6 Personnel		(899)		(188)		(183)		(161)		(1,431)	-6.4%	-5.5%
7 Total Operating Expenses		(2,487)		(883)		(720)		(678)		(4,768)	-21.4%	-19.4%
8 Operating Income	\$	1,643	\$	983	\$	827	\$	16	\$	3,468	15.5%	20.1%
9 Non-Operating Revenue (Expense)		159		71		43		6		280	1.3%	0.2%
10 Surplus (Deficit) for debt service & capital		1,802		1,054		870		22		3,748	16.8%	20.3%
11 Debt Service - Principal & Interest		(280)		(183)		(325)		(71)		(859)	-3.8%	-4.0%
12 Capital Spending / Contributions from (to) Reserves		(298)		(334)		(39)		(15)		(687)	-3.1%	-0.8%
13 Surplus (deficit) available for transfers		1,224		537		506		(65)		2,202	9.9%	15.5%
14 Transfers Out		(1,458)		(175)		-		-		(1,633)	-7.3%	-8.1%
15 Net Surplus (Deficit) - FYTD through Jan 2023	\$	(234)	\$	362	\$	506	\$	(65)	\$	569	2.5%	7.4%
16 Net Surplus (Deficit) - FYTD through Jan 2022	\$	432	\$	529	\$	442	\$	103	\$	1,507	7.4%	
17 Current vs Prior - Favorable (Unfavorable)²	↓	\$ (666)	↓	\$ (167)	↑	\$ 63	↓	\$ (168)	↓	\$ (938)	↓	-4.9%
18 Net Surplus (Deficit) - Current FYTD Budget	\$	(223)	\$	423	\$	73	\$	(9)	\$	264	1.2%	
19 Current vs Budget - Favorable (Unfavorable)²	→	\$ (11)	↓	\$ (61)	↑	\$ 433	↓	\$ (55)	↑	\$ 305	↑	1.3%

¹Cost 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.

²Comparative 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 & Expenditures¹
 For the YTD Period Ended January 31, 2023 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 (as % of Rev)	FY22 Total ² (as % of Rev)
Sources of Funding:							
Real Estate (Property) Taxes	\$ 5,004	\$ -	\$ -	\$ -	\$ 5,004	63.0%	58.2%
Permits, Licensing & Franchise Fees	180	-	-	369	550	6.9%	5.6%
Fines, Fees & Misc Revenue	50	353	-	-	403	5.1%	4.0%
General Revenue Subtotal	5,235	353	0	369	5,957	75.0%	67.8%
Utility Transfers & Cost Allocation	1,808	-	-	-	1,808	22.8%	28.6%
Grant Revenue	1	-	-	-	1	0.0%	0.7%
Application of Reserve Balances	-	175	-	-	175	2.2%	2.9%
General Fund Operating Support	1,809	175	0	0	1,984	25.0%	32.2%
Total Sources of Funding	\$ 7,044	\$ 528	\$ -	\$ 369	\$ 7,941	100.0%	100.0%
Uses of Funding:							
Operations & Maintenance	755	724	276	396	2,151	27.1%	18.4%
Personnel	417	2,936	341	972	4,667	58.8%	56.7%
Total Operating Expenses	1,172	3,661	617	1,368	6,818	85.9%	75.1%
Surplus (Deficit) for Debt Svc & Capital	\$ 5,871	\$ (3,133)	\$ (617)	\$ (999)	\$ 1,123	14.1%	24.9%
Debt Service - Principal & Interest	-	-	-	-	-	0.0%	0.0%
Capital Spending / Transfers from (to) Reserves	31	78	107	80	296	3.7%	1.7%
Net Surplus (Deficit) - FYTD through Jan 2023	\$ 5,840	\$ (3,211)	\$ (724)	\$ (1,079)	\$ 826	10.4%	23.1%
19* Net Surplus (Deficit) - FYTD through Jan 2022	\$ 5,821	\$ (2,891)	\$ (615)	\$ (454)	\$ 1,860	23.1%	
20 Current vs Prior - Favorable (Unfavorable)²	➔ \$ 20	⬇ \$ (319)	⬇ \$ (109)	⬇ \$ (625)	⬇ \$ (1,034)	⬇ -12.7%	
21 Net Surplus (Deficit) - Current FYTD Budget	\$ 6,049	\$ (3,139)	\$ (1,428)	\$ (1,170)	\$ 313	3.8%	
22 Current vs Budget - Favorable (Unfavorable)³	➔ \$ (209)	➔ \$ (72)	⬆ \$ 704	⬆ \$ 91	⬆ \$ 514	⬆ 6.6%	

¹This 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.

²This 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)

³Comparative 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.

* The title in row 19 was updated to "Jan 2022" on 2/27/23

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 (11/30/22)	Actual (12/31/22)	Actual (1/31/23)	Jan 2023 Activity	Remaining	Notes
COVID-19 Health Impact	\$ 1,073,014	\$ 480,880	\$ 532,243	\$ 51,363	\$ 540,771	
Operational Facilities	519,662	211,471	254,384	42,913	265,278	PD Vehicles, City Hall/IT Upgrades
Administering COVID-19 Response	227,043	24,000	24,000	-	203,043	Pro Rata portion of DE Treasury ARPA Attorney
Behavioral Health Care	180,000	180,000	180,000	-	-	Primarily Personnel Costs
Air Quality & Ventilation	145,712	64,812	73,262	8,450	72,450	HVAC Repair in Finc & P&R Offices; PW Areas Tentative
COVID-19 Mitigation	598	598	598	-	-	Vaccination Incentive; COVID test kits
COVID-19 Economic Impact	\$ 861,157	\$ 836,875	\$ 836,875	\$ -	\$ 24,282	
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	13,589	13,589	-	11,894	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
Infrastructure	\$ 4,329,460	\$ 3,337,609	\$ 3,389,501	\$ 51,892	\$ 939,959	
Water Quality	2,877,074	2,581,632	2,596,807	15,175	280,267	Misp St Proj; NE Front St Water Line Replacement; 2020 Combined Utilities / Streets Proj
Flood/Pollution Control	724,600	212,729	212,729	-	511,871	4th St Drainage & Mispillion St Project
Improve Resilience to Disasters	435,000	267,794	304,511	36,717	130,490	Pump Station Upgrades, Spare Pumps & IT Initiatives
Improve Wastewater Treatment	292,785	275,454	275,454	-	17,331	Sewer part of Mispillion St Proj; NW Front Sewer
Revenue Recovery	\$ 70,262	\$ -	\$ -	\$ -	\$ 70,262	
Parks & Rec Programming	62,500	-	-	-	62,500	
Economic Development	7,762	-	-	-	7,762	
Public Safety Operations	-	-	-	-	-	
Grand Total	\$ 6,333,893	\$ 4,655,365	\$ 4,758,619	\$ 103,255	\$ 1,575,273	

Appendix: Milford Police Facility Project Spending vs Budget
Project Inception through January 31, 2023

<i>Actual Spending by Category & Subcategory vs Budget</i>									
Bid Category	Awarded Contracts / Budget	Project Activity	Less: Retainage	Total Payable	PNC BAN Payments	Facility Fund Payments	General Fund Payments	Notes	
Pre-Construction	\$ 835,265	\$ 857,217	\$ -	\$ 857,217	\$ -	\$ (827,546)	\$ (29,671)		
Design / Architecture	805,594	827,546	-	827,546	-	(827,546)	-	FY19-FY23	
Referendum / Administrative	29,671	29,671	-	29,671	-	-	(29,671)	FY19-FY22	
Construction Management	\$ 649,392	\$ 230,776	\$ -	\$ 230,776	\$ (187,442)	\$ -	\$ -		
Fixed/On-Stie Construction Mgmt: RYJ	266,260	143,675	-	143,675	(119,729)	-	-	FY23	
Variable Const Mgmt Fees: RYJ	383,132	87,102	-	87,102	(67,713)	-	-	FY23	
Construction: 16 Core Contracts	\$ 13,293,125	\$ 4,622,936	\$ 231,147	\$ 4,391,789	\$ (4,391,789)	\$ -	\$ -		
Sitework: Zack Excavating	1,976,508	967,319	48,366	918,953	(918,953)	-	-	FY23 / Current	
Concrete: Gullwing	293,000	288,000	14,400	273,600	(273,600)	-	-	FY23 / Current	
Masonry: L. Wilson	790,000	423,105	21,155	401,950	(401,950)	-	-	FY23 / Current	
Steel Work: R.C. Fabricators	868,000	856,082	42,804	813,278	(813,278)	-	-	June (FY22) - Current	
Carpentry & Gen: Conventional	1,076,360	23,170	1,159	22,012	(22,012)	-	-	Sept (FY22) - Current	
Roofing: Quality Exteriors	933,252	351,552	17,578	333,974	(333,974)	-	-	June (FY22) - Current	
Hardware: Precision	232,231	34,330	1,717	32,614	(32,614)	-	-	Jan (FY23) - Current	
Glasswork: Walker & LaBarge	183,600	67,556	3,378	64,178	(64,178)	-	-	Oct (FY22) - Current	
Drywall/Stud: Peninsula	1,317,000	693,818	34,691	659,127	(659,127)	-	-	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	2,081,649	307,878	15,394	292,484	(292,484)	-	-	June (FY22) - Current	
Fire Sprinkler: Bear Industries	98,780	11,718	586	11,132	(11,132)	-	-	FY23 / Current	
Electrical: Filec Services	2,529,530	584,000	29,200	554,800	(554,800)	-	-	FY23 / Current	
Construction: Other Activity	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
City Portion - Technology	150,000	-	-	-	-	-	-		
City Portion - Furniture, Fixtures & Equip	350,000	-	-	-	-	-	-		
Post-Construction / Contingencies	\$ 1,185,697	\$ 404,469	\$ 317,804	\$ 86,665	\$ (86,665)	\$ -	\$ -		
Builder's Contingency	520,062	317,804	317,804	-	-	-	-	Jan/Feb (FY23) - Current	
Owner's Contingency ¹	665,635	86,665	-	86,665	(86,665)	-	-	FY22 - Current	
Grand Total	\$ 16,463,479	\$ 6,115,399	\$ 548,951	\$ 5,566,448	\$ (4,665,896)	\$ (827,546)	\$ (29,671)		

¹Builder's Contingency was established to account for anticipated but unknown project-related expenditures. The majority (about \$270k) of the amount reported arose in January and February 2023 and is being presented to Council Monday, February 27.

City of Milford, Delaware
 Legacy Revenue Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended January 31, 2023

58.3% of Year Elapsed

Account / Function	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
General Fund:				
Economic Development Fund	\$ 105,860	\$ -	\$ -	0.0%
General Fund Reserves	837,986	-	-	0.0%
ARPA Funding - Operating Support	270,411	-	4,506	1.7%
Realty Transfer Tax - Police	300,000	25,000	175,000	58.3%
Real Estate Tax	4,941,100	117,462	5,004,102	101.3%
Business License	67,000	34,130	47,200	70.4%
Rental License	110,000	49,125	103,075	93.7%
Building Permits	215,000	12,369	139,544	64.9%
Planning & Zoning	85,100	35,230	70,182	82.5%
Leases and Franchise Fees ¹	428,351	52,821	208,808	48.7%
Grasscutting Revenue	16,000	1,333	9,333	58.3%
Police Revenues	491,250	12,006	352,746	71.8%
Misc. Revenues ¹	19,500	22,985	33,519	171.9%
Transfers In	4,046,909	258,333	1,808,333	44.7%
Total General Fund Revenue	\$ 11,934,467	\$ 620,796	\$ 7,956,349	66.7%
Enterprise Funds:				
Water Fund Revenues	\$ 3,138,348	\$ 339,532	\$ 2,124,745	67.7%
Sewer Fund Revenues	3,117,701	285,972	1,849,244	59.3%
Kent County Sewer	2,036,770	167,408	1,257,948	61.8%
Solid Waste Fund Revenues	1,609,208	136,141	911,582	56.6%
Electric Fund Revenues	27,538,891	2,650,474	16,461,740	59.8%
Total Enterprise Fund Revenue	\$ 37,440,918	\$ 3,579,527	\$ 22,605,259	60.4%
Other Enterprise Revenue	\$ -	\$ (815)	\$ 20,980	
Other Enterprise Expense	-	(2,088)	(34,651)	
Total General & Enterprise Fund Revenue	\$ 49,375,385	\$ 4,197,420	\$ 30,547,937	61.9%

¹Recurring, 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)

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended January 31, 2023

58.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
General Fund					
City Administration					
Personnel	\$ 822,844	\$ 58,627	\$ 402,765	48.9%	\$ 420,079
Operation & Maintenance (O&M)	254,591	6,053	129,194	50.7%	125,397
Capital	226,250	-	-	0.0%	226,250
Subtotal: City Administration	1,303,685	64,681	531,959	40.8%	771,726
Planning & Zoning					
Personnel	592,088	46,608	321,730	54.3%	270,358
O&M	136,943	8,779	96,353	70.4%	40,590
Capital	50,000	-	-	0.0%	50,000
Subtotal: Planning & Zoning	779,031	55,387	418,083	53.7%	360,948
Council					
Personnel	36,688	1,362	14,485	39.5%	22,203
Legal	29,300	2,460	14,760	50.4%	14,540
City Hall Building Expense	35,810	20,889	20,889	58.3%	14,921
Insurance	14,200	2,881	12,015	84.6%	2,185
Christmas Decorations	5,000	39	2,728	54.6%	2,272
Council Expense	44,000	2,932	15,686	35.7%	28,314
Employee Recognition	28,000	(272)	26,784	95.7%	1,216
Codification	10,000	5,915	9,312	93.1%	688
Carlisle Fire Company	205,000	140,000	140,000	68.3%	65,000
Museum	35,500	-	35,500	100.0%	-
Downtown Milford, Inc.	47,500	-	47,500	100.0%	-
Milford Public Library	26,750	-	-	0.0%	26,750
Transcription Service	-	-	-	-	-
Armory Expenses	50,000	1,724	8,030	16.1%	41,970
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	1,721	10,058	16.9%	49,458
Capital	75,000	-	5,000	6.7%	70,000
Subtotal: Council	780,064	179,652	382,747	49.1%	397,317

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended January 31, 2023

58.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Finance					
Personnel	508,442	37,951	270,615	53.2%	237,827
O&M	54,413	7,001	26,806	49.3%	27,607
Capital	-	-	-		-
Subtotal: Finance	562,855	44,952	297,421	52.8%	265,434
Information Technology					
Personnel	447,230	27,557	179,583	40.2%	267,647
O&M ¹	254,156	22,654	230,889	90.8%	23,267
Capital	65,837	525	26,117	39.7%	39,720
Subtotal: Information Technology	767,223	50,735	436,589	56.9%	330,634
Police Department					
Personnel	5,226,663	417,789	2,936,298	56.2%	2,290,365
O&M	958,611	109,400	640,181	66.8%	318,430
Capital	-	-	-		-
Subtotal: Police Department	6,185,274	527,189	3,576,479	57.8%	2,608,795
Streets & Grounds Division					
Personnel	376,673	29,783	199,977	53.1%	176,696
O&M	501,469	120,534	282,220	56.3%	219,249
Capital	720,000	24,273	80,371	11.2%	639,629
Subtotal: Streets & Grounds Division	1,598,142	174,591	562,568	35.2%	1,035,574
Parks & Recreation					
Personnel	688,620	48,906	341,162	49.5%	347,458
O&M	563,870	49,506	275,792	48.9%	288,078
Capital	1,085,443	17,032	106,982	9.9%	978,461
Subtotal: Parks & Recreation	2,337,933	115,444	723,936	31.0%	1,613,997
Total General Fund Expenditures	\$ 14,314,209	\$ 1,212,631	\$ 6,929,782	48.4%	\$ 7,384,427

¹\$125k of IT O&M driven by software maintenance, \$105k of which is a single invoice. Seasonalized budget in P&L-style report overcomes uneven revenue and expense.

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended January 31, 2023

58.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Enterprise Funds:					
Water Division					
Personnel	\$ 371,466	\$ 37,069	\$ 188,416	50.7%	\$ 183,050
O&M	1,710,659	387,717	882,682	51.6%	827,977
Transfer to General Fund	300,000	25,000	175,000	58.3%	125,000
Capital	1,052,900	1,238	42,545	4.0%	1,010,355
Debt Service	365,274	-	182,637	50.0%	182,637
Subtotal: Water Division	3,800,299	451,024	1,471,280	38.7%	2,329,019
Sewer Division					
Personnel	360,693	36,567	182,880	50.7%	177,813
O&M	1,858,390	313,207	801,079	43.1%	1,057,311
Capital	1,037,400	1,238	38,225	3.7%	999,175
Debt Service	412,478	273,356	325,198	78.8%	87,280
Subtotal: Sewer Division (excl. Kent County)	3,668,961	624,368	1,347,382	36.7%	2,321,579
Kent County Sewer	2,036,770	192,149	1,245,011	61.1%	791,759
Subtotal: Sewer Division (Comprehensive)	5,705,731	816,517	2,592,393	45.4%	3,113,338
Solid Waste Division					
Personnel	359,479	32,802	160,765	44.7%	198,714
O&M	1,181,700	283,042	800,414	67.7%	381,286
Capital	655,750	635	15,018	2.3%	640,732
Subtotal: Solid Waste Division	2,196,929	316,480	976,197	44.4%	1,220,732
Subtotal: Water, Sewer & Solid Waste	11,702,959	1,584,021	5,039,870	43.1%	6,663,089
Electric Division					
Personnel	1,598,456	99,638	898,679	56.2%	699,777
O&M	2,983,845	757,079	1,588,604	53.2%	1,395,241
Transfer to General Fund	2,500,000	208,333	1,458,333	58.3%	1,041,667
Capital	953,300	30,891	298,268	31.3%	655,032
Debt Service	324,315	279,658	279,658	86.2%	44,657
Subtotal: Electric Division (excl. Power)	8,359,916	1,375,600	4,523,542	54.1%	3,836,374
Power Purchased	19,484,755	1,800,816	12,172,728	62.5%	7,312,027
Subtotal: Electric Division (Comprehensive)	27,844,671	3,176,416	16,696,270	60.0%	11,148,401
Total Enterprise Fund Expenditures	\$ 39,547,629	\$ 4,760,436	\$ 21,736,140	55.0%	\$ 17,811,489
Grand Total Operating Budget	\$ 53,861,838	\$ 5,973,067	\$ 28,665,922	53.2%	\$ 25,195,916

City of Milford, Delaware
 Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended January 31, 2023

58.3% of Year Elapsed

Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Interservice Departments					
Garage					
Personnel	\$ 134,110	\$ 7,774	\$ 53,468	39.9%	\$ 80,642
Operation & Maintenance (O&M)	128,475	38,883	64,850	50.5%	63,625
Capital	-	-	-		-
Subtotal: Garage	262,585	46,657	118,318	45.1%	144,267
Public Works					
Personnel	881,630	55,541	427,861	48.5%	453,769
O&M	237,282	21,771	122,425	51.6%	114,857
Capital	-	-	-		-
Subtotal: Public Works	1,118,912	77,312	550,286	49.2%	568,626
Tech Services					
Personnel	294,863	23,850	164,905	55.9%	129,958
O&M	461,599	78,998	227,159	49.2%	234,440
Capital	-	-	-		-
Subtotal: Tech Services	756,462	102,848	392,064	51.8%	364,398
Billing & Collections					
Personnel	760,557	54,053	363,226	47.8%	397,331
O&M	370,235	37,412	187,608	50.7%	182,627
Capital	-	-	-		-
Subtotal: Billing & Collections	1,130,792	91,465	550,834	48.7%	579,958
City Hall Cost Allocation					
O&M	84,875	9,343	53,613	63.2%	31,262
Capital	-	-	-		-
Subtotal: City Hall Cost Allocation	84,875	9,343	53,613	63.2%	31,262
Interdepartmental Cost Allocation	\$ (3,353,626)	\$ (327,625)	\$ (1,665,115)	49.7%	\$ (1,688,511)
Net Interdepartmental Costs¹	\$ -	\$ -	\$ -		\$ -

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



OFFICE of the CITY CLERK
City Hall | 201 South Walnut Street
Milford, DE 19963

TERESA K. HUDSON, MMC
Election Administration
O 302.422.1111 | F 302.424.3558

****NOTICE OF ELECTION CANCELATION****
CITY OF MILFORD 2023 ANNUAL ELECTION

Notice is hereby given that the City of Milford Annual Election scheduled for April 22, 2023 has been canceled.

Prior to the filing deadline of February 21, 2023 at 4:30 p.m., the following individuals submitted nominating petitions for the offices as indicated below:

Ward 1 Council---Daniel Marabello
Ward 2 Council---F. Todd Culotta
Ward 3 Council---Nirmala Samaroo
Ward 4 Council---Jason L. James Sr.

There being only one candidate for the Office of Council in Ward 1, Ward 2, Ward 3, and Ward 4, the above candidates are entitled to assume office without a formal election pursuant to 15Del.C. 7555(j).

Duly elected candidates will be sworn in at the Annual Organizational Meeting on Monday, May 1, 2023 that begins at 6:00 p.m.

A friendly reminder that the City of Milford uses the State of Delaware's Voter Registration system. Please ensure you are properly registered to be eligible to participate in future elections and referendums.

Qualified non-resident property owners must be registered through the City Clerk's Office at Milford City Hall to be eligible to vote in future City of Milford Elections and Referendums. Please contact the City Clerk's Office at 302-422-1111 Extension 1303 for additional clarification.



Date: February 23, 2023
 To: Mayor and City Council
 Through: Mark A. Whitfield, City Manager
 From: Lou Vitola, Finance Director
 Mike Svaby, Public Works Director
 Re: Police Facility Project Change Order Recap & Recommendation for Approval

EXECUTIVE SUMMARY

Staff recommend that Council approve the PD Facility project change orders arising in the field as recommended by Richard Y. Johnson & Son (RYJ) in the course of the Firm’s daily construction management responsibilities. The change orders totaling \$0.3 million through February remain within the anticipated budget of \$0.5 million, so there is no change in the projected tax hurdle or funding requirements. Staff were consulted on all change orders arising in the field.

Builder’s Contingency Budget	\$	520,062
<u>Change Order Total</u>		<u>317,804</u>
Builder’s Contingency Remaining	\$	202,258

DETAIL

The reality / inevitability of changes arising during construction due to site conditions, changes to design specifications and even regulatory compliance were anticipated by City staff and consultants early in the planning process. The earliest PD Facility Project budgets drafted by Becker Morgan Group (BMG) reflected contingency budgets for construction activities (“builder’s contingency”) and other uncertainties driven by decisions to be made by the City, such as then-unknown permitting, financing, outfitting and other costs (“owner’s contingency”). The contingency budgets were percentage-driven based on BMG’s experience designing other buildings, and the Firm especially relied on its experience constructing police facilities in Delaware. The contingency budgets were finalized in January 2022 in connection with City Council approval of the 16 construction contracts following RYJ’s bid process. The change orders identified through February remain within the anticipated budget, so there is no change to the property tax hurdle or financing requirements initially projected. Staff were consulted on all change orders, which total \$0.3 million as summarized by contractor below:

Filec Services – Electrical Contract A-16:	\$	257,530	
Zack Excavating – Sitework Contract A-01:		37,384	
J.F. Sobieski – Mechanical Contract A-14:		(3,351)	
RYJ/BMG Proj Mgmt & Design		<u>26,241</u>	\$ 317,804
<u>Builder’s Contingency (Original & Remaining)</u>		<u>520,062</u>	\$ 202,258

RECOMMENDATION

Staff recommend that Council authorize the enclosed change orders totaling \$317,804. Funding is available within the project budget and is scheduled in the approved USDA Community Facilities Loan Funding.

Filec Electrical Change Order 0



AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: (name and address)
Milford Police Station

401 N. E. Front St.
Milford, DE 19963

OWNER: (name and address)

City of Milford
119 S. Walnut Street
Milford, DE 19963

CONTRACT INFORMATION:
Contract For: A-16 Electrical
Work
Date: May 03, 2022

ARCHITECT: (name and address)

Becker Morgan Group
309 South Governors Ave.
Dover, DE 19904

CHANGE ORDER INFORMATION:
Change Order Number: A16-01

Date: October 06, 2022

CONSTRUCTION MANAGER: (name and address)

Richard Y. Johnson & Son, Inc.
18404 Johnson Rd.
P.O. Box 105
Lincoln, DE 19960

CONTRACTOR: (name and address)

Filec Electrical Services LLC
5577 DuPont Parkway
Smyrna, DE 19977

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

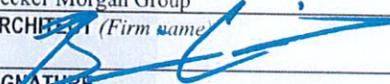
Adding conduits for future building \$25,800.00
Deleting the duct banks (\$17,500.00)
Total \$8,300.00

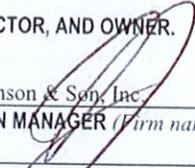
The original Contract Sum was	\$ 2,272,000.00
Net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 2,272,000.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 8,300.00
The new Contract Sum including this Change Order will be	\$ 2,280,300.00

The Contract Time will be increased by Zero (0) days.
The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

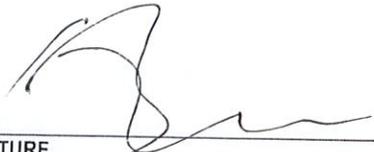
NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group
ARCHITECT (Firm name)

SIGNATURE
BRIAN CUSICK / PROJECT MANAGER
PRINTED NAME AND TITLE
10/24/22
DATE:

Richard Y. Johnson & Son, Inc.
CONSTRUCTION MANAGER (Firm name)

SIGNATURE
Dean Johnson/CEO/CFO
PRINTED NAME AND TITLE
10/10/22
DATE:

Filec Electrical Services LLC
CONTRACTOR (Firm name)

City of Milford
OWNER (Firm name)


SIGNATURE
Brandon Vanhorn, Project Manager
PRINTED NAME AND TITLE
10/25/22
DATE:

SIGNATURE
PRINTED NAME AND TITLE
DATE:



5577 DUPONT PARKWAY
SMYRNA DE 19977
ESTIMATING@FILECSERVICES.COM
(302) 328-7188 FAX (302) 328-7187

Milford Police Station

Date: September 21, 2022

Project Location: Milford, DE

Scope of work:

- Below are our recommendations for future use.
- NOTES 11 & 12 would turn up into a Quazite box for future use.
- Note 11 Install conduits for future building power= ADD \$12,900
- Note 12 install conduits for future building LV= ADD \$12,900
- If all ADD are taken it equals \$25,800



CLARIFICATIONS:

Filec Services LLC hereby proposes to provide all the necessary labor for the above scope of work.

Pricing is based on all work being performed during normal business hours: Monday through Friday 7am – 3:30 pm.

Expiration of Offer- The proposal is valid for ten (10) days after proposal date. After expiration, an updated proposal will need to be signed.

Payment Terms- Upon signing this agreement Filec Services LLC payment terms are Net 15 Days from Date of invoice. 1.80% Interest charged per month on all balances 30 Days past invoice due date. In the event of arbitration or other legal action, the "customer" will be liable for all attorney's fees and other costs incurred in the enforcement of the terms of this agreement.

All work will be completed in accordance with all state codes and regulations. Inspections will be indicated in the scope of work, otherwise it is not Included in the price.

Plans/Specifications- Electrical work requested by others not indicated on plans and/ or specifications shall not be part of this agreement.

Change Orders- Deviation or alteration to the scope of this agreement, including plans or specifications, shall be executed on receipt of written orders approved by both parties.

Design Errors- Wiring modifications required because of errors in design by the architect or engineer shall be considered a change order.

Equipment Supplied by Others- Filec services will not be responsible for the installation, damage, theft, vandalism, storage, or warrant of equipment supplied by others.

Terminations of Agreement- This Agreement shall remain in effect for length of the project and/or not exceeding sixty (30) days. Unless otherwise given fifteen (15) day notice to other party.

Warranty- Warranty of electrical material and equipment supplied by Filec Services shall be for a period of one year from the date of final invoice. No warranty will be provided for materials and equipment supplied by others, and no warranty shall be performed while invoices including change orders are past due.

This proposal/ quotation does not become legal and binding unless signed by both parties and serve as an agreement of work thereon after.

Date: _____
Owner/Contractor

Brandon Ksiazek

Filec Services, LLC



5577 DUPONT PARKWAY
SMYRNA DE 19977
ESTIMATING@FILECSERVICES.COM
(302) 328-7186 FAX (302) 328-7187

Milford Police Station

Date: September 21, 2022

Project Location: Milford, DE

Scope of work:

- Below are our VE options you have requested; each one represents changing a duct bank into a standard trench.
- All of these can be found on page ES100.
- Note 6 Utility Transformer to MDP= DEDUCT \$1000
- Note 7 Utility Transformer to Fire Pump= DEDUCT \$1500
- Note 8 Generator to MDP= DEDUCT \$2500
- Note 9 Generator to Fire Pump= DEDUCT \$2500
- Note 10 Generator to 50amp disconnect= DEDUCT \$2500
- Note 13 MDP to future car chargers= DEDUCT \$3500
- Note 14 Feeder communication conduits= DEDUCT \$4000
- If all DEDUCTS are taken it equals \$17,500.



CLARIFICATIONS:

Filec Services LLC hereby proposes to provide all the necessary labor for the above scope of work.

Pricing is based on all work being performed during normal business hours: Monday through Friday 7am – 3:30 pm.

Expiration of Offer- The proposal is valid for ten (10) days after proposal date. After expiration, an updated proposal will need to be signed.

Payment Terms- Upon signing this agreement Filec Services LLC payment terms are Net 15 Days from Date of invoice. 1.80% Interest charged per month on all balances 30 Days past invoice due date. In the event of arbitration or other legal action, the "customer" will be liable for all attorney's fees and other costs incurred in the enforcement of the terms of this agreement.

All work will be completed in accordance with all state codes and regulations. Inspections will be indicated in the scope of work, otherwise it is not included in the price.

Plans/Specifications- Electrical work requested by others not indicated on plans and/ or specifications shall not be part of this agreement.

Change Orders- Deviation or alteration to the scope of this agreement, including plans or specifications, shall be executed on receipt of written orders approved by both parties.

Design Errors- Wiring modifications required because of errors in design by the architect or engineer shall be considered a change order.

Equipment Supplied by Others- Filec services will not be responsible for the installation, damage, theft, vandalism, storage, or warrant of equipment supplied by others.

Terminations of Agreement- This Agreement shall remain in effect for length of the project and/or not exceeding sixty (30) days. Unless otherwise given fifteen (15) day notice to other party.

Warranty- Warranty of electrical material and equipment supplied by Filec Services shall be for a period of one year from the date of final invoice. No warranty will be provided for materials and equipment supplied by others, and no warranty shall be performed while invoices including change orders are past due.

This proposal/ quotation does not become legal and binding unless signed by both parties and serve as an agreement of work thereon after.

_____ Date: _____
Owner/Contractor

Brandon Ksiazek
Filec Services, LLC

Carolyn Anderson

From: Dean Johnson
Sent: Thursday, October 06, 2022 3:14 PM
To: Carolyn Anderson
Subject: FW: Milford PD VE/Credit Options
Attachments: Future Building Conduits.pdf; VE Options.pdf

Hi Carolyn

Can you please do an AIA CO for the attached. Combine them into 1 and call t adding conduits for future building and deleting the ductbanks. thanks

From: Brandon Vanhorn [<mailto:bvanhorn@filecservices.com>]
Sent: Wednesday, September 21, 2022 4:17 PM
To: Dean Johnson
Cc: Bryan Smith; Mike Clavier
Subject: Milford PD VE/Credit Options

Dean,

Please see the attached VE proposal for deducting the concrete duct banks onsite as discussed. We broke the pricing out per trench, please confirm if all concrete can be eliminated or they would like specific runs to be encased. I have also attached the cost for adding the conduits to feed the future building. I know that the owners did not approve the additional building, if they have any plans on installing it in the future than having these conduits installed would save a large amount of money as they would not have to saw cut the asphalt or concrete and the conduits would be installed under slab in the gear.

I know we discussed the submittals previously, the two important ones that we need returned ASAP are the floor box. And MDP. I don't want to run into any procurement issues that would hold up pouring the slab. Feel free to give me a call to discuss.

Thank you,



Brandon Vanhorn

Project Manager

 (302) 328-7188 x106

 (302) 328-7187

Follow us at



Filec Electrical Change Order 1



AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: (name and address)
Milford Police Station

401 N. E. Front St.
Milford, DE 19963

OWNER: (name and address)

City of Milford
119 S. Walnut Street
Milford, DE 19963

CONTRACT INFORMATION:
Contract For: A-16 Electrical Work
Date: May 03, 2022

ARCHITECT: (name and address)

Becker Morgan Group
309 South Governors Ave.
Dover, DE 19904

CHANGE ORDER INFORMATION:
Change Order Number: A16-02
Date: 01/12/2023

CONSTRUCTION MANAGER: (name and address)

Richard Y. Johnson & Son, Inc.
18404 Johnson Rd.
P.O. Box 105
Lincoln, DE 19960

CONTRACTOR: (name and address)

Filec Electrical Services LLC
5577 DuPont Parkway
Smyrna, DE 19977

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Provide and Install (1) 1200amp fusible disconnect with CT cabinet, and CT meter. This is to be installed on a concrete pad. Due to lead time, we have quoted an alternate disconnect, this disconnect will have all the requirements the City of Milford has requested.

The original Contract Sum was	\$ 2,272,000.00
Net change by previously authorized Change Orders	\$ 8,300.00
The Contract Sum prior to this Change Order was	\$ 2,280,300.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 93,201.06
The new Contract Sum including this Change Order will be	\$ 2,373,501.06

The Contract Time will be increased by Zero (0) days.
The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group
ARCHITECT (Firm name)

SIGNATURE
BRIAN CUSICK, PROJECT MANAGER
PRINTED NAME AND TITLE
1/13/23

DATE:

Filec Electrical Services LLC
CONTRACTOR (Firm name)

Richard Y. Johnson & Son, Inc.
CONSTRUCTION MANAGER (Firm name)

SIGNATURE
Dean Johnson/CEO/CFO
PRINTED NAME AND TITLE

DATE: 1/12/23

City of Milford
OWNER (Firm name)

AIA Document G731™ – 2019 (formerly G701™ CMA – 1992). Copyright © 1992 and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 16:21:16 ET on 01/12/2023 under Order No.2114349066 which expires on 08/13/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.

User Notes:

(3B9ADA41)

Brandon Ksiiazek

SIGNATURE
Brandon Ksiiazek, President

PRINTED NAME AND TITLE

1/17/23

DATE:

SIGNATURE

PRINTED NAME AND TITLE

DATE:



5577 DUPONT PARKWAY
SMYRNA, DE 19799
INFO@FILECSERVICES.COM
P: (302) 328-7188
F: (302) 328-7187

CHANGE ORDER #1

Date: December 9, 2022

Project/ Location: Milford Police Station

Owner/ Customer: City of Milford

Scope: Provide and install (1) 1200amp fusible disconnect with CT cabinet, and CT meter. This is to be installed on a concrete pad. Due to lead times, we have quoted an alternate disconnect, this disconnect will have all the requirements the City of Milford has requested. This option will save them \$10,000.

Labor \$95.00 x 192 Man Hours	\$ 18,240.00
Concrete pad	\$ 8,000.00
Equipment	\$ 3,000.00
Material	\$ 51,804.40
15% O&P	\$ 12,156.66
Total:	\$ 93,201.06

We AGREE hereby to make the changes specified above at this price: \$ 93,201.06

Owner/Contractor Date: _____

Filec Services, LLC Date: _____

Bill of Materials

Proposal: UAK-00035602
Name: Milford PD - Adder
Date: 12/9/2022

Item	Qty	Description	Catalog No
1	1	Boltswitch Pad Mount, VL468N 1200A 3P 4W 600V TOP FEED MANUAL BOLTED PRESURE SWITCH NEMA 3R FREE STANDING ENCLOSURE VIEWING WINDOW EUSERC PADLOCK CLIP (32) 600MCM LUG	
2	3	BUSSMAN LCL1200 FUSE,	
3	1	HOFFMAN A1200NECT,	
4	1	EATON USTS131L143CH,	
5	1	HOFFMAN A723618SSFSN4,	

Total Price **\$34,000.00**

All prices listed are in United States Dollar (\$)

Kendall Electric Terms & Conditions:

This quotation is an offer to sell you the goods or services described herein on the terms set forth above and on our Terms and Conditions of Sale which are available at https://www.kendallgroup.com/legal/t_and_c_sale. Your order of any goods or services identified in this quotation constitutes your acceptance of our standard Terms and Conditions of Sale. We object to any different or additional terms and reject any prior offers we received from you. Prices expire on and are subject to change after thirty (30) days.



KENDALL ELECTRIC INC
 1251 COLLEGE PARK DR
 DOVER DE 19904-8713
 302-735-3300 Fax 302-735-3303

Sold To: 208844
 FILEC SERVICES LLC
 5577 DUPONT EXWY
 CMYRNA, DE 19977-9610

Ship To: 228338
 FILEC/MILFORD POLICE STATION
 401 NE FRONT STREET
 MILFORD DE 19963-1435

Quotation S112429737
 Order Date: 12/08/22
 Terms: Net Due 30 Days
 MILFORD PD 3970
 Ordered By: BRYAN
 Phone: 302-670-7475

Part #	Part Description	Qty	Unit Price	Total Price	Est. #	Est. Date	Est. Price	Est. Qty
EP02	ED15R16	240	3335.888	17071.429/m	KEVIN BARLOW, ED17	12/08/	4,097.14	5,037.74
4805C	CUT 350 THHN CU STRD BLACK WIRE.	61427	10495.292/m	5167.385/m		12/08/	2,687.04	1,855.36
5205C	CUT 3/0 THHN CU STRD GREEN WIRE.	61408	1855.358/c	197.24		12/08/	103.72	75.05
1005C	4 PVC SCH 80 CONDUIT.	24582	2465.517/c	1296.467/c		12/08/	469.057/c	635.133/c
8ea	U29AN CAR (5133832) 4ELB 90D SCHED40.	24615	1296.467/c	12253.800/c		12/08/	1,960.61	421.90
16ea	E940N CAR (6144632) 4 PVC COUPLING.	24268	469.057/c	21094.983/c		12/08/	5081.400/c	1,016.28
16ea	E943N CAR (5144012) 4 TERM ADAPTER PVC.	24295	635.133/c	12253.800/c		12/08/	1,960.61	421.90
16ea	H400TB TEB 4IN INSULATED CONDUIT HUB.	57883	12253.800/c	21094.983/c		12/08/	5081.400/c	1,016.28
2ea	B280SQ-SG4 B-LINE POST BASE STAINLESS.	2411713	21094.983/c			12/08/		
20ft	B22SH-120SG4 B-LINE STAINLESS STEEL SLOTTED STRUT 1 5/8" X 1 5/8"...	2125472				12/08/		

Thank You - We Appreciate Your Business



A MEMBER OF THE KENDALL GROUP

KENDALL ELECTRIC INC
1251 COLLEGE PARK DR
DOVER DE 19904-8713
302-735-3300 Fax 302-735-3303

Sold To: 208844
FILEC SERVICES LLC
5577 DUPONT PKWY
SMYRNA, DE 19977-9610

Ship To: 228338
FILEC/MILDFORD POLICE STATION
401 NE FRONT STREET
MILDFORD, DE 19963-1435

Quotation S112429737

Order Date:	12/08/22
Terms:	Net Due 30 Days
Customer PO#	MILDFORD PD 3970
Release #	
Ordered By:	BRYAN
Phone:	302-670-7475

Warehouse	Ship V#	Order Qty	IC #	Out	Freight Allowed	Description	Req Date	Price / JOB	Ext Amount
EP02	EDISR16	6ea	2234133	Yes	No	N22856 B-LINE LONG SPRING 3/8 STAINLESS	12/08/	1141.517/c	68.49
		100ea	4363017	Yes	No	DOTTIE MBS38114 3/8 X 1-1/4 HEX HEAD CAP SCREW STAINLESS STEEL	12/08/	74.067/c	74.07
		100ea	4197918	Yes	No	FENW38114 DOTTIE 1 1/4 IN STEEL FENDER FLAT WASHER	12/08/	43.533/c	43.53
		100ea	4056478	Yes	No	HNS38 DOTTIE 3/8-16 HEX NUTS FINISHED STAINLESS STEEL	12/08/	20.200/c	20.20
		100ea	3414903	Yes	No	LWS38 DOTTIE 3/8" LOCK WASHERS STAINLESS STEEL 78100269976	12/08/	14.600/c	14.60
		1ea	24643	Yes	No	VC9982 CAR CEMENT 1 QUART CLEAR ALL WEATHER QUICK SET	12/08/	2981.383/c	29.81

This quotation is an offer to sell you the goods or services described herein on the terms set forth above and on our standard Terms and Conditions identified in this quotation. All prices are available at <http://www.kendall.com> and are subject to our standard Terms and Conditions. Your order of any goods or services is an acceptance of our standard Terms and Conditions. All prices are subject to change without notice. Prices expire on, and are subject to change after, 01/07/2023 unless otherwise stated on our quotation. Cover page of this quotation is available at <http://www.kendall.com>. All prices are subject to change without notice. Prices expire on, and are subject to change after, 01/07/2023 unless otherwise stated on our quotation. Cover page of this quotation is available at <http://www.kendall.com>.

Page 2 of 2

Thank You - We Appreciate Your Business

Subtotal	17804.40
SAH CHGS	TBD
Sales Tax	TBD
Amount Due	17804.40

Printed: 08:53:32 09 DEC 2022

fused power circuit device enclosures

Designed for Series **VL**, VLB, SL, SLB
Fused Power Circuit Devices.

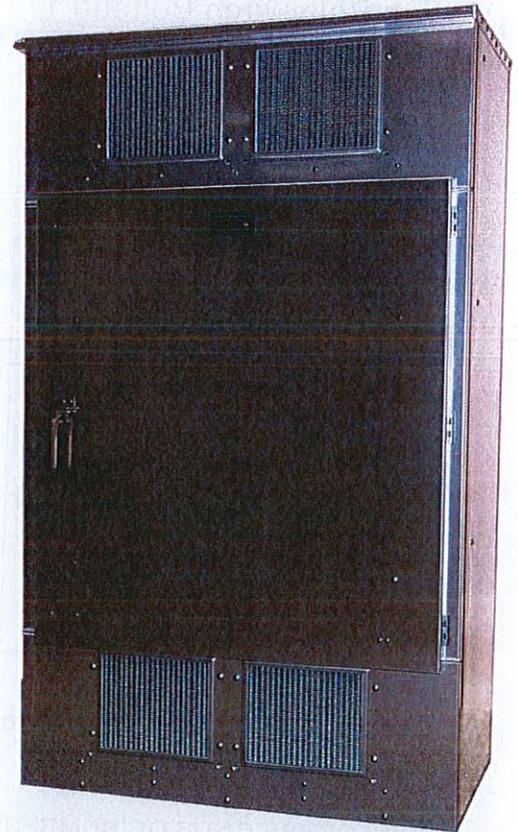
Type 1 and Type 3R designs.

Constructed of lightweight aluminum.

Marked "Suitable for Use as Service
Equipment".



Listed as "Fused Power Circuit Device Enclosures"
under Category 178, Report No. 509803



DOUBLE DOOR ENCLOSURE
(CONCEALS OPERATING HANDLE)



SINGLE DOOR ENCLOSURE



boltswitch[®], inc.

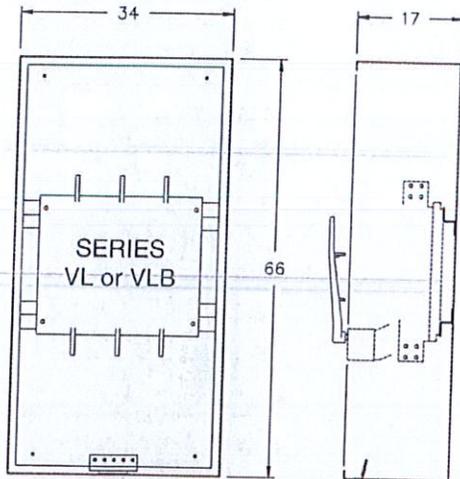
6208 Commercial Road
Crystal Lake, IL 60014
Phone (815) 459-6900
Fax (815) 455-7788



LISTED SINGLE DOOR ENCLOSURES FOR SERIES VL, VLB, SL AND SLB FUSED POWER CIRCUIT DEVICES

Bulletin 113
PAGE 2

Refer to Boltswitch Bulletin 111 for Fused Power Circuit Device selection.
(Will not accept devices with -MST suffix)



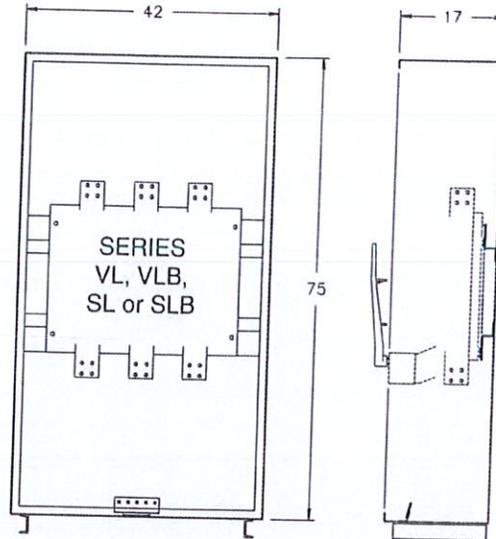
Smaller "Wall Mounted" Enclosures
Accept 800-2500 Amp Device
(Free Standing Is Optional)

ENCLOSURE CATALOG NUMBERS

TOP FEED		BOTTOM FEED	
INDOOR	RAINPROOF	INDOOR	RAINPROOF
E3466	E3466R	E3466B	E3466BR

Optional Features:

- Viewing Window
- Free Standing Channels
- Baked Enamel Grey Finish



Larger "Free Standing" Enclosures Accept
800-4000 Amp Device

ENCLOSURE CATALOG NUMBERS

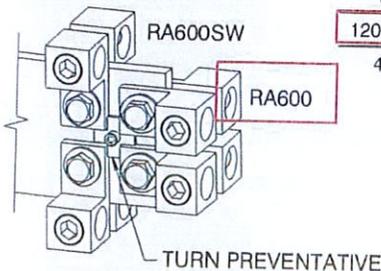
TOP FEED		BOTTOM FEED	
INDOOR	RAINPROOF	INDOOR	RAINPROOF
E4275	E4275R	E4275B	E4275BR

Optional Features:

- Viewing Window
- Baked Enamel Grey Finish

TERMINAL LUGS

600MCM - 4 CU9AL



MAXIMUM LUGS PER TERMINAL

AMPACITY	RA600	RA600SW	TOTAL
800	4	-	4
1200-3000	4	4	8
4000	8	4	12

APPROX. SHIPPING WEIGHTS

with fused power circuit device installed

800-1200-1600 amp	320 lbs
2000-2500 amp	400 lbs
3000 amp	500 lbs
4000 amp	660 lbs



Listed as "Fused Power Circuit Device Enclosures"
under Category 178, Report No. 509803

boltswitch[®], inc. 6208 Commercial Road Crystal Lake, Illinois 60014
www.boltswitch.com

H:\ART-CAT\BUL-113\BUL-113 VP MARCH 2009

Filec Electrical Change Order 2

AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: <i>(name and address)</i> Milford Police Station 401 N. E. Front St. Milford, DE 19963	CONTRACT INFORMATION: Contract For: A-16 Electrical Work Date: May 03, 2022	CHANGE ORDER INFORMATION: Change Order Number: A16-03 Date: 01/19/2023
OWNER: <i>(name and address)</i> City of Milford 119 S. Walnut Street Milford, DE 19963	ARCHITECT: <i>(name and address)</i> Becker Morgan Group 309 South Governors Ave. Dover, DE 19904	CONSTRUCTION MANAGER: <i>(name and address)</i> Richard Y. Johnson & Son, Inc. 18404 Johnson Rd. P.O. Box 105 Lincoln, DE 19960

CONTRACTOR: *(name and address)*
 Filec Electrical Services LLC
 5577 DuPont Parkway
 Smyrna, DE 19977

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

ASI #1 Provide and install (2) D1-EM and (6) EX1 fixtures

The original Contract Sum was	\$ 2,272,000.00
Net change by previously authorized Change Orders	\$ 101,501.06
The Contract Sum prior to this Change Order was	\$ 2,373,501.06
The Contract Sum will be increased by this Change Order in the amount of	\$ 4,029.05
The new Contract Sum including this Change Order will be	\$ 2,377,530.11

The Contract Time will be increased by Zero (0) days.
 The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

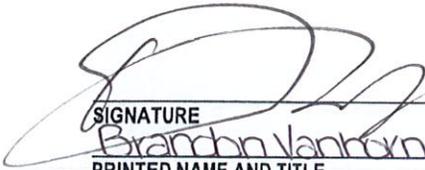
NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group ARCHITECT <i>(Firm name)</i> _____ SIGNATURE BRIAN CUSICK, PROJECT MANAGER _____ PRINTED NAME AND TITLE 1/20/23 _____ DATE: Filec Electrical Services LLC CONTRACTOR <i>(Firm name)</i>	Richard Y. Johnson & Son, Inc. CONSTRUCTION MANAGER <i>(Firm name)</i> _____ SIGNATURE Dean Johnson/CEO/CFO _____ PRINTED NAME AND TITLE 1/19/23 _____ DATE: City of Milford OWNER <i>(Firm name)</i>
---	---

AIA Document G731™ – 2019 (formerly G701™ CMA – 1992). Copyright © 1992 and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 16:38:23 ET on 01/19/2023 under Order No.2114349066 which expires on 08/13/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.

User Notes:

(3B9ADA4E)


SIGNATURE
Branch Vanhorn, Project Manager
PRINTED NAME AND TITLE
1/24/23
DATE:


SIGNATURE
PRINTED NAME AND TITLE
DATE:



5577 DUPONT PARKWAY
SMYRNA, DE 19799
INFO@FILECSERVICES.COM
P: (302) 328-7188
F: (302) 328-7187

CHANGE ORDER #2 (ASI #1)

Date: January 19, 2023

Project/ Location: Milford Police Station

Owner/ Customer: City of Milford

Scope: ASI #1. Provide and install (2) D1-EM and (6) EX1 fixtures.

Labor \$95.00 x 18 Man Hours	\$ 1,710.00
Material	\$ 1,973.09
15% O&P	\$ 295.96
Freight	\$ 50.00
Total:	\$ 4,029.05

We AGREE hereby to make the changes specified above at this price: \$ 4,029.05

Owner/Contractor Date: _____

Filec Services, LLC Date: _____

Date: Jan 17, 2023

Quote: RL23-40891-1

Quote

Page 1/1



Kendall Electric
15 Colwell Lane
Conshohocken PA 19428
Phone: (610) 832-9000
Fax: (610) 941-8181
From: Dan Walker
Quoter Ph: (610) 832-9134
email: daniel.walker@kendallelectric.com

Project Milford Police Department - B - Milford
Location DE - ASI
Quote Milford DE
RL23-40891-1

To: Estimating
EMail: estimating@filecservices.com

For
Bid Date Jan 17, 2023
Expires Feb 16, 2023

QTY	Type	MFG	Part
6	EX1	COMPASS	CERG
2	D1EM	HE WILLIAMS	GA-4-L55/835-N-EM/10W-(2)VBY-2/PWU-DIM-UNV

SUBTOTAL

\$1050.00

Note

****PLUS SHIPPING COST**

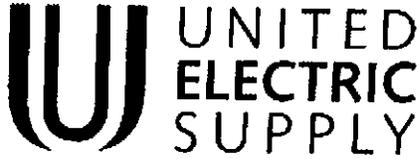
Terms and conditions of sale:

All materials are subject to prior sale. We reserve the right to correct clerical errors and to provide an alternate equal bill of material, subject to final approval. Minority participation is not guaranteed.

Shipping: Delivery dates are estimates only. Pricing does not include storage or shipping and handling. Freight terms are FCA Origin, freight invoiced.

Payments: Payment terms are Net 30 days, unless otherwise noted. Purchases made with credit cards will be charged a 2% fee. Taxes and tariffs are not included in the price. Retainage terms and back charges are not permitted.

Terms and Conditions: This quotation is an offer to sell you the goods or services described herein on the terms and conditions set forth above and on our standard Terms and Conditions of Sale which are available at https://www.kendallgroup.com/legal/legal_notices or by calling 800-632-5422, unless otherwise agreed in writing and signed by authorized representatives of each party. Your order of any goods or services identified in this quotation constitutes your acceptance of our standard Terms and Conditions of Sale. We object to any different or additional terms and reject any prior offers we received from you. Prices are valid for thirty (30) days, unless otherwise noted above.



Print Friendly

Cart contains: 2 items



MC122MCTUFFREEL M/C CABLE 12-2 LIGHT STEEL MCTUFF 1000' REEL
#1704B60T00 OD=.495L

[View Sheet](#)

Comment

\$867.74 / m

Availability: 48480 ft

1000 /
ft

Remove

\$867.74



STC52171-MSX 4 INCH PRE-GALVANIZED STEEL SQUARE BOX WITH MS BRACKET
2-1/8 INCH DEEP 30.3 CUIN. WELDED CONSTRUCTION WITH 1/2 INCH & 3/4 INCH
ECCENTRIC KNOCKOUTS AND ARMORED CABLE CLAMP (C-3). FOR USE WITH
ARMORED/METAL CLAD CABLE. STEEL CITY

[View Sheet](#)

Comment

\$922.48 / c

Availability: 24 ea

6 /
ea

Remove

\$55.35

Sub Total: \$923.09

[View Cart](#)

» Create Export File
Manage your cart exports here.

Filec Electrical Change Order 3



5577 DUFONT PARKWAY
SMYRNA, DE 19799
INFO@FILECSERVICES.COM
P: (302) 328-7188
F: (302) 328-7187

CHANGE ORDER #3 (New Gear and MTS)

Date: February 6, 2023

Project/ Location: MILFORD PD

Owner/ customer: City of Milford

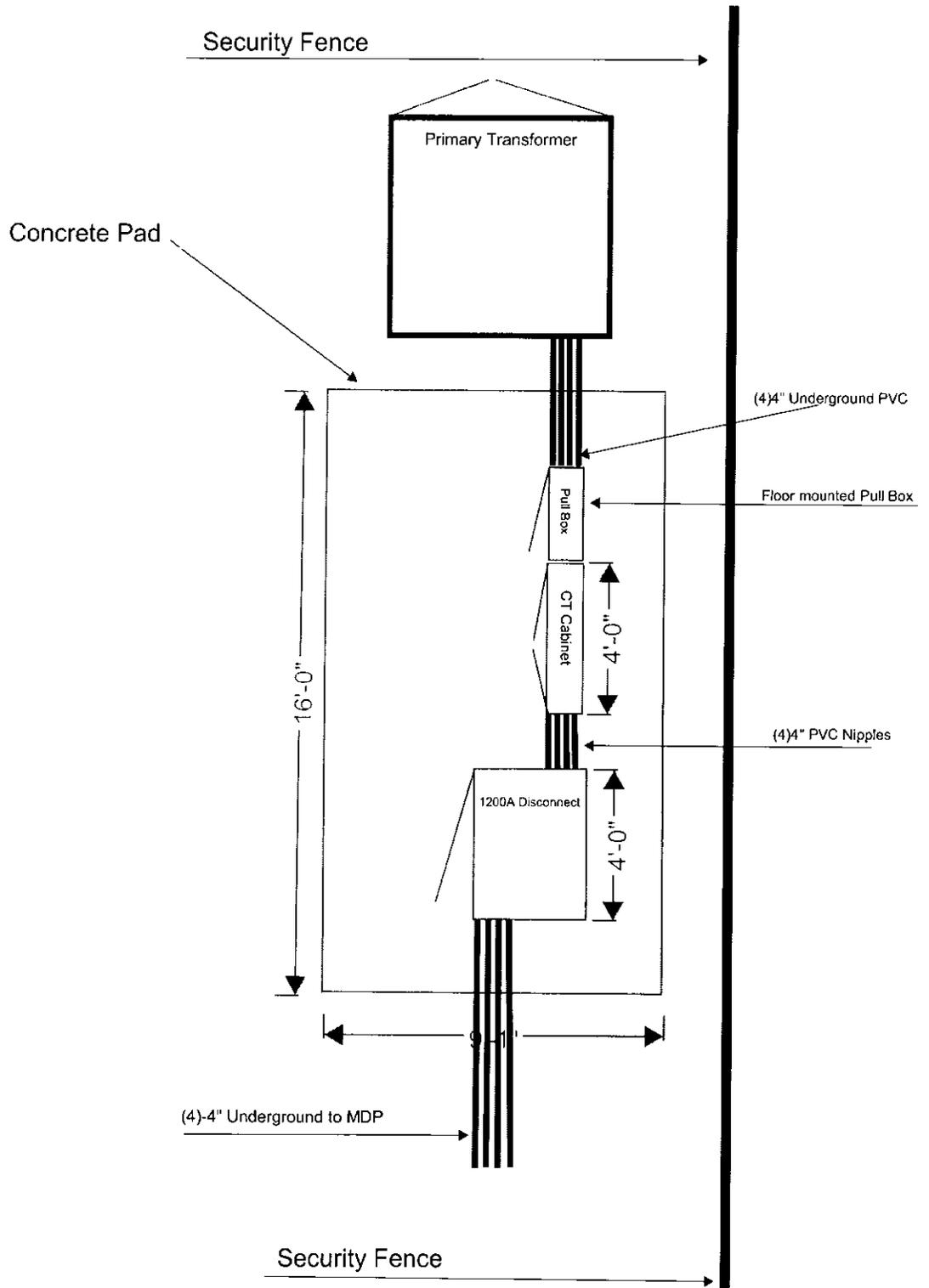
Scope: Provide and install a new switchboard, TVSS, and Double throw switch.

Labor \$0.00 x 0 Man Hours	\$ 0.00
Material	\$ 225,000.00
5% O&P	\$ 11,250.00
20% restocking fee of existing MDP	\$ 25,000.00
Credit remaining credit for existing MDP	(\$ 100,000.00)
Credit for 1200amp Disconnect	(\$ 10,000.00)
Total:	\$ 151,250.00

We AGREE hereby to make the changes specified above at this price: \$151,250.00.

Owner/Contractor Date: _____

Filec Services, LLC Date: _____



8-10 weeks

GE Intelligent Energy Power Quality

Introduction

GE Surge Protective Devices (SPD) are engineered for reliability, flexibility and long life in the most extreme surge environment. The true maximum surge current rating, unlimited by fusing, has been proven successful in third-party tests.

These SPD models are available in a standard NEMA 12 enclosure. Optional enclosure types include NEMA 1 and 4X, flushmount, surface mount and stainless steel. Third-party tested per IEEE C62.62 and NEMA LS-1 for the rated 8x20µs surge current, per mode with fusing included. Standard features include a surge counter, audible alarm, indicating lights, dry contacts and an integral surge rated disconnect. Rating options range from 65kA to 300kA per mode (130kA to 600kA per phase).

All mode protection is provided with surge components (MOVs) connected on the phase to neutral, phase to ground, and neutral to ground paths as appropriate for the voltage configuration.

** Integral surge rated disconnect is only available for WYN1 and WYN4 suffix catalog numbers

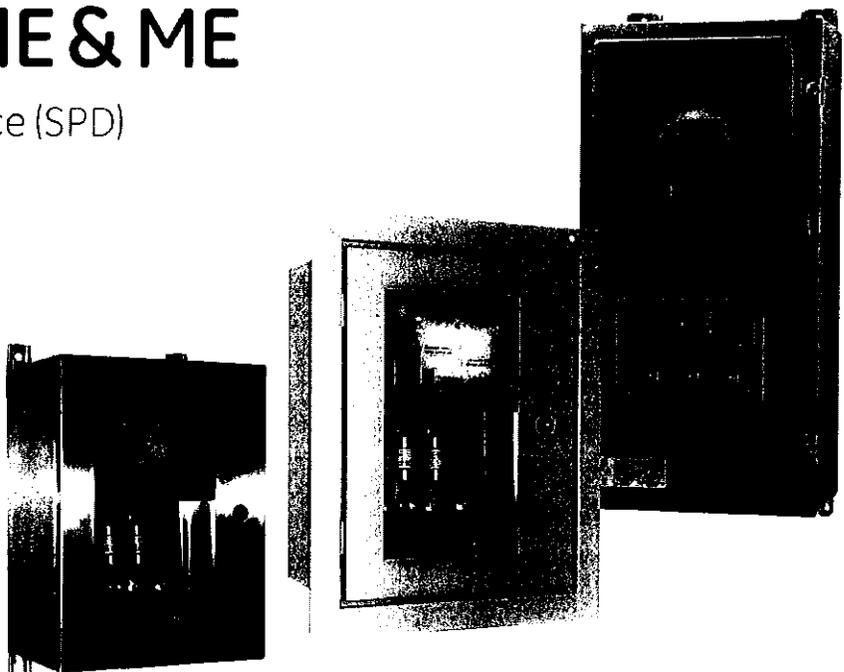
Features and Benefits

- > UL 1449 3rd Edition, Type 2
- > cUL, CSA C22.2
- > UL 96A, for use in lightning protection systems
- > UL 1283, EMI/RFI noise filter
- > Integral surge rated disconnect (optional)
- > Tranquell™ ME device tested to a minimum of 5,000 category C3 impulses (10kA, 20kV) per mode
- > Tranquell™ HE device tested to a minimum of 20,000 category C3 impulses (10kA, 20kV) per mode
- > Device tested to a minimum of 5,000 longwave (10x1000µs) impulses per mode
- > Thermal fuse technology in combination with surge rated fuses
- > Form C dry contacts for remote monitoring
- > Green status indicating lights, red alarm light
- > Audible alarm with test/disable feature
- > Surge counter
- > 5 year limited warranty (standard), 10 year limited warranty (optional)

Wallmount

Tranquell™ HE & ME

Surge Protective Device (SPD)



Catalog

WMN

	Nominal Voltage (Volts RMS)	System Voltage Configuration	MCOV Max. Continuous Operating Voltage L-N/G (Vrms)	Maximum Surge Current Capacity			Suffix	Enclosure Description	NEMA	Mounting	Disconnect		
				Exposure Level	Per Mode	Per Phase							
THE	120S	120/240	1 Ph, 3 W + G	150	065	ME	65kA	130kA	1	Painted Steel	1	Surface	Y
TME	120Y	120Y/208	3 Ph, 4 W + G	150	080	ME	80kA	160kA	12S	Painted Steel	12	Surface	N
	220Y	220Y/380	3 Ph, 4 W + G	320	100	ME	100kA	200kA	12F	Painted Steel	12	Flush	N
	240D	240 Delta	3 Ph, 3 W	270	125	HE	125kA	250kA	4	Fiberglass	4X	Surface	Y
	240H	120/240 Delta HL	3 Ph, 4 W + G	150/270 HL	150	HE	150kA	300kA	4S	Painted Steel	4	Surface	N
	240Y	240Y/415	3 Ph, 4 W + G	320	200	HE	200kA	400kA	4X	Stainless Steel	4X	Surface	N
	277Y	277Y/480	3 Ph, 4 W + G	320	250	HE	250kA	500kA					
	347Y	347Y/600	3 Ph, 4 W + G	420	300	HE	300kA	600kA					
	480D	480 Delta	3 Ph, 3 W	550									
	600D	600 Delta	3 Ph, 3 W	625									



Catalog # example: THE277Y150WMN1

- 277Y/480 V, 3 Ph, 4 W + G
- 150kA per mode, 300kA per phase
- NEMA 1 surface mount

WMN1-WMN4 Protection Ratings

Voltage Code	120S / 120Y				240D			240H					220Y / 240Y / 277Y				347Y			480D			600D		
Protection Mode	L-N	L-G	N-G	L-L	L-G	L-L	L-N	HL-N	L-G	HL-G	N-G	L-L	HL-L	L-N	L-G	N-G	L-L	L-N	L-G	N-G	L-L	L-G	L-L	L-G	L-L
UL 1449-3 Edition Voltage Protection Ratings (VPR) (assigned UL rating)	1000	1000	700	1200	1500	1800	1000	1500	1000	1500	700	1200	2500	1500	1500	1000	2000	1500	1500	1500	2500	2000	4000	2000	4000
UL 1449-2 Edition Suppression Voltage Ratings (SVR) (assigned UL rating)*	400	400	400	-	800	-	400	700	400	700	400	-	-	800	800	800	-	1000	1000	900	-	1500	-	1500	-

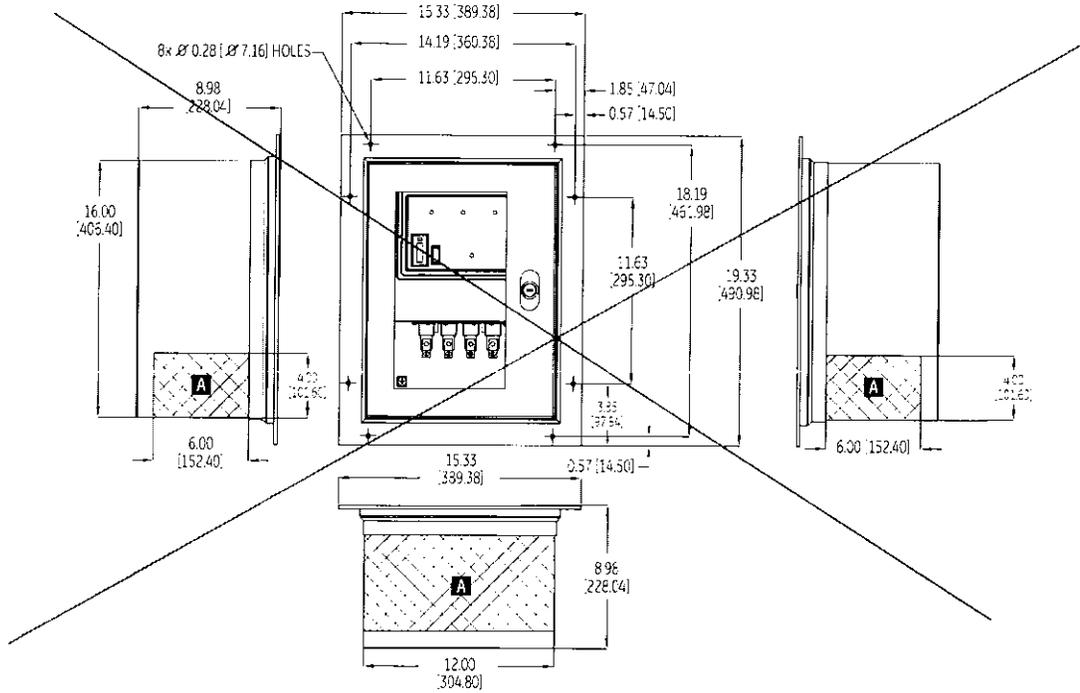
WMN12F-WMN12S-WMN4S-WMN4X Protection Ratings

Voltage Code	120S / 120Y				240D			240H					220Y / 240Y / 277Y				347Y			480D			600D		
Protection Mode	L-N	L-G	N-G	L-L	L-G	L-L	L-N	HL-N	L-G	HL-G	N-G	L-L	HL-L	L-N	L-G	N-G	L-L	L-N	L-G	N-G	L-L	L-G	L-L	L-G	L-L
UL 1449-3 Edition Voltage Protection Ratings (VPR) (assigned UL rating)	900	900	700	1200	1200	1800	900	1200	800	1200	700	1200	2500	1500	1200	1200	2000	1500	1500	1500	2500	1800	3000	2000	4000
UL 1449-2 Edition Suppression Voltage Ratings (SVR) (assigned UL rating)*	400	400	400	-	800	-	400	700	400	700	400	-	-	800	800	800	-	1000	1000	900	-	1500	-	1500	-

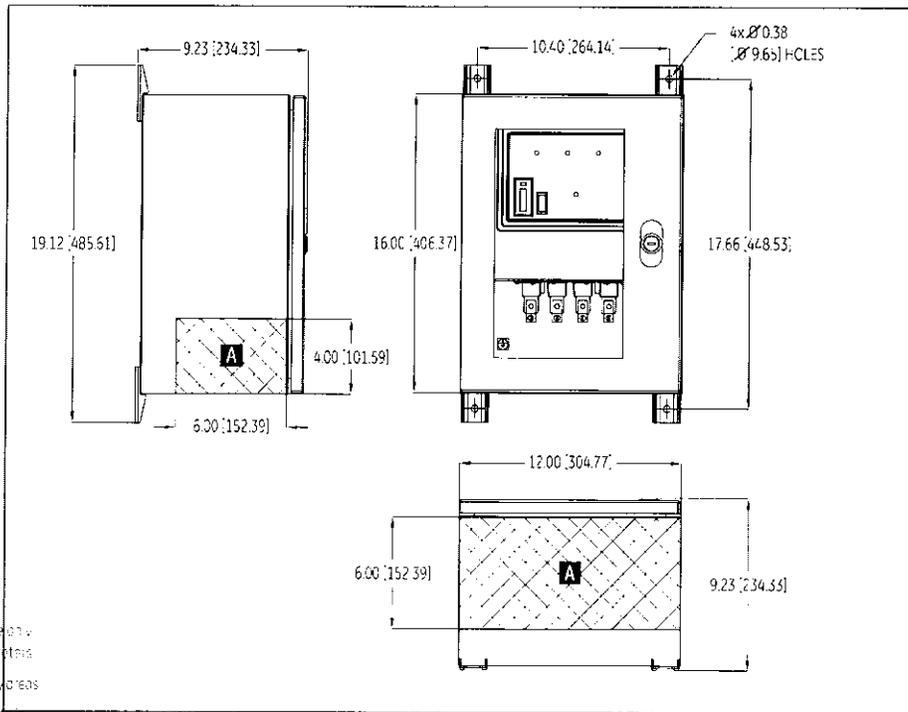
* NOTE: SVR Ratings are not UL recognized by UL and are included in the table above for reference purposes only.

Dimensions

WMN12F Suffix



WMN12S, WMN4S, WMN4X Suffix



NOTE:
 A - dimension size for reference only
 and are shown in inches (in) (mm) in this
 table. Recommended conduit entry areas.
 Refer to instruction manual for details.



GE Digital Energy - Power Quality
 830 W 40th Street, Chicago, IL 60609 USA
 800.657.7338 www.gepowerquality.com

Information is subject to change without notice. Please verify all details with GE.
 © 2010 General Electric Company. All Rights Reserved.



DESCRIPTIVE BULLETIN

Stack

ReliaGear™ SB switchboard

On Demand program



- Onsite delivery in just two weeks
- Four pre-configured designs with flexible breaker settings
- Catalog number driven for easy ordering
- Reduce project cycle times

—
by ABB

ABB's new On Demand program for ReliaGear® SB low voltage switchboard allows customers to have onsite delivery in just two weeks.*

The On Demand program offers four pre-configured designs with flexible breaker settings, helping customers gain a competitive edge by potentially reducing project cycle times.

* Items must be in stock to meet two-week delivery timeframe. Please check empower Flow for current availability.

Table of contents

004–05	On Demand Program overview
006	ReliaGear SB 2000 A
007	ReliaGear SB 2000 A add-on feeder section
008	ReliaGear SB 4000 A
009	ReliaGear SB 4000 A add-on feeder section

On Demand program

Overview

The On Demand program for ReliaGear™ SB switchboard offers customers two-week lead times and the option to choose between four universal, pre-configured switchboard designs.

With an installed base of thousands of units worldwide, ReliaGear SB switchboard sets the standard for functionality, flexibility, and rugged, durable construction.

ABB's On Demand program builds on this reputation by providing customers the opportunity to easily order and quickly receive delivery of ReliaGear SB switchboard in just two weeks.* The On Demand program can potentially reduce project cycle times, helping customers gain a competitive advantage wherever 24/7 reliability is an absolute necessity.

On Demand program highlights

- Onsite delivery in two weeks
- Four pre-configured designs with flexible breaker settings
- Catalog number driven for easy ordering
- Potentially reduces project cycle times

Why ReliaGear SB?

The universal design of ReliaGear SB switchboard allows substantial flexibility for a wide variety of customer applications. The modular assembly of the plug-in style connections helps reduce maintenance and assembly time.

This innovative design approach and trip unit flexibility also facilitates field reconfiguration creating the ability to achieve a wide range of trip settings.

The flexible design of Power Break II and SACE® Tmax® XT breakers also allows for simple field adjustments to be made to meet a wide variety of applications. Combined with the ReliaGear plug-in style distribution section bus stack, customers can quickly and easily move breaker locations to provide maximum flexibility.

* Items must be in stock to meet two-week delivery timeframe. Please check empower Flow for current availability.



The flexible design of Power Break II and SACE® Tmax® XT breakers allows for simple field adjustments to be made to meet a wide variety of applications.

Features and benefits

- Main bus, 2000 or 4000 A, copper bus
- Power Break II Main device w/GF and RELT
- 480/277 Vac maximum @ 100 kAIC
- ReliaGear plug-in panel type for easy installation of breakers
- Fully rated bus with provision for future extensions
- Front access only with hinged doors
- Front and rear alignment for splicing sections
- Features XT Dip trip units for maximum flexibility
- RGM 2200 (2000 A) and RGM 6000 (4000 A) Digital Power Meter provided
- Qualified for Seismic Ratings per publication 9AKK108466A5933 and OSP-0044-10
- Enclosures available in NEMA Type 1

Configurations available On Demand

The On Demand program offers four pre-configured ReliaGear SB designs:

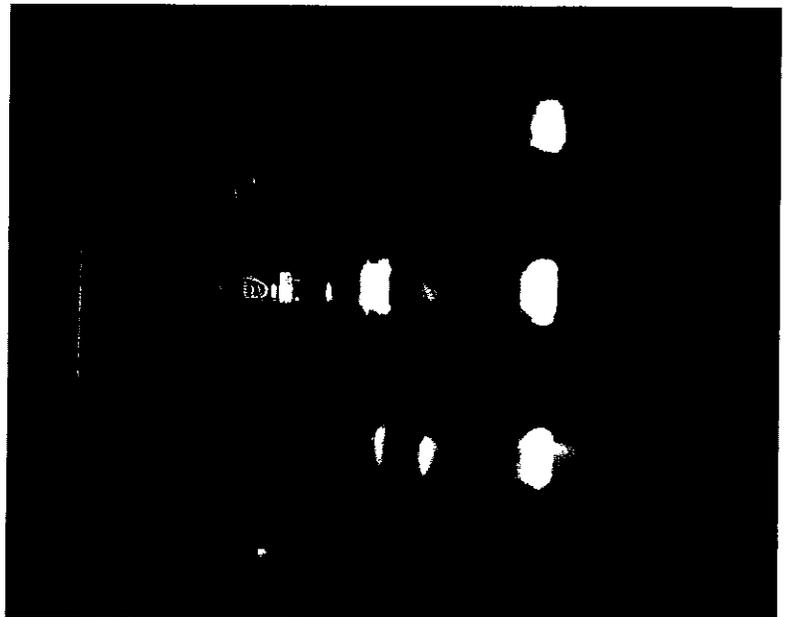
- ReliaGear SB 2000 A
- ReliaGear SB 2000 A add-on feeder section
- ReliaGear SB 4000 A
- ReliaGear SB 4000 A add-on feeder section

Pages 6 through 9 show detailed drawings of these four configurations.

Ordering

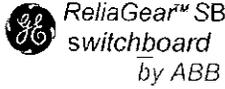
ReliaGear SB switchboard On Demand catalog numbers have been added to both empower Flow and empower Quote. If adding in empower Quote, it is important to ensure there is adequate stock at the time of quotation/order entry.

There are a limited number of these configurations available at any given time and inventory will be dynamic due to the expected demand.



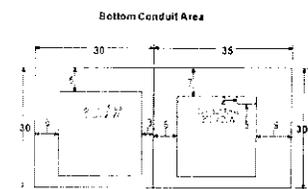
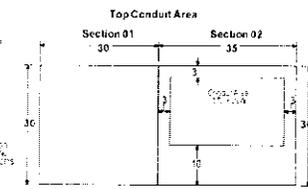
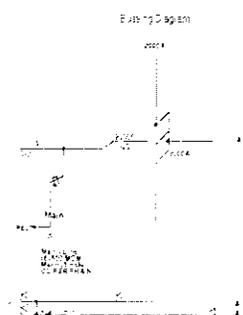
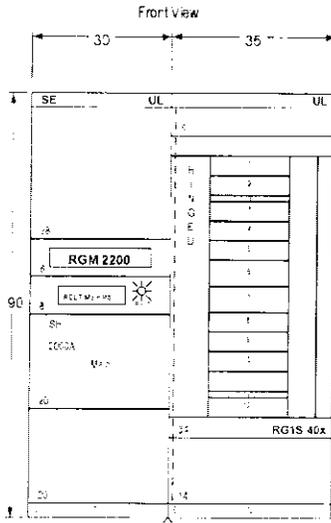
ReliaGear SB 2000 A

Catalog# SWBSTS20A



ACCESS TO: Front Only	PHASE: 3P4W
CLASS: 2	AMPERE: 2000
LABEL: UL SE	BUS MATL: Cu 1000A / in ²
VOLTAGE: 480V/277V	PLATE: Silver Plate
STYLE: ReliaGear	RATING: Fully
BUS BRACING (RMS SY'S)	100000 A
DEV. MIN. INT. RATING (RMS SY'S)	100000A
Total Line Up Width	

Feeders:
 8 – XT4 250A (dial down to 100A)
 2 – XT5 600A (dial down to 240A)
 2 – XT4 Spaces (future expansion)



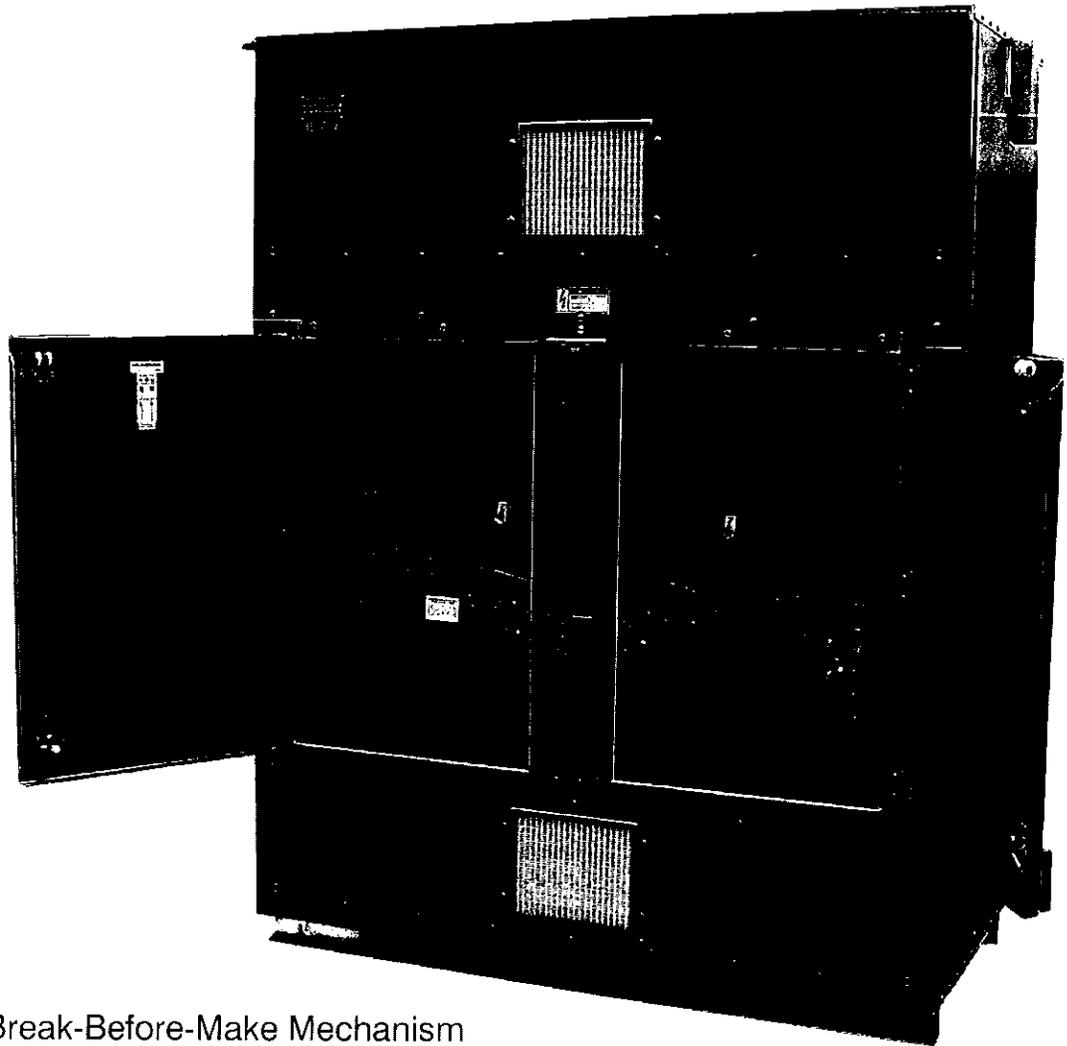
Switchboard Device Information

Circuit No.	Device	Amps	Poles	Nameplates	Lugs	Notes
Main	SH	2000	3			5, 6, 7
1	XT4L250	100	3	(Space and Bus)	Al (1) #4 - 300 MCM Cu Cbl	13
2	XT4L250	100	3	(Space and Bus)	Al (1) #4 - 300 MCM Cu Cbl	13
3	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
4	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
5	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
6	XT5L600	600	3		Al (2) 2/0 - 500 MCM Cu Cbl	12
7	XT5L600	600	3		Al (2) 2/0 - 500 MCM Cu Cbl	12
8	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
9	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
10	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
11	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12
12	XT4L250	250	3		Al (1) 3/0 - 350 MCM Cu Cbl	12

- NOTES
- Copper ground bus furnished.
 - Equipment ground bus furnished with lugs.
 - Switchboard furnished with Nameplates
 - Shipping splits between each section, ship each section separately
 - Device is furnished with integral ground fault protection.
 - Device furnished with padlocking provisions
 - Device furnished with ETU (LSIG) programmer with RELT protection. See drawing 75A63056SH9.
 - Device RELT Power Supply installed in Switchboard
 - RGM 2200 Meter Modbus RS485 + Pulse installed in Switchboard. Wire per sheet SWBSTS-RELT
 - Switchboard furnished with ringed gutter covers.
 - Switchboard furnished with fully rated panel.
 - Device furnished with EKIP DIP (LSI) programmer
 - Device furnished with TMA programmer.
 - Provisions For Future Extension.

800-3000 amp
class L fusible
double throw switches
enclosed series VL "geneva"

July



Patented Break-Before-Make Mechanism
Designed for use in accordance with
Article 702 of the National Electrical Code

Ideal for two sources feeding a common load

Type 1 or Type 3R aluminum enclosures

Suitable for Use as Service Equipment

200 kA short circuit current rating at
600 VAC with Class L fuses installed

600 VDC ratings available



boltswitch, inc.

6208 COMMERCIAL ROAD
CRYSTAL LAKE, ILLINOIS 60014

Phone 815-459-6900

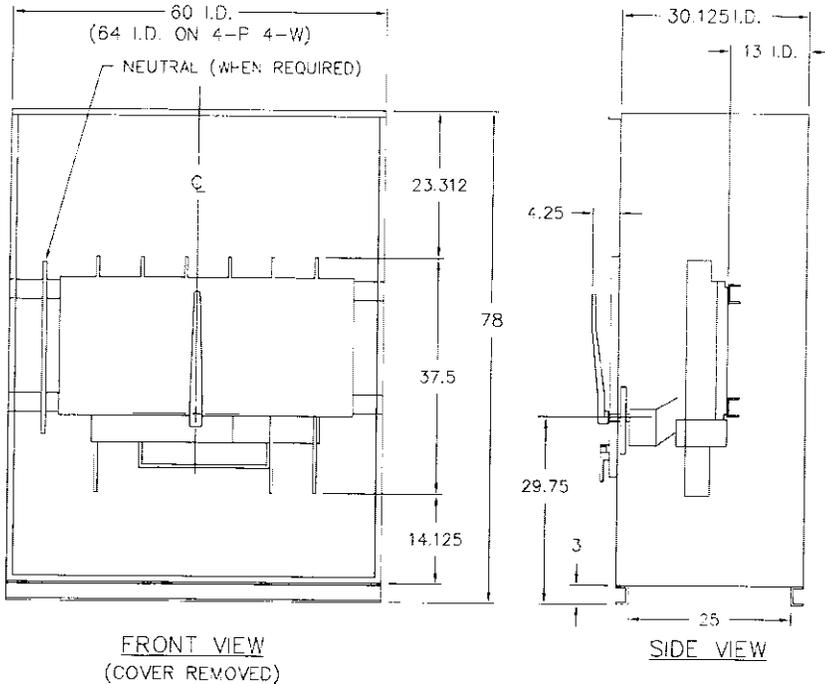
FAX 815-455-7788

www.boltswitch.com

800-3000 amp
class L fusible
double throw switches

boltswitch[®]
bolted pressure contact switches

enclosed series VL "geneva"



These units are constructed in accordance with UL 977. The switch described in **Bulletin 116** is UL Listed as a "Fused Power-Circuit Device" under File No. E44498. The enclosure is ETL listed as a "Fused Power-Circuit Device Enclosure" under File No. 509803.

AC rated devices are suitable for use on circuits capable of delivering up to 200,000 RMS symmetrical amperes at 600 VAC. These units are suitable for use as service equipment when ground fault protection of equipment is not required.

DC rated devices are suitable for use on circuits capable of delivering 50,000 amperes at 600 VDC or 100,000 amperes at 500 VDC, depending upon the rating of the fuses installed.

CATALOG NUMBERS

AMP	2-POLE 2-WIRE 600 VDC	2-POLE 3-WIRE 600 VAC	3-POLE 3-WIRE 600 VAC	3-POLE 4-WIRE 600 VAC	4-POLE 4-WIRE 600 VAC
800/800	EVLDC267-7	EVL367-7N	EVL367-7	EVL467-7N	EVL467-7
1200/1200	EVLDC268-8	EVL368-8N	EVL368-8	EVL468-8N	EVL468-8
1600/1600	EVLDC269-9	EVL369-9N	EVL369-9	EVL469-9N	EVL469-9
2000/2000	EVLDC2610-10	EVL3610-10N	EVL3610-10	EVL4610-10N	EVL4610-10
2500/2500		EVL3611-11N	EVL3611-11	EVL4611-11N	EVL4611-11
3000/3000		EVL3612-12N	EVL3612-12	EVL4612-12N	EVL4612-12

Bus ties are included and installed on the load side of the switch. If alternate line side bus ties are required, specify when ordering.

Type 1 Indoor is standard. Type 3R Rainproof is optional.

For Make-Before-Break applications, add suffix -C (i.e. EVL368-8-C).

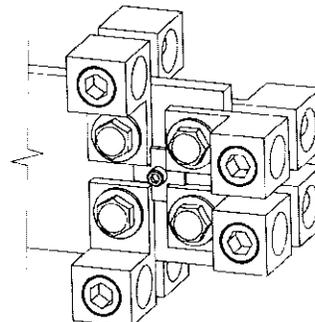
For different ampere ratings on left and right switches, (i.e. 1200/2000) consult factory.

For no-fuse applications, order dummy fuses.

4-Pole 4-Wire switches are for switched neutral applications. The two outermost poles switch the neutral conductors and are not fusible.

OPTIONAL RA600 TERMINAL LUGS
600 kcmil - 4 CU9AL

Max. 4 Per Terminal on 800 Amp Device
Max. 8 Per Terminal on 1200-3000 Amp Device



boltswitch, inc. 6208 COMMERCIAL ROAD, CRYSTAL LAKE, ILLINOIS 60014

H. ENG/ART-CAT.BUL-114.BUL-114.VP FEBRUARY 2011

Zack Excavating Change Order 1

AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: <i>(name and address)</i> Milford Police Station 401 N. E. Front St. Milford, DE 19963 OWNER: <i>(name and address)</i> City of Milford 119 S. Walnut Street Milford, DE 19963	CONTRACT INFORMATION: Contract For: General Construction Date: May 03, 2022 ARCHITECT: <i>(name and address)</i> Becker Morgan Group 309 South Governors Ave. Dover, DE 19904	CHANGE ORDER INFORMATION: Change Order Number: A1-01 Date: January 06, 2023 CONSTRUCTION MANAGER: <i>(name and address)</i> Richard Y. Johnson & Son, Inc. 18404 Johnson Rd. P.O. Box 105 Lincoln, DE 19960
CONTRACTOR: <i>(name and address)</i> Zack Excavating, Inc. 2935 South DuPont Blvd Smyrna, DE 19977		

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Adjusted cost for DelDOT approved entrance plan dated 10/06/2022

The original Contract Sum was	\$ 1,939,124.00
Net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 1,939,124.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 37,384.00
The new Contract Sum including this Change Order will be	\$ 1,976,508.00

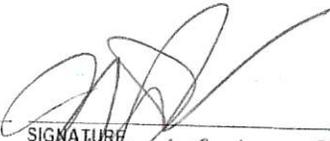
The Contract Time will be increased by Zero (0) days.
 The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group ARCHITECT (Firm name) <hr/> SIGNATURE  BRIAN CUSICK, PROJECT MANAGER PRINTED NAME AND TITLE 01/06/23 DATE:	Richard Y. Johnson & Son, Inc. CONSTRUCTION MANAGER (Firm name) <hr/> SIGNATURE  Dean Johnson CEO/CFO PRINTED NAME AND TITLE 1/6/23 DATE:
Zack Excavating, Inc. CONTRACTOR (Firm name)	City of Milford OWNER (Firm name)


SIGNATURE
Aaron S. Belkorn Project Manager
PRINTED NAME AND TITLE
1/9/23
DATE:


SIGNATURE
Michael Scoby, PW Director
PRINTED NAME AND TITLE
1/24/23
DATE:

Zack Excavating, Inc.

2935 South Dupont Blvd
Smyrna, DE 19977



Office: (302) 223-6223
Fax: (302) 223-6531

Aaron Fiblekorn
Zack Excavating, Inc.
2935 S. Dupont Blvd
Smyrna, DE 19977

Dean Johnson
Richard Y. Johnson & Son, Inc
18404 Johnson Rd
PO Box 105
Lincoln DE 19960

11/11/22

Re: Adjusted cost for DelDOT approved entrance plan dated 10/6/2022.

Mr. Johnson

The final approved plan for the DelDOT entrance was received. The net additions are detailed below. There is now more material and work required from the original bid documents.

Description	Quantity	Measurement	Unit Price	Total Price
Type 1-6 PCC curb	51.7	LF	\$25.00	\$1292.0
Type 2 PCC curb parkway	20	LF	\$32.00	\$640.00
PCC paving 6" w/ Wire	40	SF	\$22.00	\$880.00
PCC paving sidewalk	231.7	SF	\$13.00	\$3012.00
15" Type IV conc. Pipe	21.65	LF	\$65.00	\$1407.00
Additional Asphalt over "heavy" paving cross section	38.5	Tons	\$165.00	\$6352.00
Additional Thermo Striping T-9 and T-10	4	Each	\$950.00	\$3800.00
Additional Epoxy Striping T-5 and T-11	220	LF	\$9.55	\$2101.00
Additional Type 1 Pedestrian Barricade	1	Each	\$1,500	\$1500.00
Additional Signs and breakaway posts T-6 and T-8	4	Each	\$350.00	\$1400.00
Additional Traffic Control	1	LS	\$15,000.00	\$15,000.00
			TOTAL	\$37,384.00

Please call if you have any questions.

Zack Excavating, Inc.
2935 South Dupont Blvd
Smyrna, DE 19977



Office: (302) 223-6223
Fax: (302) 223-6531

Thank you.

Aaron Fiblekorn
Project Manager
Zack Excavating, Inc.
302-223-6223
302-387-9011

Carolyn Anderson

From: Dean Johnson
Sent: Thursday, January 5, 2023 6:50 PM
To: Carolyn Anderson
Subject: FW: RE:
Attachments: Change order request - DelDOT Entrance changes.pdf

Hi Carolyn

Can you please do an AIA Co for the attached. thanks

From: Svaby, Michael J. [mailto:msvaby@milford-de.gov]
Sent: Thursday, January 5, 2023 12:21 PM
To: Dean Johnson
Cc: Brian J. Cusick
Subject: RE: RE:

Dean – please move forward with the AIA document.

Mike

From: Dean Johnson <djohnson@ryjson.com>
Sent: Wednesday, December 21, 2022 3:00 PM
To: Svaby, Michael J. <msvaby@milford-de.gov>
Cc: Brian J. Cusick <bcusick@beckermorgan.com>
Subject: RE: RE:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mike

They didn't have a prior approval. The prior drawings were based off preliminary meeting BMG had with Del Dot. BMG used the meeting to give us drawings that we could bid off of to meet the bi date that was pushed up so the old council could vote on the results. After the bid then del dot gives us a final approval with these changes and that is where the extra cost comes from.

Brian

Let me know if I misrepresented anything.

From: Svaby, Michael J. [mailto:msvaby@milford-de.gov]
Sent: Wednesday, December 21, 2022 2:19 PM
To: Dean Johnson
Cc: Brian J. Cusick
Subject: RE:

Dean – before you prep the AIA document, if the prior plan reflected a different entrance design, on what basis did DelDOT give prior approval?

Mike

From: Dean Johnson <djohnson@ryjson.com>
Sent: Tuesday, December 20, 2022 10:33 AM
To: Svaby, Michael J. <msvaby@milford-de.gov>
Cc: Brian J. Cusick <bcusick@beckermorgan.com>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mike

I attached a change order request from Zack for additional work at the entrance. Del dot made changes from the bid documents and the cost reflects the changes. I have reviewed with BMG and we are both comfortable with the changes. please review and if you approve we will do the AIA change order paperwork. Let me know if you have any questions

Dean Y Johnson 
CEO/CFO
Richard Y Johnson & Son
18404 Johnson Rd
Lincoln, DE 19960
☎ 302.422.3732
☎ 302.422.4696
www.ryjson.com

Sobieski Mechanical Change Order 1

AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: <i>(name and address)</i> Milford Police Station 401 N. E. Front St. Milford, DE 19963 OWNER: <i>(name and address)</i> City of Milford 119 S. Walnut Street Milford, DE 19963	CONTRACT INFORMATION: Contract For: A-14 Mechanical Work Date: May 03, 2022 ARCHITECT: <i>(name and address)</i> Becker Morgan Group 309 South Governors Ave. Dover, DE 19904	CHANGE ORDER INFORMATION: Change Order Number: A14-01 Date: 8/29/2022 CONSTRUCTION MANAGER: <i>(name and address)</i> Richard Y. Johnson & Son, Inc. 18404 Johnson Rd. P.O. Box 105 Lincoln, DE 19960
CONTRACTOR: <i>(name and address)</i> J. F. Sobieski Mechanical Contractors, Inc. 1325 Old Cooch's Bridge Road Newark, DE 19713		

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Bid documents & specs call for No Hub Cast Iron Drains and Waste below grade. Per RFI #1 received 5/13/2022. Below Grade Drains and waste are to be Service Weight cast iron. We offer the following CO as a deduct to use PVC below grade in lieu of No Hub Cast Iron included in base bid.

The original Contract Sum was	\$ 2,085,000.00
Net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 2,085,000.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ 5,674.00
The new Contract Sum including this Change Order will be	\$ 2,079,326.00

The Contract Time will be increased by Zero (0) days.
 The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group ARCHITECT <i>(Firm name)</i> SIGNATURE PRINTED NAME AND TITLE DATE: _____ J. F. Sobieski Mechanical Contractors, Inc. CONTRACTOR <i>(Firm name)</i> GREG PAPPAS 8.22.2022	Richard Y. Johnson & Son, Inc. CONSTRUCTION MANAGER <i>(Firm name)</i> SIGNATURE Dean Johnson/CEO/CFO PRINTED NAME AND TITLE 9/1/22 DATE: _____ City of Milford OWNER <i>(Firm name)</i>
--	--

SIGNATURE

SIGNATURE

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

DATE:

DATE:

J. F. Sobieski Mechanical Contractors, Inc.
Change Order Proposal

PROJECT:	Milford Police Department	JFS JOB #:	SMC22-1002
DESCRIPTION:	Bid documents & specs call for No Hub Cast Iron Drains and Waste below grade. Per RFI #1 received 5/13/2022, Below Grade Drains and waste are to be Service weight cast iron. We offer the following CO as a deduct to use PVC below grade in lieu of No Hub Cast Iron included in base bid.	JFS PCO #:	1b
		Revision #:	
Phase Code:	001-15999	RFI #:	1
		Date:	8/29/22

MATERIAL:			\$ (3,725.00)
ENTER SALES TAX	0.00%		\$0.00
1. TOTAL MATERIAL COSTS			<u>\$ (3,725.00)</u>

HOURS:	LABOR:	STRAIGHT TIME:	
0.00 TOTAL HRS./	Plumbing General Foreman	\$92.37 PER HOUR	\$0.00
-8.00 TOTAL HRS./	Plumbing Foreman	\$80.57 PER HOUR	(\$644.56)
-13.50 TOTAL HRS./	Plumbing Mechanic	\$74.66 PER HOUR	(\$1,007.91)
-13.50 TOTAL HRS./	Plumbing Apprentice	\$54.16 PER HOUR	(\$731.16)
0.00 TOTAL HRS./	Welder	\$77.18 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal General Foreman	\$88.64 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Foreman	\$82.85 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Mechanic	\$73.09 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Apprentice	\$53.05 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Fab Lead	\$67.70 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Fab Laborer	\$41.82 PER HOUR	\$0.00
16.00 TOTAL HRS./	Design/Sketcher (Revised Drawings)	\$84.61 PER HOUR	\$1,353.76
0.00 TOTAL HRS./	Labors/Helpers	\$40.46 PER HOUR	\$0.00
0.00 TOTAL HRS./	Drivers	\$52.50 PER HOUR	\$0.00
-4.00 TOTAL HRS./	Project Manager	\$135.00 PER HOUR	(\$540.00)
2.00 TOTAL HRS./	Estimator	\$90.00 PER HOUR	\$180.00

2. TOTAL LABOR COSTS (\$1,389.87)

EQUIPMENT AND TOOL RENTAL Lifts \$0.00

EXPENDABLE TOOLS (4% OF LABOR) \$0.00

3. TOTAL EQUIPMENT AND TOOL RENTAL \$0.00

SUBCONTRACTORS:

INSULATION \$0.00

CORE DRILLING \$0.00

WATER BALANCE \$0.00

WATER TREATMENT \$0.00

4. TOTAL SUBCONTRACTORS' COSTS \$0.00

MISC. COST

PERMITS \$0.00

Warranty 0% of Equipment & Material \$0.00

5. TOTAL MISC. COSTS \$0.00

6. SUBTOTAL (\$5,114.87)

SOBIESKI OVERHEAD & PROFIT

MATERIAL	\$ (3,725.00)
EQUIPMENT & TOOL RENTAL	\$ -
MISC. COST	\$ -
SUB TOTAL	<u>\$ (3,725.00)</u>
MARKUP ON EQUIPMENT & MATERIAL	0.00% \$ -
LABOR	15.00% \$ (558.75)
SOBIESKI TOTAL MATERIAL/LABOR/EQUIPMENT/MISC. COST	\$ (1,389.87)
	<u>(\$5,673.62)</u>

SUBCONTRACTORS OVERHEAD & PROFIT

SUBCONTRACTORS COST	\$0.00
OVERHEAD & PROFIT	10.00% \$ -
SOBIESKI MARKUP ON SUBCONTRACTOR	5.00% \$ -
SOBIESKI TOTAL OVERHEAD/PROFIT/MARKUP ON SUBCONTRACTOR AMOUNT	\$0.00

SUBTOTAL THIS PROPOSAL (\$5,673.62)

BONDS 0.00% \$0.00

TOTAL THIS PROPOSAL (\$5,674)

AN ADDITIONAL -2 DAY(S) WILL BE REQUIRED ON CONTRACT TIME FOR THIS PROPOSAL.

J. F. Sobieski

Material & Labor Detail

Project Name: Milford Police
Bid ID: 014
Report Time: 8/23/2022 1:26 PM
Profile Name: Standard
Labor Book: Standard
Scoped By: Base Bid; System: SW-UG; Report Category: ALL;

AutoBid Version: 2021 v1

J. F. Sobieski
Material & Labor Detail

There were 2 calculation messages.

Project Name: Milford Police

Bid ID: 014

Data Calculated: 8/23/2022 1:25:56 PM

Base Bid; System: SW-UG; Report Category: ALL;

Page 1

Report Time: 8/23/2022 1:26:13 PM

Pipe

Cast Iron - Soil, No-Hub, - NoHub

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Pipe 10 ft NH						
	2	313	5.80	1,813	0.05	14
	3	34	8.02	275	0.06	2
	4	847	10.41	8,812	0.06	47
	6	113	17.89	2,021	0.07	8

Cast Iron - Soil, No-Hub, - NoHub Totals:

1,307	12,921	71
--------------	---------------	-----------

Pipe Totals:

1,307	12,921	71
--------------	---------------	-----------

Fittings

Cast Iron - Soil, No-Hub, - NoHub

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
1/4 Bend						
	2	45	8.55	385	0.28	13
	3	4	11.98	48	0.41	2
	4	80	17.65	1,412	0.54	44
	6	1	44.10	44	0.74	1
1/4 Bend Long Sweep						
	3	1	22.60	23	0.45	0
	4	2	35.95	72	0.61	1
1/8 Bend						
	4	4	12.98	52	0.52	2
Combination						
	2	10	12.45	125	0.41	4
	3	1	19.60	20	0.61	1
	4	39	37.85	1,476	0.77	30
	6	1	103.63	104	0.88	1
Combination - Red						
	4x4x2	14	20.30	284	0.74	10
	4x4x3	1	28.88	29	0.74	1
	6x6x4	7	60.90	426	0.88	6
Reducer						
	4x2	1	9.30	9	0.45	0
	6x4	1	25.03	25	0.70	1
Wye						
	2	1	10.90	11	0.39	0
Wye - Reducing						
	4x4x2	1	16.90	17	0.73	1

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Wide Body Coupling						
	2	116	4.14	480	0.16	18

J. F. Sobieski
Material & Labor Detail

There were 2 calculation messages.

Project Name: Milford Police

Bid ID: 014

Data Calculated: 8/23/2022 1:25:56 PM

Base Bid; System: SW-UG; Report Category: ALL;

Page 2

Report Time: 8/23/2022 1:26:13 PM

Fittings

Cast Iron - Soil, No-Hub, - NoHub

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Wide Body Coupling						
	3	11	4.75	52	0.16	2
	4	306	5.53	1,691	0.16	48
	6	26	12.98	337	0.23	6

Cast Iron - Soil, No-Hub, - NoHub Totals:

673	7,121	191
------------	--------------	------------

Fittings Totals:

673	7,121	191
------------	--------------	------------

Hanger Components

- Beam Clamps -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Fig 93 Univ Bm Clmp						
	3/8	1	1.77	2	0.00	0

- Beam Clamps - Totals:

1	2	0
----------	----------	----------

- Clevis -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Fig 260 Clevis						
	2	1	1.59	2	0.00	0

- Clevis - Totals:

1	2	0
----------	----------	----------

- Rods -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Allthread - Galv						
	3/8	4	0.15	1	0.00	0

- Rods - Totals:

4	1	0
----------	----------	----------

Hanger Components Totals:

6	4	0
----------	----------	----------

Labor

Hangers - Hangers -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Clevis Hanger(HgrItem IBm&Tr HgRodBC)						
	2	1	0.00	0	0.39	0

J. F. Sobieski
Material & Labor Detail

There were 2 calculation messages.

Project Name: Milford Police

Page 3

Bid ID: 014

Report Time: 8/23/2022 1:26:13 PM

Data Calculated: 8/23/2022 1:25:56 PM

Base Bid; System: SW-UG; Report Category: ALL;

Labor

Hangers - Hangers -

Hangers - Hangers - Totals:

	1	0	0
--	---	---	---

Labor Totals:	1	0	0
----------------------	---	---	---

Misc. Consumables

- CI Joints DWV Lube -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
DWV Lube						
	SV Lube	0	1.45	0	0.00	0

- CI Joints DWV Lube - Totals:

	0	0	0
--	---	---	---

Misc. Consumables Totals:	0	0	0
----------------------------------	---	---	---

Misc. Steel Items

- Bolts,Nuts&Washers -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Nuts - Galvanized						
	3/8	4	0.07	0	0.00	0
Washers- Galvanized						
	3/8	3	0.13	0	0.00	0

- Bolts,Nuts&Washers - Totals:

	7	1	0
--	---	---	---

Misc. Steel Items Totals:	7	1	0
----------------------------------	---	---	---

Pipe Cut

Cast Iron - Pipe Cut with Chain Cutter - Chain

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Pipe Cut						
	2	54	1.25	68	0.08	4
	3	6	1.55	9	0.10	1
	4	134	2.35	315	0.12	16
	6	9	4.62	42	0.14	1

Cast Iron - Pipe Cut with Chain Cutter - Chain Totals:

	203	433	22
--	-----	-----	----

Pipe Cut Totals:	203	433	22
-------------------------	-----	-----	----

Material Cost

Total Hrs

J. F. Sobieski
Material & Labor Detail

There were 2 calculation messages.

Project Name: Milford Police

Page 4

Bid ID: 014

Report Time: 8/23/2022 1:26:14 PM

Data Calculated: 8/23/2022 1:25:56 PM

Base Bid; System: SW-UG; Report Category: ALL;

Grand Totals	\$20,480	285
---------------------	-----------------	------------

* Items flagged with an asterisk may have their price and labor overwritten in Excel's Rapid Reports

J. F. Sobieski

Material & Labor Detail

Project Name: Milford Police
Bid ID: 014
Report Time: 8/23/2022 1:20 PM
Profile Name: Standard
Labor Book: Standard
Scoped By: Base Bid; System: SW-UG; Report Category: ALL;

AutoBid Version: 2021 v1

J. F. Sobieski
Material & Labor Detail

There were 3 calculation messages.

Project Name: Milford Police

Page 1

Bid ID: 014

Report Time: 8/23/2022 1:20:51 PM

Data Calculated: 8/23/2022 1:20:41 PM

Base Bid; System: SW-UG; Report Category: ALL;

Pipe

PVC - DWV - DWV

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Pipe						
	2	313	2.99	934	0.05	16
	3	34	6.02	206	0.07	2
	4	847	8.09	6,855	0.08	66

PVC - DWV - DWV Totals:

<u>1,194</u>	<u>7,996</u>	<u>85</u>
--------------	--------------	-----------

PVC - Plain End Plastic Sch 40 - SolvWld

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Pipe						
	6	113	15.31	1,730	0.14	16

PVC - Plain End Plastic Sch 40 - SolvWld Totals:

<u>113</u>	<u>1,730</u>	<u>16</u>
------------	--------------	-----------

Pipe Totals:	<u><u>1,307</u></u>	<u><u>9,726</u></u>	<u><u>101</u></u>
---------------------	---------------------	---------------------	-------------------

Nipples

PVC - Plain End Sch 40 - Thread

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Nipple						
	2	1	3.98	4	0.06	0
	4	7	10.79	76	0.08	1
	6	1	20.42	20	0.13	0

PVC - Plain End Sch 40 - Thread Totals:

<u>9</u>	<u>100</u>	<u>1</u>
----------	------------	----------

Nipples Totals:	<u><u>9</u></u>	<u><u>100</u></u>	<u><u>1</u></u>
------------------------	-----------------	-------------------	-----------------

Fittings

PVC - GPK Hub x Hub DWV - SolvWld

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Bushing						
	6x4	1	40.58	41	0.71	1
Combination						
	6	1	133.25	133	1.34	1
Combination - Red						
	6x6x4	7	96.25	674	1.34	9
Coupling						
	6	3	20.04	60	0.84	3

J. F. Sobieski
Material & Labor Detail

There were 3 calculation messages.

Project Name: Milford Police

Page 2

Bid ID: 014

Report Time: 8/23/2022 1:20:51 PM

Data Calculated: 8/23/2022 1:20:41 PM

Base Bid; System: SW-UG; Report Category: ALL;

Fittings

PVC - GPK Hub x Hub DWV - SolvWld

PVC - GPK Hub x Hub DWV - SolvWld Totals:

<u>12</u>	<u>908</u>	<u>14</u>
-----------	------------	-----------

PVC - Hub x Hub Plastic DWV - SolvWld

<u>Item</u>	<u>Size</u>	<u>Qty</u>	<u>Price</u>	<u>Mat. Cost</u>	<u>Unit Lab Hr</u>	<u>Total Hrs</u>
1/4 Bend						
2		45	7.03	316	0.27	12
3		4	20.64	83	0.35	1
4		80	40.77	3,262	0.51	41
1/4 Bend Long Sweep						
3		1	26.54	27	0.35	0
4		2	50.08	100	0.51	1
1/8 Bend						
4		4	33.86	135	0.50	2
Combination						
2		10	23.50	235	0.39	4
3		1	5.76	6	0.50	1
4		39	14.74	575	0.77	30
Combination - Red						
4x4x2		14	53.25	746	0.77	11
4x4x3		1	68.69	69	0.77	1
Coupling						
2		2	2.87	6	0.27	1
4		8	17.01	136	0.49	4
Reducing Coupling						
4x2		1	28.45	28	0.52	1
Wye						
2		1	13.94	14	0.39	0
Wye - Reducing						
4x4x2		1	40.90	41	0.75	1
PVC - Hub x Hub Plastic DWV - SolvWld Totals:						
		<u>214</u>	<u>5,778</u>		<u>110</u>	
Fittings Totals:						
		<u>226</u>	<u>6,685</u>		<u>124</u>	

Hanger Components

- Beam Clamps -

<u>Item</u>	<u>Size</u>	<u>Qty</u>	<u>Price</u>	<u>Mat. Cost</u>	<u>Unit Lab Hr</u>	<u>Total Hrs</u>
Fig 93 Univ Bm Clmp	3/8	1	1.77	2	0.00	0
- Beam Clamps - Totals:						
		<u>1</u>	<u>2</u>		<u>0</u>	

- Clevis -

J. F. Sobieski
Material & Labor Detail

There were 3 calculation messages.

Project Name: Milford Police

Page 3

Bid ID: 014

Report Time: 8/23/2022 1:20:52 PM

Data Calculated: 8/23/2022 1:20:41 PM

Base Bid; System: SW-UG; Report Category: ALL;

Hanger Components

- Clevis -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Fig 65 Clevis						
	2	1	0.90	1	0.00	0
- Clevis - Totals:		<u>1</u>		<u>1</u>		<u>0</u>

- Rods -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Allthread - Galv						
	3/8	4	0.15	1	0.00	0
- Rods - Totals:		<u>4</u>		<u>1</u>		<u>0</u>

Hanger Components Totals:	<u>6</u>		<u>3</u>		<u>0</u>
----------------------------------	----------	--	----------	--	----------

Labor

Hangers - Hangers -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Clevis Hanger(HgrItem IBm&Tr HgRodBC)						
	2	1	0.00	0	0.55	1
Hangers - Hangers - Totals:		<u>1</u>		<u>0</u>		<u>1</u>

Labor Totals:	<u>1</u>		<u>0</u>		<u>1</u>
----------------------	----------	--	----------	--	----------

Misc. Consumables

- Plastic Joints Glue & Cleaner -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Glue & Cleaner						
	Cement - PVC	1	16.26	21	0.00	0
	Cleaner-All Purpose	1	16.16	21	0.00	0
- Plastic Joints Glue & Cleaner - Totals:		<u>3</u>		<u>41</u>		<u>0</u>

Misc. Consumables Totals:	<u>3</u>		<u>41</u>		<u>0</u>
----------------------------------	----------	--	-----------	--	----------

Misc. Steel Items

- Bolts,Nuts&Washers -

Item	Size	Qty	Price	Mat. Cost	Unit Lab Hr	Total Hrs
Nuts - Galvanized						

J. F. Sobieski
Material & Labor Detail

There were 3 calculation messages.

Project Name: Milford Police

Page 4

Bid ID: 014

Report Time: 8/23/2022 1:20:52 PM

Data Calculated: 8/23/2022 1:20:41 PM

Base Bid; System: SW-UG; Report Category: ALL;

Misc. Steel Items

- Bolts,Nuts&Washers -

<u>Item</u>	<u>Size</u>	<u>Qty</u>	<u>Price</u>	<u>Mat. Cost</u>	<u>Unit Lab Hr</u>	<u>Total Hrs</u>
Nuts - Galvanized						
	3/8	4	0.07	0	0.00	0
Washers- Galvanized						
	3/8	3	0.13	0	0.00	0
- Bolts,Nuts&Washers - Totals:						
		<u>7</u>		<u>1</u>		<u>0</u>
Misc. Steel Items Totals:		<u>7</u>		<u>1</u>		<u>0</u>

Pipe Cut

Plastic - Pipe Cut with Chop Saw - ChopSaw

<u>Item</u>	<u>Size</u>	<u>Qty</u>	<u>Price</u>	<u>Mat. Cost</u>	<u>Unit Lab Hr</u>	<u>Total Hrs</u>
Pipe Cut						
	2	55	0.75	41	0.12	6
	3	6	0.90	5	0.14	1
	4	135	1.05	142	0.17	23
	6	9	1.18	11	0.20	2
Plastic - Pipe Cut with Chop Saw - ChopSaw Totals:						
		<u>205</u>		<u>199</u>		<u>32</u>
Pipe Cut Totals:		<u>205</u>		<u>199</u>		<u>32</u>

Material Cost

Total Hrs

Grand Totals

\$16,755

258

* Items flagged with an asterisk may have their price and labor overwritten in Excel's Rapid Reports

Sobieski Mechanical Change Order 2



AIA Document G731™ – 2019

Change Order, Construction Manager as Adviser Edition

PROJECT: <i>(name and address)</i> Milford Police Station 401 N. E. Front St. Milford, DE 19963	CONTRACT INFORMATION: Contract For: A-14 Mechanical Work Date: May 03, 2022	CHANGE ORDER INFORMATION: Change Order Number: A14-02 Date: 11/16/2022
OWNER: <i>(name and address)</i> City of Milford 119 S. Walnut Street Milford, DE 19963	ARCHITECT: <i>(name and address)</i> Becker Morgan Group 309 South Governors Ave. Dover, DE 19904	CONSTRUCTION MANAGER: <i>(name and address)</i> Richard Y. Johnson & Son, Inc. 18404 Johnson Rd. P.O. Box 105 Lincoln, DE 19960
CONTRACTOR: <i>(name and address)</i> J. F. Sobieski Mechanical Contractors, Inc. 1325 Old Cooch's Bridge Road Newark, DE 19713		

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Per RFI, Trench Drain in Sallyport to be Traffic Rated. Original Spec'd Trench Drain was not Traffic Rated.

The original Contract Sum was	\$	2,085,000.00
Net change by previously authorized Change Orders	\$	-5,674.00
The Contract Sum prior to this Change Order was	\$	2,079,326.00
The Contract Sum will be increased by this Change Order in the amount of	\$	2,323.00
The new Contract Sum including this Change Order will be	\$	2,081,649.00

The Contract Time will be increased by Zero (0) days.
The Contractor's Work shall be substantially complete on

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONSTRUCTION MANAGER, CONTRACTOR, AND OWNER.

Becker Morgan Group ARCHITECT <i>(Firm name)</i>	Richard Y. Johnson & Son, Inc. CONSTRUCTION MANAGER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE
BRIAN CUSICK, PROJECT MANAGER PRINTED NAME AND TITLE	Dean Johnson/CEO/CEO PRINTED NAME AND TITLE
11/23/22 DATE:	11/16/23 DATE:
J. F. Sobieski Mechanical Contractors, Inc. CONTRACTOR <i>(Firm name)</i>	City of Milford OWNER <i>(Firm name)</i>

AIA Document G731™ – 2019 (formerly G701™ CMA – 1992). Copyright © 1992 and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 10:01:40 ET on 11/16/2022 under Order No. 2114349066 which expires on 08/13/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.
User Notes:


SIGNATURE
DAVID F. WARD PROJECT MAN.
PRINTED NAME AND TITLE
12-5-22
DATE:

SIGNATURE

PRINTED NAME AND TITLE

DATE:

J. F. Sobieski Mechanical Contractors, Inc.
Change Order Proposal

PROJECT:	Milford Police Department	JFS JOB #:	SMO22-1002
DESCRIPTION:	Per RFI, Trench Drain in Sallyport to be Traffic Rated. Original Spec'd Trench Drain was not Traffic Rated.	JFS PCO #:	2
		Revision #:	
Phase Code:	002-15999	RFI #:	
		Date:	9/26/22

MATERIAL:		
ENTER SALES TAX	0.00%	\$ 2,020.00
1. TOTAL MATERIAL COSTS		<u>\$ 0.00</u>
		\$ 2,020.00

HOURS:	LABOR:	STRAIGHT TIME:	
0.00 TOTAL HRS./	Plumbing General Foreman	\$92.37 PER HOUR	\$0.00
0.00 TOTAL HRS./	Plumbing Foreman	\$80.57 PER HOUR	\$0.00
0.00 TOTAL HRS./	Plumbing Mechanic	\$74.66 PER HOUR	\$0.00
0.00 TOTAL HRS./	Plumbing Apprentice	\$54.16 PER HOUR	\$0.00
0.00 TOTAL HRS./	Welder	\$77.18 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal General Foreman	\$88.64 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Foreman	\$82.85 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Mechanic	\$73.09 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Apprentice	\$53.05 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Fab Lead	\$67.70 PER HOUR	\$0.00
0.00 TOTAL HRS./	Sheetmetal Fab Laborer	\$41.82 PER HOUR	\$0.00
0.00 TOTAL HRS./	Design/Sketcher (Revised Drawings)	\$84.61 PER HOUR	\$0.00
0.00 TOTAL HRS./	Labors/Helpers	\$40.46 PER HOUR	\$0.00
0.00 TOTAL HRS./	Drivers	\$52.50 PER HOUR	\$0.00
0.00 TOTAL HRS./	Project Manager	\$135.00 PER HOUR	\$0.00
0.00 TOTAL HRS./	Estimator	\$90.00 PER HOUR	<u>\$0.00</u>

2. TOTAL LABOR COSTS	<u>\$0.00</u>
EQUIPMENT AND TOOL RENTAL Lifts	\$0.00
EXPENDABLE TOOLS (4% OF LABOR)	\$0.00
3. TOTAL EQUIPMENT AND TOOL RENTAL	<u>\$0.00</u>

SUBCONTRACTORS:	
INSULATION	
CORE DRILLING	\$0.00
WATER BALANCE	\$0.00
WATER TREATMENT	\$0.00
4. TOTAL SUBCONTRACTORS' COSTS	<u>\$0.00</u>

MISC. COST	
PERMITS	
Warranty 0% of Equipment & Material	\$0.00
5. TOTAL MISC. COSTS	<u>\$0.00</u>
6. SUBTOTAL	\$2,020.00

SOBIESKI OVERHEAD & PROFIT	
MATERIAL	\$ 2,020.00
EQUIPMENT & TOOL RENTAL	\$ -
MISC. COST	\$ -
SUB TOTAL	<u>\$ 2,020.00</u>
MARKUP ON EQUIPMENT & MATERIAL	0.00% \$ -
LABOR	15.00% \$ 303.00
SOBIESKI TOTAL MATERIAL/LABOR/EQUIPMENT/MISC. COST	\$ -
	\$2,323.00

SUBCONTRACTORS OVERHEAD & PROFIT	
SUBCONTRACTORS COST	\$0.00
OVERHEAD & PROFIT	<u>\$0.00</u>
SOBIESKI MARKUP ON SUBCONTRACTOR	10.00% \$ -
SOBIESKI TOTAL OVERHEAD/PROFIT/MARKUP ON SUBCONTRACTOR AMOUNT	5.00% \$ -
	\$0.00

SUBTOTAL THIS PROPOSAL		\$2,323.00
BONDS	0.00%	\$0.00
TOTAL THIS PROPOSAL		<u>\$2,323</u>

AN ADDITIONAL 1 DAY(S) WILL BE REQUIRED ON CONTRACT TIME FOR THIS PROPOSAL.



Quotation
(Reprint)

415 WEINSTEIN SUPPLY WILMINGTON
303 E. 30TH STREET
WILMINGTON DE 19802-3201
302-764-6000 Fax 302-764-3151

QUOTE DATE	QUOTE NUMBER
03/30/22	S029039801
QUOTED BY:	PAGE NO
415 WEINSTEIN SUPPLY WILMINGTON 303 E. 30TH STREET WILMINGTON DE 19802-3201 302-764-6000 Fax 302-764-3151	11/12

Printed : 06:38:23 14 APR 2022

QUOTE TO:
J F SOBIESKI MECHANICAL CONTRACTING
1325 OLD COOCHS BRIDGE RD
NEWARK, DE 19713-2311

SHIP TO:
J F SOBIESKI MECH CONTR INC - SMC
MILFORD POLICE DEPARTMENT
NEWARK, DE 19713-2311

302-993-0103

QUOTE #	CUSTOMER PURCHASE ORDER NUMBER	CUSTOMER RELEASE NUMBER	SUCCESSOR	
	MILFORD POLICE DEPT		Dan Kirk	
QUOTER	SHIP VIA	TERM	EXPIRATION DATE	PRETEND SECURED
Dan Kirk	OT OUR TRUCK	NET 60 DAYS	03/29/22	NO
QUOTE QTY	PART #	DESCRIPTION	UNIT PRICE	EXT PRICE
		FRAME AND (-DI) DI GRATE 30' SECTION		
1ea	1735416	MAINLINE ML69040 4 ABS PLAS WATERLESS FLOOR DRAIN TRAP SEAL	26.000/ea	26.00
		Subtotal -----		1915.00

*** Continued on Next Page ***

** Reprint ** Reprint ** Reprint **



Quotation
(Reprint)

415 WEINSTEIN SUPPLY WILMINGTON
303 E. 30TH STREET
WILMINGTON DE 19802-3201
302-764-6000 Fax 302-764-3151

DATE QUOTE	QUOTE NUMBER
03/30/22	S029039801
QUOTED BY:	PAGE NO
415 WEINSTEIN SUPPLY WILMINGTON 303 E 30TH STREET WILMINGTON DE 19802-3201 302-764-6000 Fax 302-764-3151	10/12

Printed : 06:38:23 14 APR 2022

QUOTE TO:
J F SOBIESKI MECHANICAL CONTRACTING
1325 OLD COOCHS BRIDGE RD
NEWARK, DE 19713-2311

SHIP TO:
J F SOBIESKI MECH CONTR INC - SMC
MILFORD POLICE DEPARTMENT
NEWARK, DE 19713-2311

302-993-0103

QUOTED FOR	CUSTOMER PURCHASE ORDER NUMBER	CUSTOMER RELEASE NUMBER	SALESPERSON	
	MILFORD POLICE DEPT		Dan Kirk	
QUOTED BY	SHIP VIA	TERMS	EXPIRATION DATE	FREIGHT ALLOWED
Dan Kirk	OT OUR TRUCK	NET 60 DAYS	03/29/22	No
QUANTITY	POR PART#	DESCRIPTION	UNIT PRICE	EXT. PRICE
1ea 1499072	TAG:TD-1	WATTS P-DI DEAD LEVEL 6" WIDE PRE-SLOPED TRENCH DRAIN W/POLYPRO	1889.000/ea	1889.00

Weinstein- Pricing for Non Traffic
Rated Trench Drain per Specs.

*** Continued on Next Page ***

** Reprint ** Reprint ** Reprint **



Quotation

415 WEINSTEIN SUPPLY WILMINGTON
303 E. 30TH STREET
WILMINGTON DE 19802-3201
302-764-6000 Fax 302-764-3151

QUOTE DATE	QUOTE NUMBER
09/25/22	S030013139
QUOTED BY:	
415 WEINSTEIN SUPPLY WILMINGTON 303 E. 30TH STREET WILMINGTON DE 19802-3201 302-764-6000 Fax 302-764-3151	1 of 1
Printed : 22:08:16 25 SEP 2022	

QUOTE TO:
J F SOBIESKI MECHANICAL CONTRACTING
1325 OLD COOCHS BRIDGE RD
NEWARK, DE 19713-2311

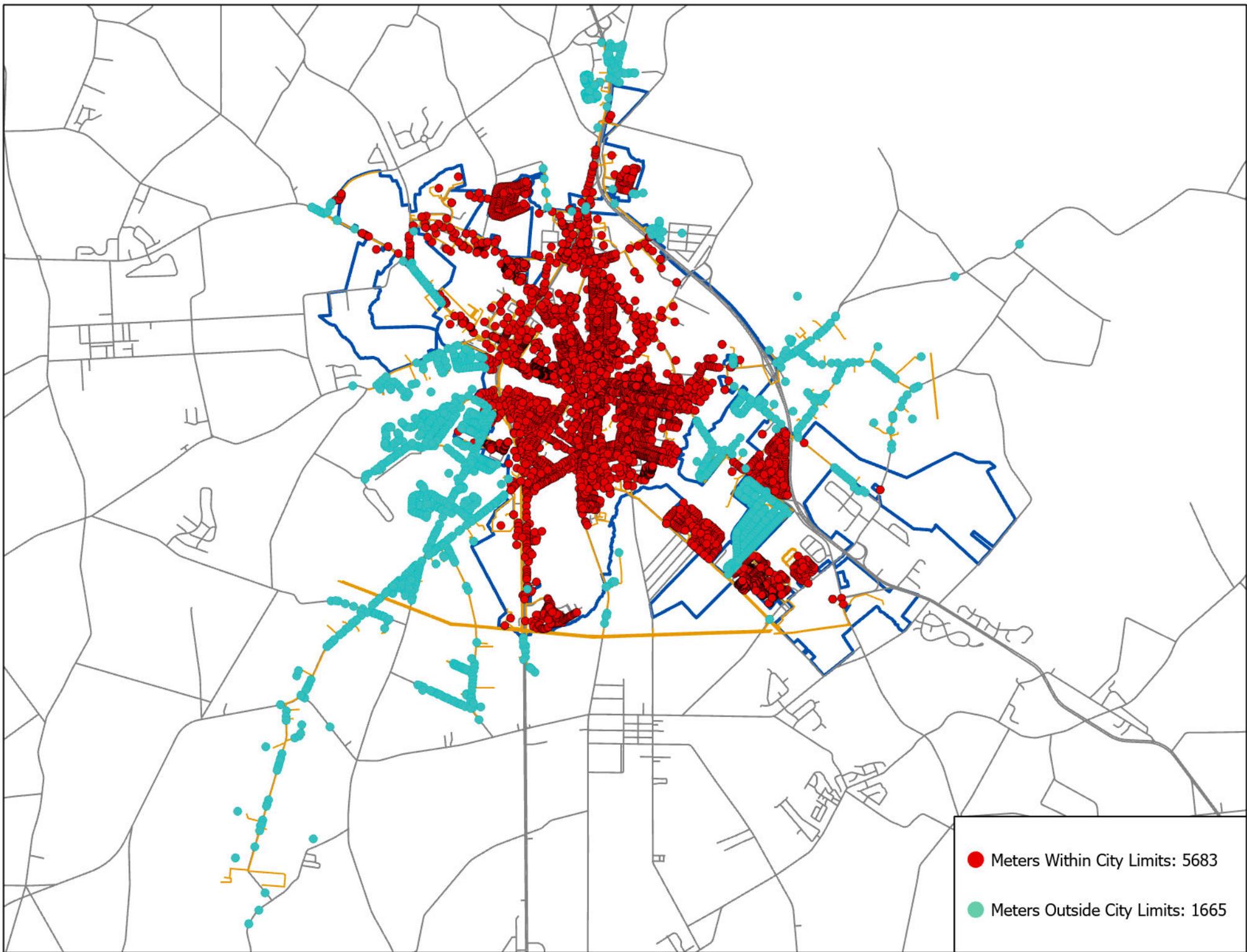
SHIP TO:
J F SOBIESKI MECH CONTR INC - SMC
MILFORD POLICE STATION
NEWARK, DE 19713-2311

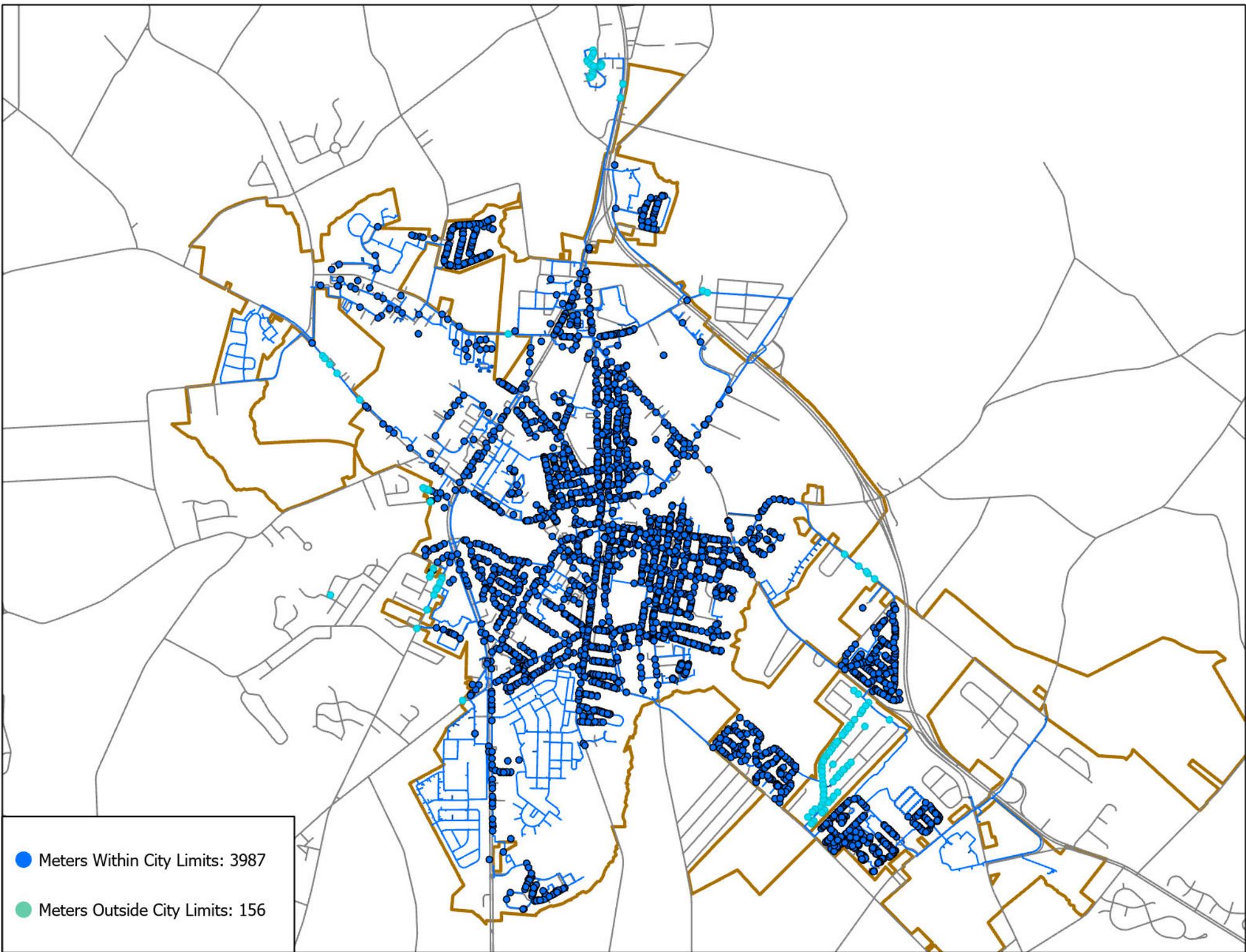
302-993-0103

QUOTED FOR	CUSTOMER PURCHASE ORDER NUMBER	CUSTOMER RELEASE NUMBER	QUOTE DATE	QUOTE NUMBER
MILFORD POLICE STA.			09/24/22	No
QUOTED BY	SHIP TO	TERMS	ESTIMATOR	FREIGHT
Dan Kirk	OT OUR TRUCK	NET 60 DAYS	Dan Kirk	No
QUOTE QTY	DESCRIPTION	UNIT PRICE	EXT. PRICE	
1ea 1499072	^WATTS D30-EO-DI DEAD LEVEL 6"WIDE PRE-SLOPED TRENCH DRAIN W/TRAFFIC RATED FRAME AND GRATE 30' SECTION *****	3810.000/ea	3810.00	
1ea 1460462	55100 INCOMING FREIGHT CHARGES TAXES NOT INCLUDED	125.000/EA	125.00	
Subtotal			3935.00	
Bid Total			3935.00	

Weinstein- Traffic Rated Trench
Drain

Prices contained in this quote are the prices in effect at the time of quotation and are subject to change at any time. We are not responsible for inaccurate quantity descriptions. Quantities should be checked against plans and specifications for accuracy. Special order material is not cancellable. We are not responsible for delays not within our control.





TO: Mayor and City Council

FROM: Rob Pierce, AICP - Director

CC: Mark Whitfield, City Manager

DATE: February 13, 2023

RE: Colony West/Colony South – Utility Agreement – Outside City Limits

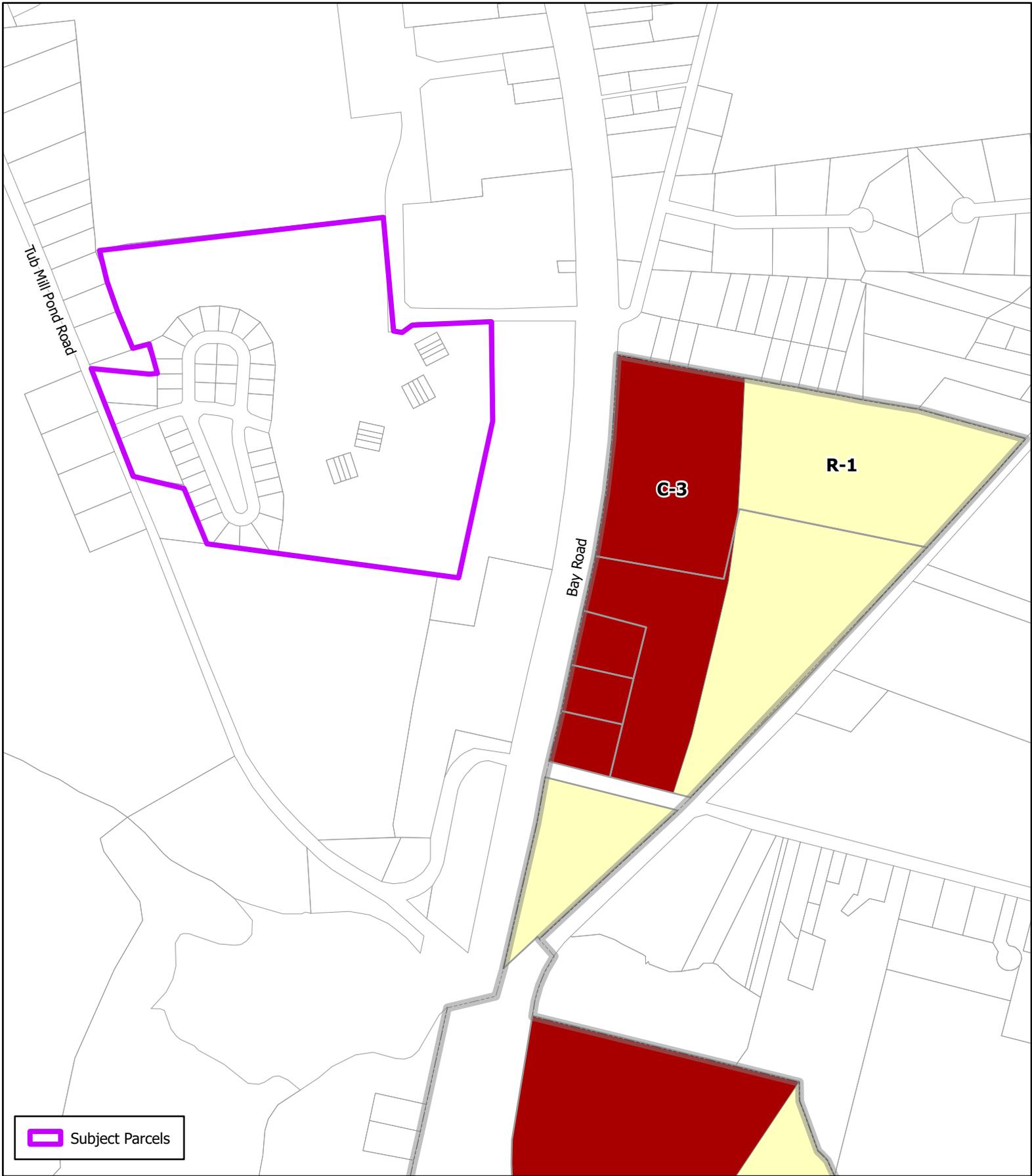
The City was contacted by VanDemark & Lynch, Inc. on behalf of Interfaith Housing Delaware, Inc. regarding a development known as Colony South located just outside of City limits. The project is located along the west side of Route 113/Bay Road directly behind the I.G. Burton car dealership (see enclosed exhibit).

The first phase of the project was approved in the late 1980's, early 1990's and is already served by City water and electric. The newer portion of the project was recorded in the early 2000's. Based on the enclosed minutes dated June 11, 1990, City Council authorized the extension of water utilities to serve 43 acres of land in the vicinity of this project and required the signing of a Water Service Agreement. The minutes allude to the fact that the properties "agreed to come into the City as soon as it is possible." Staff is currently looking for a copy of this agreement.

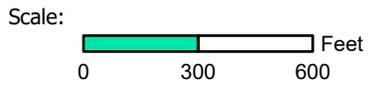
If the agreement cannot be located, and in an effort to allow the Colony South project to move forward, staff recommends authorizing the Mayor to sign an agreement documenting the extension of City utilities beyond our corporate limits. This agreement would be recorded with Kent County Recorder of Deeds.

Enclosed is a draft agreement to provide water and electric service to the proposed Colony South project along with existing lots still owned by Interfaith Housing Delaware, Inc. within the Colony West portion.

If City Council so desires, the motion would be to authorize the Mayor to sign the Electric and Water Agreement with Interfaith Housing Delaware, Inc. to provide electric and water utilities to the properties located outside City limits, with the condition that if and when the properties become contiguous to the City boundary, the owner would be required to annex.



 Subject Parcels



Drawn by: WRP Date: 10/31/22

Title:
**Electric and Water Service Agreement
Colony West/Colony South
Location & Zoning Map**

Filepath: UtilityAgreement_ColonySouth.aprx

MILFORD CITY COUNCIL

MINUTES OF MEETING
June 11, 1990

The regular monthly meeting of Milford City Council was held in Council Chambers on Monday evening, June 11, 1990.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Mitzi Boddy, Robert D. Clendaniel, S. Allen Pikus, William J. McKenzie, Owen S. Brooks, Jr., Douglas E. Morrow, Tommye C. Staley and Douglas A. Gibson.

Also: Michael T. Booker, City Manager; and June G. Barto, Secretary.

The meeting was called to order at 8:15 P.M., followed by the Pledge to the flag.

Motion made by Mr. Pikus and seconded by Mrs. Staley for approval of the minutes of the previous meeting. Motion carried.

Mr. Emory reported that the Recreation Department's Report will be submitted at next month's meeting.

Motion made by Mrs. Boddy and seconded by Mrs. Staley for acceptance of the Monthly Police Report. Motion carried.

Mr. McKenzie reported complaints from motorists northbound on Route #113 from tailgating when they are attempting to turn into their driveways, and he asked the City Manager about blinking lights or other warnings regarding the lane changes in this area where there is now construction.

Mr. Charles Coverdale complained about those electric bills which are due on the 15th of the month, explaining that he had conducted a survey and many people do not get paid on the dates the bills are due and he believes it is unfair when they are penalized late charges.

Mayor Rogers explained that the City's billings are tied in with DP&L's and he also told Mr. Coverdale that no penalty charges are imposed for three days. He asked Mr. Coverdale to bring in bills which he believes were penalized unfairly.

Mr. Pikus discussed the confusion many motorists have at the downtown Plaza where vehicles going north from S. Walnut Street meet those that are going east on Causey Avenue, and he asked Chief Carmean to give consideration to installation of a YIELD sign.

Mr. Charles Coverdale reported that the Route #113 and Johnson Lane traffic light is malfunctioning, causing backups for east and west bound motorists and they finally pull out to cross when #113 seems clear.

Mr. Charles Jenkins complained about speeding problems with southbound vehicles on Church Street, particularly around Third. Mr. Frank Fountain said he thought it would be helpful if the police would park along this street to do their reports and other paper work and their visibility might take care of some other problems too.

Mr. Booker was informed that although the grass at 109 Brady Drive had been cut, the thicket behind it had not.

The City Manager advised Mr. Gibson that a letter has been sent to the State for permission to remove the large tree that blocks visibility at the Maple Avenue intersection.

Mrs. Marguerite Jones reported a problem with poor visibility at the intersection of 4th and N.E. Front because of a large dirt pile. Mr. Brooks said there is also a sign there that perhaps should be moved.

Mr. Jerry Guyer, Dixie Avenue, complained about trucks across the railroad tracks at Layton Trucking Company that run for very long periods, sometimes from Fridays to Sundays, and also across from him at Mastens where the trucks have diesel engines.

Mr. Booker reported that the City Solicitor is presently working on a noise ordinance because of another problem. Mayor Rogers referred Mr. Guyer's complaints to the Police Committee and said he will contact Mr. Fuqua. In the meantime, Chief Carmean will contact Mr. Layton and ask him if he will pull the trucks in, nose first, to help the noise problem somewhat.

A letter was read from Gary Emory inviting the Mayor and Council to the Parks & Recreation Commission's annual Awards & Recognition Ceremony at Abbotts Mill Nature Center on Friday, June 15th at 4 P.M.

The City Manager's Monthly Report was as follows:

1. PUBLIC WORKS

A. Effective July 1, 1990, Kent County will begin assessing a user fee to its contract users in order to finance future capital improvements to the sanitary sewer conveyance system. Under this method of funding, the contract users, such as Milford, will be responsible for funding any increases in their average annual daily flow which exceed their average in the previous year.

For purposes of calculating the user fee or impact fee, one (1) EDU (Equivalent Dwelling Unit) which under the County system equals 300 gpd, will cost \$894. For example, if the City's annual average daily flows increased next year by ten (10) EDUs or 3,000 gallons, we would owe Kent County \$8,940 ($\894×10).

Basically, there are two available methods to collect this money. One would be through the current rate structure whereby everyone (including existing users) shares the increased expense. The other method would be to assess an impact fee on all new and expanded users of our sewer system. This alternative would be fairer in that those who are responsible for increases in the sewer flow will actually be paying the fee. Our City engineer is currently working on a formula for calculating the assessment of a sewer impact fee to new users of the system.

Mr. Conrad Riecke told Council that they have a choice, referring to literature for a pilot system he submitted to former Councilman Goodwin and to Senator Minner. Mrs. Staley also said she had information on a new kind of sewer system which appears to be at almost no cost to the City.

Randy Marvel asked that if impact fees are imposed, they be paid when the system is actually being used.

In response to whether or not the City will have the money it needs before it owes Kent County, Mr. Booker said, "If you have a great deal of infiltration you might not be ahead, but we should be safe."

2. PLANNING & ZONING

A. Work is underway to create two (2) new zoning classifications. One class will be geared to office complexes/business parks, and the other toward light industry. Both classifications will be completed in time for the next meetings of the Planning Commission and City Council.

B. Likewise, the City Inspector, the Downtown Development Committee and I are reviewing the BOCA Existing Structures Code for use in the City. This Code would act as an addition to our current BOCA Code which applies predominantly to new construction.

Mr. Booker explained that the "Existing Structures" Code would give the inspector the power to go in to inspect rundown structures and would be an asset to downtown.

Motion made by Mr. Pikus and seconded by Mr. Gibson for acceptance of the City Manager's Monthly Report. Motion carried.

COMMITTEE REPORTS

Police: Mrs. Boddy announced a committee meeting at 5:30 P.M., June 19th, at the Police Station.

Annexation: Mrs. Boddy reported that on May 21st this committee heard the requests of Mr. and Mrs. Edward M. Kielbasa, Jr., 12 Sunset Lane, and Mr. and Mrs. Donald E. Lucas, Jr., 14 Sunset Lane, to annex into the City and, as Chairman, she recommends their requests be approved.

Motion made by Mr. Pikus and seconded by Mrs. Staley for adoption of the following two Resolutions:

WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford according to the requirements of Article X of the Charter of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed; and

WHEREAS, in the opinion and judgement of the individual members of the City Council of the City of Milford, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed.

NOW, THEREFORE, BE IT RESOLVED by two-thirds (2/3) of all the elected members of the City Council of the City of Milford that the lands of Mr. and Mrs. Edward Mr. Kielbasa, Jr., 12 Sunset Lane, shall be and are hereby annexed as part of the corporate limits of the City of Milford.

AND BE IT FURTHER RESOLVED that the City Manager is directed to cause a description and plot of said lands so annexed to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford, according to the requirements of Article X of the Charter of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed; and

WHEREAS, in the opinion and judgement of the individual members of the City Council of the City of Milford, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed.

NOW, THEREFORE, BE IT RESOLVED by two-thirds (2/3) of all the elected members of the City Council of the City of Milford that the lands of Mr. and Mrs. Donald E. Lucas, Jr., 14 Sunset Lane, shall be and are hereby annexed as part of the corporate limits of the City of Milford.

AND BE IT FURTHER RESOLVED that the City Manager is directed to cause a description and plot of said lands so annexed to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

Motion for adoption of these Resolutions carried by the following 8-0 vote:

<u>YES</u>	<u>NO</u>
Mrs. Boddy	
Mr. Clendaniel	
Mr. Pikus	
Mr. McKenzie	
Mr. Brooks	
Mr. Morrow	
Mrs. Staley	
Mr. Gibson	

Mrs. Boddy also reported that although Mr. Gupta had wanted his land annexed as unzoned, the Committee agreed at the meeting it be zoned R-2 and presented at the next Planning Commission meeting; however, the City Manager received a letter today from Mr. Gupta stating he still wants it unzoned and his letter will be forwarded to the Commission.

Mr. McKenzie reported complaints from Mr. Nelson Hall, Lakeview and School Place, about flooding problems.

Mr. Brooks recommended that Mr. McKenzie invite Mr. Hall to the next Public Works meeting, June 25th, at 6:30 P.M.

Recreation: Mr. Emory presented an update on the Substance Abuse Prevention Program, advising they are now advertising for a full-time Youth Coordinator and part-time Family Components. He also reported that the Advisory Board is sponsoring a Fun Olympics at Banneker School between 10 A.M and 4 P.M. on Saturday, June 30th.

Motion made by Mr. Pikus and seconded by Mr. McKenzie for acceptance of Mr. Emory's report. Motion carried.

OLD BUSINESS

Mr. McKenzie questioned when work will begin on McColley Street.

Mr. Pikus asked about drainage improvements by the old railroad station and this will begin when the Clarke Avenue work is finished.

Mr. Pikus asked about the parking sign requested by the Museum and was advised they have been ordered and should arrive within six weeks.

Mayor Rogers, Mr. Pikus and Mr. Morrow will go to Dover on Tuesday, June 19th, to seek information regarding City matters.

Mr. William Wiley, Wiley Fuel & Appliances, S. Walnut Street, presented a problem merchants in the area between the Walnut Street Bridge and S.E. Front Street are having with regard to the Parking Authority facilities behind their businesses which are now "being bombarded with new vehicles that are coming in and creating a problem with parking." He asked Council to look into this and see the impact it is having on the merchants and what can be done.

Following discussion regarding this, Mr. Wiley reported that a Parking Authority meeting is being scheduled and he will advise the Mayor so that he can attend.

The proposed WATER SERVICE AGREEMENT between the City and IPM Corporation in which the City agrees to provide water to service the Colony Inn Restaurant and Motel and a forty-three (43) acre undeveloped parcel located on the west side of Route 113, was reviewed. Mr. Booker reported that concerns from the workshop had been addressed.

Mr. Riecke asked if the City's entering into this agreement would set a precedent for additional services of this type precluding annexation.

Mr. Booker: "I don't believe it will for two reasons: 1)The City has an existing relationship with them through the UDAG grant, and 2)They have agreed to come into the City as soon as it is possible."

There was some discussion as to whether the City was responsible for a portion of the engineering costs, however, Mr. Booker said that after reviewing the AGREEMENT which Council had before them, this has not been included.

Mr. Wiley asked if anyone outside the City could tap on to this proposed line and was advised that they could if they were annexed into the City.

Motion made by Mr. Pikus and seconded by Mrs. Staley for approval of the WATER SERVICE AGREEMENT between the City of Milford and IPM Corporation to provide water service to lands owned by them, particularly the Colony Inn Restaurant and Motel and a forty-three (43) acre undeveloped parcel located on the west side of U.S. Route 113, and that the Agreement is that which says that the City of Milford bears none of the cost for this project. The motion was carried by the following 8-0 vote:

YES
Mrs. Boddy
Mr. Clendaniel
Mr. Pikus
Mr. McKenzie
Mr. Brooks
Mr. Morrow
Mrs. Staley
Mr. Gibson

NO

Mr. Charles Coverdale reported that the fire hydrant that was knocked over in the 900 block of S.E. Front Street has not been replaced.

The City Manager was advised that there is a pipe protruding from the roadway on S.E. Second Street.

Mayor Rogers appointed Jean Wiley, Jerry Guyer and Don Parsley to the Parks & Recreation Commission. Mrs. Wiley will fill Mr. Orkin's seat.

Motion made by Mr. Pikus and seconded by Mrs. Boddy for approval of the appointment of Mrs. Wiley and the re-appointment of Messrs. Guyer and Parsley to the Parks & Recreation Commission. Motion carried.

Mr. Coverdale reported there are attempts to pass a bill in Legislature to ban balloon launchings for ecological reasons and it needs some backing and support. Mr. Pikus said he would secure a copy of this bill when he is in Dover next week.

Mayor Rogers said he and several others are unable to attend the forthcoming Partnership meeting, therefore, it might be postponed.

Motion made by Mr. Pikus and seconded by Mrs. Boddy for approval of the Monthly Financial Statement. Motion carried.

Motion made by Mr. Pikus and seconded by Mrs. Boddy that the meeting adjourn. Motion carried. The meeting adjourned at 9:35 P.M.

Respectfully submitted,



June G. Barto, Secretary

Tax Parcel No.	MD-00-163.18-03-01.00	MD-00-163.18-03-24.00
	MD-00-163.18-03-02.00	MD-00-163.18-03-25.00
	MD-00-163.18-03-03.00	MD-00-163.18-03-26.00
	MD-00-163.18-03-04.00	MD-00-163.18-03-27.00
	MD-00-163.18-03-05.00	MD-00-163.18-03-28.00
	MD-00-163.18-03-06.00	MD-00-163.18-03-29.00
	MD-00-163.18-03-07.00	MD-00-163.18-03-30.00
	MD-00-163.18-03-08.00	MD-00-163.18-03-31.00
	MD-00-163.18-03-09.00	MD-00-163.18-03-32.00
	MD-00-163.18-03-10.00	MD-00-163.18-03-33.00
	MD-00-163.18-03-11.00	MD-00-163.18-03-34.00
	MD-00-163.18-03-12.00	MD-00-163.18-03-35.00
	MD-00-163.18-03-13.00	MD-00-163.18-03-36.00
	MD-00-163.18-03-14.00	MD-00-163.18-03-37.00
	MD-00-163.18-03-15.00	MD-00-163.18-03-38.00
	MD-00-163.18-03-16.00	MD-00-163.18-03-39.00
	MD-00-163.18-03-17.00	MD-00-163.18-03-40.00
	MD-00-163.18-03-18.00	MD-00-163.18-03-44.00
	MD-00-163.18-03-19.00	MD-00-163.18-03-46.00
	MD-00-163.18-03-20.00	MD-00-163.18-03-49.00
	MD-00-163.18-03-21.00	MD-00-163.18-03-51.00
	MD-00-163.18-03-22.00	MD-00-163.18-03-56.00
	MD-00-163.18-03-23.00	

Prepared by: City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: City Clerk
City of Milford, 201 S. Walnut St.
Milford, DE 19963

ELECTRIC AND WATER SERVICE AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between INTERFAITH HOUSING DELAWARE, INC. (hereinafter “OWNER”) whose principal location is located at 613 N WASHINGTON STREET, WILMINGTON, DE 19801, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter “CITY”).

RECITALS

WHEREAS, the OWNER is the record title owner of parcels of land consisting of 38 acres, more or less, lying near the City of Milford, in Kent County, Delaware, said tracts hereinafter referred to as the "PROPERTY"; and

WHEREAS the OWNER desires to have the City exercise exclusive authority to provide electric and water service for all buildings located on the PROPERTY pursuant to the rules, regulations and rates established from time to time by the CITY and the State of Delaware.

NOW THEREFORE, in consideration of the OWNER'S request to receive CITY electric and water service and in consideration of charges to be paid by the OWNER through the City's Utility Permit application, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Permits. The OWNER shall be responsible for obtaining a Utility Permit from the City of Milford and pay all applicable impact fees and inspection fees as required by the City Code and adopted fee schedule.
2. Costs. The OWNER shall be responsible for all costs associated with connecting to the electric and water system, including the costs associated with properly.
3. Annexation. The OWNER acknowledges, if and when the PROPERTY becomes contiguous with the CITY municipal boundary, the OWNER shall annex the entire PROPERTY into the City limits. The OWNER must file a petition to annex with the City Planning Department within 90 days of when the property becomes contiguous with the City.
4. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.
5. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
6. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.
7. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.

8. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
9. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.
10. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.
11. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.
12. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.
13. Recording. This agreement, duly executed by the City and OWNER, shall be recorded in the office of the Recorder of Deeds, in and for Kent County, Delaware. The cost of recording shall be paid by OWNER. The utility permit will be withheld until this agreement is recorded.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

INTERFAITH HOUSING DELAWARE, INC.

Attest: _____

By: _____
Owner

CITY OF MILFORD

Attest: _____
 City Clerk

By: _____ (Seal)
 Arthur J. Campbell, Mayor

STATE OF DELAWARE :
:
COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2023, by **OWNER NAME**.

Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2023, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Director

CC: Mark Whitfield, City Manager

DATE: February 13, 2023

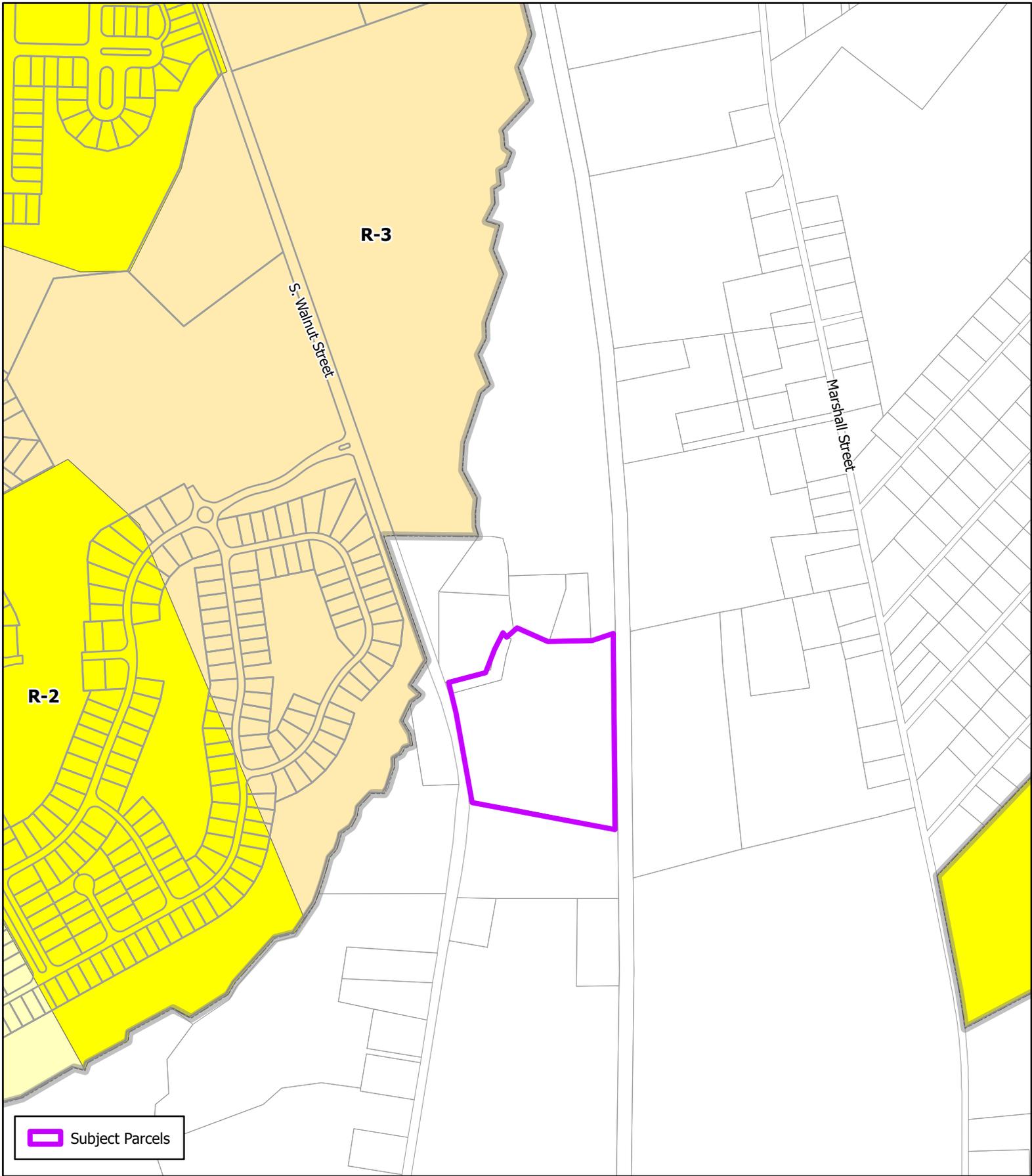
RE: Christiana Excavating Company – Utility Agreement – Outside City Limits

The City received a request from Davis, Bowen & Friedel, Inc. on behalf of Christiana Excavating Company to extend water, sewer and electric service beyond our current municipal boundary. The request includes two parcels located in Sussex County along the east side of S. Walnut Street south of the Milford Ponds development identified as parcel numbers 3-30-14.00-001.0 & 001.01 (see enclosed exhibit). The properties are not contiguous to City limits but only have one parcel between the current municipal boundary and subject parcels. The owner contacted the adjacent property owners to see if they are interested in annexing into the City of Milford but they have not received an answer to date.

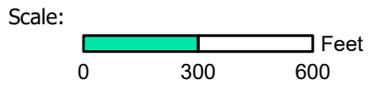
Staff is seeking guidance from City Council on whether to allow this property to connect to the City's electric, water and sewer utility. If permitted, the City would require the property owner to sign a utility agreement which would require the properties to annex into the City of Milford if and when the properties become contiguous to City limits.

Enclosed is a draft agreement for review.

If City Council so desires, the motion would be to authorize the Mayor to sign the Electric, Water and Sewer Agreement with Christiana Excavating Company to provide utilities to the property located outside City limits, with the condition that if and when the properties become contiguous to the City boundary, the owner would be required to annex.



 Subject Parcels



Drawn by: WRP Date: 02/03/23

Title:
Electric, Water and Sewer Service Agreement
Christiana Excavating
Location & Zoning Map

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

January 17, 2023

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Mr. Rob Pierce

RE: Christiana Excavating
Tax Parcel No.: 330-14.00-1.00 & 330-14.00-1.01

Dear Mr. Pierce:

On behalf of our client, Christiana Excavating Company, we are requesting your consideration to provide City of Milford sewer and water services to their property located off South Walnut Street, just south of the Milford Ponds development. The site is currently located in the jurisdiction of Sussex County. Our client would gladly annex into the City of Milford which would alleviate any issue of providing service to the site, however they are one property removed from being contiguous with City of Milford's boundary to both the north and west of the proposed site. A plan of the site has been provided with this letter, showing the location of the site, the surrounding properties, and the City of Milford boundary.

Our client is in the process of contacting two neighboring property owners (330-10.00-2.01 and 130-6.00-110.01 on the attached plan. Our client also owns 330-10.00-3.00 which would also be annexed if an agreement with parcel 2.01 is made) for an agreement to annex into the City of Milford, however, to date an agreement has not been reached.

Ideally for our client, the project will be designed and constructed to comply with City of Milford code. Our client and the City will enter into an agreement to supply sewer and water to the property under the understanding that once the parcel becomes contiguous with the City of Milford boundary, the parcel must be annexed into the City. We understand that this is not standard practice for the City, however due to our site's close proximity to the City of Milford boundary, future annexation is inevitable. Additionally, our clients proposed use of this site directly matches the land use for this parcel as shown in the City of Milford's Comprehensive Plan. Our client would connect to the City's sewer and water through the Milford Pond's development which would also provide the City with an additional 1000ft of sewer and water service down South Walnut Street, allowing for additional properties to connect to the City in the future.

Letter: City of Milford
1/17/2023
Page 2

Without the City of Milford's help to provide sewer and water services to this property, our client is unsure if the development of this site is feasible. It is because of this, and the reasons listed above that we are requesting the City of Milford to consider providing sewer and water services to our property.

If you have any questions or need additional information, please call me at (302) 424-1441, or email at csw@dbfinc.com

Sincerely,
Davis, Bowen & Friedel, Inc.

Chad S. Warren, P.E.
Project Engineer

Tax Parcel No. 3-30-14.00-001.00
3-30-14.00-001.01

Prepared by: City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: City Clerk
City of Milford, 201 S. Walnut St.
Milford, DE 19963

ELECTRIC, WATER AND SEWER AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between CHRISTIANA EXCAVATING COMPANY (hereinafter "OWNER") whose principal location is located at 2016 SUNSET LAKE RD, NEWARK, DE 19702, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter "CITY").

RECITALS

WHEREAS, the OWNER is the record title owner of a parcel of land consisting of 9 acres, more or less, lying contiguous to the City of Milford, said tracts identified on the Sussex County, Delaware tax maps as Tax Parcel No(s). 3-30-14.00-001.00 and 3-30-14.00-001.01, said tracts hereinafter referred to as the "PROPERTY"; and

WHEREAS the OWNER desires to have the City exercise exclusive authority to provide electric, water and sanitary sewer service for all buildings located on the PROPERTY pursuant to the rules, regulations and rates established from time to time by the CITY and the State of Delaware.

NOW THEREFORE, in consideration of the OWNER'S request to receive CITY electric, water and sanitary sewer service and in consideration of charges to be paid by the OWNER through the City's Utility Permit application, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Permits. The OWNER shall be responsible for obtaining a Utility Permit from the City of Milford and pay all applicable impact fees and inspection fees as required by the City Code and adopted fee schedule.
2. Costs. The OWNER shall be responsible for all costs associated with connecting to the electric, water and sanitary sewer system.

3. Annexation. The OWNER acknowledges, if and when the PROPERTY becomes contiguous with the CITY municipal boundary, the OWNER shall annex the entire PROPERTY into the City limits. The OWNER must file a petition to annex with the City Planning Department within 90 days of when the property becomes contiguous with the City.
4. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.
5. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
6. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.
7. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.
8. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
9. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.
10. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.
11. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.
12. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.
13. Recording. This agreement, duly executed by the City and OWNER, shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware. The cost of recording shall be paid by OWNER. The utility permit will be withheld until this agreement is recorded.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

CHRISTIANA EXCAVATING COMPANY

Attest: _____

By: _____
R.J. Andrews, Secretary

CITY OF MILFORD

Attest: _____
City Clerk

By: _____ (Seal)
Arthur J. Campbell, Mayor

STATE OF DELAWARE :
:
COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2023, by R.J. Andrews.

Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2023, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public



The governing body has recessed to Executive Session. The regular meeting will resume shortly.

CITY COUNCIL MEETING



**Executive Session
has concluded.
Council has returned to
*Open Session***