

City of Milford



AGENDA

Monthly Council Meeting

August 8, 2011

Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware

COUNCIL MEETING

7:00 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business -
 Planning Commission Vacancy

New Business -
 St. John's Oktoberfest Request
 Adoption of Fiscal Year 2011-2012 Tax Warrant
 Transfer of Funds/DMI Tree & Grate Project*
 Revised Proposal/DMI Tree & Grate Project/Landscape Architectural Services LLC*

Monthly Finance Report

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

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

CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET
MILFORD, DELAWARE 19963
(302)422-8081 FAX (302)424-2330

MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: August 3, 2011

RE: Activity Report/July 2011

Monthly Stats:

A total of 902 arrests were made by the Milford Police Department during July 2011. Of these arrests, 183 were for criminal offenses and 719 for traffic violations. Criminal offenses consisted of 41 felonies and 142 misdemeanors. Traffic violations consisted of 377 Special Duty Radar, 13 Drunk-Driving charges, and 329 other.

Police officers investigated 39 accidents during the month (9 personal injury, and 30 property damage) and issued 200 written reprimands. In addition, they responded to 1610 various complaints including city requests and other agency assistance.

A total of \$15,076.48 was collected in fines during July.

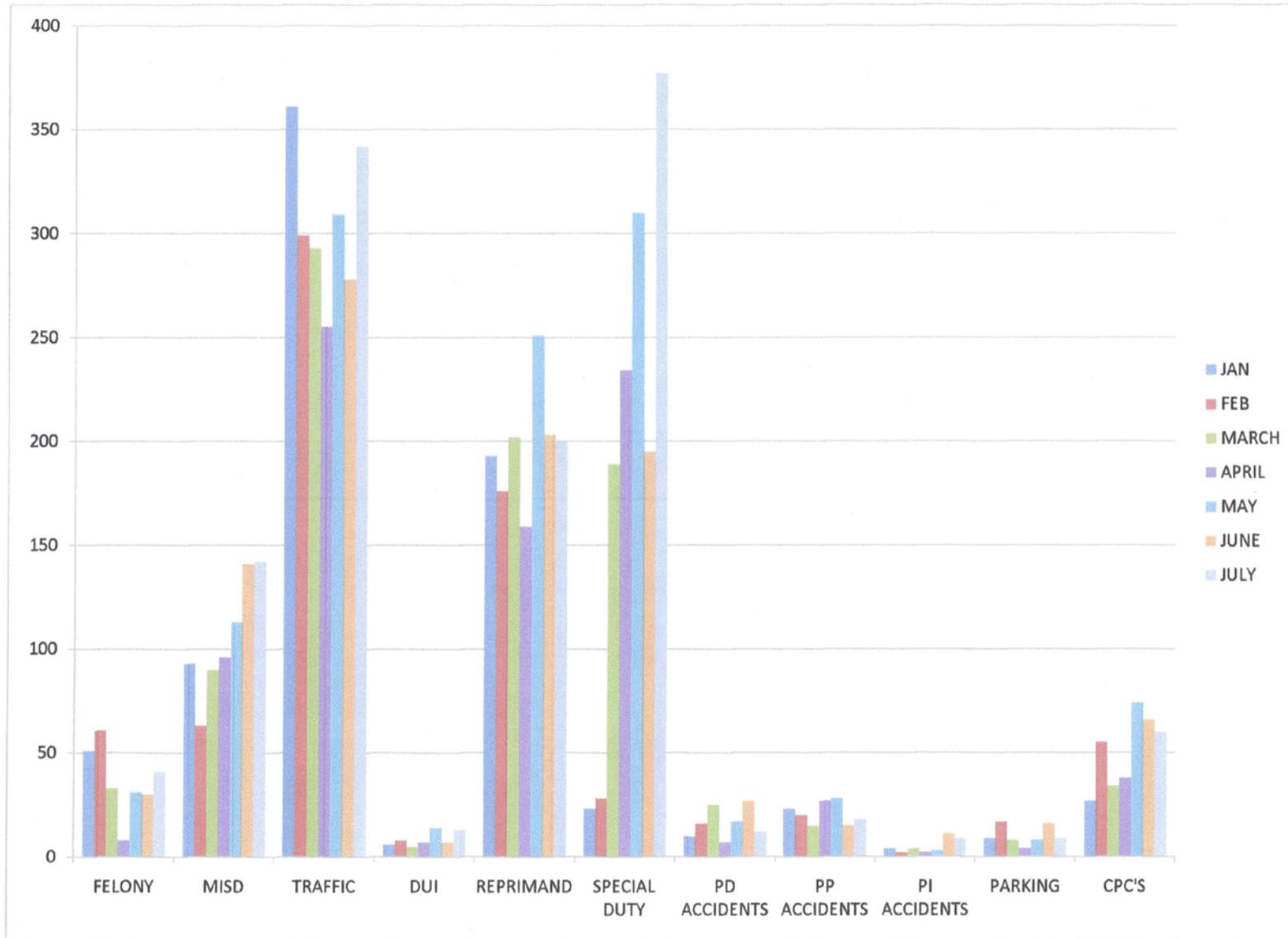
No False Alarm Violation Invoices were issued during the month of July.

EKH

vrk

JULY ACTIVITY REPORT

| | <u>JULY 2010</u> | <u>TOTAL 2010</u> | <u>JULY 2011</u> | <u>TOTAL 2011</u> |
|--------------------------------|------------------|-------------------|--------------------|--------------------|
| <u>Complaints</u> | 1138 | 7979 | 1610 | 8859 |
| <u>Criminal Arrests</u> | 165 | 986 | 183 | 996 |
| Felonies | 40 | 276 | 41 | 251 |
| Misdemeanors | 125 | 710 | 142 | 729 |
| <u>Traffic Arrests</u> | 220 | 2042 | 719 | 3194 |
| Special Duty Radar | 49 | 185 | 377 | 1367 |
| D.W.I. | 7 | 55 | 13 | 57 |
| Other | 131 | 1428 | 329 | 1662 |
| <u>Reprimands</u> | 120 | 923 | 200 | 1384 |
| <u>Accidents</u> | 34 | 299 | 39 | 289 |
| Personal Injury | 5 | 48 | 9 | 34 |
| Property Damage | 29 | 260 | 30 | 255 |
| Fatal (included in PI) | 0 | 1 | 0 | 0 |
| <u>Parking Summons</u> | 9 | 55 | 9 | 70 |
| <u>Crime Prevention Checks</u> | 31 | 295 | 60 | 351 |
| <u>Fines Received</u> | \$9,179.03 | \$64,627.44 | \$15,076.48 | \$75,818.09 |



City Manager's Report August 8, 2011

- **Solid Waste & Recycling**

In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

| | Solid Waste | Curbside Recycling | Igloo Recycling | Yard Waste | Total | Diversion Rate |
|-----------|-------------|--------------------|-----------------|------------|--------|----------------|
| June 2010 | 446.48 | 40.82 | 40.06 | 0 | 527.36 | 15.3% |
| June 2011 | 379.05 | 36.34 | 41.47 | 30.55 | 487.41 | 22.0% |

| | Solid Waste | Curbside Recycling | Igloo Recycling | Yard Waste | Total | Diversion Rate |
|-----------|-------------|--------------------|-----------------|------------|----------|----------------|
| 2009 | 4,684.38 | 442.44 | 545.68 | - | 5,672.50 | 17.4% |
| 2010 | 4,630.47 | 450.12 | 505.82 | 37.49 | 5,632.39 | 17.6% |
| 2011(YTD) | 2028.09 | 235.52 | 243.18 | 169.35 | 2676.14 | 24.2% |

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June 2010, the City has waived \$212,084 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$11,527,279 (based on building permit values) during the months of June 2010 through July 2011.

- **Washington Street Water Plant Reservoir Tank**

The Water Department is addressing a leak in the reservoir tank at the Washington Street Water Plant. The leak is causing water to leak out of the tank when it is full and the pumps are running. Crews are anticipating having this leak repaired by the date of this meeting, however, the plant may need to be taken off line for a short duration during the repair and curing time. The further supports the need for the proposed improvements.

- **School Zone Signage**

The City has partnered with the Milford School District for the implementation of a DelDOT report on improving pedestrian and vehicle safety in the vicinity of the schools through new signage and street markings. The School District has purchased the Streets and Grounds personnel will be installing the signage over the next few weeks before school begins on August 31.

- **Wilmington-Cheney Riverwalk Project**

This phase of the Riverwalk project is currently being bid and is scheduled to be opened later this month. Following a review of bids, a recommendation will be forwarded to City Council for your award in late August or early September.

- **Riverwalk Freedom Festival**

The Riverwalk Freedom Festival is scheduled for September 8-10.



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
Chief Executive Officer

Richard P. Watson, P.E., BCEE
Chief Operating Officer

Board of Directors

Richard V. Pryor
Chairman
Ronald G. McCabe
Vice Chairman
Theodore W. Ryan
Timothy P. Sheldon
Tonda L. Parks
Gerard L. Esposito
Gregory V. Moore, P.E.

July 12, 2011

Mr. David Baird
City of Milford
P.O. Box 159
Milford, DE 19963

Dear David:

Enclosed please find the City of Milford's numbers for the month of June 2011.

**June 2011
Weight in Pounds**

MARSHALL STREET

| CARD BOARD | SINGLE-STREAM | TOTAL | OIL GALLONS |
|------------|---------------|---------------|-------------|
| 1,800 | 60,873 | 62,673 | 795 |

MILFORD MIDDLE SCHOOL

| | | | |
|-----|-------|--------------|--|
| 522 | 3,909 | 4,431 | |
|-----|-------|--------------|--|

MILFORD COMMONS

| | | | |
|-----|--------|---------------|--|
| 735 | 15,079 | 15,814 | |
|-----|--------|---------------|--|

Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVSI\RD correspondence\cityofmilford.doc
Attachments: City of Milford Site Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 www.dswa.com

**CITY OF MILFORD CURBSIDE
JUNE 2011**

| Date Out | Trans Num | MT Label | DT Label | Bill Acct Name | Net TN |
|-----------|-----------|----------------------|---------------|-----------------|--------|
| 6/24/2011 | 761808 | 2550-Single Stream R | 100-Inventory | City of Milford | 6.22 |
| 6/2/2011 | 759486 | 2550-Single Stream R | 100-Inventory | City of Milford | 5.61 |
| 6/10/2011 | 760303 | 2550-Single Stream R | 100-Inventory | City of Milford | 7.3 |
| 6/16/2011 | 761070 | 2550-Single Stream R | 100-Inventory | City of Milford | 5.85 |
| 6/10/2011 | 760302 | 2550-Single Stream R | 100-Inventory | City of Milford | 6.26 |
| 6/30/2011 | 762590 | 2550-Single Stream R | 100-Inventory | City of Milford | 5.1 |
| | | | | | 36.34 |

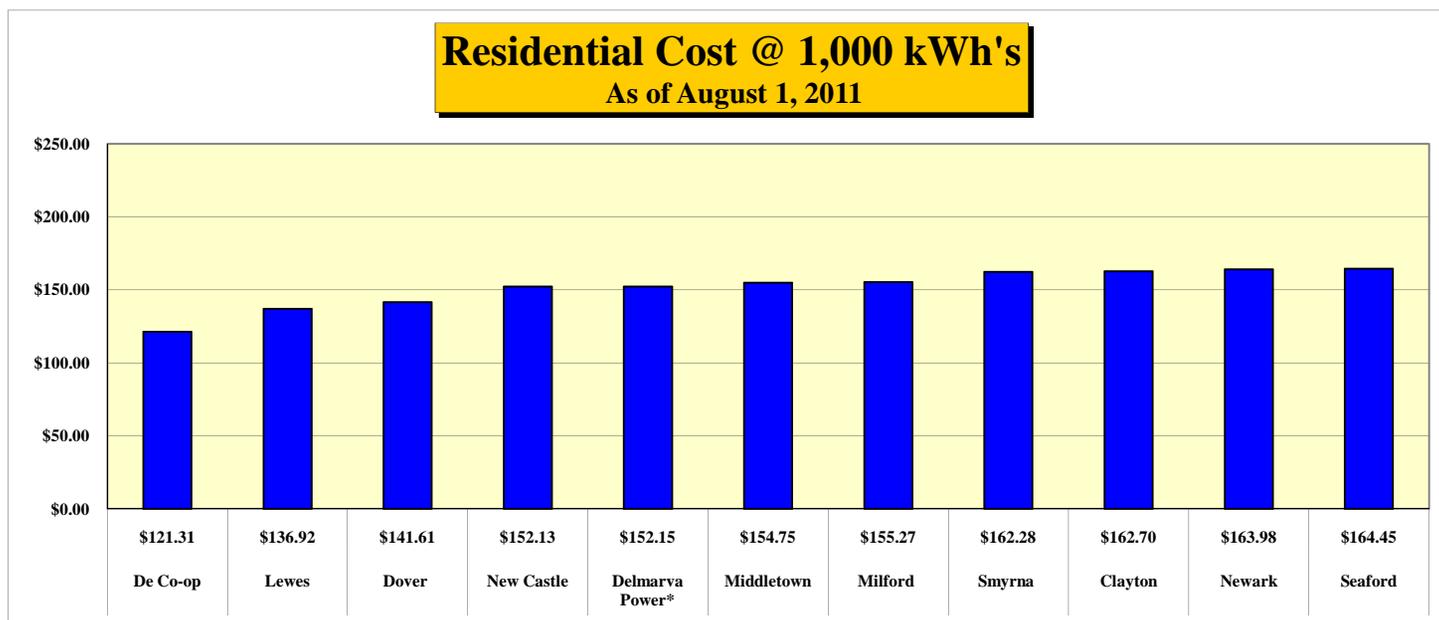
Selected Area Utilities

Summer (June - Sept.)

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

| | | <u>% Difference</u> | <u>% Difference</u> |
|------------------------|----------|---------------------|---------------------|
| <u>De Co-op</u> | \$121.31 | 0% | -20% |
| <u>Lewes</u> | \$136.92 | 13% | -10% |
| <u>Dover</u> | \$141.61 | 17% | -7% |
| <u>New Castle</u> | \$152.13 | 25% | 0% |
| <u>Delmarva Power*</u> | \$152.15 | 25% | 0% |
| <u>Middletown</u> | \$154.75 | 28% | 2% |
| <u>Milford</u> | \$155.27 | 28% | 2% |
| <u>Smyrna</u> | \$162.28 | 34% | 7% |
| <u>Clayton</u> | \$162.70 | 34% | 7% |
| <u>Newark</u> | \$163.98 | 35% | 8% |
| <u>Seaford</u> | \$164.45 | 36% | 8% |

* Approximate. DP&L's new transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.





Comcast
5729 West Denneys Road
Dover, DE 19904

July 29, 2011

Mr. David Baird
City Manager
City of Milford
201 S. Walnut Street
Milford, Delaware 19963

Dear Mr. Baird:

I write to inform you of a new program by Comcast designed with the assistance of the Federal Communications Commission (FCC) to help bridge America's digital divide, called **Internet EssentialsSM**. In conformity with the National Broadband Plan, the program addresses key barriers to Internet access and adoption by providing affordable Internet access, the opportunity to purchase a computer and training to low-income families with a least one child receiving free lunches under the National School Lunch Program.

The Internet EssentialsSM program will be available starting in the 2011 "back to school" season. Eligible participants will receive:

- Comcast home Economy Internet service for \$9.95 per month plus applicable taxes and fees, with no activation fees, no additional equipment rental charges, no credit checks, no price increases and no long-term contracts;
- The option to purchase a pre-configured computer for 149.99 (plus applicable taxes); and
- Access to online, in print and classroom based digital literacy training.

An entire household will be eligible to participate in the program if the household i) is located where Comcast offers Internet service; ii) has at least one child receiving free lunch through the National School Lunch Program; iii) has not subscribed to Comcast Internet service within the last 90 days; and iv) does not have an overdue Comcast bill or unreturned equipment.

Participating families may be able to benefit from Internet EssentialsSM for the entire life of their child's K-12 education, as long as they remain eligible.

In order to reach as many eligible families as possible, we could use your help! We have met with the Governor, the Secretary of Education and several state education associations all of which support the program. We are currently working with local school districts on ways to get the word out about the program to eligible students. Your support in getting the word out to your residents would be very helpful. We want to make sure all students and families of eligible students are aware of this great program.

Additional information on the Internet EssentialsSM program can be found at www.internetessentials.com. To get involved in spreading the word about the program, sign up

on our partner portal, www.internetessentials.com/partner to download materials such as flyers, brochures and posters.

If you have any questions regarding the Internet EssentialsSM program please call me at 302-672-5936 or email me at tom_worley@comcast.com.

Sincerely:

A handwritten signature in black ink, appearing to read 'Tom'.

R. Thomas Worley
Senior Director Government Regulatory Affairs

Chapter 57-Planning Commission

§57-1. Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§57-2. Membership; term of office.

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§57-3. Removal; vacancies

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

SAINT JOHN THE APOSTLE ~ SAINT BERNADETTE PARISH

506 Seabury Avenue • Milford, Delaware 19963-2217

(302) 422-5123 • Fax (302) 422-5720



JULY 30, 2011

Mayor Ronnie Rogers
Mayor
City of Milford
PO Box 159
Milford, DE 19963

Dear Mayor Rogers:

It is Oktoberfest time again! The dates are Friday, October 7th from 6 PM to 10 PM and Saturday, October 8th from 6 PM to 9 PM.

In the past the city has graciously allowed us to block off a portion of School Place in front of the church and down toward the Middle school. May we have your permission to do that again this year? By doing this we are able to eliminate congestion in front of the church.

In keeping with the tradition of German Oktoberfests we will have a beer booth. I have applied for the appropriate license from the state to do that.

We thank you for your support over all the years. If there is any more we need to do or if you need further information please call me at the church at 422-5123, ext. 13. .

Sincerely,

Bonnie De Mar
Coordinator

21st Annual Oktoberfest - 2011

City of Milford



August 8, 2011

GREETINGS:

The Charter of the City of Milford provides the following:

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

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

| | |
|--|-----------------------|
| Assessed Per Billing Register | \$777,777,503.00 |
| Exemptions | [129,483,600.00] |
| TOTAL ASSESSED VALUE | \$648,293,903.00 |
| $\frac{\quad}{\quad} \times .0046$ | |
| ESTIMATED TAX PER PROPERTY VALUES | \$2,982,151.00 |
| Senior Citizen Discount | [11,132.00] |
| TOTAL TAXABLE (Fiscal Year 2011-2012) | \$2,971,019.00 |

Adopted this 8th day of August 2011.

Mayor Joseph Ronnie Rogers

City Clerk Teresa K. Hudson

**N.E. Front Street Streetscaping
Revised Project Budget
(City Matching Funds Only)**

| | | |
|---|----|-----------|
| Original Budget | \$ | 375,000 |
| Previously Expended | \$ | (23,160) |
| Reallocated to Tree & Grate (May 2011) | \$ | (125,000) |
| Reallocated to DMI Annual Contract for two years | \$ | (7,500) |
| Reallocation to Tree & Grate (Aug 2011) | \$ | (50,000) |
| Remaining Balance | \$ | 161,840 |



August 5, 2011

David Baird
City Manager
City of Milford
201 S. Walnut Street
Milford, DE 19963

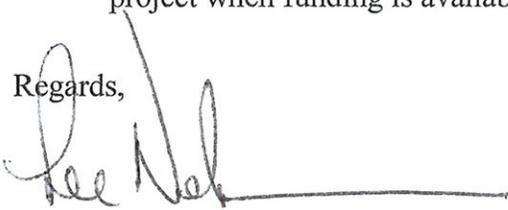
Subject: "Milford Streetscape Improvements" per Landscape Architectural Services
Letter dated August 3, 2011

Dear David,

On August 4, 2011 the Downtown Milford, Inc. Board of Directors unanimously
approved and confirmed:

- The above project is of the highest priority and should take precedence over the "Northeast Front Street" project
- Their support for the City of Milford's allocation of an additional \$50,000 for the above project.
- Their continuing full support for the completion of the "Northeast Front Street" project when funding is available.

Regards,


Lee Nelson
Executive Director

Enclosure (1): Landscape Architectural Services Letter dated August 3, 2011

AMENDED PROPOSAL



**LANDSCAPE
ARCHITECTURAL
SERVICES, L.L.C.**

Downtown Milford Inc.
C/O Milford Parks & Recreation
207 Franklin St.
Milford DE 19963

Attn: Dr. Mitchell Edmondson, Design Committee Chair
Mr. Gary Emory, Parks & Recreation Director

Revised
August 3, 2011

Re: Milford Streetscape Improvements

Gentleman,

Per our project area walk-through, of 7/14/11; Attached please find prints of Sheets #1-#4 of the master plan.

Sheet #1 plan of the proposed improvements , Walnut Street from Causey Ave. to the Mispillion Art League on S. Walnut Street.

This plan shows (10) proposed trees, (9) Grates and tree guards, (4) new benches and replacing (8) existing trash receptacles. (240) sq. ft. of brick in fill. It also shows the follow add alternates:

Add Alt. #2 island planting renovation between Southwest Front St. and Causey Ave.

Add Alt. #3 replace the existing metal flagpole with 20' fiberglass flagpole with internal halyard and new recessed up-lights.

Sheet #2 shows proposed improvements on South Walnut Street from Park Ave. to Northeast Front and Northeast Front to North Washington Street.

This plan proposes (6) new trees, (1) bench & (3) trash receptacles, (240) sq. ft. of brick in fill area. It also described ad alternate #1 demo, and replacement of (4)

P.O. Box 293, Dover, DE 19903
e-mail: matt@las-llc.net

phone: 302-284-4578 fax: 302-284-0301
website: www.las-llc.net

Trees on the south side of the municipal parking lot. Additionally the (4) existing 10"-12" caliper Amanogawa Cherries will need to have custom large tree grates twice the size of the standard grate to allow room for the existing roots and ensure their survival.

Sheet #3 shows the following streetscape improvements on Northwest Front St, between Church & Walnut Streets.

(7) proposed trees, (9) tree grates, (540) sq. ft. of brick in-fill.

Sheet #4 shows preliminary details for tree planting, standard tree grates, a trash receptacle (other styles are available, but this one would "fit" & is a good budget holder). We will discuss options with vintage metal works once the proposed budget is approved. Sheet #4 also shows a standard detail for the proposed flagpole to replace the metal one near Jesus Love Temple.

The following is a summary of the estimated costs for implementing the master plan. Base Bid: in-fill (984) sq. ft. of existing planting areas with rick paving on flexible base. Create (6) new tree pits from the existing paved area (demo, excavation, soil mix) plant (22) new 3"-3 1/2" caliper 12'-14' high shade trees, install (26) standard tree grates with tree guards. Install 4-large tree grates with tree guards around (4) existing 12"-14" caliper Amanogawa Cherries. Install 5-new benches, (11) new trash receptacles.

BASE BID -Estimated cost for implementing\$121,732.

ADD ALTERNATE #1: parking authority trees, demolition, excavation soil, new pre-cast bumpers, (4) new trees\$8,000.

ADD ALTERNATE #2: planting renovation of South Walnut Street Central Island between Southwest Front St. and Causey Ave.\$8,000.

ADD ALTERNATE #3: replace metal flagpole (in front of Jesus Love Temple) with 20' high fiberglass flagpole with internal halyard. Add new recessed up-lights (cost, assumes electrical service is available)\$6,600.

ADD ALTERNATE #4: 8-Bike – Bike Rack (custom metal, installed)\$1,250.

**ADD ALTERNATE #5: Repair brick walk. This is the (37) areas, identified by the Public Works, Streets & Grounds, Parks and marked on 8/1/11. Cost is for demolition and replacing running bond brick paving on flexible base.
.....\$13,500.**

Downtown Milford Inc.
Attn: Dr. Mitchell Edmondson, Design Committee Chair
Mr. Gary Emory, Parks & Recreation Director
Page 3
Re: Milford Streetscape Improvements

revised
August 3, 2011

Miscellaneous electrical outlet prepare assumes electrical source is available and will not need to be modified (i.e. new junction boxes, transformers, etc.)\$2,500.

Estimated costs for construction of base bid, (5) ADD ALTERNATES and miscellaneous electrical outlet repairs\$161,582.

NOTE: final cost may vary with design changes, material selections, time of implementation, etc. Professional services costs for design development , construction documentation (plans, details, specifications) assisting with bidding process and contract award \$13,905.60, per agreement of 6/10/11.

As discussed at our meeting last week. This agreement did not include the design, construction documentation, etc. required for ADD ALTERNATES 1-5, the cost of adding this work to our agreement will be \$3000., making the revised cost to the professional services agreement \$16,905.60. (contract administration and inspections is on a time and expense basis per agreement.)

Accordingly, the total cost for construction and professional services for this project is estimated to be \$178,487.60

Please contact me if you have any questions.



Matthew T. Spong, R.L.A., A.S.L.A., Principal
X. C. Mr. David Baird, City Manager – without prints

**PREVIOUSLY
APPROVED
PROPOSAL**



**LANDSCAPE
ARCHITECTURAL
SERVICES, L.L.C.**

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Mr. Gary Emory Director of Parks & Recreation

June 10, 2011

This agreement entered into this 10th day of June, 2011, by and between the City of Milford (hereinafter called the Owner) and Landscape Architectural Services, LLC (hereinafter called the Landscape Architect), the Owner does hereby request the Landscape Architect to provide professional design service for the streetscape renovations on North & South Walnut St., Between North East Front St. and City Hall and North West Front Street Church to Walnut St. & North East Front Street Walnut to Washington St. The professional services of the Landscape Architect shall be:

1. Prepare a final plan depicting the areas for removing or relocating some existing trees, planting new trees, adding tree grates, benches, and minor brick walk revisions.
2. Prepare a revised cost estimate.
3. Meet with the City of Milford and D.M.I. Representatives to review final plans and receive comments.
4. Based on comments received, revise the final plan into a set of construction documents to include:
5. **Location and dimension Plan:** Location and dimension of all proposed features with respect to the site bench mark.
6. **Construction plans, details and Specification:** Detailed sections of brick paving, site furnishings and landscaping. The specifications will also include all the necessary State of Delaware requirements for competitive bidding for State funded projects, and all the necessary information for approval by funding agencies, the Architectural and Accessibility and the Kent Conservation District for sediment and erosion control.. The specifications will also contain bid forms and unit prices for potential change orders to ensure fair pricing form the contractors, should change orders become necessary during the project.
7. Meet with the Owners representatives to review final construction documents.
8. Assist the Owner with the preparation of bid advertisement. Conducting pre-bid meeting reviewing bids received and recommending contract award.

P.O. Box 293, Dover, DE 19903
e-mail: matt@las-llc.net

phone: 302-284-4578 fax: 302-284-0301
website: www.las-llc.net

City of Milford
 Attn: Mr. Gary Emory, Director Parks & Recreation Dept.
 Streetscape renovations
 6/10/11
 Page 2 of 5

NOTE: The owner will supply at his own expense all the necessary property lines, building plans, utilities, right-of-ways, topography and other pertinent, plan metric information applicable to the designated area to be improved in a digital format compatible with AutoCAD Release 2010.

Compensation – the Landscape Architect shall be compensated by the Owner for the above services according to the following fee:

1. Preparing final plans, cost estimates and meetings.
2. Construction documents & permitting
3. Assist with bidding, preparing addenda, bid award.

Total fee thirteen thousand nine hundred five dollars and 60 cents. (\$13,905.60) plus reimbursable expenses.

| <u>Classification</u> | <u>Man Hours</u> | <u>Rate</u> | <u>Amount</u> |
|--|------------------|-------------|---------------|
| Principal Registered Landscape Architect | 68 | \$40 | 2,720. |
| Landscape Architectural Designer/Associate | 60 | 35. | 2,100. |
| AutoCAD design technician | 24 | 22 | 528. |
| Secretarial | 16 | 20 | 320. |
| Sub-Total, Payroll Cost | | | \$5668. |

Payroll Burden & Overhead Cost:

123% of payroll (\$5668.) $\$5668. \times 123\% = \6971.64

Fixed Fee:

10% of payroll & Payroll Burden, $\$5688. + \$6971.64 = \$12,659.64 \times 10\% = \1265.96

TOTAL FEE items 1-8\$13,905.60

Reimbursable Expenses - for other items above direct expenses.

1. Blueprints at \$3.50 each for 24" X 36" size.
2. Outside consultants fees, plus 10% coordination fee, for electrical or structural engineering consultants as needed and approved by the Owner.
3. Postage.
4. Copies of specifications.
5. Permitting fees (for Sediment & Erosion Control .)
6. 3-D graphic model preparation or extensive site graphic displays.
7. Additional survey data if required for topography, as-built conditions.

City of Milford
Attn: Mr. Gary Emory, Director, Parks & Recreation Dept.
Streetscape Renovations
6/10/11
Page 3 of 5

Supplemental Services shall be based on a time and expenses basis as follows:
(includes all costs) according to the following rates.

| | |
|--|----------------|
| Principal Registered Landscape Architect | \$98. per hour |
| Landscape Architectural Designer Associate Principal | 85. per hour |
| AutoCAD Design Technician | 55. per hour |
| Secretarial | 45. per hour |

Supplemental Services may include but not be limited to:

1. Major revisions of approved final plan.
2. Additional services not envisioned in the original scope of work (i.e. irrigation system, electrical engineering, etc.)
3. Design construction documents for an area other than the project area.
4. Providing contract administration, observation of the work in progress, attending construction progress meetings, reviewing contractor submittals, etc.

Broken Agreement – this agreement may be broken at any time by the Owner or the Landscape Architect by giving a 10-day written notice. Upon termination at the Engineers request payment to the Landscape Architect shall be determined by the percentage of work completed in accordance with this agreement. This agreement unless terminated by written notice shall be terminated by the final payment for the finished work.

Payment Schedule – The Owner agrees to pay all invoices within 15-days of receipt of invoice and 1 ½% service charge per month for all accounts not paid within 45-days or more. Final signed and sealed landscape plans or construction documents will not be submitted to regulatory agencies until all invoices are paid in full.

Ownership of documents – All original drawings and AutoCAD files shall remain the property of Landscape Architectural Services, LLC blueprints and AutoCAD files shall be made available to the Owner with the understanding that the Owner will not modify or use these files for this or other projects without Landscape Architectural Services, LLC written authorization. In the event of default or termination of this contract, the Owner shall be entitled to use information contained on the drawings or AutoCAD files only when fees for same have been paid for in full.

Additional Provisions – if the services covered by this agreement have not been completed within twelve (12) months of the date of this agreement, through no-fault of the Landscape Architect, extension of the landscape architectural services beyond that time shall be subject to re-negotiation, based on the current fee schedule.

City of Milford

Attn: Mr. Gary Emory, Director, Parks & Recreation Dept.

Streetscape Renovations

6/10/11

Page 5 of 5

The Owner agrees to indemnify, defend and hold the Landscape Architect harmless from and against any and all claims, liabilities, suites, demands, losses, costs and expenses, including but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred through appeal, and all interest hereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the project and /or this agreement, except that the Landscape Architect shall not be entitled to be indemnified to the extent such damages or losses are found by a court or forum of competent jurisdiction to be caused by the Landscape Architects negligent errors or omissions.

Acceptance – The terms and conditions outlined above are accepted and Landscape Architectural Services, LLC is hereby authorized to proceed with the work. Please sign and return one copy. This agreement may be withdrawn by the Landscape Architect if not accepted by the Owner within 30 days of the date of this agreement.

Date -----

City of Milford

By: _____
Printed name and title



Matthew T. Spong, R.L.A., A.S.L.A., Principal

X.C. Mr. David W. Baird, City Manager

Dr. Mitchell Edmondson, Chair, Design Committee D.M.I.

Downtown Tree and Grate Project
Preliminary Budget
August 3, 2011

| Revenues | | |
|--|-----------|----------------|
| Transfer from NE Front St. Streetscaping | \$ | 175,000 |
| CTF/MSA Funds | \$ | 13,500 |
| Total Revenues | \$ | 188,500 |

| Projected Cost | | |
|---|-----------|----------------|
| Based Bid | \$ | 121,732 |
| Add Alternate 1 (Pkg Lot trees, curb bumpers, etc.) | \$ | 8,000 |
| Add Alternate 2 (S. Walnut Island) | \$ | 8,000 |
| Add Alternate 3 (Replace Flagpole) | \$ | 6,600 |
| Add Alternate 4 (8 Bike-Bike Rack) | \$ | 1,250 |
| Add Alternate 5 (Repair Brick Walk-City Resp.) | \$ | 13,500 |
| Construction Subtotal | \$ | 159,082 |
| Architectural Services | \$ | 16,906 |
| Contract Admin, Inspection | \$ | 4,000 |
| Contingency | \$ | 8,512 |
| Total Cost | \$ | 188,500 |

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: June 2011

| | |
|---|-------------|
| Cash Balance - General Fund Bank Balance | \$1,375,521 |
| Cash Balance - Electric Fund Bank Balance | \$3,313,283 |
| Cash Balance - Water Fund Bank Balance | \$750,086 |
| Cash Balance - Sewer Fund Bank Balance | \$130,900 |
| Cash Balance - Trash Fund Bank Balance | \$534,574 |

| | <u>General Improvement</u> | <u>Municipal Street Aid</u> | <u>Real Estate Transfer Tax</u> | <u>Water Bond Escrow</u> |
|----------------------------|--------------------------------|---------------------------------|-------------------------------------|------------------------------|
| Beginning Cash Balance | 403,334 | 732,852 | 469,713 | 412,457 |
| Deposits | | | 48,849 | |
| Interest Earned this Month | 34 | 75 | 47 | |
| Disbursements this Month | (72,812) | (2,228) | (54,267) | |
| Investments | | | 1,600,000 | |
| Ending Cash Balance | \$330,556 | \$730,699 | \$2,064,342 | \$412,457 |

| | <u>GF Capital Reserves</u> | <u>Water Capital Reserves</u> | <u>Sewer Capital Reserves</u> | <u>Electric Reserves</u> |
|----------------------------|--------------------------------|-----------------------------------|-----------------------------------|------------------------------|
| Beginning Cash Balance | 836,857 | 1,257,398 | 383,687 | 2,560,601 |
| Deposits | | 231,000 | 313,590 | 473,000 |
| Interest Earned this Month | 7,291 | 12,846 | 7,513 | 33,502 |
| Disbursements this Month | | (136,565) | (52,882) | (1,878,938) |
| Investments | 1,000,000 | 2,960,000 | 2,245,000 | 7,484,000 |
| Ending Cash Balance | \$1,844,148 | \$4,324,679 | \$2,896,908 | \$8,672,165 |

| | <u>Water Impact Fee</u> | <u>Sewer Impact Fee</u> | <u>Electric Impact Fee</u> |
|----------------------------|-----------------------------|-----------------------------|--------------------------------|
| Beginning Cash Balance | 62,632 | \$38,516 | \$7,828 |
| Deposits | | | |
| Interest Earned this Month | | | |
| Disbursements this Month | | | |
| Investments | 850,000 | \$625,000 | \$250,000 |
| Ending Cash Balance | \$912,632 | \$663,516 | \$257,828 |

INTEREST THROUGH THE TWELFTH MONTH OF THE FISCAL YEAR:

| | | | |
|--------------------------|---------|------------------------|--------|
| General Fund | 7,650 | Water Fund | 1,146 |
| GF Capital Reserves | 23,116 | Water Bond Escrow | 257 |
| General Improvement Fund | 747 | Water Capital Reserves | 51,559 |
| Municipal Street Aid | 1,152 | Water Impact Fees | 13,140 |
| Real Estate Transfer Tax | 19,835 | Sewer Fund | 460 |
| Electric Fund | 4,842 | Sewer Capital Reserves | 37,190 |
| Electric Reserves | 118,232 | Sewer Impact Fees | 6,493 |
| Electric Impact Fees | 3,802 | Trash Fund | 938 |

TOTAL INTEREST EARNED TO DATE \$290,559

REVENUE REPORT

Page Two

Date: June 2011

AMOUNT BUDGETED

MTD

YTD

100% of Year Expended

YTD%

ACCOUNT

| | | | | |
|---------------------------------------|---------------------|--------------------|---------------------|----------------|
| Budgeted Fund Balance | 242,749 | 0 | 242,749 | 100.00% |
| General Fund Capital Reserves | 226,000 | 44,235 | 222,442 | 98.43% |
| Property Transfer Tax-Capital | 152,100 | 12,600 | 152,060 | 99.97% |
| Property Transfer Tax-Police | 500,000 | 41,667 | 500,000 | 100.00% |
| Real Estate Tax | 2,962,377 | 363 | 2,952,061 | 99.65% |
| Business License | 35,000 | 1,025 | 37,795 | 107.99% |
| Rental License | 85,000 | 100 | 84,150 | 99.00% |
| Building Permits | 30,000 | 1,847 | 64,364 | 214.55% |
| Planning & Zoning | 40,000 | 0 | 12,700 | 31.75% |
| Misc. Revenues | 346,775 | 121,400 | 366,642 | 105.73% |
| Transfers From | 3,215,480 | 267,956 | 3,215,480 | 100.00% |
| Police Revenues | 297,166 | 125,486 | 286,931 | 96.56% |
| Engineering & Inspection Fees | 40,000 | 2,480 | 50,421 | 126.05% |
| Total General Fund Revenues | \$8,172,647 | \$619,159 | \$8,187,795 | 100.19% |
| Water Revenues | 2,139,312 | 224,160 | 2,279,866 | 106.57% |
| Sewer Revenues | 1,966,956 | 189,017 | 1,917,643 | 97.49% |
| Kent County Sewer | 1,400,000 | 135,005 | 1,327,987 | 94.86% |
| Solid Waste Revenues | 1,107,265 | 115,804 | 1,104,975 | 99.79% |
| Electric Revenues | 26,975,565 | 2,661,987 | 28,051,755 | 103.99% |
| TOTAL REVENUES | \$41,761,745 | \$3,945,132 | \$42,870,021 | 102.65% |
| YTD Enterprise Expense | 93,960 | | | |
| YTD Enterprise Revenue | 114,715 | | | |
| LTD Carlisle Fire Building Permit Fee | 30,069 | | | |

EXPENDITURE REPORT

Page Three

Date: June 2011

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|--------------------|-----------------|------------------|----------------|-----------------------|
| City Manager | | | | | |
| Personnel | 337,780 | \$37,198 | 341,180 | 101.01% | (3,400) |
| O&M | 123,398 | \$15,388 | 121,533 | 98.49% | 1,865 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total City Manager | \$461,178 | \$52,586 | \$462,713 | 100.33% | (1,535) |
| Planning & Zoning | | | | | |
| Personnel | 174,735 | \$18,202 | 171,493 | 98.14% | 3,242 |
| O&M | 51,176 | \$5,095 | 33,414 | 65.29% | 17,762 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$225,911 | \$23,297 | \$204,907 | 90.70% | 21,004 |
| Code Enforcement & Inspections | | | | | |
| Personnel | 127,975 | \$10,654 | 123,387 | 96.41% | 4,588 |
| O&M | 62,245 | \$3,773 | 51,446 | 82.65% | 10,799 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$190,220 | \$14,427 | \$174,833 | 91.91% | 15,387 |
| Tax Department | | | | | |
| Personnel | 73,405 | \$7,830 | \$73,019 | 99.47% | 386 |
| O&M | 19,914 | \$2,476 | \$14,691 | 73.77% | 5,223 |
| Capital | 0 | \$0 | \$0 | | 0 |
| Total Tax Department | \$93,319 | \$10,306 | \$87,710 | 93.99% | 5,609 |
| Council | | | | | |
| Personnel | 31,225 | \$4,272 | 29,912 | 95.80% | 1,313 |
| O&M | 24,840 | \$6,840 | 23,369 | 94.08% | 1,471 |
| Council Expense | 20,500 | \$6,768 | 25,239 | 123.12% | (4,739) |
| Contributions | 436,734 | \$0 | 436,734 | 100.00% | 0 |
| Codification | 4,200 | \$0 | 3,092 | 73.62% | 1,108 |
| Employee Recognition | 9,107 | \$0 | 9,107 | 0.00% | 0 |
| Insurance | 16,420 | \$0 | 10,791 | 65.72% | 5,629 |
| Live Near Your Work | 2,000 | \$0 | 2,000 | 100.00% | 0 |
| Total Council | \$545,026 | \$17,880 | \$540,244 | 99.12% | 4,782 |
| Finance | | | | | |
| Personnel | 309,230 | \$30,318 | 310,219 | 100.32% | (989) |
| O&M | 60,900 | \$12,366 | 52,990 | 87.01% | 7,910 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total Finance | \$370,130 | \$42,684 | \$363,209 | 98.13% | 6,921 |
| Information Technology | | | | | |
| Personnel | 160,595 | \$12,955 | 161,549 | 100.59% | (954) |
| O&M | 171,000 | \$3,012 | 161,858 | 94.65% | 9,142 |
| Capital | 27,000 | \$0 | 26,960 | 99.85% | 40 |
| Total Information Technology | \$358,595 | \$15,967 | \$350,367 | 97.71% | 8,228 |

EXPENDITURE REPORT

Page Four

Date: June 2011

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|--|--------------------|------------------|--------------------|---------------|-----------------------|
| Police Department | | | | | |
| Personnel | 3,444,955 | \$361,126 | 3,407,658 | 98.92% | 37,297 |
| O&M | 486,411 | \$63,687 | 467,935 | 96.20% | 18,476 |
| Capital | 162,500 | \$0 | 159,537 | 98.18% | 2,963 |
| Total Police | \$4,093,866 | \$424,813 | \$4,035,130 | 98.57% | 58,736 |
| Streets & Grounds Division | | | | | |
| Personnel | 399,605 | \$41,033 | 399,230 | 99.91% | 375 |
| O&M | 386,551 | \$38,428 | 333,792 | 86.35% | 52,759 |
| Capital | 91,000 | \$9,235 | 90,405 | | 595 |
| Debt Service | 46,445 | \$4,435 | 46,446 | 100.00% | (1) |
| Total Streets & Grounds | \$923,601 | \$93,131 | \$869,873 | 94.18% | 53,728 |
| Parks & Recreation | | | | | |
| Personnel | 463,014 | \$54,898 | 457,970 | 98.91% | 5,044 |
| O&M | 247,566 | \$22,549 | 233,491 | 94.31% | 14,075 |
| Capital | 54,615 | \$47,600 | 54,615 | 100.00% | 0 |
| Total Parks & Recreation | \$765,195 | \$125,047 | \$746,076 | 97.50% | 19,119 |
| Engineering & Inspections | | | | | |
| Personnel | 162,225 | \$17,649 | 162,949 | 100.45% | (724) |
| O&M | 70,981 | \$10,223 | 58,120 | 81.88% | 12,861 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total Engineering & Inspections | \$233,206 | \$27,872 | \$221,069 | 94.80% | 12,137 |
| Less Interdepartmental Revenue | (\$67,600) | (\$4,677) | (77,677) | 88.67% | (9,923) |
| Net Engineering & Inspections | \$145,606 | \$23,195 | \$143,392 | 98.48% | 2,214 |
| Total General Fund | | | | | |
| Operating Budget | \$8,172,647 | \$843,333 | \$7,978,454 | 97.62% | 194,193 |

EXPENDITURE REPORT

Page Five

Date: June 2011

100% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|---------------------|--------------------|---------------------|---------------|-----------------------|
| Water Division | | | | | |
| Personnel | 211,695 | \$22,302 | 212,658 | 100.45% | (963) |
| O&M | 1,196,927 | \$124,450 | 985,603 | 82.34% | 211,324 |
| Capital | 640 | \$0 | 640 | 0.00% | 0 |
| Debt Service | 730,050 | \$278,655 | 730,047 | 100.00% | 3 |
| Total Water | \$2,139,312 | \$425,407 | \$1,928,948 | 90.17% | 210,364 |
| Sewer Division | | | | | |
| Personnel | 211,695 | \$22,300 | 212,617 | 100.44% | (922) |
| O&M | 1,099,611 | \$91,824 | 1,064,121 | 96.77% | 35,490 |
| Capital | 0 | \$0 | 0 | 0.00% | 0 |
| Debt Service | 655,650 | \$399,889 | 655,641 | 100.00% | 9 |
| Sewer Sub Total | \$1,966,956 | \$514,013 | \$1,932,379 | 98.24% | 34,577 |
| Kent County Sewer | 1,400,000 | \$135,878 | 1,327,914 | 94.85% | 72,086 |
| Total Sewer | \$3,366,956 | \$649,891 | \$3,260,293 | 96.83% | 106,663 |
| Solid Waste Division | | | | | |
| Personnel | 338,080 | \$31,478 | 292,659 | 86.57% | 45,421 |
| O&M | 701,185 | \$58,517 | 679,346 | 96.89% | 21,839 |
| Capital | 68,000 | \$68,000 | 68,000 | 100.00% | 0 |
| Total Solid Waste | \$1,107,265 | \$157,995 | \$1,040,005 | 93.93% | 67,260 |
| Total Water, Sewer Solid Waste | | | | | |
| | \$6,613,533 | \$1,233,293 | \$6,229,246 | 94.19% | 384,287 |
| Electric Division | | | | | |
| Personnel | 1,049,515 | \$100,773 | 956,470 | 91.13% | 93,045 |
| O&M | 2,013,055 | \$185,625 | 1,612,008 | 80.08% | 401,047 |
| Transfer to General Fund | 2,500,000 | \$208,333 | 2,500,000 | 100.00% | 0 |
| Capital | 245,000 | \$103,000 | 189,665 | 77.41% | 55,335 |
| Debt Service | 667,995 | \$370,000 | 667,995 | 100.00% | 0 |
| Electric Sub Total | \$6,475,565 | \$967,731 | \$5,926,138 | 91.52% | 549,427 |
| Power Purchased | 20,500,000 | \$1,872,535 | 20,806,398 | 101.49% | (306,398) |
| Total Electric | \$26,975,565 | \$2,840,266 | \$26,732,536 | 99.10% | 243,029 |
| TOTAL OPERATING BUDGET | | | | | |
| | \$41,761,745 | \$4,916,892 | \$40,940,236 | 98.03% | 821,509 |

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: June 2011

| ACCOUNT | AMOUNT BUDGETED | MTD | 100% of Year Expended | | UNEXPENDED BALANCE |
|--|--------------------|---------------|-----------------------|---------------|-----------------------|
| | | | YTD | YTD% | |
| Garage | | | | | |
| Personnel | 129,330 | 6,893 | 66,018 | 51.05% | 63,312 |
| O&M | 76,450 | 6,956 | 59,302 | 77.57% | 17,148 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Garage Expense | \$205,780 | 13,849 | \$125,320 | 60.90% | 80,460 |
| Public Works | | | | | |
| Personnel | 162,980 | 17,245 | 164,421 | 100.88% | (1,441) |
| O&M | 162,602 | 15,420 | 145,133 | 89.26% | 17,469 |
| Capital | 20,000 | 0 | 0 | | 20,000 |
| Total Public Works Expense | \$345,582 | 32,665 | \$309,554 | 89.57% | 36,028 |
| Meter Department-Water | | | | | |
| Personnel | 119,958 | 13,132 | 121,714 | 101.46% | (1,756) |
| O&M | 106,893 | 16,231 | 52,258 | 48.89% | 54,635 |
| Capital | 100,000 | 2,348 | 57,892 | 57.89% | 42,108 |
| Total Water Meter Expense | \$326,851 | 31,711 | \$231,864 | 70.94% | 94,987 |
| Meter Department-Electric | | | | | |
| Personnel | 227,489 | 24,277 | 228,468 | 100.43% | (979) |
| O&M | 162,173 | 6,565 | 77,975 | 48.08% | 84,198 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Electric Meter Expense | \$389,662 | 30,842 | \$306,443 | 78.64% | 83,219 |
| Billing & Collections | | | | | |
| Personnel | 434,621 | 46,264 | 431,108 | 99.19% | 3,513 |
| O&M | 179,051 | 17,432 | 162,371 | 90.68% | 16,680 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Billing & Collections | \$613,672 | 63,696 | \$593,479 | 96.71% | 20,193 |
| City Hall Cost Allocation | | | | | |
| Personnel | 0 | 0 | 0 | | 0 |
| O&M | 54,200 | 1,933 | 51,424 | 94.88% | 2,776 |
| Capital | 0 | 0 | 0 | | 0 |
| Total City Hall Cost Allocation | \$54,200 | 1,933 | \$51,424 | 94.88% | 2,776 |

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2011

A Meeting of the Public Works Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, June 28, 2011.

PRESIDING: Chairman Owen Brooks

IN ATTENDANCE: Committee Member: Councilman Dirk Gleysteen

City Manager David Baird and City Clerk/Recorder Terri Hudson

ALSO: Public Works Director Brad Dennehy and City Engineer Mark Mallamo

Erik Retzlaff and Randy Duplechain of Davis, Bowen and Friedel, Incorporated

Chairman Brooks called the meeting to order at 8:05 p.m.

Southeast Front Street Project

City Manager Baird said the intent of the meeting is to define the scope of this project and to provide the committee with some recommendations.

Erik Retzlaff of Davis, Bowen and Friedel, Incorporated then presented photos of the current conditions of sidewalks and curbing (see attached). He noted that many of the road and sidewalk areas have been patched but in a number of locations the curbing is almost nonexistent.

He reported that during the evaluations over the past couple of years, certain areas were selected for replacement. A decision is needed whether to do patchwork repairs or a full sidewalk replacement. Renderings were also presented showing the project with partial replacements and with the full replacement. If a partial replacement is done, the current sidewalks with different widths will need to be considered.

A drawing of the area with utilities buried was also provided. Mr. Duplechain noted the transformers and telephone pedestals on the poles that will remain above ground for environmental and maintenance reasons.

Mr. Brooks questioned the costs of moving the utilities underground; Mr. Retzlaff stated they are projecting adding an additional \$2.5 to \$3 million. Mr. Baird emphasized that is only an option though city council could make that decision.

Mr. Gleysteen feels that though it is expensive, the electric poles and lines are very sightly. His preference would be to bury the utilities and repair the sidewalks starting at the center of town and extending out approximately one-quarter mile. This could be accomplished over a period of time.

Mr. Retzlaff advised there a main feed for city electric, cable and telephone service that runs the length of Southeast Front Street. He explained that if the utilities are buried, services would need to be rerouted to every house and easements obtained. Also, once the new city utilities are in place, there is concern about potential damage to the roadways and sidewalks when the telecommunication services are tied in.

Mr. Baird stated that burying utilities from Walnut Street to the Columbia Street area has been discussed. He added that was the purpose of this meeting though it will also have to be presented to city council. A scope must be developed and costs determined which should include any easement acquisitions from private property owners.

The city manager pointed out the city does not have \$3 million and if council approves this project, it will need to go to a referendum.

When asked for a funding overview, Mr. Retzlaff advised that DeIDOT budgeted approximately \$890,000 for resurfacing

the street, installing ADA-compliant handicapped ramps and replacing specific curbs and sidewalks. The DeIDOT funds will not cover all the recommended repairs and will only cover the areas they feel are necessary. The city will need to pick up the balance.

Prior to repairing the streets, Mr. Retzlaff recommends the city correct any sewer, water and stormwater issues. Preliminary cost estimates for those improvements are \$690,000. The sewer work was included in the URS I&I study but removed because it needs to be incorporated into the entire project.

In response to Mr. Gleysteen's question, Mr. Retzlaff advised the sidewalk and curb repairs would occur along Southeast Front Street from Walnut Street over to Rehoboth Boulevard. However, not all the sidewalks are in need of replacement. Partial replacements will occur at locations identified on the map; full replacements are planned on the north side of the street from Montgomery east to Rehoboth Boulevard and along the south side from South Washington Street east to Rehoboth Boulevard.

Mr. Baird concurred noting they are in good shape from Charles Street out.

Mr. Retzlaff said at one point they were considering placing brick in the Southeast Front Street area, though a lot of the sidewalks are new. That would require them to tear up the new sidewalks to install brick sidewalks.

Mr. Brooks then referenced the brick sidewalk on the left side of Fisher and Charles that is overgrown with grass and weeds. He feels it would be advantageous to replace it with concrete because no one maintains it. Mr. Retzlaff pointed out a lot of property owners who have a small section of brick will more than likely want to keep their brick sidewalk which will be costly to replace. He also feels that continuity is needed to improve the overall appearance and uniformity in that area.

Mr. Brooks noted the parking problems in that area where vehicles frequently park on the sidewalk in the McColley/Marshall Street area. Mr. Baird suggests that prohibited parking be considered when the new sidewalks are installed.

Mr. Duplechain explained that currently, there is a great deal of broken curbing that is flush with the paving and allows vehicles to park on the sidewalk. The new curbing should prevent that from occurring.

Mr. Brooks recalled a meeting when this was discussed. The general consensus of the residents/property owners at that time was to make that area no parking.

Mr. Retzlaff then reported the preliminary cost estimates to resurface the road, new curb and sidewalks as designated and underground utility repairs are \$1.85 million. Utility repairs are for existing systems including sewer, water and stormwater systems.

The DeIDOT contribution will make up a portion though the scope still needs to be determined.

To cover the costs, Mr. Baird stated that city council is able to put in a special assessment for improvements to roads, sidewalks, curbs, etc. The special assessment would apply only to those properties impacted.

Mr. Retzlaff added the additional cost for a full replacement is \$375,000 which would take the project from \$1.85 million to \$2.225 million.

In regard to burying the overhead utilities, he noted that all costs were not included in the estimate; for example any costs associated with transformer relocations, etc. However, he anticipates it to be in the \$5 million to \$6 million range.

Mr. Duplechain advised that is a rough estimate and is based on preliminary discussions with Electric Department Superintendent Rick Carmean a year ago. The estimate includes burying city electric and some additional costs for telephone and cable. Some is the result of the main line running through that street. In addition, the homes along that street will cause the number to multiply.

Mr. Brooks confirmed the city will absorb the cost of placing the cable and phone lines underground.

When asked if any funds are available to assist in this project, Mr. Baird said that is possible though we cannot count on a lot of grant dollars. However, we will qualify for a low-interest government loan possibly thru USDA or some similar source.

Mr. Brooks feels the Washington Street project needs to be done and he would not want to include this project for fear it would fail. Mr. Baird explained the referendum could be all inclusive or on a per-project basis.

Mr. Brooks verified the Washington Street project will save the city \$400,000 and prevent any increases in our water fees. However, he is not confident a referendum will pass citywide that would bury utilities on Southeast Front Street and could create a possible increase of some sort.

Mr. Brooks said his problem is the \$3 million though he agrees that visually, the area would be much more appealing. Mr. Retzlaff then explained that if DeIDOT contributes the \$890,000 and agrees with the entire scope of the work the city is proposing, as a minimum, a partial replacement will cost the city \$960,000. A full replacement of the curb and sidewalks will be \$1.335 million.

Mr. Duplechain said those number include \$690,000 of utility improvements.

When asked where the \$1.335 could be obtained, Mr. Baird noted that \$330,000 is already being paid as part of the sewer project which would require another \$360,000 in other utility costs. Preliminary cost estimates are \$330,000 for sewer repairs, \$225,000 for water repairs and \$135,000 for storm drainage repairs. That leaves over \$.5 million in needed revenues in the general fund. Some of the municipal street aid money could be used and some legislative dollars though it will be tight.

Mr. Brooks said that the governor is planning to put another \$1 million into infrastructure and asked if that would be available; Mr. Baird said there is a possibility at the state level though the general assembly has not given the go-ahead.

Mr. Retzlaff reiterated there may be some problems with sidewalks that are currently wider than five feet they will be replaced with. Mr. Duplechain reported that a grass strip will be placed between those sidewalks and the curbing mainly for utility placement.

According to Mr. Retzlaff, some of the larger trees along the street will also need to be removed.

He then noted that from Charles Street back into town, the road is not wide enough to allow for parking on both sides of the street and two lanes of travel. Therefore, parking will have to be prohibited on one side of the street to prevent cars from parking on the sidewalks.

Mr. Baird advised that one of option being considered is to use the DeIDOT money to perform the scope of the work they planned. This includes curb depressions on each of the corners and street resurfacing. He noted the sections that are without sidewalks and wonder if it is worth installing new curbs that basically go no where.

He asked Councilman Brooks and Councilman Gleysteen if they felt it was worth the additional investment in this area or if the money could be better spent elsewhere.

Mr. Brooks pointed out this is a main artery into town and feels that completing the entire job will make a big impression; partial replacements will not be as appealing. Mr. Gleysteen agreed that if the street is dug up for water and sewer repairs, then resurfaced, he believes it would be worth burying the utilities. The guide to him is that this is in the middle of the city and major work is already scheduled. That part of town would get a big facelift and increase overall property values. This could encourage property owners to take better care of their properties. Mr. Brooks pointed out that most of the properties in this area of town are rentals and are not typically maintained.

Mr. Duplechain asked if the underground utility project should be restricted to a few of the blocks and not the entire street. Mr. Gleysteen asked if the costs included the area from Columbia to Walnut. Mr. Duplechain explained it was entire length of Southeast Front Street to Rehoboth Boulevard. Anything less would come at a lower price.

Mr. Baird recommends we continue to use the \$5 million number because we may encounter some unknowns.

Mr. Brooks is unsure if it would pass in a referendum though he agrees it would be the best option. Mr. Gleysteen said on the other hand, as a homeowner, he knows he is responsible for the sidewalks in front of his house which could also be considered.

Mr. Retzlaff then noted if you go beyond the five feet beyond the right-of-way into a property, an easement will be needed from the property owners. In order for the street to be widened, it should be widened to the width of the street from Charles to Rehoboth Boulevard. Mr. Brooks had initially asked the grass strip area be considered, though Mr. Baird pointed out that is needed to place the relocated utilities for pedestals and transformers.

Mr. Baird then asked for confirmation the committee agrees that full replacement of sidewalks (with the exception of the new sidewalks) down to Charles Street, address the utilities in the street and bury overhead utilities from Walnut Street to Columbia or beyond Calvary Church.

Public Works Director Dennehy expressed concern about the lack of uniformity of the sidewalks which is a safety and appearance issue. He would prefer the city take over the maintenance of the sidewalks to allow continuity.

Mr. Brooks confirmed the city has a sidewalk fund. Several funding options, including a special assessment for property owners, was also considered.

Mr. Baird said we will move forward with refining the project with a full sidewalk replacement, with the exception of the new sidewalks already in place and burying overhead utilities from Walnut Street to Columbia Street.

Mr. Mallamo confirmed the cost of curbing is relatively the same cost as sidewalk replacement per lineal foot.

Washington Street Water Plant & Billing Office

Mr. Retzlaff then advised we have an offer from the Drinking Water State Revolving Fund to provide 35% of the \$2.7 million budget in what is called principal forgiveness and is in the form of a \$1 million grant. The remainder is available at 1% interest. This would prevent a referendum and the reason the drinking water fund was considered. Under this scenario, the funding would be classified as short term borrowing which is based on the city tax assessments and is in the range of the \$2.7 million. The city could move forward without public involvement though the loan would need to be paid back in five years.

There is also an option to take the 1% interest rate on a thirty-year term. There are no significant costs if we went with the thirty-year term.

Mr. Baird reported the finance committee is presently reviewing that possibility. He explained that with the 1% interest, why pay the note off for the short term if we can hold onto the low interest and pay off some of the higher interest rate loans.

He reported the Washington Street site will be completely rehabilitated with the possibility of a complete demolition with the exception of the wet well and wells that currently exist. A new building will be constructed to house our billing staff. It will most likely be a two-story facility that will compliment the design of the library and the riverwalk. DBF Architect Mike Wheedleton was hired to work with our billing staff on the review and conceptual design from a space needs standpoint. It has been determined we will need between 3,500 and 4,000 square feet to accommodate the billing staff.

He advised that Downtown Milford and the Chamber of Commerce are currently leasing the space from the city in that building. He asked if the city has an obligation to house them and if so, a two-story building will be needed and their offices placed on the second floor. That would also provide growth potential to meet our future needs.

The city manager said it appears the building could be built on the same location as the current building. It would allow plenty of room for the utility improvements of the water system that are needed.

He pointed out the property is within the flood plain and the new building will need to be elevated. Any renovations will have to meet the building standards within the flood plain.

We have the cost for the water plant and for a portion of the building, but worked into that we need to determine what will be needed and we need to refine the cost and is holding us up from proceeding with the referendum proposal.

He wanted to provide a quick update so the committee was aware of its status.

Mr. Brooks said he does not believe there will be a problem with a referendum for this project because there is no cost to the citizens and it will save the city \$400,000. Mr. Baird agreed stating we need to make sure we have the correct amount for the referendum.

When asked approximately how large the building would be, Mr. Baird said that Mr. Wheedleton has estimated the first floor to be 3,500 to 4,000 square feet. When asked the dimensions, Mr. Duplechain believes it is a 50 x 80 building. Mr. Baird said a second floor will be considered in the future.

Status of Public Works Projects

Mr. Dennehy reported the city has hired Davis, Bowen and Friedel to handle the Water Facilities Plan and Sewer Facilities Plan. With the water plan, he reported that DBF is presenting evaluating the current water production and treatment processing. The aim is to create an operating plan that can be utilized by city personnel. That plan is almost complete and a draft is being prepared.

He added the funding for the Sewer Facilities Plan was also approved during the past couple months.

Mr. Retzlaff advised a model of the system is being built to determine where the bottlenecks are. The model is 75% completed; upon completion, they will go out to the facilities for inspections and check the utility services, conditions of the pump, conditions of the piping and make recommendations on repairs and improvements.

Mr. Dennehy stated there is a well at Seabury Avenue which has basically run dry. There has been some debate about whether to install a new well, rebuild the pump though it will depend on how much water is being produced and how much is needed. The cost of drilling a new well is approximately \$150,000.

With input from the installers and Mr. Retzlaff's recommendation, it was decided to rebuild the pump and re-drill the well at a cost of around \$50,000. This should bring the well back to the same capacity it was operating at before. This should buy enough time for a new well to be installed south of town.

Mr. Retzlaff clarified that instead of being re-drilled, it is being redeveloped which means we will use the same casing and a jet for a cleanout. That cost is approximately \$18,000 compared to the cost of \$100,000 to drill a new well. He feels this is a five to seven-year fix during which time the well can be re-evaluated.

Mr. Dennehy then reported they are addressing the standing water issue on Northeast Front Street across from Milford Fertilizer and trying to determine if it is a small leak or ground water. City staff tested the water and found chlorine and fluoride which leads them to believe it is drinking water and the result of a leak. Several older services were capped off and three old meter pits were removed. Currently, we are waiting for the results of an independent lab to see what is in the water. There are concerns of some potential contaminants because of the close proximity to the old city dump.

Mr. Mallamo advised that three bids are due Friday on the I&I Project. The three contracts are open cut sewer repair/replacement, sewer main liner installation and sewer lateral installation. The project was bid in the past and the sole bid came in higher than the estimate. Thereby, the bid was rejected.

He advised there are some issues with DeIDOT, particularly on Marshall Street, who are requiring we work 24 hours to speed up the replacement so the street can reopen. Mr. Mallamo is concerned with the associated noise and disruption to the area residents should that occur in addition to the potential increase in overall costs.

Mr. Mallamo anticipates some cost savings because the bid was split into three projects with more competition than the first bid.

The contract on the Water Tower maintenance was just finalized with a clause added for termination by the city as recommended by the city solicitor. It has since been approved by the city solicitor with the intent to get signatures so the water tower maintenance work can begin most likely in the fall.

The Washington Street Bridge is in its final stages of design by DeIDOT. It will be 80% funded by the federal government with city funds set aside for the balance. Plans started with precast concrete beams to reduce the long term maintenance costs. Due to the Verizon's duct bank of fiber optics that run beneath the bridge, we could not get it through the box beams. Therefore, steel girders will be installed which will increase the long term maintenance costs with painting required at some point in the future. The cost of the construction currently is the same or less.

He reported that bidding is planned for early spring with the award of the contract and notice to proceed immediately following the Bug N' Bud Festival. The time span of 180 days allows enough time for construction between that festival and the Riverfest.

Mr. Mallamo emphasized there will be a major disruption to traffic in the area, both pedestrian and vehicular. Upcoming paving projects include Church Street with the bid package being finalized now that the utility work is completed.

He explained that Columbia Street will tie into the contract awarded by Parks and Recreation Director Gary Emory for the riverwalk extension from Columbia Street Extended along the river and over to Goat Island. He also expressed concern about a rough section of Columbia Street that will be left unpaved though they are working on funding to address that as well.

Should additional funding become available, he hopes more streets can be scheduled.

With no further business, Mr. Brooks adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Teresa K. Hudson, CMC
City Clerk/Recorder

Attachment: Southeast Front Street Photos



Existing Condition



Partial Replacement



Existing Condition



Partial Replacement



Full Replacement



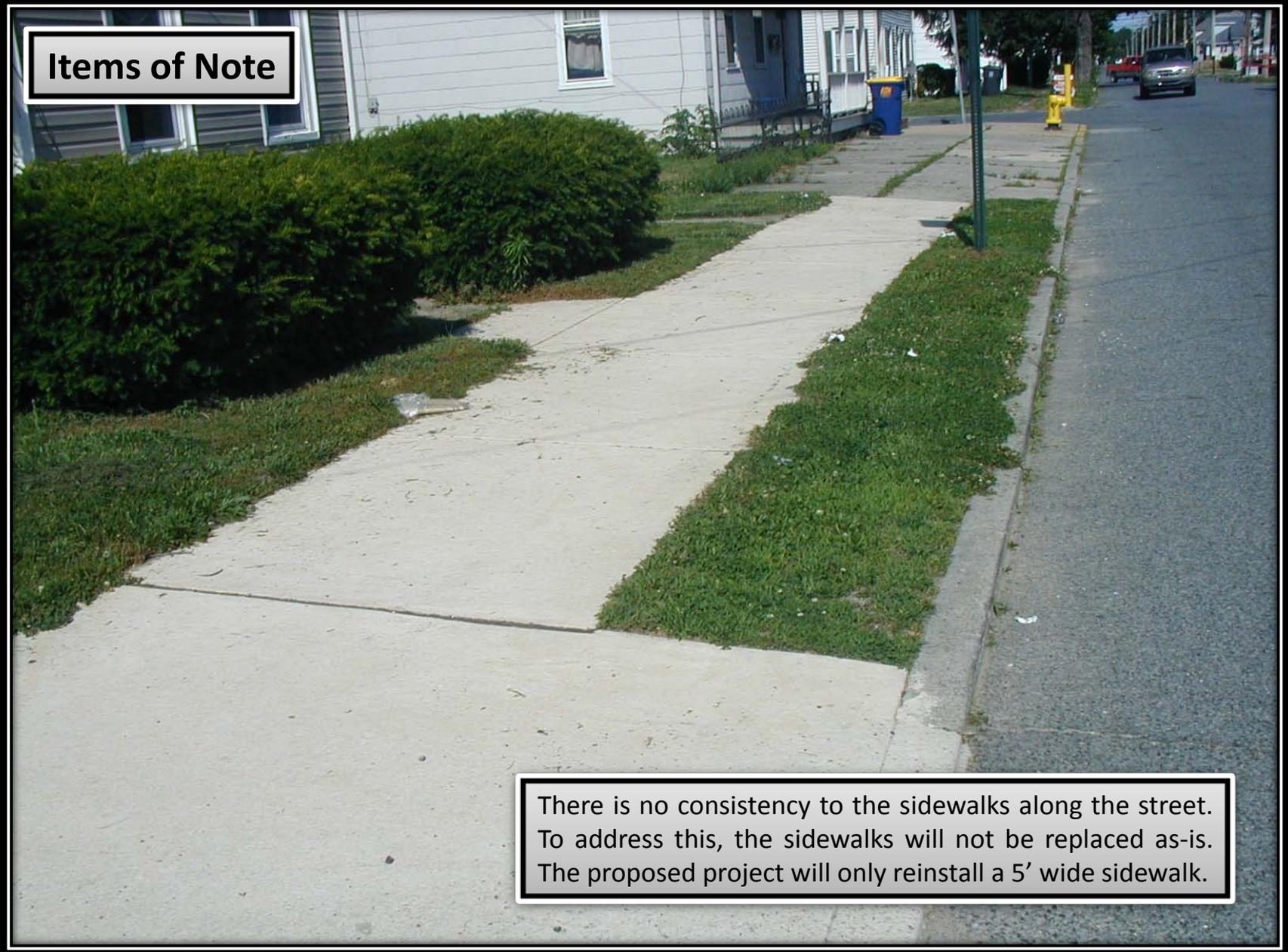
Full Replacement with Utilities Buried



Existing Condition

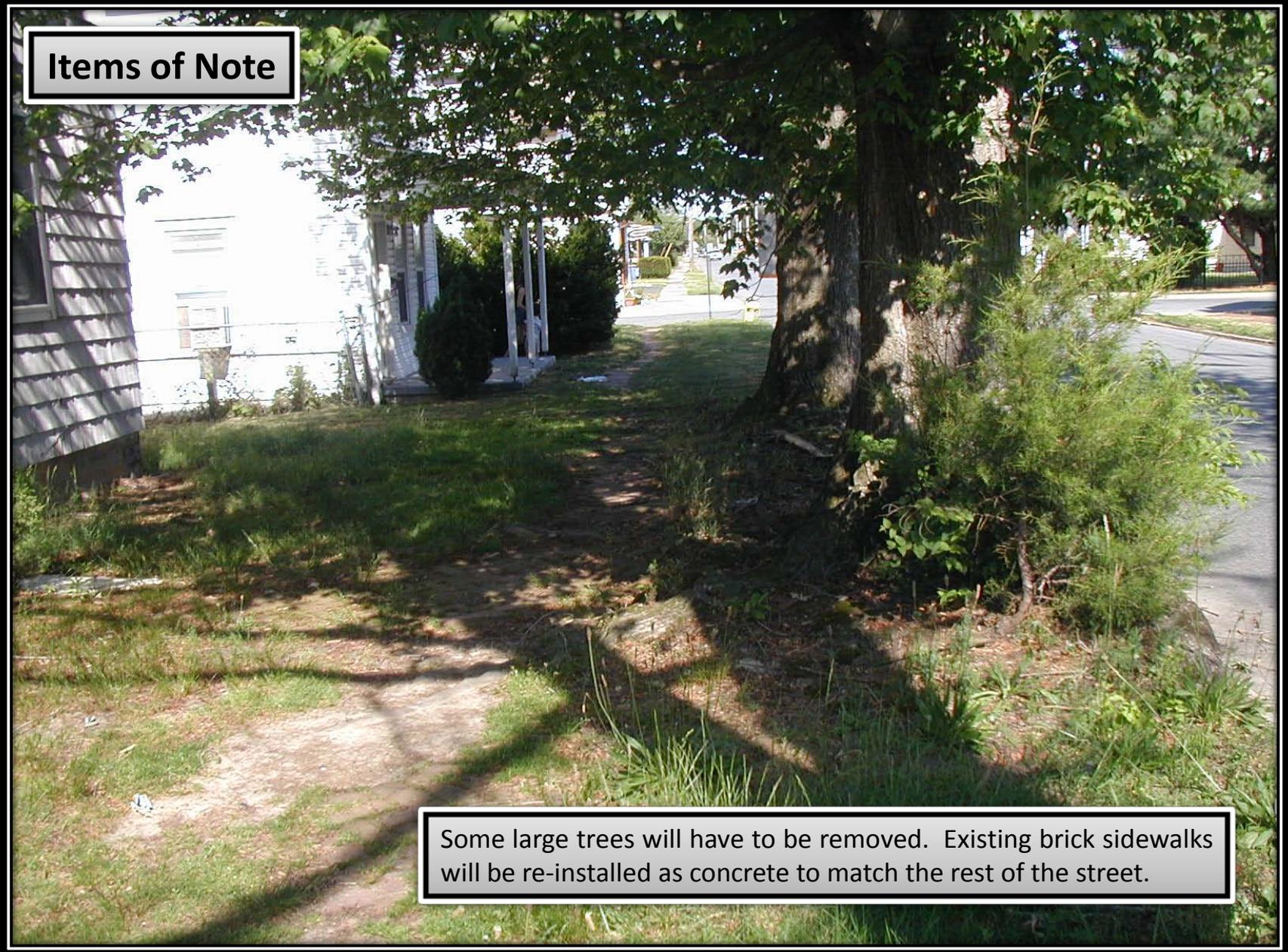


Full Replacement

A photograph of a residential street. In the foreground, a large, dense green bush is on the left side of the sidewalk. The sidewalk is made of concrete and has an irregular width, being wider in some sections and narrower in others. To the right of the sidewalk is a grassy area and a curb. Further right is a paved asphalt road. In the background, there is a light-colored house with a porch, a blue trash bin, a yellow fire hydrant, and a silver car parked on the street.

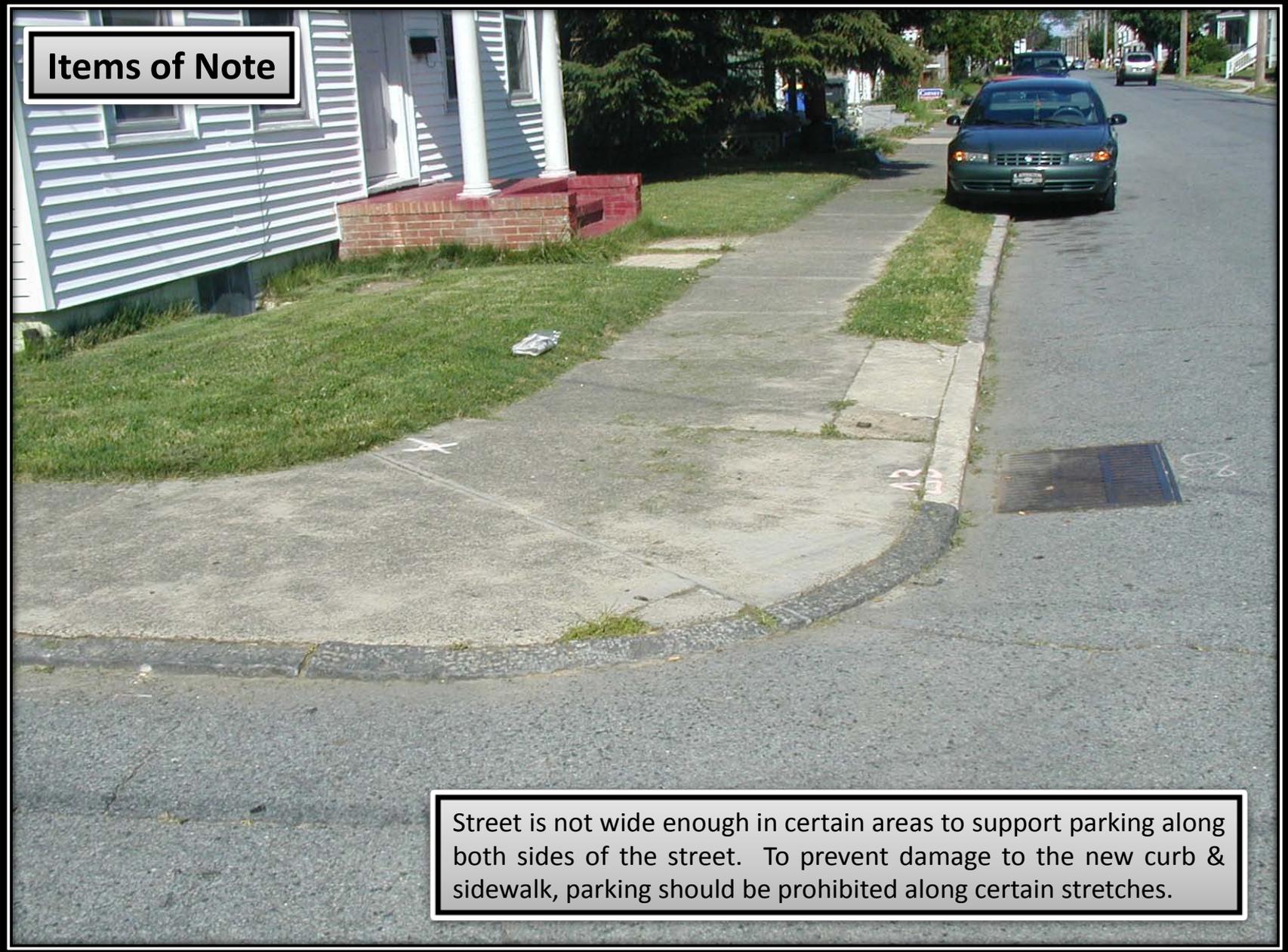
Items of Note

There is no consistency to the sidewalks along the street. To address this, the sidewalks will not be replaced as-is. The proposed project will only reinstall a 5' wide sidewalk.



Items of Note

Some large trees will have to be removed. Existing brick sidewalks will be re-installed as concrete to match the rest of the street.



Items of Note

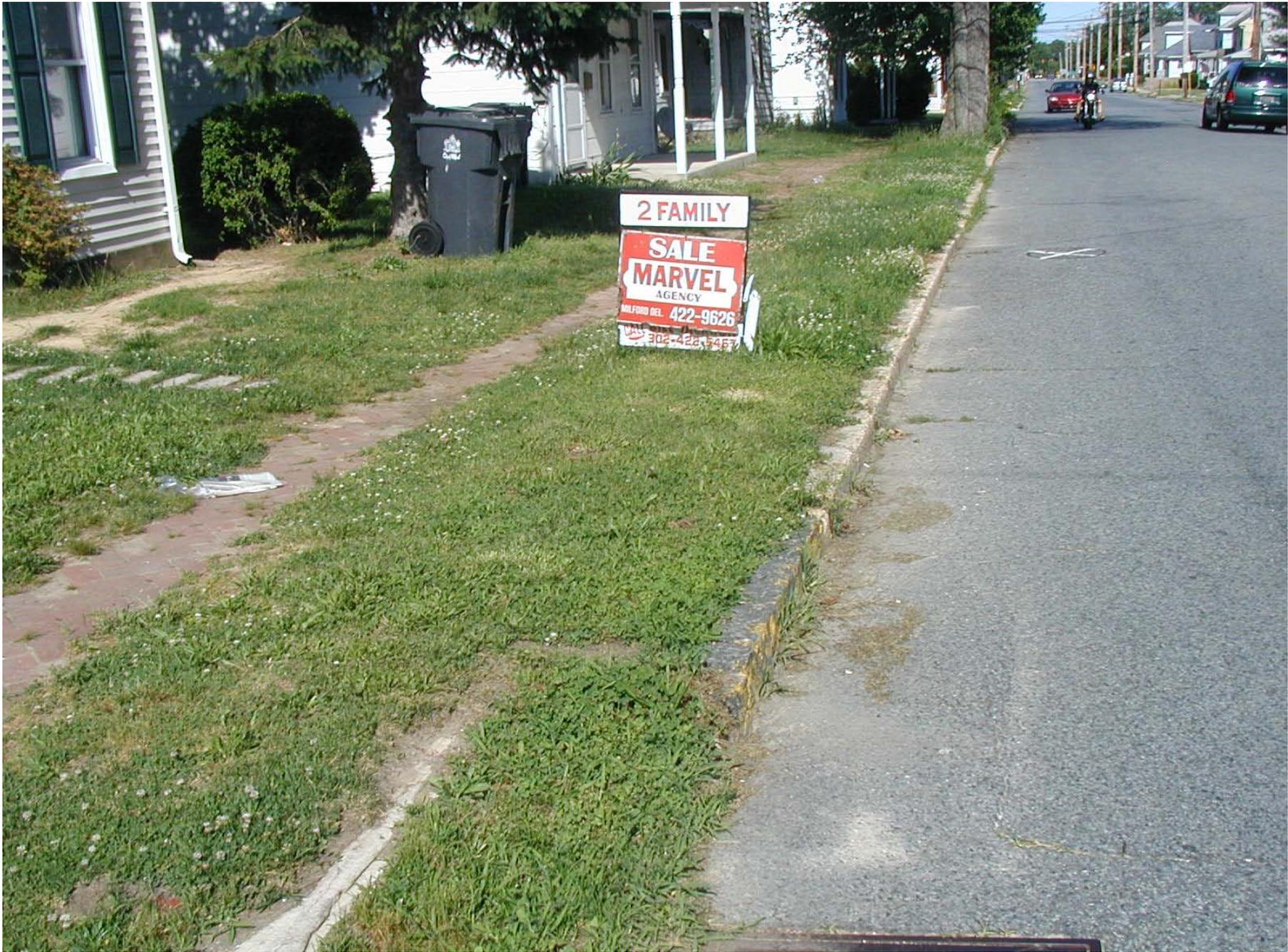
Street is not wide enough in certain areas to support parking along both sides of the street. To prevent damage to the new curb & sidewalk, parking should be prohibited along certain stretches.











2 FAMILY

SALE
MARVEL
AGENCY

MALFORD DEL. 422-9626

302-428-7457





MILFORD CITY COUNCIL
MINUTES OF MEETING
July 11, 2011

A Public Hearing was held in Council Chambers on Monday, July 11, 2011 to take comment on an update to the 2008 Comprehensive Plan by adding the Southeast Master Plan. This will provide a more detailed plan for land use including build-out calculations, detailed planning for the provision of infrastructure and services including timing, phasing and funding, partnerships and collaborative planning among different levels of government and a more predictable plan to address items necessary for implementation and commitments, agreements and time frames. The area covered is located in the Southeast Neighborhood, including lands east and west of State Route 1 and incorporates a number of existing and developing subdivisions.

RESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

Amended 2008 Comprehensive Plan to Include the SE Master Plan

Adoption Ordinance 2011-15

Mayor Rogers called the Public Hearing to order at 7:05 p.m.

City Planner Gary Norris reported to council on the most recent activities of Milford's Southeast Plan.

He advised that on June 16th, the Planning Commission held a meeting for public input for the Southeast Master Plan. At that time, residents expressed concern about the possibility of being annexed into the city. Mr. Norris explained the city is not pursuing annexations in the southeast planning area; however, any petition from a property owner would be reviewed for consideration.

At that presentation, one of the recommendations was to educate the Chamber of Commerce about the Southeast Master Plan because of the large area designated for employment. Mr. Norris responded by stating that our Economic Development Director Richard Carmean is familiar with the plan and is working on some employment possibilities for that area.

Concerns were also expressed relating to the transfer of development rights. The city planner reiterated that for the Master Plan and Transfer of Development Rights Programs to work, any land annexed into the city in the southeast planning area would have to be annexed as R-1.

Another comment referenced the other neighborhoods in the comprehensive plan and a question was asked if other master plans were being considered. Mr. Norris said that is an option for council to consider once this master plan is adopted.

Other suggestions were made for the city to keep track of the number of residential units constructed in the southeast planning area to see if the projection of 2% per year held true which Mr. Norris was planning to do.

There was also a question about the need for a water tower in the southeast planning area. The city planner responded by explaining the extra service in that area is needed for fire protection and should one of the older towers go down, it would provide backup and looping of the city's water services.

Prior to that, on May 21st, the planning commission for the City of Milford held an official public hearing. Major comments included annexation concerns specifically from Sapp Road residents who do not want to be annexed into the city. Transfer

development rights was also discussed with concerns expressed about sending areas. Mr. Norris again explained that in order for that program to work, there needs to be a sending and receiving area and that any land annexed in that area must be annexed in as R-1 and R-2.

Mr. Pikus asked the response of the residents once Mr. Norris explained our annexation procedure; the city planner stated there is still concern and those property owners remain adamant they do not want to be annexed.

Mr. Norris then emphasized that transportation improvements will be made to many of the roads. Once the upgrades are completed, speed limits would increase and additional traffic can be expected as well as possible congestion.

He added that DNREC had recommendations in relation to buffers near Cedar Creek though there are some requirements already in place by the state agencies.

Public utilities will also need to be constructed in the southeast planning area.

Mr. Norris then reviewed the responsibilities of the state agencies. DelDOT, in cooperation with developers and development, through tax increment and financing programs, will improve the roadways. The Department of Agriculture will oversee the transfer of development right's program. DNREC has recommendations regarding environmental protection along Cedar Creek and the source water protection areas.

He then advised the planning commission held another public hearing on June 21st, in addition, is the public hearing before city council this evening.

When adopted, Mr. Norris advised this will amend the Certified Comprehensive Plan for the City of Milford.

David Edgell, Office of State Planning, then addressed council stating that one of his roles in this project has been to compile information into the document. As the editor, he has received the written comments. He considers the comments to be simple clarifications and updates and nothing that would alter the basic goals, objectives and recommendation in the document. Mr. Edgell suggests that when council adopts the plan, these changes would be made to the final publication so the correct information is available.

Mr. Edgell then advised the document has been sent to a professional editor for grammar and punctuation changes. He also received written comments from Carol Bason of the University of Delaware who has helped with the land use model which includes a series of maps that depicted the various land uses. She read through the document with a primary focus on the chapter related to the model and clarified the terminology and language necessary for the software that is trademarked.

Mr. Edgell reported there were questions about the utility improvements. Randy Duplechain of Davis, Bowen and Friedel provided cost estimates regarding the sewer and water improvements that will be incorporated into the document. Additional comments received from Gary Norris were added to the utility improvement chapters.

Written comments were received from DNREC and in particular, Fish and Wildlife, that were not integrated into the original DNREC set of comments. Though lengthy, some minor points will be added to the DNREC section. He advised the DNREC section did encompass those comments with the exception of one or two clarifying points related to the importance of the Atlantic White Cedar species of trees in that area and fish and wildlife protection.

Another set of comments was also received from DNREC that asked questions about source water protection. After a review, those answers were fully covered in the Certified 2008 (as amended) City of Milford Plan. However, a map reference will be added to the document.

Mr. Edgell also received some written comments from Bruce Allen of DelDOT with final updates to the transportation chapter. Those updates were limited to more up-to-date graphics and pictures of the various intersection improvements shown in their chapter and some clarifying text.

Mr. Edgell concluded by stating that any other changes that council directs will be implemented into the final document.

Mayor Rogers then opened the floor to public comment.

Howard Webb of 5536 Cedar Neck Road asked who is going to administer the TDR Bank; Mr. Norris answered the Department of Agriculture.

Mr. Webb then stated that this type of planning is light years ahead of what Milford has been doing. However, unless the rest of the city is brought on, it will have minimal impact. He said that most of us will not live long enough to see the impact anyway because it is a slow progressing type of planning though he agrees it is a good start. It puts the city in control of the planning instead of the developer deciding where things should go.

He concluded by stating the entire city needs to be brought up to one standard and if not, he is unsure how this will work because there will be different standards.

No one else from the public had any comments and the hearing was closed.

Mr. Brooks then questioned the increase of speed limits caused by road improvements; Mr. Norris clarified that as the existing county roads are improved, there will be increases in speed due to upgraded conditions which will allow vehicles to travel faster. He further explained that currently, a road may have a 25 mile per hour speed limit, but when it is upgraded with ditches on either side removed and its lanes widened, that speed limit could be justifiably increased to 35 miles per hour.

When asked how this plan would impact the balance of the city, Mr. Norris explained it could have an indirect impact but not a direct impact. As an example, if the employment center is developed, there is the potential for housing in other neighborhoods. Those residents would also shop and eat in restaurants in other areas of the city.

City Manager Baird then noted that because there is a master plan in place, it makes it more attractive in making an investment to develop or redevelop in Milford. The goal is to allow an easier and quicker process for interested developers to move through the planning and approval process so that more activity can take place in Milford. However, to expedite the applications in this manner, the project must fit in the approved plan.

Mr. Brooks asked who pays for the road upgrades; Mr. Baird stated that is DeIDOT's responsibility. However, as the improvements are needed, some type of tax increment/financing or special development could be established so that developer contributions could help leverage state dollars. He explained that most will depend on timing and whether the improvements are needed in advance of any development. The state would then need to move those roads up on the list and bear the brunt of those costs though opportunities for partnership could be considered between the state and the developer.

Mr. Baird then acknowledged the effort put into the Comprehensive Plan and Southeast Master Plan by City Planner Norris. He also thanked David Edgell and Director Connie Holland of the Office of State Planning, Mark Davis from the Department of Agriculture and those that assisted from DNREC.

Mayor Rogers advised the final draft will be presented at the July 25, 2011 Council Meeting at which time it can be adopted.

With no further business, the Public Hearing was adjourned by Mayor Rogers at 7:27 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 11, 2011

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, July 11, 2011

RESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:27 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Gleysteen to approve the minutes of the June 6, June 9, June 13 and June 27, 2011 Meetings as presented. Motion carried.

RECOGNITION

No one was in attendance to be recognized.

POLICE REPORT

Police Committee Chairman Morrow presented the monthly report on behalf of Chief Hudson noting the increase in overall stats in 2011. Chief Hudson concurred stating that traditionally, officers become even busier during the warm weather months.

Mr. Pikus moved to accept the Monthly Police Report, seconded by Mr. Starling. Motion carried.

CITY MANAGER REPORT

Mr. Baird then read portions of the following report into record:

Solid Waste & Recycling

In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

| | Solid Waste | Curbside Recycling | Igloo Recycling | Yard Waste | Total | Diversion Rate |
|----------|-------------|--------------------|-----------------|------------|--------|----------------|
| May 2010 | 406.54 | 32.45 | 41.40 | 0 | 480.39 | 15.3% |
| May 2011 | 370.75 | 37.41 | 40.08 | 46.21 | 494.45 | 25.0% |

| | Solid Waste | Curbside Recycling | Igloo Recycling | Yard Waste | Total | Diversion Rate |
|-----------|-------------|--------------------|-----------------|------------|----------|----------------|
| 2009 | 4,684.38 | 442.44 | 545.68 | - | 5,672.50 | 17.4% |
| 2010 | 4,630.47 | 450.12 | 505.82 | 37.49 | 5,632.39 | 17.6% |
| 2011(YTD) | 1,649.04 | 199.18 | 201.71 | 138.8 | 2,188.73 | 24.7% |

Impact Fee Waivers

Since the waiver of impact fees was implemented in June 2010, the City has waived \$200,387 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$11,190,883 (based on building permit values) during the months of June 2010 through June 2011.

Wawa Property Sale

The City is proceeding with the sale of the Wawa property on NE 10th Street. Mr. Burton has informed us that he will not be exercising his right of first refusal on the property which puts Wawa in position as purchaser for the price of \$1.2 Million. We are currently working with Wawa on the subdivision plan that will separate the parcel into three pieces, one will be maintained by the City for the water tower and the remaining two will be conveyed to Wawa. The subdivision will need to be approved through the City's normal subdivision process and settlement will occur following that approval and the 30-day appeal period. It is anticipated this will be in late September or October.

Washington Street Water Plant & Billing Office

The initial building program for the billing office at the Washington Street site has been completed and we are projecting 4,000 square feet is needed for billing. Early indications are the site could accommodate this size footprint which would allow us to add additional floor space on the second floor to be used for future space and to continue our current lease arrangements with the Chamber of Commerce and Downtown Milford. We will continue to keep the Council and the Public Works Committee updated on our progress.

Electric Substation Project

The City has acquired the Fordmill Property and will be discussing the additional acquisitions needed during an Executive Session on July 11th. We continue to coordinate with Delmarva Power and are working to meet a schedule that will allow the interconnection work to be completed during the Fall. If we are not able to meet this schedule, the work will have to be pushed into the Spring and that may cause a delay in our final delivery of the project.

You will begin to see activity on the Fordmill site involving the pouring of concrete pads for the transformer, the installation of the transformers and fencing around the substation area.

Downtown Lighting Project

City Electric crews are continuing the refurbishment of the street light poles and light heads in the downtown area. They will be completing the final section on NW Front Street in the coming weeks which will bring the project to a close. The new light head are energy efficient LED lights and were paid for with a grant from the US Department of Energy. The LED lights are projected to save the City's general fund approximately \$2,300 annually in energy costs.

Electric Utility Rate Comparison

Residential Rate @ 1,000 kWh

| | | | |
|------------------|-----------------|------------|-------------|
| <i>Del Co-Op</i> | <i>\$121.31</i> | <i>0%</i> | <i>-20%</i> |
| <i>Lewes</i> | <i>\$137.37</i> | <i>13%</i> | <i>-10%</i> |
| <i>Dover</i> | <i>\$141.61</i> | <i>17%</i> | <i>-7%</i> |

| | | | |
|------------------------|-----------------|------------|-----------|
| <i>New Castle</i> | <i>\$152.13</i> | <i>25%</i> | <i>0%</i> |
| <i>Delmarva Power*</i> | <i>\$152.15</i> | <i>25%</i> | <i>0%</i> |
| <i>Middletown</i> | <i>\$154.74</i> | <i>28%</i> | <i>2%</i> |
| <i>Milford</i> | <i>\$155.27</i> | <i>28%</i> | <i>2%</i> |
| <i>Smyrna</i> | <i>\$158.48</i> | <i>31%</i> | <i>4%</i> |
| <i>Clayton</i> | <i>\$162.70</i> | <i>34%</i> | <i>7%</i> |
| <i>Newark</i> | <i>\$163.98</i> | <i>35%</i> | <i>8%</i> |
| <i>Seaford</i> | <i>\$164.45</i> | <i>36%</i> | <i>8%</i> |

Mr. Gleysteen asked how the city plans to meet the 50% diversion rate for solid waste by 2015. Mr. Baird said there is a need to promote the recycling more. There is still a lot of yard waste that is not being collected and dumped in various areas. Because it is the most labor intensive and most costly, that will need to be considered over the next couple of months.

He plans over the next couple years to provide more education to our customers. A large number of containers have been delivered though not all those customers are utilizing that service. However, he believes it is within the 40-50% range. In the meantime, the campaign should encourage more participation.

Mr. Gleysteen asked what will occur if we do not make the 50% rate by that time; Mr. Baird said there are no penalties in the legislation so it is unclear at this time.

Mr. Brooks asked how the other towns are doing, Mr. Baird said he has not seen any stats. Even if he did, he would be reluctant to provide the information because everyone may be reporting it differently. He feels that some of the beach towns may be factoring the trash they are collecting from their public areas which may skew the numbers. Milford is not yet collecting recycling in the multi-family areas because private haulers are being used in those areas. The private haulers are not obligated to provide the recycling service so we do not see those numbers. As a result, the numbers vary.

The city manager also pointed out there are very few towns in Delaware still collecting trash. Most have outsourced that service over the years. Milford provides the service at a lower rate than the private haulers while providing some additional flexibility to meet the public needs.

Mr. Starling asked if the solid waste collectors receive comparable salaries with other towns and services. The city manager said that when the salary comparison was done three years ago, they were evaluated against other municipalities and private haulers. They were competitive at that point and the city has kept those salaries up with pay adjustments over the past few years that many towns and haulers were unable to provide. He believes their pay remains competitive.

Mr. Baird then reported that Milford has fallen to the middle of the pack in electric rates as is the normal trend during the summer. Some of that drop is due to rate changes in other towns and specifically, the City of Lewes.

Mr. Brook moved to accept the city manager report, seconded by Mr. Pikus. Motion carried.

COMMITTEE REPORT

Economic Development Committee

Chairman Grier reported the Advisory Panel met last week and decided the business survey should be mailed on July 18th with a one-week turnaround. A number of property owners have agreed to put messages on local marquees as a reminder.

He asked council to encourage business owners to look out for the surveys in the green envelopes donated by First State Manufacturing and complete and mail them back as quickly as possible. .

Mr. Grier advised that Harvey Kenton resigned from the panel due to other commitments and a replacement is needed. The panel's preference is for a representative of the financial community. The consensus was to appoint Bryan Warnock to that seat.

He noted there may be another opening in the next couple weeks.

Mr. Grier moved to appoint Bryan Warnock from WSFS to the Economic Development Advisory Panel, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Public Works Committee

Chairman Brooks reported the Public Works Committee met on June 28th and discussed the Washington Street Water Plant and Southeast Second Projects. A presentation related to the sidewalk and utility projects was given by representatives from Davis, Bowen and Friedel.

Mr. Gleysteen noted that part of the discussion related to sidewalks not being maintained by the property owners. He recommends the city considering the transfer of the sidewalk responsibility from the homeowner to the city. In that manner, sidewalk improvements could be better coordinated over the next ten to fifteen years. He believes that would result in a better overall appearance and a more walkable community.

Mayor Rogers said he will put that in the hands of the public works committee for further review. He also asked the city solicitor to review the associated liability issues with the city taking over ownership.

Mr. Brooks recalled that he and former Councilman Clifford Crouch were members of a Sidewalk Subcommittee whose purpose was to rewrite the sidewalk ordinance. That ordinance established a sidewalk fund to assist property owners with sidewalk repairs.

Mr. Gleysteen asked if a property owner was ever forced to repair their sidewalk. Mr. Baird said it has been hit or miss as far as compelling homeowners to make improvements. If we receive a number of complaints, the city will intervene but has never actively gone out and identified problem areas that property owners were required to repair.

Mr. Starling then referenced the Northwest Front Street Condemnation situation which Mr. Baird reported is still in court.

COMMUNICATIONS

None to report.

UNFINISHED BUSINESS

I&I Project/Bid Award

Mr. Baird recalled that this project was bid in May during which time the numbers came in over budget at more than \$3 million. The bid was brought to council and rejected as a result. The project was then rebid through the URS Corporation.

City Engineer Mark Mallamo explained the project was rebid into one general contract and two specialty contracts. The total price dropped \$750,000 from the initial bid.

A summary of the bids are as follows:

Sanitary Sewer Rehabilitation - Phase 1
Contract Number SS-11-02
Open Cut

On July 1, 2011 at 10:00 a.m., bids were received at City Hall for the above referenced project. Teal Construction, Incorporated submitted a bid in the amount of \$986,000.00, A.P. Croll & Son, Incorporated submitted a bid in the amount \$1,112,276.75, Bunting and Murray Construction Corporation submitted a bid in the amount \$1,123,850.48 and JJID, Incorporated submitted a bid in the amount \$2,336,850.00. The URS review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on the review, it is recommended that Teal Construction, Incorporated be awarded the contract for SS-11-02 in the amount of \$986,000.00.

RE: Sanitary Sewer Rehabilitation - Phase 1
Contract Number SS-11-03
Cured-In-Place Pipe - Main

On July 1, 2011 at 10:00 a.m., bids were received at City Hall for the above referenced project. Insituform Technologies, Incorporated submitted a bid in the amount of \$277,932.10 and Pipevision Products, Incorporated submitted a bid in the amount of \$457,891.00. The URS review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on the review, it is recommended that Insituform Technologies, Incorporated be awarded the contract for SS-11-03, Cured-In-Place Pipe-Main in the amount of \$277,932. 10.

RE: Sanitary Sewer Rehabilitation - Phase 1
Contract Number SS-11-04
Cured-In-Place Pipe - Laterals

On July 1, 2011 at 10:00 a.m., bids were received at City Hall for the above referenced project. Musson Brothers, Incorporated submitted a bid in the amount of \$1,098,595.00, BLD Services, LLC submitted a bid in the amount \$986,520.00 and B. Frank Joy, LLC submitted a bid in the amount of \$1,094,800.00. The URS review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on the review, it is recommended that BLD Services, LLC be awarded the contract for SS-11-04 Cured-In-Place Pipe-Laterals in the amount of \$986,520.00.

Mr. Mallamo then advised that he received the URS Corporation proposal for the construction, inspection and management services of the project that totals \$225,000. He explained the importance of their expertise and in particular in the cured-in-place pipe liners which has never been done in Milford.

Mr. Pikus asked how much this will eventually save the city. He noted that currently we are processing groundwater that is being sent to Kent County; Mr. Mallamo explained it is difficult to answer because the city did not have enough money in the budget to complete all the work identified. Previous jobs that URS have handled in this region have seen as much as a 40% reduction though they will not make that claim in advance. He expects an approximate 25% reduction in inflow which should be a reasonable buy back to the city. Though we need to maintain it, we will definitely save overall operating costs.

Mr. Baird added that the Kent County program will provide EDU credits for any infiltration and inflow that is removed which will be an additional savings.

Mr. Mallamo's concerns are the sewers that require open trench work and are cracked and ready to fail. They will need to be cut out, removed and replaced. Should they fail, there will be no service and emergency work will be needed. Some of the work is more than I&I and should be considered routine maintenance that needs to be done citywide. They anticipate the new plastic pipes being installed will last fifty to one hundred years.

When asked about mapping of the sewer lines, Mr. Mallamo confirmed that everything is on AutoCAD with maps as backups. He reported there is also a GIS system that allows a person to zoom in on a particular manhole and pull up an inspection report. That system is updated as the work is done.

In addition, the sewer, water and electric lines have been exported from CAD into a file that can be overlaid onto Google Earth and can be shared with the entire staff.

All programs are backed up on the city network as well.

Mr. Gleysteen asked if there could be problems with the coordination of three contracts. Mr. Mallamo agreed that three contracts will be more difficult to manage and the reason they were initially combined into one. More effort will be needed in the construction phase as a result of the three contracts. However, the timing and release of the contracts will attempt to eliminate those conflicts to prevent them from working in the same place at the same time.

He explained that all three contractors are aware of the other work being done and have jointly attended prebid meetings where each project was discussed.

Mr. Mallamo emphasized there will be streets closings, traffic controls and detours associated with the project that will be an irritant to our residents.

The city engineer verified they are 180-day contracts. The project should start in approximately one month as the contracts and bonding issues are addressed.

Mr. Baird verified the city will provide street closing lists through our website and the media.

After reviewing the bids, Mr. Brooks expressed concern that the highest bid was more than double the lowest bid and wanted to ensure the project could be completed for the lesser amount. Mr. Mallamo assured council that references were closely checked and Insituform is one of the premier companies in cured-in-place liners and has been doing this longer than any other firm in the country.

Mr. Baird informed council that four awards are needed which includes the engineering services contract to URS in the amount of \$225,000.

City Solicitor David Rutt recommended deferring the URS award because it was not on the agenda and not included in the packet which prevented council from reviewing the contract. Mr. Baird stated that will delay the contract unless council provides some sort of a commitment. He will inform them though it will be their decision whether to proceed and take that risk.

Mr. Rutt pointed out it will also be a risk for the city noting Delaware Law requires items to be placed on the agenda in order to take action. He understands the agenda states I&I bid award, but the packet includes the three construction bids and nothing related to the engineering portion. He said it something that could be challenged.

Mr. Baird suggests that city council state their intent without a vote which may be enough for URS to proceed. Mr. Rutt recommends it be stated the intent is to award the bid to URS, pending the contract review by city council. However, city council and the public have the right to review the document as is normal protocol.

Mr. Pikus moved to award the Sanitary Sewer Rehabilitation Open Cut, Contract SS-11-02 to Teal Construction in the amount of \$986,000.00, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Mr. Brooks moved to award the Sanitary Sewer Rehabilitation Cured-In-Place Pipe/Main Contract SS-11-03 to Insituform Technologies, Incorporated in the amount of \$277,932.10, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Pikus moved to award the Sanitary Sewer Rehabilitation Cured-In-Place Pipe/Laterals Contract SS-11-04 to BLD Services LLC in the amount of \$986,520.00, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Pikus then stated that pending the review of the proposal and its placement on the next council agenda, it is councils' intent to award the bid for contract administration and inspection services for the I&I Project to URS Corporation, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Mr. Baird then noted the project budget was \$3 million; the total cost of the three construction contracts awarded and the URS engineering contract is \$2,475,452.00. He recommends the funding come from the bond proceeds sold last month for the sewer project.

Tyler Technology Proposal Review/Paul Miller/Project Supervisor

The city manager advised that he and Mr. Darsney have been in touch with the Tyler Technology representative, Paul Miller, over the past couple of weeks, sharing the comments expressed by council.

Mr. Miller of Tyler/CLT then introduced himself stating he works in the mid-Atlantic area. He oversaw Milford's project in 2002 noting a lot of changes have occurred since that time. He recalled they began that project with no data and nothing

computerized. At that time, they went door to door, measured every property, listed the property characteristics, entered them into a computer system, placed values on each property for the purpose of assessment, sent notices to taxpayers, had informal meetings with taxpayers and then created the official notices.

Mr. Miller said the goal in 2002, as it is today, is to lessen the long term costs because of the requirement to assess every ten years. He explained that when you go from nothing to a computerized program with data, the records and data are expected to be maintained from 2002 until the next reassessment. At that point, the updated values are needed which is less expensive and less intrusive to the public. He explained it may be not as encompassing as the job last time, but it is not as they hoped was proposed ten years ago.

Mr. Miller then explained that some of the factors. He said the real estate market has changed more than anything he has ever seen. From 2002 through today, there has been a large incline and then a drop off. On top of that, land use changes, mainly through annexations, also changed the city dynamics. Other than Milford and Smyrna, Mr. Miller does not work in any community that almost doubled in size during that time frame.

He recalls there were approximately 3,200 parcels last time compared to 5,700 now. With that becomes appraisal challenges because the main goal of an assessment is to maintain equity. He explained there are methods to track and value these properties, but when you inject outside factors such as time, that will affect it. The parcel count grew from 3,200 to 5,700. The city assessor needs to decide how he is comfortable handling this. He must choose whether to mail people a notice saying we are doing a re-valuation and not go door to door, reset the tables place values, mail values to the taxpayers, then hold hearings and provide the new assessments.

Mr. Miller said that is a small scope of work and had this been a nice stable no-grow time period with the market relatively flat, the city may have been able to get away with it.

He said the other factor is Mr. Darsney has not been in this position over that ten-year period. Mr. Miller is very impressed with his knowledge and grasp of the profession. He said assessors speak a different language and talk about equity and comparing things. Prior to Mr. Darsney, they worked with Randy Westergren whom they had little contact with after the re-valuation other than maintaining the software.

He explained that Mr. Darsney coming on board was another factor that caused the city, and in particular Mr. Darsney, to request the scope of the project be more encompassing. Mr. Miller said that if we fast forward ten years from now and Mr. Darsney leaves, though another person is trained using the same methodology, he images the scope at that time could be less and there would not be a need to go door to door.

Mr. Miller then explained the scope. Brochures will be mailed to every property owner though that was not part of the request. However, he feels that is necessary because they will be going door-to-door and that will provide some advanced notice. They will then visit every property with the associated property record card that contains the current data. They will knock on every door in the city and request to go inside. However, it is the decision of the property owner whether they let them in to see the interior of the house. If they are home, they will also request to measure the outside of the house. This verifies the data that is available.

He explained that not every property owner gets a permit for every piece of work done to their home. During that phase, they will discover any changes that have occurred or any errors on the property card. They will then mail a data mailer to each house which is the second interaction as they inform the public they are revaluing the property and provide the information. It will say that if anything is incorrect, please contact them for an appointment to make the corrections.

He added they do not always take the public's word and may need to ask for an inspection.

During this time, they will be in constant communication and work closely with Mr. Darsney. It will be his decision where they draw the lines.

While this is occurring, Mr. Miller said that house sales are being reviewed over the last three years though the focus is on recent sales. With the current market, there will be some difficulty because of the lack of information and sales. They

will also apply any kind of time trend the local market has. The tables are currently set to reflect the 2002 values and will be reset to the January 1, 2012 value for each property.

Notices will then be mailed and they will meet with any taxpayer who wishes. They will listen to their concerns and exchange information about the property. At that time, they will go back out and reinspect if necessary.

Mr. Miller said the goal will be to complete the entire process by March 31, 2012 and the assessments made official April 1, 2012. The city will then start their annual Supplemental Appeal process at which time they will provide three days of support for any large appeal that Mr. Darsney is unable to handle by himself.

Mr. Pikus then stated that ten years ago, the city purchased software and programs that were state of the art and it was implied at that time, it would be an easy update in 2012. Since 2002, there have been 700 new units built. Building permits were provided for each of the new units. The city had someone handling this until 2008. At that time, the city hired a full-time assessor. He asked if updates can be done using the information available from the building permits. Mr. Miller responded by stating that for re-valuation, the base premise is to take a date which this year will be January 1, 2012. On that date, everything in the entire city will be valued. For the next ten years, everything including new properties, annexed properties and improvements will be valued on January 1, 2012.

He said that neither Mr. Westergren nor Mr. Darsney would change tables and instead would use the 2002 value even if it were new construction. Prior to the software programs, there was only paper or property cards. With the software, they will go into the tables and adjust the rate. If a lot in 2002 was worth \$25,000 and is now worth \$40,000, only the rate will be changed.

He explained that Mr. Darsney has difficulty with the methodology Mr. Westergren used. When a new parcel is created or annexed or a 100-lot subdivision is approved, each of those individual properties needs to be input into the computer. The computer system is relying upon the person to do this consistently.

Mr. Miller confirmed he is an appraiser adding there is no Delaware license for assessors though he is licensed in Pennsylvania and New Jersey. He said there are thirty years between re-valuations in Pennsylvania so they often involve different assessors. He explained that if these assessors did everything the same, it would be a much smaller project. However, even when an assessor does something just a little different is reason for a larger scope.

Mr. Miller stated that Mr. Darsney is responsible as an assessor to determine the amount of work needed to create equity in Milford. If he were here only a couple years, Mr. Miller would also recommend the scope that was requested.

It was also pointed out that the re-valuation in Dover just completed was much larger. Mr. Miller compared it to selling in bulk and when selling a larger re-valuation, the price typically comes down. Milford's price per parcel is lower than Dover. Dover bid the project two years ago and they are a client who already has the data. They have many more complex commercial properties including Dover Downs, Dover Mall, Blue Hen Mall in addition to the colleges. Therefore, the dynamic was bigger so their price was higher.

He is aware they were the only bidder in Milford and thinks the price will hold the test.

Mr. Pikus then noted the boom that started around 2000 and in the market that began to bottom out in 2006-2007. He asked if errors were found and corrected during the downtime that followed. Mr. Miller then explained, using a 20-lot subdivision (as an example) that may have been annexed in 2004. He said that subdivision creates 20 new properties assessed at \$40,000 each. If Mr. Darsney discovered an error or felt the assessment was low, he does not have the ability to change those assessments until the re-valuation or until the parcel changes in some manner. He advised that assessments are only set during a re-valuation or should something change. If a home is built on one of those lots, the assessment can then be changed.

He stated that the assessor would be constantly chasing the market beginning in 2002, then chasing it down in 2009.

Mr. Miller stated that with all due respect, Mr. Darsney does not have the expertise to analyze sales and adjust land tables to be able to match the market.

He stated that with a room full of realtors, each will have a different opinion of the home's value. What Tyler is charged with is time-tested methods that meet the standards in this industry. They test the sales and expose them to the public and defend them.

Mr. Miller agrees that changing the tables is not a problem, but deciding what a market can be is difficult.

When asked how long it would take to add 700 new parcels to our records; Mr. Miller said he is unsure though they have a production rate when they have a card in their hand and the data collectors are going door to door. That rate also depends on the housing stock. In a suburban area, he would expect them to do 20 to 25 a day; a rural area will be different. His data collectors do not answer phones and are out in the field in the morning and continue all day.

Mr. Miller confirmed that 15 to 20 houses a day can be accomplished adding if they are going door-to-door, all they are doing is data collection.

When asked if the software and computer programs we purchased can be used by other companies, Mr. Miller stated yes noting that should another bidder be willing to do the work and learn, Tyler would provide them the necessary training.

Mr. Miller said there has been a movement in Delaware to require all three counties to re-value and have the state pay for the implementation of the software. He said competes with other companies and the majority of their work is earned through the bidding process. He feels that if the price given to Milford was compared to similar towns, it will be determined it is a fair price.

Mr. Gleysteen said his concern is about moving forward. He asked how the costs can be minimized ten years from now considering the software we are using now was purchased ten years ago and will the twenty-year-old software be able to be transferred into a new system.

Mr. Miller responded by stating they have multiple software solutions as do their competitors. The city will have multiple options when the time comes to replace the software. He said it will be costly for a municipality this size and currently, he does not feel that is justified. He is also unable to answer the question in relation to ten years from now. Milford uses Universe Software and most Universe clients use it longer than ten years. Unfortunately, he is unable to say if software replacement will be needed at that point.

Mr. Gleysteen asked if we have received any software upgrades since its original purchase; Mr. Miller said he believes they provide software support and handle any needed changes. He added that Milford is on continuing annual support which includes any upgrades that become available. However, he is unsure if Milford has taken advantage of that which would keep it current.

Mr. Gleysteen confirmed that upgrades will continue to be provided in the future; Mr. Miller states yes. He reported their newest program is World which was developed in 1989; Universe was developed in 1985.

Once this project is behind him, Mr. Miller said that Mr. Darsney plans are to take small steps with new construction and to begin tracking the marketplace. He believes that if he was here in 2002, the job would be smaller because he would be comfortable with the work that was done prior to him. However, another assessor cannot be asked to bless the methodology of how things were handled prior to him.

He also noted the IAAO (International Assessors Association Organization) has standards and though they leave some discretion to the assessor, they prefer a field visit every six years and Milford is outside of that scope.

Mr. Gleysteen asked if Tyler offers an audit service every so often to ensure we are keeping track of the progress. Mr. Miller indicated yes noting they also offer new construction services. He said that when Mr. Westergren was leaving and before Mr. Darsney was hired, Mr. Darsney called Mr. Miller regarding the new construction Tyler (CLT) picked up in Smyrna. He asked how if Tyler could handle the new construction in Milford.

Mr. Miller stated that he has spoken to Mr. Darsney enough to believe he understands it so he suggested he do it. He said a new home is only part of what an assessor does. For example, people often get permits for a siding job and end up doing

a lot more which is why it should be inspected. However, it is not overwhelming and he is confident Mr. Darsney can handle it.

He said that Mr. Darsney then requested training and Milford Tyler for five days of training him.

Mr. Miller pointed out this is a partnership and they hope to be able to continue the relationship. They are able to provide a number of services. He recalled the county paying them \$3 a parcel to help with part of their last re-valuation. However, they managed it themselves and hired approximately fifteen people. They ran a report and found every property that had not been inspected in the previous five years. They would be willing to do that in Milford as well noting Tyler is the best of the best and is proposing a great rate for Milford.

Mr. Pikus then asked for clarification about whether Milford has a contract to come back and see what is going on every five years. Mr. Miller confirmed that had never been done. If properly trained, Mr. Miller indicated that would not be needed. He advised that Mr. Darsney had discussed some IAAO courses in the future. In that manner, he would be capable of running the stats.

In addition, Mr. Miller stated that if Milford wants a consultant, they can do that as well. However, Mr. Darsney is unable to say that because he has been here three years and is unable to bless the past ten years considering the IAAO standards.

Mr. Miller said all he can state is there were two different people that maintained this system over that ten-year period. He is unable to report if it was not updated or kept current throughout that time period. The scope of work requested by the city is for a door-to-door re-valuation with an additional 2,500 parcels. To lower the fee, he said the scope would need to be reduced which means the door-to-door was not necessary. The assessor needs to be comfortable with the manner in which the information is collected to ensure every taxpayer in Milford pays their fair share and not a penny more or a penny less.

Mr. Miller said he would have answered a different scope had the city requested it.

Mr. Morrow asked Mr. Baird who made the determination that the system was not kept current. Mr. Baird said there were a number of factors in that decision. Mr. Darsney shared the information with Mr. Baird. He said the decision was based on property values over the past couple of years, the amount of rapid growth we encountered and the fact we had a contractual assessor and are unsure of the methodology used during his term with the city. He said they also considered the track record of the assessor in other communities which raised a lot of questions.

Mr. Baird said that is when it was decided to guarantee the accuracy versus doing a smaller scope of work. It ensured the end result would be a product that we could be confident in. That is how the scope was developed in the form of a more detailed re-valuation.

Mr. Miller said he has only worked with Tyler clients Smyrna and Dover and the scope has been the same. He believes Seaford and Delmar both went out to bid with the door-to-door scope but neither of them use Tyler. Smyrna also has a ten-year cycle which he believes was last completed in 2005. However, Tyler maintains their data because Smyrna does not have an assessor on staff. Dover has an assessment office with three people but went out with the same specs.

Mr. Miller asked for a possible time frame for the approval. He advised they have a real estate appraiser that lives in Smyrna who is licensed in Delaware as a real estate appraiser that he has earmarked for this project. However, for the next couple of weeks, he will be working in Massachusetts. He would like to start the project during the warmer months though the photos will probably be taken in the fall when there is less foliage.

Mr. Baird agreed that in order to get everything completed by this time frame next year, the project should start in early to mid August. The city manager informed Mr. Miller that as soon as a decision is made, we will proceed.

Mr. Miller left at this time.

Mayor Rogers asked councils' pleasure.

Mr. Gleysteen stated he is convinced it needs to be done. To him, Tyler appears to be a reputable company and he understands the need for the scope as has been described.

Mr. Gleysteen moved to award the proposal to Tyler Technologies for \$261,200, seconded by Mr. Johnson. Motion passed by a vote of 6-1.

Mr. Grier stated he votes yes but with an emphasis that strong management of the data is needed over the next ten years and that all available upgrades should be utilized to lessen the cost in 2022.

Mr. Pikus votes no stating that he has a problem with the manner in which the bid was handled and the method in which the property records appear to have not been maintained. He feels it needs to be corrected.

Mr. Gleysteen votes yes stating that in addition to the recommendations stated, he suggests a periodic audit be done to ensure it is being kept up and that our costs are minimized during the next reassessment.

Mr. Brooks votes yes but he is not pleased with the entire manner in which it was handled. He still has questions why no other company bid the project. However, he also understands the reassessment is required every ten years. He said the bid was advertised and only one company responded. He is also unhappy with what council was told ten years ago compared to what has occurred this year.

Mr. Morrow agrees with Mr. Brooks and wishes we had received another bid so council would have some comparisons. However, he also understands the challenges of rebidding the project. He agrees with Mr. Grier that things need to be correctly put into place and that it must be reviewed every three to five years to ensure the work is being done. He said that ten years from now, the current (city) assessor could retire and council will hear the same spiel again. He cannot guarantee the cost will ever go down, but is very unhappy with the entire system at this point, but will vote yes.

Mr. Starling votes yes and adds that someone needs to work on this continuously over the next ten years and not wait until the next reassessment. He agrees that someone is needed to come in and check on the system on a regular basis and at least every three years or so because it appears that has not been done since 2001. Because we have only one bid, there are no other options which he feels is a problem.

Mayor Rogers suggested that some rules be put in place, which the city manager can handle, then return to city council with a follow up. Mr. Baird agreed.

Planning Commission Vacancy

Item deferred until the July 25, 2011 Council Meeting.

City of Milford Ward Boundaries/Realignment

Mr. Baird recalled the maps being presented at the last council meeting adding the minimal feedback received was positive. If council is ready to proceed with the maps as proposed, an ordinance will be prepared for introduction at the July 25, 2011 meeting. That would begin the formal process whose timeline would ensure they would be in place for the city's 2012 general election.

Mr. Brooks confirmed the new boundaries meet all of the charter requirements; Mr. Baird stated it does.

Mr. Pikus moved to proceed with the realignment as is being presented.

Mr. Johnson then noted that ward one appears to be one of the fastest growing wards with the largest number of people. He said that in three to four years, ward one may have a couple hundred more residents. He suggests it be made smaller to allow for the potential growth.

Mr. Brooks pointed out there are a number of developments that have been approved in all four wards. Not knowing which will be the first to build still needs to be determined and could impact the numbers in any of the four wards.

Mr. Baird agreed there are large residential projects on the table in each of the four wards. Mr. Gleysteen also noted the potential for a fifth ward if needed.

Mr. Baird recommends we proceed with the boundaries shown on the map to allow for the preparation of the ordinance.

Mr. Brooks then seconded the motion. Motion carried by unanimous roll call vote.

NEW BUSINESS

Planning Commission Reappointments/Replacements

Matter deferred until the July 25th City Council meeting.

Bid Award/Compact Track Loader/Electric Department

Sealed bids were received, publicly opened and read on June 22, 2011 for a Compact Track Loader. The following two bids were received:

| <i>Bidder</i> | <i>Truck Bid</i> | <i>Manufacturer</i> | <i>Trade In Value</i> | <i>TOTAL</i> |
|-------------------------|------------------|---------------------|-----------------------|--------------|
| Burke Equipment Company | \$44,653.05 | 2011 Bobcat | \$9,000.00 | \$35,653.05 |
| Alban Tractor Company | \$48,391.00 | 2011 Caterpillar | \$7,500.00 | \$42,952.00 |

A letter from Rick Carmean indicates he reviewed the bids and recommends acceptance of the proposal offered by Burke Equipment Company in the amount of \$35,653.05.

Mr. Baird advised this item was approved in the capital improvements budget adopted by city council in June.

Mr. Brooks moved to award the bid to Burke Equipment in the amount of \$35,653.05, seconded by Mr. Starling. Motion carried with no one opposed.

FINANCE REPORT

Chairman Pikus reported that through the eleventh month of Fiscal Year 2010-2011 with 92% of the fiscal year having passed, 93.37% of revenues have been received and 86.38% of the operating budget expended.

Noting the budget is in great shape due to good, fiscal management, Mr. Pikus moved to accept the May 2011 Finance Report, seconded by Mr. Grier. Motion carried.

Executive Session

Mr. Pikus moved to go into executive session, pursuant to 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for any publicly funded capital improvements, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the regular Council Meeting at 9:08 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 9:18 p.m.

Calhoun Farms LP and Geyer Land Purchases

Mr. Pikus moved to enter into and ratify the contract with Calhoun Farms in accordance with its terms as discussed, to be paid by bond proceeds. Mr. Grier seconded; motion carried by unanimous roll call vote.

Mr. Pikus moved and seconded by Mr. Grier, to enter into and ratify the contract with Bruce and Susan Geyer in accordance with terms as discussed, to be paid by electric reserves. Motion carried by unanimous roll call vote.

ADJOURN

With no further business, the Monthly Meeting was adjourned by Mayor Rogers at 9:19 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 20, 2011

A Meeting of the Finance Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, July 20, 2011.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Member: Councilman Douglas Morrow Sr. and Garrett Grier III
City Manager David Baird and City Clerk/Recorder Terri Hudson

The meeting was called to order at 8:15 a.m. by Chairman Pikus.

Executive Session

Mr. Pikus moved to go 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, seconded by Mr. Grier. Motion carried.

The committee proceeded into a closed session at 8:16 a.m.

Return to Open Session

The committee returned to open session at 8:48 a.m.

Executive Session Matter

The committee agreed that the recommendation discussed in the meeting would be presented to City Council on July 25, 2011. Mr. Baird offered to write the recommending motion for Mr. Pikus.

Financial Issues-Electric Rates

Mr. Morrow asked if the increased DP&L rates in Maryland will affect Milford. Mr. Baird stated no, though a couple of things are being considered.

The city manager reported they met with Perdue whose contract expires in October or November. They plan to shop electric; however, our full requirement contract with DEMEC requires them to purchase their power through the city. He said they are asking to go out on the market, purchase on their behalf and still pay the city and DEMEC their margins. Mr. Pikus confirmed they have to pay the city the delivery costs for the electric.

Mr. Baird said they are determining if the city can allow that based on the full requirement contract. Mr. Morrow asked if that would be permitted only by the corporate customers or if other customers be permitted. The city manager said he prefers allowing only contract users but is unsure if it can be restricted to one classification.

Mr. Pikus commented that at a minimum, the other two contract users, Seawatch and Cold Storage should be offered the same deal.

Mr. Baird noted that the city has the ability within our current tariff to negotiate rates for our three contract users. However, the city has some legal and contractual issues, along with the rate component, that need to be considered.

ADJOURN

Due to the time and start of the business day, Mr. Pikus moved to adjourn the Finance Committee Meeting, seconded by Mr. Grier. Motion carried.

The Finance Committee Meeting was adjourned at 8:55 a.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 25, 2011

The Milford City Council held Public Hearings on Monday, July 25, 2011 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Rogers called the Public Hearing to order at 7:02 p.m.

Board of Revision and Appeal Hearing

The mayor announced the Board of Revision and Appeal hearing was canceled because no property tax appeals were filed.

Zoning Code Amendment/Outdoor Woodburning Furnaces/Adoption of Ordinance 2011-5

City Planner Gary Norris reported on the action of the City of Milford Planning Commission in relation to this ordinance.

He advised that on June 21, 2011, a public hearing was held before the Planning Commission at which time they approved the ordinance by a vote of 5-0 with the following comments/questions:

- *Stacking of wood in the front should be prohibited or appropriately screened;
- *Wood stacks should not be in heaps or piles;
- *Concerns regarding the height of a stack of wood;
- *Year property was purchased and year woodburning furnace installed;
- *At that time, there was no code for the installation of the woodburning furnace;
- *The existing home has seven fireplaces which could be worse;
- *Have complaints been investigated by the city or DNREC;
- *How complaints have been recorded;

On July 19, 2011, the planning commission again reviewed the matter. By a vote of 6-1, a motion to approve the ordinance failed. Below are some of the commissioners' comments/concerns expressed at that time:

- *Time to remove the woodburning furnace too short.
- *Definition of the stacking of wood, including how high and how neat.
- *Definition of three-inches for wood to be burned.
- *Possibility of wood burning furnaces being grandfathered.
- *DNREC should have been informed to perform some air quality measurements.

Council had no questions at this time.

Mayor Rogers then opened the floor to public comment.

John Webb of 610 Southeast Second Street then read into record the following statement:

I have been a resident at this location for 33 years. He has a study done by the Environmental Protection Agency and this is a quote: "The design of an outdoor wood furnace does not allow for complete combustion, and thus generates large amounts of dense smoke. When it leaves the stack, the smoke is much cooler than smoke from other woodburning appliances. The firebox inside the shed of most outdoor wood furnaces is fully surrounded by a water jacket. This causes

the wood fire to remain well below the needed 1,000 degree-Fahrenheit temperature for a complete burn. The slower, cooler fire is inefficient and creates a great deal more smoke, carbon monoxide and creosote. The large amounts of wood smoke, like the plumes from the outdoor wood furnace cannot be kept out of neighboring houses, even those with tight windows and doors. It is a public nuisance that has a significant impact on neighbors quality of life."

The law says a neighbor cannot interfere with your way of life. By us not being able to open our windows or hang out our clothes or just sitting out in our yards, is interfering with our way of life. When the smoke comes into my home and causes my furniture, drapes, carpet and bedding to smell and reek of smoke, I feel it is causing property damage. The smell of smoke stays in my house and on my furniture for three or four days after the winds have changed. By the time my house clears the smell of smoke, the wind will change again and the smell of smoke is back. So my house smells of smoke all the time the outdoor wood furnace is burning.

There have been times the smoke is so heavy that we wake up in the middle of the night wondering if our house was on fire. It is that thick. There has been a lot of times that we are forced to run our clothes dryer because of the smoke outside. Or we have our clothes on the line and the wind changes and it is stinking up our clothes with smoke so we have to rewash them.

Do you know how long it takes to go to sleep when you have your face in a pillow full of smoke. It takes quite awhile and you don't get used to it. These outdoor wood furnaces are also a danger of a liquid fire caused by creosote that is not being burned off due to the fire not being hot enough. The creosote will build up in the walls of the stove pipe and burst into flames. A liquid fire is a very hard fire to control and put out. These outdoor wood furnaces are not UL approved and are not regulated for safety. They have no regulations on them at all. That is why the smoke so bad and they are a fire hazard. All the studies that were made on the outdoor wood furnaces were burning seasoned hardwood. When burning greenwood, it smokes five to six times more than seasoned hardwood. If the wood is pine or an evergreen, in which these types of woods have more sap in them, they will smoke up to ten times the amount of seasoned hardwood. These outdoor wood furnaces are able to burn greenwood and able to burn sappy woods, but that does not mean that you should.

The smoke is so heavy at times it looks like there is a dense fog over the neighborhood. The original purpose of these outdoor wood furnaces was to heat outbuildings such as sheds, barns and hunting cabins. Because of their popularity, they have also undergone increased scrutiny for the many potential dangers. The main danger of an outdoor wood furnace is the emissions released. These include the ash and the smoke from the boiler. Health risks are also a danger because of the carbon particles released through the smoke and ash. Breathing problems can occur in neighbors who otherwise used to be healthy. These outdoor wood furnaces were designed to be in the country and not in the city.

I have complained to Mr. Carr about the smoke on a regular bases for the past three years. They have done nothing. All the wood that Mr. Carr is putting in this outdoor woodburning furnace is not seasoned; it is green and it is pine. This wood cannot be burned in a fireplace or a wood stove because of the emissions that are being released within the household. These emissions can, and will cause death if burned in the household. The creosote that unseasoned or sappy woods create can cause a stove pipe fire or a fire in the base of the wood stove. So let me make my self clear. This is not a wood stove like the Carrs would have you to believe. But this is an outdoor wood furnace. There is a very big difference between the two of them. The photo you have of Mr. Carr's wood pile is all pine wood. Not one piece is hardwood or oak. It is also unsplit.

It also takes six to twelve months to cure or season hardwood after it has been split and longer if it is pine because of the sap in the wood. You also have two photos of stove pipe, one of Mr. Carr's that is three years old and black around thirty inches down, showing that it is not burning clean and that it is going to the ground. The other pipe is six-years-old and from a wood stove. It looks brand new and shows it is burning clean and going into the atmosphere where it is supposed to.

We, the surrounding neighbors, do not want the outdoor wood furnace grandfathered in due to the fact of all the health risk and fire hazards that it is imposing on us. We want the same air quality that we had before this outdoor wood furnace was installed inside and outside of our homes. We want to enjoy the same quality of life as you do. It is just not right to have so many neighbors' way of life impacted by one outdoor wood furnace.

Martha Pileggi of 607 Southeast Second Street then read the following statement into record:

During the time this furnace has been running, I have had smoke and live a block and a half away. A study from the New York State Attorney General's Environmental Protection Bureau says that just one of these outdoor furnaces is equal to 2 heavy diesel heavy duty diesel trucks, 12 EPA certified indoor wood stoves, 45 passenger cars, 1,000 homes with oil heat or 1,800 homes with natural gas heat.

These units were designed to burn dry seasoned wood. Some people use them to burn greenwood. According to a study by the Environment and Human Health Incorporated, which is not funded from any business or corporations, fine particulate matter from these furnaces invade the inside air of the homes and causes a health risk. The health effects from smoldering fires are not the same from hot oxygen rich fires. The small respirable particles of .1 to 5 microns in size are present in all wood smoke. The particles remain suspended in the air for several hours and readily flow into homes.

Emissions from a smoldering fire with incomplete combustion contain more carbon monoxide, carcinogens, organic toxicants and irritants than smoke emissions from a very hot fire that is supplied with high levels of air and oxygen.

Over a period of several hours, the amount of smoke emissions inside the house will reach the same concentration as the air that surrounds that house. As a rule of thumb, it can be assumed that after one hour in a house with good interior circulation, to mix the emissions entering the house with clean inside, the concentration of emissions inside the house is approximately half of that outside. The concentration inside the house will increase hourly until after a period of six to nine hours, the concentrations inside and outside the house are essentially the same.

We cannot even shut our windows as we will smell it and breath it.

The study by the University of Washington in Seattle showed that 50 to 70% of outdoor levels of wood smoke was entering homes that were not burning wood. DNREC does not do a study. There have been tons of studies that already been done and you can look them up on the internet.

Shirley Thoms of 204 Charles Street explained that she lives in the home beside the house with the furnace at 700 Southeast Second Street which is the closest home.

Ms. Thoms advised that she provided testimony at both planning commission meetings. She is unsure whether she should repeat it as she is aware there is a lot of information that has been provided. She agrees this is a contentious issue.

She emphasized this has a negative effect on a lot of different people. To weigh the benefit versus the risk, she understands the owners of the house have spent a lot of the money. Ms. Thoms also had to replace a heating system noting her house is much smaller. When she replaced it, she went with another oil burning furnace and has experienced a 60% decrease in her heating bills because it is much more efficient.

Ms. Thoms concluded by stating she is in support of passing the ordinance.

John Cannon of 606 Southeast Second Street then read the following statement into the record:

I am here because I live within one hundred yards of an outdoor wood boiler and I am here to endorse my support of the proposed City Ordinance 2011-5. I apologize in advance for making tonight's city council packet so large as I submitted several documents and pictures to support my points tonight and think I added about ten pounds to your homework.

On the first, most beautiful spring day this year, I opened the windows of my house to let in that wonderful fresh air, and evacuate the stale, stagnant winter air that had been circulating inside for the last few cold winter months. What greeted me was not fresh spring air, but was in fact, smoke filled, acrid air. I had to close up the house. This continued most of the spring and I was forced to simply run the air conditioning, because of the thick, irritating smoke that lingered in our neighborhood.

I have since done a lot of research into Outdoor Wood Boilers (OWB), which is the source of the smoke that continued to roll into the neighborhood. OWB's are a nuisance almost everywhere they are installed when they are in the vicinity

of other dwellings. The following are reasons that they should be completely banned and removed from the City of Milford:

**Outdoor wood boilers are not tested by the EPA, versus indoor ones, which are.*

**They emit smoke 27/7*

**Because of the harmful impacts of these furnaces, many counties, cities, and towns heavily restrict their usage, while the entire State of Washington has completely banned their usage.*

**OWBs, generally, do not use catalytic or non-catalytic emission control devices that other residential, wood-fired combustion devices, such as indoor wood stoves, commonly employ.*

**They have short stack heights – stacks from OWBs, as per manufacturer installation instructions, are usually less than twelve feet from the ground, resulting in poor dispersion of smoke and are more likely to cause fumigation within surrounding areas.*

**Oversized Firebox – An OWB's large firebox is built such that a user could burn a variety of inappropriate materials that could not be burned in wood stoves or fireplaces. Because the furnaces are in a closed shed, one cannot see what is being burned. Enforcement programs have discovered OWBs burning tires, large bags of refuse and railroad ties. Even when used properly, overall OWB emissions are greater than other residential wood burning devices.*

**Manufacturers design OWBs to burn large amounts of wood over long periods of time.*

**In general, most units will have operating efficiencies in the range of 30 to 40 percent. A comparison with wood stove efficiencies finds that their efficiencies range from 60 to 80 percent efficient. Low efficiencies translate into increased amounts of wood burning to generate heat, which in turn increases emissions.*

**After many attempts to modify fuel use (using seasoned wood), or add-on equipment (catalysts or baffles) and limiting their use, enforcement programs have indicated that shutting down or limiting OWB operations are the only viable remedies for nuisance and odor issues of which we have in our neighborhood.*

**Setbacks and stack height requirements do not address the overall emissions from these outdoor wood boilers.*

If you go to vtwoodsmoke.org, which is the State of Vermont's website for OWB resources, the first item listed asks: I Want To Burn Wood--What Should I Do?

The answer is first, consider your neighbors. Burning wood in some dense residential neighborhoods may never be a good idea.

While OWBs are advertised as a clean and economical way to heat one's house and water, OWBs may be among the dirtiest and least economical modes of heating, especially when improperly used. Even when used properly, OWBs emit, on an average per hour basis, about 4 times as much fine particulate matter as conventional wood stoves, about 12 times as much fine particulate pollution as EPA-certified wood stoves, 1,000 times more than oil furnaces, and 1,800 times more than gas furnaces. Such emissions are significant because fine particulate matter pollution has both short-term and long-term health effects.

I am just going to read a few selections from the New York Attorney General Report by Elliot Spitzer, which starts on page 120 in the meeting packet:

Even when operated using clean seasoned wood, OWBs can emit significant pollution because the basic design of the OWB causes fuel to burn incompletely or smolder, resulting in thick smoke and high particulate emissions. The problem is aggravated when other materials, such as wet wood, processed wood and garbage are burned. The short chimney and reduced draft often fail to disperse the smoke, resulting in more concentrated pollution at lower heights reaching residents and neighbors. Exposure to this smoke, like other pollutants, can cause or contribute to short-term health harms such as eye, nose, throat and lung irritation, coughing and shortness of breath, and may exacerbate asthma or trigger asthma attacks. Chronic exposure to smoke can cause long-term effects such as asthma, heart and lung disease, and cancer.

During summer months and calm winter days, wood smoke is slow to rise and disperse. With OWB chimneys not high enough to carry the smoke past the heights of surrounding homes and local terrain, wood smoke, soot, and toxins may enter homes and yards of owners and neighbors who are situated close to OWBs. Wood smoke particulates, due to their small size, can remain suspended in the air for long periods of time, can cause a smoky haze and can easily enter homes through air intakes, cracks, doors and windows. Effects on neighbors are especially apparent when OWBs are installed at the outermost limit of the owner's property, and in close proximity to structures on adjacent properties.

All wood combustion will create hot ash. How can it be permitted during a summer burning ban, during one of the driest summers on record, to handle hot ashes outdoors? The threat of starting a grass or field fire is extremely high and especially dangerous in a dense residential area next to and containing a large supply of wood fuel nearby. If I were to operate a burn barrel in the same neighborhood, the fire department would extinguish it for me and levy a fine for dangerous and reckless behavior in the given environmental conditions.

The OWB in our neighborhood exhibits thick black smoke as shown on the picture in your packet on page 22 that someone else submitted. The top of the chimney is soot covered as shown in the picture I submitted on page 163. A clean burning, inside wood furnace produces little smoke and is generally regulated with a catalyst. A clean pipe looks like the pictures on page 159 and 160, which is on nearby Marshall Street and has been in operation for a longer period of time and looks as though it was installed yesterday.

The wood being burned in the OWB in our neighborhood is not clean, dry, split hardwood like most people burn inside their home. The wood being burned there is sappy, smoke creating and creosote-building pine. The wood pile is massive and unkept, as shown on the pictures on pages 161 and 162, one showing the size and one showing the quality of the wood.

I implore the City Council to command a full ban on Outdoor Wood Boilers for safety, health and nuisance reasons. The City of Milford does not need another environmental code to enforce and should not waste time and resources on a problem that is inherently a poor choice for our community.

Michael Ward of 702 Southeast Second Street then read the following statement into record:

I have resided at this location for the better part of twenty-five years. Working in local government for the better part of thirty years and working in the planning arena and administering zoning regulations for almost twenty years, I understand the process and reasons for ordinances such as this. It is simply for the health, safety, welfare and quality of life for the citizens of the City of Milford.

I am here tonight to speak in favor of Ordinance 2011-5 that is before you this evening. I thank you for the opportunity to speak and will try to be brief and stay on point. I know that there are others here regarding this ordinance and I encourage them to speak as well noting there are approximately a dozen here though some are here only for support of this ordinance.

I'm sure that you have received a plethora of information pertaining to this issue. The packet is large and much was forwarded from the Milford Planning Commission in addition that received from members of the community. In the information supplied, is a petition signed by 34 individuals of the Southeast Second Street community in favor of this ordinance. Accompanying said petition is attachment of an aerial photograph (page 158) reflecting structures in the area; residential, accessory, commercial, etc. Also you will notice there is a 500-foot radius circle from the existing outdoor woodburning furnace in our neighborhood. That radius is divided into 50 foot increments.

On some of the structures you will notice red dots. The dots represent the location of those who signed the petition and the circle radius gives a fairly accurate indication as to how far they are located from the aforementioned furnace; and the concern of those who signed the petition is the output of smoke put off by the furnace. In the smoke there is particulate matter that drifts far beyond property lines invading others quality of life. The map is to scale and was created with the utilization of GIS (Geographic Information Systems) software. This software has proven itself time and again and is used by a significant number of agencies including local, state and federal governments. This software has been used in numerous studies for analytical purposes.

Outdoor woodburning stoves are not to be confused with indoor wood stoves, pellet stoves or fireplaces. Outdoor wood furnaces create emissions different from either of those noted above. The smoke from outdoor woodburning furnaces, whether new or old, form in a plume extending up to 1,000 feet and sometimes more. The smoke that leaves the stack, irrespective of the stack height, lacks the heat necessary for it to rise or be diffused. The smoke tends to fall toward the ground. Depending on the prevailing wind, will depend on who is affected from the wind directions. We all know that wind directions are ever changing throughout the course of a day or evening.

I find it nice to sleep with the windows open as the weather starts to cool somewhat to try to get a good, restful night of sleeping. But sometimes you are awakened in the middle of the night or early in the morning from the smell of smoke. Waking up from a sound sleep in the middle of the night or very early in the morning, I find I am somewhat dazed and for a time, am scurrying around as I try to collect my thoughts until I can get my wits about me. Then, I realize that it is necessary to close the windows. But the smoke has already entered the house and it takes quite awhile before I can return to sleep as the smell of smoke sticks to anything and everything that can absorb odors. The more humid the air, the worse the situation as the smoke lingers closer to the ground and is more dense. At times it can be slow moving throughout the community which is much more invasive. Smoke particles are so fine that they infest even the tightest houses and strongest lungs, contaminating bodies and homes.

We have two young children in the neighborhood with asthma. The furnace smoke, as I understand it, exacerbates their condition. That family has indicated they have a written statement from their physician. And just as anyone knows there are different severities to such conditions where some are more affected than others and some may not be affected at all.

In closing, I will say that I support this ordinance.

Beverly Thawley of 6521 Coastal Highway, just outside of city limits, then spoke. She stated she owns commercial and residential property within the city limits. She then read the following statement into record:

I am a lifelong resident of the Milford area. I am here to speak in opposition of the ordinance as written regarding the ban and removal of outdoor woodburning stoves, furnaces, fireplaces. I attended the planning commission meeting several weeks ago for another reason and stayed to hear the discussion regarding this matter. Several people spoke against the woodburning devices for reasons of health and just not liking to look at the woodpiles and smelling the smoke. Most of the negative comments seemed to be directed at the Carrs on Southeast Second Street. Another family, Matthews, on Truitt Avenue, will also be affected if this ordinance is passed as written. I have never met Matthews until the previous meeting and only know of the Carrs due to having been in their home briefly once when they were kind enough to open their beautifully restored historic Milford home during a city holiday event. I understand the concern that some of the neighbors have and their rights to object to this issue of woodburning furnaces. But I am also concerned about the rights of the Carrs and the Matthews since they were permitted by city officials to install these furnaces after obtaining the proper permits and being assured there were no issues. The Carrs have stated they are willing to work with city officials and to make some changes if they are permitted to keep the existing furnace.

I think it is only fair and just to the two families to have their furnaces grandfathered in. If the ban on outdoor furnaces is passed, both families have invested their hard earned money in these furnaces and followed the law in the installation process. In her opinion, it would be a financial hardship on both families to have to invest in a new heating system for their homes when they already have a working system installed and who would fit the bill for the new furnaces. I am concerned that if this ordinance passes as is written, it may set a precedence for other ordinances which can start as one citizen having a concern or objection regarding something about a neighbor's property. There are some examples in the city and one thing is asbestos roofing and siding and I know there are health issues there, but there are a lot of houses around that have it.

We now know that asbestos can be harmful if disturbed, but we are not making any homeowners remove any asbestos on their property as this time.

I think the previous legally installed furnaces should be grandfathered in if this ordinance banning such devices is passed.

Brenda Carr of 700 Southeast Second Street stated she is the owner of the woodstove. She stated that if you go on line you can find things that support the stoves and things against the woodstoves. Any information can be found on line and she said that she could have run off tons of documents to fit her bill as well.

Ms. Carr said she will state the facts again. They went to the city before they paid \$30,000 to install the stove. They waited a month and a half for them to say there is no reason it cannot be installed. So they installed it. They did not want this to happen which is why they went to the city first. She reiterated that they did not want to be standing here and now they are here noting they cannot afford to install another system.

The fact is she lives right next to the woodstove. It is her property and is closest to her than anyone. She does not smell the smoke and her house does not reek of smoke. She has opened her home to a lot of relatives from Wilmington and they do not smell the smoke.

She stated the last point is it is all about their woodstove, but asked not to forget the Matthews on Truitt Avenue. If the stoves are banned and the city does not grandfather the woodstoves in, they have spent their hard earned money and they went to the city first.

Ms. Carr said there is not one neighbor here to complain about the Matthews stove which says something to her. She also wants to remind council that they are willing to make concessions. She admits they ran out of wood in the early spring and did burn some greener wood than usual. But they would make the concessions to burn only dry wood, burn November through March and add another stack or two stacks. She noted it is almost as high as their house right now.

She asked that they be grandfathered in and that the city not take their property.

When asked if anyone else wished to speak, no one responded. Mayor Rogers then closed the floor for any further comments and asked councils' pleasure.

City Solicitor Rutt then pointed out that per the city code, a three-quarters vote is required by council if their vote is contrary to the recommendation of the planning commission.

Mr. Gleysteen then asked the city manager what type of permit was required to install these furnaces; Mr. Baird stated that he is unsure if a building permit was required though both property owners did come to the city before the stoves were installed. He confirmed there were lengthy discussions by city personnel at that time. Some research was done and nothing prohibited the construction of these furnaces at that time. Therefore, the property owners were given a green light to proceed, though it was with reservations and the understanding there could be potential problems.

The city manager reiterated there was nothing to prohibit these type stoves. He does not know if a permit or verbal permission was provided and concurs with the Carrs that both parties did approach the city first and did receive a blessing to proceed.

Mr. Brooks asked which department they spoke to; Mr. Baird said they spoke with the building inspector at that time.

Mr. Grier then stated that in regards to the grandfathering of these furnaces, he feels it is pointless at this time due to the fact it is causing such a problem to these neighbors. If it is grandfathered in, the problems are not taken care of. He did not even know what a woodburning furnace was until two months ago when many people begin to call and stop in to talk with him.

Mr. Grier explained his personal feeling is that the stoves need to go; he then moved to adopt Ordinance 2011-5, motion was seconded by Mr. Morrow.

Mr. Morrow stated that the overwhelming health and safety of the citizens in Milford overrides any other issues.

When asked for questions, Mr. Johnson stated the only problem he has is the date the stoves have to be removed which is August 31, 2011. He believes that is too soon and recommends an additional two more months.

Mr. Gleysteen suggests the furnaces be decommissioned but do not have to be removed for another two months. Mr. Grier agreed to amend his motion.

Mr. Baird then read the ordinance which states the furnaces must be removed from the subject premise no later than August 31, 2011. The section prior to that states the construction and operation of the furnaces is prohibited in the city. Therefore, his interpretation is the furnaces will need to cease operations and be removed by August 31, 2011 as the ordinance is currently written.

Ms. Wilson agrees with Mr. Johnson that some additional time is needed for their removal noting it is only a month. Also,

she has some concerns about the cost of having the furnace removed. To allow some additional time would seem appropriate to her.

Mr. Morrow recommends amending the motion to state the wood stove has to cease operations by August 31, 2011 and be removed by October 31, 2011. Mr. Grier agreed noting the problems are a result of burning the furnace.

Mr. Grier moved to amend his original motion, which will amend Chapter 230 §41 D(2)(a) to read as follows:

All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011.

Mr. Morrow seconded the amended motion. Motion carried by an 8-0 roll call vote.

Morris and Ritchie Associates, Incorporated on behalf of Griffin Realty, LLC (formerly known as Central Parke at Milford/Milford Ponds)

Mayor Rogers announced that this application, originally scheduled in May, is again deferred.

Mr. Baird advised that both property owners are requesting the city meet to help mediate a compromise. The application will be reviewed and a new public hearing timeline established.

With no further business, Mayor Rogers adjourned the Public Hearing Session at 7:48 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
July 25, 2011*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 25, 2011.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen
Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the City Council Meeting to order at 7:48 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

RECOGNITION

Ms. Wilson thanked those that sent cards, flowers, food and for the other acts of kindness and support during the recent death of her sister, Sonya.

COMMUNICATIONS

Chief Hudson reminded council of the police department's National Night Out on Tuesday, August 2nd between 6:00 p.m. and 8:00 p.m. at the Bicentennial Park.

UNFINISHED BUSINESS

Adoption of Ordinance 2011-15/Amend 2008 Comprehensive Plan to Include Southeast Master Plan

State Planning Director Connie Holland and AICP David Edgell were both present.

City Planner Norris recalled the public hearing held July 11th and the document presented at that hearing. Since that time, minor changes, including grammar and spelling corrections, were made by Circuit-Rider Planner David Edgell. The final document is included in the packet.

It is Mr. Norris' recommendation the ordinance be adopted to amend the City's Comprehensive Plan by adding the Southeast Master Plan.

Mr. Pikus noted the work done on this plan has been extensive over the past couple of years. He emphasized that this plan does not force any properties in the southeast Milford area to be annexed. The city's policy continues to require that any interested property owner must initiate that action by submitting a petition to annex. However, the document does reinforce Milford's vision of the future and provides a more prepared and detailed plan as we grow.

Mr. Pikus moved to adopt Ordinance 2011-15, seconded by Mr. Grier:

*Ordinance No. 2011-15
Amending the 2008 City of Milford Comprehensive Plan*

by adding the Southeast Master Plan

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development, and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion, and further requires that certified Comprehensive Plans be revised on a five-year cycle, and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2009, and requires revisions to account for physical changes and potential growth in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Southeast Master Plan for the City of Milford, which articulates an overall vision for the Southeast Planning neighborhood's future, including policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on June 16, 2011, and at its meeting on June 21, 2011 did recommend approval and adoption of the Amended 2008 City of Milford Comprehensive Plan to include the Southeast Master Plan by Milford City Council.

WHEREAS, the Amended 2008 City of Milford Comprehensive Plan will be the foundation for planning and development in the Southeast Planning Area;

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Southeast Milford Master Plan on July 11, 2011, at which time the Amended 2008 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the Amended 2008 City of Milford Comprehensive Plan is hereby adopted and made effective as the Comprehensive Plan for Milford on this 25th day of July 2011.

Dates:

Adoption Date: July 25, 2011

Effective Date: August 4, 2011

Motion carried by unanimous roll call vote.

Ms. Wilson stated it makes her proud knowing the relationship the City of Milford has developed with state and county agencies and appreciates those agencies who were involved in the process and made this happen.

Mayor Rogers also thanked the city planner, planning commission and State Planning Director Holland and State Planner Edgell for the work and time they put into this document.

URS Engineering Agreement

Mr. Baird recalled this item being tabled at the last meeting because it had not been placed on the agenda. At that time, City Engineer Mark Mallamo did review the proposal to administer the I&I contracts at that time, recommended the agreement be approved.

Mr. Brooks moved for approval of the URS Engineering Contract in the amount of \$225,000 to be funded from the bond proceeds of the sewer project, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Planning Commission Vacancy

Mayor Rogers has some potential candidates though he has not yet received a commitment. The item will be placed on councils' next agenda.

Planning Commission Reappointments/Replacements

Mayor Rogers recommended reappointment of the following three planning commissioners, whose terms expire August 31, 2011:

| | |
|-----------------------|----------------------|
| Charles N. Rini | 119 Ginger Lane |
| Kim S. Hoey-Stevenson | 509 S. Walnut Street |
| George R. Pilla | 238 S. Landing Drive |

Mr. Johnson questioned the new ward alignments noting that when that occurs, there will be no representation from the first ward. He noted that Mrs. Stevenson will be moved to the second ward should the new boundaries be adopted.

Mr. Baird emphasized there is no requirement that two planning commissioners represent all four wards. Therefore, council has the flexibility to appoint any qualified candidate regardless of their residency.

Mayor Rogers then advised that Commissioners Archie Campbell (Meadows at Shawnee) and William Lane (Hearthstone Manor) currently live in the first ward with no changes following the realignment.

It was confirmed that Ms. Stevenson will reside in the second ward upon the realignment; James Burk will continue to reside in the second ward. The wards of Mr. Rini (fourth), Mr. Pilla (fourth), Mr. Sharp (third), Ms. McColley (third) will remain unchanged as well.

Mr. Pikus moved for reappointment of the three commissioners as recommended by Mayor Rogers, seconded by Mr. Grier. Motion carried.

Chairman Rini thanked council for taking this action adding he feels the commission is headed in the right direction. He also noted the commission has taken the stand they are representing the overall city and do not individually represent their wards.

Mr. Pikus noted the hard and attentive work of the planning commission and commended their efforts on behalf of the city.

Tyler Technology Agreement Funding/Electric Reserves

Mr. Baird recalled the Tyler Contract approved by city council for the ten-year reassessment project. At that time, there was no funding source approved; Mr. Baird recommends it be funded from the electric reserve account.

Mr. Pikus stated that due to the amount of the proposal, the new budget did not include a payment source. Though he prefers not to ask for payment from this account, in this case he feels there are no other options.

Mr. Pikus then moved to approve payment of the ten-year reassessment project required by 2012, to be paid from the electric reserves in the amount of \$261,200, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

NEW BUSINESS

State Contract/Kubota Tractors & Snow Blade/Parks and Recreation

Mr. Baird advised that a proposal was received from Burke Equipment Company of Felton, Delaware to purchase two new commercial mowers and attachments for a total of \$28,769.20. Parks and Recreation had budgeted \$30,000 in their capital account for these items.

The city manager also reported that the Parks and Recreation staff, under the direction of Carroll Jester, assist with

downtown snow removal and in particular, at the Milford Public Library and Milford Boys & Girls Club properties.

Mr. Brooks moved for approval of Burke Equipment Proposal for \$28,769.20 as presented, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

Mr. Baird confirmed that the older pieces of equipment will be publicly sold. He added the proceeds will be put back into the fund the equipment is assigned.

Introduction of Ordinance 2011-20/Readjustment of Ward Boundaries in the City of Milford

Ordinance 2011-20 was officially introduced to city council for later adoption.

Mayor Rogers referred to the readjustment of ward boundaries as has been reviewed and discussed by city council.

Mr. Baird then reviewed the associated dates noting the adoption date is scheduled for August 22, 2011 to allow the new boundaries to be in place for the general election in 2012.

EXECUTIVE SESSION

Mr. Pikus moved to go into executive session, pursuant to 29 Del. C. §10004(b)(9) Personnel Matters, seconded by Mr. Johnson. Motion carried.

Mayor Rogers recessed the regular Council Meeting at 8:08 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 8:41 p.m.

Assessment Personnel/Department

Mr. Pikus moved the city enter into a contract with Tyler Technologies to take over the city's assessment duties for an approximate fee of \$27,400 per year and upon the execution of that contract, the tax assessment department would be eliminated as of August 31, 2011; and further directed the city manager to work with the finance director to adjust the budget to reflect that department/position being eliminated, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

ADJOURN

Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2011

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, June 22, 2011.

PRESIDING: Chair Sher Valenzuela

IN ATTENDANCE: Robert Connelly, Irvin Ambrose, Nolan Williams, Fred Rohm, David Hitchens, Sharon Kanter, Bill Pilecki
Economic Development Committee Chair Garrett Grier III
Economic Director Richard Carmean
Recording Secretary Terri Hudson

ABSENT: Jason James, Craig Crouch, David Markowitz

Call to Order

Chair Valenzuela called the meeting to order at 5:34 pm.

Approval of Minutes

The May 4, 2011, May 18, 2011 and June 9, 2011 minutes were approved by a motion by Mr. Ambrose, seconded by Mr. Hitchens.

Economic Development Director Report

Mr. Carmean provided the following written report:

City Manager Baird, Mayor Rogers, and I met with State Planning, Alan Levine Secretary of Economic Development and discussed the role of city government in generating jobs through economic development. Representative of State Planning Connie Holland and her associate David Edgell attended the meeting to bring Secretary Levine up to date on Milford's Master Plan for development east of Rt. 1. We discussed many of the aspects of the direction Milford has decided to take to support economic development. Secretary Levine seemed pleased with the posture the city is taking on the issue.

I have invested numerous working hours in building an economic development incentive plan for present and future businesses in Milford. This plan includes, but is not limited to, a utility rate structure of increased loads conducive to business and employment expansion, and new businesses willing to build or move into Milford.

I have attempted to get as much information on the Super Fresh closing as I could. It does not appear the store is going to be purchased by another grocery entity. We have however seen the work begin for another grocery market. The grocery chain Redner's has started site work on the Rt. 113 property.

I have also been in contact with a developer who specializes in building large box home centers. He is assisting me in approaching several of the well known national outlets to attempt to get them interested in Milford.

I meet each month with representatives from Downtown Milford Inc., Sussex County Economic Development, State Economic Development, and Milford Chamber of Commerce at City Hall. This month we discussed the Chamber's new directory, and the hiring of DMI's new coordinator. We also use this forum as an informal opportunity to share what each have on our plates. I must say this has been a great cooperative tool to help and inform one another on a monthly basis.

I am still attempting to put together a public announcement with Sea Watch on the expansion of their processing and production facility. They have shared with me that the Governor will be touring the facility in the near future, and that they may want to put the two events in concert.

I, along with several panel members and Councilman Grier, attended a seminar in Rehoboth Beach titled "You Are the Message". Our Panel Chairperson Mrs. Valenzuela was the driving force and organizer behind this endeavor. The topics were directed towards the exact problems and needs the Advisory Panel and I are trying to address and solve. I had a chance to interact with a variety of very knowledgeable people to trade ideas and directions on economic concerns and issues.

I met with Jeffrey Stone who is the Infrastructure & Intergovernmental Relations Director with Delaware Economic development Office. This was basically a follow-up from my meeting with Secretary Levine. Our discussion centered on Milford's efforts to be "shovel ready" for economic growth. Our infrastructure, or in some cases our infrastructure needs, was the driver of the conversation. We covered the Rt. 30 Wilkins Road overpass regarding the start of construction, and the importance of its completion to economic development. I intend to have another meeting with Mr. Stone when I can have John Rhodes in attendance.

I arranged a meeting and tour with Mr. Scott Welch of Mohawk Electric for myself and Melody Booker of DEDO. Our purpose was to attempt to assist Mr. Welch in any way we could to increase jobs at his plant. It appears as though he does have some interest in possibly availing himself of DEDO training funds. He is hopeful of adding a few additional jobs in the near future. These are contingent on his success in receiving a contract with the government, but on the very positive side he feels confident his present labor force is secure.

I have attended several DMI Board meetings during the last few weeks. I am very excited about the group's enthusiasm and direction with downtown economic growth. I have had several conversations with Lee Nelson the new Downtown Coordinator, and I am certain with his experience and background I can count on his management of most downtown economic development issues.

I have stayed in contact with Cracker Barrel representatives assisting them with answers to questions concerning population, traffic counts, and types and number of eating establishments. They plan to do an inspection of several possible locations to place their restaurant within the next few weeks. I have had several conversations with John Rhodes on several matters regarding having him give some assistance with a couple of feasibility studies. He is going to perform one study on the aquarium concept and another one to give the Panel and City Council direction with land use from an economic perspective.

Mr. Connelly asked if there are assurances in the electric rate structure that costs are not being shifted to the residential customers. Mr. Carmean replied yes there are and a couple of rate structures may be created, different than what is currently in place.

Mr. Connelly recalled from previous discussions that developers are looking for "shovel ready" sites which to his understanding that means utilities are installed to the site. He asked what the City's status is on the properties SE of Milford. Mr. Carmean explained the City is willing to install water to the site due to the benefits of the tower being there and the looping system. It works for the City and it would be good for the developers as well. However the City's position has been and continues to be that the City will not install the sewer because it is not economically feasible. Mr. Levine and Mr. Stone have expressed they feel that a site is not shovel ready without the sewer. If the city could obtain grants to get the sewer installed, that would be an option, but there is no money in the budget to install the sewer and he seriously doubts a referendum would pass to have it installed either. Mr. Connelly agreed it would not be a good use of citizen tax dollars to install the sewer.

Mr. Hitchens commented that Mr. Connelly's interpretation of "shovel ready" is correct and it's a matter of whether or not Milford wants to invest in future development by installing the utilities or be passed over by developers because the site is not ready. Mr. Connelly feels Milford would be speculating that a developer would come if utilities are installed. Mr. Hitchens stated he prefers to call it investing, Mr. Connelly prefers to call it speculating, whichever.

Mr. Williams asked what the time table for the overpass is. Mr. Carmean replied it is anticipated to begin in early 2012, finishing in late spring 2013. Once Frederica is completed, Wilkins Rd/Rt 1 is the next scheduled.

Mr. Connelly asked if the city has a means of gathering an inventory of vacant land and buildings. There is no current inventory, however Mr. Carmean is so familiar with the City, he already knows. It's not a bad idea though to have the Land Management Data Manager gather that info.

Action Team Reports

Action Team 2-Workforce Development:

Mr. Pilecki explained a conceptual program to be run through the school system where high school students would be placed for employment in participating businesses. The student would donate \$1 per hour of their work time, the business would donate \$1 per hour of the students work time, and a separate \$1 per hour donation would be made as well. At the completion of the program, the student would then have approximately \$4800 to be put toward college. In an effort to have this concept plan come to fruition, Mr. Pilecki provided the following report: The workforce development team met on June 14, 2011. Two letters were drafted seeking support from the business and service organization community. Mrs. Kanter has agreed to be the contact person for responders of the letters. Mr. Pilecki met with Mr. Hugh Leahy of the Delaware Community Foundation on June 20, 2011 and discussed how DCF could help with the Panel's goals. Mr. Pilecki also contacted the Milford Lions Club seeking support, Christ Church, WSFS Bank, Councilman Starling and EKA Jewelers. He anticipates contacting Ministerial Association and Bethel AME. Mr. Rohm contacted the State Economic Development & State Labor Department regarding funding and both have indicated they are interested. A meeting will be scheduled. Several team members will be contacting local business to determine if there is interest in supporting this program with cash donations or grants.

Mr. Pilecki will have Delaware Community Foundation will offer a presentation on June 28th at 4:00 in Chambers.

Action Team 3-Infrastructure:

Mr. Hitchens reported the team is joining with Mr. Carmean to focus on an incentive package for new and existing businesses.

Action Team 4-Economic Development Support:

See Economic Development Director report. This action team is also being combined with action team 3. Many of the teams are effectively combining with one another as needed.

Action Team 5-Support New Business Start-Ups and Expansion of Existing Businesses:

Mr. Ambrose reminded the group there are some preliminary plans in place for a walking tour of the City along the river with the possibility of a visitor's center around Goat Island. More information to follow as it becomes available.

Chair Valenzuela reported the small business accelerator grant application is moving forward. The application is due on July 7th.

Action Team 6-Marketing, Promotion and Internal Communications:

Business Survey Update

Councilman Grier confirmed the survey will be reviewed by Council for approval on Monday night. Once it is approved, it is anticipated a couple of weeks will be necessary to advertise the mailout and have it prepared by City staff.

Mr. Williams reported Ms. Joanne Milton of First Class Properties will be presenting a Welcome Wagon program to the panel at the July 6th meeting.

Mr. Connelly reported the citizen survey, similar to the business survey mailout, will be far more complicated and he continues to do research on it.

Regarding a special guest directory or listing the panel can utilize, Chair Valenzuela stated Mr. Hitchens was working on drafting this list. The listing would be of people the panel would like to hear from or the panel has been told would like to make a presentation. Chair Valenzuela suggested anyone on the panel that has a person interested in making a presentation contact Mr. Hitchens to have him add those folks to the listing.

New Business

Proposed replacement candidates for Harvey Kenton

Councilman Grier announced there are three candidates for replacing Mr. Kenton, being Brain Warnock of WSFS Bank, Lee Nelson of DMI, and Pastor Gregory Nelson of Bethel Church. We have also been contacted by Mr. Terry Murphy of Bayhealth requesting Pam Merecki of Bayhealth be considered. Mr. Hitchens asked if the panel can increase its number of seats so as to include more good candidates however Councilman Grier reminded him the number of seats was based on a recommendation of Mr. Rhodes. Chair Valenzuela felt a “sifting mechanism” would be appropriate to determine the best suited candidates, similar to an application, that could help the panel and council ensure all aspects of the community are being represented. Mr. Hitchens stated his action team would create such a document and present it at the next meeting.

Re-align teams to focus on Panel's top priorities

See Action Team 4 report.

Special Guest-Mr. Scott Angelucci of Angelucci Studio & Art Gallery

Mr. Angelucci was not available this evening. He will be present at the next meeting.

Chair Valenzuela reminded Mrs. Kanter, Mr. James and Mr. Crouch to provide their professional information and background for the panel directory that is being developed.

Chair Valenzuela also reminded the panel to have their team reports to Mrs. Hudson by close of business on the Monday prior to the panel's meetings.

Adjourn

The next meeting will be held June 28, 2011 at 5:30 pm. With no further business the meeting adjourned at 7:01 pm

Respectfully submitted,

Christine R. Crouch
Recording Secretary

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 6, 2011

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, July 6, 2011.

PRESIDING: Chair Sher Valenzuela

IN ATTENDANCE: Robert Connelly, Fred Rohm, David Hitchens, Sharon Kanter, David Markowitz, Bill Pilecki, Craig Crouch, Nolan Williams, Irvin Ambrose

Economic Development Committee Chair Garrett Grier III
Economic Director Richard Carmean
Recording Secretary Christine Crouch

Call to Order

Chair Valenzuela called the meeting to order at 5:36 pm.

General Announcements

Chair Valenzuela had no announcements to make at this time.

Economic Development Director Report

Mr. Carmean provided the following written report:

I have verified that Dogfish Brewery has started their warehousing at the Warnell facility. It is only a foot in the door, but it is a start.

I had a very long conversation with Mr. Dennis Silicato, a commercial developer on what possible methods of contact and enticement I could use to initiate a dialog with a large home improvement store. He has given me some direction as to the approach to take, and he is going to get me some contact names.

I have had conversations with Jeff Stone, DEDO's infrastructure Director, regarding signage, or lack thereof, on Delaware RT 1 giving not only direction to Milford's offerings of interest, but also giving information on businesses. He has really made an effort to intervene on our behalf with DELDOT. I have to admit neither of us had much in the way of results, but we are continuing with our efforts.

I have continued to stay in touch with Wyshock and Associates, the group wishing to place a large assisted living and nursing home operation in Milford, regarding their progress. They are having conversations with several property owners, who I recommended as owning potential sites, regarding purchasing land for the project. They are looking to sign a contract with a property owner here and are starting with their financing.

The feasibility study of the aquarium idea is underway. John Rhodes had given me a contract price of \$4000.00 for the work, and I have provided him with the city's acceptance.

I have been working with panel member Bob Connelly to get the Business Survey underway. Mr. Connelly has finished the document, and Councilperson Grier has gotten the permission of city council to mail it out at city expense. I have been working with our billing department to create a list of businesses for the mailing. That work is complete, and we are ready to proceed the week of July 18th. Return date is July 25th and will be returned to Mr. Carmean.

I am still working with the city manager and Mr. Kumar, our rate specialist, on possibly changing our rate structure to make our industrial and commercial rates more competitive.

I am working with John Darsney, our land management data manager, and he and I are going to attempt to build an inventory of available parcels suitable for economic development projects and commercial real estate. The city purchased software several years ago which has a real estate module. This may give us the capability to place that inventory on our web-site without a great deal of difficulty.

Action Team Reports

Action Team 2-Workforce Development:

Mr. Pilecki reported in the last few weeks he has spoken with potential donors. The Delaware Community Foundation is interested in managing the funds, which goal of which is to provide high school students the opportunity to work with Milford employers while putting money away. The student would contribute \$1 from income, the employer would contribute \$1 and an outside donation would contribute \$1. After two years in the program, the student would have \$4800 in scholarship money. On the downside, Mr. Pilecki feels he may have overstepped due to his enthusiasm. Mrs. Kanter has concerns regarding who will manage the program since the school district has limited staffing. Mr. Markowitz said he may be able to take some of those responsibilities. Mrs. Kanter reminded the panel the bottom line is to get kids to come back to Milford, and we would need to follow up with students to ensure the program is working toward that goal as well as being able to sustain the program long term.

Action Team 3-Infrastructure:

Mr. Hitchens reported his action team will be having a meeting on the 12th and he would have a report afterward.

Action Team 4-Economic Development Support:

Please see the Director of Economic Development Report.

Action Team 5-Support New Business Start-Ups and Expansion of Existing Businesses:

Mr. Ambrose reported DMI is in the process of inventorying the properties downtown to determine what types of business would be best suited in the vacant locations. Once the inventory is complete, he will provide the information to Mr. Carmean. Mr. Scott Angelucci will be the guest speaker at the next meeting.

Action Team 6-Marketing, Promotion and Internal Communications:

Mr. Williams reported a Welcome Service is being established, per Mr. Rhodes recommendation. Joanne Milton of First Class Properties gave a presentation explaining the purpose and goal. Copies of which will be attached to the minutes.

Old Business

Next steps for Business Survey

Mr. Connelly submitted a business card size ad for the local newspapers to publish in the church bulletins. It was determined by the panel the mail out date will be July 18th with a requested return date of July 25th.

New Business

Media process development

Chair Valenzuela felt it important to establish a standard operating procedure for media releases. Mr. Hitchens suggested the panel wait until after the survey work is completed to determine the most effective manners. In the meantime, Chair Valenzuela will review "best practices".

Upcoming Economic Development Chamber event-Abbott's Grill, July 13, 2011

Chair Valenzuela encouraged attendance from the panel.

Advisory Panel vacancies

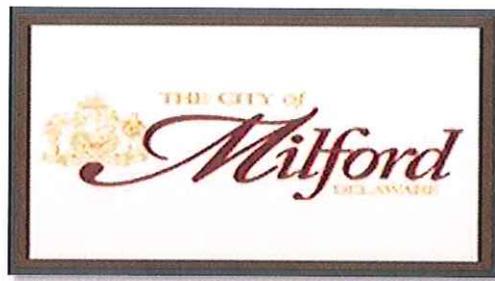
Mr. Hitchens reported Mr. Kenton has resigned his position on the panel and Mr. James has not responded to phone calls. Councilman Grier will attempt to contact Mr. James to determine his interest and report back at the next meeting. A motion by Mr. Hitchens, seconded by Mr. Rhom, to appoint Mr. Brian Warnock in place of Mr. Kenton carried. All in favor except Mr. Connelly who voted against.

Adjourn

The next meeting will be held July 20, 2011 at 5:30 pm. Please submit written reports to Mrs. Hudson at least a day in advance of the meeting. With no further business the meeting adjourned at 7:08 pm.

Respectfully submitted,

Christine R. Crouch
Recording Secretary



First Impressions!

To all Milford business owners;

My name is Joanne Milton. I am a local Realtor, member of the Milford Chamber of Commerce and I am heading up a small group to form a new Welcome Service for Milford. We will be assembling a Welcome Package consisting of samples, gifts and coupons from local businesses. If you are looking to expand your client or customer base to include these newcomers; eager to explore their new surroundings and purchase all those necessities needed with a relocation, then this is a great opportunity! I plan to distribute this Welcome Package to both residential and commercial newcomers to Milford at quarterly "Meet and Greet Milford!" events to take place at local venues such as Restaurants, Social Centers or gathering spots capable of hosting the expected guests. I will need your help in a few different ways;

1. Providing the location
2. Sponsoring either the food or beverage
3. Supplying door prizes.
4. Giving a presentation to promote our community or your business or service.

This Welcome Service is one of the recommendations made to the Economic Development Advisory Panel to help grow our city by retaining and increasing local patronage and promoting the "Be Loyal-Buy Local!" philosophy. I believe Milford to be a warm and generous community not only to those here, but also to those neighbors who are yet to come. Let's make sure they know we are glad they're here! Please join me in making this new venture a success!

I will be sending more details as our mission and calendar of events takes shape in the months to come. I welcome your questions and comments!

Always Looking Forward!

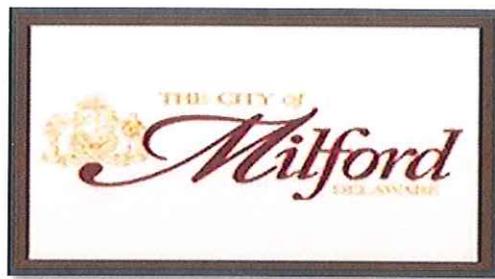
Joanne Milton

First Class Properties

Cell: 302-245-3346

Email: Joanne@FirstClassProperties.us

<http://www.HomeFinderDE.com>



First Impressions!

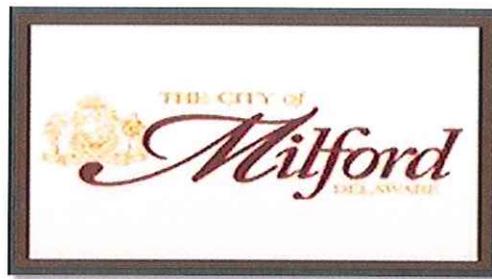
Meet and Greet Milford

January- Location

- Food
- Drinks
- Door Prizes
- Presentation

April - Location

- Food
- Drinks
- Door Prizes
- Presentation

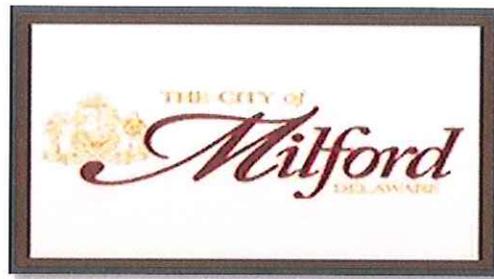


First Impressions!

Meet and Greet Milford

- July
- Location
 - Food
 - Drinks
 - Door Prizes
 - Presentation

- November-
- Location
 - Food
 - Drinks
 - Door Prizes
 - Presentation



First Impressions!

As we create a Welcome Service for the city of Milford, I will need some key support components from the city.

1. City website link or page with a Contact Me page, Sign-up or method to contact the Welcome Service.
2. Calendar of Events – Milford has a lot going on!
3. Any gift or information to pass along.
4. Support from the Chamber of Commerce
5. Support and Contributions from local businesses.

Joanne Milton

First Class Properties

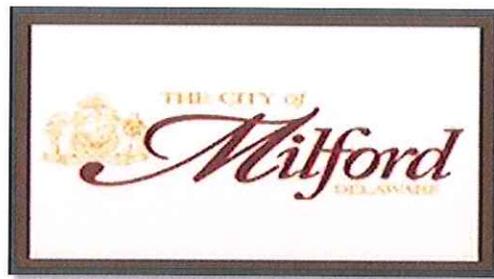
Cell: 302-245-3346

Office: 302-422-8200

Fax: 302-422-9222

Email: Joanne@FirstClassProperties.us

<http://www.HomeFinderDE.com>



First Impressions!

A Milford Welcome

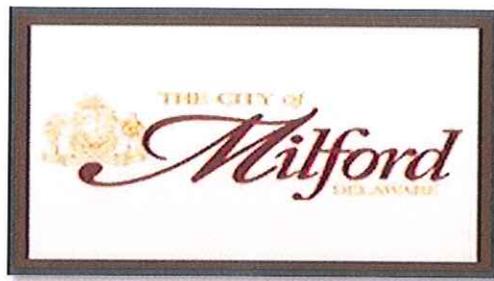
By your Welcome Service Committee:

Representative Leader - Joanne Milton

Representative - Terri Favata

Representative - Donna Stalvey

Representative - Not yet chosen



First Impressions!

Welcome Package Contents:

Milford Welcome Service Letter

Milford Quality of Living Book

Milford Calendar of Events

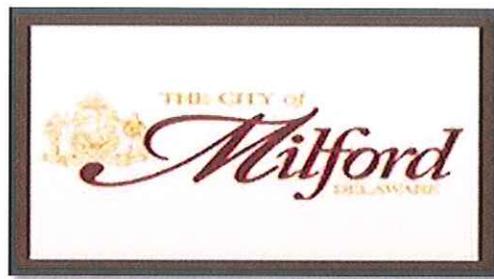
Milford Map

Kent County Profile Book

Sussex County Profile Book

Milford Local Discount Book

Gifts and Samples



First Impressions!

We'd like to extend to you a **WARM WELCOME!**

As a newcomer to our community, the local businesses of Milford would like to offer you a complimentary Welcome Package containing information on the local area, gifts and certificates to be redeemed for discounts on merchandise and services.

Moving to a new area presents challenges for you and your family. This package is designed to help answer questions you may have and provide lists of local service providers.

As a professional working in Milford and Central Delaware, feel free to contact me at any time by cell or e-mail. I'd be happy to answer any questions or direct you to someone who can, as you settle into your new surroundings.

On behalf of the local businesses, Thanks for choosing Milford!

Welcome home!

Joanne Milton

First Class Properties

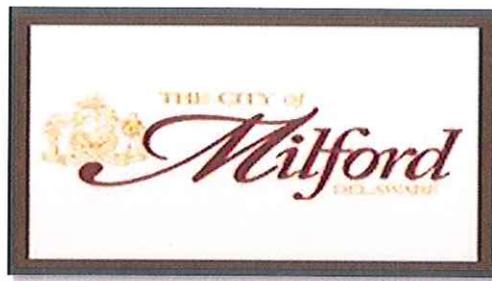
Cell: 302-245-3346

Office: 302-422-8200

Fax: 302-422-9222

Email: Joanne@FirstClassProperties.us

<http://www.HomeFinderDE.com>



First Impressions!

Milford Calendar of Events

- January - Milford First Night out
- February -
- March - St. Patty's Pub Crawl
- April - Bug n' Bud Festival
- May - Milford Memorial Hospital Fair
- June -
- July -
- August -
- September - Riverwalk Freedom Festival
- October - Milford Community Parade
 - Oktoberfest at Senior Center
- November - Tastes of Milford
- December - Choral Breakfast
 - Holiday Stroll
 - Holiday Homes Tour

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 20, 2011

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, July 20, 2011.

PRESIDING: Vice Chair David Hitchens

IN ATTENDANCE: David Markowitz, Bill Pilecki, Brian Warnock, Lee Nelson for Irv Ambrose, Fred Rohm, Craig Crouch

Economic Development Committee Chair Garrett Grier III
Economic Director Richard Carmean
Recording Secretary Christine Crouch

ABSENT: Sher Valenzuela, Nolan Williams, Bob Connelly, Jason James, Sharon Kanter

Call to Order

Vice Chair Hitchens called the meeting to order at 5:33 pm with the pledge of allegiance.

General Announcements

Mr. Hitchens welcomed Mr. Brian Warnock of WSFS as a new member of the panel. Mr. Warnock thanked the panel and stated he has been in the banking industry for many years and is very excited about working in the community in which he was raised.

Economic Development Director Report

Mr. Carmean provided the following written report:

I have contacted John Rhodes numerous times during the last month. We discussed his feasibility study progress on the aquarium, and some of the methodology he is employing in the process. He intends to have it completed by the end of July. He and I have also talked of his future feasibility study of the southeast areas of Milford. This will include both the east and west sides of Rt. 1. I have reported to the Panel before the purpose of this study is to assist the city in making sure those areas are promoted and developed for their best possible use.

I spent a considerable amount of time going over the finalized Master Plan for the above mentioned southeast area. I am pleased the city has this document as a map and guideline for development of those lands. The amount of work done by State Planning and our own planner is monumental in scope. In the past I have spent hundreds of hours dealing with state agencies on land use with each separate project requiring separate hearings and meetings. Through this Master Plan document these agencies have had their criteria for land use met and have accepted, to a large degree, the planned development. This is a big step towards shovel ready being a reality.

Gary Norris, City Planner, and I met with developers and DELDOT to discuss time lines and transportation plans surrounding the overpass at Rt. 30 and Rt. 1. There is more work to be done on final decisions concerning road improvements in the southeast, but the overpass is scheduled to begin in 2012, and this seems to be a certainty. I asked if the city would be able to have some control over the appearance of the overpass and surrounding right of ways. I believe this could be an attractive entrance and exit for Milford. The answer was a yes, but there will be more discussion.

Arranged with staff and billing personnel the mailing of the Business Survey. They went out on schedule.

I have been assisting a local business on locating their business, which is now outside the City, in returning to city limits. The owners believe they will see not only a stabilizing effect, but probably an increase in their business. I can advise next meeting.

The group working towards building a large assisted living and nursing home facility are continuing their efforts on acquiring land. I had given them several leads on available properties, and it appears they may soon have a contract on a site.

The real estate listing project is on hold to some extent. We learned that the present module is being replaced by a much more user friendly version. Our land use person has suggested we wait a few weeks for the release of that module.

I have noticed in the past month a real change in people or businesses I am contacting to discuss expansion or personnel additions. While I am not sure of the cause, people are not wishing to talk about capital investments or any increases in operational costs. I suspect it is due to several factors. It may be the obvious economic recovery problems, the inability of our congress to reach any kind of agreement on anything, in particular the debt ceiling, or it just may be summer. I do not expect the Panel has an answer, but I wanted you to be aware.

Mr. Hitchens noted most businesses do not schedule meetings or larger commitments between July 4th and September 1st and again between Thanksgiving and New Years. Many people are on vacation during that time.

Mr. Hitchens asked Mr. Carmean to elaborate on what he learned from DelDOT regarding signage along Rt 1. Mr. Carmean was told not only is it not looking good for signage to be added along Rt 1, but that some signs may be removed. He is working with the church and the hotel on Rt 1 to get signage added as well as getting a historic district sign placed on Rt 1. Mr. Hitchens felt council may need to get involved in order get additional signage permitted. Mr. Carmean stated DelDOT insinuated the fed government may require larger traffic signs may be required in place of existing traffic signs.

Mr. Hitchens will be meeting with DelDOT again regarding road improvements in the SE area and asked Mr. Carmean to provide him with engineered drawings of the utility plans, as DelDOT would like to see them. Mr. Carmean reported per his meetings with DelDOT there is not a good chance of installing infrastructure at the same time as road disturbing and construction. Mr. Hitchens thought shared easements were an option though.

Action Team Reports

Action Team 2-Workforce Development:

Mr. Markowitz reported he and Mrs. Kanter met with MSD principals to explain the conceptual program for placing students with area businesses. The initial \$10K start up cost remains an issue, however the meeting was very positive. Mr. Pilecki has spoken with IG Burton regarding placing students there and with Discover Bank, WSFS Bank and the Delaware Economic Development Office regarding funding.

Action Team 3-Infrastructure:

No report provided.

Action Team 4-Economic Development Support:

Please see the Director of Economic Development Report.

Action Team 5-Support New Business Start-Ups and Expansion of Existing Businesses:

Prior to the meeting, Mrs. Valenzuela provided the following report to Mr. Hitchens via email:

Submitted a completed grant package for the Small Business Accelerator to the U.S. Department of Commerce on July 7 from the applicant team which included the City of Milford, the Workforce Investment Board, and FSM. Specifically, the grant was written to support the manufacturing sector and the businesses that support manufacturing. Included were “partners” with identified matching funds or declarations of support from:

- Congressional delegation (joint letter of support)
- Department of State (to support increased exports)
- DelTech (to support technical training and entrepreneurial support)
- Department of Education (supporting prison re-entry program that includes manufacturing skills for successful integration)
- Junior Achievement (to support manufacturing career paths and entrepreneurial development in manufacturing)
- Second Chances of Wilmington (to counter urban blight caused by closed manufacturing facilities)
- Delmarva Black Chamber of Commerce
- U.S. Manufacturing Skills Standards Council (to support technological changes in manufacturing)
- National Science Foundation (to support increased research and development in manufacturing)
- Alan Levin (DEDO director)
- U.S. Labor Veterans’ Employment & Training (to support increased manufacturing skills training for vets)
- Division of Vocational Rehab (to support manufacturing jobs for the disabled)
- Delaware Commission for Women (to support expanded manufacturing jobs for women)
- Delaware Manufacturing Extension Program
- Delaware Manufacturing Association
- Bruce Bachman (to extend support from retired executives of DuPont and other leading manufacturers)

Will continue to update team on progress during grant application review process. With or without funding for this grant, during the process we uncovered other grant opportunities that are due to be released shortly. Completing this grant gives Milford the ability to respond with greater speed using much of the same information for next grant opportunity.

Appreciation goes out to the applicant team for its support during the (often hectic) grant writing process:

- David Baird and Richard Carmean
- Mayor Rogers (who positioned himself on “stand by” all day July 7th and made himself available immediately to offer up his signature when called upon)
- Gwen Jones, executive director of Workforce Investment Board.

Met with Alan Levin to provide update to DEDO on:

- Grant application for Small Business Manufacturing Accelerator.
- Update on City of Milford Strategic Plan and accomplishments thus far.
- Invitation to join an upcoming panel meeting as a special guest.

In Mr. Ambrose’s absence, Mr. Lee Nelson of DMI introduced Mr. Scott Angelucci who presented a power point presentation, which was included in the panel’s packet and can be found online.

Action Team 6-Marketing, Promotion and Internal Communications:

No report provided.

Old Business

Business Survey

Mr. Carmean reiterated the mailout went out as planned and the responses are coming in.

New Business

Council Appointment Brian Warnock/WSFS

Mr. Warnock was welcomed again. Mr. Warnock requested copies of the survey to hand out to his commercial customers. Mrs. Crouch will email a copy to Mr. Warnock.

Special Guest-Scott Angelucci/Arts & Economic Prosperity

Mr. Scott Angelucci presented a power point presentation, which was included in the panel's packet and can be found online.

Adjourn

The panel is reminded to please have their team reports to Mrs. Hudson by close of business on the Monday prior to the panels meetings. The next meeting will be held August 3, 2011 at 5:30 pm. With no further business the meeting adjourned at 7:09 pm.

Respectfully submitted,

Christine R. Crouch
Recording Secretary