

City of Milford



AGENDA

Monthly Council Meeting

March 12, 2012

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

7:00 p.m.

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition - Kristin Patterson/Milton Town Council

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business

City Planning Commission Appointments

New Business

Board of Adjustment Members Reappointment

Board of Adjustment Term/Month Extension

*Economic Development Advisory Panel Appointments***

*Tyler Technologies Contract Amendment**

FY2011-2012 Budget Adjustment/City Administration/Tyler Technologies/Contract/Parcel Count

FY2011-2012 Budget Adjustment/Police Department/Recording System

Introduction of Ordinance 2012-5/Water Code Chapter 220 Fire Line Service & Cross Connection Control

Monthly Finance Report

Executive Session-

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements.

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.**

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: March 12, 2012

RE: Activity Report/February 2012

Monthly Stats:

A total of 515 arrests were made by the Milford Police Department during February 2012. Of these arrests, 143 were for criminal offenses and 372 for traffic violations. Criminal offenses consisted of 26 felonies and 117 misdemeanors. Traffic violations consisted of 96 Special Duty Radar, 6 Drunk-Driving charges, and 270 other.

Police officers investigated 42 accidents during the month (2 personal injury, and 40 property damage) and issued 132 written reprimands. In addition, they responded to 1089 various complaints including city requests and other agency assistance.

Monthly Activities:

The department assisted a local Boy Scout Troop with mapping out GIS (Global Information System) locations for all fire hydrants on the Sussex side of Milford.

We are almost ready to perform the upgrade on the live side of CAD (Computer-Aided Dispatch). Though we experienced problems with the upgrade on the test side as a result of some mapping issues, we believe everything has been resolved.

A new departmental sign has replaced the damaged one in front of the police department. I would like to thank the City Electric Department for their assistance in removing the old sign and installing the new LED lights.

I am planning to obtain some quotes for sandblasting and painting the flag poles in front of the building some time later this spring or summer.

The K-9 continues to be an extremely useful tool for the police department. During the month of February, the unit responded to 66 calls for service, was utilized on 8 different incidents, conducted 2 sniffs for controlled substances and had 2 no-bite apprehensions. The first involved a robbery suspect that fled on foot from an in-progress fight and the second incident involved a suspect that had just committed felony stalking, indecent exposure and a lewd act.

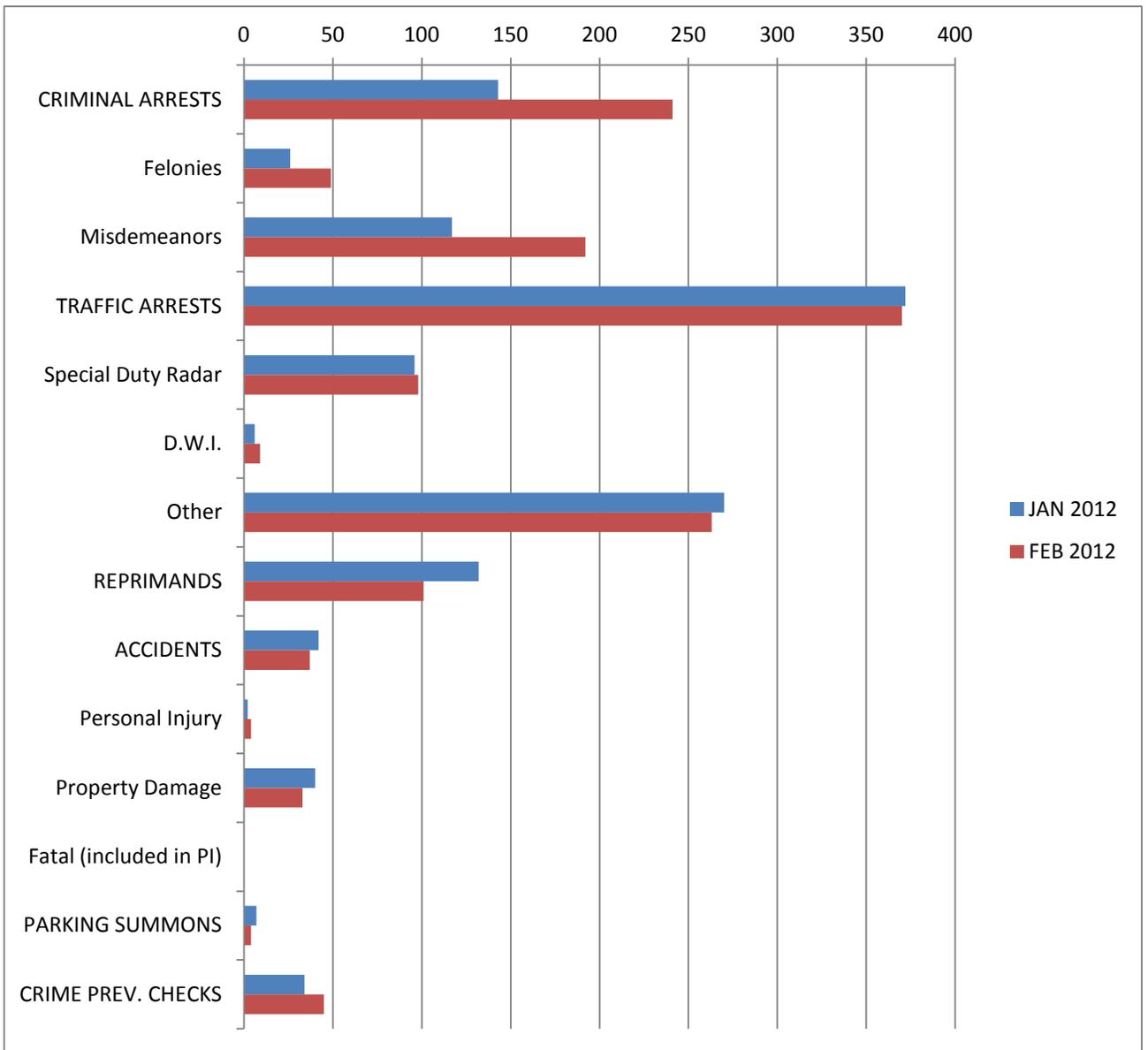
Additionally, the K-9 was utilized 3 times to assist with controlling large violent crowds.

The department sent 5 officers to a 2-day training seminar in New Jersey on Street Survival. The training was paid through grant funds.

EKH

FEBRUARY 2012 ACTIVITY REPORT

	FEB 2012	TOTAL 2012	FEB 2011	TOTAL 2011
COMPLAINTS	1089	2189	1070	2170
CRIMINAL ARRESTS	143	384	124	261
Felonies	26	75	61	108
Misdemeanors	117	309	63	147
TRAFFIC ARRESTS	372	742	299	651
Special Duty Radar	96	194	41	64
D.W.I.	6	15	8	11
Other	270	533	250	576
REPRIMANDS	132	233	176	369
ACCIDENTS	42	79	38	69
Personal Injury	2	6	2	5
Property Damage	40	73	36	64
Fatal (included in PI)	0	0	0	0
PARKING SUMMONS	7	11	17	26
CRIME PREV. CHECKS	34	79	55	79
FINES RECEIVED	\$ 9,408.14	\$ 22,272.00	\$ 7,780.42	\$ 15,430.17



CITY MANAGER REPORT-MARCH 12, 2012

I met with Chris Adkins who is taking over the operation and management of Shawnee Country Club. I think this is worth mentioning because having a golf course in our community can be a great resource for recreation, and is one of those amenities that make our town more attractive to people who are considering us as a place to live. Mr. Adkins has tremendous experience in this type business and shared with me some of the great changes he will be instituting at Shawnee.

I have devoted many hours to what changes the city could institute to make our billing process more customer friendly, and maybe even improve the staff's work load. I would very much like to introduce and offer e-notification along with the choice to go paperless. If only the present customers who pay on-line choose this method of receiving their statements it would save the city in excess of \$15,000.00 per year in costs on postage and paper. This amount does not reflect man hour savings.

I also would like to finally create four billing and disconnect dates for bills. The present system of doing our entire customer base in one due date and one disconnect date is not the best use of staff and certainly a method that makes customers, who have to stand in lines that run out the door, unhappy. It makes no sense to follow a routine that is causing staff and customer overloads, but is also absolutely chaotic. I would divide the city into four billing areas, and assign four due and disconnect dates. They will now be the 7th, 14th, 21st, and 28th. This would allow for a division of the workload into roughly 25% segments, thereby spreading the billing tasks throughout the month.

I am also considering the implementation of a policy wherein we return an electric account back to the owner of a rental property once a tenant closes the account. Our present policy involves an employee going to the location and disconnecting the meter. Many times the owner will call the same day for a reconnection, and then in a short time span the new tenant will walk in and request we put the account into their name. Currently, the owners do not pay any fee for disconnects and reconnects. We can automatically put it in the owners' name at no cost; however, should the electric be disconnected but the owner later request it be reconnected, they would then pay a \$35 fee. There are also owners who attempt to put the city in a liability issue for disconnecting power and allowing pipes to freeze or refrigerators to become unusable because tenants left spoiled food in them. Enacting this policy would save a great deal of employee costs, and customer complaints. The city is not rental property managers, and we do have many rental properties which makes this no small matter.

City Engineer Mark Mallamo and I met with Baltimore Air Coil regarding their failing well. This is causing serious problems with their fire suppression system. A few years back I was allowed to extend sewer to their business when their septic system failed. They did not have the property to construct another system and retain any land for expansion. Our assistance, with help from Kent County and the State of Delaware, has allowed BAC to do several expansions, and bring close to 300 more jobs to our community. I would appreciate council's nod to let me continue to work out a solution to an important economic problem.

The mayor and I attended a meeting with DELDOT engineers regarding the proposed overpass at Rt. 1 and New Wharf Road. There is serious concern that some of the changes being considered could greatly reduce the ability for any commercial development in that vicinity. Some designs could adversely impact the ability of the two businesses already built to be successful. The concepts will be on display on Monday, March 12th at Milford Public Library from 4:00 p.m. to 7:00 p.m. Public comments will be taken at that time. I hope that council is able to stop by and familiarize themselves with the proposed plans before our council meeting that evening. Please make your wishes known at that time.

On March 15th, there will be a ceremony at City Hall for the Washington Street Water Project during which time, a \$4 million check will be presented to the city.



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.

February 13, 2012

Mr. Richard Carmean
City of Milford
P.O. Box 159
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of January 2012.

**January 2012
Weight in Pounds**

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
18,212	400

MILFORD MIDDLE SCHOOL

4,728	
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MILFORD COMMONS

11,033	
--------	--

16.99 TONS

Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc
Christie Murphy
Attachments: City of Milford Curbside 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 TOTALS
JANUARY 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
1/5/2012	782332	2550-Single Stream R	100-Inventory	City of Milford	3.61
1/5/2012	782353	2550-Single Stream R	100-Inventory	City of Milford	5.51
1/6/2012	782369	2550-Single Stream R	100-Inventory	City of Milford	3.07
1/6/2012	782370	2550-Single Stream R	100-Inventory	City of Milford	1.76
1/12/2012	783071	2550-Single Stream R	100-Inventory	City of Milford	1.56
1/13/2012	783093	2550-Single Stream R	100-Inventory	City of Milford	6.46
1/19/2012	783655	2550-Single Stream R	100-Inventory	City of Milford	3.77
1/20/2012	783692	2550-Single Stream R	100-Inventory	City of Milford	2.22
1/20/2012	783693	2550-Single Stream R	100-Inventory	City of Milford	6.63
1/26/2012	784309	2550-Single Stream R	100-Inventory	City of Milford	0.56
1/26/2012	784310	2550-Single Stream R	100-Inventory	City of Milford	5.48
				TOTAL	40.63



Carlisle Fire Company Newsletter

Out and About with the Carlisle Fire Company

February Issue

February Alarm Totals:

- Fire Runs : 39
- Ems Runs : 249

Message From The President:

As we make the transition from the seasons, the Officers and Members of the Carlisle Fire Company are gearing up with excitement with some of the activities we are planning. Please join us into welcoming Spring, and stay tuned for further information on our plans.

President, Marvin Sharp

Message from the Fire Chief :

Training has taken off with the members as we range from business tours to live fire training at our local fire schools. The Officers and Members have been working together to add new interest as well as redefine previous training exercises to keep up with the growing community.

Fire Chief, Bill Carpenter

Check out our webpage:

www.carlisle42.com

Monthly Recap

Carlisle Regrets to Announce The Passing of Life Member Vail Johnson

The Officers and Members of the Carlisle Fire Company regretfully announce the passing of Fire Police Emeritus and Life Member Vail Johnson.

Vail W. Johnson of Milford passed away on Monday, February 13, 2012 at the Delaware Hospice Center in Milford. He was 85. Vail was born on August 3, 1926 in Harman, West Virginia, son of the late Russell and Cenna Wilford Johnson. He was a proud veteran of the Delaware National Guard. Mr. Johnson was employed for many years as an operator in the Waste Water Facility of the Water Department for the City of Milford.

He joined the Carlisle Fire Company in Milford on September 7, 1950 and soon after was installed as a member of the fire police. In 1955, he became the first President of the Kent County Fire Police Association and held that office until 1957. The Delaware State Volunteer Fire Police Association was organized in November of 1966 and Vail was elected as their President. He was an active member of the Fire Company for sixty-two years, serving on the Board of Directors and on numerous other committees and became a Life Member in 1990. Vail was honored in March of 2011 with the title of Fire Police Emeritus as well as being honored with fifty years of service with the Fire Police State Association in November of 2011. Vail was involved as a Boy Scout Leader with Troop 116 and also served as a Councilman for the City of Milford.

This Month In Carlisle History:

February 24th, 1921: Several Fireman throughout the state met in Milford to form the Delaware Volunteer Fireman's Association. Carlisle's own C.E."Charles" Varney was referred to as the man behind assembling this association. Carlisle was one of the nine companies to be the first to enter this organization. In 2009, The Delaware Volunteer Fireman's Association name was later changed to The Delaware Volunteer Firefighter's Association to accommodate both men and women in the fire service.

Carlisle Fire Company Host Kent County Fire Chief's Meeting

February 8, 2012. The Officer and Members of the Carlisle Fire Company hosted the Kent County Chief's Association in Grier Hall. Member Fire Companies throughout Kent County meet each month at a member Fire Company's Station to discuss business as well as operational issues on the County level. Each meeting has the host company's Ladies Auxiliary with preparing a meal prior to the business session of the meeting. This evening the Carlisle Fire Company Ladies Auxiliary prepared the refreshment meal. During the meeting members attending from Carlisle had to excuse themselves with answering an alarm reported in our district during the meeting.



Life Member Vail Johnson



Carlisle Assist Bowers Fire Co.



**Retired Ladder 42
In Service from 1956 -1992**

Upcoming Events:

3/17 - Carlisle Annual awards night and appreciation banquet

3/29 - Delaware State Volunteer Fire Chief's Meeting @ Sta. 42

“ Courage is the resistance to fear, the mastery of fear, not the lack of” - Mark Twain

Carlisle Responds to Accident with Entrapment

February 8, 2012. At 19:04 hours Carlisle was alerted to an MVC/Rollover with entrapment at the intersection of Coastal Highway and Johnson Road. At 19:08 hours Command 42 with (42-21, Captain Hinton) responded to the scene and upon arrival confirmed entrapment and established Coastal Highway Command. At 19:06 Ambulance B-42 responded with (Career Staff). Rescue 42 responded with (42-16 Deputy Chief Mriss) and was advised by Command to prepare for extrication upon arrival. Rescue 42 arrived at 19:14 hours and began extrication operations. Ambulance A-42 responded however, was re-directed to a second emergency in the district. Engine 42-5 responded with (42-18 Asst. Chief Griffith) and was advised by command upon arrival deploy a trash line and stand-by while extrication operations continued. Engine 42-4 responded with (42-15 Chief Carpenter) and was advised by Command upon arrival to stage behind Ambulance B-42 and assigning them to assist the Ambulance with manpower. Extrication was completed at 19:23 hours. The patient was packaged and loaded for transport to Beebe Medical Center in Lewes, DE. Coastal Highway Command went under control at 19:36 hours. Equipment began returning at 19:49 with all units back in quarters at 19:59 hours



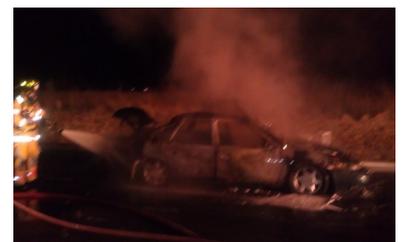
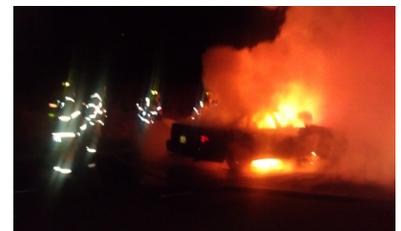
Carlisle Host County Firefighters Association Meeting

February 15, 2012, The Officer and Members of the Carlisle Fire Company hosted the Kent County Firefighters Association in Grier Hall. Member Fire Companies throughout Kent County meet each month at a member Fire Company's Station to discuss business on the County level. Each meeting has the host company's Ladies Auxiliary with preparing a meal prior to the business sessions of the meeting. This evening the Carlisle Fire Company Ladies Auxiliary prepared the refreshment meal. During the meeting members attending from Carlisle had to excuse themselves with answering two (2) alarms reported in our district between the meal and during the meeting.



Carlisle Responds To Vehicle Fire

February 15, 2012, Carlisle was alerted to a vehicle fire in the 500 block of South Walnut Street. Chief Carpenter (42-15) arrived establishing South Walnut Street Command and advising the vehicle was fully involved. At 20:18 Engine 42-5 responded with (42-19 Asst. Chief Ingram) and was advised by Command upon their arrival to deploy the trash line as well as placing a second 1¾ line in service with the pro pack. Engine 42-4 responded with (42-17 Asst. Chief Vanaman) and upon arrival was assigned to supply Engine 5. Rescue 42 responded with (42-18 Asst Chief Griffith) and was advised by command upon arrival to place the "light" tower in service to illuminate the fire scene. 42 Fire Police were advised to shut down Walnut Street both directions for the duration of the alarm. South Walnut Street command went under control at 20:37 and all units back in quarters by 21:00.



Submitted By: PIO Officer RYAN KNOWLES

CITY OF MILFORD

PLANNING COMMISSION MEMBERS

Charles M. Rini, Chairman

Appointed: 07/07

Term Expiration: 08/31/14

Marvin C. Sharp

Appointed: 09/08

Term Expiration: 08/31/12

James F. Burk, Secretary

Appointed: 11/08

Term Expiration: 08/31/12

George R. Pilla, Vice Chair

Appointed: 10/09

Term Expiration: 08/31/14

Archie J. Campbell

Appointed: 10/09

Term Expiration: 08/31/13

William J. Lane

Appointed: 08/10

Term Expiration: 08/31/12

Kerri B. Fry

Appointed: 08/11

Term Expiration: 08/31/2013

W. Ed Holloway

Appointed: 01/12

Term Expiration: 08/31/14

Jason L. James

Appointment: 02/12

Term Expiration: 08/31/13

Gary Norris, AICP

City Planner

Christine Crouch

Recording Secretary/Department Administrative Assistant

All correspondence is to be mailed to:

*Planning Commission
c/o Planning Department
201 S Walnut Street
Milford, DE 19963*

CITY OF MILFORD

BOARD OF ADJUSTMENT MEMBERS

Sam Johnson, Chairman
3 Year Term
Appointed: 02/2010
Term Expiration: 02/28/2013

Frank Bason
2 Year Term
Appointed: 02/2010
Term Expiration: 02/28/2012

Keith Gramling
Appointed: 02/2010
Reappointment: 02/2011
Term Expiration: 02/28/2014

Vacant Position

Vacant Position

David N. Rutt, Esq.
City Solicitor

Gary Norris, AICP
City Planner

Christine Crouch
Recording Secretary

*All terms begin 03/01

All correspondence is to be mailed to:

*Board of Adjustment
c/o Planning Department
201 S Walnut Street
Milford, DE 19963*

Appointment of EDAP Members—

Pastor Gregory Nelson (Bethel AME Church)

Michael Ashton (Bayhealth)



3199 Klepinger Road
Dayton, Ohio 45406

P: 800.800.2581
F: 937.278.3711

www.tyler.com

February 21, 2012

Mr. Richard Carmean
Director of Assessment
201 S. Walnut Street
Milford, DE 19963

RE: Revaluation Contract Amendment

Dear Mr. Carmean:

As a follow up to our meeting on February 2, 2012, I have included two copies of the Contract Amendment we discussed. After your review, please sign both copies, keep one for the City and pass the second copy along to Ryan as soon as possible. If you have any questions, please do not hesitate to call me at 610.246.6539 or e-mail me at paul.miller@tylertech.com.

Sincerely,

A handwritten signature in blue ink, appearing to be "P. Miller", enclosed within a large, loopy blue oval.

Paul C. Miller, CTA, CPE
Senior Account Executive
Tyler Technologies Appraisal and Tax Division

* Transfer from Electric Reserves

Amendment A

This Amendment is between The City of Milford, Delaware ("City") and Tyler Technologies, Inc. ("Company").

BACKGROUND

1. The parties entered into a Contract on July 11, 2011 for Revaluation Services.
2. Article 3. Company's Compensation and Payment- Includes a "Parcel Overage Fee" of \$50/parcel for every parcel addressed during the project over the 4180 parcels listed in the City's RFP.
3. The actual number of parcels being valued as part of the Revaluation Project is 5,559.
4. The Company agreed with the City to address the additional parcels for one flat fee of TWENTY TWO THOUSAND TWO HUNDRED DOLLARS (\$22,200.00).

CHANGES

1. Article 3. – Change:
"Parcel Overage Fee (over 4168 parcels), per parcel \$50"

To

"Parcel Overage Fee (over 4168 parcels) \$22,200.00 (total)"

APPROVED BY:

CITY OF MILFORD, DELAWARE

Witness

Mr. Richard D. Carmean
City Manager

Tyler Technologies Inc. Appraisal and Tax Division

By: 

Paul C. Miller
Senior Account Executive

Amendment A

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To

"Parcel Overage Fee (over 4168 parcels) \$22,200.00 (total)"

APPROVED BY:

CITY OF MILFORD, DELAWARE

Witness

Mr. Richard D. Carmean
City Manager

Tyler Technologies Inc. Appraisal and Tax Division

By: _____


Paul C. Miller
Senior Account Executive



COLLINS Quotation for Milford Police
March 7, 2012 – Upgrade Audiolog Server & Software
Delaware State Contract Number GSS06455-TELECOMMVOICEV02

Qty	Equipment	Price
1	Verint Audiolog 5000 Series Redundant Pro Recording Server <ul style="list-style-type: none">• (2) Hot Swap 500GB HDD RAID 1• Hot Swap Redundant Power Supplies• 16 Port Analog Card• Rack Mount Chassis• Blu-Ray Drive w/ 2 discs (archiving)• 1000 VA UPS• Audiolog Version 5 Software	
1	Transfer & Upgrade Existing Software Licenses <ul style="list-style-type: none">• (12) Audiolog Channel Licenses• Remote Multi-Channel Player Site License• Web Player Site License• Live Monitor Site License• Audiolog Management Console Site License• Dispatcher Instant Recall Site License• Remote Maintenance Package	
1	Installation & Configuration	
TOTAL INVESTMENT		\$13,995.00* (includes 2012 upgrade promo)

Option:

- Upgrade to 16 Channels: **\$2,300.00**

Terms: Net 10 Days

Prices will be valid until March 30, 2012 and include discount. System will be covered under the terms of the existing maintenance contract that expires 7/23/12.

Configuration may change after further discussion. All prices apply only to initial order. All products are subject to availability.

*To be funded from General Fund
Capital Reserves*

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 222 - WATER** >>

Chapter 222 - WATER

[HISTORY: Adopted by the City Council of the City of Milford 10-23-2006 by Ord. No. 2006-12.¹ ^[30] Amendments noted where applicable.]

GENERAL REFERENCES

<u>Building construction – See Ch. 88</u>	<u>Streets and sidewalks – See Ch. 197</u>
<u>Car washes – See Ch. 100</u>	<u>Subdivision of land – See Ch. 200</u>
<u>Housing standards – See Ch. 145</u>	<u>Zoning – See Ch. 230</u>
<u>Sewers – See Ch. 185</u>	

- § 222-1. - Schedule of water rates and charges.
- § 222-2. - Posting of rates and regulations; contract with City.
- § 222-3. - Definitions.
- § 222-4. - Connection to City water system.
- § 222-5. - Application for service connection.
- § 222-6. - Application for water service.
- § 222-7. - Written permit to supply other persons or families.
- § 222-8. - Deposits.
- § 222-9. - Service lines to curb; fee.
- § 222-10. - Service lines from curb to premises.
- § 222-11. - Violations where two or more customers are on the same service.
- § 222-12. - Service discontinuance; fees.
- § 222-13. - Opening and closing valves.
- § 222-14. - Supply of water; restrictions on use.
- § 222-15. - Temporary uses.
- § 222-16. - Meters.
- § 222-17. - Leaks or waste.
- § 222-18. - Defective plumbing.
- § 222-19. - Fire protection service.
- § 222-20. - Private fire service.
- § 222-21. - Liability.
- § 222-22. - Bills and payment.
- § 222-23. - Vacation or closing of premises.
- § 222-24. - Water used for steam generation.
- § 222-25. - Complaints.
- § 222-26. - Right of entry.
- § 222-27. - Main extensions.
- § 222-28. - Amendments.
- § 222-29. - Backflow prevention devices.
- § 222-30. - Violations and penalties.
- § 222-31. - Impact fees.
- § 222-32. - Wells.

§ 222-1. - Schedule of water rates and charges.

The City does hereby fix and charge the monthly water rates and charges set forth in the following schedule of water rates and charges, which shall become effective 10 days following its adoption by Milford City Council, and shall be collected from the customers of the water system under operation of the City of Milford. The City shall bill all customers on a monthly basis. The City shall read meters monthly.

- A. Meter rate schedule.

- (1) Where there is no water meter or where water meter readings are not available, the owner or user of the premises served shall install and pay for a meter approved by the City for measuring water consumption. The City may require the owner of a nonresidential establishment to pay for the cost and maintenance of special installations of water meters.
- (2) Monthly water rates for five-eighths-inch to three-fourths-inch or one-inch residential meters.

Gallons	Rate per 1,000 Gallons
0 to 4,000 per month*	\$3.25
4,001 to 8,000 per month	\$3.50
Over 8,001 per month	\$4.00

NOTES:

* Zero usage will be billed \$3.25 per month as an availability charge.

- (3) Monthly commercial meters.
 (a) Minimum charges:

Meter Size (inches)	Minimum Charge	Allowance (gallons)
1	\$32.50	10,000
1 1/4	\$48.75	15,000
1 1/2	\$81.25	25,000
2	\$162.50	50,000
3	\$406.25	125,000
4	\$975.00	300,000
6	\$2,600.00	800,000
8	\$3,900.00	1,200,000
10	\$5,200.00	1,600,000
12	\$6,500.00	2,000,000

- (b) Monthly water rates for commercial meters.

Gallons (per month)	Rate per 1,000 Gallons
Allowance to 31 MG	\$2.60
Over 31 MG	\$3.25

B. Fire service line.

- (1) Fire service line availability charge due at time of installation.

Size of Fire Service Line (inches)	Fee
4	\$3,000
6	\$3,500
8	\$4,000
10	\$6,000

- (2) The applicant is responsible for the cost of the installation in addition to the above fees.
- C. Meter installation fee.**
- (1) Meter installation only on new service:
- One inch (residential): \$200.
 - One inch (commercial): \$350.
 - Over one inch: calculated on an individual basis.
- D. Out-of-City surcharge.** Water charges to out-of-City customers shall be at a rate of 1.5 times the in-City user rate established by the City unless special service agreements are executed between the City of Milford and the customer.
- E. Special rate schedule.**
- (1) Private fire service line (all sizes): \$15 per month.

§ 222-2. - Posting of rates and regulations; contract with City.

A.

Copies of the schedule of water rates and charges established by the City and of the rules and regulations governing the supply of water service are open to inspection at City Hall, 201 South Walnut Street, Milford, Delaware.

- B.** These rules and regulations, which have been adopted by the City, are a part of the contract with every person and any political subdivision that takes water service, and every such person or political subdivision, by taking of the water service, agrees to be bound thereby. All customers of the water system of the City who continue to accept water service from the City shall be conclusively deemed to have a contract with the City for water service in accordance with the rules and regulations and the rates set forth herein. No new application for service between any such customer and the City shall be required.

§ 222-3. - Definitions.

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

AGRICULTURAL WELL— A well used for the watering of livestock, poultry, aquaculture uses, or solely for the watering of household yards and gardens or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

CURB or CURBLINE — The curb stop or service valve of the service connection to the customer.

CUSTOMER — The party contracting for a supply of water to a property as hereinafter classified:

- A.** A building under one roof, owned or leased by one party and occupied as one residence or business.
- B.** A combination of buildings owned or leased by one party in one common enclosure and occupied by one family or business.
- C.** The one side of a double house having a solid, vertical partition wall.
- D.** Each side or part of a building occupied by more than one family or business, even though the closet and other fixtures may be used in common.
- E.** Each apartment, office or suite of offices located in a building having several such apartments, offices or suites of offices and using in common one or more halls and one or more means of entrance, except that an owner of an apartment house or building accommodating families or businesses may become responsible for all water used on the premises, and such owner shall be considered as the customer.

DEWATERING WELL—A well used to remove ground water for construction of footings, sewer lines, building foundations, elevator shafts, etc.

DOMESTIC WELL—A well primarily used for potable non-public water supply purposes and which may be used for non-potable purposes, excluding heat pump supply.

HEAT PUMP CLOSED LOOP WELL—A sealed and pressurized loop of pipe containing a heat exchange solution which is circulated below the earth's surface and utilizes groundwater for the purpose of heat transfer.

HEAT PUMP RECHARGE WELL—A well constructed and primarily used for injecting ground water source heat pump effluent back into an aquifer, and which may be used for other non-potable water supply purposes provided prior written approval is obtained from the City.

HEAT PUMP SUPPLY WELL—A well constructed primarily to obtain ground water as a source for heat pump supply purposes and which may not be used for other purposes such as domestic water supply.

INDUSTRIAL WELL—A well which is used in the processing, washing, packaging, or manufacturing of a product excluding food and beverages.

IRRIGATION WELL—A well which is used for the watering of lands or crops other than household lawns and gardens.

MONITOR WELL—A well installed for the sole purpose of the determination of subsurface conditions and collecting ground water samples.

OBSERVATION WELL—A well used for the sole purpose of determining ground water levels.

POTABLE WATER—Any water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is acceptable for human consumption.

PUBLIC WELL—A well which is used to supply water to more than three dwelling units; 25 or more employees; in the manufacture of ice, foods, or beverages; to the public in food washing, processing, or preparation in a plant, restaurant, or other facility.

TEST WELL—A well installed to ascertain the lithology and water transmission properties of an aquifer or geologic materials and which may be used to determine water quality; a well which is not used on a permanent basis.

[2010-20, § 1, 12-28-2010]

§ 222-4. - Connection to City water system.

- A.** All owners of improved property in the City of Milford abutting upon but not presently connected with the existing water system are hereby required to connect their premises to the water system within 90 days from the effective date of this chapter. All such owners of improved property which shall abut upon

City of Milford
ORDINANCE NO. 2012-5

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by the City Council of the City of Milford:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, FOR THE PURPOSE OF ADDING A FEE FOR TWO-INCH FIRE SERVICE LINES AND FOR REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SYSTEM, I.E., CONNECTIONS OR ARRANGEMENTS OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SYSTEM.

WHEREAS, changes in the building code have created a need for small fire service lines, and the current schedule of water rates and charges does not address this need; and

WHEREAS, water services are available to businesses and residences within the City of Milford; and,

WHEREAS, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford are not allowed to connect to the City water system except as defined herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS AS FOLLOWS:

Section 1. §222-1(B)(1), Schedule of Water Rates and Charges, Fire Service Line, is hereby amended by adding a two (2) inch fire service line and applicable fee as follows:

<i>Size of Fire Service Line (inches)</i>	<i>Fee</i>
2	\$2,500
4	\$3,000
6	\$3,500
8	\$4,000
10	\$6,000

Section 2. §222-3 - Definitions, is hereby amended by adding the following definition:

CROSS CONNECTION - Actual or potential connections between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

Section 3. Chapter 222 is hereby amended by adding a new Section 33 to read as follows:

§222-33 - Cross Connection Control

A. That the City of Milford adopts by reference the Cross Connection Control Plan, which may be amended from time to time.

B. That it shall be the duty of the City to cause surveys to be made of all properties served by the public water system where cross connections with the public water supply is deemed possible. The frequency of surveys and resurveys based on potential health hazards involved shall be as established by the City Engineer and as approved by the Water Department.

C. That the representative of the City Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water system of City of Milford for the purpose of surveying the piping system or systems thereof for cross connections. On request, the owner, lessees, or

occupants of any property so served shall furnish to the survey agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

D. That the City of Milford Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

E. That all testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be performed on an annual basis as required by the City of Milford. Only individuals that are approved and State of Delaware certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

F. That the potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified by this ordinance and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

G. That this ordinance does not supersede the state plumbing code but is supplementary to it.

H. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Milford, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$1000.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

Section 4. Dates

Introduction to City Council: 03-12-12

Adoption by City Council: 03-26-12

Effective Date: 04-05-12

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the website cityofmilford.com. Questions should be referred to City Engineer Mark Mallamo at 302-422-6616 Extension 131.

By: Terri K. Hudson, CMC

Prepared for:

City of Milford

201 S. Walnut Street
Milford, DE 19963

CROSS CONNECTION CONTROL PLAN

For

City of Milford

City of Milford Approved: March 26, 2012

Prepared by:

Hydro Designs, Inc.

P.O. Box 491

Chester, MD 21619

Phone: 443.949.3185

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1. INTRODUCTION

In accordance to the requirements set forth by the Delaware Health and Social Services-Office of Drinking Water (DPH), the City of Milford has officially adopted the Ordinance 2012-5, to protect the public water supply system. A cross connection is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. Backflow is defined as the undesirable reversal of flow of water of questionable quality, wastes or other contaminants into a public water supply. The purpose of this program is to avoid contamination of the public water supply by preventing and eliminating cross connections. It is the City of Milford's intent to carry out a comprehensive and effective cross connection control program (CCCP) to ensure public health is protected and the requirements of the Delaware Safe Drinking Water Act are complied with.

2. AUTHORITY

The authority to carry out and enforce the local CCCP is provided from local ordinance (see Appendix A), the Delaware Safe Drinking Water Act, the DPH, the American Water Works Association (AWWA) M 14 Manual, and the International Plumbing Code (IPC), including all State of Delaware amendments.

2.1. Inspector/Designated Agent

The City of Milford or Designated Agent (Authority/Agent) conducting inspections on behalf of the City of Milford must be designated/approved by the City of Milford. The Authority/Agent must meet both 1) an experience component and 2) a certification/training component. Acceptable components are as follows:

Experience

- Be employed by a Utility, Water Purveyor, Building Department, or body of jurisdiction and must meet the qualifications and training requirements as dictated by the Authority conducting inspections/surveys on behalf of the City of Milford
- Have held a similar position (CCC Inspector) with a previous municipality
- One year full time experience in conducting cross connection control inspections in commercial, institutional and industrial facilities

Certification/Training

- Meet American Society of Sanitary Engineer Standards (ASSE) 5020 and completed their Cross Connection Inspector Course (40 hours)
- Possess a certificate of completion from one of the following:
 - USC *Cross Connection Control Specialist Course* (40 hours)
 - TREEO *Cross Connection Control Program Manager Course* (40 hour)
- Other approved cross connection courses for surveying, as approved by the Authority for conducting inspections/surveys on behalf of the City of Milford. Submission requirements for approvals must include the following:
 - Course outline
 - Date of attendance
 - Outline of test questions
 - Categories and grading criteria
 - Certificate of satisfactory completion

3. PROGRAM APPROACH

The objectives of this program will be met primarily by:

- Routinely inspecting water customers for cross connections or potential cross connections.
- Requiring water customers to test backflow prevention assemblies.
- Maintaining cross connection control records.
- Actively enforcing violations of the program.
- Providing public education.
- Reporting the status of the program to the DPH

The City of Milford shall ensure that there are adequate personnel and resources to carry out the necessary field and administrative requirements for this program. The City of Milford shall use the AWWA M-14 Manual as a guide to prevent and eliminate cross connections.

4. INSPECTIONS

The water connections and plumbing systems of all water customers or accounts shall be initially inspected for the presence of cross connections. As a result of the initial inspection, a detailed record of each account shall be established (see Section VI). A representative of the water utility or their designated agent shall be responsible for inspections. Individuals responsible for conducting inspections shall have obtained sufficient training on cross connection rules, identification, and corrective actions.

Inspections shall consist of entering a facility from the point where water service enters the facility (usually the meter) and tracing the piping to each end point of use. Using the inspection forms in Appendix B, the inspector shall identify and note the location and nature of any direct and potential cross connections, location and details of backflow prevention devices, and other pertinent information. Inspectors having proper identification shall be permitted to enter the building/premises at reasonable times for the purpose of cross connection inspections. If the inspector is refused proper access or if customer plumbing is untraceable, the City of Milford will assume a cross connection is present and take the necessary action to ensure the public water supply is protected.

The highest priority for inspections shall be placed on facilities that pose a high degree of hazard, that have a high probability that backflow will occur, or are known/suspected to have cross connections.

Once initial inspections are complete, then a re-inspection frequency shall be determined for each account based on the degree of hazard and potential for backflow. The AWWA M-14 Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which backflow could cause illness or death shall be considered high hazard. Accounts that pose a high hazard or have a high potential for back flow to occur, must be re-inspected at least once per year. All other accounts must be re-inspected once every 1-5 years based on the degree of risk. Other factors such as new construction, water quality complaints, or anomalies in customer billing, may prompt an immediate re-inspection. After initial cross connection inspections are complete, a comprehensive list or inventory of all backflow prevention devices shall be on record including all pertinent data.

Following an inspection, the City of Milford shall inform the customer of their compliance status with the cross connection rules. Template notices in Appendix C may be used to inform customers of upcoming inspections, required corrective actions, compliance status, etc.

4.1. Request for Internal Cross Connection Control Information

The Authority has the legal right to request specific cross connection control information to include but not limited to piping information, piping drawings or information related to a specific point of water use in relation to cross connections. The Authority shall issue a request notice for any one of the following:

- Facility is determined by the Inspector to be large and/or complex requiring considerable amount of additional time to inspect
- Facility does not allow for free and unlimited access to areas requiring inspection/survey
- Piping configurations are complex
- Piping is not readily accessible. (i.e. concealed piping)
- Multiple piping systems
- Inadequate piping identification
- Facility changes their plumbing configurations on a regular frequency
- Secondary/auxiliary water sources
- Manufacturing/use of industrial fluids in piping systems or facility operations
- Refusal of entry
- No current as-built/engineering drawings of the potable water system

If, the Authority/Agent is not able to complete an inspection the property owner must, at their own expense, have the plumbing inspected for cross-connections by a certified firm or individual that has met the requirements in Section 2.1.

4.2. Submission of Internal Cross Connection Control Information

Information that must be included is as follows:

- Methodology used to conduct the survey
- General facility overview
- List of violations/requirements - information must include the following:
 - Type of backflow prevention device to be installed
 - Size of backflow prevention device to be installed
 - Location description/remarks to include what the backflow prevention device will be supplying
- List of all existing backflow prevention devices (both testable and non-testable). Information that must be included is as follows:
 - Type of backflow prevention device installed
 - Size of backflow prevention device installed
 - Manufacturer of backflow prevention device to include:
 - Model
 - Serial number
 - Location description/remarks
- A proposed plan for the correction of violations/requirements must be submitted along with a proposed time table for completion
- Drawings of the facility's potable water piping system may be required

4.3. Containment

“Containment” * is the installation of a backflow prevention device between the facility and public distribution systems. Containment assures there is no chance for water of questionable quality to leave a facility and to enter the public distribution system.

While a facility may be contained, the Authority may still require an inspection downstream of the containment device(s). It is the responsibility of the facility to provide potable water at all times to its employees and/or public. Failure on the facility's part to take corrective action would constitute a violation thus exposing the facility to possible legal ramifications.

A [Containment Notice](#) will be issued for any one of the following:

- Facility determined to be high hazard
- Refusal to comply with the normal steps for non-compliance
- Facility does not allow free and unlimited access to areas requiring inspection/survey
- Piping not differentiable or determined to be complex
- Piping is not readily accessible (i.e. concealed piping)
- Multiple piping systems
- Inadequate piping identification
- Facility changes their plumbing configurations on a regular frequency
- Secondary/auxiliary water sources
- Manufacturing/use of industrial fluids in piping systems or facility operations
- Refusal of entry
- No current as-built/engineering drawings of the potable water system

* Containment device(s) does not negate the facility's responsibility to ensure the internal water system is protected utilizing appropriate backflow prevention methods.

5. TESTING BACKFLOW PREVENTION ASSEMBLIES

When inspections have been completed, a comprehensive list of backflow preventers installed on customer plumbing systems will be on record. The backflow preventers that are testable assemblies shall be placed on a routine testing schedule. All testable assemblies will be tested upon installation, upon repair and on an annual basis or as determined by the Authority.

Upon notice from the City of Milford, it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply, and the timing will consider seasonal assemblies. Template notices in Appendix C may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested.
- Indicate that tests must be completed by a certified tester. A list of approved testers may be provided and updated lists may be obtained from the City of Milford.
- Enclose is a standard test form (see Appendix D).

When assembly testing reports are received by the utility, they will be checked for the following:

- All the necessary information was provided
- Name and certification number of the tester is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing (Make, Model, etc.)
- The assembly is approved

Cross connection control program staff will follow up with owner or tester on questionable test forms. A customer may be asked to have an assembly retested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

6. RECORD KEEPING

A system of cross connection record keeping shall be maintained. Special software specifically for cross connections may be used for:

- Efficient record searches
- Easy reporting
- Simple updating
- Automatic letter generation
- Automatic deadline notification

All cross connections account information must be in the records including:

- Address and location
- Owner name and contact information
- List of testable assemblies
- Description of other cross connections within the facility
 - Air gaps
 - Non-testable assemblies
- Degree of hazard classification and basis
- Required re-inspection frequency
- Photos or sketches if available

All testable assemblies must be in the records including:

- Location of the assembly
- Name and contact information of assembly owner
- Make, model, and size of assembly
- Degree of hazard classification
- Required testing frequency and basis

Tracking changes in water use or tracking new customers is a critical part of the cross connection program. The City of Milford shall make every attempt to prevent/eliminate cross connections at installation to ensure future compliance. An effort shall be made to cooperate and communicate with the local plumbing code inspector to better accomplish this goal.

Standard letter, form, and report templates may be used to simplify the program requirements including:

- Inspection forms
- Assembly testing forms
- Inspection and/or assembly testing notification letters
- Noncompliance letters
- Water service termination notice
- Hydrant use authorization forms

Copies of the written cross connection control program, ordinance, and Delaware Health and Social Services-Office of Drinking Water approval letter should be kept on file. Copies of annual reports shall be kept for a minimum of 10 years.

7. ENFORCEMENT

To protect public health, water customers found to be in violation of the cross connection rules will be brought into compliance in a timely manner or lose their privilege to be connected to the public water system. To properly enforce these rules the City of Milford ordinance provides authority to inspect facilities, terminate water service, and assess fines.

Following an inspection the customer will be sent either a compliance notice or a non-compliance notice. The timeframe to complete the necessary corrective actions is at the discretion of the utility and will be based primarily on the degree of risk posed by the violation but should also consider the complexity/cost of the necessary corrective actions. Cross connections that pose an imminent and extreme hazard shall be disconnected immediately and so maintained until proper protection is in place. Cross connections that do not pose an extreme hazard are generally expected to be eliminated within 30-60 days. The necessary corrective action and deadline shall be described in the non-compliance notice to the customer.

Failure to submit a test form for a backflow prevention assembly that has successfully passed testing requirements constitutes a cross connection and must be corrected and may result in the termination of water service and/or the assessment of a fine(s).

If water shut off is necessary to protect the public water system, the local health department, fire department, local law enforcement, and City of Milford manager may need to be notified.

8. PUBLIC EDUCATION

The cross connection control program staff must have a good understanding of the program. The City of Milford shall ensure their cross connection control staff receives proper in-the-field training as well as classroom education focusing on terminology, backflow prevention devices/assemblies, regulations, and hydraulic concepts. In addition, cross connection control staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices/assemblies, regulation changes (i.e. plumbing code updates), new water use devices that pose cross connection concerns, etc.

Furthermore, attempts to educate the public about cross connections will be made by distributing pamphlets on common residential cross connections, visiting schools, providing onsite education of facility management and maintenance staff during routine inspections, speaking at condominium association meetings, showing videos on local access channels, or posting newspaper announcements.

Cross connection staff shall also be available upon request to provide backflow prevention education to pertinent community officials and City of Milford employees.

9. ANNUAL REPORT

An annual program activity report shall be generated and kept on file at the City of Milford. The report will summarize testing, inspection, and corrective action efforts. The report and any Cross connection records shall be on file and made available to DHP personnel upon request. A narrative description shall be included explaining any unusual numbers or significant events such as:

- The addition or loss of a cross connection staff person
- Greatly expanded/contracted number of cross connection accounts
- Status of accounts not currently in compliance

APPENDIX A - LOCAL ORDINANCE

APPENDIX B - FIELD FORMS

<h2 style="margin: 0;">Hydro Designs, Inc.</h2> <hr style="border: 0.5px solid black;"/> <h3 style="margin: 0;">Cross-Connection Control Survey/Inspection Report</h3>																		
Facility Name _____ Facility Name 2 _____ Service Loc/Address _____ Contact Name _____ Area Name _____ Service Type _____ Comments _____ _____ _____ _____	Survey Date _____ Survey By _____ Contact Phone _____ Acct Number _____ Facility Status _____																	
BFP/CC Info																		
# 1	Location Floor _____ Equip Location _____	Location Room _____ Location ID _____ Meter # _____ Hazard Type _____ Haz. Level _____ Install Date _____	<input type="checkbox"/> Confinement <input type="checkbox"/> UD CB 1 <input type="checkbox"/> Freeze Protect Map Page _____ Protection Type _____ Status _____															
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APPENDIX C - NOTICE TEMPLATES

Cross Connection Control Program Inspection Notice

«LetterSentDate :Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »

The Purpose of the City of Milford 's Cross Connection Control Program, as defined in the local Ordinance 2012-5, is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

The City of Milford will be working jointly with inspectors from Hydro Designs Inc. to conduct these inspections. Thank you in advance for your cooperation in this matter.

As part of this program, an inspection of your facility's internal water system is to be completed. Inspectors will be reviewing your water system for connections that could possibly contaminate the water distribution system. The inspection is tentatively scheduled for «LTR_Survey_Initial_Date », our inspector will do their best to be on site this day however we may be on site a day or two before or after the scheduled date. The inspection must be completed during normal business hours 8:00 AM to 5:00 PM. If you need a more specific time please call 1.800.690.6651 to arrange an appointment.

Any costs associated with the replacement, modification, installation and/or testing of backflow prevention assemblies is the responsibility of the property owner/manager and/or occupant.

«LTR_H2O_Org_Text_04 »

You will be notified following the inspection if modification(s) and/or testing of backflow prevention assemblies are necessary. We look forward to working with you in protecting the drinking water supply. If you have any questions or concerns, please contact «LTR_H2O_Org_Text_01 ».

«LTR_H2O_Org_Text_03 »

Cross Connection Control Program Inspection Compliance Notice

«Current date:Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »

The purpose of the City of Milford 's Cross Connection Control Program, as defined in Ordinance 2012-5, is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

As part of this program, an inspection of your facility's internal water distribution system was completed on «LTR_Survey_Comp_Date :Month Day, Year». Inspectors reviewed your water distribution system for any piping or connections that could possibly contaminate the water distribution system.

Your facility was either found compliant and/or the necessary changes made to comply with Ordinance 2012-5. This inspection is valid until your facility's next scheduled inspection date. You will receive future notice for your next inspection date.

If your facility has backflow prevention assemblies requiring testing, you will be receiving additional notice detailing test requirements.

If you have any questions or require additional information, please contact «LTR_H2O_Org_Text_01 ».

«LTR_H2O_Org_Text_03 »

Cross Connection Control Program Containment Compliance Notification

«Current date:Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »,

A Cross Connection Control inspection was performed at your facility. At that time, it was determined that your facility's potable water system is "contained" by an approved, properly installed backflow prevention device or assembly at the main inlet which is intended to minimize the potential backflow threat to the City of Milford 's public water system. Therefore, your facility has met the intent of the inspection portion of the Cross Connection Program as defined in Ordinance 2012-5. Compliance with the inspection portion of the program requirements shall remain in effect until your facility's next scheduled inspection date.

However, to fully meet the intent of the CCC Program, two- (2) items must be addressed:

1. Inspection of the facility ? **Completed**
2. Successful annual testing of any existing testable backflow prevention assemblies within your facility.

This facility will be in **Compliance** with the Cross Connection Control Program when the existing backflow prevention assemblies are tested this year and at yearly intervals hereafter. When it is necessary to test such assemblies your facility will receive a notification letter, test forms to be completed by a certified tester for each identified testable assembly, and a list of certified testers within your facility's area. Upon the successful testing of the backflow prevention assembly, please submit a copy of the completed test record(s) to Hydro Designs.

Note however it is still possible for existing cross connections within your facility to potentially affect the water quality within your internal plumbing system. The installation of an approved backflow preventer at the main inlet does not relieve your facility of the responsibility of providing potable water to your employees and the public. In order to comply with all applicable codes and laws, it is recommended that your facility:

- Have a cross connection control survey of the potable water piping system performed within your facility
- Ensure all piping systems downstream of the containment device/assembly are labeled properly
- Ensure backflow prevention assemblies connected to the potable water supply within your facility are tested annually

If you have any questions or require additional information, please contact «LTR_H2O_Org_Text_01 ».

«LTR_H2O_Org_Text_03 »

Request for Internal Cross Connection Control Information Notice

«Current date:Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »,

The purpose of the City of Milford's Cross Connection Control Program, as defined in Ordinance 2012-5, is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

As specified by Ordinance 2012-5, your facility is required to supply potable water free of existing and/or potential cross connections to its employees and/or the public. Due to the complexity of your internal piping, an inspection of the potable water piping system is necessary to determine if there are any existing and/or potential cross connections. This inspection must be completed by an individual or firm acceptable to the City of Milford

The Potable Water Cross Connection Survey Report is to be submitted within 30 days from the date of this notice. Accompanied with the Potable Water Piping Cross Connection Survey Report shall be an Action Plan and timetable for correcting any deficiencies noted in the report.

If you have any questions or require additional information, please contact Hydro Designs, Inc. at **1.800.690.6651**. Your facility's cooperation in this matter is greatly appreciated.

Inspection Non-Compliance Notice 1

«LetterSentDate :Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »

The purpose of the City of Milford 'sCross Connection Control Program, as defined in Ordinance «LTR_H2O_Org_Ordinance », is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

An inspection of your facility's internal water distribution system was completed on «LTR_Survey_Last_Date ». Inspectors reviewing your water system found connections that could possibly contaminate the public water distribution system. A list of requirements is enclosed.

Requirements on this list must be addressed using only State approved backflow prevention devices. A licensed plumber should be able to assist you with acquiring approved backflow prevention devices. Some backflow prevention devices (assemblies) also require testing by a State Certified Tester. We suggest that the licensed plumber installing the testable assemblies also have the state certification to test assemblies. ***All testable assemblies must be tested immediately at the time of installation.***

These requirements must be completed by «LTR_Survey_Response_Date ». After the requirements and devices have been installed (if applicable) please call the number below on or before the date listed above to schedule a compliance inspection. Failure to do so will result in future non-compliant notices.

To arrange for a compliance review or if you require additional information, please contact «LTR_H2O_Org_Text_01 »

«LTR_H2O_Org_Text_03 »

Inspection Non-Compliance Notice 2

«LetterSentDate :Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »

The purpose of the City of Milford 's Cross Connection Control Program, as defined in Ordinance «LTR_H2O_Org_Ordinance », is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

As part of this program, an inspection of your facility's internal water distribution system was completed on «LTR_Survey_Last_Date ». Inspectors reviewing your water system found connections that could possibly contaminate the public water distribution system. A letter of notification was previously sent to you outlining the required corrective measures. For your reference, a duplicate list of requirements is enclosed.

Requirements on this list must be addressed using only State approved backflow prevention devices. A licensed plumber should be able to assist you with acquiring approved backflow prevention devices. Some backflow prevention devices (assemblies) also require testing by a State Certified Tester. We suggest that the licensed plumber installing the testable assemblies also have the state certification to test assemblies. **All testable assemblies must be tested immediately at the time of installation.**

These requirements must be completed by «LTR_Survey_Response_Date ». After the requirements and devices have been installed (if applicable) please call the number below on or before the date listed above to schedule a compliance inspection. Failure to do so will result in future non-compliant notices.

To arrange for compliance review or if you require additional information, please contact «LTR_H2O_Org_Text_01 ».

«LTR_H2O_Org_Text_03 »

Cross Connection Control Program Inspection Shut-Off Notice

«LetterSentDate :Month Day, Year»

«Mailing_Address »

RE: «LTR_Facility_Name » at «[Facility]Service Address Num Alpha» «[Facility]Service Address Street Name»

Dear «Mail_Greeting »

The purpose of the City of Milford 's Cross Connection Control Program, as defined in Ordinance «LTR_H2O_Org_Ordinance », is to help eliminate possible contamination of the public water distribution system.

As part of this program, an inspection of your facility's internal water distribution system was completed on «LTR_Survey_Last_Date :Month Day, Year». Inspectors reviewing your water system found connections that could possibly contaminate the public water distribution system. Two- (2) previous letters of notification were sent to you outlining the required corrective measures. For your reference, a duplicate list of requirements is attached.

We presently have no record or notification from you that corrective action has been completed. If you have already completed the requirements, please call the number below to schedule a compliance inspection.

You are hereby notified that in accordance with Ordinance «LTR_H2O_Org_Ordinance »,the water supply to the above noted premises will be discontinued as of «LTR_Survey_Response_Date ». Water service may not be resumed until corrective measures have been addressed.

Upon completion of the required corrective action, please contact Hydro Designs, Inc. on or before the above date at 1.800.690.6651 to schedule a compliance review.

«LTR_H2O_Org_Text_04 »

Sincerely,

«LTR_H2O_Org_Contact_Person »

«LTR_H2O_Org_Text_04 »

Annual Test Notice

TEST FORM DUE NO LATER THAN: "[Insert notice response date]"

"[Insert date]"

"[Insert mailing address]"

RE: "[Insert facility name]" at "[Insert facility address]"

Dear "[Insert greeting]" ,

The purpose of the City of Milford's Cross Connection Control Program, as defined in Ordinance "[Insert Ordinance number]" , is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

This correspondence addresses testing of backflow prevention assemblies, and is independent of previous correspondence pertaining to site inspection(s). Periodic testing of backflow prevention assemblies is required to ensure proper working order.

Our records indicate it is time for testing of backflow prevention assemblies at your facility. The enclosed preprinted test forms are the only test forms that will be accepted. Testing should be completed in advance of the completion date noted to allow for repair(s) should they be necessary. Testing of backflow prevention assemblies must be completed by a State approved certified tester. A partial listing is attached for reference.

Following completion of assembly testing and/or repairs, completed test forms may either be faxed to "[Insert fax number]" , or mailed to the following address:

City of Milford
180 Vickers Drive
Milford, DE 19963

Backflow prevention assemblies within the City of Milford are required to be tested on an annual basis. Our records indicate that we have not received the annual test reports on the following backflow assemblies enclosed with this letter.

Completed test forms are to be returned by "[Insert notice response date]" . Please retain a copy of the device test results for your records.

If you have any questions or require additional information, please contact me at "[Insert phone number]" .

Sincerely,

"[Insert inspector name]"
"[Insert inspector title]"

Test Notice #2

TEST FORM DUE NO LATER THAN: "[Insert notice response date]"

"[Insert date]"

"[Insert mailing address]"

RE: "[Insert facility name]" at "[Insert facility address]"

Dear "[Insert greeting]" ,

The purpose of the City of Milford's Cross Connection Control Program, as defined in Ordinance "[Insert Ordinance number]" , is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

This is your **second notice** pertaining to testing of backflow prevention assemblies, and is independent of previous correspondence pertaining to site inspection(s). Periodic testing of backflow prevention assemblies is required to ensure proper working order.

Our records indicate 1) it is time for testing of backflow prevention assemblies at your facility and that 2) you have not yet returned the previously provided test forms. For your convenience, we have enclosed additional preprinted test forms. Testing of backflow prevention assemblies must be completed by a Michigan Registered Tester. A partial listing is attached for reference.

Following completion of assembly testing and/or repairs, completed test forms may either be faxed to "[Insert fax number]" , or mailed to the following address:

City of Milford
180 Vickers Drive
Milford, DE 19963

Completed test forms are to be returned by "[Insert notice response date]" . Please retain a copy of the device test results for your records.

If you have any questions or require additional information, please contact me at "[Insert phone number]" .

Sincerely,

"[Insert inspector name]"

"[Insert inspector title]"

Testing Shut-Off Notice

TEST FORM DUE NO LATER THAN: "[Insert notice respnse date]"

"[Insert date]"

"[Insert mailing address]"

RE: "[Insert facility name]" at "[Insert facility address]"

Dear "[Insert greeting]" ,

The purpose of the City of Milford's Cross Connection Control Program, as defined in Ordinance "[Insert Ordinance number]" , is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

This is your **third notice** pertaining to testing of backflow prevention assemblies, and is independent of previous correspondence pertaining to site inspection(s). Periodic testing of backflow prevention assemblies is required to ensure proper working order.

Our records indicate that you have not yet returned the previously provided test forms. For your convenience, we have enclosed additional preprinted test forms. Testing of backflow prevention assemblies must be completed by a State approved certified tester. A partial listing is attached for reference.

You are hereby notified that in accordance with Ordinance "[Insert Ordinance number]" ,the water supply to the above noted premises will be discontinued as of "[Insert notice respnse date]" . Water service may not be resumed until testing of backflow prevention assemblies has been completed.

Following completion of assembly testing and/or repairs, completed test forms may either be faxed to "[Insert fax number]" , or mailed to the following address:

City of Milford
180 Vickers Drive
Milford, DE 19963

Please retain a copy of the device test results for your records. If you have any questions or require additional information, please contact the undersigned at "[Insert phone number]" .

Sincerely,

"[Insert inspector name]"
"[Insert inspector title]"

APPENDIX D - TEST FORM

**BACKFLOW PREVENTION ASSEMBLY
TEST REPORT**

Hydro Designs, Inc.

BFP ID		Facility Name			
Acct Number		Meter #		Test Report Due:	
Service Address			Schedule Code		
			Assembly Info (Replacement/Correction)		
Equip Location		SN	<input type="checkbox"/>		
Location ID		Protection Type	Mfr	<input type="checkbox"/>	
Contact Name		Ph	Type	<input type="checkbox"/>	
Map Page		#2	Size	<input type="checkbox"/>	
			Model	<input type="checkbox"/>	
			Install Date		
			Permit Num		
		Hazard Type		Haz. Level	

Line pressure at time of test: _____ **REPORT OF TEST RESULTS** Approved BFP

	Check Valve #1	Check Valve #2	Relief Valve	PVB/SVB	Shut Off Valves	
Initial Test	<input type="checkbox"/> Held at _____ PSID	<input type="checkbox"/> Held at _____ PSID	<input type="checkbox"/> Opened at _____ PSID	<input type="checkbox"/> Air Inlet Opened at _____ PSID		#1 #2
Pass	<input type="checkbox"/> Closed Tight	<input type="checkbox"/> Closed Tight		<input type="checkbox"/> Did not Open	Closed Tight	<input type="checkbox"/> <input type="checkbox"/>
Fail	<input type="checkbox"/> Leaked	<input type="checkbox"/> Leaked	<input type="checkbox"/> Did Not Open	<input type="checkbox"/> Check Held at _____ PSID	Leaked	<input type="checkbox"/> <input type="checkbox"/>
R E P A I R	<input type="checkbox"/> CLEANED <input type="checkbox"/> REPLACED	CLEANED	<input type="checkbox"/> <input type="checkbox"/>			
	<input type="checkbox"/> Disc	<input type="checkbox"/> Disc	<input type="checkbox"/> Disc	<input type="checkbox"/> Air Inlet Disc	REPLACED	<input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> Spring	<input type="checkbox"/> Spring	<input type="checkbox"/> Spring	<input type="checkbox"/> Air Inlet Spring	REPAIR	<input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> Guide	<input type="checkbox"/> Guide	<input type="checkbox"/> Diaphragm	<input type="checkbox"/> Check Disc		
	<input type="checkbox"/> Seat	<input type="checkbox"/> Seat	<input type="checkbox"/> O-Ring(s)	<input type="checkbox"/> Check Spring		
<input type="checkbox"/> Hinge Pin	<input type="checkbox"/> Hinge Pin	<input type="checkbox"/> Module	<input type="checkbox"/> Float			
<input type="checkbox"/> Diaphragm	<input type="checkbox"/> Module		<input type="checkbox"/> Diaphragm			
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	Other	<input type="checkbox"/> <input type="checkbox"/>	
Other/Notes: _____						
Final Test	_____ PSID	_____ PSID	<input type="checkbox"/> Opened at _____ PSID	Air Inlet _____ PSID	Closed Tight	<input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> Closed Tight	<input type="checkbox"/> Closed Tight	_____ PSID	CK Valve _____ PSID	Pass	<input type="checkbox"/>

THE ABOVE REPORT IS CERTIFIED TO BE TRUE: 1A

Initial Test By	Certificate	Date:	Gauge Num	Time In	Time Out	Company	Phone
Final Test By							
Repair By							

**CITY OF MILFORD
FUND BALANCES REPORT**

JANUARY 2012

Cash Balance - General Fund Bank Balance	\$2,424,834
Cash Balance - Electric Fund Bank Balance	\$4,730,783
Cash Balance - Water Fund Bank Balance	\$1,234,016
Cash Balance - Sewer Fund Bank Balance	\$281,479
Cash Balance - Trash Fund Bank Balance	\$534,538

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Water Bond <u>Escrow</u>
Beginning Cash Balance	120,771	803,822	378,944	412,477
Deposits	35,000	91,229	31,344	
Interest Earned this Month				
Disbursements this Month	(132,480)	(16,517)	(41,667)	
Investments			1,600,000	
Ending Cash Balance	\$23,291	\$878,534	\$1,968,621	\$412,477

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	659,072	1,181,076	1,164,589	2,862,363
Deposits	1,200,000			
Interest Earned this Month				3,491
Disbursements this Month	(5,000)			(2,116)
Investments	1,000,000	2,960,000	2,245,000	7,484,000
Ending Cash Balance	\$2,854,072	\$4,141,076	\$3,409,589	\$10,347,738

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	77,206	\$46,854	\$10,953
Deposits			
Interest Earned this Month			
Disbursements this Month			
Investments	850,000	\$625,000	\$250,000
Ending Cash Balance	\$927,206	\$671,854	\$260,953

INTEREST THROUGH THE SEVENTH MONTH OF THE FISCAL YEAR:

General Fund	5,536	Water Fund	490
GF Capital Reserves	16,036	Water Bond Escrow	20
General Improvement Fund	118	Water Capital Reserves	25,620
Municipal Street Aid	329	Water Impact Fees	4,250
Real Estate Transfer Tax	6,023	Sewer Fund	125
Electric Fund	1,690	Sewer Capital Reserves	19,656
Electric Reserves	61,616	Sewer Impact Fees	3,125
Electric Impact Fees	1,250	Trash Fund	224

TOTAL INTEREST EARNED TO DATE \$146,108

REVENUE REPORT

Page Two

January 2012

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Budgeted Fund Balance	421,235	1,063	415,666	98.68%
General Fund Capital Reserves	320,786	10,775	171,469	53.45%
Municipal Street Aid	195,000	0	0	0.00%
Property Transfer Tax-Police	500,000	41,667	291,667	58.33%
Real Estate Tax	3,004,155	3,804	2,990,094	99.53%
Business License	35,000	17,425	25,325	72.36%
Rental License	85,000	50,375	62,875	73.97%
Building Permits	50,000	4,112	33,430	66.86%
Planning & Zoning	20,000	700	15,248	76.24%
Misc. Revenues	313,601	19,082	119,049	37.96%
Transfers From	3,215,480	267,956	1,875,696	58.33%
Police Revenues	287,000	10,801	139,770	48.70%
Total General Fund Revenues	\$8,447,257	\$427,760	\$6,140,289	72.69%
Water Revenues	2,245,517	188,285	1,452,475	64.68%
Sewer Revenues	1,914,725	167,367	1,240,269	64.78%
Kent County Sewer	1,350,000	117,432	879,542	65.15%
Solid Waste Revenues	1,126,000	86,708	632,237	56.15%
Electric Revenues	27,885,500	1,990,311	16,151,481	57.92%
TOTAL REVENUES	\$42,968,999	\$2,977,863	\$26,496,293	61.66%
YTD Enterprise Expense		37,918		
YTD Enterprise Revenue		37,361		
LTD Carlisle Fire Company Building Permit Fund		43,626		

EXPENDITURE REPORT

Page Three

January 2012

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	447,261	\$37,722	239,389	53.52%	207,872
O&M	103,672	\$8,499	62,426	60.21%	41,246
Capital	0	\$0	0		0
Total City Manager	\$550,933	\$46,221	\$301,815	54.78%	249,118
Planning & Zoning					
Personnel	123,335	\$9,569	66,531	53.94%	56,804
O&M	54,935	\$8,824	22,248	40.50%	32,687
Capital	0	\$0	0		0
Total P, C & I	\$178,270	\$18,393	\$88,779	49.80%	89,491
Code Enforcement & Inspections					
Personnel	130,715	\$10,248	69,667	53.30%	61,048
O&M	72,452	\$2,956	31,355	43.28%	41,097
Capital	0	\$0	0		0
Total P, C & I	\$203,167	\$13,204	\$101,022	49.72%	102,145
Tax Department					
Personnel	51,155	\$0	\$44,003	86.02%	7,152
O&M	13,265	\$602	\$12,741	96.05%	524
Capital	0	\$0	\$0		0
Total Tax Department	\$64,420	\$602	\$56,744	88.08%	7,676
Council					
Personnel	31,225	\$1,957	16,354	52.37%	14,871
O&M	37,600	\$4,238	21,337	56.75%	16,263
Council Expense	17,000	\$978	12,321	72.48%	4,679
Contributions	447,735	\$0	307,733	68.73%	140,002
Codification	4,000	\$0	0	0.00%	4,000
Employee Recognition	8,572	\$0	8,571	0.00%	1
Insurance	16,000	\$0	11,711	73.19%	4,289
DML-Tree and Grate Project	175,000	\$1,063	169,433	96.82%	5,567
Wawa-Sale Expenses	15,000	\$3,528	15,063	100.42%	(63)
Total Council	\$752,132	\$11,764	\$562,523	74.79%	\$189,609
Finance					
Personnel	321,855	\$24,967	175,468	54.52%	146,387
O&M	54,600	\$2,404	21,177	38.79%	33,423
Capital	0	\$0	0		0
Total Finance	\$376,455	\$27,371	\$196,645	52.24%	179,810
Information Technology					
Personnel	165,870	\$13,002	91,388	55.10%	74,482
O&M	173,250	\$1,309	46,571	26.88%	126,679
Capital	13,000	\$0	12,990	99.92%	10
Total Information Technology	\$352,120	\$14,311	\$150,949	42.87%	201,171

EXPENDITURE REPORT

Page Four

January 2012

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,528,870	\$255,260	1,850,752	52.48%	1,675,918
O&M	475,120	\$21,207	285,439	60.08%	189,681
Capital	71,500	\$80	64,478	90.18%	7,022
Total Police	\$4,073,290	\$276,547	\$2,200,669	54.03%	1,872,621
Streets & Grounds Division					
Personnel	407,665	\$31,410	221,255	54.27%	186,410
O&M	450,900	\$32,505	225,731	50.06%	225,169
Capital	225,000	\$0	0	0.00%	225,000
Debt Service	46,115	\$0	35,976	78.01%	10,139
Total Streets & Grounds	\$1,129,680	\$63,915	\$482,962	42.75%	646,718
Parks & Recreation					
Personnel	474,915	\$27,267	250,064	52.65%	224,851
O&M	238,875	\$23,889	141,829	59.79%	95,246
Capital	55,000	\$4,440	33,209	60.38%	21,791
Total Parks & Recreation	\$768,790	\$55,396	\$424,902	55.41%	341,888
Total General Fund					
Operating Budget	\$8,447,257	\$527,724	\$4,567,010	54.07%	3,880,247

EXPENDITURE REPORT

Page Five

January 2012

58 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	217,500	\$16,173	115,359	53.04%	102,141
O&M	1,199,827	\$51,412	627,248	52.28%	572,579
Capital	25,000	\$0	24,877	0.00%	123
Debt Service	803,190	\$0	386,543	48.13%	416,647
Total Water	\$2,245,517	\$67,585	\$1,154,027	51.39%	1,091,490
Sewer Division					
Personnel	217,500	\$16,172	115,350	53.03%	102,150
O&M	1,040,500	\$107,984	695,169	66.81%	345,331
Capital	0	\$0	0		0
Debt Service	656,725	\$0	292,127	44.48%	364,598
Sewer Sub Total	\$1,914,725	\$124,156	\$1,102,646	57.59%	812,079
Kent County Sewer	1,350,000	\$117,530	879,611	65.16%	470,389
Total Sewer	\$3,264,725	\$241,686	\$1,982,257	60.72%	1,282,468
Solid Waste Division					
Personnel	335,485	\$25,164	176,843	52.71%	158,642
O&M	722,320	\$48,836	440,137	60.93%	282,183
Capital	68,195	\$0	0	0.00%	68,195
Total Solid Waste	\$1,126,000	\$74,000	\$616,980	54.79%	509,020
Total Water, Sewer Solid Waste					
	\$6,636,242	\$383,271	\$3,753,264	56.56%	2,882,978
Electric Division					
Personnel	947,130	\$73,709	525,105	55.44%	422,025
O&M	1,824,105	\$64,108	936,496	51.34%	887,609
Transfer to General Fund	2,500,000	\$208,333	1,458,333	58.33%	1,041,667
Capital	946,710	\$435	116,987	12.36%	829,723
Debt Service	667,555	\$0	161,957	24.26%	505,598
Electric Sub Total	\$6,885,500	\$346,585	\$3,198,878	46.46%	3,686,622
Power Purchased	21,000,000	\$1,626,776	11,619,146	55.33%	9,380,854
Total Electric	\$27,885,500	\$1,973,361	\$14,818,024	53.14%	13,067,476
TOTAL OPERATING BUDGET					
	\$42,968,999	\$2,884,356	\$23,138,298	53.85%	19,830,701

INTERSERVICE DEPARTMENTS REPORT

Page Six

January 2012

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	58% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	91,865	5,276	37,432	40.75%	54,433
O&M	61,940	1,089	31,708	51.19%	30,232
Capital	0	0	0		0
Total Garage Expense	\$153,805	6,365	\$69,140	44.95%	84,665
Public Works					
Personnel	338,940	26,582	182,878	53.96%	156,062
O&M	190,870	15,637	90,142	47.23%	100,728
Capital	0	0	0		0
Total Public Works Expense	\$529,810	42,219	\$273,020	51.53%	256,790
Meter Department-Water					
Personnel	120,315	9,805	67,136	55.80%	53,179
O&M	68,950	1,925	19,935	28.91%	49,015
Capital	60,000	0	3,806	6.34%	56,194
Total Water Meter Expense	\$249,265	11,730	\$90,877	36.46%	158,388
Meter Department-Electric					
Personnel	229,635	12,850	112,207	48.86%	117,428
O&M	99,550	2,078	31,609	31.75%	67,941
Capital	0	0	0		0
Total Electric Meter Expense	\$329,185	14,928	\$143,816	43.69%	185,369
Billing & Collections					
Personnel	435,195	33,543	233,450	53.64%	201,745
O&M	210,790	11,313	109,865	52.12%	100,925
Capital	0	0	0		0
Total Billing & Collections	\$645,985	44,856	\$343,315	53.15%	302,670
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	58,000	4,548	33,240	57.31%	24,760
Capital	0	0	0		0
Total City Hall Cost Allocation	\$58,000	4,548	\$33,240	57.31%	24,760

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
February 7, 2012

A Meeting of the Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, February 7, 2012.

PRESIDING: Chairman Garrett Grier III

IN ATTENDANCE: Committee Members Douglas Morrow, Sr. and James Starling Sr.

Mayor Joseph R. Rogers, Councilpersons Steve Johnson, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., and Katrina Wilson

City Manager Richard Carmean and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 6:12 p.m. on behalf of Committee Chairman Grier.

EXECUTIVE SESSION

Mr. Pikus moved to go into Executive Session reference 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for any publicly funded capital improvements; 29 Del. C. §10004(b)(4) 2strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation and 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. Morrow. Motion carried.

Mayor Rogers recessed the Council Meeting at 6:13 p.m. for the purpose of an Executive Session to discuss matters as permitted by Del. C. §10004.

Return to Open Session

City Council returned to Open Session at 7:20 p.m.

Executive Session Matter

Ms. Wilson moved that for cost-conscious reasons, the city continue with test well drilling by first drilling on the Hall property, then wait for those results to determine if it meets the city's needs, seconded by Mr. Brooks.

It was confirmed there remains another site option. Upon the receipt of the results, council will address the second test well on the MBT site.

Motion carried by the following 6-2 roll call vote:

Yes-Mr. Johnson.

Yes-Mr. Grier stated that the city needs to proceed and this is an option that is readily available and there remains some questions on the other site.

No-Mr. Pikus stated that he concurs with council that the city has got to get this project moving. However, council initially made a motion to do both test wells though there have been ongoing questions. However, he feels that doing both test wells is an advantage for us.

No-Mr. Gleysteen does not believe this is in the best interest of the city to drill only one well and wait for its results. Instead, he feels that having two options on the table at the same time gives the city the best leverage to receive the best deal for the city.

Yes-Mr. Brooks is ready to get this project moving. The Hall agreement is in place and we can begin work immediately. The owner of the other property has since asked that this be tabled or action postponed. To him there remains a question about the location of the test well on the MBT site.

Yes-Mr. Morrow noted that everything is crystal clear with the Hall property and it is ready with all i's dotted and t's crossed. He said the other option was pulled off the table and is on hold. That well could not be drilled tomorrow, next week or next month. In lieu of keeping this moving, this at least gives the city a well on the Hall property which would be done and ready. The city would then decide whether to proceed or consider the second site. However, that cannot be done until the owners decide where the well can be drilled and the city agrees it is a viable location. Therefore, he votes yes to keep this moving.

Yes-Mr. Starling.

Yes-Ms. Wilson votes yes because of the uncertainties on the MBT property. The city has been working hard to get this project moving as quickly as possible. She recalled that City Manager Carmean had informed council the drilling would start this week. She noted the length of time this has been discussed and feels now is the time to proceed.

Mr. Carmean then asked if a motion is needed on the easement situation; Mr. Rutt recommends that be handled administratively.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
February 13, 2012*

The Milford City Council held a Public Hearing on Monday, February 13, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC
Modification of an Existing Conditional Use to Allow a Planned Unit Development
Ordinance 2011-29/Conditional Use Modification/Siobain-VI, LLC

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

City Manager Richard Carmean, Police Chief E. Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

Due to an error and the fact the ordinance was not officially adopted at the previous meeting, Mayor Rogers scheduled a second Public Hearing to allow the matter to be revisited. At 7:01 p.m., he called the Public Hearing to order.

Davis, Bowen and Friedel P.E. Ring Lardner recalled presenting this project on January 23, 2012. He then requested that the record of January 23, 2012, in its entirety, be entered as his comments for this hearing (attached). He then offered to answer any additional questions that may arise at this hearing.

Mr. Pikus moved for approval that those documents be admitted into this record, seconded by Mr. Grier. Motion carried with no one opposed.

Mayor Rogers then opened the floor for public comment. With no one responding, the public comment session was closed.

Mr. Pikus then moved to adopt Ordinance 2011-29, seconded by Mr. Brooks:

ORDINANCE 2011-29

Conditional Use-Modification/Siobain-VI, LLC

An Ordinance of the City Council of the City of Milford, Delaware Authorizing the Modification of a Conditional Use Allowing a Planned Unit Development on 19.15 +/- acres for Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC on the south side of Airport Road, 1,600 feet west of US Route 113, Milford, Delaware, formerly known as Cascades. Zoning District R-3; Approved Number of Units 84; Proposed Number of Units 142. Tax Map MD 16-173.00-01 -04.03; -04.04; -04.05; -04.06; -04.07; -04.08; -04.09; -04.10; -04.11; -04.12; -04.13; -04.14; -04.15; -04.16; -04.17; -04.18.

Whereas, the City of Milford has been requested by Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC to allow a Modification to a Conditional Use for a Planned Unit Development; and

Whereas, the Planning Commission reviewed the application at a Public Hearing on December 20, 2011 and has presented the item to be considered by the City Council; and

Whereas, the City Council held an advertised public hearing on January 23, 2012 to allow public comment on the application.

Now, Therefore, the City of Milford hereby ordains:

Section 1. Upon the adoption of this ordinance, Siobain-VI, LLC is hereby granted a modification to the conditional use permitting a Planned Unit Development in accordance with the application, approved plans and any conditions set forth;

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

City Council Review & Public Hearing: 01-23-12

City Council Adoption: 02-13-12

Effective Date: 02-23-12

Motion carried by unanimous roll call vote.

With no further business, the Public Hearing was adjourned at 7:06 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
Clerk/Recorder

Attachment: January 23, 2012 Public Hearing Minutes

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 23, 2012

The Milford City Council held a Public Hearing on Monday, January 23, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC
Modification of an Existing Conditional Use to Allow a Planned Unit Development
Tax Parcel(s) MD 16-173.00-01 -04.03; -04.04; -04.05; -04.06; -04.07;
-04.08; -04.09; -04.10; -04.11; -04.12; -04.13; -04.14; -04.15; -04.16; -04.17; -04.18

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

City Manager Richard Carmean, Police Chief E. Keith Hudson and City
Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

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

Mr. Norris discussed the application that will amend the original application for the Cascades Subdivision. He explained the original plan for condo pods was revised to include apartment buildings comprised of 1-2-3 bedroom units. The planning commission reviewed the revision in relation to a conditional use. By a vote of 6-0, they recommended approval. There was discussion on the resolution with a recommendation to include a bypass lane at the ingress/egress off Airport Road. He noted the planning commission also reviewed the preliminary site plan at that time.

Ring Lardner with Davis, Bowen & Friedel presented the application on behalf of the applicant. Mr. Lardner presented a drawing of the existing Cascade subdivision as improved and partially constructed. The infrastructure has been installed which includes the base paving for the roadways, stormwater management, curb and gutter. The sewer installation has been completed to include a 12-inch trunk main leading to the pump station that was built and accepted by the City of Milford. The stormwater management pond was installed and the as-built accepted by Kent Conservation District. The storm drain network was completely installed throughout the site along with the potable water system.

Their intent is to use approximately 90% of the infrastructure with the proposed plan. Mr. Lardner stated the majority of roads will remain unchanged with the exception of one area which will include a cul-de-sac versus the alternate turnaround. The largest building will contain ten units.

The request is to increase the number of units from 81 to 142. Under the PUD, 191 units are permitted. Therefore, the development is utilizing the site without maximizing the allowed density.

Mr. Lardner said the applicant is also requesting decreases in the front yard setback from 12-feet to 10-feet and side yard setback from 80 feet to 10 feet. If approved, the complete site would have 10-foot setbacks (including the rear setback). This allows the buildings to be closer to the road in order to provide a more traditional neighborhood design.

The plan is designed for all parking lots to be located in the rear and sides of the buildings. Only the front of the apartment units and clubhouse will be visible from the street with no on-street parking.

The last request is for a reduction in parking from 2.5 spaces to 1.75 spaces per unit. The calculation is based on one parking space per bedroom. (One bedroom-one space; two bedrooms-two spaces; three bedrooms-three spaces.) The clubhouse will have an additional 16 spaces which can also be used for overflow parking.

Mr. Lardner reported that in reviewing similar apartment complexes, he has found their parking lots are typically less than half full even at peak times. As a result, they feel the number they are requesting should not cause a parking issue within the site.

Mr. Brooks asked for Mr. Norris' opinion; Mr. Norris said he agrees that the parking they are proposing will be sufficient based on the number of bedrooms.

When asked to clarify the roadway situation, Mr. Lardner advised that the traffic on Airport Road has significantly increased since the project was initially approved in 2005. At that time, there were no road improvements required.

He agrees that some improvements are needed today. He explained it can be done as a bypass lane or a protected left. They informed the planning commission they would build a bypass lane for future build-out conditions which prevent a dedicated turn lane.

Mr. Lardner advised that he lives in the area and does not see any more than two vehicles in any of the protected left turn lanes. Therefore, the bypass lane is warranted.

He noted that if this were a state-maintained road, the bypass lane would be acceptable to DelDOT.

He assured council it will be designed as part of the Phase I preliminary site plan though built to accommodate the entire 142 unit project they are requesting as part of the conditional use.

Mr. Brooks confirmed the lane will be ten-feet wide. Mr. Lardner advised that Airport Road along the property frontage consists of two eleven foot wide travel lanes with no shoulder on the south side and a four-foot shoulder on the north side. They plan to expand the shoulder on the north side by about six feet or more to create a bypass lane. The bypass lane would allow westbound traffic to go around a vehicle that may be making a left turn into Cascades. The bypass lane would be located where the existing ditch is on the north side of Airport Road and would be filled in. A pipe would be used to convey the stormwater and sized in relation to the existing ditch and current drainage.

Mr. Carmean asked if that would infringe on the surrounding property; Mr. Lardner advised everything would shift to the right onto the Roosa right of way.

Mr. Lardner then confirmed their sidewalks along Airport Road will tie into the sidewalk at Milford Commons and will end at the Dushuttle property line. He noted there are sidewalks on both sides of the internal streets and sidewalks connecting the buildings to the internal sidewalk system.

A clubhouse will be built and a playground and aftercare program operated by the 4-H Clubs. The open space requirements are met as noted on the plans. All electric will run behind the buildings. A four-foot undulating berm along Airport Road will screen the development from traffic.

Mr. Carmean confirmed the apartments will be rentals and asked the cost of the rentals.

David Holden, Development Principal of Ingerman Group Property Manager, recalled his meeting with council in March of 2010 and March of 2011. Initially, they were not funded through Delaware State Housing Authority though it was approved in 2011. The allocation included both state and federal funding for the project.

He advised that The Ingerman Group operates mainly in Delaware, Maryland, Pennsylvania and New Jersey and has developed 65 similar projects. They own and operate each development. Five years ago, they developed Colony South in Milford.

Mr. Holder reported the property was in foreclosure through M&T Bank. He explained that one of the few ways to finance real estate developments now is through the Delaware State Housing Authority program as well as similar entities.

Mr. Holden advised the units are affordable to families and seniors at 50-60% of median income. Units include one, two and three bedroom flats and townhouses. The on-site property management and maintenance will be housed at the clubhouse and available during business hours 9 a.m. to 5 p.m. with 24-hour backup. The 4-H Club will be operating an after school program for children with various activities planned both indoor and outdoor.

One bedrooms units will rent from \$450 to \$495; two bedrooms will rent from \$550 to \$605; three bedrooms will rent from \$625 to \$670. He stated the rent and unit mix were based on a market analysis for this area adding there is a high demand for one bedroom units.

Mr. Gleysteen referenced the June 2005 council minutes that state that Lacrosse Homes would make a donation to the City of Milford to assist in the development of the lacrosse/soccer fields off Airport Road. He asked if that was done; it was confirmed the donation was made.

Mr. Carmean then asked if the rentals are subsidized; Mr. Holden advised there is no subsidy and the numbers he provided are the actual rental costs.

Mr. Brooks asked if all the items in the original plans in 2005 remain including the community mail center and bus shelter for school children. Mr. Holden stated yes and asked what other items Mr. Brooks was referring to. Mr. Holden reiterated the donation was made to the city for recreational fields and emphasized that their plan includes internal playing fields for the children.

Mr. Lardner clarified that most of what was originally proposed remains though it is not the same site plan. He reiterated the bus shelter and community mail center are part of the plan. The donation has been made to Milford Parks and Recreation for the field as was promised.

He noted they also meet the open space per unit requirement as well.

Project Architect James Haley of Haley-Donovan reviewed the layout of the different unit types through a number of renderings included in the packet. He advised there are eight residential buildings throughout the site with separate entrances at each unit. One of the goals in the design was to have a front porch community with front doors and porch entrances facing the existing streets. The proposed setbacks are ideal for a pedestrian friendly community. It will also accommodate handicapped accessibility for all apartments with sloped walkways.

Mr. Haley also presented images of local projects they have completed with similar programs. There are 76 apartments in Phase I consisting of 36 one-bedroom, 22 two-bedrooms and 18 three-bedroom units. He emphasized the buildings are energy star compliant. Mr. Haley said that Cascades will be constructed to exceed energy star applicable certification requirements.

Overall, they are included a number of green, sustainable initiatives. They are reusing the existing road system and drought-tolerant landscaping has been implemented in the plan. They are using all energy star components with recycled content materials and low VOC materials.

Mr. Gleysteen asked if the project will be graded by the US Green Building Council. Mr. Haley stated no even though it would qualify for certification as was done on many of their other projects where they have obtained as high as a platinum level. He said they typically do not go after US Green Building Council certification only because of the cost and the paperwork involved. He feels that the additional work does not necessarily lead to a better project. A lot of times they apply to Enterprise Green Communities which is a similar program.

When asked if this project qualifies as Section 8 housing, Mr. Holden stated that anyone with a Section 8 certificate is eligible to apply though they are required to be screened as anyone else. Credit checks, references and criminal checks apply to everyone regardless of the section 8 status.

The city manager asked the type of heating; Mr. Haley advised all electric.

City Planner Norris verified the bypass lane will be installed as part of Phase I and before approval is granted for Phase II; Mr. Lardner stated yes.

When Mr. Brooks asked how many total parking spaces are planned, Mr. Lardner stated there will be 265 parking spaces for the 142 units and clubhouse.

It was confirmed the maximum number of units per building is ten.

Ms. Wilson stated she is pleased the developer has returned to see the project completed. She is very pleased with the sidewalk system inside as well as along Airport Road as is Mr. Brooks.

Ms. Wilson moved for approval of the Modification to the Conditional Use which increases the number of units to 142, parking space reduction from 2.5 to 1.75 spaces, decreases the front and side yard setbacks to 10-feet and allows a 10-foot setback around the entire project and that a bypass lane be installed and completed before Phase II is approved, seconded by Mr. Starling.

Mr. Johnson votes yes though his concern is the reduced parking. In his opinion, there is never enough parking in multi-unit housing complexes. However, he is pleased there is more affordable housing coming to Milford.

Mr. Grier said this appears to be a good project particularly in terms of the landscaping, sidewalks and design of the parking lots and their location in the rear of the buildings. He is also happy with the affordable housing which he agrees there is a demand for and votes yes.

Mr. Pikus votes yes noting that the changes and in particular that the bypass lane is greatly needed on Airport Road and is a safety factor for the many people who travel on that road, including residents and local employees. He said this is a plus for Milford and is glad they returned to complete this project.

Mr. Gleysteen said his reservation is also the number of parking spaces. But based upon the recommendation of City Planner Norris who indicated it will work, he will agree and vote yes.

Mr. Brooks votes yes and is pleased with the sidewalk system inside the project and along Airport Road. He has some hesitation with the reduced parking and does not want this to set a precedence for future projects. However, the city planner said it will work so he votes yes.

Mr. Morrow votes yes for the same reasons stated by his colleagues.

Mr. Starling votes yes noting it appears to be a good project. Affordable housing is needed in Milford and the prices are reasonable. He believes the number of parking spaces will work out.

Ms. Wilson votes yes stating she knows several people that live in Colony South which is a quiet, quaint neighborhood and well maintained. She feels that if this group can make Capital Green look good, she is impressed because she remembers the conditions in that community years ago. She agrees we need affordable housing and believes this will make council look more realistic because they recognize that need.

Mayor Rogers agrees with council there is a need for affordable housing particularly at this time. He wished the developer the best with this project.

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

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
February 13, 2012*

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, February 13, 2012.

PRESIDING: 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 Richard Carmean, 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 7:03 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. Brooks to approve the minutes of the December 29, 2011, January 9, 2012 and January 23, 2012 Council Meeting as presented. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

After presenting the monthly police report on behalf of Chief Hudson, Mr. Morrow moved to accept the police report as submitted, seconded by Ms. Wilson. Motion carried.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

CITY HALL LOWER LEVEL

I have met with Dennis Melton, the architect for city hall remodeling and engineer who designed the drainage system. They, along with Mr. Dennehy Public Works Director, Mr. Mallamo City Engineer, Mr. Williams City Inspector and me discussed at length possible solutions to the water problem during heavy rains. The solutions were all over the board due to the fact no one has found the problem. There was no shortage of ideas as to what might be the cause, but nothing certain could be targeted. There is a chance it could be several small failures and not one single point of entry. We are taking several investigatory steps, which were decided at the meeting and to look at prime suspected areas. I have instructed Mr. Mallamo to contact a local contractor to remove the drywall on the back wall to expose the block. I also will have the carpet removed from the area that has been wet. This will allow us to track the path of the water to the source. It will also ensure that we are not dealing with a mold issue.

ECONOMIC DEVELOPMENT POSITION

We finalized our application process for the economic development position. By this date I am fairly sure the selection board will have decided on applicants to be interviewed. The process of hiring for this position is following a different path than in the past. This is a position that is new to the city's work force complement of personnel. This person will be working very closely with our Economic Development Committee and Economic Development Advisory Panel, because of this I have asked Councilperson Grier Economic Development Chairperson, Gary Norris City Planner and one member of the Advisory Panel to assist with the initial interviews. They will then recommend to me two to three candidates, and I will make a decision on who to hire.

(At this time the selection board has requested that I continue to advertise the position in order to give them a larger number of applicants to consider.)

PROJECT S.E. FRONT STREET

This project was put on hold last fall due to an investigation into placing overhead electric and communication services underground. It is my recommendation that we have little or no chance of securing the funding to add that improvement to the planned project. The electric would be in excess of \$1,800,000.00 dollars, and the Verizon costs would easily exceed \$1,500,000.00 dollars. There would also be a need to acquire through purchase and negotiation a great number of easements at probably a substantial cost, and with that would come the expense of restoring disturbed areas. My staff and I met with Councilman Brooks, Chairperson of Public Works Committee, and from that discussion I believe the consensus to be that we move ahead to a spring 2012 start-up date. I have directed City Engineer Mark Mallamo to also proceed to add water and sewer upgrades or repairs to the design plan. This project is a mill and overlay along with some curb and sidewalk repairs and improvements, and there will be installation of much needed handicapped accessibility work done along the route. There is also a need for permission to do some of the sidewalk work due to it being on private property.

SOLAR FIELD

I was asked several questions by Councilperson Gleysteen concerning this project. I spoke with Scott Leach, Business Development Associate, for JUWI Solar Inc. and asked him the following questions:

Where will the solar modules be manufactured?

The company will bid on an international level. Any manufacturer bidding will have to be a Tier 1 level business. This means they will have to follow all international safety and production guidelines and rules in the United States and Europe. They cannot be certain the panels will not be produced in China, but they do assure us that all environmental regulations will be followed and met.

What is the expected life-span of the panels?

30-40 years

How will the used panel be disposed of at the end of their life?

The panels will be recycled at that time. This recycling is purchased along with the modules.

Mr. Leach will be providing some additional information that was received today. Any council person that wishes a copy should contact the city manager.

S.E. MILFORD WATER PROJECT

The test well drilling will begin on the Hall site on Wednesday, February 15, 2012. In the packet there was a letter from our USDA Representative expressing concern over the length of time that has passed since the approval of the loans for this project. I feel very confident I will be able to get an extension in order to get this underway.

Mr. Pikus noted that on several occasions, Mr. Brooks commented about the delay on this project. With Mr. Carmean's return, these projects are being actively pursued and proceeding which council appreciates.

Mr. Brooks said he is extremely pleased that the Southeast Milford Project and Washington Street Water Projects are underway and the Southeast Front Street project is beginning.

Mr. Starling also expressed appreciation that the Northwest Front Street condemnation project is completed after a number of years.

COMMITTEE REPORTS

Economic Development Committee

Mr. Grier commented on the selection process for the hiring of an Economic Development Director. The selection committee consists of four persons including himself, City Planner Gary Norris and EDAP Members Nolan Williams and Dave Markowitz. They reviewed and rated each of the 21 applications independently. They narrowed it down to a handful of applicants who are still under consideration.

The position will be readvertised for another ten to fourteen days. The committee will review any new applications in addition to those still being considered.

COMMUNICATIONS

Mayor Rogers reminded council of the Delaware League Legislative Day in Washington, D.C. on March 14, 2012. Those wishing to attend need to contact Carlene Wilson at city hall.

UNFINISHED BUSINESS

Planning Commission Vacancy/Appointment

Mayor Rogers continues to seek a new appointment to the Planning Commission. Those who are interested should contact him as soon as possible.

Adoption of Ordinance 2012-03/Short Term Borrowing/Washington Street Water Plant

Mr. Grier moved to adopt Ordinance 2012-03, seconded by Mr. Pikus:

Ordinance 2012-03

AN ORDINANCE AUTHORIZING THE BORROWING OF ADDITIONAL FUNDS TO ASSIST WITH THE COSTS OF DEMOLISHING AND THE RECONSTRUCTION OF THE WASHINGTON STREET WATER TREATMENT FACILITY PLANT AND OFFICE BUILDING FOR THE CITY OF MILFORD, DELAWARE.

Section 1.

WHEREAS, Article VIII of the City of Milford Charter authorizes the City Council of the City of Milford, Delaware ("City") to approve short term borrowing, by resolution, without the necessity of a Special Election; and

WHEREAS, the city has filed an application for financial aid from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan") in the amount of \$45,000 with 100% loan forgiveness; and

WHEREAS, the additional funding will assist with improvements associated with the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site.

Section 2.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

1. The City of Milford, Delaware operates its public water system in accordance with the provisions of the State of Delaware and the Charter of the City of Milford.
2. The Council has determined that it is necessary and in the best interest of public health, safety and welfare to improve the system.
3. A special election was held on November 19, 2011 at which time qualified voters in the City of Milford approved the borrowing of up to \$4,000,000 to fund certain improvements to the City's drinking water facilities, including, but not limited to, the demolition and reconstruction of the Washington Street Water Plant and Office Building and associated costs;
4. The City has since filed a second application for assistance in the amount of \$45,000 through a second DWSRF Loan;
5. The loan proceeds will be used to further assist with the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site;
6. The rate of interest on the DWSRF Loan shall be 0%;
7. Of the total loan amount, the principal and interest shall be forgiven on \$45,000;
8. The borrowing is expected to be accomplished through the issuance of a loan from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan");
9. The DWSRF Loan shall be secured by the full faith and credit of the City;
10. No debt obligations are to be assumed by the City for the loan and no taxes and/or revenues are required to be pledged by the City.

Section 3.

Dates.

Adoption Date: February 13, 2012

Effective Date: February 23, 2012

Motion carried by unanimous roll call vote.

Seawatch Economic Development Incentives/September 2011

Mr. Carmean stated he is unsure if council was involved in this process, though he was involved from the Economic Development Director standpoint at the time. He recommends council review the commitment and give their stamp of approval.

He reported that as a result of these incentives, Milford has gained 90 new jobs. In addition, there will be an additional 50-60 employees hired there as a result of a copacker operation affiliated with a national large soup company.

He referenced a recent article where Seawatch's CFO Jerry Gordon was quoted as stating that the incentive rates kept them in Milford; otherwise, they would have gone to Mappsville, Virginia or New Brunswick, Massachusetts.

The city manager verified this will provide Seawatch a three-year rebate that will be paid on a quarterly basis.

Ms. Wilson moved for approval of the Economic Development Incentives for Seawatch International, seconded by Mr. Grier.

Mr. Carmean advised that the total value of incentives is an estimate though appears it should be close to what was anticipated though it will not be exact. He wants councils' approval before the first rebate is mailed.

Motion carried by a 7-0 vote with Mr. Morrow abstaining.

NEW BUSINESS

University of Delaware IPA/Comprehensive Outreach Strategy/Planning for Complete Communities

University of Delaware Institute for Public Administration (IPA) representative Marcia Scott, Associate Policy Scientist, was present along with associates Bernard Dworsky and Natasha Nau. She then provided a PowerPoint (see attached) on Planning for Complete Communities Project in Delaware they were asked to conduct for the Delaware Department of Transportation in collaboration with the Office of State Planning Coordination. Circuit Rider Planner David Edgell was also present.

She explained the comprehensive outreach strategy will be submitted to the Delaware Department of Transportation and Office of State Planning Coordination to guide the activities for the FY12 State Support for Infrastructure Policy Forum and Research project, entitled Formulating a Framework to Plan for Complete Communities in Delaware. This document will describe how IPA will plan, develop, and implement a comprehensive outreach strategy to engage a broad set of stakeholders and constituencies. Specifically, the strategy will provide details of the development of a "Planning for Complete Communities" website as the primary outreach mechanism for the project. Additionally, it will outline the staffing breakdown for the project, key stakeholders and target audience of pilot communities, target dates and agenda items for pilot community workshops.

Ms. Scott reported that Milford and Elsmere were selected as the two pilot communities for this project. With councils' consent, the Milford Project team consisting of Ms. Scott, Mr. Dworsky and Ms. Nau will be working with the city manager to develop a stakeholder list of approximately 15-20 members and establish the dates for some future workshops. When asked how Milford was selected, Ms. Scott said the decision was mainly the result of the progress Milford made on the comprehensive plan, regional and master plan, economic development strategy and the overall cooperation and management of the city. Their intent was to select a town to the north and a town to the south. They felt Milford had a good foundation and would serve as an appropriate model for other communities throughout Delaware. They hope to recreate what they can learn in Milford and Elsmere and roll the project out to other communities in Delaware.

She added that Milford is a mainstreet community with an established town center. In response to a comment, Ms. Scott noted that Milford is very walkable though the goal is to enhance that walkability and get people to the center of town. They have no preconceived notions and are looking for recommendations and ideas through this program.

Mr. Pikus moved to authorize Milford's participation in the Planning for Complete Communities in Delaware, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Lawrence & Susan Houser/Extension of Property Tax Exemption

Mr. Carmean was contacted by Susan Houser in regard to a request she had submitted in May of 2010. He recalled an annexation back in 2000 at which time it was found this remote property was a single connecting point we needed to get to a larger area that wanted to annex. At that time, owner Jack Mills was given a ten-year tax abatement. He emphasized that the city provides no services to this property such as snow removal, trash services, etc. The new property owners were under the impression the property tax abatement would continue until city utilities were extended to this property.

The city manager advised this property is on Brown Street which is a somewhat secluded area that sits on the creek.

It was confirmed this agreement did not contain a condition that if the property was transferred, the abatement would be void. Mr. Carmean explained this was a simple ten-year property tax abatement.

Mr. Morrow moved for approval of the continued tax abatement due to no city services being provided, seconded by Mr. Brooks.

Mr. Gleysteen suggested adding the abatement would continue only until services can be provided. It was agreed by council that at that point, the property would be subject to taxation. Mr. Carmean said if surrounding property owners petition the city to annex, we would then be willing to provide full services. He did note that police services are provided to this residence because it is in city limits.

Motion then carried with no one opposed.

Introduction of Ordinance 2012-02/Establishment of Workforce Development Commission

The following ordinance was introduced, with adoption scheduled for the next council meeting:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER ENTITLED WORKFORCE DEVELOPMENT COMMISSION.

ORDINANCE 2012-02

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Amend the City of Milford Code by adding a new Chapter entitled Workforce Development Commission to read as follows:

-1. Establishment.

There is hereby established a commission to be known as the "City of Milford Commission of Workforce Development," hereinafter referred to as the "Commission."

-2. Membership; Appointment; Terms of Office.

The Commission shall be comprised of nine members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and seven of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by City Council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next Annual Organizational Meeting. Thereafter, terms will be for one year beginning on the date of each subsequent Organization Meeting.

-3. Removal.

Members of the Commission may be removed by the majority vote of City Council for substantial neglect of duty, misconduct or a violation of the Code of the City of Milford.

-4. Chairman; Officers; Vacancies.

The Commission shall elect a Chairman, Vice-Chairman or any other officers deemed necessary. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

-5. Meetings and Records.

The Commission shall hold meetings at a fixed and regular time in the Council Chambers at Milford City Hall. Meeting shall be open to the public per 29 Del. Code, Chapter 100 (Freedom of Information Act "FOIA") and 29 Del. Code, Chapter 5 (State Archives). Proper notification must be given and minutes generated. All records of the Commission shall be kept at City Hall in accordance with state law.

-6. Sub and Adhoc Committees; Members.

Creation and establishment of any advisory group, board or panel must be approved by City Council. Non-Commission members will be appointed as required in ___-2. Said groups are subject to the procedural requirements of FOIA.

-7. Rules of Procedure.

Roberts Rules of Order shall apply to the conduct of the Commission meetings.

-8. Powers and Duties.

It shall be the duty of the Commission to:

- A. Create an environment that would give the student an opportunity to develop marketable job skills and a work history to successfully compete in the job market upon graduation from Milford High School.
- B. Participate in the growth of an educational fund to be made available to the student upon graduation.
- C. Help the student learn what is expected of an employee in a business environment.
- D. Give the student an opportunity to acquire a sense of pride in earning an income.
- E. Collaborate with the school district to monitor and evaluate the effectiveness of the program.
- F. Monitor the financial aspects of the program, including but not limited to, donations and disbursements.
- G. Partner with local business and industry to develop a viable network of employment opportunities for the student participants.

-9. Consultation with Outside Sources.

In carrying out its duties, the Commission shall collaborate with various groups interested in the problem of concern to the Commission, including but not limited to federal, state and county governments, public and private organizations and civic groups working in the field of workforce development and jobs programs.

-10. Recommendations and Reports.

The Commission shall present its recommendations to the City Council as deemed necessary. At the first official meeting following the annual organizational meeting of the Council, the Commission shall present a detailed report of its work from the preceding year.

-11. Contracts.

The Commission is not authorized to enter into any contract or agreement with any public or private organization but shall recommend such course of action to the Mayor and City Council in order to carry out its assigned tasks.

-12. Functions Limited. The Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

Section 2.

Dates.

Introduction: 02/13/12

Adoption: 02/27/12

Effective: 03/08/12

Introduction of Ordinance 2012-04/Conditional Use/Greater Milford Development Corporation/Milford Skating Center, Inc.

The following ordinance was introduced:

ORDINANCE 2012-04

Conditional Use/Greater Milford Development Corporation/Milford Skating Center, Incorporated

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE IN A C-2 DISTRICT AS REQUESTED BY CARMEN KEMPER ON BEHALF OF GREATER MILFORD DEVELOPMENT CORPORATION WHICH WOULD ALLOW ADDITIONAL USES BEYOND THE NON-CONFORMING USE CURRENTLY PERMITTED AT MILFORD SKATING CENTER, INC., 1 PARK AVENUE, MILFORD, DELAWARE. TAX MAP MD-16-183.10-04-43.00; 5.52 +/- ACRES.

Whereas, the City of Milford has been requested by Carmen Kemper, on behalf of the Greater Milford Development Corporation, to allow additional uses beyond the non-conforming use currently permitted at Milford Skating Center; and

Whereas, a conditional use approval is required in a C-2 zone for the uses as described below:

Skating, dances for 15 year olds and younger, dances for 16 to 21-year-olds, adult dances, dance classes, private parties/gatherings, birthday parties, nonprofit dances, parties and socials (bikers, parade, colleges), DJ competitions, all night skating sessions, alcoholic beverages at private parties or bouts, church functions, drop-in childcare, summer programs for children, indoor sporting events, segway events, exercise classes and walking programs, high school mentoring programs, after-school programs, community meetings, boy scout and girl scout events, award events and family resources (immigrants).

Requested hours of operation will be:

Monday thru Thursday 8:00 a.m. - 11:00 p.m.
Friday 8:00 a.m. - 1:00 a.m. Saturday
Saturday 8:00 a.m. - 10:00 p.m. Sunday

Whereas, the Planning Commission reviewed the application at a Public Hearing on February 21, 2012 and has presented the items for consideration by City Council; and

Whereas, the City Council held an advertised public hearing on March 26, 2012 to allow public comment on the application.

Now, Therefore, the City of Milford hereby ordains:

Section 1. Upon the adoption of this ordinance, Carmean Kemper on behalf of the Greater Milford Development Corporation is hereby granted a conditional use permit to allow those uses, as approved, and in accordance with the application, approved plans and any conditions set forth;

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

Section 3. Dates.

Introduction to City Council: 02-13-12

Planning Commission Review & Public Hearing: 02-21-12

City Council Review & Public Hearing 03-26-12

This ordinance shall take effect and be in force ten days after its adoption.

A public hearing on the ordinance is scheduled for March 26, 2012.

Donation of City Equipment/Parks and Recreation

Mr. Carmean advised that Parks and Recreation is currently purchasing two new mowers. Little League is in bad need of a mower and Parks and Recreation Director Gary Emory suggested we donate one of his older mowers for their use. He also recommends donating the second mower to Abbotts Mill Pond.

Mr. Carmean explained that the city used to handle the grass cutting duties at little league, but with the additional lands the city has acquired over the past years, that service was eliminated. Today, Milford Little League handles their own maintenance.

He said that Mr. Emory reported the average value of the mowers is between \$500 and \$1,000.

Mr. Starling moved for approval to donate the two mowers as requested, seconded by Mr. Gleysteen. Motion carried with no one opposed.

Approval of Mosquito Control Spray Policy/DNREC

Mr. Brooks moved for approval to allow DNREC to handle mosquito spraying in the City of Milford, seconded by Mr. Morrow. Motion carried with no one opposed.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee then advised he had DNREC come out and spray their stormwater ponds. He reported the spray contains chemicals that create side effects for the elderly, children and pregnant women. He said they wanted to go through his subdivision but after he read the side effects of some of the chemicals used, he was leery. Therefore, they only sprayed the ponds.

He asked if this is done on streets with a truck. Mr. Carmean stated that he is unsure in recent years, but in the past that was one of the methods. He advised that an airplane may also be used.

The city manager advised the city does not have an expert in that area and the reason the State of Delaware provides that service. Overall, it is done as a result of complaints received from residents. In turn, the city contacts them to provide the service.

He advised Mr. Palermo if the Meadows of Shawnee does not want the service, their subdivision could be removed from the spraying area. Mr. Palermo asked if Mosquito Control informs the areas being sprayed in advance; Mr. Carmean said they do not provide door to door notification. Mr. Palermo feels they should because of the dangers associated with the spraying. He said he provided the information to their board at which time the service was declined.

Mayor Rogers said we will contact them to see if they can provide some type of notification.

Mr. Gleysteen confirmed the city has always participated in the program. He noted that Mosquito Control has their own website with the material safety data sheet listing all the chemicals used. He explained to Mr. Palermo that the chemical he is referring to is applied with mineral oil which helps it settle.

Mr. Carmean recommended that anyone with questions or concerns, should contact Mosquito Control directly.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the sixth month of Fiscal Year 2011-2012 with 50% of the fiscal year having passed, 55% of revenues have been received and 47% of the operating budget expended.

Mr. Pikus moved to accept the December 2011 Finance Report, seconded by Mr. Brooks. Motion carried.

It was noted that the assessors are continuing the ten-year assessment. Because of a number of issues they have encountered, it will not be completed as quickly as was originally proposed.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements

Mr. Pikus moved to go into Executive Session reference discussions on site acquisitions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:02 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:22 p.m.

Executive Session Matter

Mr. Pikus moved for approval to sell 11.215 acres of city land to Sunolar Power Company LLC contingent upon both parties accepting the amended sales agreement, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

ADJOURN

With no further business, Mr. Grier moved to adjourn the Council Meeting, seconded by Mr. Brooks. Motion carried.

The Council Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

Attachment:

University of Delaware IPA/Comprehensive Outreach Strategy/Planning for Complete Communities


Planning for Complete Communities in Delaware
Presented by
Marcia Scott, Bernard Dworsky, Natasha Nau

 City of Milford Council Meeting
 Monday, February 13

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Presentation Outline

- Introduction
- Why Plan for Complete Communities?
- Purpose of Project
- Project Scope
 - What makes a Complete Community?
 - Community Engagement
- Potential Outcomes



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Introduction: IPA Project Team
Project Manager: Marcia Scott
Meeting Facilitator: Ed O'Donnell

Milford Team	Elsmere Team	Role
Marcia Scott	Ted Patterson	Team Leader
Bernie Dworsky	Martin Wollaston	Staff Support
	Julia O'Hanlon	Staff Support
Natasha Nau	Chris Anderson	Graduate Fellows Support

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Introduction

- **Who We Are**
 IPA is a public service, education, and research center at the University of Delaware.
- **What We Do**
 - Planning and economic development
 - Transportation planning and policy
 - Healthy Communities initiative
 - Local government training

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Why Plan for Complete Communities?

- **In the past:**
 - Communities were built on a human scale – people could walk everywhere!
 - Compact, mixed-used development was the norm
 - Streets were connected
- **Today:**
 - In the era of suburbanization - the car is king!
 - Land use patterns promote sprawl
 - Developments don't connect (cul-de-sacs)
 - Lack of pedestrian infrastructure (sidewalks)

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Why Plan for Complete Communities?

- **Healthy Community Benefits**
- **Greater Livability**
- **Provides Transportation Equity**
- **Economic Benefits**
- **Protects Environmental Resources**



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The Way We Design and Build Communities Impacts:



- Community character
- Quality of life
- Transportation choices
- Active recreation opportunities
- Sense of place
- Meaningful engagement

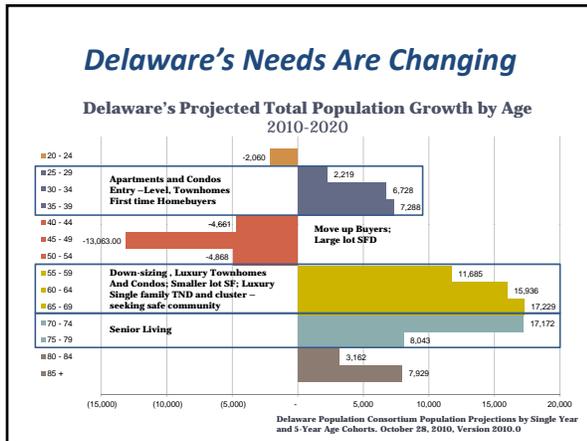
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Why Complete Communities?

- Strengthens economic development opportunities
 - Incorporating Mixed Use Development
 - Responds to market demands
 - Creates sense of place
- Lower infrastructure costs
- Better community design
- More efficient to provide services
- Efficient transportation networks

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Purpose of Project

- Determine what principles, planning practices, incentives, design strategies, and/or public policies support Complete Communities
- Develop a planning framework for State of Delaware



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Scope of Project

- Work with 2 "Pilot Communities" in Delaware
- Identify and invite stakeholders to 3 workshops in March, May, and July
- Facilitate discussion at workshops on:
 - What constitutes a Complete Community?
 - How can Complete Communities be achieved in Delaware?
 - What hurdles need to be overcome to move toward Complete Communities?

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Community Engagement: What Makes A Community Complete?

- Complete Streets?
- Efficient Land Use?
- Healthy and Livable?
- Inclusive and Active?
- Sustainable?



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Community Engagement: Website

<http://sites.udel.edu/completecommunities/>

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Community Engagement: Surveys and Social Media

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Potential Outcomes

- Public Policy Forum – larger stakeholder group
- State plan with recommendations
- Town-specific recommendations as to how to build a framework for Complete Communities
 - Implementation of Comprehensive/ other Plans
 - Policies
 - Community design
 - Future planning focus
 - Capital planning

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Milford Project Team

- Marcia Scott
msscott@udel.edu; 302-831-0581
- Bernard Dworsky
bdworsky@udel.edu; 302-831-8710
- Natasha Nau
nnau@udel.edu; 302-831-8971

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Thank You

Questions?

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MILFORD CITY COUNCIL
MINUTES OF MEETING
March 1, 2012

A Meeting of the Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, March 1, 2012.

PRESIDING: Chairman Garrett Grier III

IN ATTENDANCE: Committee Members James Starling, Sr.

Councilpersons S. Allen Pikus and Owen Brooks, Jr.

City Manager Richard Carmean and City Clerk/Recorder Terri Hudson

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 5:01 p.m. on behalf of Committee Chairman Grier. The chairman then noted that Committee Member Morrow was unable to attend due to another commitment.

EDAP Committee Member Bill Pilecki/Aquarium Project

Mr. Pilecki advised he has been working on this project for the past year. He then reported that EDAP (Economic Development Advisory Panel) had voted to have the aquarium project handled by Councilman Grier and Mr. Pilecki with the support of a fact-finding committee. He advised the committee, which consists of EDAP members and other interested citizens, was created to gather additional information including costs and available funding. He then introduced members of the committee—EDAP Member Fred Rohm, Travis Moorman (representing school superintendent/EDAP member Sharon Kanter) and Christopher Weeks of Becker-Morgan Group. USDA Program Specialist Lisa Fitzgerald and EDAP Member Bryan Warnock are also members but were unable to attend this evening.

He then provided a brief history of the project. He recalled a trip to Riverhead, New York in which he, Mr. Grier and Mr. Carmean (at the time Economic Development Director) visited the Atlantis Marine World Aquarium. It is situated in a small river town on the east end of Long Island. The nearest aquarium is 85 miles away and 18 miles from a beach destination. He noted the town's similarities to Milford.

During the trip, they were advised that gate receipts do not cover the operating costs of the facility. As a result, other venues had to be added which include educational programs, corporate sponsorships, a gourmet café, ice cream parlor, submarine simulator, annual memberships, special events, wedding receptions, corporate meetings, day cruises, birthday parties, children's rides and arcade and other events. Last year, a national chain hotel and exhibition center was opened.

According to Mr. Pilecki, at the time the hotel opened, it was booked for weddings two years in advance.

He stated that several research grant programs are also currently under operation.

Upon return, Mr. Carmean contacted Consult John Rhodes of Moran, Stahl and Boyer to have an aquarium feasibility study prepared. That was completed in October 2011.

He reported the basic business models are as follows:

- An aquarium owned and operated by the city.
- An aquarium owned by the city and operated by a nonprofit organization.
- An aquarium owned and operated by a nonprofit corporation.
- An aquarium owned by a private company and operated by a nonprofit.
- An aquarium owned and operated by a private company.

He then read the findings into record:

1. Hugh Leahy of the Delaware Community Foundation is willing to introduce us to major donors affiliated with the DCF.
2. Lisa Fitzgerald from the USDA (committee member) is researching available grants. Lisa has shared information on low cost government loans and government guaranteed loans through local banks.
3. Fred Rohm (committee member) has discussed the Aquarium project with United States Senator Thomas Carper. A letter of support has been received from Senator Carper. It includes a note on the availability of his Federal Grant Specialist assisting us in identifying appropriate grants.
4. Fred Rohm has had experience with several members of the duPont family and is willing to contact them when we have a concept design available.
5. An e-mail was received from Bryan Warnock A.V. P. of WSFS Bank Milford (committee member). He has indicated that the bank will support fund-raising events and sponsorships for the project. He also said the bank is prepared to offer us loans through the SBA.

Mayor Rogers, Fred Rohm and Mr. Pilecki discussed the aquarium project with John McMahon, Delaware Secretary of Labor. Mr. Rohm then received a letter of support from Secretary McMahon.

Mr. Pilecki identified the University of Delaware Center for Community Research and Service as a resource to help develop a business plan.

Lisa Fitzgerald has also sent an e-mail identifying several other sources that could be utilized for that purpose.

Sharon Kanter (EDAP Committee Member) will be contacting the Delaware Department of Education to seek their support in the development and utilization of educational programs at the Milford Aquarium.

Travis Moorman (Milford School District Director of Teaching and Learning) stated that one of his responsibilities is to deal with the curriculum and learning in the district. He attends a monthly science coalition meeting which includes representatives from all nineteen school districts, charter schools and local colleges. He presented the proposal to the group which was then added to the April agenda.

Mr. Moorman advised that he also met with Chris Patron of University of Delaware Marine College in Lewes. He indicated they had been in the loop of this process as well and plan to meet before the next month to discuss some possible educational programs to drum up support from across the state.

Mr. Pilecki then continued by reporting he has been in contact with Andrew Hearn of Marinescape. Marinescape has designed and developed 24 aquariums in the past 25 years. They have been invited to the Greater Cleveland Aquarium that opened in January. He has submitted an offer to do a feasibility study and concept design for \$125,000. He recommends a 30,000 square foot design with the ability to expand.

He has also discussed the offer with Christopher Weeks of Becker Morgan Group (committee member) and sent him a copy of the aquarium feasibility study. Mr. Pilecki advised that Mr. Weeks submitted a similar proposal for \$100,000.

Chris Weeks of Becker Morgan Group advised he is the Business Development Manager for his firm that provides architecture, engineering, land planning and surveying services. He then explained that concept planning provides an external view. He said considering the technical aspects involved in a 30,000 square foot aquarium, this falls in the \$400 per square foot range. The \$100,000 would be approximately 1% of the construction costs.

Mr. Weeks said it is worthwhile to consider some concept planning with a project of this magnitude. Marketing will be needed along with fundraising and stakeholder support. To be successful, a picture of the concept plan is needed to provide a visual of the facility. Conceptual design is the phase of a design where drawings are the primary focus. In order to do that, they assemble the parameters which involves code review, bulk standards, parking requirements, budget constraints and what size building the city can afford. Urban and neighborhood design is also considered.

However, he also feels that from a fundraiser and stakeholder standpoint, it is also important to be somewhat vague. Some parameters are needed, but depending on the funding and design outcome, the facility may be different than the concept design. Therefore, a couple of concepts are more appropriate so it is understood that what is planned is similar but not exact.

He said that phasing can also be considered if the funding is not available for the entire 30,000 square foot aquarium.

Mr. Weeks then presented a couple of recent concept plans completed by Becker Morgan Group.

Mr. Pileck then continued with his report stating there is a need to generate funds and develop community support for the Milford Aquarium. As a result, the committee suggests the following:

1. Create a nonprofit corporation.
2. Request interested members of the city council and other elected officials to sit on the board.
3. Build a website for the distribution of information on upcoming events and project status information.
4. Build a multi-level membership database to show interest and support from the community and corporate sponsors.
5. Create a logo/mascot.
6. Sell buttons showing the logo/mascot with the phrase "I support the Milford Aquarium".
7. Seek support from local businesses and request them to display a flyer and sell the buttons.
8. Organize a series of events in the downtown area to:
 - a. raise funds,
 - b. gauge the impact of increased foot traffic in down town Milford
 - c. demonstrate our drawing power from the highway.
9. We need to advertise the events:
 - a. on the website.
 - b. in the local media.
 - c. handout flyers at the Smyrna Rest Area.

He noted that WSFS Bank is willing to help sponsor fund-raising events. He recommends we also seek support from local businesses to sponsor these events.

Mr. Pilecki said he is able to put together a two-piece band, four-hour Blue Grass Concert for roughly \$2,000-2,500. He advised that School Superintendent Kanter has offered the high school auditorium at no charge. Tickets can be sold, a 50/50 raffle done and support buttons sold. There is the potential to raise \$6,000-8,000 for each event.

He is also willing to bring in the Philadelphia German Brass Band and Milford Community German Band for similar events. He also has access to several other bands including 50's groups.

In conclusion, Mr. Pilecki believes there is significant funding available to build and staff the aquarium. He said that with the addition of low-cost venues, the aquarium will be sustainable. This project will create many opportunities for the Milford community, such as increased foot traffic for retail businesses in downtown Milford, an increased demand for housing and local services, construction jobs and at least 100 plus permanent jobs as well as several dozen volunteer, intern and summer positions.

As a result, he requests the Economic Development Committee recommend to City Council they support this project. Limited funds are needed to have a business plan prepared and to contract for the concept and design model. A donation of a parcel of land by the city would be helpful in reducing initial costs; the value of the land could be used as match money.

Mr. Brooks asked what location Mr. Pilecki is considering in the downtown area; Mr. Pilecki recommends something off Route 14 (Front Street) on the banks of the river. He said the facility initially would take less than one acre in addition to the parking area. He feels that three to four acres is appropriate to begin the project (in comparison to the New York aquarium).

Mr. Pilecki said there is land in the area of Abbotts Grill that could be used. Mr. Pikus asked if he is referring to the land currently owned by Growmark FS. Mr. Pilecki advised there is a parcel of land on the other side of the river owned by the city next to Goat Island. Mr. Pikus explained that is part of the Greenway Project and is referred to as Warnell Park.

Mr. Pilecki said they would have to construct a bridge to get people from Front Street to this area. Otherwise, it would develop a traffic pattern problem off Route 36. However, he believes that could be worked out.

Mr. Pikus asked the total cost of this project. Mr. Pilecki said a ballpark estimate is \$15 to \$18 million.

Mr. Pikus recalled a meeting approximately six years ago with John Rollins and Pierre S. duPont at the University of Delaware Marine College of Studies in Lewes. There was an aquarium being considered at that time during which time costs and feasibility issues were under review. Mr. Pikus recommends that Mr. Pilecki research those plans though that was being considered in Lewes.

Mr. Pilecki emphasized the motivation is to build an aquarium as a magnet to draw tourists into Milford which remains his focus.

Mr. Pikus said the concept is good noting that the city is divided by the river. However, the top priority over the next five years is a new police facility. Currently, the city is seeking approximately \$8 million in funds. In doing so, they are meeting with Senator Carper, Senator Coons and Representative Carney who are actively working with the city.

Mr. Pikus said he has also been in contact with USDA John Tarburton who is Delaware and Maryland's State Director for Rural Development at the USDA. Their organization is also trying to obtain funds for the new police facility.

He emphasized that council has unanimously agreed to make that a top priority. Mr. Pikus asked Mr. Pilecki if the intent is to make this aquarium a private foundation. Mr. Pilecki said to start, it will take several months to raise part of the money needed for the design concept. It will then take additional time for that to develop. Therefore, he does not see them pursuing any large grants over the next year. He said if the city has something happening now, which he understands the police facility is the priority, this would not interfere with that project. He explained there are other avenues of funding, for example, through the Delaware Community Foundation, they are able to pursue. They can also pursue loans through the USDA or local banks in order to get this started. However, he does not see any large sums of money needed for this project within the next year. However, he will need \$100,000 to \$125,000 to get the conceptual plan started in order to officially present the building and estimated costs. At that point, they can move forward with their grant and loan applications.

Mr. Pilecki assured the committee that will be at least a year down the road. Mr. Pikus said they are working very hard on funding for the new police facility and council does not want anything to interfere or take precedence over that project.

Mr. Pilecki said he understands and is a team player. However, he feels it is necessary to start the project adding it is very doable.

Mr. Pilecki was asked if he was able to raise the funds privately including the seed money; Mr. Pilecki said he can raise part of it and hopes the city will join in. He said he is unable to do this on his own and needs support.

He recommends that members of council join his committee and represent them when it is time to go to the state and federal government.

Mr. Pilecki explained that from previous conversations, it was his impression the city did not want to play a direct role and therefore, suggests a nonprofit organization operate and own the facility. However, the land and seed money could be donated by the city.

Mr. Pikus asked how much money Mr. Pilecki is asking from the city; Mr. Pilecki said conservatively \$50,000. He will then try to raise the balance.

Mr. Grier confirmed that will only cover the concept planning portion; Mr. Pilecki stated yes.

Mr. Grier then asked the costs of the business plan. Mr. Pilecki said he anticipates arranging a series of concerts to raise funds. Mr. Grier believes the business plan should be in place before the concept plan is done. Mr. Pilecki said that until we know what is being discussed and what funds are needed, he feels that is premature.

Mr. Grier explained that if the aquarium is not a sustainable operation, he is very uncomfortable spending taxpayers' money.

Mr. Pilecki referenced Mr. Rhode's feasibility study noting that each of the aquariums included are functional and many expanding. He advised that the Virginia aquarium has recently taken on a tremendous increase. They started with a 40,000 square foot facility. After ten years, they expanded it by \$25 million and doubled their gate receipts almost immediately. The Long Island aquarium began as a 40,000 square foot operation. After ten years, it was profitable enough to add a hotel to house their guests.

He noted that Milford does not have a facility for wedding receptions. He explained that almost every aquarium on the east coast has a wedding reception business where a lot of money can be made.

In addition, the Long Island aquarium has 20 corporate sponsorships which Milford can pursue as well. He recommends the city providing 50% of the funding and he will do everything possible to raise the balance.

Mr. Grier stated that his concern is the inability to walk into a bank for a loan without some type of structure and fiscal plan. Mr. Pilecki said that is why he is willing to provide a conceptual along with its projected cost.

Mr. Pilecki then explained that Marinescapes has designed and built 24 aquariums around the world and offers a complete turn-key service. Their services range from the architectural and engineering design phase all the way through fish procurement, care and completed aquarium operation and maintenance.

Mr. Pilecki was asked an approximate cost of annual maintenance and operating expenses in comparison to those aquariums he has visited. Mr. Pilecki stated he is unsure stating that those facilities did not share that information.

Mr. Brooks asked the closest aquarium to Milford; Mr. Pilecki advised that we are exactly 85 miles away from the Baltimore aquarium and Virginia Beach aquarium.

Mr. Pikus confirmed that Mr. Pilecki is looking for immediate seed money in addition to the acquisition of land on the banks of the Mispillion which the city does not own. Mr. Pilecki agreed if the land was available that would work well. However, it may be more difficult to come up with grant money without the land.

Mr. Carmean confirmed there is no amount of acreage owned by the city in the area of the river. Mr. Pikus agreed noting there are small areas which are part of the Mispillion Greenway and that the police department attempted to find similar acreage in the downtown area but was unsuccessful.

Mr. Carmean agreed there are many similarities between Riverhead and Milford. However, he believes Milford has a much nicer riverwalk. The one thing he recalls is the discussion regarding the membership. He noted that in Suffolk County alone, there are almost 2 million residents. Mr. Pilecki said that is beyond the distance you would travel from Riverhead to the county border which is further than from Milford to Wilmington.

Mr. Carmean asked Mr. Pilecki to estimate the population number for a comparable sized area here. Mr. Pilecki noted that John Rhodes reported there are 1.2 million people on Delmarva with 5 million tourists per year. He emphasized the population is sufficient for the needs.

Mr. Pilecki explained that a big piece of their marketing is the ancillary services provided. He said one of their big money makers is the submarine simulator; Mr. Carmean noted that the shark tank is another money maker.

Mr. Pilecki said the aquarium along will not make enough money which is why you need these other pieces. He said this aquarium averages \$30 for each person walking through the door which is 50% more than the entry fee. One-third of their revenue was above and beyond the entrance fee because they are creative with these other uses.

He feels it is a good project for Milford but if we are able to obtain the bulk of the money from outside the city and are creative in the people we hire for marketing, the city will be able to make money. The fallout would be the incredible benefit to the city which will be multiple times what the aquarium brings in.

Mr. Pilecki feels this will draw people to Milford. Currently, the art galleries are not drawing the large numbers of people to town though what they are doing is a fantastic thing. In his opinion, this will bring in mass numbers of people with discretionary funds who are looking for entertainment. To him, this will be the cornerstone for economic development.

Mr. Pikus stated that he is currently chairman of the finance committee though that may change after the election. His suggestion is to present Mr. Pilecki's request during the budget process. He explained the next fiscal year will again be very tight for the city. Currently, the city is anticipating some problems as a result of some issues the State of Delaware is trying to enforce on municipalities. If the governor convinces legislators to support him, nine cities could be hit hard and could result in a major financial situation. Right now, he is unable to commit any funds.

Before the next budget, his finance committee will meet with the economic development committee to decide on a recommendation to city council. However, he cannot promise anything at this point.

Mr. Pilecki stated he understands and only wants some reassurance this will be taken to city council.

He encouraged council members to join his committee with the goal of putting together a nonprofit organization. Mr. Pikus feels that would be the best manner to proceed and suggests they work on some benefactors considering the amount of money needed.

Mr. Pilecki stated that the game plan is to form a nonprofit organization which he feels will open doors for them. Mr. Leahy from the Delaware Community Foundation suggests they meet with him once the nonprofit organization has been formed. However, he feels that piece is premature though he agrees they need to start the corporation and open a bank account. He said if city council is willing to commit to the first \$50,000 and will provide the match money, he will proceed. Mr. Pikus emphasized they are unable to make that commitment at this point.

Once he receives the city's commitment, Mr. Pilecki said he will begin fundraising on behalf of the nonprofit organization. Once the city commits, he will also get Becker Morgan involved.

Mr. Pilecki feels he can begin marketing at the Smyrna Rest Stop by getting those travelers to come to Milford. He stressed that he is not depending on Milford residents to make this work. The intent is to pull people off the highway who are currently driving by Milford.

When asked if the business plan or concept plan should come first, Mr. Pikus said he feels the business plan should come first because the project should be marketed in order to get some feeling of what to expect.

Mr. Pilecki said at this point, he is unable to tell anyone what the project will look like, what the cost will be, what habitats will be there, who we will hire, etc. Mr. Grier feels it is unlikely that a lot of money will be raised without some type of business plan in place.

Mr. Pilecki advised that the University of Delaware has a resource center who is willing to work on this. In addition, there are several other organizations willing to discuss this. He is willing to pursue it though he wants council to work

with him. In his mind, he does not see that as a priority and instead, prefers the concept plan in order to know what we are talking about.

Mr. Grier is very concerned about spending \$100,000 for a concept that we later find out is an unsustainable operation. At that point, \$100,000 of the city's fund is gone.

Mr. Pilecki said he needs a little direction on the business plan part. He asked Mr. Grier to sit down with them if he is able to find an organization that can help. Mr. Grier said he would do that though he is not willing to write the business plan.

The city manager then noted that EDAP wants an Economic Development Director hired who will have an expense account for marketing. He asked how long it will take Mr. Pilecki to raise \$50,000; Mr. Pilecki stated at least six months.

Mr. Pilecki said he does not want to put a lot of effort into this project without a commitment for the match money from the city. In his opinion, it is time for the city to make some kind of commitment. Mr. Grier again emphasized this is taxpayers' dollars which makes it very difficult for council to approve \$50,000 without concrete evidence this is a sustainable deal. Mr. Pilecki referenced the feasibility study that says this is marketable and likely. At this point, a concept plan is needed.

Mr. Grier and Mr. Pilecki stated they both respectfully disagreed on how to begin the process. Mr. Grier likes the idea of an aquarium in Milford and agrees it is a great concept, but is concerned with spending preliminary money.

Mr. Pilecki offered to contact the University of Delaware and ask for their help. He asked if Mr. Grier would accept their opinion as to what plan should occur first; Mr. Grier stated he would be willing to review it.

Mr. Pilecki asked if any council member is willing to work with his committee in forming the nonprofit corporation; Mr. Pikus stated that at this point in time, that would be a conflict. What is being presented is a budgetary matter and as he stated, the city does not know what they are facing financially this fiscal year. Until the general assembly votes, the city is unable to commit to anything.

Mr. Grier directed Mr. Pilecki to contact the University of Delaware to seek their opinion on how to proceed. Mr. Pilecki said he will get back to council once he has that information. He also understands the match money is on hold until the new budget is approved.

Mr. Grier then noted that the city clerk has expressed some concerns in relation to the Freedom of Information Act. He asked Mr. Pilecki to confirm the members of the aquarium committee.

Mr. Pikus also recommended that Mr. Pilecki follow-up with the school to ensure the school auditorium would be made available for these concerts at no cost. Mr. Pilecki assured the committee that Ms. Kanter made the offer.

Mr. Pilecki advised that EDAP had authorized Mr. Grier and himself to carry this forward. He mentioned that he would like to bring some other people on board as fact finders. He stated as far as he is concerned, technically it is a fact-finding group and not a formal committee. However, if it is a committee that must abide by FOIA, that is fine as well.

City Clerk Terri Hudson then advised it definitely falls under FOIA. Though Mr. Pilecki considers this a fact-finding group, it is an advisory group or subcommittee. It falls under EDAP, which falls under the Economic Development Committee which falls under city council. Once Mr. Pilecki added other members to this group, it became a FOIA issue.

She explained that because this involves all three members of the Workforce Development Subcommittee (quorum) and the fact they are asking for taxpayers' money, government loans and grants. In addition, they are seeking information that is being presented to a council committee and then to council for a final decision, it falls under FOIA.

Therefore, the meetings must take place in a public place, the agenda must be posted and minutes taken. She explained that minutes can be taken by someone designated in the group, but records must be kept. There needs to be documents to support the decisions made and the attendees involved.

In addition, any related documents, including all minutes, must be submitted to her office and made part of the city's permanent records.

Mr. Pilecki stated he understood and would comply.

With no further business, Chairman Grier adjourned the Committee Meeting at 6:14 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder