

City of Milford



AGENDA

Council Meeting

October 22, 2012

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Recognition

Communications-

November 13, 2012 Council Meeting

Unfinished Business

Appointment of City of Milford Planning Commissioner

Monthly Finance Report-August 2012

New Business

Award of Bid & Funding for Public Works Radio Replacement & Tower Project

Growmark Land Deposit & Archeological Fee

December 31, 2012 Holiday/New Year's Day

Executive Session:

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

Adoption/Domestic Relation Procedure/ING 457 Deferred Compensation Plan

Adoption/Domestic Relation Procedure/ING 401A Retirement Plan

FY2012-13 Budget Adjustment/Transfer of Funds/City Hall Improvements***

Adjourn

WORKSHOP

Call to Order - Mayor Joseph Ronnie Rogers

Tax Exemption Status/Homeowners Associations

Parliamentary Procedure/Roberts Rules of Order-Future Agenda Item*

Trash Container Pickup/Delivery Fee**

Adjourn

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.

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.

REMINDER-

November Council Meeting will be held
TUESDAY, NOVEMBER 13, 2012
due to Veterans Day on Monday.



Sussex County Association of Towns

P.O. Box 589 Georgetown, DE 19947

- Town of Bethany Beach*
- Town of Bethel*
- Town of Blades*
- Town of Bridgeville*
- Town of Dagsboro*
- Town of Delmar*
- Town of Dewey Beach*
- Town of Ellendale*
- Town of Fenwick Island*
- Town of Frankford*
- Town of Georgetown*
- Town of Greenwood*
- Town of Henlopen Acres*
- Town of Laurel*
- City of Lewes*
- City of Milford*
- Town of Millsboro*
- Town of Millville*
- Town of Milton*
- Town of Ocean View*
- City of Rehoboth Beach*
- City of Seaford*
- Town of Selbyville*
- Town of Slaughter Beach*
- Town of South Bethany*
- Sussex County Council*

MEETING NOTICE

LOCATION: Greenwood Fire Hall

DATE: Wednesday, November 7, 2012

TIME: 6:00 p.m. – Social
6:30 p.m. – Dinner

PROGRAM: University of Delaware

- Sub-Regional Planning
- Delaware’s Coastal Economy

HOST: Town of Greenwood

COST: \$20.00

MENU: Garden Salad
Fried Chicken
Top Round of Beef
Red Skin Potatoes
Glazed Carrots
Assorted Desserts

PLEASE RSVP PROMPTLY

For reservations, please call John at the Town of Greenwood at 349-4534 no later than Tuesday, October 30th. Please make checks payable to the Town of Greenwood.

NOTICE

The Steering Committee will meet on Friday, November 9th at 9:00 a.m. at the Lighthouse Landing Restaurant at the Sussex County Airport. Please send a representative from your municipality.

The cost of breakfast will be \$9.00. Checks may be made payable to Lighthouse Landing.

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
MONTHLY DINNER MEETING
NOVEMBER 15TH, 2012
SHERATON DOVER HOTEL
1570 NORTH DUPONT HIGHWAY
DOVER, DELAWARE**

SOCIAL HOUR: 6:00 P.M. - 6:45 P.M.
OPENING: 6:45 P.M. - 7:00P.M.
DINNER: 7:00 P.M. - 7:20 P.M.
PROGRAM: 7:20 P.M. - 8:00 P.M.

PROGRAM

Mike Powell of DNREC will be discussing the impact of SB 64, which Governor Markell signed into law on August 17, 2011, and the recommendations of the Floodplain and Drainage Advisory Committee. This Bill was prompted by the State and Local Government's elevated levels of spending on flood and drainage related issues and the FDAC was formed in response to SB64 by the 146th General Assembly.

We will also be discussing the FY 2014 Legislative Agenda.

NEXT MEETING: JANUARY 24TH, 2013

Special diets can be accommodated with 24 hours notice

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN November 1st, 2012

Mail To: Delaware League of Local Governments
P.O. Box 484
Dover, Delaware 19903
Telephone: 302-678-0991 Fax: 302-678-4777

_____ will have _____ attendees
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>		<u>Title</u>
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____

- () Check enclosed for () dinners @ \$20.00 each
- () Please direct bill the Municipality/County/Agency
- () Payment will be made at the door
- () Enclosed for () dinners @ \$20.00 each

Milford, Delaware, Code of Ordinances >> PART I - ADMINISTRATIVE LEGISLATION >> **Chapter 57 - PLANNING COMMISSION >>**

Chapter 57 - PLANNING COMMISSION

[HISTORY: Adopted by the City Council of the City of Milford 11-14-1967. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land – See Ch. 200	Zoning – See Ch. 230
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[§ 57-1. - Establishment.](#)

[§ 57-2. - Membership; terms of office.1](#)

[§ 57-3. - Removal; vacancies.](#)

[§ 57-4. - Ex officio members.](#)

[§ 57-5. - Salaries and compensation.](#)

[§ 57-6. - Officers; staff; custodian of records.](#)

[§ 57-7. - Rules of procedure; meetings; records.](#)

[§ 57-8. - Powers and duties; reports.](#)

§ 57-1. - Establishment.

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

§ 57-2. - Membership; terms of office.1 [13]

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

§ 57-3. - Removal; vacancies.

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

§ 57-4. - Ex officio members.

The Mayor and City Manager shall be ex officio members of the Planning Commission and may exercise all of the powers of the regular members; provided, however, that an ex officio member may not hold an office on the Commission and shall have no right to vote on matters coming before the Commission.

§ 57-5. - Salaries and compensation.

All members of the Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

§ 57-6. - Officers; staff; custodian of records.

The Commission shall elect annually a Chairman and Secretary from among its own number and may employ experts, clerical help and other assistants. The Commission may appoint a custodian of its Comprehensive Plan and records, who may be the City Manager or other employee of the Council.

§ 57-7. - Rules of procedure; meetings; records.

The Commission shall adopt its own rules of procedure and determine the times of its meetings and methods of notice thereof. All meetings of the Commission at which any official action is taken shall be open to the public, and all records of the Commission shall be public records.

§ 57-8. - Powers and duties; reports.

[Amended 2-13-1968]

The Milford Planning Commission shall have all the powers and authority vested in municipal planning commissions under the provisions of Title 22, Delaware Code, Chapter 7, subject to the same conditions and limitations set forth therein at the effective date of this chapter. The Planning Commission shall report at each monthly meeting of the Council and shall present copies of its minutes of the preceding month.

FOOTNOTE(S):

⁽¹³⁾ 1. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* [\(Back\)](#)

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: AUGUST 2012

Cash Balance - General Fund Bank Balance	\$1,174,771
Cash Balance - Electric Fund Bank Balance	\$3,909,296
Cash Balance - Water Fund Bank Balance	\$1,641,344
Cash Balance - Sewer Fund Bank Balance	\$537,030
Cash Balance - Trash Fund Bank Balance	\$420,844

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	373,612	762,925	305,074	0
Deposits	6,119		219,624	
Interest Earned this Month	43	118	75	
Disbursements this Month	(102,066)		(41,667)	
Investments			1,447,464	250,000
Ending Cash Balance	\$277,708	\$763,043	\$1,930,570	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	1,299,606	3,922,879	3,005,038	7,889,335
Deposits	59,163	307,760	153,450	925,225
Interest Earned this Month			0	428
Disbursements this Month	(506,416)			(302,915)
Investments	1,768,370	250,000	379,212	2,600,834
Ending Cash Balance	\$2,620,723	\$4,480,639	\$3,537,700	\$11,112,907

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	79,958	\$42,722	\$622
Deposits	3,683	\$1,946	\$600
Interest Earned this Month			
Disbursements this Month			
Investments	926,157	\$670,755	\$260,185
Ending Cash Balance	\$1,009,798	\$715,423	\$261,407

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	1,801	Water Fund	536
GF Capital Reserves	2,143	Water Capital Reserves	5,554
General Improvement Fund	98	Water Impact Fees	0
Municipal Street Aid	249	Sewer Fund	180
Real Estate Transfer Tax	120	Sewer Capital Reserves	4,286
Electric Fund	1,420	Sewer Impact Fees	0
Electric Reserves	18,083	Trash Fund	654
Electric Impact Fees	0		

TOTAL INTEREST EARNED TO DATE \$35,124

REVENUE REPORT

Page Two

17% of Year Expended

Date: August 2012	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Budgeted Fund Balance	163,735	0	0	0.00%
General Fund Capital Reserves	334,705	22,206	24,475	7.31%
Property Transfer Tax-Police	500,000	41,666	83,333	16.67%
Real Estate Tax	3,508,380	3,609,227	3,612,513	102.97%
Business License	35,000	970	1,800	5.14%
Rental License	85,000	550	1,150	1.35%
Building Permits	60,000	6,755	14,439	24.07%
Planning & Zoning	25,000	0	700	2.80%
Grasscutting Revenue	5,000	832	832	16.64%
Police Revenues	300,000	27,275	49,795	16.60%
Misc. Revenues	262,810	4,733	17,299	6.58%
Transfers From	3,215,480	476,291	535,914	16.67%
Total General Fund Revenues	\$8,495,110	\$4,190,505	\$4,342,250	51.11%
Water Revenues	2,330,000	255,736	476,221	20.44%
Sewer Revenues	2,008,920	199,455	368,275	18.33%
Kent County Sewer	1,500,000	144,527	263,275	17.55%
Solid Waste Revenues	1,094,000	94,419	182,681	16.70%
Electric Revenues	23,686,500	2,804,804	5,044,121	21.30%
TOTAL REVENUES	\$39,114,530	\$7,689,446	\$10,676,823	27.30%
YTD Enterprise Expense		14,140		
YTD Enterprise Revenue		19,039		
LTD Carlisle Fire Company Building Permit Fund		67,660		

EXPENDITURE REPORT

Page Three

Date: August 2012

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	477,650	\$61,813	82,935	17.36%	394,715
O&M	156,505	\$5,329	18,502	11.82%	138,003
Capital	0	\$0	0		0
Total City Manager	\$634,155	\$67,142	\$101,437	16.00%	532,718
Planning & Zoning					
Personnel	127,535	\$13,047	18,272	14.33%	109,263
O&M	35,550	\$1,533	2,462	6.93%	33,088
Capital	0	\$0	0		0
Total P, C & I	\$163,085	\$14,580	\$20,734	12.71%	142,351
Code Enforcement & Inspections					
Personnel	141,890	\$15,278	21,442	15.11%	120,448
O&M	55,200	\$4,881	6,664	12.07%	48,536
Capital	0	\$0	0		0
Total P, C & I	\$197,090	\$20,159	\$28,106	14.26%	168,984
Council					
Personnel	31,225	\$2,622	4,221	13.52%	27,004
O&M	39,650	\$2,819	3,957	9.98%	35,693
Council Expense	17,000	\$741	7,700	45.29%	9,300
Contributions	369,735	\$5,000	66,000	17.85%	303,735
Codification	3,000	\$1,270	1,270	42.33%	1,730
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	17,000	\$0	0	0.00%	17,000
Capital	18,275	\$0	0	0.00%	18,275
Total Council	\$504,885	\$12,452	\$83,148	16.47%	421,737
Finance					
Personnel	330,625	\$36,601	50,142	15.17%	280,483
O&M	51,325	\$3,085	8,620	16.79%	42,705
Capital	0	\$0	0		0
Total Finance	\$381,950	\$39,686	\$58,762	15.38%	323,188
Information Technology					
Personnel	170,165	\$18,313	26,171	15.38%	143,994
O&M	169,550	\$12,489	32,852	19.38%	136,698
Capital	61,575	\$15,340	15,340	24.91%	46,235
Total Information Technology	\$401,290	\$46,142	\$74,363	18.53%	326,927

EXPENDITURE REPORT

Page Four

Date: August 2012

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,585,375	\$386,876	540,877	15.09%	3,044,498
O&M	489,280	\$41,711	100,164	20.47%	389,096
Capital	112,500	\$0	0	0.00%	112,500
Total Police	\$4,187,135	\$428,587	\$641,041	15.31%	3,546,094
Streets & Grounds Division					
Personnel	422,865	\$38,974	55,447	13.11%	367,418
O&M	407,265	\$31,089	49,925	12.26%	357,340
Capital	75,000	\$0	0		75,000
Debt Service	46,095	\$0	0	0.00%	46,095
Total Streets & Grounds	\$951,225	\$70,063	\$105,372	11.08%	845,853
Parks & Recreation					
Personnel	480,345	\$57,251	90,043	18.75%	390,302
O&M	233,950	\$19,893	57,704	24.67%	176,246
Capital	360,000	\$0	0	0.00%	360,000
Total Parks & Recreation	\$1,074,295	\$77,144	\$147,747	13.75%	926,548
Total General Fund					
Operating Budget	\$8,495,110	\$775,955	\$1,260,710	14.84%	7,234,400

EXPENDITURE REPORT

Page Five

Date: August 2012

17 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	219,350	\$23,666	32,963	15.03%	186,387
O&M	1,185,150	\$84,630	170,747	14.41%	1,014,403
Capital	80,000	\$57	29,745	37.18%	50,255
Debt Service	845,500	\$0	0	0.00%	845,500
Total Water	\$2,330,000	\$108,353	\$233,455	10.02%	2,096,545
Sewer Division					
Personnel	219,350	\$23,665	32,962	15.03%	186,388
O&M	1,070,885	\$61,332	168,553	15.74%	902,332
Capital	35,000	\$0	0	0.00%	35,000
Debt Service	633,685	\$0	0	0.00%	633,685
Sewer Sub Total	\$1,958,920	\$84,997	\$201,515	10.29%	1,757,405
Kent County Sewer	1,550,000	\$144,989	263,736	17.02%	1,286,264
Total Sewer	\$3,508,920	\$229,986	\$465,251	13.26%	3,043,669
Solid Waste Division					
Personnel	338,610	\$36,355	52,736	15.57%	285,874
O&M	755,390	\$55,958	115,979	15.35%	639,411
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,094,000	\$92,313	\$168,715	15.42%	925,285
Total Water, Sewer Solid Waste	\$6,932,920	\$430,652	\$867,421	12.51%	6,065,499
Electric Division					
Personnel	972,700	\$105,413	145,691	14.98%	827,009
O&M	1,801,635	\$119,622	243,546	13.52%	1,558,089
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	286,725	\$7,940	7,940	2.98%	258,785
Debt Service	645,440	\$0	0	0.00%	645,440
Electric Sub Total	\$6,186,500	\$441,309	\$813,844	13.16%	5,372,656
Power Purchased	17,500,000	\$1,842,344	3,798,433	21.71%	13,701,567
Total Electric	\$23,686,500	\$2,283,653	\$4,612,277	19.47%	19,074,223
TOTAL OPERATING BUDGET	\$39,114,530	\$3,490,280	\$6,740,408	17.23%	32,374,122

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2012

ACCOUNT	AMOUNT BUDGETED	MTD	17% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	91,800	7,748	11,181	12.18%	80,619
O&M	65,655	4,501	9,998	15.23%	55,657
Capital	0	0	0		0
Total Garage Expense	\$157,455	12,249	\$21,179	13.45%	136,276
Public Works					
Personnel	310,070	24,422	34,368		275,702
O&M	203,050	11,231	20,161	9.93%	182,889
Capital	21,300	6,800	20,880		420
Total Public Works Expense	\$534,420	42,453	\$75,409	14.11%	459,011
Meter Department-Water					
Personnel	123,030	13,599	18,783	15.27%	104,247
O&M	100,145	6,771	12,578	12.56%	87,567
Capital	0	0	0		0
Total Water Meter Expense	\$223,175	20,370	\$31,361	14.05%	191,814
Meter Department-Electric					
Personnel	174,500	2,278	9,861	5.65%	164,639
O&M	97,560	3,910	8,029	8.23%	89,531
Capital	0	0	0		0
Total Electric Meter Expense	\$272,060	6,188	\$17,890	6.58%	254,170
Billing & Collections					
Personnel	445,725	48,057	69,127	15.51%	376,598
O&M	283,830	22,842	41,988	14.79%	241,842
Capital	0	0	0		0
Total Billing & Collections	\$729,555	70,899	\$111,115	15.23%	618,440
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,600	3,017	8,998	16.48%	45,602
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,600	3,017	\$8,998	16.48%	45,602

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.



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

MEMO

TO: Richard D. Carmean
City Manager

FR: Brad Dennehy *BD*
Director of Public Works

DA: August 7, 2012

RE: Mandatory upgrade of the City Two-way radio system.

Richard,

As you know the day to day operations of the City Departments hinges on communication, a vital aspect of that communication is our two-way radio system. Not only is this system used by the Electric, Water and Sewer, Streets, Solid Waste and Metering Departments, it is also used by Parks and Recreation, the Garage, and Billing Departments. Also it used by the Police Department to contact those departments during outages, water breaks, downed limbs on the streets, etc. Simply put the radio system is the "key" competent for daily communication between all of these departments, and becomes the lifeblood during any kind of storm event.

However we have a pressing concern in needing to convert the current City's two-way radio system. The Federal Communications Commission (FCC) is mandating that all radio license holders convert from the current 25 kHz radio system to a narrowband system of 12.5 kHz, by January 1st 2013. The purpose of the narrowband mandate is to promote more efficient use of the VHF and UHF frequency bands. This is something different from the Police and Fire 800 MHz system, but it will affect all Public Works departments, and all other City departments who utilize the radio system.



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

Basically the frequency we use at the moment after January 1st will no longer be available. When we are talking about “converting” we are in essence talking about having to go to a new frequency, and replace all the radios in the trucks, portable radios, and base stations, as they will no longer be compatible. We will also have to replace the current antennae at the Public Works.

Over the last year Rick Carmean and I have had several meetings with different vendors, to discuss what the best options for the City are. This has included visits to other towns and facilities to see how they are proposing to meet the requirements, what sort of equipment they are using, and what the best way is to implement the conversion (“narrowbanding”). During the course of last year we brought down a representative who explained three different options to all department heads, including the former City Manager and Finance Director. Since that time Rick and I have had further meetings this year and we have reduced those options to the most cost effective option.

However, it is still a sizeable investment for the City. Replacing the antennae and upgrading all of the mobile, portable and base station radios will cost in the neighborhood of \$240k. It is a sizeable investment for the City, however the radio system is a life blood for the Public Works personnel, not just on a daily occurrence, but particularly in times of emergencies (snow storms, nor easters, etc) when cell phone coverage at times is unreliable.

The new radio system will have improved functions and I will include a list of the those upgrades, but highlights include; being digital which allows for clearer communication, emergency buttons built in to them to warn if a worker becomes injured, built in GPS to allow tracking of vehicles, and the capability to give the Police Department their own encrypted channel in case their radio system ever failed.

At this time with your approval, a Request for Proposal (RFP) needs to be drafted and put out, so we can solicit bids to upgrade the system. As I have stated previously the FCC requirement or “narrowbanding” needs to occur before January 1st of 2013, if we do not meet this deadline the City will be in violation, and risk both our license being revoked, and possible fines, as well as not having a radio system for communication.

As always, if you require further information please don't hesitate to contact me.

Thank you.



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

Requirements and Benefits of Upgrading Radio System

- **Meet FCC Narrowbanding requirements**
 - Effective 1/1/2013, our current system will be in violation if we do not upgrade.
- **Clearer communications**
 - Digital radios eliminate static which makes for clearer communication.
- **Higher security**
 - Digital signals are more difficult to scan.
 - Radios can be programmed for encryption.
- **GPS tracking of vehicles**
 - We can know where our vehicles are, how fast they are going, etc.
 - Cuts down on unauthorized use and potentially can save fuel costs.
- **Safety**
 - Radios have emergency button to warn of emergency or injured worker (worker can simply hit a button which sends out a distress call and location).
- **Police Department backup**
 - PD could be given their own Encrypted VHF channel in case of failure of their 800 MHz radio system.
- **New tower/antenna site**
 - Removes need for maintaining aging tower at Police Department.
- **Higher antenna site**
 - Allows City SCADA system to have greater range (our electric sub-station, water tower levels, and sewage pump stations are all monitored via our radio system).



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

- **New licensed channels**
 - Allow us to move away from current interference ridden frequencies.
- **Digital System**
 - Makes use of existing Digital Capable radios – keeps on-going costs lower.
- **Reduce maintenance costs**
 - Looking at radios which have a long warranty (3 year) and are submersible-less chance of damage from water and moisture.
- **Incorporate Text Messaging**
 - Text messaging for sending work orders and detailed information, this is a no-cost function and could be used for sending addresses for outages, etc.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-2589

Released: December 11, 2009

LICENSEES, FREQUENCY COORDINATORS, AND EQUIPMENT MANUFACTURERS REMINDED OF NARROWBAND MIGRATION DEADLINES IN THE 150-174 MHz AND 421- 512 MHz BANDS

This *Public Notice* reminds interested parties of the Commission's deadlines for private land mobile radio services in the 150-174 MHz and 421-512 MHz bands to migrate to narrowband (12.5 kHz or narrower) technology.¹ The Commission directed that a *Public Notice* be issued by December 31, 2009 reminding licensees and frequency coordinators of the approaching deadlines.² This *Public Notice* also provides additional information regarding the transition to narrowbanding technology.

Key Deadlines

Licensees and *frequency coordinators* should be aware of the following deadlines:

(1) beginning **January 1, 2011**,³ the Commission will no longer accept applications for

-new wideband 25 kHz (*i.e.*, operating with only one voice path per 25 kHz of spectrum) operations, and

-modification of existing wideband 25 kHz stations that expands the authorized interference contour (19 dBu VHF, 21 dBu UHF); and

(2) by **January 1, 2013**, Industrial/Business and Public Safety Radio Pool licensees must

- operate on 12.5 kHz (11.25 kHz occupied bandwidth) or narrower channels, or

- employ a technology that achieves the narrowband equivalent of one channel per 12.5 kHz of channel bandwidth (voice) or 4800 bits per second per 6.25 kHz (data).

¹ See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004) (*Narrowbanding Third Memorandum Opinion and Order*); see also 47 C.F.R. §§ 90.203(j), 90.209(b).

² See *Narrowbanding Third Memorandum Opinion and Order*, 19 FCC Rcd at 25057 ¶ 26.

³ A petition seeking a stay of the January 1, 2011 deadlines, filed by the National Public Safety Telecommunications Council (NPSTC) on September 29, 2009, is pending. See Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on National Public Safety Telecommunications Council Petition for Stay of Interim Narrowband Implementation Dates, *Public Notice*, WT Docket No. 99-87, DA 09-2364 (WTB/PSHSB rel. Nov. 2, 2009).

Equipment manufacturers should be aware that, beginning **January 1, 2011**, the manufacture, importation, or certification of any 150-174 MHz or 421-512 MHz band equipment capable of operating with only one voice path per 25 kHz of spectrum will be prohibited; and applications for equipment certification must specify 6.25 kHz capability.⁴

Additional Information

How should licensees notify the Commission that they are in compliance with the January 1, 2013 deadline to migrate to narrowband or narrowband-equivalent technology?

The answer to this question depends on how and when the station came into compliance.

Licensees of stations that already satisfy the narrowbanding requirements because their authorized bandwidth does not exceed 12.5 kHz do not need to take any action to notify the Commission that the station has met the narrowbanding deadline.

Licensees of stations that currently are authorized to operate with a bandwidth exceeding 12.5 kHz that are transitioning to 12.5 kHz or narrower operation must file a modification application to either add a narrowband emission designator or change the wideband emission designator to a narrowband emission designator.⁵ The licensee will not need to take any additional action to notify the Commission that the station has met the narrowbanding deadline. Adding or changing an emission designator for an existing frequency does not trigger a new construction requirement, so the licensee will not need to file a new construction notification.

Note: Many stations are or will be authorized to operate on their assigned frequencies with multiple authorized bandwidths, including both wideband 25 kHz emissions and 12.5 kHz or narrower emissions. It is not necessary for licensees of such stations to delete the wideband 25 kHz emission designator in order to demonstrate compliance with the January 1, 2013 deadline. Instead, absent information to the contrary, stations that were authorized to operate with both wideband and narrowband emissions prior to January 1, 2013 will initially be presumed to be operating only with narrowband emissions (i.e., that the wideband mode has been disabled) after January 1, 2013. (All equipment certified since 1997 has been required to have a 12.5 kHz operational mode. Licensees should check with their radio equipment vendor to determine how to ensure that the equipment is operating in the 12.5 kHz mode.) The Commission also will have discretion to inquire of licensees to verify that they are operating in compliance with the Commission's rules.

Licensees of stations that currently are authorized to operate with a bandwidth exceeding 12.5 kHz that have complied or will comply with the narrowbanding deadline by adopting narrowband-equivalent equipment will be required to certify compliance with the deadline. This is necessary because it will not always be apparent from the license's technical parameters whether a 25 kHz station is a non-compliant wideband station or a compliant narrowband-equivalent station. We plan to implement this

⁴ These 2011 deadlines applicable to manufacturers also are subject of the NPSTC petition for stay. The 6.25 kHz requirement does not apply to hand-held transmitters with an output power of two watts or less. See 47 C.F.R. § 90.203(j)(4).

⁵ Currently, the Commission's rules require frequency coordination for a modification application that proposes to reduce the authorized bandwidth on the licensed center frequencies, see 47 C.F.R. § 90.175, but the Commission has sought comment on exempting such applications from this requirement. See Amendment of Part 90 of the Commission's Rules, *Notice of Proposed Rulemaking and Order*, WP Docket No. 07-100, 22 FCC Rcd 9595, 9596-97 ¶ 3 (2007).

certification requirement by revising a future version of the relevant application form for new, renewed, and modified station licenses to require licensees subject to the narrowbanding mandate to indicate whether or not the requested operations comply with the narrowbanding requirements. The Commission also will have discretion to inquire of licensees regarding existing licenses for which no such certification is received because the license was not renewed or modified before January 1, 2013.

Will the Commission take any other action to remind licensees of the upcoming narrowbanding deadlines?

Yes. In addition to this *Public Notice* and the measures discussed above, the Commission will in the near future begin placing a special condition on all new, renewed, and modified licenses for stations in the radio services and frequencies subject to the narrowbanding mandate to remind licensees of the January 1, 2013 deadline. The special condition will be removed from the license at some point after the licensee notifies the Commission that the station is in compliance with the narrowbanding deadline, as discussed above.

May a station that does not meet the January 1, 2013 narrowbanding deadline operate after that date on a secondary basis?

No. As of January 1, 2013, the Commission's rules will prohibit Industrial/Business and Public Safety Radio Pool licensees in the 150-174 MHz and 421-512 MHz bands from operating with wideband channels (unless their equipment meets the narrowband efficiency standard), even if the license still lists a wideband emission designator. Operation in violation of the Commission's rules may subject licensees to enforcement action, including admonishments, monetary forfeitures, and/or license revocation, as appropriate.

Can previously certified multimode equipment be manufactured or imported after January 1, 2011?

Yes, under certain circumstances. The equipment certification for previously certified multimode equipment containing a wideband 25 kHz mode will continue to be valid, and such equipment may continue to be manufactured and imported, only if the modes of operation are enabled primarily through software rather than firmware or hardware, and users are not provided with the programming software necessary to activate the wideband 25 kHz mode.

For further information, licensees and frequency coordinators may contact Mr. Melvin Spann of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-1333, Melvin.Spann@fcc.gov, or Mr. Zenji Nakazawa of the Public Safety and Homeland Security Bureau, Policy Division, (202) 418-7949, Zenji.Nakazawa@fcc.gov; and equipment manufacturers may contact Mr. Andy Leimer of the Office of Engineering and Technology, (301) 362-3049, Andrew.Leimer@fcc.gov.

-FCC-



The City of Milford will receive sealed proposals on October 12, 2012 at 2:00 p.m. local time for the purpose of **UPGRADING THE CITY OF MILFORD TWO-WAY RADIO SYSTEM.**

Specifications are available at the City of Milford Public Works Building, 180 Vickers Drive, Milford, Delaware or online at <http://cityofmilford.com/admin/Bids.aspx>.

All vendors must complete the request for proposal (RFP) notice and fax (302) 422-1119 or email to cmurphy@milford-de.gov if they intend to bid. Any vendor not returning the form may not receive published addenda.

Your proposal is not revocable for ninety (90) days following the response deadline indicated above.

QUESTIONS:

If you have questions concerning this Request for Proposal, they must be made in writing and emailed to bdennehy@milford-de.gov. All questions must be submitted no later than September 28, 2012. All questions will be compiled and answered in the form of an addendum and will be faxed to all prospective bidders who return the RFP solicitation form attached. All changes or corrections to this Request for Proposal will be handled by addenda issued by the Director of Public Works. The receipt of all Addenda must be acknowledged on the proposal submission form.

Prospective vendors are encouraged to contact Mr. Brad Dennehy at 302-422-6616 ext 173 to schedule a site visit. All site visits must be completed no later than September 28, 2012.

All proposals will be reviewed and evaluated based on:

1. cost,
2. response time,
3. back up availability,
4. equipment compatibility,
5. equipment reputation,
6. project schedule and overall project description to meet the needs of the City.

The proposal shall include all equipment specifications and evidence of insurance and certifications. The proposal shall also include payment schedule.

The City of Milford reserves the right to request corrections, clarifications, and/or additional information pertaining to Respondent's response.

It has been determined that this solicitation be offered as a request for competitive sealed proposals, pursuant to **Delaware Code Title 29, Chapter 6924 (a)**, because the use of competitive sealed bidding is not in the best interest of the City. The use of competitive sealed proposals is necessary to:

Conduct Oral or written discussions with offerors concerning technical and price aspects of their proposals;

Afford offerors an opportunity to revise their proposals;

Compare the different price, quality and contractual factors of the proposals submitted.

A copy of the complete warranty must be included with the proposal.

The price and complete description of any additional or extended warranty offered must be included in the proposal.

RFP's will be opened publicly at the time and place designated in this letter. The main purpose of the bid opening is to reveal the name(s) of the bidder(s), not to serve as a forum for determining the low bidder(s).

The contract shall be awarded within 90 days of the closing date to the offeror whose proposal is determined in writing to be most advantageous to the City. All prices must be held firm for a minimum of 90 days from the date of the opening. The proposals, summaries, and tabulations shall not be open for public inspection until after receipt of a fully executed contract.

The City of Milford reserves the right to waive technicalities, to reject any or all proposal, or any portion thereof, to advertise for new proposals, to proceed to do the work otherwise, or to abandon the work, if in the best interest of the City, such as but not limited to local vendor preference and minority vendor preference while awarding bids.

All proposals are to be received by the City of Milford at City Hall, 201 S. Walnut Street, Milford, Delaware until **2:00 p.m.**, local time on **October 12, 2012**. All proposals will be opened in the presence of the City Clerk or his/her designee. The name of each offeror shall be read publicly. All other information contained in the proposals shall be confidential so as to avoid disclosure of information prejudicial to competing offerors during the negotiation process.

Any and all proprietary information contained within the proposal must be clearly marked. The cover must indicate that the proposal contains such information. **Copies** of the proposals will not be provided to competing vendors.

SEALED PROPOSAL MUST BE MARKED "RADIO UPGRADE", RFP No. 2012-01"



REQUEST FOR PROPOSAL SOLICITATION NOTICE

RFP No.: 2012-01

RFP Opening: October 12, 2012

Description: City of Milford Two Way Radio System Upgrade

If you are interested in the request for proposal described above, you can download it in Adobe PDF format from our web site <http://cityofmilford.com/admin/Bids.aspx>. Any amendments of other additional information related to this solicitation will be posted with the original document on the web site.

If you do not have internet access and want to receive this request for proposal, all subsequent amendments, or additional information on the bid package, please provide the requested information to:

City of Milford
 Public Works Department
 180 Vickers Drive
 Milford, DE 19963
 Fax: (302) 422-1119 Attn: Christie Murphy
 Phone: (302) 422-6616 ext 100
 Email: cmurphy@milford-de.gov

Please complete the following and return this form City of Milford Public Works Department:

Company: _____	Vendor Response /Request
Address _____	_____ No bid at this time, please retain on bid list
_____	_____ Please send complete RFP package
Contact: _____	_____ I will download the RFP package
Phone _____	_____ I intend to bid
Fax _____	_____ I do not intend to bid
e-mail for ITB/RFP _____	_____ Other:

GENERAL INFORMATION

The City of Milford requests proposals for the purpose of upgrading the City two way radio system to meet of new FCC narrow banding rules.

The proposals shall include: All necessary licensing applications and three year product warranty. The Vendor must have on staff ETA certified Technicians. The proposals must include a local 24/7 on site toll free emergency contact number with a two hour response time. Proposal shall include on-site training and annual refresher training. Training shall consist of group/classroom style training as well as hand outs specific to each type of user equipment in its programmed configuration. The proposed system should be expandable to accommodate future growth and enhancements including Automatic Vehicle Location, Text Messaging, Work Order Dispatching and Telemetry. Proposals should offer alternate methods of implementation that will limit disruption to ongoing city operations. Respondents should describe any local facilities they have available for installation work, staging, programming. The respondent shall have the ability to stage equipment in a convenient location where equipment configuration may be tested prior to installation the city shall have the option to view the systems operation prior to installation to verify acceptable operational characteristics .The proposal shall include a backup catastrophic plan to re- enable the radio system.

Each Bidder must attend a thorough site visit to assure that the City of Milford meets the 2013 FCC mandate and requested system upgrades. The proposal shall include re-programming existing Mototrbo Radios so that they meet the following specifications. It has been determined that the City will require 47 Mobile radios and 14 portable radios to be replaced, a 140 foot tall tower with foundation and installation, a three channel digital trunking system and 11 base/control stations, FCC licensing assistance and stand alone GPS tracking with text messaging capability. All equipment offered is to be 100% compatible with the City's existing Mototrbo radios.

INSURANCE

- a. Policies Required. At all times during the term of this Agreement, the Contractor shall keep in force and affect all insurance policies as described below:
- b. Worker's Compensation and Employers' Liability Insurance. Statutory worker's compensation benefits and employers' liability insurance with a limit of liability no less than that required by Delaware law at the time of the application of this provision for each accident. This policy shall be endorsed to include a waiver of subrogation in favor of the City of Milford. The Contractor shall require subcontractors and others not protected under its insurance to obtain and maintain such insurance.
- c. Commercial General Liability Insurance. Policy will be written to provide coverage for, but not limited to, the following: premises and operations, products and completed operations, personal

injury, blanket contractual coverage, broad form property damage, independent contractor's coverage with Limits of liability not less than \$1,000,000 general aggregate, \$1,000,000 products/completed operations aggregate, \$1,000,000 personal injury, \$2,000,000 each occurrence.

- d. Automobile Liability Insurance. Business automobile policy covering all owned, hired and non owned private passenger autos and commercial vehicles. Limits of liability not less than \$1,000,000 each occurrence, \$1,000,000 aggregate.
- e. Qualification; Priority; Contractors' Coverage. The insurer must be authorized to do business under the laws of the State of Delaware. Such insurance will be primary. All contractors and all of their subcontractors who perform work on behalf of Contractor shall be responsible for carrying, in full force and effect, worker's compensation and employer's liability, and automobile liability insurance coverage.
- f. Certificate of Insurance; Other Requirements. At the execution of this Agreement and prior to each insurance policy expiration date during the term of this Agreement, Contractor will furnish the City of Milford with a Certificate of Insurance with the CITY named as an additional insured. The Certificate shall reference this Agreement and worker's compensation and property insurance waivers of subrogation required by this Agreement. City of Milford shall be given thirty (30) calendar days advance notice of cancellation or nonrenewal of insurance during the term of this Agreement.
- g. Limits. The limits of liability set out in this Agreement may be increased by mutual consent of the parties, which consent will not be unreasonably withheld by either party, in the event of any factors or occurrences, including substantial increases in the level of jury verdicts or judgments or the passage of state, federal or other governmental compensation plans, or laws which would materially increase the City of Milford's exposure to risk.
- h. Deductible/Self insurance Retention Amounts. Contractor shall be fully responsible for any deductible or self insured retention amounts contained in its insurance program or for any deficiencies in the amounts of insurance maintained.

CODES, LAWS, AND REGULATIONS

The CONTRACTOR will comply with all applicable codes, laws, regulations, standards, and ordinances in force during the term of this Agreement.

PERMITS, LICENSES, AND FEES

The CONTRACTOR will obtain and pay for all permits and licenses required by law that are associated with the CONTRACTOR performance of the Scope of Services.

RADIO SYSTEM DESCRIPTION

Conventional System Features

General

The system shall provide reliable, efficient, radio functionality for The City of Milford's operational groups and shall accommodate The City of Milford's communications requirements between these operational groups. The Radio System shall be provided with the features, functions, and capabilities as described herein.

Required Features and Functions

The proposed Radio System and protocol shall support the following features and functions:

1. The system and/or user equipment must support digital transmissions on a 6.25 equivalent, 12.5 kHz TDMA channel. The system and/or user equipment must also support analog transmissions on 25 kHz and 12.5 kHz channels.
2. The system and/or user equipment must follow ETSI DMR Tier 2 standards based operation.
3. The repeater/base station equipment must be able to manage two independent time slots on a single 12.5 kHz frequency using TDMA transmissions. An upgrade kit that enables existing Motorola MTR2000 Repeaters to support digital transmissions on a 6.25 equivalent, 12.5 kHz TDMA channel must be available.
4. The system shall use a non-proprietary, open standard, over the air signaling protocol for communications between the infrastructure and the subscriber radios.
5. All user portable radios must incorporate increased digital battery life over analog by operating in a TDMA digital mode.
6. All user portable radios must include IMPRES battery technology for automatic maintenance and reconditioning.
7. All radio equipment must support the use of IMPRES accessories for automatic gain control and noise suppression.
8. The system and/or user equipment must include imbedded digital forward error correction technology to increase clarity throughout range.

9. The system and/or user equipment must include imbedded software based privacy or scrambling to protect user privacy during communications. This imbedded scrambling must support at least 255 16-bit encryption keys.
10. All user radios must include Emergency Declaration capability with single button activation. The Emergency Declaration shall provide visual and audible status notification to specified radios. The Vendor's Proposal shall include a detailed description of the Emergency Declaration features and programming options.
11. The system and/or user equipment must include imbedded GPS receivers in both the portable and mobile radios. Any additional external receivers or accessories (excluding antennas) shall not be required to receive or send GPS information. GPS shall be supported in a repeater and/or talk around mode.
12. The system and/or user equipment must include imbedded text messaging capabilities. Any additional external receivers or accessories shall not be required to receive or send text message information. The user equipment must support unit-to-unit canned and user creatable text messaging capability. The user equipment must support at least 140 scrolling characters. Text messaging shall be supported in a repeater and/or talk around mode.
13. The system and/or user equipment must include imbedded telemetry capabilities. Any additional external receivers or accessories shall not be required to receive or send telemetry information. Telemetry shall be supported in a repeater and/or talk around mode.
14. The system and/or user equipment must include intelligent channel steering capabilities to revert GPS traffic to alternate channels to control and manage data traffic on the system.
15. Automatic Vehicle Location (AVL) information to include vehicle identification, location, speed and time of transmission.
16. Voice shall take priority over data transmissions on radios transmitting both voice and data information.
17. The system user shall have the option of applying for licensure to detailed radio interface information. This information shall allow the radio user, if capable, to develop custom applications.

Multi-Site Capabilities

1. System should be upgradeable for Multi-site, multi-channel radio network capable of supporting multiple interconnected user groups/fleets. Various entities and work groups must be able to communicate without regard to geographic location.
2. The system design should allow connection of any site in the network to any site in the network over IP to achieve the required network connectivity between sites. The network infrastructure should allow the system operator the flexibility of being able to configure the network in a linear, star or mesh type of network configuration. Third party equipment shall not be required for this connection.
3. System expandability to support additional and/or future sites, radio channels, and users. The network should have the capability of being expanded to at least 15 sites.
4. The system design should allow seamless roaming between sites.

Trunking Capabilities

1. Upgradeable to support single site Digital TDMA trunking for voice and data communications.
2. Upgradable for operation in a multi site Digital TDMA trunking system for voice and data communications.

User Equipment

General

All user radios proposed (portables, mobiles, and control stations) shall fully support all features and functions available for user radios in the proposed system. The pricing for user radios shall include all programming and installation services required for operation. At the appropriate time during the implementation process the Vendor will be expected to develop detailed programming personalities and talk group configurations with input and assistance from The City of Milford. User radio programming shall not be performed until The City of Milford's Project Manager has approved the programming personalities and issued a written notice to proceed with radio programming.

All proposed portable, mobile, and control station radios shall conform to the minimum standards specified by TIA/EIA-603, Section 5 "Standards for Portables".

Compatible with existing TDMA mobile and portable radios.

Portable Radios

The proposed portable radio should be rugged, reliable, and provide the following minimum features:

- Emergency button.
- 12.5 kHz and 25 kHz analog channel bandwidth.
- 12.5 kHz TDMA (6.25e) digital channel bandwidth.
- Alphanumeric display.
- 160 Channels.
- Digital Signaling - PTT ID, Private Call, All Call, Call Alert, Escalating Alerts, Emergency, Radio Check, Radio Disable/Enable and Remote Monitor
- Analog Signaling - MDC1200: PTT ID, Emergency and Call Alert
- 16-position channel selector.
- Group scan.
- External microphone and speaker connections.
- Li-ion battery.
- Full line of optional accessories.
- Optional intrinsically safe model.
- 6 Programmable buttons (supporting both long and short press)
- Meets IP57 submersibility with or w/o accessory cover attached

Proposed portable radio units shall conform to applicable Portable Military Standards 810C, 810D, and 810E. The portable transmitters and receivers must further meet or exceed the following specifications.

Portable Transmitter

Frequency Range	136-174 MHz
Frequency Stability	+/- 0.5ppm
RF Power Output	1 –5 watts
Channel Spacing	12.5 or 25 kHz
Adjacent Channel Power	60 dB @ 12.5 kHz

Portable Receiver

Frequency Range	136-174 MHz
Channel Spacing	12.5 or 25 kHz
Analog Sensitivity (12 dB SINAD)	0.35 uV / .22uV (typical]
Digital Sensitivity	5% BER: 0.3 uV
Adjacent Channel Selectivity	60dB at 12.5 kHz @ (TIA603) 45dB at 12.5 kHz @ (TIA603C)
Spurious Rejection	70 dB
Audio Distortion	3%

Mobile Radios

The proposed mobile radio should be rugged, reliable, and provide the following minimum features:

- Emergency button.
- 12.5 kHz and 25 kHz analog channel bandwidth.
- 12.5 kHz TDMA (6.25e) digital channel bandwidth.
- Display
- 160 Channel Capacity
- Digital Signaling - PTT ID, Private Call, All Call, Call Alert, Escalating Alerts, Emergency, Radio Check, Radio Disable/Enable and Remote Monitor
- Analog Signaling - MDC1200: PTT ID, Emergency and Call Alert
- Group scan.
- Full line of optional accessories.
- Optional high power unit (at least 45 watts).
- 4 Programmable buttons (supporting both long and short press)
- Mobile and control station transmitters and receivers must further meet or exceed the following specifications.

Mobile/Control Station Transmitter

Frequency Range	136-174 MHz
Frequency Stability	+/- 1.5ppm (Non-GPS) +/- 0.5ppm (GPS)
RF Power Output	1-25 watts (low power model) 25 - 45 watts (high power model)
Channel Spacing	12.5 or 25 kHz
Adjacent Channel Power	60 dB @ 12.5 kHz

Mobile/Control Station Receiver

Frequency Range	136-174 MHz
Channel Spacing	12.5 or 25 kHz
Analog Sensitivity (12 dB SINAD)	0.30 uV / .22uV (typical]
Digital Sensitivity	5% BER: 0.3 uV
Adjacent Channel Selectivity	65dB at 12.5 kHz (w / TIA603) 50dB at 12.5 kHz (w / TIA603C)
Spurious Rejection	80 dB
Audio Distortion	3%

Desktop Control Station Radios

Proposed Desktop control stations include radio, power supply, desktop microphone, and antenna. The following minimum features should be supported by the proposed control station radio:

- Emergency button.
- 12.5 kHz and 25 kHz analog channel bandwidth.
- 12.5 kHz TDMA (6.25e) digital channel bandwidth.
- Alphanumeric display.
- Channel Capacity Up to 1000
- Digital Signaling - PTT ID, Private Call, All Call, Call Alert, Escalating Alerts, Emergency, Radio Check, Radio Disable/Enable and Remote Monitor
- Analog Signaling - MDC1200: PTT ID, Emergency and Call Alert
- Group scan.
- Full line of optional accessories.
- Optional high power unit (at least 45 watts).
- 4 Programmable buttons (supporting both long and short press)

Base Station Equipment

Base Station Transmitter

The base station transmitters shall conform to the minimum standards specified by TIA/EIA-603, Section 4.2, and the Code of Federal Regulations 47, Part 90, Subpart I. The transmitters shall further meet or exceed the following specifications:

Frequency Range	136-174 MHz
Frequency Stability	+ / - 0.5 ppm
RF Power Output	45+ watts (continuous)
Channel Spacing	12.5 kHz
Audio Distortion	3%

Base Station Receiver

The base station receivers shall conform to the minimum standards specified by TIA/EIA-603, Section 4.1. The base station receivers shall further meet or exceed the following specifications:

Frequency Range	136-174 MHz
Analog Sensitivity	(12 dB SINAD) 0.30 uV / .22uV (typical]
Digital Sensitivity	5% BER: 0.3 uV
Adjacent Channel Selectivity	65dB at 12.5 kHz @ (TIA603) 50dB at 12.5 kHz @ (TIA603C)
Spurious Rejection	75 dB
Audio Distortion	3%

Repeater

General Specifications

Modulation	FM & 4FsK
Frequency Generation	Synthesized
Channel spacing	Analog / Digital 12.5 kHz, 25 kHz/ 12.5 kHz (6.25e compliant)
Mode of Operation	Simplex / semi-Duplex / Duplex
Temperature Range	-30°C to +60°C

Transmitter

Frequency Range	136-174 MHz
Power Output (continuous duty)	8 – 100 watts or 1-30/40 watts, 25 – 100 for upgraded repeater
Electronic Bandwidth	Full Band
Intermodulation Attenuation	55 dB / 40 dB for 40W and 100W stations; 70 dB for 30W station
Maximum Deviation (RsD) 25 kHz/ 12.5 kHz	±5 kHz / ±2.5 kHz
Audio sensitivity	60% RsD @ 80 mV RMS

FM Hum and Noise
(750 μ s de-emphasis)
25 kHz/ 12.5 kHz

50 dB (55 dB typical) / 45
dB (52 dB typical)

Frequency Stability
(for temperature and aging)

1.5 ppM/external
Ref (optional) Variation)

Emission Designators

FM Modulation: 12.5 kHz:
11K0F3e; 25 kHz:
16K0F3e 4FSK
Modulation: 12.5 kHz –
Data Only: 7K60FXD
12.5 kHz - Data & Voice:
7K60FXE

Receiver

Frequency Range

136-174 MHz

Selectivity (TIA603) 25 kHz / 12.5 kHz

80 dB (90 dB typical) / 75
dB (82 dB typical)

Selectivity (TIA603D) 25 kHz/ 12.5 kHz

80 dB (90 dB typical) / 50
dB (60 dB typical)

Analog sensitivity 12dB sINAD

0.30 uV (0.22 uV typical)

Digital sensitivity 5% BeR

0.30 uV (0.20 uV typical)

Intermodulation Rejection

85 dB

25 kHz and 12.5 kHz

Input Current

AC Line 117 Volts / 220 Volts

100 W standby 0.4A / 0.4A
100 W Transmit 3.5A/1.9A

28 VDC D/C Battery Revert,

100 W standby 0.8A Neg. Gnd
100 W Transmit 12.2



October 12, 2012....Closing Time: 2:00 p.m.

Description: *2-Way Radio System Upgrade*

Bidder Name	Location	Bid Amount
Magnum Electronics	Dover, DE	237,236.75
Delmarva Communications	New Castle, DE	208,712.71

Low Bidder			
Name	Address	Phone Number	Bid Amount
Delmarva Communications	New Castle, DE	(302) 324-1230	208,712.71

1. What type of tower will be used and who is the manufacturer? Will the tower be new or used? Who designed the tower? Who designed the tower's foundation? Does the tower and installation conform to TIA Rev G? Does the tower include climbing facility step bolts and fall protection? Are grounding kits included for coaxial cable? Are wave guide bridges included? Is the tower designed and certified for additional antennas and cable installation?
2. How are you going to fasten the cable to the tower?
3. Is a Delaware PE (Professional Engineer) sealing the drawings for the tower and foundation?
4. Is a geotechnical evaluation included in the tower foundation, who will do the evaluation and what will be included in the evaluation report?
5. Will there be an NEMA outdoor enclosure for equipment? If so is there a concrete pad included for the outdoor equipment?
6. Is the system a "Motorola Capacity Plus" three repeater (channel) trunking system designed and assembled by Motorola, or was it designed by someone else?
7. How many repeaters are included in the system? Are the repeaters new 100 watt MTR 3000 or upgraded MTR2000?
8. Do the repeaters have a 3 year warranty?
9. Is 24 hr day, 7 day a week emergency response within the 2 hour response time included?
10. Is all freight included in price?
11. Is a receive filter included to mitigate system interference?
12. Is a combiner multi coupler included in the system?
13. What type of data switch is used in the system?
14. Was enhanced GPS used in the design of the system?
15. Is grounding of equipment to the R56 standard? Is a grounding ring included for maximum lightning protection of the system?
16. What size coaxial cable will be used to connect to the antenna?
17. What is the backup plan for the system?

18. Is local staging included (testing), and will fleet mapping of the system occur prior to it being installed?
19. Are the mobile radios 45 watt XPR4550? Do they have keypad microphones?
20. Are ignition sense cables and antennas included?
21. Are the portable radios 5 watt XPR6550? Do they have speaker microphones?
22. Do all radios have a 3 year warranty?
23. Does the GPS/text messaging system have reoccurring costs? Is the GPS/ text messaging system stand alone or does it require internet connectivity.
24. Does the GPS/text messaging system provide for the expansion to multiple workstations on our network? Can the GPS/text messaging system be expanded to additional mobile and portable radios without upgrade and how many additional can the system accommodate?
25. Does the GPS system include Google Maps and is the Google Maps license included?
26. Does the GPS system allow for the use of ESRI GIS Mapping data?
27. Does the GPS system have a dedicated server computer? Does the GPS system have dedicated GPS server radios? Does the GPS system have a dedicated authentication radio and are two GPS Revert channels included?
28. Does the project schedule meet for the narrowbanding deadline? How will this deadline be achieved?
29. Is an acceptance test plan included?
30. Are stand alone base stations provided with a desk microphone, power supply, antenna system and lightning protection?
31. Does the proposed system meet the specifications for compatibility with existing Mototrbo radios (XPR4550 for mobile and base stations) and XPR6550 for portable radios?
32. Is a rack and shelving included for installation of the Police Department base station radio and will the radio be connected to the police department console system?
33. Will the Police Department base station radio be installed to R56 standards to building ground buss?

34. Is on-site training included?
35. Is licensing for 3 digital repeater pairs (channels) included?
36. What type and capacity batteries are included for the portable radios?
37. Will you supply a complete listing of all components you plan to use in the Implementation of the system? Including those in the manufactures design of the Capacity Plus system.
38. Will the Capacity Plus Trunking system meet R56 standards?
39. Do you have on staff ETA and R56 certified technicians?
40. How many antennas are included for the Capacity Plus Trunking system and how do you plan to route the cable from the antennas to the system?
41. What optional Extended Warranty is available for radios?
42. Please provide a list of similar narrowbanding, and conversion to analog/digital upgrades of a similar size Town/Agency or Company to the City of Milford. Please provide a general list of equipment installed and contact information for a reference.

1. What type of tower will be used and who is the manufacturer? 160ft. self supporting tower manufactured by Tower Innovations, Newburgh, IN. Will the tower be new or used? New, fabricated for this project. Who designed the tower? Tower Innovations Who designed the tower's foundation? Tower Innovations based on the GEO supplied to them. Does the tower and installation conform to TIA Rev G? Yes, TIA/EIA-222-G Does the tower include climbing facility step bolts and fall protection? Yes, Climbing pegs on one leg entire height of tower and OSHA approved safety climb system. Are grounding kits included for coaxial cable? Yes, One at the antenna and one at the base of the tower. Are wave guide bridges included? Yes, if necessary to go from the base of the tower to the existing underground conduits that go into the building. Is the tower designed and certified for additional antennas and cable installation? Based on the information received during the site visit the tower is designed for the one antenna for this project. Additional antennas can be added with proper engineering with wind and ice load calculations.
2. How are you going to fasten the cable to the tower? They will be attached to a 3/4" messenger pipe using UV rated ties
3. Is a Delaware PE (Professional Engineer) sealing the drawings for the tower and foundation? Yes
4. Is a geotechnical evaluation included in the tower foundation, who will do the evaluation and what will be included in the evaluation report? J.D. Hynes & Associates, Salisbury, MD. Test bore to 30', lab tests of soil samples taken, soil characteristics, recommendations of allowable bearing pressures, recommendations of back-fill compaction, ETC. Everything necessary for the foundation engineer to properly design the tower foundation.
5. Will there be an NEMA outdoor enclosure for equipment? There is no outdoor equipment. If so is there a concrete pad included for the outdoor equipment? N/A
6. Is the system a "Motorola Capacity Plus" three repeater (channel) trunking system designed and assembled by Motorola, or was it designed by someone else? It will be a three repeater trunking system designed and assembled by Motorola.
7. How many repeaters are included in the system? Are the repeaters new 100 watt MTR 3000 or upgraded MTR2000? 3 new 100Watt MTR's for the trunking system and 1 new 100watt MTR for the backup system.
8. Do the repeaters have a 3 year warranty? No, MTR3000 repeaters have a two year warranty. We can offer a maintenance contract for additional coverage time.
9. Is 24 hr day, 7 day a week emergency response within the 2 hour response time included? Yes
10. Is all freight included in price? Yes
11. Is a receive filter included to mitigate system interference? Yes, the system is engineered by Motorola with a pre selector to reduce RF noise and narrows the range of the receiver frequency.
12. Is a combiner multi coupler included in the system? Yes, 3 Channel combiner and 8 Channel RX Multicoupler.

13. What type of data switch is used in the system? HP Pro Curve Data Switch
14. Was enhanced GPS used in the design of the system? No, option was not specified in the RFP. We can provide a quote at your request.
15. Is grounding of equipment to the R56 standard? Is a grounding ring included for maximum lightning protection of the system? Tower and everything on it will be grounded to Motorola R56 grounding standard.
16. What size coaxial cable will be used to connect to the antenna? Two runs of 7/8" coax(LDF 5)
17. What is the backup plan for the system? The separate repeater located at the police building will be programmed as a stand alone backup. It will only be utilized in the event of a total main system failure.
18. Is local staging included (testing), and will fleet mapping of the system occur prior to it being installed? Yes
19. Are the mobile radios 45 watt XPR4550? Yes Do they have keypad microphones? No, they were not specified in the RFP. A price would be available upon your request.
20. Are ignition sense cables and antennas included? Yes
21. Are the portable radios 5 watt XPR6550? Yes Do they have speaker microphones? No, these are also optional and a price available upon your request.
22. Do all radios have a 3 year warranty? Yes
23. Does the GPS/text messaging system have reoccurring costs? Only if you select Google maps, we selected TeleAtlas maps for this application. It can be changed at your request. Is the GPS/ text messaging system stand alone or does it require internet connectivity. If you use Streettrek explorer with google maps you must have internet connectivity.
24. Does the GPS/text messaging system provide for the expansion to multiple workstations on our network? Additional GPS tracking clients can be purchased. Can the GPS/text messaging system be expanded to additional mobile and portable radios without upgrade and how many additional can the system accommodate? Streettrek GPS tracking clients are sold with licenses that reflect the amount of assets tracked. Additional asset tracking licenses may be purchased. The system can expand to accommodate 6 voice repeaters that will support 1200 subscribers.
25. Does the GPS system include Google Maps and is the Google Maps license included? If you purchase StreetTrek Explorer using Google Maps then a license is included for the amount of assets tracked.
26. Does the GPS system allow for the use of ESRI GIS Mapping data? No. It has the capability of supplying sequal GPS Data in to response to a query from the GIS map program or ESRI map program.
27. Does the GPS system have a dedicated server computer? Yes Does the GPS system have dedicated GPS server radios? Yes, one radio Does the GPS system have a dedicated authentication radio and are two GPS Revert channels included? This system design did not include a data revert repeater, therefore only one control station is required.

28. Does the project schedule meet for the narrowbanding deadline? **Yes** How will this deadline be achieved? **We will narrowband all existing equipment that is capable of being narrowbanded prior to installing the new system.**
29. Is an acceptance test plan included? **Yes, this is covered in section 4 of the proposal.**
30. Are stand alone base stations provided with a desk microphone, power supply, antenna system and lightning protection? **Stand alone control stations that are located at the Vickers drive facility will have desk mics, power supply and a mag mount antenna that will be located in the ceiling. Control stations located at the other requested locations will have outside antennas and polyphasers installed.**
31. Does the proposed system meet the specifications for compatibility with existing Mototrbo radios (XPR4550 for mobile and base stations) and XPR6550 for portable radios? **Yes**
32. Is a rack and shelving included for installation of the Police Department base station radio and will the radio be connected to the police department console system? **Not during our site visit or in the RFP were we made aware of a control station being located at the Police Department. We understand that a repeater was to be located as a backup at this facility as mentioned in the RFP as well as the site visit. If one of the control stations that is part of the 11 requested is allocated for this location then we will provide the necessary equipment. Also, there was no mention of any connection to the Police Department console system. This would have to be further explored and engineered if it is even possible to do at all.**
33. Will the Police Department base station radio be installed to R56 standards to building ground buss? **The equipment located at this facility would be grounded to R56 standard, however existing equipment may not be which would not follow a true R56 specification.**
34. Is on-site training included? **Yes, we will provide end users with an overview of how to use the radios.**
35. Is licensing for 3 digital repeater pairs (channels) included? **Yes**
36. What type and capacity batteries are included for the portable radios? **Motorola 2200MAH Li-Ion Impres Batteries**
37. Will you supply a complete listing of all components you plan to use in the Implementation of the system? Including those in the manufactures design of the Capacity Plus system. **Yes**
38. Will the Capacity Plus Trunking system meet R56 standards? **The system will be grounded to limited R56 standards, however the equipment rooms will not meet R56 standards if they are not addressed.**
39. Do you have on staff ETA and R56 certified technicians? **Yes**
40. How many antennas are included for the Capacity Plus Trunking system and how do you plan to route the cable from the antennas to the system? **1 Antenna**
41. What optional Extended Warranty is available for radios? **The radios come with a three year warranty. There is optional Motorola warranty's for up to an additional three years and there is also service contract options with us once the radio warranty expires.**

42. Please provide a list of similar narrowbanding, and conversion to analog/digital upgrades of a similar size Town/Agency or Company to the City of Milford. Please provide a general list of equipment installed and contact information for a reference.

Artesian Water
Rick Straub
302-453-6930

Equipment Overview:

3 Site Motorola IP Site Connect Mototrbo system which covers the whole state of Delaware

Approximately 150 users on the system with GPS on every radio.

A full dispatch solution that includes GPS tracking, texting and voice dispatching.

Croda
Karen Argoe
302-429-5309

A three repeater(6 talk group) Single Site Motorola Mototrbo radio system

Approximately 150 users with texting capability and 5 base stations.

Regarding the GPS portion of this proposal or any portion for that matter, we can make adjustments or changes based on your requests. We followed the RFP and information obtained during the site visit to come up with the proposal.
Thanks!

Again, please complete questions and return answers as soon as possible.

1. What type of tower will be used and who is the manufacturer? Will the tower be new or used? Who designed the tower? Who designed the tower's foundation? Does the tower and installation conform to TIA Rev G? Does the tower include climbing facility step bolts and fall protection? Are grounding kits included for coaxial cable? Are wave guide bridges included? Is the tower designed and certified for additional antennas and cable installation?

- Rohn SSV 140 ft free standing designed and manufactured by Rohn Products of Peoria IL.
- Tower foundation is designed by Rohn Products.
- Tower and foundation confirm to TIA Rev G.
- Tower includes Climbing Facility step bolts on one leg and 3/8' safety cable system w/trolley and journeyman harness.
- Grounding kits for coaxial cable are included at top, middle and bottom of each cable installation.
- Wave guide bridges Rohn WGBS1210 are included.
- Tower is designed for additional antenna which could be used for SCADA System.

2. How are you going to fasten the cable to the tower?

- Coaxial cable will be attached to the tower using stainless steel snap in hangers.

3. Is a Delaware PE (Professional Engineer) sealing the drawings for the tower and foundation?

- Design drawings and calculations with state PE seal will be included for the tower and conventional foundation design

4. Is a geotechnical evaluation included in the tower foundation, who will do the evaluation and what will be included in the evaluation report?

- A geotechnical evaluation is included. The evaluation will be conducted by John D. Hynes and Associates of Salisbury Maryland. Test borings will be to a depth of 30 feet. Soils will be laboratory tested with one Sieve Analysis or Atterberg Limits (Liquid and Plastic) test and one Natural Moisture Content test. Upon completion of the field and laboratory testing programs a report of geotechnical engineering recommendations will be prepared. The report will include recommendations for foundation type, depth and bearing capacity, and for backfill construction. The report will discuss the handling of groundwater during construction.

5. Will there be an NEMA outdoor enclosure for equipment? If so is there a concrete pad included for the outdoor equipment?

- Two NEMA certified Alumiflex outdoor enclosures are included and will be mounted on an included concrete pad at the base of the tower. The outdoor enclosures will house the Motorola Capacity Plus repeater system. 3 MTR3000 100 watt repeaters, power distribution unit with type 3
- SAD Protecion, combiner, multicoupler, Motorola certified HP Procruve 2510-24 IP switch and receive filter.

6. Is the system a "Motorola Capacity Plus" three repeater (channel) trunking system designed and assembled by Motorola, or was it designed by someone else?

- The system is Motorola Capacity Plus and includes 3 currently manufactured MTR3000 – 100 watt repeaters. The system has been designed by Motorola (GCC Case #23191103) and will be assembled, tested and certified by Motorola.

7. How many repeaters are included in the system? Are the repeaters new 100 watt MTR 3000 or upgraded MTR2000?
 - Three MTR3000 repeaters are included.
 - Repeaters are new current manufactured.
 - Repeaters are 100 watt
8. Do the repeaters have a 3 year warranty?
 - Standard warranty is two years and an additional year of Motorola warranty has been added to give a total of three years
9. Is 24 hr day, 7 day a week emergency response within the 2 hour response time included?
 - Service will be provided 24 hours a day, 7 days a week with a response time of 2 hours
10. Is all freight included in price?
 - All freight is included
11. Is a receive filter included to mitigate system interference?
 - Yes, part number DSWF1005
12. Is a combiner multi coupler included in the system?
 - Yes, combiner part number DS4345D-3-B, MULTI COUPLER PART NUMBER DBSMC1-08AA
13. What type of data switch is used in the system?
 - Motorola certified HP Procurve 2510-24 IP
14. Was enhanced GPS used in the design of the system?
 - Yes, all three repeaters have had the enhanced GPS option included.
15. Is grounding of equipment to the R56 standard? Is a grounding ring included for maximum lightning protection of the system?
 - All equipment will be supplied to current R56 Standards.
 - A grounding ring is included for lightning protection in the tower design
16. What size coaxial cable will be used to connect to the antenna?
 - 7/8 inch low loss foam coaxial cable will be used to connect the trunking system to the antenna
17. What is the backup plan for the system?
 - Magnum will provide a back up loaner repeater that can be placed at either the main tower site or the Police Department in the event of system failure
18. Is local staging included (testing), and will fleet mapping of the system occur prior to it being installed?
 - Staging will take place at Magnum's facility at 927 Horsepond Road in Dover
19. Are the mobile radios 45 watt XPR4550? Do they have keypad microphones?
 - All mobile radios are current manufacture 45 watt XPR4550.
 - Keypad microphones are included for each mobile radio.
20. Are ignition sense cables and antennas included?
 - Yes, ignition sense cables are included
 - Antennas are included
21. Are the portable radios 5 watt XPR6550? Do they have speaker microphones?
 - All portable radios are current manufacture 5 watt XPR6550 and will include a submersible speaker microphone

22. Do all radios have a 3 year warranty?

- All radios have a 3 year warranty – 2 years standard warranty and one additional year of Repair Service Advantage(warranty)

23. Does the GPS/text messaging system have reoccurring costs? Is the GPS/ text messaging system stand alone or does it require internet connectivity.

- There are no reoccurring costs with this GPS/Text messaging system.
- The GPS/Text system is stand alone and does not require internet connectivity

24. Does the GPS/text messaging system provide for the expansion to multiple workstations on our network? Can the GPS/text messaging system be expanded to additional mobile and portable radios without upgrade and how many additional can the system accommodate?

- Yes you may add additional, multiple workstations on your network for both GPS and Text Messaging.
- An unlimited number of additional mobile and portable radios may be added to the system without upgrade by adding the desired number of licenses

25. Does the GPS system include Google Maps and is the Google Maps license included?

- This system includes Google Maps and the required Google Maps License

26. Does the GPS system allow for the use of ESRI GIS Mapping data?

- The GPS system allows for the use of your ESRI GIS Mapping data.

27. Does the GPS system have a dedicated server computer? Does the GPS system have dedicated GPS server radios? Does the GPS system have a dedicated authentication radio and are two GPS Revert channels included?

- A dedicated GPS server computer is included.
- 2 GPS server radios are included – one for each of the GPS Data Revert channels.
- The GPS system includes a dedicated authentication radio.
- 2 GPS data revert channels are included for faster GPS location updates.

28. Does the project schedule meet for the narrowbanding deadline? How will this deadline be achieved?

- Yes the system schedule includes provision for meeting the narrowbanding deadline.
- In order to meet the deadline a loaner repeater system will be installed at the Police Department using the existing antenna and license we have already modified for narrowband operation for you. The mobile and portable radios will be installed and you will have a fully operational analog narrowband system operating prior to the FCC deadline.

29. Is an acceptance test plan included?

- Yes, the system must meet specifications and be fully operational. Magnum will demonstrate the system operability to the Milford assigned project manager. A system acceptance form will be provided and a hold back equal to 10% of the system will not be payable until the system is accepted by the city.

30. Are stand alone base stations provided with a desk microphone, power supply, antenna system and lightning protection?
- Stand alone base stations are each provided with a desk microphone, power supply, antenna system and lightning protection
31. Does the proposed system meet the specifications for compatibility with existing Motorola radios (XPR4550 for mobile and base stations) and XPR6550 for portable radios?
- Yes, all included radios are XPR4550 mobile radios, XPR4550 Base stations and XPR6550 portable radios
32. Is a rack and shelving included for installation of the Police Department base station radio and will the radio be connected to the police department console system?
- Yes a rack and shelving is included for the installation of the Police Department base station radio.
 - The radio will be connected to the Police Department dispatch console system
33. Will the Police Department base station radio be installed to R56 standards to building ground buss?
- Yes
34. Is on-site training included?
- Yes, on-site training will be conducted with each department, supervisors and managers.
35. Is licensing for 3 digital repeater pairs (channels) included?
- Licensing for 3 digital repeater pairs both voice and data is included.
36. What type and capacity batteries are included for the portable radios?
- Portable radio batteries are Lithium Ion Impres rated at 2200 mAh
37. Will you supply a complete listing of all components you plan to use in the Implementation of the system? Including those in the manufacturer's design of the Capacity Plus system.
- Yes, a complete listing in the original proposal submitted 10/12/2012. For your convenience another copy will accompany my response to your questions.
38. Will the Capacity Plus Trunking system meet R56 standards?
- Yes, the Capacity Plus System will meet current R56 standards
39. Do you have on staff ETA and R56 certified technicians?
- Yes, certificates of certification were in the original proposal submitted 10/12/2012. For your convenience another copy will accompany my response to your questions.
40. How many antennas are included for the Capacity Plus Trunking system and how do you plan to route the cable from the antennas to the system?
- For proper operation the system requires the use of 2 antennas. One for transmit and one for receive. These antennas will be mounted on the tower and connected via 7/8 inch low loss foam cable to the Capacity Plus System. The system will be housed in NEMA outdoor cabinets located at the base of the tower. This design was chosen to eliminate the need for running cable underground where it could become immersed in water. This design also eliminates a substantial amount of coaxial cable and the associated cable loss that would degrade system performance
41. What optional Extended Warranty is available for radios?
- Optional extended warranty is available. A listing of optional coverage was attached to the original proposal submitted 10/12/2012. For your convenience another copy will accompany my response to your questions.

42. Please provide a list of similar narrowbanding, and conversion to analog/digital upgrades of a similar size Town/Agency or Company to the City of Milford.

- Kent County Maryland Public Works
- Energizer Playtex Products
- Kent County Maryland Schools
- Chester River Hospital
- Harrington Raceway and Slots
- Washington College
- Town of Elkton
- Bayhealth Medical
- Polytech High School



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

MEMO

TO: Richard D. Carmean
City Manager

BD
FR: Brad Dennehy
Director of Public Works

DA: October 12, 2012

RE: Questions from Council regarding Two-way radio system upgrade.

At a previous Council meeting, Councilman Gleysteen had asked some questions about the two-way radio system upgrade. I have since researched those questions and thought that it is appropriate that he and the Council have answers to those questions.

Q1. Why can't we "piggy back" on to the Police Department's 800 MHz radio system?

The Delaware 800 MHz system is a Public Safety system, in checking with the Delaware Division of Communications, there is no probability of getting Public Works Departments on the State system. Also the radios required to operate on the State system are about \$3500 each, as opposed to about a \$1000 for the radios which are sufficient for Public Works and Parks and Rec.

Q2. If the radio upgrade can be used as a backup for the Police Department are there any Federal grants available?

Federal grants have been are increasingly difficult to obtain, and at this time after extensive research there appears to be no grants available on the Public Works side for upgrades.



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

Q3. What are the leasing options?

Reduced cost municipal leasing is available from Motorola and Lease Corporation of America. Leases through Motorola are usually in the millions of dollars, which would not apply to the City of Milford. Lease Corporation of America offers leases in the hundreds of thousands of dollars. We enquired as to what the interest rate would be for a lease agreement and it was approximately 4.3%.

In asking the Finance Director (Mr. Jeff Portman) his opinion was that due to the City earning around 1.5% on existing funds it would be better to pay for the Radio system upgrade than leasing on an interest cost basis.

As always, if you require further information please don't hesitate to contact me.

Thank you.

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 18, 2012

A Meeting of the Finance Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Thursday, October 18, 2012.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members: Councilmen Douglas Morrow, Sr. and Garrett Grier III
City Manager Richard Carmean and Recorder/City Clerk Terri Hudson

The meeting was called to order at 8:05 a.m. by Chairman Pikus.

Police Chief Keith Hudson was also present.

Funding for Public Works Radio Replacement & Tower Project

Public Works Director Brad Dennehy reported that they reviewed several options including a lease option for the public works radio upgrade. However, Finance Director Jeff Portmann felt the money should come from our reserve accounts. Mr. Dennehy estimated the price initially at approximately \$240,000. He prepared a very detailed RFP and two bids were received on Friday. Magnum Electronics submitted a bid for \$237,236.75 and Delmarva Communications for \$208,712.71.

Mr. Dennehy explained that because of the \$30,000 difference in the proposals, he sent a list of 42 questions to both vendors on Monday in order to obtain additional information. He did this because of the amount of equipment involved and the detailed programming needed and wanted to ensure the two bids were the same.

He received a response from Magnum Electronics on Monday and did not receive a response from Delmarva Communications until 5:00 p.m. last night.

Mr. Dennehy remains concerned with the differences in the bid and thought that perhaps they were trying to give the city a used tower considering the \$30,000 difference. Everything Magnum answered seems fairly reasonable with a new tower, and similar equipment though there were some minor differences. He pointed out there were seven to eight different answers and involved the minor items such as programming and the GPS component.

He advised that he has been working with Magnum Electronics for about eighteen months. Everything installed on the city side has been done by Magnum. He said they know the city system and are aware of what he is trying to achieve. He has met with them numerous times and has visited similar installations completed by Magnum in Kent County, Maryland and Washington College.

Mr. Dennehy stated that he has no history with Delmarva Communications. He said they did a mandatory site visit and spent an hour and a half in the city. He took them to the different city facilities. He emphasized that is the only time they spent in the city. He has also been in contact with Delmarva only through a couple e-mails and telephone calls.

The public works director does not have a comfort level with Delmarva and understands that traditionally the city takes the low bid.

He said at this point, he has three recommendations. The first is to take the low bidder; the second is to take Magnum's bid as it stands; the third is to go back to Delmarva Communications and tell them they have seven or eight minor differences and ask them to provide the prices on the exact items Magnum is proposing. That includes a GPS upgrade and an additional year on the warranty. He could then review the price they provided.

Mr. Dennehy then asked for permission to take money from reserves but still needs some direction because the city manager wants a recommendation for Monday's council meeting.

He asked the committee to give him any advice they can offer.

Mr. Morrow asked the time frame for Delmarva Communications getting back to Mr. Dennehy on the additional questions. He feels the additional questions need to be answered to do a fair comparison.

Mr. Dennehy explained that he received Delmarva's answers last night at 5:00 p.m.; he received Magnum's on Monday morning. He said he is not adverse to slowing the process down and having further conversations with both companies though the narrow banding requirement from the FCC must be completed by December 31st. He said the push was to get the RFP's in and have council approve it Monday night. If this is not approved then, the next council meeting is not until November 13th. However, if the committee wants to slow things down, he will continue to meet with the vendors and submit additional questions. He prefers that Electric Superintendent Rick Carmean also review the bids though he is out of the office today and tomorrow.

Mr. Grier asked the life expectancy on the equipment. Mr. Dennehy reported that Delmarva offered a two-year warranty though Magnum was going to give a three-year warranty on the repeaters. He thinks we should try to get the additional warranty from Delmarva as well. He said the new tower will be good for a very long time and possibly fifty plus years because it is galvanized metal.

The public works director then explained the current tower is too small which creates a lot of interference. He explained that these radios are also used for the SCADA system which is an alarm system for the wells, pump stations and electrical substations. Also, the new electrical substation will create even more interference. He explained that voices from New Jersey can actually be heard on the radio. The intent is to get away from that interference which impacts the alarm system and creates all kinds of blips.

Mr. Dennehy said this project will allow the city to comply with the FCC requirement, while we replace the antenna at the same time. The FCC regulations require the radio equipment be updated.

Mr. Pikus confirmed this system is required to be in place by January 1st. He asked which of the vendors guarantee installation by January 1st. Mr. Dennehy advised that both companies can get the city to the narrow banding requirement needed to meet the federal requirements. However, he does not anticipate the tower being installed until spring. He reiterated that both companies have said they can do what needs to be done and wants all radios converted by December 31st. Though that will most likely not happen, he does plan to have the main trucks used in the electric, trash, water and street departments updated. He explained that every piece of equipment and every vehicle has a radio. As a result, the balance of them can be done at a later date.

Mr. Pikus asked Chief Keith Hudson who installs the police department radios; he advised the Division of Communications out of Dover. Chief Hudson advised that one of Lieutenant Huey's duties is overseeing the radios in the department and he handles transferring radio equipment from one vehicle to another. That has saved the department a great deal of money over the years. However, any official installations are handled by the Division of Communications.

Mr. Pikus confirmed with Mr. Dennehy that all public works vehicles will get new radios and the old radios will be removed. Mr. Dennehy explained they are trading the old ones in for approximately \$9,000.

Mr. Pikus asked Mr. Dennehy who he is more comfortable working with and noted the difference of almost \$30,000. Mr. Dennehy reiterated he has worked with Magnum for more than eighteen months. He can only go by the dealings he has had with them and he has not experienced any problems. On the other hand, he is very reluctant to recommend a business he had not dealt with especially considering the cost is almost a quarter of a million dollars.

Mr. Dennehy said he is also gun-shy considering the bad paving job on Tenth Street when the city took the lowest bid and gained it back by having to throw an additional \$50,000 into it. That project went on and on and ended up being an inferior product. He said if he is asked who he is more comfortable with, his answer is Magnum because they know the system better than Mr. Dennehy or anyone else in the city.

Mr. Grier asked if Mr. Dennehy wants a recommendation from the committee on which vendor to select. Mr. Dennehy said he does not necessarily need a recommendation today but wants the item on Monday night's agenda. He said we can

slow the process down though he feels it should not wait until the November meeting for a decision from city council. He noted that he will be on vacation out of state next week which is causing him some heartburn because this is his number one priority right now.

Mr. Pikus explained that the finance committee is only going to recommend to council that the funds be taken from electric reserves. Mr. Carmean agreed that is all the action this committee needs to take today.

Mr. Pikus recommends to council to take the amount of the bid accepted by city council out of electric reserves. Mr. Grier recommends a cap of up to \$240,000. He agrees it needs to be on agenda and noted that Mr. Dennehy is leaning toward Magnum Electronics. However, if Mr. Dennehy asks seven or eight more questions to Delmarva Communications and they come back and say they can do something different by the end of the day tomorrow, then Mr. Dennehy should put his recommendation in an e-mail to council. If that is not the case, he agrees with Mr. Dennehy that we should award the bid to Magnum.

Mr. Pikus agrees and asked that a motion be offered.

Mr. Grier moved to recommend to city council to approve the bid as recommended by the city's public works director not to exceed \$240,000, of which would be transferred from the electric reserve account, seconded by Mr. Morrow. With no one opposed, motion carried.

When asked City Manager Carmean's opinion, the city manager said that he has discussed this with Mr. Dennehy and notes that the city needs to be careful considering the low bid especially because of the amount of money involved. He added that he worked with Magnum at the police department years ago.

Mr. Grier confirmed there is a difference in what was being offered in the terms of the bid and in particular, Magnum's proposal in relation to the GPS, the quality of the product and the warranty.

Mr. Dennehy stated that he is willing to go back to Delmarva and ask if they are willing to provide the extra warranty. He feels Delmarva should spec each item as Magnum did. He said if their bid comes in at \$220,000, perhaps we can take that.

Mr. Pikus advised the recommendation will be made to council that the money be transferred. However, he recommends Mr. Dennehy provide to the city manager Delmarva's new questions and answers and a final recommendation through an e-mail. They need to address the additional warranty and guarantee 24-hour on-call service if there is a problem.

Mr. Dennehy said the other problem is Delmarva is in New Castle county and Magnum is in Dover. Magnum can respond in 20 minutes versus 45 minutes to an hour for Delmarva.

Mr. Pikus asked if that can be included in the written recommendation for Monday night considering he will not be able to attend the meeting.

Mr. Pikus then stated that we need to be sure we are legally covered under our current bid laws and are not in violation by accepting a higher bid for the reasons stated.

Mr. Grier asked if there is a service warranty being offered beyond the initial warranty and if those costs were discussed. Mr. Dennehy stated that he does not typically have a service warranty though he can consider that. Mr. Carmean suggests that be considered to ensure they are obligated to respond when needed.

Mr. Morrow asked Chief Hudson if the police department has a maintenance contract for the police radios; Chief Hudson stated yes through the Division of Communications.

Mr. Carmean pointed out that Magnum has been very involved and has provided their expertise in helping the public works director prepare the bid.

Mr. Dennehy again pointed out the paving project on Tenth Street when the project was awarded to the low bidder which resulted in an inferior product. He said this past year, Jerry's Paving was awarded the bid and there have been no paving problems. He explained that is the difference between a quality contractor and a not-so quality contractor.

Mr. Pikus asked the city manager to ensure the manner in which this bid is being awarded would be legal. In particular, he wants to prevent ending up in court if we accept the higher bid. Mr. Carmean agreed that once Mr. Dennehy provides the additional information and he is still leaning toward the high bidder, he will review the matter with Mr. Rutt.

Growmark Land Deposit

Mr. Pikus reminded the committee that Growmark accepted the city's proposal (appraisal) to purchase their land for the new police department.

As a member of the finance committee and police committee, he recommends we lock in this land with a deposit to be paid from electric reserves. In addition, he recommends the city solicitor prepare a contract to cover the deposit and potential purchase.

He spoke with City Finance Director Portmann about using the proceeds from the sale of the solar farm though he was informed that can only be used for the purchase of lands related to electric. Mr. Carmean said they were figuring that up to \$4 million would be pulled out of reserves for the project; however, we only have about half the money anticipated through the referendum and bonds which is the reason he put the proceeds back into the bond account.

The city manager explained that regardless of what is pulled from reserves, there will be a half million dollars less.

Mr. Pikus moved to recommend the city send a \$50,000 deposit to Growmark, along with a contract to purchase the land. The contract should include a provision that the city has the right to go on the land as soon as possible to do any investigative and environmental work.

Mr. Pikus and Mr. Carmean suggested this be made a non-refundable deposit; Mr. Grier disagreed and recommended the \$50,000 be made a refundable deposit contingent upon the environmental study. Mr. Carmean explained they are recommending it be non-refundable because they are asking to hold the land for up to three years.

Mr. Carmean explained the importance of keeping the \$800,000 plus in reserves during the referendum process since our bank accounts will be under close scrutiny. Having the \$800,000 on hand will be an advantage when considering our bond ratings, versus the purchase of the 14-acre site.

Chief Hudson advised that currently, the Division of Historical and Cultural Affairs believes this could be a potential archeological site.

Mr. Carmean stated he does not feel there will be any environmental problems at the site because it was used mainly to store fertilizer equipment.

Mr. Morrow moved to recommend that a \$50,000 deposit be made on the Growmark property for the site of the new police department and that Solicitor Rutt prepare an agreement with a three-year deadline, as previously discussed, seconded by Mr. Grier. With no one opposed, motion carried.

Mr. Carmean added that at the end of the three years, if a referendum has not been approved, another funding plan will need to be considered.

Archeological Study Fee

Mr. Pikus also recommends that funds be set aside for the archeological survey. Mr. Carmean agreed adding that DNREC will also need to be contacted for their survey.

Mr. Pikus added that any associated funds will be paid from the same account.

Chief Hudson said he has a list of the archeological consultants and contractors. In addition, an environmental study will need to be done.

Police Replacement Radios-Insurance Issue (Storm Damage)

Chief Hudson recalled the two storms this summer at which times the department was struck on both occasions. He then advised the finance committee he is still waiting on a decision from the insurance company in relation to the replacement costs of the police departments' radios. The cost to replace the radios is \$100,000; another \$20,000 is needed for their installation. Though they have been in constant contact with the insurance company, the latest information he received was that a meeting was scheduled late last week at which time the claim would be discussed and a determination made.

There was concern about the fact that the equipment may not be covered under the city policy and why it has taken so long to address the claim.

Chief Hudson assured Mr. Pikus that they are up and running through the use of a portable radio system though they need the permanent equipment installed.

He wants the finance committee to be aware of this situation in case the insurance company comes back and informs us they will only pay a portion of the cost or will not cover the damage at all.

City Manager Carmean confirmed our coverage is thru Travelers Insurance Company whom the city has dealt with for more than ten years.

Chief Hudson noted that all other equipment lost or damaged has been replaced or repaired.

Mr. Pikus recommends that Chief Hudson contract Travelers Insurance and insist this be settled. Chief Hudson advised they are in contact with Travelers at least twice a week.

Mr. Morrow then suggested we contact Marvel Agency who is our broker. He feels the city should demand an answer from Travelers. Mr. Grier agrees and suggests that Harvey Marvel be contacted immediately to get involved.

Chief Hudson asked if it is appropriate for him to contact Mr. Marvel or if it should be someone from the city. The committee directed him to inform Mr. Marvel of the situation and to ask for his help.

The chief reiterated that he wanted the finance committee to be aware of this situation in case Travelers does not cover the entire costs of the radio replacement.

Mr. Pikus concluded by stating we purchase insurance and expect to be covered in these circumstances. He emphasized there is no reason for Travelers to procrastinate any longer.

Mr. Carmean informed Chief Hudson that Mr. Dennehy has purchased a base that can be used as a backup for the police during emergencies. Chief Hudson explained that his dispatchers will be able to dispatch city vehicles though it cannot be used as a backup for police calls because of their tie-in to the state system. The city manager agreed and explained that it can be used when the entire city is shut down and only the city crews and police are out.

Adjourn

With no further business, Mr. Grier moved to adjourn the meeting, seconded by Mr. Morrow. Motion carried.

The meeting was adjourned at 8:45 a.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

MEMO

TO: Richard D. Carmean
City Manager

BD

FR: Brad Dennehy
Director of Public Works

DA: October 12, 2012

RE: Two-way radio system upgrade.

Request for proposals for the upgrade of the City of Milford's two-way radio system were opened publicly last Friday (10/12/12) and two sealed proposals were received, those being Delmarva Communications for a sum of \$208,712.71 and Magnum Electronics for a sum of \$237,236.75.

Due to the difference in amount of the bids each vendor was sent a list of 44 questions on Monday (10/15/12) to further explain their proposal (a list of the questions asked and received answers are attached). Magnum Electronics responded to those questions the same day, and I received Delmarva Communications answers late on Wednesday. These were both general and specific questions relating to both the type of equipment to be installed and the programming of the radio system.

It is worth going over the differences in the two proposals, and I have included the corresponding question number as a reference. These are as follows:

1. Delmarva Communications' proposed tower is designed for one antenna, limiting expansion for SCADA or other uses. The Magnum tower design is for 3 antennas. Delmarva Communication's design would then require additional engineering and cost to add more antennas, and we are assuming it to be a much lighter weight design.



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MILFORD, DE 19963

2. Delmarva Communications plans on using wire ties to secure cable to the tower. Wire ties are less expensive, but not as long lasting as the stainless steel snap in hangers provided by Magnum Electronics.

5. Unlike Magnum Electronics, Delmarva Communications has not included outdoor enclosures for the housing of equipment. This creates the need to install the coaxial cable approximately 100 extra feet to the equipment location in the Public Works building. There is a concern that the added cable length will increase a loss in the system that will create lower levels of receive signal, thereby decreasing radio range to the tower. This also creates the need to locate the equipment in an already cramped data room and ties the radio antenna system directly into the building. By creating this physical connection between the antennas on the tower into the building there is higher probability of lightning damage to other items in the building; phone system, data network etc. Running the coaxial cable underground also exposes it to underground water damage.

8. Delmarva Communications is not including a 3 year warranty; however, Magnum electronics is. It was clearly stated in the RFP that three years of warranty was to be included.

14. Delmarva did not include enhanced GPS, whereas Magnum Electronics has. This Motorola recommended option allows you to manage your mobile work force to improve response time and instantly locate your personnel and vehicles in real time.

21. Delmarva Communications did not include speaker microphones; Magnum Electronics did include them.

23. Magnum Electronics has included Google Maps with no reoccurring chargers. Internet connectivity is not required in the Magnum Electronics Design.

24. Delmarva Communications design requires an upgrade to use Google Maps.

26. Delmarva Communications GPS does not support ESRI GIS Mapping, whereas the Magnum Electronics proposal does.

27. Delmarva Communications is not including GPS "revert". There is a concern that with this elimination and the elimination of enhanced GPS, there will be a much slower and less accurate GPS picture in real time. This will also allow for data collisions that will degrade system efficiency.



PUBLIC WORKS DEPARTMENT
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MILFORD, DE 19963

28. In terms of meeting the narrowbanding requirement, Magnum Electronics is proposing to lend the City of Milford a repeater and install it at the Police Station, using the existing antenna and modified license. They will install the mobile and portable radios and the City will have a fully operational analog narrowband system operating prior to the FCC deadline. Delmarva Communications has stated that they will "narrowband all existing equipment capable of being modified". Unfortunately very little of existing equipment is capable of operating in narrowband, including the current repeater.

32. A control station for the Police Department was not included in the Delmarva Communications design, and connecting it to the console was not included. The Magnum design includes the control station and connection to the console. Magnum Electronics has also included a rack and shelves for the Police Department installation.

37. Magnum Electronics supplied a complete parts and components list; however, Delmarva Communications did not.

38. Delmarva Communications is somewhat vague on R56 grounding requirements. By placing equipment in the building, the entire building would need to be brought up to R56 standards. By placing the equipment in an outdoor cabinet, Magnum Electronics' proposal would only require the tower, equipment and enclosures to need the additional grounding.

40. Delmarva Communications is proposing to use one antenna, whereas Magnum Electronics is proposing to use two. It is our understanding that combined Trunking systems generally require two antennas for the most efficient operation; one antenna to transmit and one to receive. There is a concern that a single antenna system is less expensive but at the cost of very high losses that can significantly reduce range and building coverage.

In going over these differences, it is my opinion that Delmarva Communications has cut their cost a significant amount by going with a base model system. If their tower can only hold one antenna without additional engineering, I would believe it is a much lighter weight and less sturdy structure. Elimination of revert channels, enhanced GPS, Google maps, and capability for ESRI maps all reduce the cost, but also the efficiency and long term usefulness of the system before upgrades need to be made.

Also by placing the system in the existing building as against a free standing structure, higher losses in the cable will be created and a higher exposure to lightning damage, to the building, and to its contents are increased.



PUBLIC WORKS DEPARTMENT
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180 VICKERS DRIVE
MILFORD, DE 19963

The single antenna system will come at a lower price but with higher loss; higher loss means less range.

Finally a three year warranty was specified in the RFP, and only Magnum Electronics included the full 3 year warranty.

In conclusion, if the City is going to invest significant capital in any project, we should be getting, not only the best value, but also the best type of system for the City's needs both today and in the future. It is my recommendation, therefore that the City should award the two-way radio upgrade to Magnum Electronics, for the above listed reasons.

As always, if you require further information please don't hesitate to contact me.

Thank you.

THE CITY OF 457 DEFERRED COMPENSATION PLAN
DOMESTIC RELATIONS ORDER PROCEDURE

In the case of any Domestic Relations Order (DRO) received by the Plan, its status under the Internal Revenue Code shall be determined under the following procedures:

A DRO will be treated like a QDRO if the DRO creates or recognizes the existence of an Alternate Payee's right to receive, or assigns to an Alternate Payee the right to receive, all or a portion of the benefits payable with respect to a Participant under the Plan. A "Domestic Relations Order" will not fail to be treated like a QDRO merely because the order is issued after, or revises another order or DRO, or due to the time of the issuance of the order (e.g., after the participant's death).

Promptly upon receiving a DRO, the Administrator will (1) refer the DRO, issued by the State Court of jurisdiction, to legal counsel for the Plan to render an opinion within 60 days (or such earlier period as shall be provided by Treasury Regulations) as to whether the DRO can be treated like a "qualified domestic relations order", and (2) notify the concerned Participant and any other alternate payee of the receipt by the Plan of the DRO and of this procedure.

Promptly upon receiving the determination made by the Plan's legal counsel as to the status of the DRO, the concerned Participant and each alternate payee (or any representative designated by an alternate payee by written notice to the Administrator) shall be furnished a copy of such determination. The notice of determination shall state that the Administrator will commence any payments currently due under the Plan to the person or persons entitled thereto, depending on the Plan's legal counsel's determination as to the status of the DRO. The Administrator shall, as soon as practical after the determination if the DRO can be treated like a QDRO, ascertain the dollar amount currently payable to each payee pursuant to the Plan and, if it can be treated like a QDRO, disburse any such amounts as soon as administratively feasible after it has been determined that the DRO can be treated like a QDRO. The Alternate Payee must complete the required forms/applications to request a distribution from the Plan.

If there is a dispute as to the status of a DRO, there shall be a delay in making payments of the amounts currently due to payees. In that event, the Administrator shall direct that the amounts payable be held in a separate account within the Plan. If the within 18 months after the deferral it is determined that the "DRO" cannot be treated as a QDRO, or the status of the DRO has not been finally determined, the segregated or escrow amounts (including interest thereon) shall be paid to the person or persons who would have been entitled to such amounts if there had been no DRO. Any determination thereafter that the DRO is a "qualified domestic relations order" shall be applied prospectively only.

An "alternate payee" includes any spouse, former spouse, child, or other dependent of a Participant who is designated by the DRO as having a right to receive all or a portion of the benefits payable under the Plan with respect to the concerned Participant.

This Domestic Relations Order Procedure is adopted this _____ day of _____, 2012.

THE CITY OF MILFORD RETIREMENT PLAN
DOMESTIC RELATIONS ORDER PROCEDURE

In the case of any Domestic Relations Order (DRO) received by the Plan, its status under the Internal Revenue Code shall be determined under the following procedures:

A DRO will be treated like a QDRO if the DRO creates or recognizes the existence of an Alternate Payee's right to receive, or assigns to an Alternate Payee the right to receive, all or a portion of the benefits payable with respect to a Participant under the Plan. A "Domestic Relations Order" will not fail to be treated like a QDRO merely because the order is issued after, or revises another order or DRO, or due to the time of the issuance of the order (e.g., after the participant's death).

Promptly upon receiving a DRO, the Administrator will (1) refer the DRO, issued by the State Court of jurisdiction, to legal counsel for the Plan to render an opinion within 60 days (or such earlier period as shall be provided by Treasury Regulations) as to whether the DRO can be treated like a "qualified domestic relations order", and (2) notify the concerned Participant and any other alternate payee of the receipt by the Plan of the DRO and of this procedure.

Promptly upon receiving the determination made by the Plan's legal counsel as to the status of the DRO, the concerned Participant and each alternate payee (or any representative designated by an alternate payee by written notice to the Administrator) shall be furnished a copy of such determination. The notice of determination shall state that the Administrator will commence any payments currently due under the Plan to the person or persons entitled thereto, depending on the Plan's legal counsel's determination as to the status of the DRO. The Administrator shall, as soon as practical after the determination if the DRO can be treated like a QDRO, ascertain the dollar amount currently payable to each payee pursuant to the Plan and, if it can be treated like a QDRO, disburse any such amounts as soon as administratively feasible after it has been determined that the DRO can be treated like a QDRO. The Alternate Payee must complete the required forms/applications to request a distribution from the Plan.

If there is a dispute as to the status of a DRO, there shall be a delay in making payments of the amounts currently due to payees. In that event, the Administrator shall direct that the amounts payable be held in a separate account within the Plan. If the within 18 months after the deferral it is determined that the "DRO" cannot be treated as a QDRO, or the status of the DRO has not been finally determined, the segregated or escrow amounts (including interest thereon) shall be paid to the person or persons who would have been entitled to such amounts if there had been no DRO. Any determination thereafter that the DRO is a "qualified domestic relations order" shall be applied prospectively only.

An "alternate payee" includes any spouse, former spouse, child, or other dependent of a Participant who is designated by the DRO as having a right to receive all or a portion of the benefits payable under the Plan with respect to the concerned Participant.

This Domestic Relations Order Procedure is adopted this _____ day of _____, 2012.



Kersey Home Improvement

Bill

TO City of Milford	DATE October 4, 2012
---------------------------	-----------------------------

DESCRIPTION	
Remove three sections of sidewalk Repour to proper pitch 3,500 mix with fiber Remove seam seal against building on ramp and landings Install new seam seal gray in color	\$3,010.00
Install vinyl batten R/19 Insulation Sheetrock, finish and paint to customers color Install vinyl basecove to match existing	<u>\$2,413.00</u>
Total:	\$5,423.00

Paul C. Kersey

James Approved

104 McCoy Street Milford, De 19963

302-424-8322

302-242-3656

MOORE & RUTT, P.A.

ATTORNEYS AT LAW

GEORGETOWN OFFICE
P.O. BOX 554
122 W. MARKET STREET
GEORGETOWN, DE 19947
302-856-9568
FAX 302-856-4518

MILFORD OFFICE
P.O. BOX 612
830 SO. DUPONT HWY.
MILFORD, DE. 19963
302-424-2240
FAX 302-424-0468
(Wed. & Thurs. & By Appointment Only)

J. EVERETT MOORE JR.*
DAVID N. RUTT**
JAMES P. SHARP***
DORIAN ROWE KLEINSTUBER
SHANNON R. OWENS

Reply To _____ Georgetown
_____ Milford

October 12, 2012

* Del. and D.C.
** Del. and Penna.
*** Del. and MD.

City of Milford
ATTN: Teresa K. Hudson, City Clerk
201 S. Walnut Street
Milford, DE 19963

RE: Tax exemption for homeowner associations

Dear Terry:

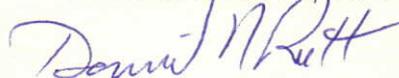
As you recall, there was a discussion at City Council regarding the exemption for homeowner associations. Apparently, the standard is if the counties grant an exemption, the cities will too. However, it is not as easy to obtain an exemption as Council was led to believe by the Meadows of Shawnee homeowners.

I am attaching a memo that was prepared by our law clerk that sets forth the requirements that homeowner associations need to obtain tax exempt status. The rules in Kent County are far more stringent than those in Sussex County. However, I believe that Sussex will soon adopt a similar policy.

My recollection is that the City Council was prepared to make a blanket determination that all homeowner associations should be declared tax exempt. I do not know if that is a wise position in light of this information, and I would suggest the matter be placed on an agenda for discussion. Perhaps it would be a good workshop item.

Very truly yours,

MOORE & RUTT, P.A.


David N. Rutt

DNR:mes

Memo: Tax exemption for Home Owners' Associations

To: DNR

From: JA

Date: 9/20/12

In the Internal Revenue Code, a homeowners' association can apply for a tax exempt status as a 501(c)(4) so long as its "open space" or "parkland" is open to the general public and not just its own members. It is doubtful any HOA could qualify as a 501(c)(3) unless there was a charitable purpose in addition to the maintenance of the HOA. An additional option would be to qualify for exemption under IRC §528(c), which was adopted as an alternative to 501(c)(4) since many HOA's were having difficulty qualifying under that section of the IRC (especially Condominium associations). Under §528, a condo or home owner's association qualifies for tax exempt status if:

- A. It is organized and operated to provide for maintenance and care of association property
- B. 90% of its funds are applied as expenditures on the property.
- C. Note – there is no requirement in this section that the common areas must be open to the public

Kent County Policy:

Kent County will approve an application for exemption (attached) if the HOA meets the criteria of being a Charitable organization or "parkland" owned by a civic organization. To qualify under the Parkland exception, the County will require the Charter/by-laws to incorporate the language from 9 Del. C. §8110, namely that the open space is open to the general public (not just the HOA members). In fact, under §8110(b), any "parkland" meeting the criteria under this section must be considered tax exempt. I do not believe proof of a IRC §528 exemption would be sufficient without proof the open space is open to the public.

Sussex County Policy:

They request proof of exemption under the IRC, namely 501(c). They did not seem to be aware of the parkland exemption under the Delaware code, or the IRC §528 exemption.

Note, a §501(c)(7) is an option that can be used for recreational facilities (pools, tennis courts, etc) owned by HOA's, applied separately from open space areas. T



APPLICATION FOR EXEMPTION FROM PROPERTY TAXES
KENT COUNTY BOARD OF ASSESSMENT

Parcel No. _____ Date: _____

Owner's Name _____

Address of Parcel _____

Address of Tax Bill _____

1. Type of Exemption Sought (check only one)

Government (including public schools) _____

Educational _____

Religious _____

Charitable _____

Parkland owned by "civic associations" _____

2. Describe the exempt activities which take place on the property. If parkland, explain type(s) of recreational use and frequency of such use. Attach extra sheet if necessary.

3. Is any part of this property ever rented? If YES, attach explanation describing tenants, the leased premises, duration of rental period(s), rent collected for such period, additional expense reimbursements received for such period, & all other information pertinent to this issue.

4. Is there a fee schedule for use of facilities or receipt of services? If YES, attach fee schedule.

5. If seeking exemption as a charity, attach copy of 501(c)(3) letter from the Internal Revenue Service. Provide evidence of existence of the charitable organization prior to July 14, 1988.

I HEREBY AFFIRM THAT ALL INFORMATION PROVIDED HEREIN IS TRUE TO THE BEST OF MY KNOWLEDGE:

Organization

Signature and Title

Telephone No.

Date

(Title 9) § 8110. Civic organizations owning parkland.

(a) As used in this section:

(1) The term "civic organization" shall be defined as any nonprofit organization that is the owner of parkland, as defined herein, provided that:

a. The organization is not organized for profit or is qualified as an exempt organization under § 501(c) of the Internal Revenue Code of 1954 [26 U.S.C. § 501(c)], as amended;

b. No part of the net earnings of the organization inures to the benefit of any private shareholder or individual; and

c. Upon liquidation or dissolution of the organization, or abandonment by the organization, none of the assets of the organization nor benefits from its property will inure to the benefit of any person or organization except a community chest, fund, foundation, government, governmental agency, civic organization, maintenance corporation or other nonprofit organization.

(2) The term "parkland" shall be defined as real property, including improvements erected thereon and fixtures attached thereto, used primarily for recreational purposes and dedicated as parkland, public open space, private open space or other public use on a recorded subdivision plan, or through valid and binding restrictive covenants, provided that:

a. The property is not used by the civic organization or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor or bondholder of the organization or operator or any other person through the distribution of profits or the payment of excessive compensation;

b. The property is used for recreational purposes; and

c. The use of the property is open, without charge, to the public, or to members of the civic organization, or to the residents of the neighborhood, or to residents of the community or to residents of the subdivision in which the property is located, regardless of sex, race, creed, color or national origin.

(b) No parkland owned by a civic organization shall be liable to taxation and assessment for public purposes by any county or other political subdivision of the State or county.

(c) Any taxes heretofore levied by any county or other political subdivision of the State or county on any such parkland owned, at the time of said levy, by a civic organization are voidable and the counties and political subdivisions of the State shall remove said taxes from their records upon receipt of an application filed by the organization establishing its entitlement under this section.

(d) This section shall not affect any taxes levied on any such property at any time prior to its acquisition by the civic organization, and such taxes, and any penalty that may accrue thereon, shall remain a lien against the property in accordance with the provisions of this title.



Homeowners' associations

A membership organization formed by a real estate developer to own and maintain common green areas, streets, and sidewalks and to enforce covenants to preserve the appearance of the development may be exempt as a social welfare organization if it is operated for the benefit of all the residents of the community.

The term *community* generally refers to a geographical unit recognizable as a governmental subdivision, unit, or district thereof. There is no precise definition of a *community*. Rather, whether an area is a *community* depends on the facts and circumstances of the particular situation. Even if an area represented by an association is not a community, the association can still qualify for exemption if its activities benefit a community.

The association should include with its exemption application evidence that areas such as roadways and park land that it owns and maintains are open to the general public and not just its own members. It also must show that it does not engage in exterior maintenance of private homes.

A homeowners' association that is not exempt under section 501(c)(4) and that is a condominium management association, a residential real estate management association, or a timeshare association generally may elect under the provisions of Code section 528 to receive certain tax benefits that, in effect, permit it to exclude its exempt function income from its gross income.

[Return to Life Cycle of a Social Welfare Organization](#)

Page Last Reviewed or Updated: 14-Aug-2012

Homeowners' and Tenants' Associations

Introduction A homeowners' association is an organization that consists of all lot owners in a certain development and that enforces covenants for preserving the architecture and appearance of the development.

- Membership is usually compulsory.
- Generally, it also owns and maintains certain green areas and sidewalks.
- Depending on its activities, a homeowners' association may qualify for exemption from federal income tax as an organization described in IRC 501(c)(4), IRC 501(c)(7), or IRC 528.

Of the three routes to tax-exempt status, IRC 501(c)(4) imposes the strictest standard. To be described in IRC 501(c)(4), a homeowners' association must primarily serve the community rather than the private interests of its members. Therefore, the principal obstacle to exemption is the degree of private benefit involved in the operation of the homeowners' association.

Lake Forest

The leading case in the area of homeowners' associations is Commissioner v. Lake Forest, Inc., 305 F. 2d 814 (1962), which arose under the predecessor of IRC 501(c)(4), § 101(8) of the 1939 Code. Lake Forest was a nonprofit membership-housing cooperative organized by World War II veterans and others. It provided low cost housing to its members. Focusing on the words of the statute, the court concluded that Lake Forest was not "civic," but simply a private cooperative organization; that its operation was not a work of "social welfare," but a private economic enterprise; and that even if its objects included a contribution to social welfare, that was not its aim "exclusively."

- The holding in Lake Forest is reflected in Rev. Rul. 69-280, 1969-1 C.B. 152. The organization discussed in Rev. Rul. 69-280 was formed to provide maintenance of exterior walls and roofs of homeowner members in a development. In concluding that the organization does not qualify for IRC 501(c)(4) exemption as a social welfare organization, the revenue ruling finds the organization's operations to be similar to Lake Forest in that both were fundamentally self-help enterprises. Rev. Rul 69-280 concludes:

The organization here described is performing services that its members would otherwise have to provide for themselves. It is a private cooperative enterprise for the economic benefit or convenience of the members.

Continued on next page

Homeowners' and Tenants' Associations, Continued

**Rev. Rul.
72-102**

Rev. Rul. 72-102, 1972-1 C.B. 149, attempted to enunciate standards that could be used to determine whether a homeowners' association could qualify (or maintain) IRC 501(c)(4) exempt status.

- The organization described in Rev. Rul. 72-102 is a membership organization formed by a developer.
- It is operated to administer and enforce covenants for preserving the architecture and appearance of a housing development, and to own and maintain common green areas, streets, and sidewalks for the use of all development residents.
- Prospective homebuyers are advised that membership in the organization is required of all owners of real property within the housing development.
- The organization is supported by annual assessments and member contributions. Its activities are for the common benefit of the whole development rather than for individual residents or the developer.

Rev. Rul. 72-102 concludes as follows:

For the purposes of section 501(c)(4) of the Code, a neighborhood, precinct, subdivision, or housing development may constitute a community. For example, exempt civic leagues in urban areas have traditionally represented neighborhoods or other subparts of much larger political units. By administering and enforcing covenants, and owning and maintaining certain non-residential, non-commercial properties of the type normally owned and maintained by municipal governments, this organization is serving the common good and the general welfare of the people of the entire development. Even though the organization was established by the developer and its existence may have aided him in selling housing units, any benefits to the developer are merely incidental. Also, even though the activities of the organization serve to preserve and protect property values in the community, these benefits that accrue to the property owner-members are likewise incidental to the goal to which the organization's activities are directed, the common good of the community. Therefore, it is held that the organization is exempt from Federal income tax under section 501(c)(4) of the Code.

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Homeowners' and Tenants' Associations, Continued

**Rev. Rul.
72-102,
continued**

Revenue Ruling 69-280, C.B. 1969-1, 152, which holds that a non-profit organization formed to provide maintenance of exterior walls and roofs of members' homes in a development is not exempt under section 501(c)(4) of the Code, is distinguished because that organization was operated primarily and directly for the benefit of individual members rather than for the community as a whole.

Rev. Rul. 74-17

Rev. Rul. 74-17, 1974-1 C.B. 130, discusses a condominium housing association and reaches an adverse conclusion under IRC 501(c)(4). Rev. Rul. 74-17 finds that homeowners' associations and condominium associations, even though they furnish similar services, are essentially different, and must be treated differently for purposes of IRC 501(c)(4). Rev. Rul. 74-17 concludes as follows:

By virtue of the essential nature and structure of a condominium system of ownership, the rights, duties, privileges, and immunities of the members of an association of unit owners in a condominium property derive from, and are established by, statutory and contractual provisions and are inextricably and compulsorily tied to the owner's acquisition and enjoyment of his property in the condominium. In addition, condominium ownership necessarily involves ownership in common by all condominium unit owners of a great many so-called common areas, the maintenance and care of which necessarily constitutes the provision of private benefits for the unit owners.

Rev. Rul. 74-99

After publication of Rev. Rul. 72-102, it became apparent its standard of "community" was being equated with a single housing development.

There was also concern that Rev. Rul 72-102 made no mention of recreational facilities (none were present in the underlying case).

Additionally, the term "common areas" needed more precise definition to prevent liberal interpretations that might encompass areas that are really little more than extensions of privately owned property

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Homeowners' and Tenants' Associations, Continued

Rev. Rul. 74-99, continued Rev. Rul. 74-99, 1974-1 C.B. 131, modifies Rev. Rul 72-102. Rev. Rul 74-99 describes the typical organization and the threshold problem as follows:

The characteristics of the organization of homeowners described in Rev. Rul. 72-102 are generally typical of many such organizations formed in recent years that seek exemption under section 501(c)(4) of the Code and may be summarized as follows: The organization is formed by a commercial real estate developer as an integral part of a plan for the development of a subdivision. Membership in the association is required of all purchasers of lots in the development. Membership is open only to the developer (at least for such time as he owns property in the development) and those who purchase lots. The organization is supported by periodic assessments against the members and an unpaid assessment constitutes a lien on the property of the homeowner-member. The stated purposes of the organization are, generally speaking, to administer and enforce covenants for preserving the architecture and appearance of the given real estate development, and to own and maintain common green areas, streets, and sidewalks.

The foregoing format is spelled out in written documents that form a part of, and are inextricably tied to, enforceable contracts for the sale and purchase of private property. In the light of this combination of factors, the *prima facie* presumption is that these organizations are essentially and primarily formed and operated for the individual business or personal benefit of their members, and, as such, do not qualify for exemption under section 501(c)(4) of the Code. However, an organization of this kind may in certain circumstances overcome the presumption and qualify for recognition of exemption under section 501(c)(4).

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Homeowners' and Tenants' Associations, Continued

Rev. Rul. 74-99, continued Essentially, Rev. Rul. 74-99 concludes that to overcome the presumption, to qualify for exemption under IRC 501(c)(4), a homeowners' association:

- Must serve a "community" which bears a reasonably recognizable relationship to an area ordinarily identified as governmental,
- Must not conduct activities directed to the exterior maintenance of private residences, and
- The common areas or facilities it owns and maintains must be for the use and enjoyment of the general public.

On the issue of "community," Rev. Rul. 74-99 states as follows:

A community within the meaning of section 501(c)(4) of the Code and the regulations is not simply an aggregation of homeowners bound together in a structured unit formed as an integral part of a plan for the development of a real estate subdivision and the sale and purchase of homes therein. Although an exact delineation of the boundaries of a "community" contemplated by section 501(c)(4) is not possible, the term as used in that section has traditionally been construed as having reference to a geographical unit bearing a reasonably recognizable relationship to an area ordinarily identified as a governmental subdivision or a unit or district thereof.

Rev. Rul. 80-63 Rev. Rul. 80-63, 1980-1 C.B. 116, was issued to discuss, in question and answer format, certain issues raised by Rev. Rul. 74-99.

Rev. Rul. 80-63 Question 1 Does Rev. Rul. 74-99 contemplate that the term "community" for purposes of section 501(c)(4) of the Code embraces a minimum area or a certain number of homeowners?

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Homeowners' and Tenants' Associations, Continued

Rev. Rul. 80-63 No. Rev. Rul. 74-99 states that it was not possible to formulate a precise definition of the term "community." The ruling merely indicates what the term is generally understood to mean.

Answer

Whether a particular homeowners' association meets the requirements of conferring benefit on a community must be determined according to the facts and circumstances of the individual case. Thus, although the area represented by an association may not be a community within the meaning of that term as contemplated by Rev. Rul. 74-99, if the association's activities benefit a community, it may still qualify for exemption.

- For instance, if the association owns and maintains common areas and facilities for the use and enjoyment of the general public as distinguished from areas and facilities whose use and enjoyment is controlled and restricted to members of the association then it may satisfy the requirement of serving a community.

Rev. Rul. 80-63 May a homeowners' association, which represents an area that is not a community, qualify for exemption under section 501(c)(4) of the Code if it restricts the use of its recreational facilities, such as swimming pools, tennis courts, and picnic areas, to members of the association?

Question 2

Rev. Rul. 80-63 No. Rev. Rul. 74-99 points out that the use and enjoyment of the common areas owned and maintained by a homeowners' association must be extended to members of the general public, as distinguished from controlled use or access restricted to the members of the association.

Answer

- For purposes of Rev. Rul. 74-99, recreational facilities are included in the definition of "common areas."

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Homeowners' and Tenants' Associations, Continued

Rev. Rul. 80-63 Can a homeowners' association establish a separate organization to own and
Question 3 maintain recreational facilities and restrict their use to members of the
association?

Rev. Rul. 80-63 Yes. An affiliated recreational organization that is operated totally separate
Answer from the homeowners' association may be exempt. See Rev. Rul. 69-281,
1969-1 C.B. 155, which holds that a social club providing exclusive and
automatic membership to homeowners in a housing development, with no
part of its earnings inuring to the benefit of any member, may qualify for
exemption under section 501(c)(7) of the Code.

Rev. Rul. 80-63 Can an exempt homeowners' association own and maintain parking facilities
Question 4 only for its members if it represents an area that is not a community?

Rev. Rul. 80-63 No. By providing the facilities only for the use of its members the association
Answer is operating for the private benefit of its members, and not for the promotion
of social welfare within the meaning of section 501(c)(4) of the Code.

Flat Top Lake In Flat Top Lake Association v. United States, 868 F.2d 108 (4th Cir. 1989),
Association the court concluded that a homeowners' association that encompassed a very
large area but restricted use of its facilities to its members does not qualify for
exemption under IRC 501(c)(4).

Summary The above-cited authorities disclose that the Service will not accept the
of the position that an association's geographic area constitutes a "community," as
"Community" that term is used in Rev. Rul. 74-99, without some showing that the
Issue association is, in the words of the Flat Top Lake opinion, "an active part of
society [rather than] a private refuge for those who would live apart." Id. at
113.

Rev. Rul. Although an association may not benefit a "community" within the meaning
75-286 of Rev. Rul. 74-99, if its activities are not limited to its members, but are
directed to the general public, it can qualify for exemption under IRC
501(c)(4). That is the message of Rev. Rul. 75-286, 1975-2 C.B. 210.

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Homeowners' and Tenants' Associations, Continued

**Rev. Rul.
75-286,
continued**

Rev. Rul. 75-286 concludes that an organization formed by the residents of a city block to preserve and beautify that block may qualify for exemption under IRC 501(c)(4), even though the element of private benefit is sufficient to disqualify it from exempt status under IRC 501(c)(3). Its activities include paying the city government to plant trees in public areas, picking up litter and refuse and placing shrubbery in the block's public areas.

Although membership was restricted to residents of the block, owners of property or individuals doing business there, the activities improved public property. The salient conclusion here is that even though the organization's activities were limited to a single block, the community benefited from such activities.

**The IRC
501(c)(7)
Alternative**

A homeowners' association whose primary function is to own and maintain certain recreational areas and facilities may opt for exemption as a social club under IRC 501(c)(7) rather than as a social welfare organization under IRC 501(c)(4).

- This alternative may prove to be desirable where the association seeks to restrict use of its facilities to members, offers incidental community benefits, and has little or no nonmember income that is subject to tax under IRC 512(a)(3). Rev. Rul. 69-281, 1969-1 C.B. 155, and Rev. Rul. 80-63 provide the authority for this position.
 - However, as noted in Rev. Rul. 75-494, 1975-2 C.B. 214, a homeowners' association may not qualify under section 501(c)(7) if it owns and maintains residential properties that are not a part of its social facilities, administers and enforces covenants for preserving the architecture and appearance of the housing development, or provides the development with fire and police protection.
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Homeowners' and Tenants' Associations, Continued

The IRC 528 Alternative

IRC 528, as added by § 2101 of the Tax Reform Act of 1976, P.L. 94-455, 90 Stat. 1525, provides an elective exemption for certain homeowners associations that are described in IRC 528(c). This Code provision was enacted because many homeowners associations found it difficult to meet the requirements for exemption under IRC 501(c)(4).

IRC 528 exempts from income tax any dues and assessments received by a qualified homeowners' association that are paid by property owners who are members of the association, where the assessments are used for the maintenance and improvement of association property. Thus, all homeowners' associations described therein may be granted a sort of quasi-exempt status by virtue of their own election.

IRC 528 defines a "homeowners' association" as an organization which is a condominium management association or a residential real estate management association if:

- It is organized and operated to provide for the acquisition, construction, management, maintenance, and care of association property,
- It elects to have the section apply for the taxable year,
- No part of the net earnings of the association inures to any private shareholder or individual,
- 60 percent or more of the association's gross income consists solely of amounts received as membership dues, fees, assessments from owners of residential units or residences or residential lots (exempt function income), and
- 90 percent or more of the association's expenditures for the taxable year are expenditures for the acquisition, construction, management, maintenance, and care of association property.

If qualified, an association makes the election by timely filing a Form 1120-H, *U.S. Income Tax Return for Homeowners' Associations*, according to the instructions for that return

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Homeowners' and Tenants' Associations, Continued

Summary of Homeowners' Associations

A homeowners' association:

- Must meet a community standard.
 - Must not provide exterior maintenance for the private residences of members.
 - Must permit the general public to have access to any common areas it maintains.
 - May seek tax relief under IRC 528 if it does not qualify under IRC 501(c)(4).
 - Must file Form 1120-H to elect the tax relief provisions of IRC 528.
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A Note on Tenants' Associations

An organization formed to promote the legal rights of tenants in a community by publishing a newsletter, testifying before administrative and legislative bodies and occasionally initiating litigation qualifies under IRC 501(c)(4). Rev. Rul. 80-206, 1980-2 C.B. 185.

However, an organization made up of tenants in an apartment complex which represented those tenants in negotiations with apartment management would not qualify. Rev. Rul. 73-306, 1973-2 C.B. 179.
