

City of Milford



AGENDA

Monthly Council Meeting

January 14, 2013

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Ward Reports

Finance Committee Meeting-January 15, 2013

Communications & Correspondence

Unfinished Business

River Art Center/Endowment Fund Committee/Appointment

New Business

Request for Abandonment of Alley/Harold Roberts

Request for Abandonment of Portion of Evans Street/Seawatch

DEMEC/RPS Compliance Plan*

Approval of Buyback of Alexander Property/General Fund Reserves*

Adoption of Resolution 2013-1/USDA Loan Term Resolution/USDA \$5 Million Closing

Monthly Finance Report

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

Adjourn

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

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

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 10, 2012

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, December 10, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Starling to approve the minutes of the November 7, 13 and 27, 2012 Committee and Council Meetings as presented. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Mr. Gleysteen arrived at this time.

After Mr. Morrow presented the monthly police report on behalf of Chief Hudson, Mr. Pikus moved to accept the police report as submitted, seconded by Mr. Grier. Motion carried.

CITY MANAGER REPORT

The following report was then presented by the city manager:

ADMINISTRATION

A former discussion was held about the number of employees, excluding police personnel, that the city employed and the position that had been eliminated. Comparing today with 2007, which was the height of the growth period, we had 72 full-time employees and have 63 as of this date.

Mr. Carmean stated that most of the positions eliminated were those created in 2009 at the height of the building boom. However, there have not been any levels of service impacted other than some minor issues with yard debris. Other than that, our service has not been impacted and those positions were not needed during this economy.

He confirmed the city still hires temp employees with parks and recreation using the highest number though solid waste and the street department also use them.

Our solid waste crews have been very busy with yard debris collection. We stop picking up clippings and other yard debris as of October 1st to begin the leaf vacuum program. The storm caused some tree damage which involved mainly branches and small limbs that were broken. I had Mr. Dennehy extend the debris pick-up deadline to help citizens dispose of these materials. I greatly underestimated the amount of debris that was being brought to the curb. Therefore, it became necessary to have all the staff, including department heads and supervisors, pick up the debris. We are behind in leaf collection because of this added task, but thanks to the work of our crews, we are catching up.

Mr. Starling noted there is confusion among our residents about the yard debris pickup. A number of his constituents have seen yard waste being picked up in some areas of town but not in their area. Mr. Carmean said the city just received a shipment of new containers so they will be delivered to our customers this week. We have to abide by the rule that anytime yard debris is picked up, it must be in our container. The city will no longer pick up large piles of limbs or any other debris and anything that does not fit in the container can no longer be picked up.

He said that anyone with a large amount of debris will need to take it to the transfer station. The city manager advised that private haulers no longer pick up debris without charging additional fees. Our residents are paying \$23.50 and expect to put out large trees that have been cut down from their yard. If we continue picking up large volumes, we might have to hire additional employees and buy more expensive equipment.

In the meantime, if council wants to amend the ordinance, the fee will need to be adjusted and additional employees and new equipment added.

Mr. Starling recommends that the ordinance be reviewed; Mr. Carmean said he will do that. He also pointed out that in the case of a storm, there will be exceptions. The street department supervisor is willing to pick up debris under extenuating circumstances. Mr. Brooks pointed out that council asked for that concession before the ordinance was amended.

Mr. Pikus recommended using the press to get this information out so that everyone understands what can and cannot be done. The city manager said he instructed the public works director to start that campaign in early February. Mr. Brooks suggested adding a newsletter or notice in the electric bill to ensure all residents receive the information.

ELECTRIC

The solar field should be energized on the 21st of December. It has been a challenge to our electric crews to build a temporary connection into our system, but they will be ready to accept the load by the planned date. The negotiations with several parties over right-of-ways and easements have been completed for the permanent connection to Delmarva's transmission lines.

When asked if the building permits had to be obtained for the solar farm, Mr. Carmean explained this was a \$60 million project. However, building permits only apply to structures and because these structures were not in concrete, they did not have to have the permitting fee based on the entire \$60 million total cost. However, permits and inspections are still required just like any other project. They do have three buildings that were moved in and are similar to Nanticoke or Beracah Homes.

Mr. Pikus asked if that is one of the reasons our building permits are higher; the city manager stated yes, though we have had a great deal of recent construction including additions and expansions.

STREETS AND SOLID WASTE

The Washington Street Bridge is scheduled to open December 11, 2012. The city owned parking lot that has been used as a construction staging area will be completely resurfaced at no cost to the city though we will have to pay for the striping.

Mr. Carmean said he learned today the bridge is now anticipated to open later than originally scheduled. Erik Retzlaff of Davis, Bowen and Friedel was in attendance and advised there are a few small items that still need to be done. The resurfacing of the street and parking lot is scheduled for Wednesday, Thursday and Friday. Some additional utility work

will be done next week. According to the DelDOT inspector, the work must be completed in its entirety by Thursday, December 20th.

The bridge is higher than it was previously and the sidewalk will be tied back into the existing entrance of the parking lot. DelDOT will replace the brickwork on the riverwalk as it existed before the project began.

SEWER AND WATER

Notices were advertised for potential bidders this week to answer questions for the bidding process to begin on the South Washington Street Sewer Pumping Station. Upon return of the document, responses will be evaluated and responsible bidders determined. The bid package will then be sent out to those who qualify. Bids should be received shortly after the first of the year.

Construction work on the bridge was finished without any damages to the utilities attached to the frame of that structure. Hopefully, we will now get that facility rebuilt without any interruption of sewer services.

Erik Retzlaff also commented by explaining a questionnaire is being provided that evaluates the responsibility of each potential bidder. The questions address their past performance. This involves a two-week process and if successful, the contractor will be instructed to pick up their plans and submit a price bid.

When asked when the demolition is scheduled, Mr. Retzlaff said they will do a similar process as with the bid process though no date has been set.

He referenced the item on the agenda that needs council approval. As soon as approval is received from the funding agency for the plans, DBF will begin the process for public bids.

I am continuing to move forward on the South Washington Street Water Treatment, Well and Billing Office Project. I will initially bid the demolition of the buildings, reservoir and treatment plant at the location.

I feel it is necessary to advise the mayor and council the initial test borings have uncovered some soil quality problems. This is not contaminated soil but instead fill material that may have been on site for one hundred plus years during which time it was some type of a dump site. A lot of wood, glass and similar materials have been found there. This does not make the demolition a risk though there is very poor compaction. Unfortunately, this could affect the billing office being placed at the location. Because of the large area, approximately eight feet of soil and trash would need to be removed and the area filled with stone and other materials. At this point, they are unsure of exactly how deep they will need to go though he will inform council once he receives additional information. Worst case scenario, this may cost an additional \$100,000 to \$150,000. A decision may need to be made once the true cost is determined.

However, if we only put the reservoir treatment and related services will work without this work.

We have completed our test well at the Wickersham property located southwest of Milford between Route 30 and Route 1. Our results are satisfactory for our initial well which will be utilized for a tower and treatment facility on the site. Wickersham owners have signed an agreement to donate the land needed for the project.

Mr. Carmean explained that as Milford grows and expands in that direction, a couple more wells will be needed. He asked Mr. Retzlaff to confirm we have enough capacity; Mr. Retzlaff stated yes though we have not yet received the results of the quality tests.

The bore of the Wilkins Road Water Main Extension under Route 1 will begin on Monday December 10th.

Mr. Retzlaff also confirmed that we dug 350 feet on Wilkins Road.

Mr. Brooks asked the status of the public works radio project. Mr. Carmean advised the contract was signed and some of the equipment has been ordered. Delmarva Communications assured him the city will be covered as far as any problems with the FCC deadline of December 31st.

The city manager explained that some of our radios will be changed over to the new broadband which meets our requirements. The rest of the new equipment and change outs will then be considered upgrades by the FCC. He assured council that everything will work as long as we can broadcast over the new band by December 31st.

He said that 25 to 28 old radios can be used though they will all be changed over eventually. It takes approximately 15 minutes to upgrade each radio to the new broadband.

Mr. Pikus asked if the other bid we accepted covered some of our current radios or was it for all brand new radios; Mr. Carmean said it is for all brand new radios. Mr. Pikus asked how we will be using our existing radios; Mr. Carmean said they will be used only temporarily. He confirmed that Delmarva Communications is taking them in trade.

Mr. Pikus referenced the Comcast notice that there is a reduction in their fees. He stated that historically, there has been a difference in costs in Sussex and Kent counties. He asked if the reductions hold true in both counties. Mr. Carmean said it did not specify and that is why he assumed it was across the board.

Mr. Pikus said he knows customers with the exact service in Kent County though their bill is cheaper than what is charged in Sussex County. It was confirmed both homes he was referring to are in city limits. The general consensus was that the fees are the same throughout the City of Milford despite the county.

Joe Palermo of 5 Misty Vale Court, Meadows of Shawnee, stated that though it has been discussed on numerous occasions, there are still freezing problems on WBOC and other channels.

Mr. Carmean said he was at his son's home in Philadelphia and he does not believe that Milford has the signal strength they have in Philadelphia. He also experiences the freezing problems whereby he ends up running through the programs to bring up Encore. He has also had problems with Wi-Fi because of his location.

Mr. Brooks reminded everyone that Tom Worley of Comcast has always encouraged any person with a problem to contact him.

COMMITTEE & COUNCIL REPORTS

Christmas Dinner

Mr. Starling advised that their church is again serving free dinners on Christmas dinners from 12 noon until 4:00 p.m. He asked that people provide them with the name of any person or family that is in need of a dinner that day.

Anyone needing more information should contact him.

COMMUNICATIONS

All correspondence included in council packet.

UNFINISHED BUSINESS

Planning Commissioner Appointment

Mayor Rogers is pleased to submitted the name of Rae Mims of Hearthstone Manor for consideration to fill the vacancy in the planning commission. She is an attorney who currently works in the Civil Division of the Attorney General's Office in Dover.

Mr. Grier moved to appoint Rae Mims, seconded by Mr. Pikus. Motion carried.

It was confirmed this makes a complete complement of members.

Our Town Grant/River Fine Arts and Crafts School/Funding Board/Appointment

Position is still under consideration and will be discussed at an upcoming council meeting. Mayor Rogers asked that the item remain on the agenda until an appointment is made.

NEW BUSINESS

2013 Milford Community Parade Date/Charles Gray

Mr. Gray thanked the Mayor, City Council and Milford Police Department for their support of the 2012 parade and continued support of the event. He also acknowledged the police department for addressing the number of unregistered vendors who showed up again at this year's parade.

He reported that a number of positive comments were received on the Disney radio stars that performed at this year's parade.

Mr. Gray asked that the third Wednesday of October 2013 be approved again for next year's parade.

Mr. Brooks approved October 16, 2013 for the 2013 Community Parade, seconded by Mr. Morrow. Motion carried with no one opposed.

City of Milford Comprehensive Plan Five-Year Update

City Planner Gary Norris advised that per State Law, the City of Milford is required to update its Comprehensive Plan every five years. The last update was in 2008 though there was an amendment last year to the southeast planning area.

The following Powerpoint was then presented:

EXECUTIVE SUMMARY

GOALS FOR 2013 COMPREHENSIVE PLAN

MAKE MILFORD AN ATTRACTIVE ENVIRONMENT FOR ECONOMIC DEVELOPMENT AND IMPROVE THE QUALITY OF LIFE IN THE CITY.

PRESERVE AND IMPROVE THE CHARACTER AND QUALITY OF LIFE IN FAMILY NEIGHBORHOODS.

PROTECT THE PHYSICAL ENVIRONMENT AND ENHANCE THE CHARACTER, QUALITY AND LIVABILITY OF THE CITY BY PRESERVING ITS NATURAL ENVIRONMENT.

IMPROVE THE LIVING ENVIRONMENT FOR FAMILIES AND RESIDENTS IN ORDER TO MAXIMIZE THE NATURAL RESOURCES AND OPEN SPACES PROVIDED IN THE CITY OF MILFORD

PROVIDE ADDITIONAL RECREATIONAL OPPORTUNITIES FOR THE PRESENT AND FUTURE RESIDENTS OF THE CITY OF MILFORD.

DEVELOP A ROLE FOR THE CITY OF MILFORD IN THE CULTURAL GROWTH OF THE CITY.

PROTECT AND IMPROVE THE EXISTING PUBLIC SERVICES IN THE CITY OF MILFORD.

2010 ECONOMIC STATISTICS

MAJOR BUSINESS SECTOR EMPLOYERS INCLUDE:

EDUCATIONAL, HEALTH, AND SOCIAL SERVICES

MANUFACTURING

RETAIL TRADE

NUMBER OF EMPLOYEES

2007 – 4629 for the City of Milford

2012 - 4575 for the City of Milford

2007 – AVERAGE UNEMPLOYMENT RATE

2.7% (Kent and Sussex Counties)

2012 - AVERAGE UNEMPLOYMENT RATE

7.6% (Kent and Sussex Counties)

INCOME

2000 median income \$32,525.00

2010 median income \$44,982.00

2000 median household income \$40,333.

2010 median household income \$58,065.

HOUSING

NUMBER OF HOUSING UNITS IN THE CITY OF MILFORD

2000

2010

2918 Housing Units

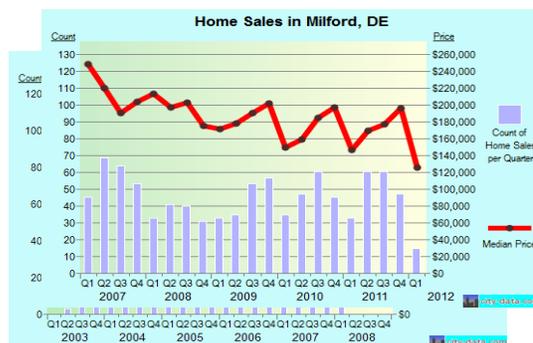
3743 Housing Units

Increase of 835 Units or a 28% Increase

From January 2010 to June 2012, there has been 123 Housing Units Constructed

60-70 Units Per Year

VALUE OF HOUSING



FIRST QUARTER OF 2008

FIRST QUARTER OF 2012

AVERAGE SALES PRICE OF A HOME IN MILFORD
\$200,000

AVERAGE SALES PRICE OF A HOME IN MILFORD
\$120,000

POPULATION ESTIMATES
POPULATION GROWTH FROM 2000 TO 2010

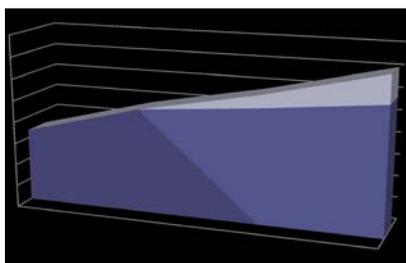
<u>2000</u>	<u>2010</u>
6,732	9,559
	42% Increase
	Approximately 4.2% Per Year

Assume a 2% Growth Rate Per Year	Assume a 4% Growth Rate Per Year
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2015 Population-10,500	2015 Population-11,650
2020 Population-11,650	2020 Population-14,200

POPULATION AND POPULATION ESTIMATES FOR 2015 AND 2020

16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
0



2000 2010 2015 2020

*POP
*POP
*POP

ULATION WITH A 4% ANNUAL GROWTH RATE
ULATION WITH A 2% ANNUAL GROWTH RATE
ULATION

2010

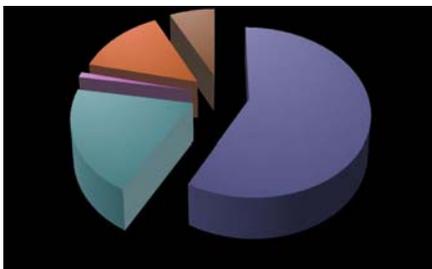
AVERAGE HOUSEHOLD SIZE AND AVERAGE FAMILY SIZE

AVERAGE HOUSEHOLD SIZE
2.48 PERSONS

AVERAGE HOUSEHOLD SIZE AVERAGE FAMILY SIZE
3.06 PERSONS

POPULATION DIVERSITY

2010 POPULATION DIVERSITY



- * WHITE
- * BLACK
- * ASIAN
- * HISPANIC
- * OTHER

PERCENTAGE OF POPULATION

WHITE - 65%
 BLACK - 22%
 HISPANIC - 16%

POPULATION	WHITE	BLACK	AMERICAN INDIAN	ASIAN	HISPANIC	OTHER	TOTAL
2000	4576	1639	56	107	594	354	6732
2010	6215	2128	50	110	1510	778	9559
& Increase from 2000	36%	30%			244%		42%

PUBLIC SERVICE FOR THE CITY OF MILFORD INCLUDES:

- CITY GOVERNMENT - BALANCE THE BUDGET
- POLICE SERVICE
- FIRE PROTECTION
- TRASH COLLECTION/SOLID WASTE
- PARKS AND RECREATION
- LIBRARY SERVICE
- PUBLIC EDUCATION

CITY INFRASTRUCTURE INCLUDES:

- WATER SYSTEM
- SANITARY SEWER SYSTEM

LAND USE AND ANNEXATION PLAN:

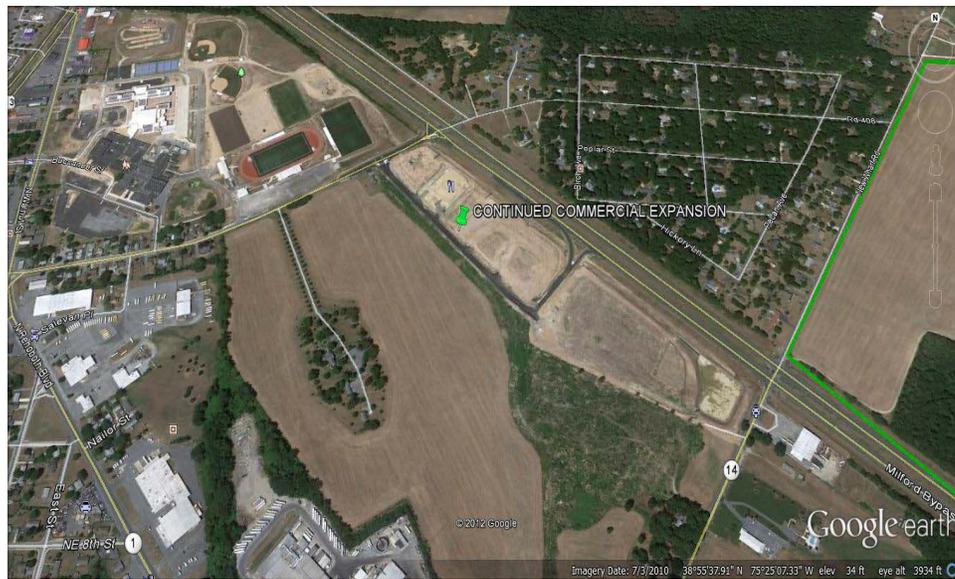
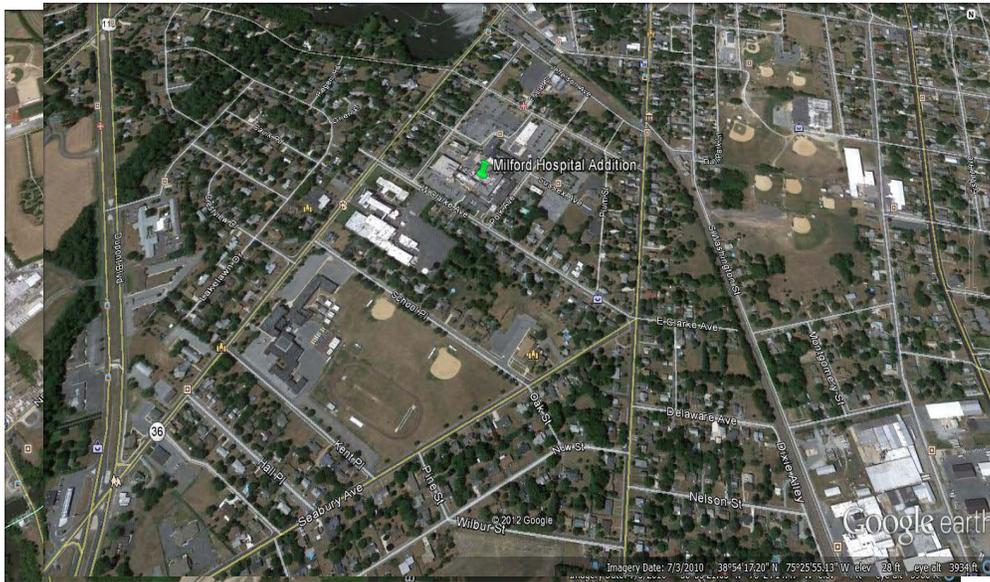
THE CITY HAS NO PLANS FOR ANNEXATION
 THE CITY WOULD HOWEVER ENTERTAIN REQUESTS FOR ANNEXATIONS FROM PROPERTY OWNERS

FUTURE LAND USE EXPLANATION

NEIGHBORHOOD PLANS:

- SOUTHEAST
- SOUTHWEST
- NORTH
- TOWN CENTER

TOWN CENTER NEIGHBORHOOD



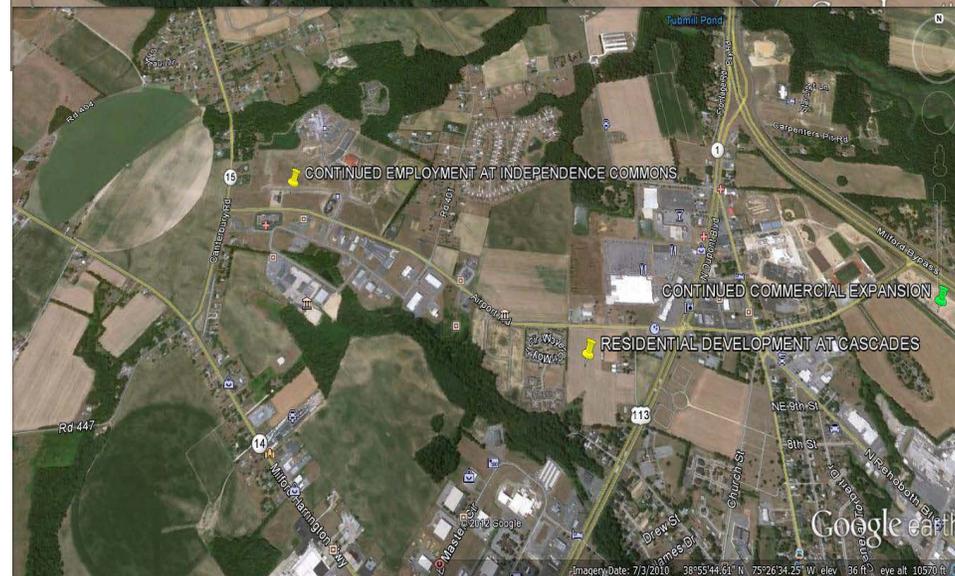
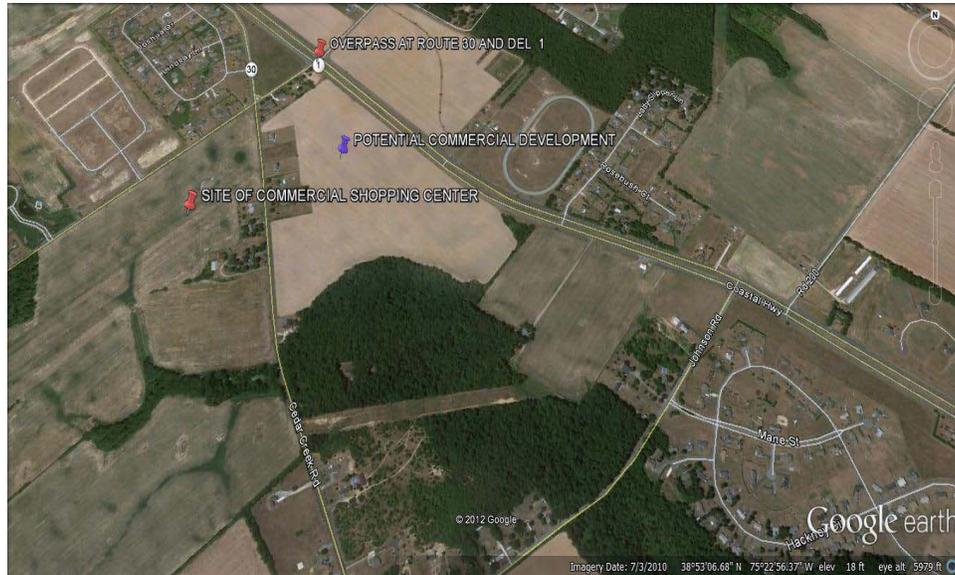
SOUTHWEST NEIGHBORHOOD



SOUTHEAST



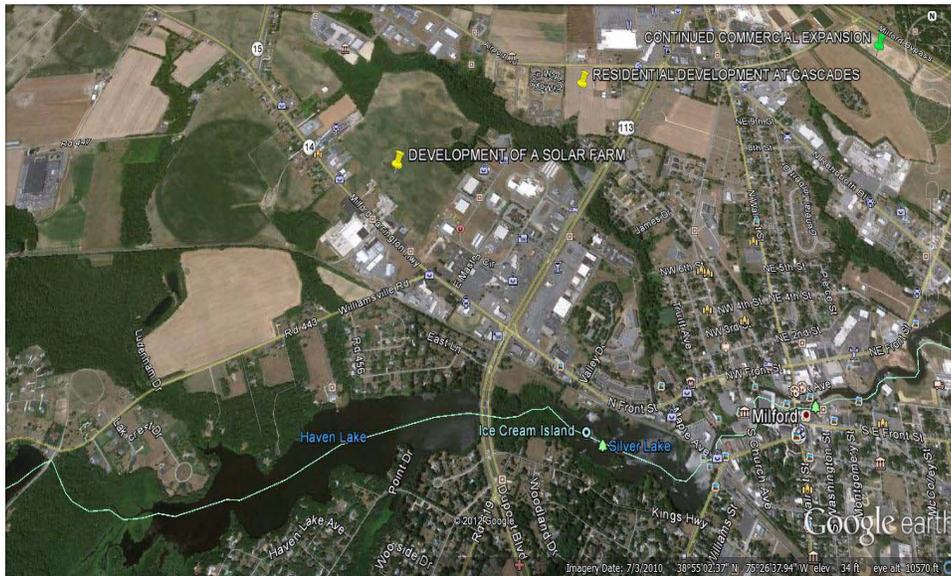
NEIGHBORHOOD



NORTH

NEIGHBORHOOD

In the Town Mr. Norris received a request from the Lynch brothers for approximately 100 acres east of Route 1 and north of Haven Lake. They are requesting a designation as approximately open area.



Center Neighborhood, pointed out that he has for annexation from the town 100 acres east of Route 1 and north of Haven Lake, requesting land use highway commercial. 30 acres would remain

However, the State Planning Office has expressed some concern about the designation particularly because of their concerns with development east of Route 1. In addition, there is to be no development until the New Wharf Road overpass is completed.

Mr. Norris explained that because we have received the request for annexation, the first step is to amend the comprehensive plan and apply the correct designation. Currently, the land is designated as open area.

Mr. Pikus asked if the land is zoned agricultural; Mr. Norris stated that it is currently in agricultural preservation.

Mr. Norris referenced the parcels and wetland areas currently owned by the Lynch brothers. Mr. Carmean pointed out that they have deforested a large portion of the area.

The city planner stated that Milford's plan is to continue with commercial developments along Route 1 and the Silicato Parkway.

In the Southwest Neighborhood, Milford Hospital will be expanding. More development is also expected in the Redner Market area where some commercial construction is already underway.

Mr. Norris is also hoping that the residential development at Milford Ponds at Central Parke will prosper and recalled the modification to the original conditional use approved by city council last year.

He pointed out the area in the Southeast Neighborhood that will be impacted by the proposed overpass at Route 1, Cedar Neck Road and Wilkins Road. Utility work has begun with the construction projected to take over a year. Potential commercial is planned on the Hall property in addition to the proposed shopping center/mall off Route 30.

Also in the vicinity is Innovation Park (Medical Services) whose site is between Cedar Neck Road and Sharp Road.

Continued development is expected in the North Neighborhood in the area of Airport Road and Canterbury Road which should bring more employment to the area. The construction of the Cascades multi-family housing development is well underway.

The solar farm off the Milford-Harrington Highway is near completion.

Mr. Norris reported the only other potential land changes may involve some residential properties in the area of the hospital. If the hospital decides to acquire some additional properties, that zoning would need to be changed from residential to an industrial use.

Mr. Norris summarized by stating the proposed Comp Plan Update was previewed by the planning commission and he plans to have it finalized in 2013.

Black Dot (AT&T Cell) Tenth Street Water Tower Lease Agreement

City Solicitor David Rutt said this is the AT&T lease of space on the Northeast Tenth Street Water Tower. He said this is a preliminary agreement though the representative who contacted the city manager implied it needed to be signed immediately.

The lease provides an option to AT&T to renew the lease for additional five-year terms. The term was initially signed in 2004 then amended in 2006. It had an additional two-year extension with a five-year extension beginning in 2008 and expiring in November 2013.

Mr. Rutt has concerns with some of the proposed changes. He recommended to the city manager that some of the terms be negotiated and nothing signed at this point. He explained the lease gives them the right to remove some their equipment. It states that notwithstanding any terms to the contrary, the tenant not be responsible for the replacement of any trees, shrubs or other vegetation. The tenant may transfer any improvements to the premises anytime during the term without notice to the landlord and without the landlord's consent.

The lease also gives them the right to expand and use all the space on the tower and to remove other tenants thus having exclusive rights to the tower.

Mr. Pikus asked if we can negotiate the fees. Mr. Rutt stated yes. He explained that in 2006, AT&T said they were cutting back on their towers but if the rent was reduced, they would continue using the site if the fees were locked in for a seven-year period. The base rent will continue for an additional five years.

Mr. Rutt recommended the city manager contact the Black Dot representative, who is AT&T's agent, and go through the lease point by point.

Mayor Rogers asked Mr. Carmean to address this after the first of the year and asked Ms. Hudson to add it to the agenda in early 2013.

FY 2012-2013 Budget/Insurance Claim Adjustments/Police Department

Chief Hudson recalled the police department was struck by lightning on two different occasions which required two separate claims being submitted to Travelers.

After their review and a discussion with the city finance director, the chief submitted the following request and explanation:

Damage created by the lightning strike on June, 22, 2012 required equipment replacement costs in the amount of \$26,051.60. A check in the amount of \$21,051.60 was received after the \$5,000 deductible was subtracted.

Lightning strike on July 20, 2012 caused damages that created replacements costs in the amount of \$124,436.00. Minus depreciation costs (\$85,564.89). A check in the amount of \$33,871.11 was received after the \$5,000 deductible was subtracted.

Travelers has agreed to pay the difference between the replacement value and the actual cash value of \$85,564.89 once the equipment is installed.

Both claims amounted to \$150,487.60. Of that, we are receiving \$140,487.60 (minus the \$10,000 deductibles).

I am respectfully requesting \$131,454.00 be placed into Police Capital Equipment Account 101-1610-421.70-40 from City Insurance Proceeds Account. I am also requesting \$9,033.60 be reimbursed into Police Equipment Maintenance and Repair Account 101-1610-421.40-32 from City Insurance Proceeds Account for equipment already replaced and paid for. I am also requesting \$10,000.00 be added to the Police Capital Equipment Account 101 -1610-421.70-40 from City General Reserve Account to cover the costs of both \$5000.00 deductibles.

Mr. Pikus moved that the transfers be approved as requested by Chief Hudson, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Morrow added that steps have been taken to prevent this from occurring again. Chief Hudson agreed noting they have had a Lightning Damage Specialist assess the department and determine the causes for the strikes. He explained that several items have been removed, grounding repairs were made and some additional repairs will be made as a result of his recommendations.

Mr. Morrow said the consultant spent a great deal of time there and he thought he did a good job assessing the situation.

Salvation Army/Temporary Construction Easement

Mr. Carmean said that it was determined the Salvation Army was fed from the backside of the building which creates some problems with the demolition of the Washington Street Water Plant Site.

He explained there will be a new service installed that will connect to the building and extended around to Southeast Front Street where a new pit and meter will be installed for their supply in the future. The city will be paying all associated costs because they were unaware of the problem.

Erik Retzlaff of Davis, Bowen and Friedel then explained there are two parts to the agreement. One is to relocate the water service. There is a shared retaining wall that will be replaced when the improvements are made to the site. Right now, all the water that flows off the roof of the building flows through the site of the water treatment plant toward the river.

The temporary construction easement is needed to relocate their water service and to replace the retaining wall.

Mr. Starling moved to approve the Temporary Construction Easement Agreement between the City of Milford and the Salvation Army, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Growmark Purchase and Sale Agreement

City Solicitor Rutt presented the agreement for the purchase of the 15.571 acres of land for the proposed police department in the amount of \$875,000 with \$50,000 down. It includes a due diligence period where the city has the right to have the land inspected and if defects are found, the contract is voided. The closing is to be no later than three

years.

Mr. Carmean asked for a motion to approve the agreement.

Mr. Gleysteen said he feels this land being purchased is based on the assumption a referendum will pass for a new police station. He said because of the recent tax increases, he does not feel a referendum will pass today or within three years.

Mr. Gleysteen does not want to pay Growmark \$50,000 for this option and then lose \$50,000. He would rather have other options when we spend a significant amount of money.

He asked if the police committee has canvassed the local banks for foreclosed properties. He also asked if they looked at properties coming up for auctions. Mr. Gleysteen then asked if the property could be subdivided and take a 5-acre chunk from the 15-acres.

Police Chairman Morrow explained that this has been studied for more than three years. Expert consultants and engineers have analyzed the overall concept. There were a number of properties considered. One property at Independence Commons would have cost no money. However, the overall public consensus was that it needed to remain in the old city limits and in particular, the downtown area. There were many days spent looking at properties, both developed and undeveloped. This was the property that everyone felt met the overall needs of the community.

He feels that if we continue to postpone taking action, in another three to four years, the property will continue to increase. Right now, property values have decreased. Growmark has indicated verbally they are willing to sell this property. Only seven acres is needed for the police department. However, council feels there is a unique opportunity here for the city to buy a large tract of land in the downtown area that will probably never be available again.

Mr. Morrow explained that in addition, the police committee felt it was an advantage to purchase the entire 15 acres to prevent any additional development in the immediate area. He reiterated this is a golden opportunity for the city and we need to take advantage of it while it is available. This will provide an adequate buffer zone for the police department which is something needed from a security standpoint when designing public buildings today. He noted that the entire 15 acres is not developable and a portion involves wetlands. Mr. Morrow also believes that most people understand the need for public safety in this community.

He emphasized this is only the first step in the process, but an important one.

Mr. Gleysteen thinks the first step should be the referendum. Mr. Morrow said that was also considered but it is very difficult to present a referendum when there is no designated site. That is putting the cart before the horse. There needs to be a concrete plan in place and the site needs to be part of the plan.

Mr. Gleysteen said there can be a plan if you know how many acres are needed. Mr. Morrow disagrees adding the drawings need to be presented, showing the exact site plan which includes the exact location. Then there are no questions later. The overall consensus is that people want the police department to remain in the downtown area. This puts it across from the old police department.

Mr. Pikus adding that we are also locking the land in for three years. He hopes and believes that a referendum will be successful. However, if it is not, we will need to look for other funding means. Locking this land in is in our favor. This agreement gives the city an option to purchase the land. From the comments and contacts with our congressional leaders, both state and federal, they have all indicated that before they will even talk about funding, a location needs to be locked in. Without a location, they do not even want to discuss it.

Mr. Pikus explained that there was an alternate property chosen initially in the business park that was already owned by the city. However, it was determined that was not the best site and the public pushed for it to remain in the downtown area. As a result, the police committee chairman, police committee members, police chief and police site experts reviewed several locations trying to find other sites.

At this point, there is no guarantee we will have the funding in three years. But this is the first step in working toward

that goal.

The site of the current police department is land locked. It cannot be expanded to the east or the west. The Kent County Sewer Plant is on one side and wetlands and the river on the other sides. They talked with a number of funding agencies, including the Department of Agriculture, but no one will discuss anything until the site was finalized.

Mr. Morrow reiterated this is the first step. He has a real concern that five years from now, as this city continues to grow, this police department will be unable to function in that facility which means we cannot protect and serve the public as we are sworn to do. Right now, the police department is jammed into their current department. He and Chief Hudson have attended several seminars relating to this. They have a game plan on how to communicate this from A to Z to ensure the citizens understand before the referendum is held.

He said this is needed not only for the future protection of our citizens and community, but is also needed for the police department to meet the minimum standards that are not able to be met now. When the department applies for funding, having not met those standards often disqualifies them because the building is not up to those standards.

Mr. Morrow moved to approve the agreement between the City of Milford and Growmark as prepared by City Solicitor David Rutt.

Mr. Carmean then stated that he was the one that suggested we pursue the purchase of this land. He referenced Mr. Gleysteen's statement that we could lose \$50,000 if the referendum doesn't go through, but the other choice is we could go ahead and buy this property now for \$850,000. The agreement does provide a three-year window to purchase the land and nothing precludes the city from buying the land at the end of the three years regardless of whether a referendum passes or not. Therefore, the city does not have to lose \$50,000 and instead the city could still purchase the land.

Mr. Rutt pointed out that the land can be purchased at any point during the three-year period. Mr. Starling agreed pointing out the purchase price will remain the same during the three-year period.

Mr. Gleysteen said the purchase price is \$850,000. If we are so cramped for space right now, \$850,000 will go a long way toward an interim solution by expanding at the current location.

Chief Hudson explained they are landlocked at their current site. He said that was considered when the study was originally done. However, it was determined that the building was landlocked, there were code issues and it was in a floodplain.

Mr. Gleysteen asked why the building can't be expanded toward the east. Chief Hudson reiterated that the building is completely landlocked. He referenced a creek that runs between the police department and Wadkins Garage property to the east of the parking lot. Mispillion River is directly behind the property and the Kent County Sewer Treatment facility on the west side.

He said they also considered future expansion and needs. With the new site, there will be additional land to expand. This site should meet the needs of the police department for years to come. Ten years from now, the ability to find this type of acreage within the center of town will not exist. He cannot predict what those needs will be at that time, but this almost ensures there will not be a need to look for another site.

Mr. Rutt pointed out a motion was on the floor. Mr. Brooks seconded the motion. Motion carried by the following 5-1 vote:

Yes-Grier, Pikus, Brooks, Morrow, Starling,

No-Gleysteen

Mr. Grier stated that the city is not totally committing to the \$875,000 today but is committing to the opportunity to purchase this property within the next three years. He does not feel that \$50,000 is a lot of money today and if you

consider an interest-free note, this is cheap today. Even if we decide three years from now not to purchase the land, he does not feel that \$50,000 is a big loss. At this point, he feels this is a good decision and we need to at least allow the public make a decision at the time of the referendum. Therefore, he votes yes.

Mr. Pikus votes yes for several reasons. Number one, he agrees this is an expense but we must have a location for the police department. The trips they took to Washington and the time that has been spent working with our legislators, which went beyond our local representatives, and at one time, they met with the entire bond bill committee. The question always came up where the new police department would be located. They indicated they did not want to discuss it until a site was in place. When working with the Department of Agriculture, their representative stated point blank that without a location, they were unable to help. Therefore, the process starts with the acquisition of a site. He cannot predict what will occur with a referendum and does not have a crystal ball. However, he thinks this can work. No one knows what will happen or what the size will end up being, but there must be a goal in place that we can work toward. He votes yes.

Mr. Gleysteen votes no for the reasons he cited. He feels that \$50,000 is a lot of money and does not believe a referendum will pass today or in three years. He also does not think the city should be in the business of speculating on property that we may not purchase.

Mr. Brooks votes yes stating that by knowing the citizens in this community, there is a lot of support for the police department. This is something that has been needed for a long time. The police department has probably been outgrown for the past ten or more years. As the city grows, it is a fact that more police officers will be needed. There is no way around it. More room will be needed for those police officers, more room is needed for prisoners, more room for people who are reporting crimes, and more space is needed for vehicles, equipment, evidence, dispatchers and other things. He feels the city will be successful and believes our citizens understand the need for good public safety and that a referendum will pass.

Mr. Morrow said he is in agreement with the points made by Mr. Grier and Mr. Pikus that this is a start. There has been a lot of studying and review done over the past three years to determine what is needed. This is an opportunity for the city to invest \$50,000 in what he feels is a perfect piece of land in the downtown area. Chief Hudson and his staff plan to communicate this need, along with the support of city management and city council. He also feels confident a referendum will pass. In addition, this will open new avenues for state and federal funding once the department is able to meet these new minimum standards.

Mr. Starling votes yes adding he believes this is a good plan. It is also an ideal location being right across from the present police department. The value of land will most likely continue to increase and he does not think this will be able to be bought cheaper in the future. Right now, \$50,000 seems to be a lot of money but over the years, he has seen a lot more than \$50,000 thrown away. In this case, this is an investment and he votes yes in favor of the agreement.

Mayor Rogers announced the motion passes by a 5-1 vote. He feels council made a good decision and from his experience, does not feel that waiting until the last minute to apply for funding without a location is a good idea. He likes the site and feels there are many advantages to keeping the police station downtown. The additional land being purchased that is not needed for the police department, can be considered for other uses by the city. He definitely supports this.

FY 2012-2013 Budget Adjustment/Growmark Land Purchase/Police Department

Mr. Pikus moved for approval of the FY 2012-2013 Budget Adjustment from the reserve account as determined by the finance director for the deposit and purchase of the Growmark property previously discussed. Mr. Carmean then stated this would be at the time of acceptance. Mr. Starling seconded the motion. Motion carried with one dissenting vote.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the fourth month of Fiscal Year 2012-2013 with 33% of the fiscal year having passed, 42.85% of revenues have been received and 32.96% of the operating budget expended.

He noted that building permits continue to increase. Economically, the city is in good shape. As low as interest rates are today, the city has earned close to 90% in interest. We are expecting some increases including insurance costs even though it was not budgeted.

Mr. Pikus discussed the property tax line which shows 102.94%. He explained that what is showing is what was billed and not what was received. He asked Mr. Carmean to request the finance director to provide a quarterly figure on what has been received; he stated he would request that.

Mr. Pikus moved to accept the October 2012 Finance Report, seconded by Mr. Gleysteen. Motion carried.

ADJOURN

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

The Council Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 26, 2012

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Wednesday, December 26, 2012.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilwoman Wilson.

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Approval/Project Agreement/Delaware Land Water Trust Fund/Milford Can-Do Playground (Parks & Recreation)

Parks and Recreation Director Gary Emory reported that he applied for a \$180,000 grant with matching funds (\$140,000 from the city and \$40,000 from Milford Rotary) and received approval.

Mr. Pikus moved to approve the Project Agreement, seconded by Mr. Brooks. Motion carried.

Waiver of City Charter Requirements for Bid Process/Milford Can-Do Playground

City Solicitor Rutt announced he wished to make a disclaimer statement. He stated that he has been working on this project himself and has been in charge of the committee for some time.

The first item he is addressing is the waiver of the city charter requirements. He asked council to be assured he has looked at this from the perspective of the city and not from the perspective of the playground because the last thing he wants to do is get the city in trouble on this issue. He explained that DNREC agreed to permit, if council agreed, a sole source bid procedure. They agreed that if the contracts met the criteria, the matter could proceed in that manner.

He said that Section 3.01 of the City of Milford Charter (Procurement Provision) gives all powers possible for a city to have under the constitution and laws of the State of Delaware as though they are specifically enumerated. Section 3.01(B) states the city can enter into contracts for the purchases of supplies for any municipal project. Then it states that public competitive bidding shall not be required if the contract is serviced to the state or any other political subdivision or professional services or contracts of less than \$30,000.

Mr. Rutt explained this does not fit those three specific items. However, Section 3.02 states the powers of the charter shall not be construed as limiting the general power stated in this article. He said in other words, the general power of a municipality or a state agency to do sole source bidding.

He referenced a specific provision in Delaware Code (29 Del. §6925) that states a contract can be awarded for materials without competition if the agency head (Parks and Recreation Director Gary Emory in this case) prior to the procurement, determines in writing, there is only one source for the required material.

Mr. Rutt asked if the existing playground equipment at the site was constructed by Gametime and the intent is to incorporate that into the overall project; Mr. Emory stated yes. Mr. Rutt also pointed out that Gametime notified the city that if another competitor or another company were to add on or modify it, all warranties would be waived. In addition, there would be warranty problems with the new company as a result. Thereby, the city would risk losing all warranties on the equipment on both sides of the project.

Mr. Rutt further explained there is a procedure in place and he is assuming Mr. Emory looked into it. He asked him to confirm that Gametime informed him; Mr. Emory stated yes.

Mr. Rutt said he did some legal research and found some case law and several regulations under state and federal law that if an acquisition requires a brand name description or proprietary description or a feature to maintain the contract integrity, sole source bidding is permitted. The rationale is the government's needs should not be compromised simply to achieve competition.

In Mr. Rutt's opinion, the city charter, state laws and decisions or regulations promulgated under that allows the city to use sole source bidding to enter into these contracts.

Mr. Gleysteen asked why Gametime did not have the type of equipment needed to bid on this project; Mr. Rutt explained the proposal is from Gametime. He said there are four or five other companies that provide this type of equipment. This is a very specialized type equipment because of its construction which allows impaired children and children without impairments to use the same equipment. What currently exists is not handicapped friendly and would need to be modified. Some portions will even need to be split and modified into other aspects of the overall design.

Mr. Gleysteen asked if the equipment being installed will be challenging enough for children without disabilities; Mr. Rutt stated absolutely. He said the closest similar playground is in Alapocas Run State Park in Wilmington. He has personally observed children playing and can assure Mr. Gleysteen there are features suitable for both impaired children and those who are not.

Mr. Emory then stated the city will design, purchase and maintain this. He said the purchase of the equipment is important because there is a lot of Rotary money involved which is another faction of this project as far as bidding out the installation though that will occur later. However, the city is involved in the design. The intent is to get the equipment, the discount, the warranty and delivered to the site in order to meet the March deadline. Later, there will be installation costs involved and another contract based on the Rotary's involvement.

Mr. Gleysteen asked what is the warranty; Mr. Emory deferred to Erik Retzlaff noting that DBF has been working on the project from the beginning. Mr. Retzlaff said he believes there is a lifetime warranty on the metal parts and a shorter warranty on the plastic materials which may be twenty years.

Mr. Rutt noted that the Wilmington Can-Do Park is approximately five years old and their equipment will be updated and

improved. He added that as new designs are created, they can be replaced. He explained that lifetime warranties are typically around thirty years.

Mr. Pikus then questioned the security of the park at night noting that this site is away from town and in a somewhat remote area though it is in the business park and near a residential area. He asked if Mr. Emory is planning to install security cameras in the area. Mr. Emory said it is not a lit area though the electric department will be providing some lighting at the parking area. The Boys and Girls Club is active in the evening and there has been zero vandalism in this area so far. There have been some minor issues at the playground behind Parks and Recreation but that only occurs during Little League season. He is willing to manage that.

Ms. Wilson said her grandchildren use the park on a regular basis and she is very comfortable leaving the children there to play while her sister and her use the walking path.

Mr. Gleysteen said the fields are currently used for soccer and asked what will happen to them once this playground is built. Mr. Emory said it will only minimally impact the exterior of the existing playground. The other fields will not be impacted.

Mr. Gleysteen noted the DTF grant is \$180,000 though Mr. Emory stated was a \$140,000 match by the city and \$40,000 match by the Rotary Club. He questioned the project description which stated that \$242,000 was being provided by area Rotary Clubs. Mr. Emory explained that is the total funding available to date. Of that, \$40,000 will be provided to the city and \$200,000 will be left to complete the project. He feels the project is well within budget, but believes the Rotary will continue their fundraising efforts to cover the costs of the plaques and landscaping.

Mr. Gleysteen asked for clarification noting the total project cost is \$562,000. The DTF and local grant is \$360,000 which leaves \$202,000. Mr. Emory said the city is only able to request from the state what was requested. The city asked for \$180,000 and got \$180,000. The city had to show the \$180,000 match though the entire project is \$562,000. He is confident there is that much more money available through the Rotary Club.

Mr. Rutt explained the Can-Do Committee has raised over \$250,000. A large part was grants (Longwood Foundation, McDonalds, Welfare Foundation, Crystal Foundation). Each Rotary Club has also provided money and fundraising continues. They are not concerned with the balance because they are still in the fundraising mode and still waiting to hear back from several grants. Some have asked them to re-apply. When they did the budget, they did a wish list though they understood that everything could not be met based on the monies received.

He explained that buying the equipment and having the design work through government funding, then having the Rotary contract the installation, eliminated any prevailing wage issues. Had any of the other money been used for prevailing wages, the costs would have doubled.

Mr. Pikus moved to waiver the city requirements for the bid process for the Milford Can-Do Playground, seconded by Mr. Brooks. Motion carried.

Approval of Gametime Proposal/Playground Equipment

Mr. Retzlaff presented the proposal to cover the costs of furnishing and delivering the equipment, safety surfacing accessories and site furnishings for three separate playground areas as depicted in the West Recreation drawings. The proposal includes the delivery of all equipment to Silicato Park once the site preparation is completed. Installation services will need to be contracted.

Mr. Gleysteen asked the total contract price; Mr. Rutt stated \$215,747.94. Mr. Pikus confirmed the maintenance of the land around the playground will be handled by Milford Parks and Recreation. Mr. Emory stated yes, noting there are some preventive maintenance measures in place including designed drainage that will help. They are using the company that designed the current park where there have been no problems. They will add this park to their maintenance schedule and foresees no issues as a result.

Mr. Rutt advised that each of the Rotary Clubs has committed to service days where someone from Parks and Recreation will direct them on what is needed. By handling in that manner, there will be no maintenance costs to the city.

Mr. Brooks moved for approval of the Gametime Proposal for the Playground Equipment, seconded by Mr. Grier. Motion carried.

Approval of Gametime Proposal/Surfacing Project

Mr. Retzlaff presented the second proposal advising this covers the supply and installation of safety surfacing, poured-in-place rubber surfacing and play sand as depicted in West Recreation, Inc. drawing. He explained rubberized surface is a specialized material and must be installed by a certified installer. The total contract price is \$94,446.

Ms. Wilson moved for approval of the Gametime Proposal for the Surfacing Project in the amount of \$94,446, seconded by Mr. Brooks. Motion carried.

Approval of DBF Proposal/Playground Site Design

Mr. Retzlaff then presented a proposal on behalf of Davis, Bowen and Friedel to provide the design services needed for the playground work. He stated that a fairly detailed survey is required of all the walking surfaces to ensure they are ADA compliant. A design and review of the stormwater will determine whether drainage improvements will be needed. Overall, the contract covers Preliminary Engineering Services, Topographic Survey Services and Site Design and Permitting Services.

The package will then be given to the Rotary Clubs for them to solicit bidding. They will provide budgetary amounts and charge for their time as their donation toward the project.

The total contract price is \$28,000.

Ms. Wilson moved for approval of the DBF Proposal for the Can-Do Playground Site Design as submitted not to exceed \$28,000, seconded by Mr. Grier. Motion carried.

Mr. Rutt thanked council for approving the contracts noting that the reason they had to be approved in 2012 is because Gametime or West Recreation, which is their distributor, stated that if the contracts were approved this year, that would eliminate price increases and they would receive some additional discounts. As a result, approximately \$25,000 to \$30,000 was saved by approving before the first of the year.

Approval of DBF Proposal/SCADA Upgrades

Mr. Retzlaff recalled two council meetings ago, there was a grant awarded to the city to evaluate the SCADA system at the different water sites. This proposal is a follow up and authorizes DBF to proceed.

Mr. Pikus confirmed this involves the \$17,500 grant from the Drinking Water program; Mr. Retzlaff stated yes.

Mr. Pikus moved to approved the DBF proposal, seconded by Mr. Gleysteen. Motion carried.

Adjourn

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

Council meeting adjourned at 7:40 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: January 14, 2013

RE: Activity Report/December 2012

Monthly Stats:

A total of 418 arrests were made by the Milford Police Department during December 2012. Of these arrests, 97 were for criminal offenses and 321 for traffic violations. Criminal offenses consisted of 7 felonies and 90 misdemeanors. Traffic violations consisted of 118 Special Duty Radar, 3 Drunk-Driving charges, and 200 other.

Police officers investigated 49 accidents during the month (2 personal injury, and 47 property damage) and issued 91 written reprimands. In addition, they responded to 956 various complaints including city requests and other agency assistance.

Monthly Activities:

Two officers from the police department attended a Hometown Security Conference the week of November 26th - November 30th at Polytech. Topics included Active Shooter which addressed today's violent trend and characteristics of armed subjects.

Three officers from our Narcotic Unit and Special Ops Unit attended a week long seminar regarding Meth Labs Special Operations beginning December 2nd.

On December 10th, a member of the Criminal Investigative Unit attended a Domestic Violence Conference.

On Tuesday, December 18th the Community Police Division participated in a hayride to the police department where the children brought gifts to donate to our annual toy drive.

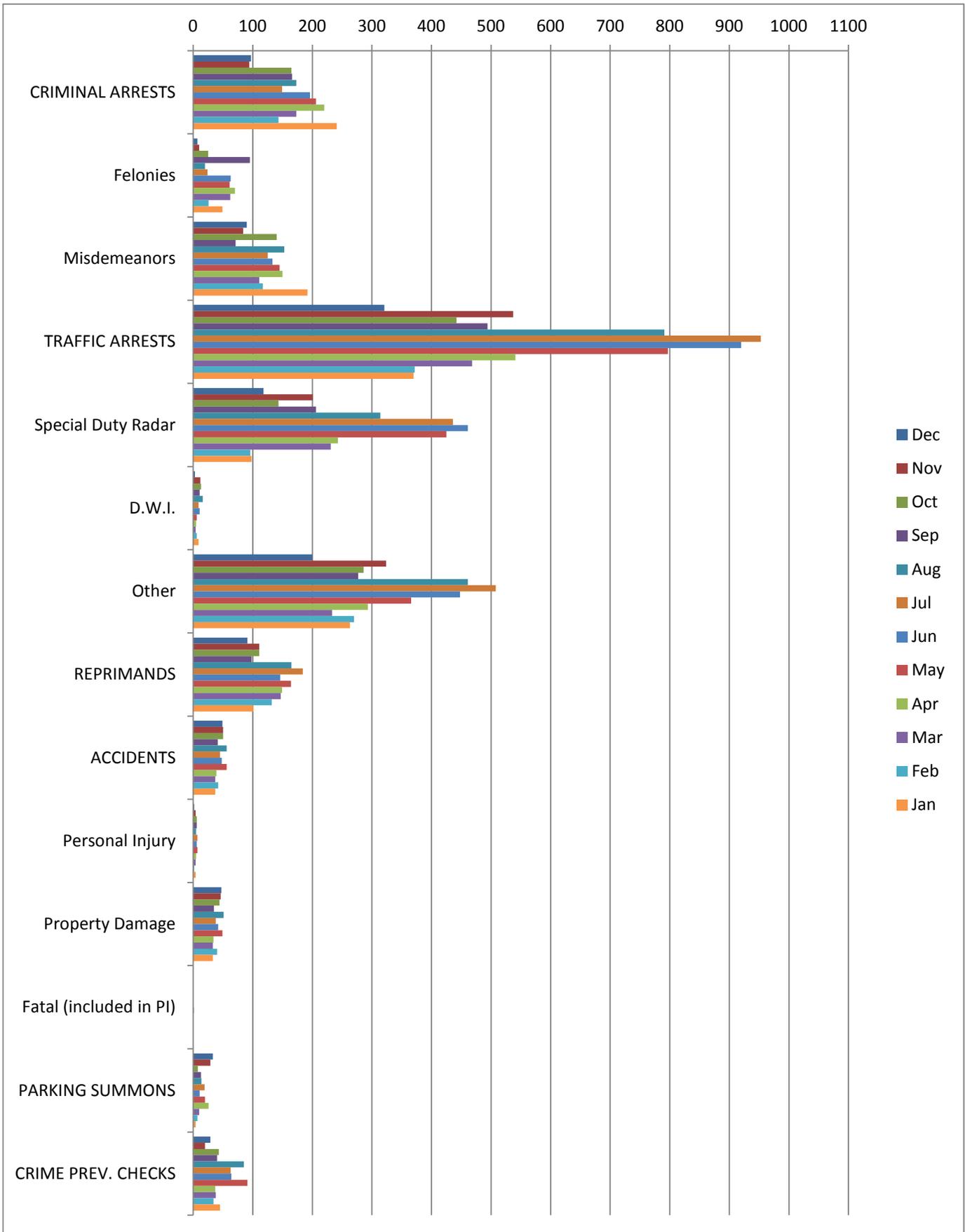
Milford Police Department hosted a Defensive Tactics Seminar on December 21st which included officers from various other agencies.

Also on December 21st, additional officers were placed in each of the schools in our community in response to rumors circulating that something bad was going to happen on the one-week anniversary of the Sandy Hook, Connecticut massacre and doomsday prediction by the Mayan Calendar. Officers also patrolled the schools and surrounding areas. The rumors were unfounded and baseless. I am pleased that schools operated as normal and no problems were reported.

Throughout the holidays, officers conducted foot patrols in the shopping areas of Milford and worked Highway Safety patrols to ensure the citizens and visitors of Milford a safe community to shop and travel.

DECEMBER 2012 ACTIVITY REPORT

	DEC 2012	TOTAL 2012	DEC 2011	TOTAL 2011
COMPLAINTS	956	14855	1096	15040
CRIMINAL ARRESTS	97	2023	128	1826
Felonies	7	512	32	512
Misdemeanors	90	1511	96	1298
TRAFFIC ARRESTS	321	7006	244	5436
Special Duty Radar	118	2972	128	2293
D.W.I.	3	105	4	80
Other	200	3929	120	2965
REPRIMANDS	91	1599	59	2083
ACCIDENTS	49	550	36	493
Personal Injury	2	58	3	56
Property Damage	47	492	33	437
Fatal (included in PI)	0	1	0	0
PARKING SUMMONS	33	194	4	96
CRIME PREV. CHECKS	29	589	4	490
FINES RECEIVED	\$ 13,484.17	\$ 177,250.62	\$ 9,759.79	\$ 150,165.28



COUNCIL REPORT

January 14, 2013

ADMINISTRATION

The radio system upgrade is well underway. We have fitted approximately 50% of the vehicles with the new broadband capabilities. We have approval from the FCC regarding our radio system improvement timeline. However, the final approval will be received after completion of the entire changeover including the new tower.

I am advising Mayor and Council that I intend to have our Finance Director start the process of refinancing some general obligation bonds from 2005. These bonds were used to build the Public Works Complex and at that time the interest rate was much higher than it is today. By refinancing, we will save approximately \$300,000.00 over the remaining life of the issuance.

ELECTRIC

The solar field is completely energized and operating to all expected specifications. I have included in the council packets an aerial photograph.

I will need the Council to vote on a DEMEC proposal concerning the State's mandate for Delaware electric providers to purchase certain quotas of sustainable energy for their portfolios. This is our proposal for meeting that mandate.

SEWER AND WATER

The contractor has completed the water main extension on the east side of Route 1. The bore under Route 1 could be completed by tonight's meeting, but in all probability it will be early February. The work with the entire Wilkin's Road water main extension is going according to schedule.

I will meet with the owners of Wickersham Development tomorrow to discuss our plans on proceeding with the water tower planned at that location. We will also begin the process of deciding the best way to serve the development with sewer. The developer will be responsible for the sewer extension to serve the project, but we will be involved in the engineering of the system including the pump station.

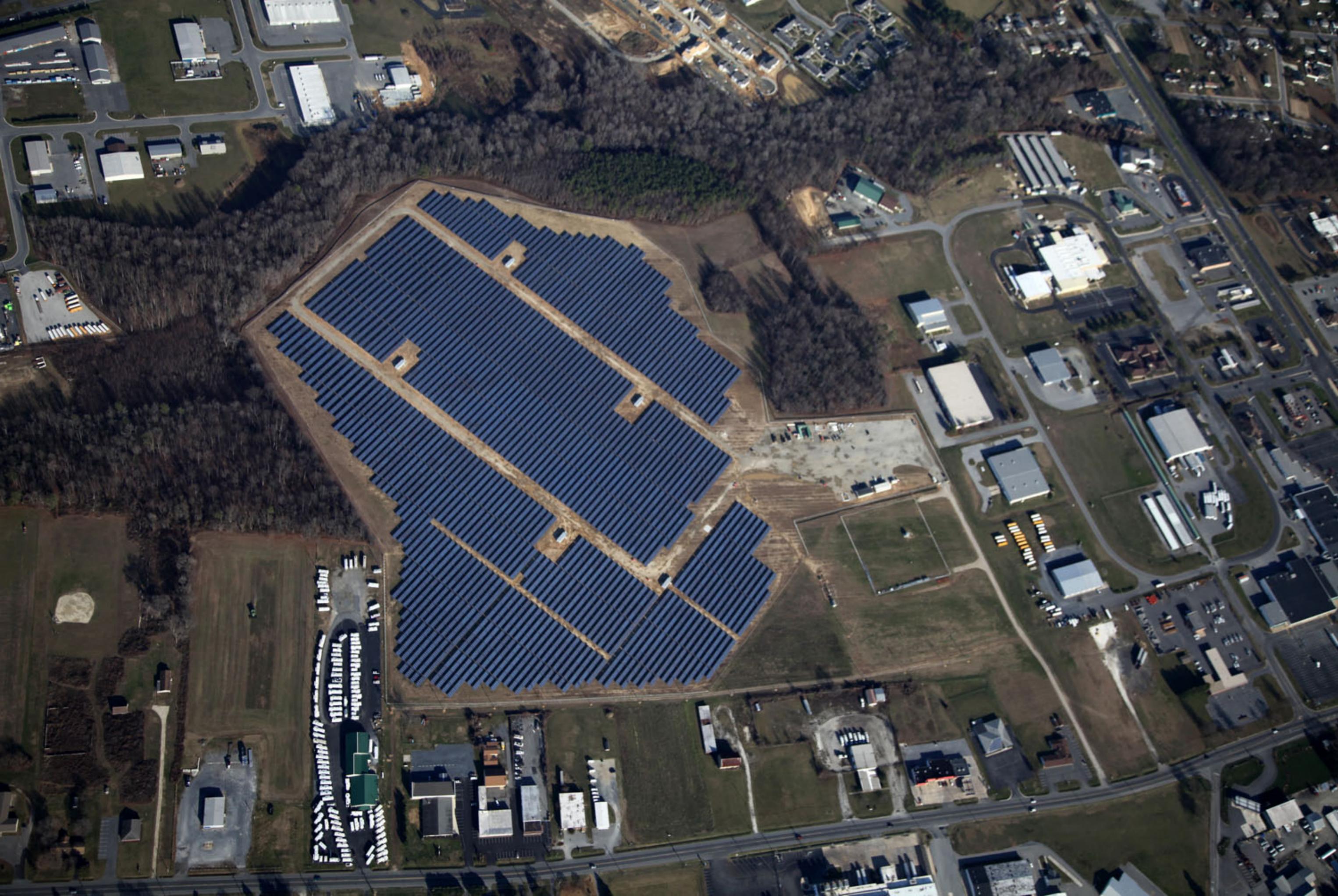
The Washington Street sewer pump station project will have bids opened around the second week of February. At the present time the station is operating and while not as efficient as we would like, it is keeping up with the required needs.

STREETS AND SOLID WASTE

The Washington Street Bridge is open and soon to be finished completely. The concrete will receive a sealer of some type, and the decorative lights remain to be installed. We had the lights delivered some time ago, but discovered they were too tall to fit on top of the bridge. The height of the lights was thought to be with the actual heads installed, but the heads were three feet additional height overall. I plan to have a local metal worker cut the posts to a length that will work.

FINANCE

Mr. Portmann brought to my attention that a bond issuance from 2005 can now be refinanced. The funds from the sale of these bonds were used primarily for the building of the public works facility. We will save in excess of \$300,000.00 through a much better interest rate than we receive on the initial offering.





DELAWARE SOLID WASTE AUTHORITY

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

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

Board of Directors

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

November 13, 2012

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

Dear Richard:

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

October 2012 Weight in Pounds

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
19,864	361

MILFORD MIDDLE SCHOOL

4,789	
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MILFORD COMMONS

12,770	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\IRD correspondence\cityofmilford.doc
Christie Murphy
Attachments: City of Milford Curbside Totals

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

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

**CITY OF MILFORD CURBSIDE RECYCLING
OCTOBER 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
10/4/2012	712092	7100-RC Single Strea	7000-Recommunity	City of Milford	3.86
10/5/2012	712144	7100-RC Single Strea	7000-Recommunity	City of Milford	1.14
10/5/2012	712145	7100-RC Single Strea	7000-Recommunity	City of Milford	2.49
10/11/2012	712771	7100-RC Single Strea	7000-Recommunity	City of Milford	3.63
10/11/2012	712780	7100-RC Single Strea	7000-Recommunity	City of Milford	4.31
10/12/2012	712837	7100-RC Single Strea	7000-Recommunity	City of Milford	3.36
10/12/2012	712839	7100-RC Single Strea	7000-Recommunity	City of Milford	2.41
10/18/2012	713467	7100-RC Single Strea	7000-Recommunity	City of Milford	3.62
10/19/2012	713519	7100-RC Single Strea	7000-Recommunity	City of Milford	2.65
10/19/2012	713574	7100-RC Single Strea	7000-Recommunity	City of Milford	1.24
10/22/2012	713894	7100-RC Single Strea	7000-Recommunity	City of Milford	8.27
10/25/2012	714191	7100-RC Single Strea	7000-Recommunity	City of Milford	4.9
10/26/2012	714228	7100-RC Single Strea	7000-Recommunity	City of Milford	4
10/26/2012	714230	7100-RC Single Strea	7000-Recommunity	City of Milford	6.72
				TOTAL	52.6



DELAWARE SOLID WASTE AUTHORITY

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

Richard P. Watson, P.E., BCEE
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Board of Directors

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

December 7, 2012

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

Dear Richard:

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

**November 2012
Weight in Pounds**

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
18,412	290

MILFORD MIDDLE SCHOOL

4,780	
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MILFORD COMMONS

12,747	
--------	--

Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc
Christie Murphy
Attachments: City of Milford Curbside Totals

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

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

**CITY OF MILFORD CURBSIDE RECYCLING
NOVEMBER 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
11/2/2012	714982	7100-RC Single Strea	7000-Recommunity	City of Milford	1.05
11/2/2012	714984	7100-RC Single Strea	7000-Recommunity	City of Milford	5.09
11/2/2012	714988	7100-RC Single Strea	7000-Recommunity	City of Milford	1.45
11/8/2012	715538	7100-RC Single Strea	7000-Recommunity	City of Milford	4.44
11/8/2012	715549	7100-RC Single Strea	7000-Recommunity	City of Milford	3.34
11/9/2012	715595	7100-RC Single Strea	7000-Recommunity	City of Milford	3.96
11/9/2012	715596	7100-RC Single Strea	7000-Recommunity	City of Milford	2.4
11/16/2012	716274	7100-RC Single Strea	7000-Recommunity	City of Milford	2.01
11/16/2012	716277	7100-RC Single Strea	7000-Recommunity	City of Milford	5.29
11/21/2012	716884	7100-RC Single Strea	7000-Recommunity	City of Milford	4.24
11/21/2012	716941	7100-RC Single Strea	7000-Recommunity	City of Milford	6.04
11/21/2012	716942	7100-RC Single Strea	7000-Recommunity	City of Milford	1.74
11/29/2012	717626	7100-RC Single Strea	7000-Recommunity	City of Milford	4.26
11/30/2012	717671	7100-RC Single Strea	7000-Recommunity	City of Milford	2.88
11/30/2012	717672	7100-RC Single Strea	7000-Recommunity	City of Milford	0.55
				TOTAL	48.74

City of Milford



City Council Committee Agenda

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

FINANCE COMMITTEE

Tuesday, January 15, 2013

5:30 p.m.

Call to Order - Chairman S. Allen Pikus

DMI Request to use 207 S. Walnut Street Property

Adjourn

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

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



St. Paul United Methodist Church
300 North St.
Milford, DE. 19963-1137
Phone: (302) 422-0709 ~ Fax: (302) 422-9237
Church Email: stpaulumc2@verizon.net
Church Web Address: www.stpaulumc2.com
Rev. Dr. Jeanel D. Starling, Pastor

To: Milford City Council

From: St. Paul United Methodist Church

Re: Gifts For Christmas Dinner

Date: January 14, 2013

It is with heartfelt thanks that the pastor and members of St. Paul send a letter of gratitude to you for providing free hams to support our Free Christmas Dinner on Christmas Day. This is a major outreach ministry for St. Paul. Christmas is such a time for giving and you helped. Because of your support, we were able to feed over 200 people in the Milford Community and beyond.

Lives were touched because of you. We even received calls from a local motel informing us about residents with no food. Because of your continued gifts to us, we extended our outreach. With God's help, we will continue this annual Christmas outreach ministry

Once again, we thank you,

Rev. Dr. Jeanel D. Starling, Pastor

And members of St. Paul United Methodist Church

KIRK, SUMMA & CO., LLP

CERTIFIED PUBLIC ACCOUNTANTS

P.O. BOX 307
ONE DANSBURY SQUARE
EAST STROUDSBURG, PENNSYLVANIA 18301
570-421-0753
FAX # 570-421-3615

OTHER OFFICES

ALLENTOWN, PA
610-770-9889

BRODHEADSVILLE, PA
570-992-5876

DALE E. KIRK, C.P.A.
KEVIN D. SUMMA, C.P.A.

July 27, 2012

System Review Report

To Beck, Villata & Co., PC and the New Jersey Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Beck, Villata & Co., PC in effect for the year ended January 31, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Beck, Villata & Co., PC in effect for the year ended January 31, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Beck, Villata & Co., PC has received a peer review rating of *pass*.

Kirk, Summa, & Co. LLP



Certified Public Accountants

*Member Firm Private Companies Practice Section
AICPA Division for CPA Firms*

BECK, VILLATA & CO., P.C.
www.beckvillata.com

Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

December 3, 2012

To the City Council
City of Milford, DE

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of Milford, DE for the year ended June 30, 2012. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated June 10, 2011. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Milford, DE are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2012. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City of Milford, DE's financial statements are with respect to the estimated useful lives of the City's property and equipment and the accrued liabilities with respect to compensated absences.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. There were no material misstatements detected as a result of our audit procedures that warrant your attention.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated October 29, 2012.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Information in Documents Containing Audited Financial Statements

With respect to the required supplementary information accompanying the financial statements, management's discussion and analysis, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America and that the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. Management's Discussion and Analysis was greatly expanded from the prior year in order to conform with U.S. generally accepted accounting principles and to provide the City's citizens with more complete information about its activities and financial position.

This information is intended solely for the use of City Council and management of City of Milford, DE and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Beck Villata & Co PC

Beck, Villata & Co., P.C.

BV&CO.

Certified Public Accountants



P.O. Box 280 Milford, DE 19963
(302)422-7327 (302)422-3929 (f)
mash551@comcast.net

Bob Nash
ASSOCIATES
Surveying & Land Design

September 19, 2012

DESCRIPTION

Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel A)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, Recorded in Plot Book _____ Page _____, fronting on the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Parcel B, being more particularly described as follows, to wit:

Beginning at a found rebar on the westerly right-of-way line of Lakeview Avenue, the northeasterly right-of-way line of Clark Avenue, (herein being conveyed), and at a corner for lands now or formerly of Harold E. & Mary Roberts; Thence running with said Lakeview Avenue South 30 degrees 36 minutes 13 seconds West 50.24 feet to a set capped rebar at a corner for lands now or formerly of Henry S. Saunders, Jr., thence following said Saunders land North 59 degrees 33 minutes 17 seconds West 161.31 feet to a corner for parcel B, thence continuing with said parcel B North 30 degrees 47 minutes 49 seconds East 50.00 feet to a point on line for aforementioned Roberts land, thence finally, South 59 degrees 33 minutes 18 seconds East 161.00 feet to the place of beginning, containing 8058 square feet of land, more or less.

desMilford-RobertsParcelA



P.O. Box 280 Milford, DE 19963
(302)422-7327 (302)422-3929 (f)
mash551@comcast.net

Bob Nash
ASSOCIATES
Surveying & Land Design

September 19, 2012

DESCRIPTION

Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel B)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, adjacent to, but not contiguous to the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, Parcel A (aka Clark Ave.), lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Jean C. Chodowski, being more particularly described as follows, to wit:

Beginning at a set capped rebar at a point on line for lands now or formerly of Harold E. & Mary Roberts, and at a corner for Parcel A, said point being 161 feet, more or less from the right-of-way intersection of Lakeview Avenue and Clark Avenue; thence running with said Parcel A North 30 degrees 47 minutes 49 seconds East 50.00 feet to a set capped rebar at a point on line of lands now or formerly of Henry S. Saunders, Jr., thence continuing with said Saunders land North 59 degrees 33 minutes 17 seconds West 18.45 feet to found rebar at a corner for lands now or formerly of Jean C. Chodowski; thence following said Chodowski lands North 30 degrees 47 minutes 49 seconds East 50.00 feet to a found rebar at a corner for aforementioned lands now or formerly of Harold E. & Mary Roberts; thence finally, continuing with said Roberts land South 59 degrees 33 minutes 18 seconds East 18.45 feet to the place of beginning, containing 922 square feet of land, more or less.

File: desMilford-RobertsParcelB

desMilford-RobertsParcelB

LOT 12 BLOCK G
LAKELAWN ESTATES
N OR F DAVID L.
MAGNESS, II
DEED BK. 3079 PG. 083
TM 1-30-3.07-115.00

LOT 13 BLOCK G
LAKELAWN ESTATES
N OR F JEAN C.
CHODOWSKI
DEED BK. 1479 PG. 256
TM 1-30-3.07-116.00

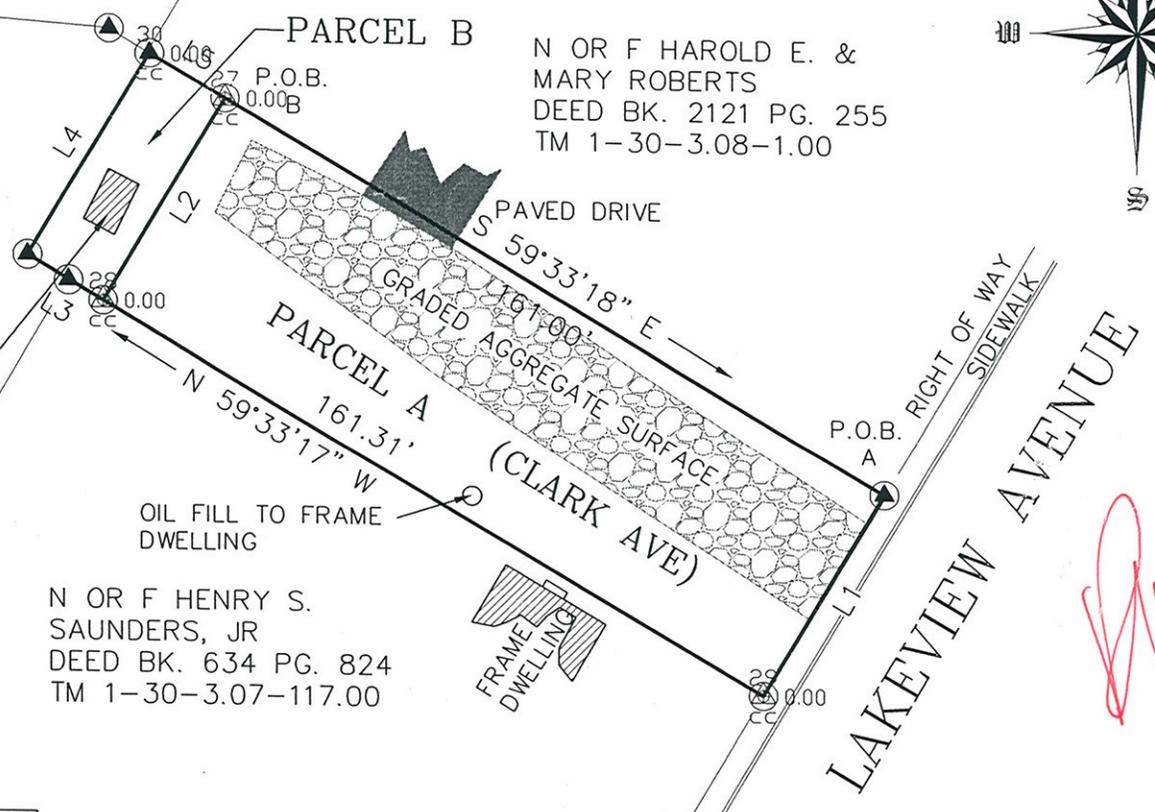
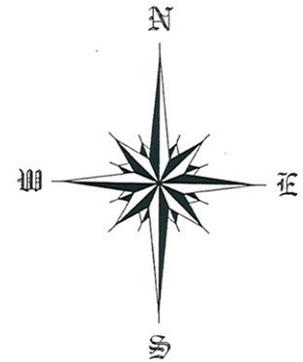
FRAME SHED
APPURTENANT TO LOT
13 LAKELAWN ESTATES

PARCEL A
8058 Sq. Feet
0.185 Acres

PARCEL B
922 Sq. Feet
0.021 Acres

N OR F HENRY S.
SAUNDERS, JR
DEED BK. 634 PG. 824
TM 1-30-3.07-117.00

N OR F HAROLD E. &
MARY ROBERTS
DEED BK. 2121 PG. 255
TM 1-30-3.08-1.00



LINE	BEARING	DISTANCE
L1	S 30°36'13" W	50.24'
L2	N 30°47'49" E	50.00'
L3	N 59°33'17" W	18.45'
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L5	S 59°33'18" E	18.45'

BASIS OF BEARING SYSTEM= DELAWARE
PLANE COORDINATES NAD83
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED

▲ FOUND REBAR
△ SET CAPPED REBAR

CRD: CITY2ROBERTS

Lands to be conveyed by:

THE CITY OF MILFORD

CITY OF MILFORD

DATE: SEPT. 13, 2012

SUSSEX COUNTY, DELAWARE

W.O.: 12-8-144



Bob Nash
ASSOCIATES

Surveying &
Land Design 14 South Maple Ave. Milford, DE 19963
(302) 422-7327 P.L.S. 551

T.M.: AS NOTED

F.B.: BNA10/28 DRAWN BY:
RWN

DISK: CITY2ROBERTS

SCALE: 1" = 40'

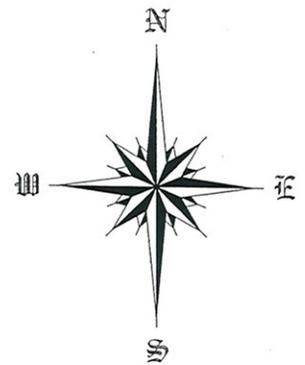
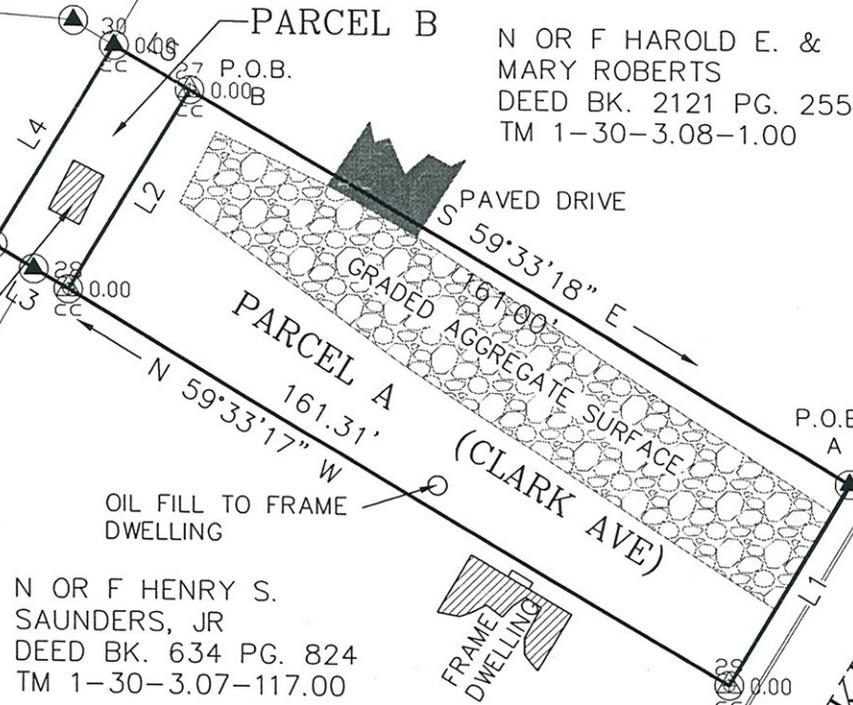
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LAKEVIEW AVENUE
RIGHT OF WAY
SIDEWALK

[Red signature]

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SUSSEX COUNTY, DELAWARE	W.O.: 12-8-144
Bob Nash ASSOCIATES	T.M.: AS NOTED
<i>Surveying & Land Design</i>	F.B.: BNA10/28 <small>DRAWN BY: RWN</small>
14 South Maple Ave. Milford, DE 19963 (302) 422-7327 P.L.S. 551	DISK: CITY2ROBERTS
	SCALE: 1" = 40'

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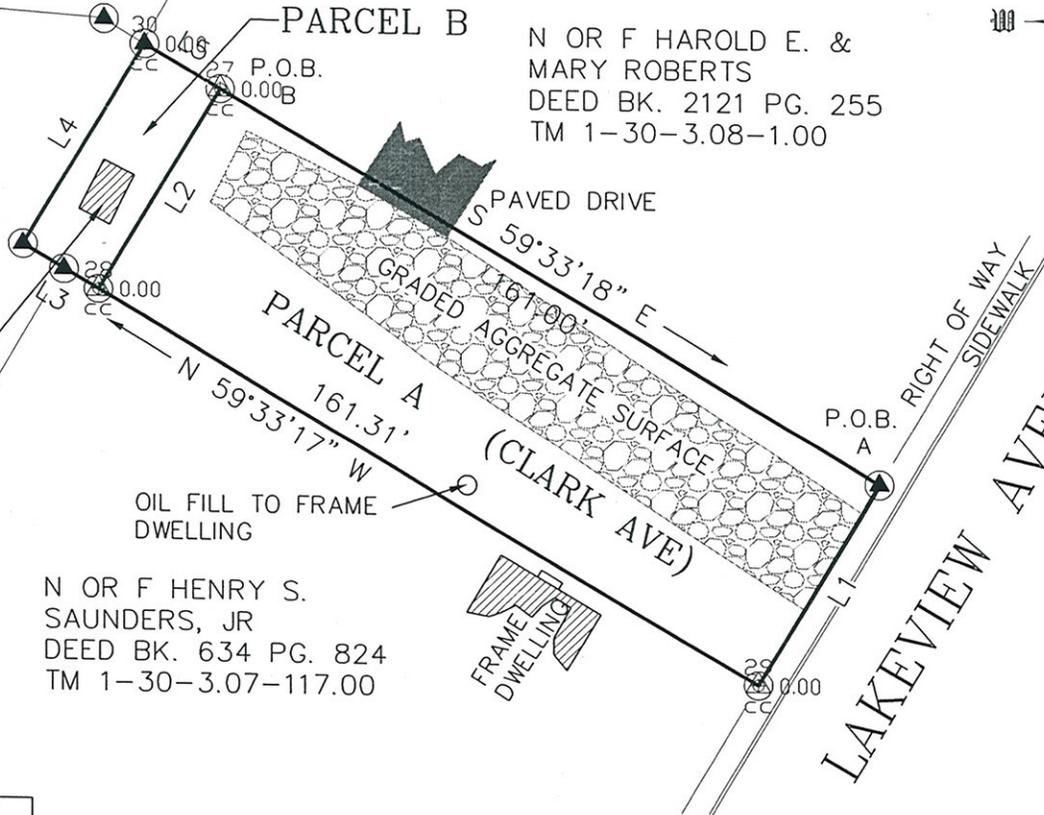
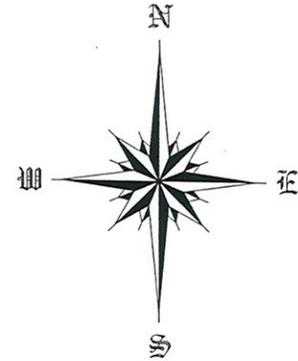
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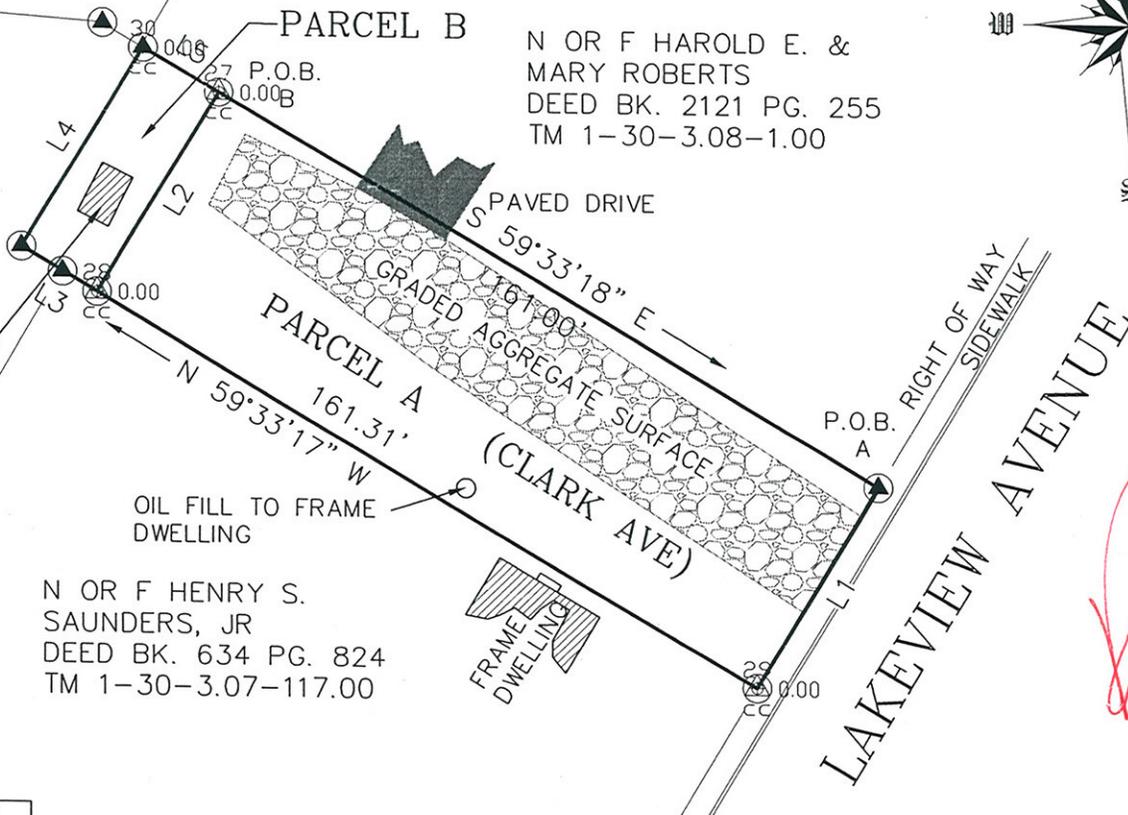
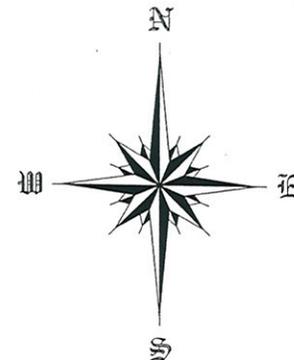
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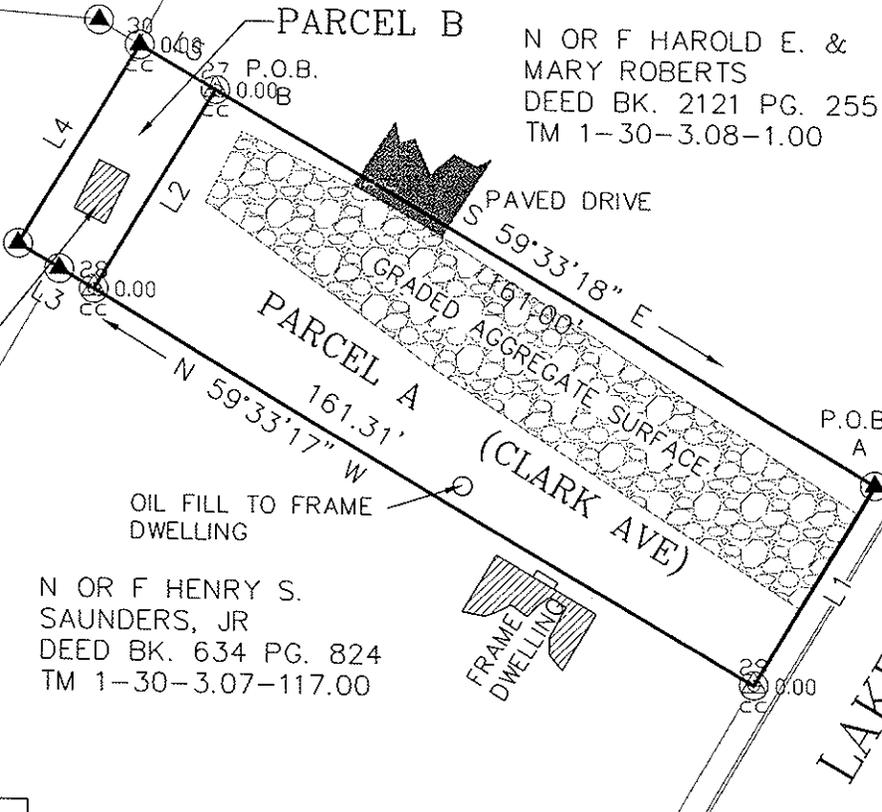
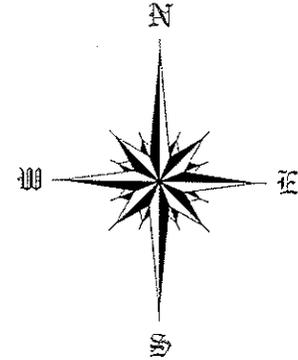
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THE CITY OF MILFORD

CITY OF MILFORD

DATE: SEPT. 13, 2012

SUSSEX COUNTY, DELAWARE

W.O.: 12-8-144



Bob Nash
ASSOCIATES

Surveying & Land Design
14 South Maple Ave. Milford, DE 19963
(302) 422-7327 P.L.S. 551

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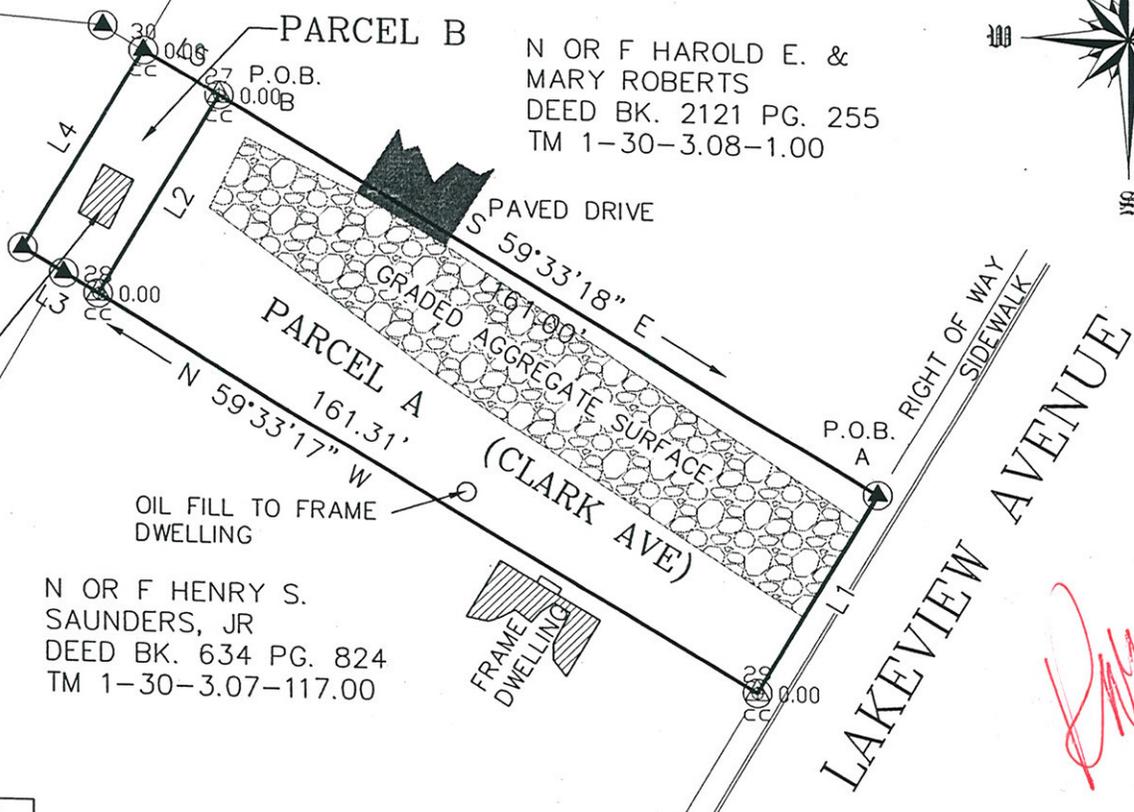
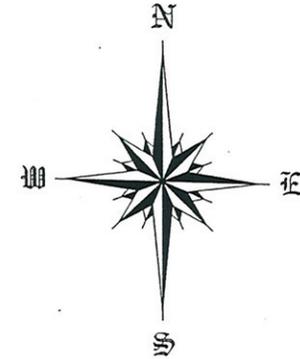
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L5	S 59°33'18" E	18.45'

BASIS OF BEARING SYSTEM= DELAWARE
PLANE COORDINATES NAD83
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED

▲ FOUND REBAR
○ SET CAPPED REBAR

CRD: CITY2ROBERTS

Lands to be conveyed by:

THE CITY OF MILFORD

CITY OF MILFORD

DATE: SEPT. 13, 2012

SUSSEX COUNTY, DELAWARE

W.O.: 12-8-144



Bob Nash
ASSOCIATES

Surveying & Land Design
14 South Maple Ave. Milford, DE 19963
(302) 422-7327 P.L.S. 551

T.M.: AS NOTED

F.B.: BNA10/28 DRAWN BY: RWN

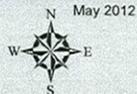
DISK: CITY2ROBERTS

SCALE: 1" = 40'

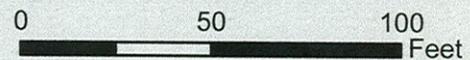
Handwritten signature in red ink.



Sources:
2011 USDA Aerial Photograph



Clarke Avenue
City of Milford
Sussex County, Delaware



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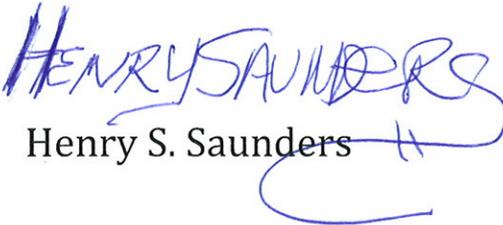
February 13, 2012

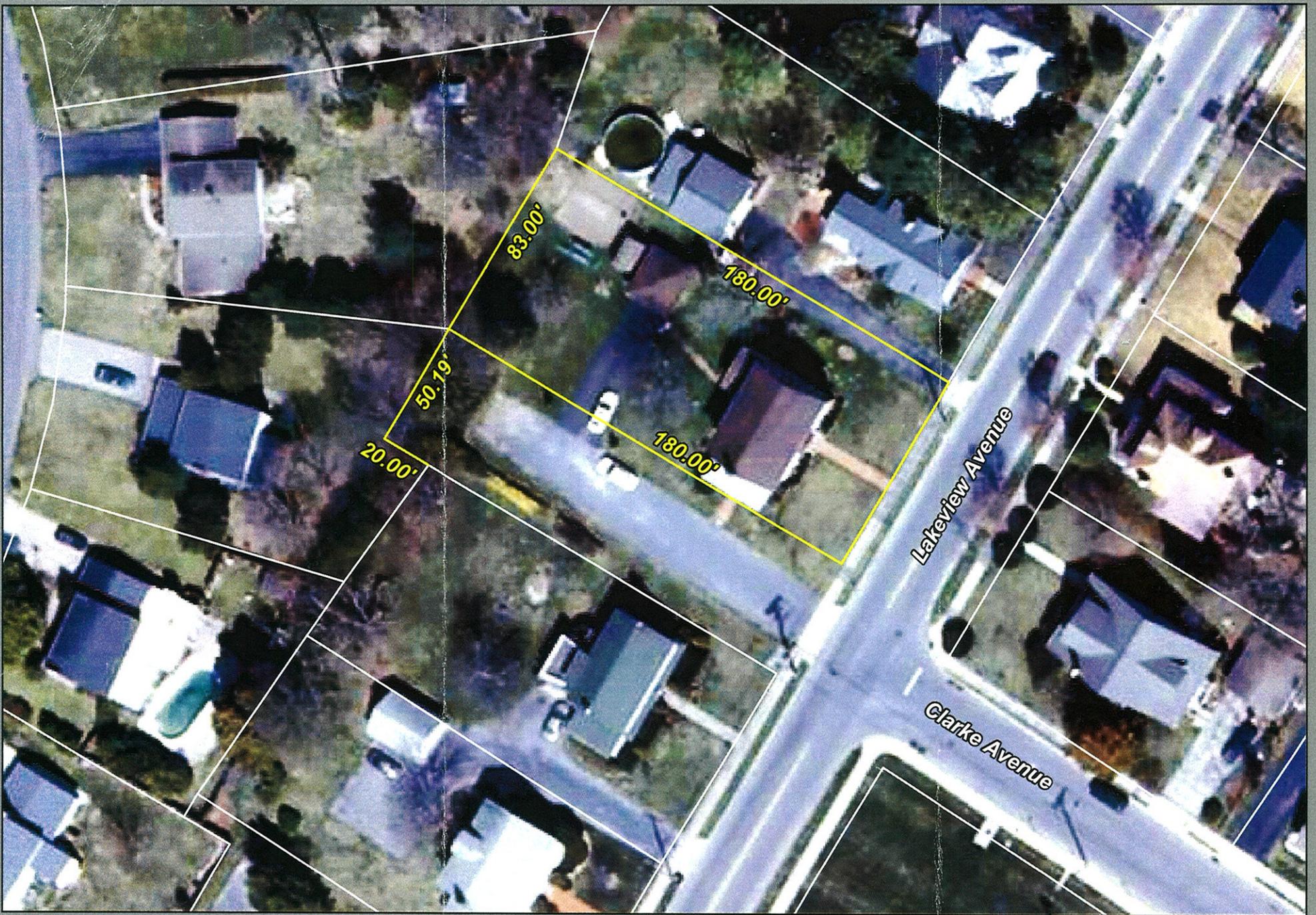
To: City of Milford
Milford, DE

From: Henry S. Saunders
501 Lakeview Avenue
Milford, DE 19963

RE: Right of Way between properties at 501 Lakeview Avenue and 409
Lakeview Avenue

Please add the above mentioned right of way to the property owners
at 409 Lakeview Avenue, Harold E. and Mary L. Roberts.

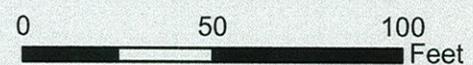

Henry S. Saunders



Sources:
2011 USDA Aerial Photograph

May 2012

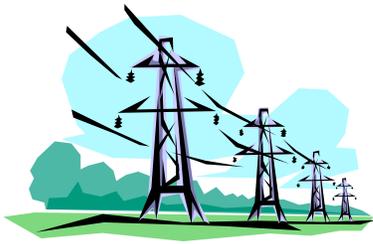
Clarke Avenue
City of Milford
 Sussex County, Delaware



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 ARCHITECTS • ENGINEERS • SURVEYORS
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EVANS STREET EXTENSION
(Off South Rehoboth Boulevard/Entrance of Seawatch International)





DEMEC

Delaware Municipal Electric Corporation

PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

January 1, 2013

TO: Local Regulatory Authorities:

- City of Dover City Council
- City of Newark City Council
- City of Milford City Council
- Town of Middletown Town Council
- City of Seaford City Council
- City of Lewes Board of Public Works
- Town of Smyrna Town Council
- City of New Castle Municipal Services Commission
- Town of Clayton Town Council

Delaware General Assembly
Delaware Energy Office

FROM: Patrick E. McCullar, President & CEO, DEMEC

SUBJ: Municipal Electric Utilities Renewable Portfolio Standard Plan

DEMEC Background

The Delaware Municipal Electric Corporation (DEMEC) is a Public Power utility incorporated as a not-for-profit Delaware corporation in 1979; the members of DEMEC are the nine municipal electric distribution utilities in Delaware. DEMEC provides joint services to the members.

- DEMEC generates electricity from its portfolio of owned generation assets and purchases electricity from other generators through staggered short, medium, and long term power contracts to meet the requirements of its member municipal utilities.
- Eight of the nine member municipal utilities receive 100% of their requirements from DEMEC through long-term take-or-pay contracts and the City of Dover receives partial requirements service.
- DEMEC has been authorized by its nine member utilities to manage the compliance obligation created by the Municipal Electric Utilities Renewable Portfolio Standard Plan.

Delaware RPS Background

The Renewable Portfolio Standard (“RPS”) is a State-mandated policy that obligates each retail seller of electricity to include in its resource portfolio annually increasing amounts of electricity from Qualifying

Renewable Energy Resources through 2025 and beyond. The municipal electric utilities were exempted from the RPS requirements prior to 2010.

In 2010 DEMEC and its members responded to a request from Delaware Governor Jack Markell by voluntarily joining the Delaware RPS under S.S. 1 for S.B. 119. The bill provided, among other things:

- Increasing the RPS target to 25% by 2025 with at least 3.5% from solar sources.
- Allowed municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2013 Compliance Year (6/1/2013-5/31/2014).
- Provided a method to freeze the RPS compliance obligations for utilities if costs exceed “circuit breakers” of 3% of retail sales for Renewable Energy Credits (RECs) and 1% for Solar Renewable Energy Credits (SRECs) in any year.

DEMEC Renewable Energy Commitments

In developing a comparable plan, DEMEC evaluated its accomplishments and commitments to date regarding investments in Renewable Energy. DEMEC has invested in the development of a portfolio of qualifying renewable energy resources to achieve the lowest possible compliance cost to protect its ratepayers from unreasonable and burdensome impacts on their cost of electricity. DEMEC’s goal is to comply with the spirit of the Delaware RPS without creating a negative impact on the community ratepayers or the Delaware economy.

Non-Solar:

- DEMEC has committed to purchase all the renewable electricity and associated RECs from a new wind farm (Laurel Hill) in north-central Pennsylvania under a 25-year agreement. The facility is a 69-megawatt (MW) wind generation facility consisting of 30 Siemens wind turbines, each capable of generating 2.3 MW. Laurel Hill will be capable of generating enough electricity to power more than 20,000 homes.
- DEMEC was also the first to sign an agreement with Blue Water Wind to purchase offshore wind energy. DEMEC remains committed to support and purchase wind energy from off the coast of Delaware.

Solar:

DEMEC has participated in the development of qualifying solar energy systems in all of the following RPS Taskforce defined Tier sizes:

Solar Renewable Energy Tier Groups (State definition by size):

- Tier 1 = 0 to 20 kW – Typical Residential Rooftop
- Tier 2 = 20 to 200 kW – Typical Small Commercial
- Tier 3 = 200 kW to 2 MW – Typical Large Commercial and Industrial
- Tier 4 = 2MW and Up – Utility Scale

Tier 1 and Tier 2 – Green Energy Grants

- DEMEC has encouraged and supported residential and commercial renewable energy systems since June 1, 2006 through the Municipal Green Energy Grants Program.
- DEMEC has leveraged over \$7 Million dollars of overall investment in renewable energy with \$2.3

Million dollars of grants.

- Currently, many of the owners of these projects have been stranded without an opportunity to participate in the State Auction process. DEMEC intends to help these stranded customers in our service territories by offering them long-term contracts for their SREC production.
- DEMEC plans to participate in the State SREC auction process in future years as our compliance obligation for solar RECs increases.

Tier 3 – Community Scale

- DEMEC has always maintained that each member community should have support in siting a renewable energy system in its borders for the benefit of the whole community. This makes possible participation in solar by low-income members of the communities who otherwise could not afford participation.
- Several DEMEC members (to date Newark, Smyrna, and Seaford) have expressed an interest in the development of these community systems. DEMEC intends to support community interest, low-income participation, and meet its RPS obligation concurrently by investing in these community systems.

Tier 4 – Utility Scale

DEMEC recognized early on that the legislative circuit breakers for photovoltaics would be hit and freeze the solar portion of the municipal RPS plan within a few years if the compliance cost was not carefully managed. In order to avoid hitting the legislative circuit breakers prematurely and to assure that we do not unreasonably increase the cost of electric service to municipal ratepayers, DEMEC chose to invest a significant portion of its RPS-dedicated funds in large-scale solar facilities. To prevent a negative impact on the Delaware economy from the cost of RPS compliance, DEMEC has committed capital to developing utility scale solar systems that create jobs and economic development for the State. The current DEMEC portfolio of Tier 4 Utility Scale Systems is:

- Dover Sun Park – 10 MW – (DEMEC purchases 15 % of all SRECs) went commercial 2Q 2010
- Milford Solar Farm – 13 MW – (DEMEC to purchase a majority of SRECs and all energy) planned commercial 12/2012

DEMEC Comparable Plan Objectives

DEMEC has set the following objectives as goals for its Municipal RPS Plan.

- Develop and implement a compliance plan that is comparable to the State-mandated plan for Delmarva Power and that encourages development of qualifying renewable energy resources in the State of Delaware in all State-defined tiers.
- Plan in 5 year increments. The parameters of the 5 year planning cycle will have the goals of achieving a comparable plan that: 1) Achieves the lowest cost compliance solutions to mitigate high renewable energy cost impacts for our community ratepayers and the State economy, 2) Encourages the development of renewable resources in our member communities 3) Maintains the high reliability of electric service in our community systems.
- DEMEC will review and rebalance its compliance schedule annually to assure cost impacts to our community ratepayers are reasonable and accurately match qualifying retail electricity sales with renewable energy resource procurement.

Municipal Renewable Energy 5-Year Procurement Schedule		
Compliance Year - (beginning June 1 st)	Minimum Cumulative Percentage from Eligible Energy Resources	Minimum Cumulative Percentage from Solar Photovoltaics*
2013	10.00%	0.60%
2014	11.50%	0.80%
2015	13.00%	1.00%
2016	14.50%	1.25%
2017	16.00%	1.50%
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		



Walter G. Feindt

Attorney at Law

4 Lakelawn Drive • P.O. Box 1184 • Milford, DE 19963

(302) 422-4811

Fax (302) 424-4418

Email wgfeindt@netscape.net

December 12, 2012

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

RE: Repurchase of Parcel E2, Milford Business Complex, Dr. Roger Alexander

Dear Mr. Carmean,

Per our telephone conversation of this afternoon, enclosed please find the proposed HUD-1 Settlement statement, deed and transfer tax affidavits for your review which would accomplish the return of ownership of Parcel E2 in the Milford Business Complex to the City of Milford.

The documents reflect a settlement date of December 28, which was chosen to give you and your legal counsel an opportunity to review the documents, and still enable the closing to take place before the end of the tax year.

I will be out of town the week of December 17, through December 21, but hope that we can get this settled by the end of the year, despite the holiday interference with the normal work schedule.

After your review, please let me know if any changes are required, my preferred method of contact being via e-mail at my e-mail address above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter G. Feindt".

Walter G. Feindt
WF/dk

Enclosures



A. Settlement Statement (HUD-1)

OMB No. 2502-0265

B Type of Loan							
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> CONV. UNINS.	6. File Number:	7. Loan Number:	8. Mortgage Ins. Case No.:		
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> CONV. INS.						
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.							
D. Name and Address of Borrowers: THE CITY OF MILFORD P.O. Box 159 , Milford, DE 19963				F. Name and Address of Lender: None			
E. Name and Address of Sellers: ROGER ALEXANDER 306 Lakeview Avenue , Milford, DE 19963				H. Settlement Agent: Walter G. Feindt, Esquire P.O. Box 1184 Milford, DE 19963 Phone Nbr: 3024224811			
G. Property Location: Parcel E2, Greater Milford Business Complex Milford, DE 19963			I. Settlement Date: 12/28/2012 Disbursement Date: 12/28/2012		Place of Settlement: Walter G. Feindt, P.A. 4 Lakelawn Drive Milford, DE 19963		
J. Summary of Borrower's Transaction				K. Summary of Seller's Transaction			
100. Gross Amount Due From Borrower				400. Gross Amount Due To Seller			
101. Contract sales price	35,000.00			401. Contract sales price	35,000.00		
102. Personal property				402. Personal property			
103. Settlement charges to borrower (line 1400)	56.00			403.			
104.				404.			
105.				405.			
Adjustments for items paid by seller in advance				Adjustments for items paid by seller in advance			
106. City/town taxes	12/28/2012 to 09/30/2013	521.75		406. City/town taxes	12/28/2012 to 09/30/2013	521.75	
107. County taxes	12/28/2012 to 05/31/2013	87.65		407. County taxes	12/28/2012 to 05/31/2013	87.65	
108. Assessments	to			408. Assessments	to		
109.				409.			
110.				410.			
111.				411.			
112.				412.			
120. Gross Amount Due From Borrower	\$35,665.40			420. Gross Amount Due To Seller	\$35,609.40		
200. Amounts Paid By Or In Behalf Of Borrower				500. Reductions In Amount Due To Seller			
201. Deposit or earnest money				501. Excess deposit (see instructions)			
202. Principal amount of new loan(s)				502. Settlement charges to seller (line 1400)	250.00		
203. Existing loan(s) taken subject to				503. Existing loan(s) taken subject to			
204.				504. Payoff of first mortgage loan			
205.				505. Payoff of second mortgage loan			
206.				506.			
207.				507.			
208.				508.			
209.				509.			
Adjustments for items unpaid by seller				Adjustments for items unpaid by seller			
210. City/town taxes	to			510. City/town taxes	to		
211. County taxes	to			511. County taxes	to		
212. Assessments	to			512. Assessments	to		
213.				513.			
214.				514.			
215.				515.			
216.				516.			
217.				517.			
218.				518.			
219.				519.			
220. Total Paid By/For Borrower	\$0.00			520. Total Reductions Amount Due Seller	\$250.00		
300. Cash At Settlement From/To Borrower				600. Cash At Settlement To/From Seller			
301. Gross amount due from borrower (line 120)	\$35,665.40			601. Gross amount due to seller (line 420)	\$35,609.40		
302. Less amount paid by/for borrower (line 220)	\$0.00			602. Less reductions in amount due seller (line 520)	(\$250.00)		
303. CASH <input checked="" type="checkbox"/> FROM <input type="checkbox"/> TO BORROWER:	\$35,665.40			603. CASH <input checked="" type="checkbox"/> TO <input type="checkbox"/> FROM SELLER:	\$35,359.40		

The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the selling process.

L. Settlement Charges

		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Real Estate Broker Fees			
Division of Commission (line 700) as follows:			
701.	\$ to		
702.	\$ to		
703.	Commission paid at Settlement		
704.			
705.			
800. Items Payable in Connection with Loan			
801.	Our origination charge (from GFE #1)		
802.	Your creditor or charge (points) for the specific interest rate chosen (from GFE #2)		
803.	Your adjusted origination charges (from GFE A)		
804.	Appraisal fee to (from GFE #3)		
805.	Credit report to (from GFE #3)		
806.	Tax service to (from GFE #3)		
807.	Flood certification to (from GFE #3)		
808.			
809.			
810.			
811.			
812.			
813.			
814.			
815.			
900. Items Required by Lender to Be Paid in Advance			
901.	Daily interest charges from to @ \$ /day for days (from GFE #10)		
902.	Mortgage insurance premium for mo. to (from GFE #3)		
903.	Homeowner's insurance for yrs. to (from GFE #11)		
904.			
1000. Reserves Deposited with Lender			
1001.	Initial deposit for your escrow account (from GFE #9)		
1002.	Homeowner's Insurance months @ per month		
1003.	Mortgage Insurance months @ per month		
1004.	City property taxes months @ per month		
1005.			
1006.			
1007.			
1008.	Aggregate Adjustment		
1100. Title Charges			
1101.	Title services and lender's title insurance (from GFE #4)		
1102.	Settlement or closing fee to		
1103.	Owner's title insurance (from GFE #5)		
1104.	Lender's title insurance		
1105.	Lender's title policy limit \$		
1106.	Owner's title policy limit \$ 35,000.00		
1107.	Agent's portion of the total title insurance premium \$ to Walter G. Feindt, Esquire		
1108.	Underwriter's portion of the title insurance premium \$ to First American Title Insurance Company		
1109.			
1110.	Document Preparation (deed & transfer to Walter G. Feindt, P.A.		250.00
1111.			
1112.			
1113.			
1200. Government Recording and Transfer Charges			
1201.	Government recording charges (from GFE #7)	56.00	
1202.	Recording fees: Deed 56.00 ; Mortgage ; Releases		
1203.	Transfer taxes (from GFE #8)	0.00	
1204.	City/county tax stamps: Deed ; Mortgage		
1205.	State tax/stamps: Deed ; Mortgage		
1206.			
1300. Additional Settlement Charges			
1301.	Required services that you can shop for (from GFE #6)	0.00	
1302.			
1303.			
1304.			
1305.			
1306.			
1307.			
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		\$56.00	\$250.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement (pages 1 and 2).

Borrowers

Sellers

THE CITY OF MILFORD

ROGER ALEXANDER

Settlement Agent

Date 12/28/2012

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

Previous editions are obsolete



2011

REAL ESTATE TAX RETURN
DECLARATION OF ESTIMATED
INCOME TAX

Delaware Division of Revenue
820 N. French Street, P.O. Box 8735
Wilmington, Delaware 19899-8735

FORM 5403

DO NOT WRITE OR STAPLE IN THIS AREA

Form 5403 must be completed for all conveyances and must be presented at the time of recording.

1. Description and address of property transferred (include property tax parcel number):

Parcel E2, Greater Milford Business Complex, Milford, DE 19963

Tax Parcel Number: MD-16-173.00-01-03.14/000

Date of Transfer: ____/____/____
(Month/Date/Year)

2. Transferor/Seller is:

- Individual or Revocable Living Trust
- Corporation
- Trust or Estate
- Business Trust
- Partnership
- S Corporation
- Limited Liability Company
- Other _____

3. Transferor or Seller Acquired Property By:

- Purchase
- Gift
- Inheritance
- 1031 Exchange
- Foreclosure/Repossession
- Other: _____

4. Transferor/Seller's name; SSN or EIN; and address to which correspondence is to be mailed after settlement. (Enter only one name and SSN or EIN per return. If more than one transferor/ seller, use separate forms for each; however, if Transferors/Sellers are husband and wife, enter only the primary taxpayer name and SSN, and only file one return. If transferor/seller is not an individual, list only EIN of non-individual transferor/seller and file only one Form 5403 for such transferor/seller – no Form 5403 should be filed for the members, partners, stockholders, trustees or other individuals or entities having an ownership interest in any such non-individual transferor/seller.)

Enter Social Security Number _____ or Employer Identification Number of the Transferor/Seller _____

Name of Transferor/Seller	ROGER ALEXANDER		
Address	306 Lakeview Avenue		
City	Milford	State	Delaware
Zip Code	19963		

5. If applicable, check appropriate box. (Check no more than one box.)

- Transferor/seller is a resident (a) individual, (b) pass-through entity or (c) corporation, and not subject to withholding under 30 Del. C. §§1126, 1606 or 1909;
- Sale or exchange exempt from capital gain recognition;
- Gain realized excluded from income for tax year of sale or exchange;
- Sale or exchange occurred on or before December 31, 2010;
- Transferor/seller has insufficient information to determine if sale or exchange is subject to withholding. **By checking this box, transferor/seller understands that once sufficient information is available, payment of tax may be due and the appropriate return must be timely filed.**

If any box in Section 5 is checked, DO NOT complete Sections 6, 7 and 8 below. No payment is due at this time.

6. Computation of Payment and Tax to be Withheld. (See Instructions)

a. Total sales price	a. \$
b. Less selling expenses	b. \$
c. Net sales price (Subtract Line b from Line a)	c. \$
d. Adjusted basis of property	d. \$
e. Total gain (Subtract Line d from Line c)	e. \$
f. Cash Payments (not including payments in Line b above)	f. \$
g. Net Cash Received (Subtract (Line f from Line c)	g. \$
h. Delaware Tax Due (Multiply either Line "e" or "g" by 6.95%)	h. \$

7. Check box if the transferor/seller is reporting gain under the installment method. No Tax is payable at this time.

Note: If completing this section you must report and remit any capital gain tax to the State of Delaware when any capital gain as a result of the sale of this property is recognized for Federal Tax Purposes.

8. Delaware Income Tax Paid. (See Instructions.) \$ _____

Under penalty of perjury, I declare that I have examined this return and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than the transferor/seller, the declaration is based on all information to which the preparer has any knowledge. **Transferor/Seller, Please sign and print full name and title (if any):**

ROGER ALEXANDER

Signature

Name

Title



CITY OF MILFORD

RESOLUTION 2013-1

APPROVING ISSUANCE OF A GENERAL OBLIGATION BOND TO THE UNITED STATES DEPARTMENT OF AGRICULTURE - RURAL UTILITIES SERVICE, AS REGISTERED OWNER, TO FINANCE IMPROVEMENTS TO THE CITY OF MILFORD'S WATER FACILITIES, AS APPROVED BY THE ELECTORS; DETERMINING THAT THE BOND WILL BE SOLD BY PRIVATE SALE AND AUTHORIZING EXECUTION OF LOAN DOCUMENTS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR THE BOND; AND AUTHORIZING OTHER NECESSARY ACTION

WHEREAS, the City Council of The City of Milford, Delaware (the "City") pursuant to Section 8, 72 Del. Laws Ch. 148 as amended (the "City Charter"), proposed to the electors of the City by Resolution dated November 26, 2007 (the "First Resolution") to borrow up to Fifteen Million Dollars (\$15,000,000) which may be used in order to fund, among other things, capital improvement programs of the City, including up to Five Million Dollars (\$5,000,000) in upgrades and improvements to the water facilities of the City, specifically, improvements associated with the development of new wells, a production and treatment facility, a storage tower and system mapping (collectively, the "Water Project") and properly placed notice of hearing on the First Resolution as required by the City Charter; and

WHEREAS, the City Council thereafter passed a second resolution on January 14, 2008 (the "Second Resolution") ordering and directing a special election to be held not less than thirty (30) days and not more than sixty (60) days after the hearing to borrow the said money, for the purpose of voting for or against the proposed borrowing. The passage of the Second Resolution calling the special election was considered the City Council's determination to proceed in the matter at issue as authorized by the City Charter; and

WHEREAS, a special election was held on February 23, 2008 (the "Special Election"), and notice was properly given for the Special Election, whereby a majority of the electors approved the borrowing by voting in the Special Election which was conducted and certified in accordance with the provisions of the City Charter; and

WHEREAS, the United States Department of Agriculture – Rural Utilities Service (the "Department") has authorized a loan to the City in an amount not to exceed Five Million Dollars (\$5,000,000), for a term not to exceed forty (40) years at an interest rate to be determined per the Department's current interest rate policy, but which in no case shall exceed 5%; and

WHEREAS, pursuant to and in accordance with the City Charter, the First Resolution, the Second Resolution and this Resolution, the City now proposes to issue its General Obligation

Bond (the "Bond") in a principal amount not to exceed \$5,000,000 to finance the Water Project and the costs of issuance of the Bond, as approved by the electors in the Special Election; and

WHEREAS, the City Council desires to formalize, ratify, and confirm such action by adoption of a formal written resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND DETERMINED by the City Council of the City of Milford, Delaware, as follows:

Section 1. Authorization of the Incurrence of Indebtedness as Approved by the Electors. The City shall borrow an amount not to exceed Five Million Dollars (\$5,000,000) as approved by referendum of the electors in the Special Election held on February 23, 2008 by the issuance of the Bond.

Section 2. Authorization of Issuance of the Bond. The City shall issue, pursuant to the City Charter, the First Resolution, the Second Resolution and this Resolution, up to \$5,000,000 aggregate principal amount of its General Obligation Bond to provide funds for the Water Project and the costs of issuance of the Bond.

Section 3. Form and Terms of the Bond. The Bond shall be substantially in the Form of Bond provided in Exhibit A with appropriate omissions, insertions and variations. The actual Bond will contain the terms of the Bond as required by Section 8.05 of the City Charter. The Bond will be issued for a term not to exceed forty (40) years at an interest rate not to exceed 5% per annum per the current interest rate policy of the Department.

Section 4. Sale of the Bond. The Bond shall be sold at a private sale by negotiation to the United State Department of Agriculture – Rural Utilities Service pursuant to the terms of the Bond and pursuant to loan documents to be entered into by the City and the Department (the "Loan Documents").

Section 5. Covenant to Pay Debt Service - Pledge of Full Faith, Credit and Taxing Power. The City hereby covenants with the Department pursuant to this Resolution as follows: that the City will include in its budget for each fiscal year during the life of the Bond, the amount of the debt service on the Bond issued hereunder which will be payable in each such fiscal year so long as the Bond shall remain outstanding; that the City shall appropriate such amounts from its general revenues to the payment of such debt service; that the City shall duly and punctually pay or cause to be paid the principal of the Bond and the interest thereon at the dates and places and in the manner stated in the Bond according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the City hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 5 shall be specifically enforceable.

Section 6. Authorization of Loan Documents. The Mayor and the City Clerk are hereby authorized to execute and deliver the Bond and any Loan Documents by and between the City and the Department setting forth the terms of the loan and the City's obligation to repay the loan, which will be evidenced by the delivery of the Bond.

Section 7. Reimbursement - Declaration of Intent. The City reasonably expects to reimburse itself from proceeds of the obligations authorized by this Resolution for capital expenditures initially paid for from current or other available funds of the City. This constitutes a declaration of "official intent" within the meaning of Treasury Regulations §1.150-2. The City

hereby certifies that this declaration is reasonable on the date hereof in that (i) it is consistent with the budgetary and financial circumstances of the City, (ii) no funds (other than the proceeds of the obligations authorized by this Resolution) are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policies with respect to the capital expenditures to be reimbursed, and (iii) the City does not have a pattern of failing to reimburse itself for capital expenditures actually paid and for which an official intent was declared, other than due to unforeseeable extraordinary circumstances beyond the City's control. Once a series of bonds are issued, the City shall allocate Bond proceeds to reimburse a prior expenditure by making the allocation on its books and records maintained with respect to the Bond; provided that such costs to be reimbursed were paid not more than sixty (60) days prior to the date hereof, except to the extent that such costs constitute preliminary costs within the meaning of the Treasury Regulations. Such allocation shall specifically identify the actual original expenditure to be reimbursed. Such allocation shall occur not later than eighteen (18) months after the later of: (i) the date on which the original expenditure is paid, or (ii) the date the Water Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 8. Further Action. The proper officers of the City are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Resolution and the City Charter in the name and on behalf of the City.

Section 9. City Charter Applicable to Bond. This Resolution is adopted pursuant to, and the Bond issued hereunder shall be subject to, the provisions of the City Charter and all of the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

Section 10. Contract with Bondholder. This Resolution constitutes a contract with the Department as registered owner of the Bond and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

Section 11. Severability. In case any one or more of the provisions contained in this Resolution or in the Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Resolution or of said Bond and this Resolution or said Bond shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

Section 12. Repealer. All Resolutions and parts of Resolutions heretofore adopted to the extent that the same are inconsistent herewith are hereby repealed.

Section 13. Effective Date. This Resolution shall take effect on the date this Resolution is adopted by the City Council.

ADOPTED AND RESOLVED this 14th day of January, 2013.

(CITY SEAL)

Attest: _____
Teresa K. Hudson
City Clerk

Joseph R. Rogers
Mayor

CERTIFICATE OF CITY CLERK

The undersigned, City Clerk of the City of Milford, Delaware, HEREBY CERTIFIES that:

The foregoing Resolution authorizing the issuance of a General Obligation Bond of the City was duly moved and seconded and adopted by a majority vote of the City Council of said City at a duly called and convened public meeting of said Council held on January 14, 2013; and that the roll of the City Council was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Douglas E. Morrow, Sr., Vice-Mayor	
Garrett L. Grier III	
Steve L. Johnson	
Dirk G. Gleysteen	
S. Allen Pikus	
Owen S. Brooks, Jr.	
James O. Starling, Sr.	
Katrina E.J. Wilson	

and that such Resolution and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the City this 14th day of January, 2013.

City Clerk

(CITY SEAL)

EXHIBIT A
[FORM OF BOND]

REGISTERED
R-1

\$5,000,000

UNITED STATES OF AMERICA
STATE OF DELAWARE
CITY OF MILFORD, DELAWARE

GENERAL OBLIGATION BOND
(WATER FACILITIES IMPROVEMENTS PROJECT)
SERIES 2013-RUS

Maturity Date: _____, 20__

Registered Owner: The United States of America (by and through the Rural Utilities Service,
United States Department of Agriculture,)

Principal Amount: FIVE MILLION DOLLARS (\$5,000,000)

THE CITY OF MILFORD, DELAWARE, a municipal corporation and political subdivision of the State of Delaware (hereinafter referred to as the "City"), for value received hereby acknowledges itself indebted and promises to pay to THE UNITED STATES OF AMERICA, or to any other registered owner hereof, the principal sum of FIVE MILLION DOLLARS (\$5,000,000). The City shall pay interest on the unpaid principal balance from the date hereof at a rate of _____ per centum (___%) per annum until fully paid.

Principal and interest shall be payable quarterly on each _____, _____, _____, and _____ commencing _____, 20__, until and including _____, 20__, in 160 consecutive quarterly installments in the amount of _____ Dollars (\$_____). Interest hereon shall be calculated on the basis of a 365-day year and be paid for the actual number of days elapsed. Both the principal of and interest on this Bond are payable in lawful money of the United States of America. Principal of and interest on this Bond shall be paid electronically through the Rural Utilities Service Preauthorized Debt payment process while the registered owner of this Bond is the United States of America. If the registered owner of this Bond is not the United States of America, payment shall be made by check or draft mailed to the registered owner of this Bond as shown on the bond register maintained by the City.

This Bond has been duly authorized and is issued pursuant to the terms of the Laws of the State of Delaware, particularly Chapter 148, Volume 72, Laws of Delaware, as amended (the "City Charter"), Resolutions adopted by the City on November 26, 2007, January 14, 2008 and _____, 20__ [date RUS Bulletin 1780-27 adopted] (collectively, the "Resolutions"), a public hearing held on January 14, 2008 (the "Public Hearing") and a favorable special election conducted on February 23, 2008 (the "Special Election") and a Bond Resolution adopted by the City on January 14, 2013 (the "Bond Resolution" and together with the City Charter, Resolutions, Public Hearing and Special Election, the "Authorizing Acts") to fund upgrades and improvements to the water facilities of the City, specifically, improvements associated with the development of new wells, a production and treatment facility, a storage tower and system.

This Bond may be prepaid or redeemed in whole or in part at any time or from time to time without penalty and any prepayment in part of this Bond shall be applied to all or a portion of the installments then outstanding as shall be specified by the City.

It is hereby certified and recited that all conditions, acts, and things required by the Constitution, statutes or laws of the State of Delaware and the Authorizing Acts to exist, be performed or happen, precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution, statutes or laws and the Authorizing Acts. This Bond is a valid and legally binding obligation of the City and, unless paid from other sources, will be payable from ad valorem taxes levied upon all real property subject to taxation by the City. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond according to its terms.

Any transfer of this Bond must be registered, as provided in the Authorizing Acts, upon the Bond Register kept for that purpose at the offices of the City by the registered owner hereof in person, or by his attorney duly authorized in writing. Upon surrender of this Bond together with a written instrument of transfer satisfactory to the City executed by the registered owner, or his attorney duly authorized in writing, a new registered Bond of the same series and security and in the same principal amount, shall be issued to the transferee in exchange herefor as provided in the Authorizing Acts free of charge except for any applicable transfer tax or other governmental charge. The City may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes, as provided in the Authorizing Acts.

IN WITNESS WHEREOF, the City has caused this Bond to be signed by the Mayor and attested by the City Clerk, and the official corporate seal of the City to be imprinted or impressed hereon, and this Bond to be dated _____, 20__.

CITY OF MILFORD

(CITY SEAL)

Joseph R. Rogers
Mayor

Teresa K. Hudson
City Clerk

[END OF FORM OF BOND]

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: NOVEMBER 2012

Cash Balance - General Fund Bank Balance	\$3,460,618
Cash Balance - Electric Fund Bank Balance	\$4,272,258
Cash Balance - Water Fund Bank Balance	\$2,394,022
Cash Balance - Sewer Fund Bank Balance	\$730,272
Cash Balance - Trash Fund Bank Balance	\$444,464

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	233,351	894,867	1,953,009	0
Deposits	217,396		9,557	
Interest Earned this Month	55	109	305	
Disbursements this Month	(558)		(41,667)	
Investments				250,000
Ending Cash Balance	\$450,244	\$894,976	\$1,921,204	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,479,759	4,420,663	3,540,499	11,108,101
Deposits				
Interest Earned this Month	423	755	604	1,761
Disbursements this Month				
Investments	250,000			
Ending Cash Balance	\$2,730,182	\$4,421,418	\$3,541,103	\$11,109,862

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	1,021,404	\$720,241	\$264,239
Deposits	4,490	\$2,372	\$1,200
Interest Earned this Month	158	\$115	\$44
Disbursements this Month			
Investments			
Ending Cash Balance	\$1,026,052	\$722,728	\$265,483

INTEREST THROUGH THE FIFTH MONTH OF THE FISCAL YEAR:

General Fund	4,465	Water Fund	1,379
GF Capital Reserves	6,752	Water Capital Reserves	10,630
General Improvement Fund	217	Water Impact Fees	237
Municipal Street Aid	597	Sewer Fund	453
Real Estate Transfer Tax	4,344	Sewer Capital Reserves	11,352
Electric Fund	3,059	Sewer Impact Fees	172
Electric Reserves	46,721	Trash Fund	2,444
Electric Impact Fees	67		

TOTAL INTEREST EARNED TO DATE \$92,889

REVENUE REPORT

Page Two

Date: November 2012	AMOUNT BUDGETED	MTD	YTD	42% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	163,735	0	163,733	100.00%
General Fund Capital Reserves	334,705	0	37,278	11.14%
Property Transfer Tax-Police	500,000	41,666	208,333	41.67%
Real Estate Tax	3,508,380	(33,751)	3,577,678	101.98%
Business License	35,000	100	3,025	8.64%
Rental License	85,000	1,550	4,550	5.35%
Building Permits	60,000	2,163	74,354	123.92%
Planning & Zoning	25,000	0	2,700	10.80%
Grasscutting Revenue	5,000	416	2,080	41.60%
Police Revenues	431,454	61,938	152,926	35.44%
Misc. Revenues	262,810	5,372	45,995	17.50%
Transfers From	3,215,480	267,958	1,339,784	41.67%
Total General Fund Revenues	\$8,626,564	\$347,412	\$5,612,436	65.06%
Water Revenues	2,330,000	211,057	1,092,635	46.89%
Sewer Revenues	2,030,920	176,760	880,274	43.34%
Kent County Sewer	1,500,000	125,027	623,041	41.54%
Solid Waste Revenues	1,118,252	94,440	462,104	41.32%
Electric Revenues	23,686,500	1,876,156	10,931,139	46.15%
TOTAL REVENUES	\$39,292,236	\$2,830,852	\$19,601,629	49.89%
YTD Enterprise Expense		43,710		
YTD Enterprise Revenue		41,502		
LTD Carlisle Fire Company Building Permit Fund		79,867		

EXPENDITURE REPORT
Page Three

Date: November 2012

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	477,650	\$41,443	210,904	44.15%	266,746
O&M	156,505	\$6,725	44,461	28.41%	112,044
Capital	0	\$0	0		0
Total City Manager	\$634,155	\$48,168	\$255,365	40.27%	378,790
Planning & Zoning					
Personnel	127,535	\$9,332	45,992	36.06%	81,543
O&M	35,550	\$2,118	9,160	25.77%	26,390
Capital	0	\$0	0		0
Total P, C & I	\$163,085	\$11,450	\$55,152	33.82%	107,933
Code Enforcement & Inspections					
Personnel	141,890	\$10,977	54,034	38.08%	87,856
O&M	55,200	\$2,228	16,991	30.78%	38,209
Capital	0	\$0	0		0
Total P, C & I	\$197,090	\$13,205	\$71,025	36.04%	126,065
Council					
Personnel	31,225	\$1,934	10,484	33.58%	20,741
O&M	39,650	\$1,138	9,470	23.88%	30,180
Council Expense	17,000	\$525	10,170	59.82%	6,830
Contributions	369,735	\$0	229,733	62.13%	140,002
Codification	3,000	\$1,372	2,642	88.07%	358
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	17,000	\$0	8,954	52.67%	8,046
Capital	18,275	\$0	18,338	100.34%	(63)
Total Council	\$504,885	\$4,969	\$289,791	57.40%	215,094
Finance					
Personnel	330,625	\$25,090	125,394	37.93%	205,231
O&M	51,325	\$3,472	18,335	35.72%	32,990
Capital	0	\$0	0		0
Total Finance	\$381,950	\$28,562	\$143,729	37.63%	238,221
Information Technology					
Personnel	170,165	\$13,088	65,424	38.45%	104,741
O&M	169,550	\$5,471	55,979	33.02%	113,571
Capital	61,575	\$0	26,540	46.35%	33,035
Total Information Technology	\$401,290	\$18,559	\$149,943	37.37%	251,347

EXPENDITURE REPORT
Page Four

Date: November 2012

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,585,375	\$277,100	1,364,136	38.05%	2,221,239
O&M	489,260	\$23,917	229,621	46.93%	259,639
Capital	243,954	\$47,814	50,349	20.64%	193,605
Total Police	\$4,318,589	\$348,831	\$1,644,106	38.07%	2,674,483
Streets & Grounds Division					
Personnel	422,865	\$31,071	141,982	33.58%	280,883
O&M	407,265	\$27,623	153,235	37.63%	254,030
Capital	75,000	\$0	0		75,000
Debt Service	46,095	\$0	0	0.00%	46,095
Total Streets & Grounds	\$951,225	\$58,694	\$295,217	31.04%	656,008
Parks & Recreation					
Personnel	480,345	\$35,118	213,146	44.37%	267,199
O&M	233,950	\$15,947	113,314	48.44%	120,636
Capital	360,000	\$0	25,997	7.22%	334,003
Total Parks & Recreation	\$1,074,295	\$51,065	\$352,457	32.81%	721,838
Total General Fund					
Operating Budget	\$8,626,564	\$583,503	\$3,256,785	37.75%	5,369,779

EXPENDITURE REPORT
Page Five

Date: November 2012

42 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	219,350	\$18,372	85,835	39.13%	133,515
O&M	1,185,150	\$88,795	469,188	39.59%	715,962
Capital	80,000	\$0	31,377	39.22%	48,623
Debt Service	845,500	\$0	0	0.00%	845,500
Total Water	\$2,330,000	\$107,167	\$586,400	25.17%	1,743,600
Sewer Division					
Personnel	219,350	\$18,370	85,828	39.13%	133,522
O&M	1,092,885	\$66,096	445,522	40.77%	647,363
Capital	35,000	\$0	26,854	0.00%	8,146
Debt Service	633,685	\$0	0	0.00%	633,685
Sewer Sub Total	\$1,980,920	\$84,466	\$558,204	28.18%	1,422,716
Kent County Sewer	1,550,000	\$125,016	623,031	40.20%	926,969
Total Sewer	\$3,530,920	\$209,482	\$1,181,235	33.45%	2,349,685
Solid Waste Division					
Personnel	338,610	\$29,740	134,470	39.71%	204,140
O&M	779,642	\$72,885	301,580	38.68%	478,062
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,118,252	\$102,625	\$436,050	38.99%	682,202
Total Water, Sewer Solid Waste					
	\$6,979,172	\$419,274	\$2,203,685	31.58%	4,775,487
Electric Division					
Personnel	972,700	\$78,492	372,388	38.28%	600,312
O&M	1,801,635	\$120,155	662,938	36.80%	1,138,697
Transfer to General Fund	2,500,000	\$208,334	1,041,667	41.67%	1,458,333
Capital	266,725	\$0	7,940	2.98%	258,785
Debt Service	645,440	\$0	58,346	9.04%	587,094
Electric Sub Total	\$6,186,500	\$406,981	\$2,143,279	34.64%	4,043,221
Power Purchased	17,500,000	\$1,491,303	8,199,101	46.85%	9,300,899
Total Electric	\$23,686,500	\$1,898,284	\$10,342,380	43.66%	13,344,120
TOTAL OPERATING BUDGET					
	\$39,292,236	\$2,901,061	\$15,802,850	40.22%	23,489,386

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: November 2012

ACCOUNT	AMOUNT BUDGETED	MTD	42% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	91,800	6,258	29,374	32.00%	62,426
O&M	65,655	5,982	26,077	39.72%	39,578
Capital	0	0	0		0
Total Garage Expense	\$157,455	12,240	\$55,451	35.22%	102,004
Public Works					
Personnel	310,070	17,747	86,943	28.04%	223,127
O&M	205,550	14,275	65,461	31.85%	140,089
Capital	21,300	0	20,880	98.03%	420
Total Public Works Expense	\$536,920	32,022	\$173,284	32.27%	363,636
Meter Department-Water					
Personnel	123,030	10,485	48,628	39.53%	74,402
O&M	100,145	4,539	37,673	37.62%	62,472
Capital	0	0	0		0
Total Water Meter Expense	\$223,175	15,024	\$86,301	38.67%	136,874
Meter Department-Electric					
Personnel	174,500	13,856	69,476	39.81%	105,024
O&M	97,560	6,279	22,396	22.96%	75,164
Capital	0	0	0		0
Total Electric Meter Expense	\$272,060	20,135	\$91,872	33.77%	180,188
Billing & Collections					
Personnel	445,725	35,789	175,835	39.45%	269,890
O&M	283,830	23,724	118,392	41.71%	165,438
Capital	0	0	0		0
Total Billing & Collections	\$729,555	59,513	\$294,227	40.33%	435,328
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,600	5,049	20,719	37.95%	33,881
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,600	5,049	\$20,719	37.95%	33,881

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.