

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 13, 2010*

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 13, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Grier to approve the minutes of the November 8 and 22, 2010 Council Meetings as presented. Motion carried.

RECOGNITION

*Proclamation 2010-22/George Day Week*

The city clerk read the following proclamation into record as Mayor Rogers presented the proclamation:

*WHEREAS, GEORGE DAY is a resident whose personal goal is to enhance and preserve a clean, well-maintained community; and*

*WHEREAS, GEORGE DAY walks the streets of Milford finding ways to tackle safety and appearance concerns to prevent them from becoming bigger problems; and*

*WHEREAS, GEORGE DAY has provided countless hours of volunteer services that include litter pickup, landscaping maintenance, right-of-way cleaning, trash container storage, damaged and illegal sign removal and ensuring proper flag etiquette throughout the city; and*

*WHEREAS, GEORGE DAY is always willing to help, often by way of an unexpected act such as picking up and placing one's newspaper on their front step to contributing to a community project.*

*NOW THEREFORE, I, Joseph Ronnie Rogers, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the week of December 12 through December 18, 2010 as GEORGE DAY WEEK in the City of Milford. I encourage all city staff and residents to acknowledge this Good Samaritan for his tremendous contribution to our community and his dedication to making our city a more beautiful and kind community in which to live, work and play.*

*BE IT FURTHER PROCLAIMED that GEORGE DAY be awarded a Key to the City as a symbol of our appreciation and for becoming Milford's own "HOMETOWN HERO" by making a difference and bringing together the true spirit of our community throughout the year.*

Mayor Rogers then recognized the Lions Club Members and asked them to come forward noting that Lucy Mehl had asked that Mr. Day be recognized. He then thanked Mr. Day for the many things he does emphasizing what an honor it is to acknowledge him.

Mr. Day then addressed council stating he does these things because of his father and mother, his Scout Master /Sunday School teacher and the military. He said he is mission-oriented and when he has a goal, he will carry it through.

He also thanked the city manager for his help in having a tree removed that was interfering with city electric wires.

Mayor Rogers then recognized former State Senator Robert Voshell, Downtown Milford President Irvin Ambrose and former City Manager Richard Carmean.

**POLICE REPORT**

Mr. Morrow moved to accept the police report as submitted by Chief Hudson, seconded by Mr. Starling. Motion carried.

**CITY MANAGER REPORT**

Mr. Baird then read the following report into record:

***Solid Waste & Recycling***

*On August 1, the City Solid Waste Department began the collection of curbside recycling. During the month of November, the Solid Waste Department collected 452.16 tons (385.12 tons of Solid Waste; 29.55 tons of Recycling and 37.49 tons of yard waste).*

	<i>Recycling Tons</i>	<i>Recycling Rate</i>
<i>Nov-09</i>	<i>31.85</i>	<i>7.70%</i>
<i>Nov-10</i>	<i>29.55</i>	<i>7.12%</i>

*Earlier this year, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.*

	<i>Recycling</i>	<i>Solid Waste</i>	<i>Yard Waste</i>	<i>Total</i>	<i>Diversion Rate</i>
<i>2009</i>	<i>442.44</i>	<i>4684.38</i>	<i>-</i>	<i>5126.82</i>	<i>8.63%</i>
<i>2010 YTD</i>	<i>403.50</i>	<i>4303.16</i>	<i>37.49</i>	<i>4744.15</i>	<i>9.29%</i>

***Impact Fee Waivers***

*Since the waiver of impact fees was implemented in June, the City has waived \$131,196 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$7,331,538 (based on building permit values) during the months of June through November.*

***N. Front St. Sewer Project***

*This project is substantially completed and the City is working with the Contractor to address punch list items for the job. You will recall the City provided an additional 45 days to complete the job and the contractor utilized 43 of the 45 days and that included inclement weather days. The City will be working to close out the project over the next few weeks*

*and I will provide a more detailed report on the project to City Council at your next meeting. The work you will see in the area now is part of the Kent County By-Pass force main project.*

***Board of Adjustment Hearing—Peoples Place***

*The Board of Adjustment considered an application to allow a two-foot variance over the six-foot limitation which would allow an eight-foot fence to be constructed in R-2 zone on N. Walnut Street. The request was unanimously approved.*

***Water Tower Maintenance***

*The City is soliciting bids for pressure washing and spot painting on the 10<sup>th</sup> Street Water Tower to remove the staining that is visible. Both the engineers and painting contractors have advised the City not to undertake a complete painting until all of the water can be removed from the tanks. Based on the water demand in the City, we have been advised to wait until the new tower constructed before we paint the existing towers.*

***Electric Utility Rate Comparison***

*Mr. Baird referenced the Residential Utility Rate Comparison from DEMEC for December 2010 emphasizing Milford is the lowest municipal provider for 1,000 kWh on the residential side though we are 27% higher than Delaware Cooperative.*

***City Holidays***

*City offices will be closed on Friday, December 24 and Monday, December 27 in observance of Christmas Eve and Christmas Day. City Offices will also be closed on Friday, December 31 in observance of New Year's Day.*

***Circle of Light***

*Since the presentation during the Nov. 22 workshop, Circle of Light has announced plans for its operations during the winter months. Councilwoman Wilson will be providing an update on their efforts.*

When asked if it would pay to enter into a contract to maintain the water towers on an annual basis, Mr. Baird advised there will be an up-front cost which council must weigh though it should be considered. Mr. Pikus recalled Public Works Chairman Brooks suggesting that the lease fees received for antenna space be used to offset any maintenance costs. Mr. Baird advised that currently, those revenues go into the general fund though that should be discussed during the upcoming budget hearings.

Ms. Wilson then followed up on the Circle of Light program. She reported a meeting was held last week at which time it was announced the temporary shelters would open January 17<sup>th</sup> thru March 31<sup>st</sup> at the Nazarene Church at Route 113 and Tenth Street. Volunteers and donations are needed in addition to toiletries and similar items. A number of local agencies are partnering with the Circle of Light though they are still in need of monetary donations.

She advised that approximately 70 churches were sent announcements though only seven were present at this most recent meeting.

The shelter will host sixteen people—eight men and eight women with consideration given to children. People are needed to man the facility and volunteers are needed to cook two meals a day. Each day requires a new check-in/check-out process. A facility in Dover, who has offered this service for a number of years is helping train individuals in Milford.

She asked that the city provide some assistance by way of volunteer time or money and suggested it be taken from the discretionary fund.

When Ms. Wilson reported that air mattresses would be used for bedding, Mr. Pikus asked if cots were needed. Ms. Wilson advised that air mattresses were preferred because they did not require a great deal of storage.

Mr. Pikus then reported the National Guard storage facility has a large number of folding cots they want to dispose of; Ms. Wilson will forward that information to the Circle of Life.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then announced the Milford Lions Club has been in contact with Reverend Kevin Bowers and are planning to provide a large donation to the program.

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

## COMMITTEE REPORT

### *Finance Committee-Monthly Report*

Chairman Pikus reported that through the fourth month of Fiscal Year 2010-2011 with 33% of the fiscal year having passed, 41.63% of revenues have been received and 32.16% of the operating budget expended. Of those revenues, building permits are over 100%. Mr. Pikus feels the city is in good shape which he attributes to good fiscal management.

### *Finance Committee-Acceptance of Fiscal Year 2009-2010 City of Milford Audit*

Mayor Rogers asked Finance Director Jeff Portmann to comment on the recent audit.

Mr. Portmann explained an audit is a financial statement that represents the City of Milford at the end of the fiscal year, which in this case, occurred on June 30, 2010. The auditors will come in and attest to those numbers by verifying those numbers/records are correct. He reported the audit is an unqualified opinion with no findings which means the auditors have no issues with the city and he has no issues with them.

With no questions or comments, Mr. Pikus moved to accept the Annual Audit for the year ending June 30, 2010 and the October Finance Report, seconded by Mr. Grier. Motion carried with no one opposed.

## COMMUNICATIONS

### *Community Christmas Dinner*

Mr. Starling reported that for the sixth year, St. Paul's United Methodist Church, headed by Reverend Jeanel Starling will sponsor another dinner at the Masonic Lodge on Christmas Day from noon through 4:00 p.m. Members of the church cook and serve the meal to the less fortunate. Those that are unable to travel will have their meals delivered. He added it is also a good way for those living alone to have Christmas dinner with other people.

He asked that he be contacted with names of anyone in this situation. Donations are still being accepted.

## UNFINISHED BUSINESS

### *Introduction of Ordinance 2010-20/Water Code Amendment*

The following ordinance was officially introduced, with its adoption projected at the December 28<sup>th</sup> meeting:

*ORDINANCE 2010-20  
Chapter 222-Water*

*AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, For the purpose of PROHIBITING CERTAIN TYPES OF PRIVATE WATER WELLS.*

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

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

*NOW, THEREFORE, the City of Milford hereby ordains:*

*Section 1. Subsection 3 of Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following definitions:*

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

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

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

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

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

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

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

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

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

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

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

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

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

*Section 2. Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following section:*

*§222-32 Wells.*

*A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and/or the area served by the City's water system.*

*B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.*

- 1. Any well lawfully in existence at the time of enactment of this ordinance, provided, however, the size of such wells shall not be expanded.*
- 2. Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields)*
- 3. Domestic wells when the property is not located within 200 feet of the City's water system.*
- 4. Heat pump wells are permitted for the conservation of natural resources and energy.*
- 5. Dewatering, observation, monitoring and test wells are permitted in accordance with State regulations.*
- 6. Public, Industrial or Irrigation wells are permitted upon approval of City Council.*

*Section 3. Dates.*

*Introduction to City Council: 12-13-10*

*Projected Adoption Date: 12-28-10*

*Projected Effective Date: 01-08-11*

Mr. Baird recalled this ordinance being discussed at the last council meeting. It reinstates the prohibition on private wells within the city though there are some situations in which they would be permitted.

He thanked Public Works Director Brad Dennehy and City Engineer Mark Mallamo for working with the state so the ordinance coincides with their regulations.

*Mispillion Life Ring Project*

Mayor Rogers recalled the program previously presented by Carlisle Fire Company in memory of Dee' Jion Fullman who drowned in the Mispillion River this past year. In order to purchase the life ring station, Mr. Baird asked council to approve \$536, in addition to the cost of the plaque, and recommended funding from the council expense account.

Mr. Pikus moved for approval of the funding of the ring and plaque, seconded by Mr. Starling to be paid from the city council account. Motion carried with no one opposed.

Mr. Starling then reported that donations are steadily coming in for the scholarship programs for children to take swimming lessons at the Boys and Girls Club.

*Approval of Agreement/Rotary Area 4 Can Do Too Playground*

The city manager recalled the city partnering with the Rotary Club District 7630 to build a playground for special needs children in the Tony Silicato Park. The agreement outlines the Rotary Club's and the city's responsibilities for the park. The Rotary Club is raising the funds though the city has been working with them on the design and logistics. In return, the city agrees to take care any maintenance associated with the facility, both day to day and long term.

The Rotary Clubs are establishing a fund that will be used for the maintenance and will be included in their fundraising efforts. The agreement allows them to create a separate entity for the fundraising. It will also allow them to file for their 501c3 nonprofit status with the IRS. Once that is in place, they will kick off the formal fundraising project. Their goal is to raise \$200,000 which they are very confident can be accomplished.

Mr. Brooks moved for approval of the Rotary Can Do Too Playground agreement, seconded by Mr. Morrow. Motion carried by unanimous roll call (6-0) with Mr. Pikus abstaining due to being President of the local Rotary Club.

NEW BUSINESS

*Bid Award/Demolition of 201, 203, 205 and 207 N.W. Front Street Properties*

Mr. Baird introduced Building Inspector Don Williams to present the proposal to council. Mr. Williams then provided an update on 203, 205 and 207 Northwest Front Street properties owned by Daniel Bond and/or Spyros Doukas.

He advised the properties were condemned and posted on January 20, 2010. Mr. Doukas appealed the decision of the condemnation. Following a few hearings, on November 18<sup>th</sup>, the Board of Appeals confirmed the condemnation. At that time, the board gave Mr. Doukas an opportunity to submit, within 90 days, restoration plans prepared by a design professional with the name of the contractor and the time lines. Additionally, associated costs could not exceed 50% of the property value per the City of Milford Code.

Since only the plans were submitted for the board to consider, the demolition by the city will proceed pursuant to the January 20<sup>th</sup> condemnation notice.

He emphasized that on November 19<sup>th</sup>, the day after the decision was made, notices were again served to both owners with both properties posted giving 30 days to vacate and demolish such structures. If the structures are not demolished after the 30 days, the city is prepared to move forward with the demolition, place liens on the properties, then bill each property owner. If the fees are not collected within the specified time frame, it will be handled in the same manner as a tax lien.

In preparation of the city moving forward to demolish the structures, Mr. Williams said he obtained three quotes. To get the three quotes, they chose three random contractors that were reputable and had been around for awhile. He then came up with a scope of work in which the contractors were asked to provide him a quote on the following work:

- \*Demolishing all the structures on the two lots (203-205-207) (one is basically already down).
- \*Identifying, removing and disposing of any asbestos dealing with these structures.
- \*Removing all debris from properties including the blocks from basements (to prevent it from being pushed in and covered over).
- \*Fill in basements with clean fill dirt as necessary; top with 6" of top soil and plant grass seed/straw.
- \*Finished area should have positive drainage to prevent any standing water.
- \*Install silt fence as necessary to prevent dirt from washing into street (along N.W. Second & Church Streets)

As a result, the following three contractors provided bids:

Clark's General Contractors, Incorporated	\$14,640.00
Eastern Shore Demolition and Construction	\$46,799.00
John Macklin & Sons	\$42,558.96.

Mr. Williams then verified the Clark proposal because it is substantially lower than the other two bids. Mr. Clark signed the contract which is awaiting the city's signature to proceed. The inspector emphasized that all three proposals were based on the same scope of work he had prepared.

The building inspector noted the Clark proposal is the only one with limited fill dirt as he only allotted for 17 loads of fill dirt and 3 loads of topsoil. Therefore, he expects a slight increase if 19 or 20 loads of fill dirt are required. He also did not address the asbestos though Mr. Williams had two separate demolition contractors go through it and neither found any sign of asbestos. However, that does not guarantee it does not exist in the wall. If found, there will be an additional cost of the survey and its removal though it will be minimal and nothing compared to the \$32,000 difference between his quote and the other two.

He said his main concern is if he needs to close the street down. At this time, he indicated he is comfortable with moving the fence currently aligning it and placing it inside the street line. That would handle a falling brick and would prevent it from hitting a passing car. The other concern is the chimney. Due to the heat, it may be a little more brittle and a worst case scenario would be to task someone with closing the street for five to ten minutes to allow enough time to pull the

chimney down.

Mr. Williams will look at the possibility of totally closing the street only should that be needed. He is contacting DelDOT and will follow up with phone calls to 911, the police department and fire department. Should the street need to be closed, he wants to be prepared with DelDOT. He made contact with the police department to discuss what would need to be done if the tenant remained there. He was informed they must be given advance warning though they can be arrested for trespassing if they refuse to leave.

At this time, both owners are in agreement the city should take down the entire structure versus trying to coordinate between the two parties and separate properties.

Mr. Bond has contacted Mr. Williams indicating it should be demolished and is prepared to pay his entire share of any associated costs.

Mr. Williams confirmed that December 19<sup>th</sup> is the thirtieth day and on Monday, December 20<sup>th</sup>, he is prepared to contact the low bidder and advise them we are proceeding. He expects the actual demolition to begin the first week in January.

When asked how to cost allocate the fee, Mr. Williams advised that he will ask the contractor to provide the proportions though he expects it will be 1/3 and 2/3. Both parties agreed that was fair because 2/3 still exists and 1/3 is already down.

Mr. Pikus asked if we are covered enough for overruns because the difference between the two contracts and the lowest one is substantial, which to him is a concern. Mr. Williams then advised that he had received a fourth bid for \$9,000 though he had used that individual previously and chose not to use him again. Mr. Williams advised that Mr. Clark has been in business for 37 years. He has heard a lot about him though he has never used him.

Mr. Pikus asked for verification we are covered for overruns noting the bid is considerably low at \$14,000. He asked if it is possible to hit \$10,000 or \$20,000 in overruns. Mr. Williams said he does not foresee that and from his own experience anticipates at most, it may be a couple thousand dollars more.

Mr. Pikus asked if the city would be responsible for paying the road guards. Mr. Williams said he is unsure if that would be the city's or Mr. Clark's responsibility and is still working the details out. He is comfortable with the proposal and if there is a small cushion of up to \$20,000, that would be more than adequate. He does not see any additional problem other than the dirt/asbestos reiterating that two people went through the entire structure and were unable to find any. They actually used crowbars though that does not ensure the one untouched wall did not have some.

Ms. Wilson wants to make sure we do not wait until December 19<sup>th</sup> to inform the individual still living there and hopes they have another place to stay. Mr. Pikus advised the tenant is a relative of the property owner.

Mr. Williams advised they will handle it in the same manner as they did the previous demolition where the tenant was provided help in relocating. However, in this case, the tenant is a relative of the owner and there is a plan to move the person though he does not know when or how that will happen.

He concluded by stating that if he has not received any notices prior to December 19<sup>th</sup>, he plans to move forward with the demolition by signing the contract. He will let the tenant and both owners know exactly what his plan is and inform them, that as of January 3, 2011, the building will be demolished. At that time, anyone still there will be arrested and their contents destroyed.

Ms. Wilson said she is not familiar with this situation, but she knows it took a lot of work, planning and money to find a decent place for the other tenant to relocate.

Mr. Baird reiterated the owners have exhausted their appeal process through the city. However, there is still a possibility they could file in the state court system. We have not heard anything specific though we have received some indications of their intent. At this point, nothing short of a court order will stop the demolition. If that appears, it will be addressed

at that time.

Mr. Baird then recommended council authorize \$20,000 for the project and award the contract to Jack Clark. We would then have the additional \$5,000 as a contingency. Between those two funding sources of funds along with Mr. Bond being ready to pay his share immediately, the city manager feels we will have adequate money.

Mr. Pikus moved to award the bid to Jack Clark in the amount of \$14,640 contingent upon the property owners not demolishing the properties within the time frame established by the Board of Appeals and authorize up to \$20,000 to be paid from the General Fund Capital Reserve Account, seconded by Ms. Wilson.

Mr. Pikus verified that this money will be reimbursed by these owners and that account repaid; Mr. Baird stated that is correct.

Motion carried by unanimous roll call vote.

Mr. Pikus also confirmed that any overruns will be billed to the property owners; Mr. Baird stated that is also correct.

#### *Solid Waste/Yard Waste Collections/2011 Trash & Recycling Collections*

Mr. Baird recalled the changes to the Delaware Solid Waste Authority's requirements and regulations at the transfers stations and landfills as has been previously discussed. He said they will still accept yard waste though it will have to be segregated.

Public Works Director Brad Dennehy then reminded council that 50% landfill diversion is required by 2015 per a recently adopted state law. He said one element of the bill involves recycling which the city has taken over; effective January 1<sup>st</sup>, DSWA will no longer accept yard waste mixed in with regular trash pickup.

Mr. Dennehy stated there are three components—leaves, limbs and everything else. He said we are doing a good job picking the leaves up at the curbs. We are using our chipper for the limbs though that requires the customer call and make the request. He said we have made out well getting rid of the chips with the local farmers who allow us to dump them for free.

He reported that they recently met with Blessing Farms who agreed to allow the city to dump all leaves and yard waste debris for \$20 a ton at their site at Argos Corner versus sending it to DSWA for \$80 a ton. Though it is a bit further to travel than the transfer station, the \$60 savings will be worth it.

The public works director feels the problem is how to handle the balance of the debris. One of several options considered was to purchase separate containers which would come at a cost of \$250,000 to \$300,000.

Instead, during a six-month trial period beginning January 1<sup>st</sup>, any yard debris such as dead flowers, weeds, shrubbery clippings, etc. will be collected by the solid waste department on Wednesdays. Residents should place these items in a separate 33 gallon container (as are available at Ace hardware, Lowes, Wal-Mart etc.). He said that any containers too heavy for our crews to lift into the back of the garbage trucks will not be picked up.

Mr. Dennehy emphasized that if a lot of complaints are received, other options will need to be considered.

At a recent DNREC meeting, it was reported some grant money is available for these transition programs. When asked if the city could purchase yard containers with the grant money, Mr. Dennehy received a mixed reaction. He explained they are pushing the recycling component and view yard waste as a separate issue that DSWA has regulated. Regardless, an application is being submitted with the hope it can be used to purchase yard containers.

A brochure will be mailed to residents explaining these procedures and providing contact information.

When asked if the information would be provided in the utility bills, and Mr. Dennehy confirmed the brochures would be sent to all trash customers in the city.

Mr. Dennehy said they also considered a compostable bag instead of a container. But DSWA nor Blessing will accept them because they get churned up in the machinery which is the reason no one is using them in the State of Delaware.

When asked if there is a public relations plan to ensure our citizens are informed of these changes, Mr. Dennehy explained the city does as much as possible to provide this information but a lot of people do not read or ever see it. He agrees it is an ongoing effort and there will always be customers who are unaware of the change.

Mr. Dennehy and Mr. Baird met with Milford Chronicle Editor Gwen Guerke who is also writing an article on the issue.

The public works director then referred to the 2011 Recycling and 2011 Holiday Trash Schedule.

The city manager then added that though Blessings is not a Milford business, it is a local business and this waste will be used as part of their operation.

Mr. Baird stated it would be difficult to find another Delaware town that is as far along with this effort, not just with the yard waste, but the overall solid waste program, as the goals established by the general assembly and DNREC are met. He feels Milford will become a leader in comparison to the other municipalities up and down the state.

It was confirmed that leaves are to be placed on the inside of the curbs and not on the street or blocking a sidewalk.

Mr. Brooks moved to adopt the new plan for yard waste disposal, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

*Introduction of Ordinance 2010-21/Conditional Use/Silicato-Wood Partnership LLC*

The following ordinance was officially introduced. A public hearing is scheduled on January 24, 2011 after it is heard by the Planning Commission at their monthly meeting on December 21, 2010:

*ORDINANCE 2010-21  
Conditional Use/Silicato-Wood Partnership LLC*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR DALE McCALISTER ON BEHALF OF SILICATO-WOOD PARTNERSHIP LLC TO ALLOW A BILLBOARD IN A C-3 DISTRICT AT 108 SILICATO PARKWAY, MILFORD, DELAWARE. TAXMAP MD-16-174.15-01-01-05; 3.42 +/- acres.*

*Whereas, the City of Milford has been requested by Dale McCalister on behalf of Silicato-Wood Partnership LLC to allow a conditional use for a billboard; and*

*Whereas, the Planning Commission reviewed the application at a public hearing on December 21, 2010 and has presented the item to be considered by the City Council; and*

*Whereas, the City Council held an advertised public hearing on January 24, 2011 to allow public comment on the application.*

*Now, Therefore, the City of Milford hereby ordains:*

*Section 1. Upon the adoption of this ordinance, Silicato-Wood Partnership LLC is hereby granted a conditional use permit to allow a billboard in accordance with the application, approved plans and any conditions set forth;*

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

*Section 3. Dates.*

*Introduction to City Council: 12-13-10*

*Planning Commission Review & Public Hearing: 12-21-10*

*City Council Review & Public Hearing 01-24-11*

*JJID/North Front Street Sewer Project/Change Order No. 5*

Mr. Baird presented Change Order No. 5 for the North Front Street Sewer Project. This change order totals \$3,706.12 and is associated with labor and equipment costs as a result of replacing approximately 160 feet of existing storm drain and a catch basin. He also referenced the additional justification provided by our engineers at Davis, Bowen and Friedel which was included in the packet.

He emphasized that both the contractor, the city and our engineers are all in agreement this is a justified change order request. This will increase the value of the contract and bring the total contract to \$809,955.53. The original contract price was \$790,195.00. He noted there has been an overall increase of \$19,755.00.

Mr. Baird advised that since the contract is substantially completed and we are now working through the punch list items, another change order will be prepared to address any loose ends and could require some additional negotiations.

Mr. Pikus said that with the increases, is the bond still adequate; Mr. Baird answered yes. Mr. Pikus asked if the contract continues to increase and it is over and above the original cost of \$790,195, will any additional appropriations be needed. Mr. Baird said it should not though we are unsure how it will play out. However, the final change order will include some deducts from the contract price that are due the city and some possible increases. At this point, he expects the deducts to be higher than the increases coming from the contractor which could bring it back down though that is not guaranteed.

Mr. Brooks pointed out that though there is an additional \$19,775 in costs but that included an additional 20 feet of line. Mr. Baird said change order 2 provided for some additional feet of gravity sewer that was replaced and was not part of the original contract. This corrects 160 feet of storm drain and catch basin not originally planned. Therefore, the city is the beneficiary of these additional improvements.

Mr. Dennehy then explained that our designers did not know there was a storm pipe running east to west down Front Street. The storm drain was not connected to the catch basin so there were two existing storm pipes in the ground and a third one no one was aware of. It was full of water when they ripped it out of the ground. They ended up having to install a new catch basin and connect all the pipes together.

He said that in this change order, we actually got the contractor to furnish the materials free of charge with the city only paying for the labor and equipment. In this incident, it benefitted the city.

Mr. Pikus moved to approve Change Order No. 5 as presented, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

## FINANCE REPORT

Addressed earlier (see Committee Reports).

## *Executive Session*

Mr. Pikus moved to go into Executive Session pursuant to Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed and Pursuant to

29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:16 p.m. to go into a closed session.

*Return to Open Session*

Council returned to open session at 8:43 p.m.

*Executive Session Matter*

Mr. Pikus moved for approval and proceed with the item as was discussed in Executive Session, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

ADJOURN

Mayor Rogers adjourned the Monthly Council Meeting at 8:44 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder