

Milford City Council
Minutes of Meeting
January 25, 2021

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, January 25, 2021 at 6:31 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Danial Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See January 25, 2021 Council Workshop agenda and packet for additional information.

Carlisle Fire Company Presentation/President Tor Hazzard & Member Duane Fox

Following an introduction by City Manager Mark Whitfield. Carlisle Fire Company President Tor Hazzard and Member Duane Fox from Carlisle Fire Company were in attendance to provide an update on the Company's activities over the past year. President Hazzard provided a brief history and synopsis of recent activity, in, followed by Firefighter Fox who presented the following report:

In March of 2020, Carlisle Fire Company (CFC) sent a grant proposal to the Milford City Council (City). Due to COVID 19, no presentation by CFC personnel was made. In April, the City granted CFC \$140,000.00 to be distributed in January 2021.

FY 20 City Grant in Aid income (\$140,000.00) from April 2019 was received and deposited on June 17, 2020. This money was used to offset employee salary/benefits and City of Milford utility bills as indicated in this report. The FY 20 \$140,000.00 grant was spent before the money was deposited. CFC's fiscal year is July-June and the City grant in aid is typically granted and deposited in January by virtue of an MOU. So, the grant is used for City utilities FY 19/20 and the salary/benefits from January 2020 until the money is depleted about thirteen weeks later.

Expenses:

Electric/Water/Trash	\$30,501.00
Employee Salaries/Benefits	\$109,499.00
Total	\$140,000.00

The Carlisle Fire Company is a combination (career staff and volunteer) department. Currently, the career staff mans the EMS apparatus and handles all the EMS calls within the CFC fire district as well as half of the South Bowers fire district. The volunteers answer all the fire calls within the CFC fire district.

This is in addition to providing Fire Police to assist Milford Police Department with parades, funerals, accidents, electrical issues, traffic control, etc. that totals approximately 1,000 man hours.

Future City Responsibilities

Career Fire Department

One Engine (pumper) and one Ladder Truck staffed by career staff:

- Two four-man crews
- o Six firefighters
- o One Captain
- o One Lieutenant
- o One Battalion Chief
- o One Fire Chief – day shift only

To staff the Company 24/7, 365 days a year, would require at least four shifts a total of 37 persons minimum, not including needed personnel to offset PTO.

Anticipated staff salaries:

•	Firefighter	(24)	\$45,000	\$1,080,000.00
•	Officers	(8)	\$60,000	\$480,000.00
•	Battalion Chiefs	(4)	\$70,000	\$280,000.00
•	Fire Chief	(1)	\$90,000	\$90,000.00
				\$1,930,000.00

Those numbers only include salary and not the cost of apparatus, gear, uniforms, equipment, housing, or maintenance.

Career EMS

Two BLS units staffed by career staff:

- Two two-person crews
- o Three EMTs
- o EMS Lieutenant
- o EMS Captain – day shift only.

To staff 24/7 365 days a year would take at least four shifts a total of 16 persons minimum, not including needed personnel to offset PTO.

Staff salaries:

•	EMT	(12)	\$40,000.00	\$480,000.00
•	EMS LT	(4)	\$50,000.00	\$200,000.00
•	EMS Capt	(1)	\$60,000.00	\$60,000.00
				\$740,000.00

Again, these costs are only for salaries and do not include apparatus, gear, uniforms, equipment, supplies, housing, or maintenance.

Currently, the Fire Company saves the City approximately \$2.7 million in salaries and another \$2.0 million in other expenses not provided in the above data. The cost would be around \$5 million per year. Taxes would have to increase per property by at least \$1,125.00.

In FY20, the City Grant In Aid Income (\$140,000) was received and deposited on June 17, 2020. That money is used to offset employee salary/benefits and City of Milford utility bills.

Mr. Fox shared that in 2020, CFC responded to 572 fire calls and 3,406 EMS calls and reiterated that roughly 75% of all the fire and EMS calls are within the City limits. The money received from the City basically only covers EMS responsibilities and Carlisle Fire calls inside the City limits for about 13 weeks.

As a result, last year, CFC responded to 2,984 calls or eight calls a day in the City compared to .11 calls a day within the fire district.

Mr. Fox then discussed future City responsibilities and career fire department staff needs. Mr. Fox expressed the need for volunteers and the difficulty that the department has had to get them over the last few years.

Mr. Fox discussed the City's growth and the new developments (below) that are under construction or in the process of approvals. The continual expansion will increase the number of calls for the fire department.

Hearthstone Manor – apartments and single-family units
Hearthstone Manor II – mix of residential units
Brookstone Trace – Townhouses and apartment buildings
Watergate – Townhouses with small commercial
Windward on the River – apartments and commercial
Simpson Farm – mix of residential units and commercial
Milford Ponds – single family
Wickersham – single family
Bayhealth South Campus – medical office and specialty services
Knights Crossing – mix of residential units

Mayor Campbell asked if people were charged when they used the ambulance service; Mr. Fox replied that they are charged through the insurance is typically billed. Mr. Hazzard added that it goes out to a billing company and there are sometimes errors made. If that person is not a member of the ambulance club, they are responsible for the balance after the insurance company has paid their portion.

The department has three ambulances and two are staffed during the daytime hours.

Councilman Marabello asked how much is raised in their fundraisers; Mr. Fox replied that he does not have a number for the ambulance club but the fire fund drive was estimated at \$35,000.

When asked if the Town of Middletown had volunteer fire personnel, Mr. Fox replied that they staff an engine during the day and assumes that they staff an engine at night now as well.

The Workshop Session of City Council concluded at 7:12 p.m.

Tracy N. Torbert
Transcriptionist

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 25, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, January 25, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Danial Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See January 25, 2021 Council Meeting Agenda and Packet for additional information.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:15 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation was given by Councilmember Wilson.

PUBLIC HEARING

Ordinance 2020-01

Mahadev LLC on behalf of Comfort Inn & Suites at 600 N. Dupont Boulevard. Request to amend a previously-approved Conditional Use Permit to allow a hotel on 2.2.87 +/- acres located along the west side of North Dupont Boulevard, currently zoned C-3 (Highway Commercial). Applicant is modifying the current permit by placing a permanent 40' x 10' storage container along the north side of the hotel to store items incidental to the hotel business. Chapter 230-14(C)(1) states "motels or hotels with a minimum lot size of three acre" require a conditional use, subject to special requirements set forth by City Council. Present Use and Proposed Use is Hotel. Tax Map & Parcel MD-16-183.05-01-03.00

Director Pierce reviewed the Staff Analysis and Report that was provided in the packet.

Director Pierce reported that the Planning Commission recommended approval at its last meeting with a vote of 3 to 2. The approval was contingent upon the condition that no electricity would be run to the unit and it would be screened from the US Route 113 view. The applicant agreed to those conditions.

Yogan Patel was present to speak on his application. He explained that his business is running short on storage and they would like to add this unit for additional storage for his business.

Mayor Campbell pointed out that the size of the unit is rather large and asked Mr. Patel if he thought there would be a problem at night without electricity; Mr. Patel replied that they will be storing items such as furniture during the daylight hours.

Councilman Culotta asked if the City has a limitation on electric or the applicant does not need it; Director Pierce replied that it was a condition of the approval from the Planning Commission. Councilman Culotta asked if this would be a shipping container or shed type of a building and Mr. Patel commented that it will be a shipping container and would be painted similar to the hotel. Councilman Culotta asked if the applicant preferred electricity and Mr. Patel explained he does not want electricity to the unit.

Mayor Campbell opened the floor to public comment. Hearing none, he then closed the public hearing.

Councilman Fulton made a motion to accept with the provisions of the items stated by the Planning Commission to adopt Ordinance 2020-01; Councilwoman Wilson seconded the motion.

Councilman Baer asked what the two votes against were concerned about. Director Pierce replied that one member had a concern about using a temporary structure as a permanent structure. The other member had the same concerns.

When asked for clarification if the building would sit on the ground, Mr. Patel shared that it will sit atop a concrete pad.

Motion carried by the following 7-1 call vote:

Councilman Marabello voted to approve as it will be properly shielded from Route 113;
Councilman Boyle voted to approve with the conditions placed by the Planning Commission;
Councilman Fulton voted to approve based on the conditions placed by the Planning Commission;
Councilman Culotta voted to approve based on prior comments;
Councilman Baer voted no; he does not like the idea of storage containers;
Councilman Morrow voted yes in accordance with the Planning Commission;
Councilman James voted yes with the conditions outlined by the Planning Commission;
Councilwoman Wilson voted yes based on the approval of the Planning Commission.

COMMUNICATIONS & CORRESPONDENCE

Councilman Culotta reported that he is again receiving calls about speeding on South Walnut Street.

Councilwoman Wilson shared that she had the privilege of speaking to Mr. Childers in reference to the condition of the housing at the Silver Lake Estate Housing. His agency is a nursing agency that goes in and provides services to the individuals at Silver Lake Estate. The employees of his agency have made numerous complaints. The City Code Department is aware of the issues and he shared that the City is willing to partner with him to help some of the disabled residents to clean up their units.

Director Pierce added that his department made contact with the care providers that made the complaint, along with the property manager of the complex. Last Wednesday, two code officials went out on site and he assured Council his department is staying on top of this issue.

Councilman Culotta asked what jurisdiction the City had over this complex and if this complex is managed by the State through Section 8. Director Pierce replied that he believes there are a handful of units that are receiving voucher assistance. There were some State Housing Authority Inspections done a few years ago. Anytime a complaint is made, the Code Department follows up with their property manager.

Councilwoman Wilson shared that Brightway Commons is also having several mold issues with several of their units. The City is also aware of these issues though an inspection was completed in 2019. Councilman James added that these mold issues have been discussed a lot over the summer. The Code Department did look into these complaints and there were various levels of findings within the units.

Councilman Boyle reminded everyone that tomorrow is the Police Referendum in Milford. He added that this is part of our infrastructure that allows us to grow and to expand service. He encouraged everyone to go out and vote for this tomorrow. This needs to be passed in order to continue to provide the exemplary services that the residents expect of our City.

Councilman Fulton reported that he received correspondence in reference to the referendum in which he provided feedback to the constituent by informing them a mailing was provided to all Milford residents.

City Clerk Hudson reported that she anticipates a big turnout for the referendum based on the last two to three weeks of activity related to absentee ballots and voter registration. Because this is a referendum, her office has continued to accept

voter registrations up to an hour prior to the Council meeting beginning. The updated list is included for certification by Council this evening.

Councilman Boyle thanked City Clerk Hudson for all her work on the elections and referendums. There is a lot of work that goes into the elections and many people do not realize what is needed to have a successful election.

Mayor Campbell provided an update on the Citizens Advisory Committee adding that a personal tour of the police department was provided. After the vote tomorrow, they will continue to meet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Adoption/Resolution 2021-02/DNREC Grant Award Funding

Director Dennehy explained that his department applied for a matching grant through DNREC that was awarded. With this grant, he would like to place more lighting in the area of the Riverwalk. There is also an old handrail system that needs to be removed and replaced. The grant was awarded for \$75,000 contingent upon the City adding in another \$75,000. After a discussion with the City Manager and Finance Director, we can utilize those funds from the electric reserves because of the lighting component.

Mayor Campbell asked if there was any cost in reference to the repair on the railings? Director Dennehy replied that there have been some preliminary estimates. If this is approved, he would like to get a designer involved to get working drawings for better costs.

Councilman Culotta pointed out that lighting has always been an issue in this area. He feels that this a great opportunity to take advantage to improve the Riverwalk area.

Councilwoman Wilson asked if the work that needs to be done will exceed the \$150,00.00? Director Dennehy replied that he has given some thought to that; there is another grant cycle upcoming if the work goes over.

Councilman James commended Director Dennehy for continuing to get grant money to enhance the Riverwalk.

Mayor Campbell solicited for any public comments or questions. Hearing none, he closed the public comment.

Councilwoman Wilson made a motion to approve \$75,000 to the matching grant given to the City by DNREC. Councilman Fulton seconded the motion. The motion so passed with all ayes.

Appointment/2021 Board of Election/Special Election

City Clerk Hudson announced that one of the requirements of the City Charter to appoint a Board of Election. She is asking Council to approve Carlene Wilson, Joanne Leuthauser and Donna Merchant to the Special Election Board for the Police Borrowing Referendum to be held on Tuesday, January 26, 2021.

Councilwoman Wilson made a motion to approve the board as recommended, seconded by Councilman Morrow. Motion so passed with all ayes.

Certification/2021 Voter Registration List/01.26.2021 Special Borrowing Election

As stated earlier, City Clerk Hudson advised that this list was updated as of 4:45 today. It was included in the packet for Council's review.

City Clerk Hudson shared that there have been about 200 additional voters registered over the past couple of weeks. In addition, her office has taken numerous phone calls on questions regarding the election and eligibility. A number of Milford electric customers called to register to vote though they lived outside city limits.

Councilman Boyle asked the number of registered voters in the City; City Clerk Hudson replied there is approximately 2,400, and most of the information is current due to the change in registrations since Covid and the mailing of absent ballot applications in June.

Councilman Boyle made a motion to certify the Voter Registration List for January 26, 2021. Councilman Culotta seconded the motion. The motion passed with all ayes.

Appointment/Planning Commission Vacancy

City Manager Whitfield shared that Ian Wright of Maple Street is being recommended to fill the vacancy. He is currently a member of the Parks and Recreation Advisory Board and is a professional CPA in Milford.

Councilman Fulton moved to accept Mr. Ian Wright to serve on City Planning Commission, seconded by Councilman Culotta. The motion passed with all ayes.

Adoption/Resolution 2021-03/Acceptance of Brookstone Trace Subdivision, Phases 2 Water, Stormwater and Sewer System

City Engineer James Puddicombe reviewed the resolution that was included in the packet.

Mayor Campbell asked if anyone from the public wished to comment; hearing none, he closed the public comment period.

Councilman Boyle made a motion to adopt Resolution 2021-03 accepting Brookstone Trace Subdivision Phase Two water, storm water and sewer system. Councilman Baer seconded the motion.

RESOLUTION 2021-03

Acceptance of Brookstone Trace Subdivision, Phases 2 Water, Stormwater and Sewer System

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water distribution system and sewer systems included in a portion of Phase 2 of the Brookstone Trace Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of Phase 2 to be accepted includes the utilities within the Right-of-Way ("ROW") and public utilities within associated open spaces adjacent to, but within the phases, as depicted on the phasing plan sealed and dated August 2, 2018 and recorded with the Sussex County Recorder of Deeds on Book 266, Page 59; and

WHEREAS, the phase to be accepted is phase 2 which encompass lots 45 through 89 and 105 through 128; and

WHEREAS, the utilities within the following rights-of-way are to be included: Pebblebrook Drive from Fieldstone Avenue to Fieldstone Avenue; and

WHEREAS, this Resolution does not include acceptance of the sidewalks or public streets within these phases; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 25th day of January, 2021, by a favorable majority vote, accepts the water, stormwater and sewer systems in the Brookstone Trace Subdivision, Phase 2, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water, stormwater and sewer systems in Milford Ponds Subdivision, Phase 2, as noted in this Resolution.

Motion passed with all ayes.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference below statutes, seconded by Councilmember Peel:

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property;

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:25 p.m. for the purposes as permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 9:26 p.m.

Potential Vote/Personal Property Acquisition

Councilman Fulton made a motion to proceed as was discussed in Executive Session, seconded by Councilman Culotta. Motion carried.

Potential Vote/Personnel Matter

Action postponed until next meeting.

ADJOURNMENT

There being no further business, Councilmember Boyle moved to adjourn the Council Meeting, seconded by Councilmember Peel. Motion carried.

The Council Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Tracy Torbert
Transcriptionist