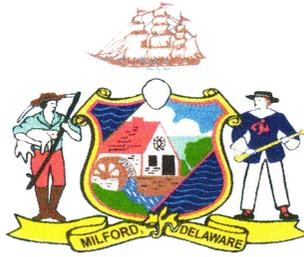


City of Milford



CITY COUNCIL AGENDA

February 22, 2016 - 7:00 P.M.

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

WORKSHOP

Call to Order - Mayor Bryan Shupe

DMI Annual Report/Executive Director Lee Nelson

Adjourn

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Committee Reports

Rivertown Rebirth Implementation Update/Mayor Shupe

Schedule/Public Works Committee Meeting

Schedule/Community Affairs Committee Meeting**

Communications & Correspondence

Unfinished Business

Appointment/Planning Commission Vacancy

New Business

Morris & Ritchie Associates, Inc/Hickory Glen/Preliminary Major Subdivision/Extension Request

Appointments/Dover/Kent County MPO Technical Advisory Committee

Approval/DNREC Mosquito Spraying Policy

Recess into Executive Session* {Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)
Teamsters Local 326 Contract

Collective Bargaining Matter

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.

01216 012016 01282016 021116 021216 *021916 Late Addition by City Manager-Negotiations Update (this date) *021916 Item
Removed (Bid Award) **022216 0820 Hrs Late Addition Late Information Received



Activity Highlights for Full Year 2015

A very active year in our 30 block downtown area. Our volunteer driven focus on quality of life, economic development and historic preservation in downtown Milford is highlighted by:

Volunteer hours and investment value

Our **200+ dedicated volunteers** contributed **6,385 hours (18% more than 2014)** focusing on downtown Milford only. This equals **3.07 Full Time Equivalent (FTE) employees**. Volunteer investment value for 2015: **\$146,811** per Delaware Economic Development Office (**18% increase from 2014**). This is the dollar and community involvement value of DMI's contribution to improving downtown Milford.

Improve quality of life and diversity in downtown Milford

We hosted **13 special events (30% increase from 2014)** which successfully attracted approximately **17,425 visitors/guests (33% increase from 2014)** to our downtown area and continued to improve and diversify our local quality of life. These were...

March- 5th St. Patrick Day 'Toasting the Town' and 3rd and final unveiling "Augusta" public art event. **April** - 13th Bug Bud Festival and 2nd Flowers and Feathers BBQ. **May** – 20th Riverwalk Farmers Market opens; 1st Historic Preservation Group's 'Roaring 20's' Party and 7th 'Milford in Bloom' planting. **June** - 1st Brewgrass Festival. **September** – 3rd Eat in the Street. **November** – 1st Milford International Food Festival; 20th Farmers Market Fall Market; 2nd Shop Small Saturday; 15th Santa Claus House. **December**- 10th Holiday Stroll.

New initiatives in 2015

Diversity Initiative - Based on local business input, VISTA Kornbluh implemented following diversity oriented activities:
Milford International Food Festival – 700 guests visited 12 multinational food vendors and 4 food trucks. October 2015.
Milford Multicultural Mural – 3 multicultural muralists mentoring 6 Milford High School students are creating a 24' X12' mural to the theme "Multicultural Milford" to be placed on wall outside Arenas. Started September 2015.
Milford Entrepreneurial Network – monthly informal meetings for local businesses and economic development agencies with presentations of subjects of interest by experts. Started November 2015.

Milford Historic Preservation Committee – An activity of the Design Committee focusing on helping repair/restore historic buildings/homes to preserve downtown Milford's historic character and sense of place. Fund raising activity in May 2015 (Roaring 20's Garden Party).

Brewgrass Festival - Successful sold out Promotion Committee activity with 500+ paying guests (57% from outside Milford) and featuring numerous regional blue grass bands/food vendors/food trucks and local organizations.

DMI and downtown businesses

20th Riverwalk Farmers Market (May-Oct) – In 24 weeks we had **8,800 visitors(22% increase over 2014)** to 27 local vendors **selling \$136,000 (18 % increase over 2014)** in diversified produce and products. Guests visit local businesses while downtown for their market shopping.

4th Project Pop-Up. DEDO/DMI partnership. Petite Sweets (cake pops) successfully opened November 6.

Supported DEDO funded one on one marketing coaching by business consultant Marge Johnson with six downtown businesses.

Nationally accredited Main Street Program.

Award: 2015 Maryland Tourism & Travel Summit – Tourism Arts and Downtown Development - "Best Media & PR campaign: "Eat Drink and Buy Art".

Conclusion

Productive and successful 2015 in DMI's continuing placemaking efforts to insure Milford is a great place to live, work, play and shop. **We are Milford!**

Downtown Milford, Incorporated 207 S.Walnut Street (P.O. Box 12) Milford DE 19963

Phone: (302) 839-1180 E-mail: Director@downtownmilford.org

www.DowntownMilford.org

Calendar for February 2016 (United States)

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

Phases of the moon: 8: ● 15: ○ 22: ○

Holidays and Observances: 14: Valentine's Day, 15: Presidents' Day

Calendar for March 2016 (United States)

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
				<i>J. 8am 5:30pm</i>		
6	7	8 <i>J. 8am 5:30pm</i>	9	10 <i>J. 8am 5:30pm</i>	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Phases of the moon: 1: ○ 8: ● 15: ○ 23: ○ 31: ○

Holidays and Observances: 27: Easter Sunday

Chapter 57-Planning Commission

§ 57-1. Establishment.

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

§ 57-2. Membership; terms of office.

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

§ 57-3. Removal; vacancies.

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

§ 57-4. Ex officio members.

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

§ 57-5. Salaries and compensation.

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

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

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

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

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

§ 57-8. Powers and duties; reports.

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

City of Milford Planning Commission

CHAIRMAN

Campbell Arthur J. 6 Little Pond Drive

MEMBERS

Sharp Marvin C. 844 NE Front Street

Lane William J. 7 Hickory Branch Ln

Fry Kerri B. 501 S Walnut St

Holloway W. Ed 116 Starland Way

VACANT

Mims Rae M. 4802E Summer Brook Way

Yosifon Michael 126 N Landing Drive

Fulton Andrew P. 15 E Clarke Avenue

February 10, 2016

Milford City Council
201 S. Walnut St.
Milford, DE 19963

Dear Council Members:

City Manager, Eric Norenberg, recently asked me to consider the Planning Commission's current vacancy and after meeting with Rob Pierce, I am interested in fulfilling this position.

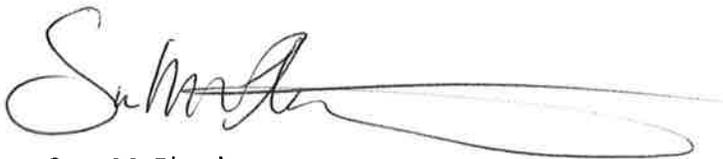
I am an active member of the Milford community and embrace the opportunity to make Milford the destination of choice to live, work and play. As a member of the Downtown Milford, Inc. (DMI) Promotions Committee, I oversee two of the organization's most successful events: the Annual St. Patrick's Day Pub Crawl, in its 6th year this year, and the Brewgrass Festival, which raised over \$14,000 for the non-profit and brought over 800 people to the City parks at the inaugural festival last year. I am also a member of the DMI Board and St. John the Apostle Church Parish Council.

I am employed full time at GROWMARK FS, LLC (GFS) on NE Front St. as the Marketing and Communications Coordinator, arranging corporate travel and meetings as well as the marketing, advertising, and brand awareness development for the company. Prior to joining GFS, I served a one-year term of service with AmeriCorps at Sussex County Habitat for Humanity in Georgetown as the Marketing and Design Coordinator.

I recently graduated with a Master of Science in Management – Marketing from Wilmington University and earned a BA from Immaculata University in 2008. I graduated from Milford High School in 2004.

I look forward to serving the City of Milford in this capacity.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Sara M. Pletcher', with a long, sweeping horizontal line extending to the right.

Sara M. Pletcher

Sara Pletcher

marketing & communications coordinator

PROFILE

A motivated & passionate professional with seven+ years experience in meeting/event planning & marketing. Specializing in cost-saving travel programs, agriculture conferences, non-profit events & community service. Now seeking to share my experience, skills & expertise with the City of Milford's Planning Commission.

 sletcher@growmarkfs.com

 302.519.6767

 linkedin.com/sarapletcher

 8 Elizabeth St. • Milford, DE 19963

SKILLS

Meeting planning
Event management
Marketing communications
Leadership
Graphic design
Social media marketing
Public speaking
Editing

EDUCATION

MSM - Marketing
Wilmington University
2013-2016
Summa cum laude

BA - Communication
Immaculata University
2004-2008

AWARDS

Sigma Beta Delta
International Honor Society
for Business, Management &
Administration

DE Champion of Inspiration
AmeriCorps alum with continued
service to community & civic
engagement

Sr. Christine Noel Henwood
Medal
Highest average in communication
courses

St. Catherine Medal
Awarded to outstanding
Immaculata junior for leadership,
academics & service

EXPERIENCE

GROWMARK FS, LLC, 2010 - present
Marketing & Communications Coordinator

- Plan, coordinate & execute annual off-site conference for 185+ co-workers & vendor partners
- Arrange corporate travel, meetings & events
- Manage marketing, advertising & brand development

Milford LIVE, 2015-present
Designer

- Design & layout weekly online community newspaper

Downtown Milford, Inc., 2010-2011
Executive Assistant

- Planned & implemented community events that enhanced the historic district of Milford, Del
- Designed marketing materials utilizing new brand

Sussex County Habitat for Humanity, 2009-2010
AmeriCorps, Marketing & Design Coordinator

- Designed projects to enhance external visibility
- Lead annual appeal design & mailing
- Managed social media networks & brand overview

Transportation Management Assoc. of Chester County, 2008-2009
Marketing Communications Coordinator

- Managed Ride for Health Initiative
- Designed, edited & coordinated production of ads, newsletters & brochures

VOLUNTEER

Downtown Milford, Inc., Board Member
Downtown Milford, Inc., Promotions Committee
Brewgrass Festival Chair, 2015-present

- Plan, coordinate & execute beer & music festival
- Managed volunteer committee of 15
- Raised \$14,000 & sold out event

St. Patrick's Day Pub Crawl Chair, 2011-present

- Plan annual event & increased profits 590% over five years

March of Dimes - DE Chapter, Board Member

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Mr. Robert Pierce
City Planner
City of Milford
201 South Walnut Street
Milford, DE 19963

Date: January 5, 2016

Subject: Hickory Glen Preliminary
Plan Extension Request

Dear Rob:

On behalf of our client, Mr. Eric Dunn of Dunn Development, LLC, and in regards to the above referenced plan, we hereby formally request a twelve (12) month extension for the previously approved Preliminary Site Plan and Preliminary Major Subdivision Plan, collectively referred to as "the plans". The Plans were granted Preliminary approval by the City of Milford on February 23, 2015 and are therefore scheduled to expire on February 23, 2016 in accordance with Section 200-4 A.(5) of the City Subdivision Ordinance. We have been diligently working on developing the construction plans related to this project and this 12 month extension is necessary in order to obtain all necessary State, County, and City approvals related to the final engineering plans.

Since the current Preliminary Plans are scheduled to expire on February 23, 2016 we request that the 12 month extension be considered during the January 19, 2016 Planning Commission meeting and the January 25, 2016 City Council agenda.

Should you have any questions or comments regarding this issue, please feel free to contact me.

Very Truly Yours,
Morris & Ritchie Associates, Inc.

A handwritten signature in blue ink is written over a circular professional seal. The seal is for Phillip L. Tolliver, P.E., a Professional Engineer in the State of Delaware. The seal contains the text "PHILLIP LEE TOLLIVER", "REGISTERED PROFESSIONAL ENGINEER", "STATE OF DELAWARE", and "NO. 12489". The signature is written in a cursive style.

Phillip L. Tolliver, P.E.
Principal

c.c. Mr. Eric Dunn
File

MILFORD PLANNING COMMISSION

MINUTES OF MEETING

February 17, 2015

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, February 17, 2015.

PRESIDING: Chairman James Burk

IN ATTENDANCE: Archie Campbell, William Lane, Ed Holloway, Deborah O'Neill

ALSO: City Solicitor David Rutt, Deputy City Clerk Christine Crouch

Chairman Burk called the meeting to order at 7:00 pm noting the absence of Ms. Mims, Mr. Sharp, Mr. Fry and Mr. Yosifon.

APPROVAL OF MINUTES

A motion made by Mr. Lane, seconded by Mr. Holloway to approve the minutes of the July 2014 Planning Commission meeting minutes as presented carried unanimously.

NEW BUSINESS

Dunn Development LLC on behalf of Walter N. Thomas II; Project No 13-196

**Extension of Preliminary Site Plan and Preliminary Major Subdivision for Hickory Glen
1335 Milford-Harrington Hwy**

Tax Map MD-16-173.00-01-21.00; -22.00; 71.91+/- Acres

Zoning R8

Mr. Phil Tolliver with Morris Ritchie Associates was present on behalf of the applicant and owner. He is requesting a twelve month extension of the preliminary site plan and preliminary major subdivision.

Utility studies of the area have taken place by Davis, Bowen & Friedel, the City's engineering firm, and are not yet complete. Without the study being completed, there is no way to design Hickory Glen's utility system.

Regarding outside agency approvals to be obtained prior to applying for final approvals from the City, Mr. Tolliver explained the project will be grandfathered by the Kent Conservation District because the plans were submitted to KCD prior to January 1, 2014, which is when a new stormwater management code went into effect with KCD. He is currently in discussions with them regarding questions they have in order to obtain their approval. Approvals are still needed from the Fire Marshal and DeIDOT.

Mr. Campbell asked what questions the KCD has had. Mr. Tolliver stated nothing significant or even worthy of mentioning. There are not red flags or nothing seems to be problematic, just normal engineering questions.

Mr. Tolliver continued by stating in his humble opinion, from doing this for 28 years, twelve months is not long enough between preliminary and final approvals to accomplish all that needs

to be done. He realizes other towns and counties provide the same twelve month window, but again in his humble opinion it is not sufficient.

Mr. Holloway asked if Mr. Tolliver can foresee any reason another twelve month extension will be requested next year. Mr. Tolliver replied it may happen but he is unsure. It will all depend on the housing market. Right now the market is not doing well so there is no reason to rush for final approvals. He would hope the market improves and another extension is not necessary.

Mr. Holloway added he really liked the assisted living component Hickory Glen had proposed at one point. Mr. Tolliver agreed it is a need in this area and since there is a five acre outparcel it may come back to the plan at a later date.

City Manager Medlarz introduced himself and explained years ago he was the City's engineer for many years as well. First of all, normally the City Manager would not appear in favor or in any position to projects however he was forced to review a number of email traffics between various entities, documenting the time line associated with the northwest Milford water and wastewater plan. The document landed on his desk last week so he's had a chance to review it and discussed it with Mr. Tolliver before the meeting tonight. It appears we are headed in the right directions.

It is a difficult area to master plan, so there are some reasons for the time invested in it. Strange enough the timing worked out in the end, but he clearly for the record states there is documentation on the books that he has personally reviewed which indicates a seven months back and forth between the City engineers, the developer, the developers engineer as well as City administration so it would be unfair for us to say the City did not play a part in this. This needs to be on the record and he will do the same with City Council.

Secondly, to answer Mr. Holloway's question, he expects them to possibly be back probably with a pretty good change because of the issues associated with the Fire Marshal. It's not one of the run of the mill type fire flow requirements and Mr. Tolliver will have to work hard to come up with a solution which more likely than not will have an underlying Public Works Agreement on top of the sewer one.

Lastly, there is a rezoning in the Planning Commission's future for one of the properties involved in the northwest study and that particular entity has met with him and he has met with the State Planning Office. There is also a Master Plan in the Planning Commission's future. This whole area is going to get a little more attention and the Commission will see City Manager Medlarz back for both of those issues.

Now Counsel can tell City Manager Medlarz if he has overstepped the limits of City administration. Mr. Rutt stated no. City Manager Medlarz laid out the facts and didn't voice an opinion.

For the record, Chairman Burk noted no one from the public was present, only Mr. Tolliver and City Manager Medlarz.

Mr. Rutt called a point of order and noted there are two resolutions before the Commission. One is for the extension of the preliminary site plan, which in accordance with §230-54(A)4 the Planning Commission makes a determination. The extension of the preliminary major subdivision will be a recommendation by the Planning Commission and determined by City Council in accordance with §200-4(A)5.

Mr. Lane made a motion to approve resolution PC15-001 which approves a one year extension on the preliminary site plan. Mr. Holloway seconded the motion. Motion carried unanimously following a poll of the commission.

Mr. Holloway made a motion to approve resolution PC15-002 which recommends the approval of a one year extension on the preliminary major subdivision. Mr. Campbell seconded the motion. Motion carried unanimously following a poll of the commission.

Introduction/Ordinance 2015-02/Chapter 230 Amendment/Lot Coverage, Parking, Floodplain Management

Based on recommendations from Scott Adkisson at Davis, Bowen & Friedel, Chairman Burk explained the next item on the agenda is a code amendment regarding lot coverage, parking and floodplain management.

Mr. Rutt stated there is a conflict in the code as it relates to parking space sizes. The proposed amendment will clarify that. In addition, the definition of lot coverage is being clarified. The floodplain management ordinance was recently amended and this amendment clean that up as well.

Chairman Burk explained this is only an introduction so no voting will take place. It will be discussed and voted on at the March Planning Commission meeting.

City Manager Medlarz explained he looked at the code and could not understand the parking space sizes as well, which is why it is being proposed for an amendment.

ADJOURN

Chairman Burk thanked the commissioners in attendance for coming out in the weather tonight and wished them safe travel home. With no further business, the meeting adjourned at 7:21pm.

Respectfully submitted,

Christine R. Crouch
Deputy City Clerk

Mr. Pikus moved to authorize Reisinger Contract Change Order No. 3 be paid from electric reserves for continued renovations to the Customer Service Office/former PNC Building, seconded by Mr. Morrow. Motion carried.

Approval/Hickory Glen-Preliminary Plan (Major Subdivision) One Year Extension

Phillip Tolliver, Principal of Morris and Richie Associates submitted the following request:

On behalf of our client, Eric Dunn of Dunn Development, and in regards to the above referenced plan, we hereby formally request a twelve (12) month extension for the previously approved Preliminary Plan. The Preliminary Plan was previously granted approval by the Milford City Council on February 24, 2014, and is therefore scheduled to expire on February 24, 2015 in accordance with Section 200-4.A(5) of the City Subdivision Ordinance. We have been diligently working on developing the construction plans related to this project and this 12-month extension is necessary in order to obtain all necessary State, County, and City approvals related to the final engineering plans.

Mr. Medlarz advised that City Engineer Erik Retzlaff is present and is familiar with this situation. Also in the audience was Phillip Tolliver.

The city manager reminded council this subject is on the western side of Milford in the area of Baltimore Air Coil. It is part of the infrastructure study that includes Homestead, Draper Farm and Crop Production Services and the Hickory Glen Subdivision.

The study is in draft form and has been shared with Mr. Tolliver who is considering the options.

The planning commission felt that the extension is warranted.

Mr. Medlarz hopes that next time we see this development, he hopes to be presenting the public works agreement versus another extension.

Once all entities have reviewed the study, a proposed cost share arrangement for utilities extensions in the northwest corridor will be presented for council approval.

Mr. Morrow moved to approve a one-year extension of the Hickory Glen Preliminary Major Subdivision Plan, seconded by Mr. Brooks.

Motion carried with Mr. Gleysteen casting the one dissenting vote. Mr. Gleysteen said he feels that one year is sufficient for what they have gone through already.

Bid Award/Milford Water Treatment Facility Award

Brandon Kohler, Project Engineer of Davis, Bowen and Friedel submitted the following recommendation:

The bids for the above referenced project were received on February 19, 2015. We have evaluated the bids and the associated documentation submitted by each of the Contractors and all documentation is in order. Please find enclosed a tabulation of all of the bids received. Based on our review of the bids we recommend that the Contract be awarded to Kuhn Construction Co. Kuhn Construction Co.'s total base bid is \$613,750.00. This Recommended Bid is within the City's proposed budget for this project.

Mr. Medlarz emphasized this is associated with the water tank. There were clarifications to the specifications issued and he felt the bids were very competitive.

The city manager is pleased to report that the recommended bid comes in below the budgeted amount for this project. Mr. Pikus was pleased adding that is a good situation that the city has not been in for a long time.

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC15-003

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MILFORD, DELAWARE, RECOMMENDING TO CITY COUNCIL OF
THE CITY OF MILFORD
THE APPROVAL OF A SECOND ONE YEAR EXTENSION OF A
PRELIMINARY MAJOR SUBDIVISION FOR
HICKORY GLEN
AT 1335 MILFORD-HARRINGTON HIGHWAY
FOR A 161 LOT, 399 UNIT SUBDIVISION
CONSISTING OF 240 APARTMENTS AND 159 TOWNHOMES
IN AN R-8 ZONING DISTRICT
TAX MAP MD-16-173.00-01-21.00 & MD-16-173.00-01-22.00**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 16, 2016; and,

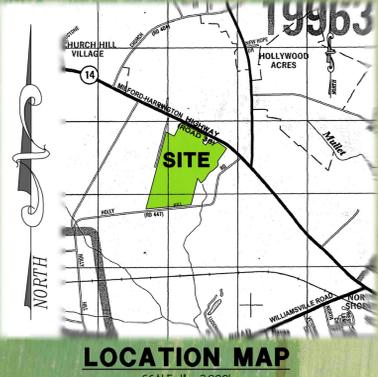
WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1.

APPROVED: _____
Arthur Campbell,
Planning Commission Chairman

SIGNED: _____
Christine Crouch, CMC
Deputy City Clerk



Hickory Glen

CITY OF MILFORD, DELAWARE



CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
February 16, 2016

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, February 16, 2016.

PRESIDING: Chairman Archie Campbell
IN ATTENDANCE: William Lane, Andrew Fulton, Marvin Sharp, Michael Yosifon, Ed Holloway
Also: City Solicitor David Rutt, Planning & Economic Activities Coordinator Rob Pierce, Deputy City Clerk Christine Crouch

Chairman Campbell called the meeting to order at 7:02 pm noting the absence of Ms. Mims and Mr. Fry.

APPROVAL OF MINUTES

A motion made by Mr. Fulton, seconded by Mr. Yosifon, to approve the minutes of the January 2016 Planning Commission meeting minutes carried unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

*Morris Ritchie Associates on behalf of Dunn Development LLC (property owner: Walter N. Thomas II); Project No 13-196
Second One Year Extension of Preliminary Site Plan and Preliminary Major Subdivision for Hickory Glen
1335 Milford-Harrington Hwy
Tax Map MD-16-173.00-01-21.00; -22.00; 71.91+/- Acres
Zoning R8
Adoption of Resolution PC16-002 & Resolution PC16-003*

Chairman Campbell asked Mr. Pierce to provide an explanation of the project to which Mr. Pierce showed an exhibit not included in the packet displaying the property location on Holly Hill Road/Milford-Harrington Hwy. He explained this approval tonight is two extensions; one for the preliminary site plan and one for the preliminary subdivision. A one year extension was approved on 02/27/15 for both already so this is a second extension request.

The applicant's engineer, Mr. Phil Tolliver, confirmed this is a second extension request. Since obtaining an extension last year, they have been able to achieve Kent Conservation District approval which was a challenge due to pending changes by the approving body.

They are still working on sewer and water designs though and specifically working out the details of a public works/utility agreement, which Mr. Pierce has been diligently working on. The agreement will include things such as what to do with the US Cold Storage pump station and how Hickory Glen will tie in with other area users especially Amberwood. Again, Kent Conservation District approval has been obtained.

Mr. Sharp stated Amberwood is no longer “Amberwood” subdivision as it was purchased by Crop Production Services, has received a change on zone and will be coming through for approvals on a site plan for Crop Production Services to move their facility there. It’s no longer a subdivision. He asked why Mr. Tolliver is still referring to it like it’s a subdivision that plays a large part in Hickory Glen’s plans. That feels like a lie. Mr. Pierce explained Mr. Tolliver is referring to the property as Amberwood, although Mr. Sharp is correct it is now Crop Production Services. Mr. Sharp reiterated it comes across as a lie.

Mr. Tolliver replied to Mr. Sharp by stating that isn’t very kind and he has no reason to lie. The property, whether it is a subdivision or a single industrial site still plays into the utility plans with how they will tie in with Hickory Glen subdivision.

Mr. Holloway reminded Mr. Tolliver last year when seeking an extension he said he wasn’t sure if another extension would be needed. Where is the project and what needs to be done in order to move it along? Mr. Tolliver replied Kent Conservation District approval has been obtained. They still need to get the public works/utility agreement nailed down. Mr. Holloway asked when that was initiated. Mr. Tolliver said it has been ongoing. Davis, Bowen and Friedel, working on behalf of the City, was very late in getting an area utility report to Mr. Tolliver. It took them about a year to get the report done. Without that report, Mr. Tolliver couldn’t begin working on utility plans. Once the report was obtained, Mr. Tolliver then started working with former City Manager Hans Medlarz. Then six months later he left the City. That was over six months ago. In addition to the agreement, the road and storm drain package needs to be done, the water and sewer plans need to be done and the pump station needs to be designed. The delay was figuring out the details downstream.

Mr. Holloway reminded Mr. Tolliver last year he said the delay was the housing market. He does not have warm fuzzy’s on granting multiple extensions and wants to see the project move along or be scrapped. Mr. Holloway asked for an assurance that Mr. Tolliver will not be back in another year for a third extension. Mr. Tolliver stated he cannot give that guarantee. This project is dependent on the market improving.

What Mr. Tolliver does not want to do is finish the project, get the infrastructure in the ground and have stubs sticking out everywhere like West Shores over by Hearthstone. That looks horrible. He would prefer to finish the project and have it sit vacant as farm land, similar to Homestead, which is across the street.

Mr. Yosifon was not here last year for the extension request, but has read the minutes and understands the history of this project. Unless Mr. Pierce has a different opinion on the situation, he accepts what Mr. Tolliver is representing. Mr. Yosifon asked Solicitor Rutt if there are any

regulatory or statutory barriers that would preclude the commission granting an additional extension of the project.

Solicitor Rutt stated since there are two extensions be sought he will discuss the site plan extension first. He referred to Chapter 230-52A(4): “Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.” According to this, there is no limit on the number of extension that can be sought but the applicant must show good cause.

In regards to the subdivision extension, Solicitor Rutt referred to Chapter 200-4A(5): “Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.” The planning commission is making a recommendation to city council on whether to approve the extension request.

Speaking to Mr. Tolliver, Solicitor Rutt referenced Mr. Tolliver’s letter dated January 5, 2016 where it states “The plans were granted preliminary approval by the City of Milford on February 23, 2015...” The plans were actually granted an extension on that date, not preliminary approval. Mr. Tolliver agreed.

Mr. Fulton asked if the extension must be for one year. Solicitor Rutt said the code is silent on that but historically it has been one year.

Mr. Tolliver felt one year to obtain final approval is not sufficient time. Kent County gives essentially two years. Mr. Fulton confirmed Mr. Tolliver has now had two years and is seeking a third. Mr. Tolliver again referred to the report he waited for from DBF. Without that he didn’t even know which way the sewer was flowing.

Mr. Holloway stated he gets the impression the project is not moving along because there is no buyer for it. Mr. Tolliver agreed if there were a buyer, it would be a bigger rush to get the project complete. He understands everyone’s frustration as we all are ready for the market to pick back up.

Mr. Fulton confirmed the developer is funding the utility project. In the end, the City is getting an improved infrastructure in the area. Not to mention the property is currently being taxed.

Mr. Pierce explained DBF provided the report Mr. Tolliver is referring to in September of 2015. There were ideas tossed around between Mr. Tolliver and former City Manager Medlarz on how to go about getting the utilities to the property. While Crop Production Services is part of the plan in tying in, they are very small percentage of the plan as they will not be a large user. Mr. Pierce stated DelDOT approval is still needed, which is no small task, and the public works/utility agreement needs to be signed. Those are the last things needed in order for final approval to be sought.

Mr. Yosifon stated he is ready to move to a vote as this is a very broad discussion.

Solicitor Rutt reminded the commission when voting on the subdivision extension it will be a recommendation to council.

A motion by Mr. Fulton, seconded by Mr. Lane, to approve Resolution PC16-002 based on the progress made thus far was approved unanimously.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC16-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE FOR
THE APPROVAL OF A SECOND ONE YEAR EXTENSION OF A
PRELIMINARY SITE PLAN FOR
HICKORY GLEN
AT 1335 MILFORD-HARRINGTON HIGHWAY
FOR A 161 LOT
CONSISTING OF 240 APARTMENTS AND 159 TOWNHOMES
IN AN R-8ZONING DISTRICT
TAX MAP MD-16-173.00-01-21.00 & MD-16-173.00-01-22.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 16, 2016; and,

WHEREAS, by a vote of 6-0 recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

- 1. n/a

A motion by Mr. Fulton, seconded by Mr. Lane, to approve Resolution PC16-003 based on the progress made thus far was approved unanimously.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC16-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
 DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
 THE APPROVAL OF A SECOND ONE YEAR EXTENSION OF A
 PRELIMINARY MAJOR SUBDIVISION FOR
 HICKORY GLEN
 AT 1335 MILFORD-HARRINGTON HIGHWAY
 FOR A 161 LOT, 399 UNIT SUBDIVISION
 CONSISTING OF 240 APARTMENTS AND 159 TOWNHOMES
 IN AN R-8ZONING DISTRICT
 TAX MAP MD-16-173.00-01-21.00 & MD-16-173.00-01-22.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 16, 2016; and,

WHEREAS, by a vote of 6-0 recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1. n/a

*Milford Plaza Enterprises LLC; Project No 16-001
 Preliminary Site Plan
 600 N DuPont Blvd
 Tax Map MD-16-183.09-01-04.00; 21.44+/- Acres
 Zoning C3
 Adoption of Resolution PC16-004*

Mr. Pierce gave the project specifics including the shopping center had recent Site Plan approvals in 2011 and 2013 for the expansion on the southern end of the shopping center and the addition of the Chick-Fil-A pad site. The plan includes the demolition of the existing Citizens Bank and Donut Connection buildings and the construction of a new 2,100 square foot bank pad and an 8,000 square foot, four suite retail pad. The applicant proposes to reconfigure the entrance along N. DuPont Boulevard / Route 113 to alleviate current traffic flow issues. The site plan includes the relocation of handicap parking spaces throughout the site in order to meet current ADA requirements. The plan also includes the installation of the shared use path along with proper grading, top soiling and seeding of the abandoned entrance on NW Front Street / Route 14.

The proposal does not meet the parking requirements provided in Chapter 230 of the City Code. Based on the parking rationale provided by the applicant, the overall site requires 925 parking spaces but only provides for 877. The site will require a variance from the parking requirements prior to final site plan approval. The City will require the construction of the shared use path along NW Front Street and Route 113 prior to issuance of any certificate of occupancy for new construction. Installation shall be coordinated with and approved by DelDOT and the City. Final site plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office and Kent Conservation District.

Mr. Doug Liberman with Larson Engineering explained the changes to plan, in addition to what Mr. Pierce mentioned, also include adding landscape islands and redesigning the intersection in front of Advanced Auto. This plan also decreased impervious surface compared to what is there now. Because of this, Kent Conservation District has indicated the existing bio retention pond should suffice.

Adding parking spaces are being provided as well. While the plan does not meet the current parking, an idea tossed around was to stripe parking spaces at the rear of the property in order to get to the number needed.

Mr. Fulton asked what the four unit pad will have in it. Mr. Liberman said it will be two national chain restaurants that have not been disclosed yet, but are not currently in Milford.

Chairman Campbell noted this end of the parking lot has a tendency to flood. Just an FYI.

Mr. Pierce noted the drive through location on north side of the end unit with loading in the rear.

Mr. Holloway complained about the merge lane from Rt 14 onto northbound Rt 113 and asked if that is something within Mr. Liberman's scope to fix. Mr. Liberman stated it is not something he can address as it is a DelDOT road.

Mr. Yosifon asked if there are any unsurmountable issues for this project. Mr. Pierce replied the only issue is not meeting the parking. He was not happy with the proposed striped parking in the rear of the building but so the engineer wanted to seek a variance for a 5% reduction. That will be determined by the Board of Adjustment. Usually a variance is sought before the project goes to the Planning Commission but in this case, the site plan review was already underway and in order to not delay the project, it is moving forward with the site plan pending the variance approval. Mr. Pierce wants the commission to be comfortable with the site layout and the traffic flow.

Mr. Fulton noted the 5% reduction request is not adequate. They would need a 5.2% reduction in order to meet the proposed parking. Mr. Pierce felt 5% was close enough.

Mr. Fulton made a motion to approve Resolution PC16-004, seconded by Mr. Yosifon. Mr. Pierce asked if Mr. Fulton would amend the motion to include a condition of approval by the BOA for the reduction in parking. Mr. Fulton accepted the amendment to his motion, but Mr.

Yosifon did not want to include the BOA and proposed instead the motion include an amendment to state the parking reduction is worked out to Mr. Pierce’s approval as he does not the BOA to be involved. If they deny the variance request the project is dead. His amendment would allow for the engineer and Mr. Pierce to work the situation out.

Solicitor Rutt referred to Chapter 230-52A(3): “The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.” In this case they are seeking to put conditions on the approval regarding reducing the parking.

Mr. Fulton made a motion to approve Resolution PC16-004 with the condition the number of parking spaces be either reduced via approval of the Board of Adjustment or to a satisfactory number as determined by Mr. Pierce. Mr. Lane seconded the motion. Motion carried unanimously.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC16-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE FOR,
THE APPROVAL OF A PRELIMINARY SITE PLAN FOR
MILFORD PLAZA ENTERPRISES LLC
AT 600 N DUPONT BLVD
FOR A 8,000 SQ FT, 4 UNIT PAD AND
FOR A 2,100 SQ FT, 1 UNIT PAD
IN A C-3 ZONING DISTRICT
TAX MAP MD-16-183.09-01-04.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 16, 2016; and,

WHEREAS, by a vote of 6-0 approved the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1. The number of parking spaces be either reduced via approval of the Board of Adjustment or to a satisfactory number as determined by Mr. Pierce.

Comprehensive Plan Update

Mr. Pierce stated nothing is being voted on. This is for an update only. Back in September or October the commission saw a proposed Comp Plan amendment for the Wiggles and Thawley properties changing their future land use from low density to commercial. The PLUS application was reviewed by the state and comments have been received, which are included in the packet. They strongly discouraged this amendment be done and instead because this is such a significant deviation, to draft a new SE Master Plan. This will be a much larger project because it includes area stake holders and more cross-agency coordination. The access to the properties is a significant issue as DelDOT is not willing to provide access from Rt 1. Mr. Pierce hopes to begin the process of amending the SE Master Plan in the next couple of months.

Planning & Economic Activities Coordinator Monthly Update

Mr. Pierce provided the commission with an update on the projects the commission has seen of late. The status of each was provided in the packet.

When asked the anticipated ground breaking for the new hospital, Mr. Pierce explained they have applied for a foundation permit however they do so at their own risk because a final site plan has not been applied for or approval issued by the commission.

ADJOURN

With no further business, the meeting adjourned at 8:21 pm.

Respectfully submitted,

Christine R. Crouch, CMC
Deputy City Clerk

Mr. Pikus moved to authorize Reisinger Contract Change Order No. 3 be paid from electric reserves for continued renovations to the Customer Service Office/former PNC Building, seconded by Mr. Morrow. Motion carried.

Approval/Hickory Glen-Preliminary Plan (Major Subdivision) One Year Extension

Phillip Tolliver, Principal of Morris and Richie Associates submitted the following request:

On behalf of our client, Eric Dunn of Dunn Development, and in regards to the above referenced plan, we hereby formally request a twelve (12) month extension for the previously approved Preliminary Plan. The Preliminary Plan was previously granted approval by the Milford City Council on February 24, 2014, and is therefore scheduled to expire on February 24, 2015 in accordance with Section 200-4.A(5) of the City Subdivision Ordinance. We have been diligently working on developing the construction plans related to this project and this 12-month extension is necessary in order to obtain all necessary State, County, and City approvals related to the final engineering plans.

Mr. Medlarz advised that City Engineer Erik Retzlaff is present and is familiar with this situation. Also in the audience was Phillip Tolliver.

The city manager reminded council this subject is on the western side of Milford in the area of Baltimore Air Coil. It is part of the infrastructure study that includes Homestead, Draper Farm and Crop Production Services and the Hickory Glen Subdivision.

The study is in draft form and has been shared with Mr. Tolliver who is considering the options.

The planning commission felt that the extension is warranted.

Mr. Medlarz hopes that next time we see this development, he hopes to be presenting the public works agreement versus another extension.

Once all entities have reviewed the study, a proposed cost share arrangement for utilities extensions in the northwest corridor will be presented for council approval.

Mr. Morrow moved to approve a one-year extension of the Hickory Glen Preliminary Major Subdivision Plan, seconded by Mr. Brooks.

Motion carried with Mr. Gleysteen casting the one dissenting vote. Mr. Gleysteen said he feels that one year is sufficient for what they have gone through already.

Bid Award/Milford Water Treatment Facility Award

Brandon Kohler, Project Engineer of Davis, Bowen and Friedel submitted the following recommendation:

The bids for the above referenced project were received on February 19, 2015. We have evaluated the bids and the associated documentation submitted by each of the Contractors and all documentation is in order. Please find enclosed a tabulation of all of the bids received. Based on our review of the bids we recommend that the Contract be awarded to Kuhn Construction Co. Kuhn Construction Co.'s total base bid is \$613,750.00. This Recommended Bid is within the City's proposed budget for this project.

Mr. Medlarz emphasized this is associated with the water tank. There were clarifications to the specifications issued and he felt the bids were very competitive.

The city manager is pleased to report that the recommended bid comes in below the budgeted amount for this project. Mr. Pikus was pleased adding that is a good situation that the city has not been in for a long time.

MILFORD PLANNING COMMISSION

MINUTES OF MEETING

February 17, 2015

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, February 17, 2015.

PRESIDING: Chairman James Burk

IN ATTENDANCE: Archie Campbell, William Lane, Ed Holloway, Deborah O'Neill

ALSO: City Solicitor David Rutt, Deputy City Clerk Christine Crouch

Chairman Burk called the meeting to order at 7:00 pm noting the absence of Ms. Mims, Mr. Sharp, Mr. Fry and Mr. Yosifon.

APPROVAL OF MINUTES

A motion made by Mr. Lane, seconded by Mr. Holloway to approve the minutes of the July 2014 Planning Commission meeting minutes as presented carried unanimously.

NEW BUSINESS

Dunn Development LLC on behalf of Walter N. Thomas II; Project No 13-196

**Extension of Preliminary Site Plan and Preliminary Major Subdivision for Hickory Glen
1335 Milford-Harrington Hwy**

Tax Map MD-16-173.00-01-21.00; -22.00; 71.91+/- Acres

Zoning R8

Mr. Phil Tolliver with Morris Ritchie Associates was present on behalf of the applicant and owner. He is requesting a twelve month extension of the preliminary site plan and preliminary major subdivision.

Utility studies of the area have taken place by Davis, Bowen & Friedel, the City's engineering firm, and are not yet complete. Without the study being completed, there is no way to design Hickory Glen's utility system.

Regarding outside agency approvals to be obtained prior to applying for final approvals from the City, Mr. Tolliver explained the project will be grandfathered by the Kent Conservation District because the plans were submitted to KCD prior to January 1, 2014, which is when a new stormwater management code went into effect with KCD. He is currently in discussions with them regarding questions they have in order to obtain their approval. Approvals are still needed from the Fire Marshal and DeIDOT.

Mr. Campbell asked what questions the KCD has had. Mr. Tolliver stated nothing significant or even worthy of mentioning. There are not red flags or nothing seems to be problematic, just normal engineering questions.

Mr. Tolliver continued by stating in his humble opinion, from doing this for 28 years, twelve months is not long enough between preliminary and final approvals to accomplish all that needs

to be done. He realizes other towns and counties provide the same twelve month window, but again in his humble opinion it is not sufficient.

Mr. Holloway asked if Mr. Tolliver can foresee any reason another twelve month extension will be requested next year. Mr. Tolliver replied it may happen but he is unsure. It will all depend on the housing market. Right now the market is not doing well so there is no reason to rush for final approvals. He would hope the market improves and another extension is not necessary.

Mr. Holloway added he really liked the assisted living component Hickory Glen had proposed at one point. Mr. Tolliver agreed it is a need in this area and since there is a five acre outparcel it may come back to the plan at a later date.

City Manager Medlarz introduced himself and explained years ago he was the City's engineer for many years as well. First of all, normally the City Manager would not appear in favor or in any position to projects however he was forced to review a number of email traffics between various entities, documenting the time line associated with the northwest Milford water and wastewater plan. The document landed on his desk last week so he's had a chance to review it and discussed it with Mr. Tolliver before the meeting tonight. It appears we are headed in the right directions.

It is a difficult area to master plan, so there are some reasons for the time invested in it. Strange enough the timing worked out in the end, but he clearly for the record states there is documentation on the books that he has personally reviewed which indicates a seven months back and forth between the City engineers, the developer, the developers engineer as well as City administration so it would be unfair for us to say the City did not play a part in this. This needs to be on the record and he will do the same with City Council.

Secondly, to answer Mr. Holloway's question, he expects them to possibly be back probably with a pretty good change because of the issues associated with the Fire Marshal. It's not one of the run of the mill type fire flow requirements and Mr. Tolliver will have to work hard to come up with a solution which more likely than not will have an underlying Public Works Agreement on top of the sewer one.

Lastly, there is a rezoning in the Planning Commission's future for one of the properties involved in the northwest study and that particular entity has met with him and he has met with the State Planning Office. There is also a Master Plan in the Planning Commission's future. This whole area is going to get a little more attention and the Commission will see City Manager Medlarz back for both of those issues.

Now Counsel can tell City Manager Medlarz if he has overstepped the limits of City administration. Mr. Rutt stated no. City Manager Medlarz laid out the facts and didn't voice an opinion.

For the record, Chairman Burk noted no one from the public was present, only Mr. Tolliver and City Manager Medlarz.

Mr. Rutt called a point of order and noted there are two resolutions before the Commission. One is for the extension of the preliminary site plan, which in accordance with §230-54(A)4 the Planning Commission makes a determination. The extension of the preliminary major subdivision will be a recommendation by the Planning Commission and determined by City Council in accordance with §200-4(A)5.

Mr. Lane made a motion to approve resolution PC15-001 which approves a one year extension on the preliminary site plan. Mr. Holloway seconded the motion. Motion carried unanimously following a poll of the commission.

Mr. Holloway made a motion to approve resolution PC15-002 which recommends the approval of a one year extension on the preliminary major subdivision. Mr. Campbell seconded the motion. Motion carried unanimously following a poll of the commission.

Introduction/Ordinance 2015-02/Chapter 230 Amendment/Lot Coverage, Parking, Floodplain Management

Based on recommendations from Scott Adkisson at Davis, Bowen & Friedel, Chairman Burk explained the next item on the agenda is a code amendment regarding lot coverage, parking and floodplain management.

Mr. Rutt stated there is a conflict in the code as it relates to parking space sizes. The proposed amendment will clarify that. In addition, the definition of lot coverage is being clarified. The floodplain management ordinance was recently amended and this amendment clean that up as well.

Chairman Burk explained this is only an introduction so no voting will take place. It will be discussed and voted on at the March Planning Commission meeting.

City Manager Medlarz explained he looked at the code and could not understand the parking space sizes as well, which is why it is being proposed for an amendment.

ADJOURN

Chairman Burk thanked the commissioners in attendance for coming out in the weather tonight and wished them safe travel home. With no further business, the meeting adjourned at 7:21pm.

Respectfully submitted,

Christine R. Crouch
Deputy City Clerk



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, DE 19901

**OFFICE OF THE
DIRECTOR**

**Phone: (302) 739-9910
Fax: (302) 739-6157**

February 5, 2016

City of Milford
Hans Medlarz
201 South Walnut Street
Milford, DE 19963

Re: Do you want State Mosquito Control services in your city/town next year?

Dear Sir or Madam:

It's now time for you to think about the start of another mosquito control season, involving our program now inquiring about whether your city or town might again want to receive (or might newly want to receive) the State's mosquito control services for the upcoming year (2016). By mid-March, 2016 the **Delaware Mosquito Control Section** will once again start its statewide spring woodland control program (to control larval mosquitoes breeding in wet woodlands). We'll then be performing from early April into early November our usual range of other statewide efforts to control these pests and public health menaces, which can originate from coastal tidal marshes, freshwater wetlands, and within developed or domestic settings. As such, **we now want to know if your city or town wants to participate in our control program for the upcoming year**, and to receive at no cost to your municipality the State's mosquito control services.

Potential problems if for some reason you choose not to sign up

In addition to our usual concern for mosquito nuisance problems and their quality-of-life and economic impacts (for local economies based on tourism, outdoor recreation, hosting outdoor events, animal husbandry), plus our traditional concern for possible transmission to humans or horses of highly virulent Eastern Equine Encephalitis (EEE), this upcoming season also carries the specter for the quite probable continued occurrence of a relatively new mosquito-borne disease problem given much publicity over the past several years, being West Nile Encephalitis (WNE), which also affects both humans and horses. While WNE might not be as sickening or deadly a problem as EEE, it will probably more frequently occur, and still be quite problematic for some people who contract this virus. We are now also on the lookout in Delaware for a recent mosquito-borne disease to hit the country affecting people, being Chikungunya virus that first came to the Western Hemisphere in December, 2013 in the Caribbean, and for which Delaware the past two summers has had a few imported cases of this disease brought back by travelers to the Caribbean and Central or South America, but fortunately not yet any locally-transmitted Chikungunya. The newest mosquito-borne that could be coming our way this summer by way of South America, having many characteristics similar to Chikungunya including being a recent import from the Old World, but now with an additional concern for pregnant women in possibly leading to microcephaly and development issues among newborns, is Zika virus.

***We Bring You Delaware's Great Outdoors
through Science and Service***

It's important to understand that if at this time your municipality chooses not to participate in the Section's program, then in event of your sudden change of mind, perhaps due to intolerable nuisance or disease problems sometime during the upcoming year, the Section might *not* be able to take control actions until all the agreements and procedures contained herein are fulfilled by your city or town. This can then slow down or even preclude the Section's ability to take or deliver timely response actions.

What you need to do to participate

In order to best serve the public, the Delaware Department of Natural Resources and Environmental Control (DNREC) has developed and adopted the enclosed **Mosquito Control Spray Policy** to govern applications of insecticides, with particular emphasis on the spraying of aerially- or ground-applied adulticides (insecticides to kill adult mosquitoes), and to a lesser degree for aerially- or ground-applied larvicides (insecticides to kill immature mosquitoes in their aquatic stages), within incorporated cities or towns. Aerial spraying of adulticides or larvicides might be done by fixed-wing aircraft or helicopter. Ground application of adulticides will be done by truck-mounted sprayers (a.k.a. "foggers"). Ground application of larvicides might be done by truck-mounted sprayers, backpack sprayers, or hand tosses. We are not requesting your endorsement for our ability to undertake ground applications of larvicides, but we are for all types of aerial spraying for adulticiding or larviciding, as well as for ground applications of adulticides.

The Spray Policy requires annual consent by municipalities before the Section will undertake certain types of needed insecticide spraying within a city or town's jurisdictional boundaries; provides for contact persons to represent both the municipality and the State; allows through a municipality's own devices for identification of human health-related "No-spray zones" for adulticides (if any); and addresses mosquito control in event of a declared public health emergency. This annual consent can be indicated by completing and returning to the Section the enclosed "**Municipality Endorsement**" form. There is also the option on the endorsement form to indicate that your city or town does not wish to participate. We would greatly appreciate your returning the endorsement form in either case. Without receiving the endorsement signed in some manner by the time requested, the Section will assume that your city or town does **not** wish to participate in the upcoming year's control program.

Please note that just by your signing and returning the Municipality Endorsement form it does **not** mean that you then automatically receive **all** of our mosquito control services whenever needed without any further actions on your part. Converse to this and as a specific exception (exclusive of a public health emergency that Mosquito Control might recognize), and as described in our Spray Policy (see Section III-4), **each and every time** that you want Mosquito Control to undertake any adulticide spraying (to control adult mosquitoes), done by us either via ground-based or aerial applications within or over areas in your municipality's jurisdiction, **your municipality's designated Mosquito Control contact person** (as you will have indicated on the Municipality Endorsement form, or alternatively it could be some other appropriate city or town official) **must contact the Mosquito Control Section and request such adulticiding**. Please note that there can be occasions when we might recommend to your city or town that such type of spraying be undertaken (based on technical information that our program collects), and whereby we advise you that your municipality then officially requests that we take such spray actions. However, in many instances it will be more a matter of your first contacting us on an **event-by-event** basis that you want Mosquito Control to apply adulticides (which could be determined by your municipality as being necessary or desirable for us to undertake via several avenues, such as your hearing from your citizens or constituents about intolerable local mosquito infestations, or by other means or devices that your city or town might have at your disposal).

The Mosquito Control Section also requires all participating municipalities **to prepare and sign a waiver on official city or town letterhead stationery** permitting spray application by low-flying aircraft, in order to comply with Federal Aviation Administration (FAA) regulations, and return such to us when done. Additionally, we have included a map of your city or town's area that was made from a pertinent section(s) of a

USGS 7-1/2" topographic map(s), **for your municipality to delineate its current incorporated boundaries;** and for you **to also indicate and delineate requests for human health-related adulticide No-spray Zones (if any)** in regard to adulticide aerial spraying, adulticide ground spraying, or both. In regard to requesting any human-health-related adulticide No-Spray Zones, you will then also have to follow-up with additional information when making such requests in accordance with our Mosquito Control Spray Policy.

Information about the products we use

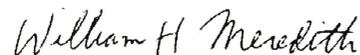
We have provided a CD in this packet containing insecticide product labels and Safety Data Sheets (SDS) for the insecticides mentioned in our enclosed Spray Policy, which constitute the range of products that we might use this upcoming season. These written materials, although technical in nature, can provide a wealth of information to any concerned individuals regarding an insecticide's safety for human health, wildlife or the environment. And of course we only use EPA-registered products for the purpose at-hand, safely done in full accordance with federally-approved label instructions. Please note that we also send our daily Spray Announcements to you throughout the control season via e-mail, and that you can also receive notice of this via our new Spray Zone Notification System (SZNS), with more details about the latter in our Mosquito Control Spray Policy. We have also included a copy of our public information handout "Mosquito Control in Delaware," which you can reproduce and use however you see fit.

If your city or town wishes to participate in the Section's mosquito control program next year, please sign and return **by no later than COB on March 11 (Friday), 2016:**

1. the enclosed Municipality Endorsement;
2. an FAA waiver letter giving us permission to aerially spray over your city/town, written on your city/town letterhead;
3. the enclosed USGS topo map, where you have drawn your municipality's current boundaries along with any changes since last year, or have indicated any requested No-spray Zones.

Your response should be mailed to: **Delaware Mosquito Control Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901 (attn: Kim Gadow)**. If you have any questions, please call me at 302-739-9917. Thank you for your cooperation.

Sincerely,



William H. Meredith, Ph.D.
Environmental Program Administrator
Delaware Mosquito Control Section

encl: Mosquito Control Spray Policy (for your information)
CD copy of product labels and Safety Data Sheets (SDS)
Municipality Endorsement form (for your signing and returning)
"Mosquito Control in Delaware" (an informational handout)
USGS topo map (for your indicating municipal boundaries and returning)



MOSQUITO CONTROL IN DELAWARE

Why does the State need to control mosquitoes?

- ✖ To reduce intolerable nuisance problems that lower quality-of-life.
- ✖ To prevent outbreaks of mosquito-borne diseases such as encephalitis.
- ✖ To lessen impacts to local economies based on animal husbandry, tourism or outdoor recreation.

How does the State control mosquitoes?

Mosquito control in Delaware is performed statewide by the Delaware Mosquito Control Section, an agency in the Division of Fish and Wildlife, Department of Natural Resources and Environmental Control. The Section has a three-tiered approach for controlling mosquitoes that integrates best management practices to reduce insecticide use.

- ✖ The first-tier uses various source reduction methods in the areas where mosquitoes breed by selectively excavating ponds or ditches in salt marshes to provide habitat for native fishes that eat mosquito larvae (a practice called Open Marsh Water Management); or by managing water levels in impounded coastal marshes to reduce breeding sites; or by seasonally stocking fish that eat mosquito larvae in freshwater wetland ponds or stormwater management basins.
- ✖ The second-tier treats wetlands, standing water and other mosquito breeding areas with insecticides to stop larval mosquitoes from emerging as adults.
- ✖ The third-tier applies insecticides to control adult mosquitoes, which might be necessary to do over or within populated areas as a control measure of last resort. This method is only used when the first two approaches fail to achieve satisfactory control.

Applications of larvicides or adulticides are done by aircraft or truck-mounted sprayers, and larvicides are sometimes applied by backpack sprayers or hand tosses. All spraying is done in conjunction with a vigilant mosquito surveillance and monitoring program, to ensure that insecticides are sprayed only when and where needed. In combination with non-insecticide source reduction methods, this approach forms a modern, integrated pest management program for controlling Delaware's mosquito populations.

How does the State decide when insecticide applications are necessary?

There are two considerations for determining when mosquito populations are of enough concern to require control measures. The first consideration assesses mosquito abundance through the use of larval dipping counts, adult light-trap collections, or adult landing rate counts, as well as by the number and location of public nuisance complaints. If the numbers of mosquitoes observed exceed established threshold criteria whereby nuisance or quality-of-life problems will soon occur or are actually happening, then control measures are implemented.

The second consideration monitors the presence of mosquito-borne disease viruses, either by directly testing mosquitoes themselves, or by testing blood samples from sentinel chickens for evidence of virus transmission. The field samples are collected by the Mosquito Control Section using a statewide network of 26 surveillance stations, with virus testing done by the Delaware Division of Public Health Laboratory. If disease virus is detected, this information is combined with assessments of mosquito population abundance, to either change threshold criteria for taking control actions, or to indicate geographic areas of special concern.

What insecticides does the State use?

When it is necessary to use insecticides, only products registered by the U.S. Environmental Protection Agency (USEPA) are used, which must be applied in accordance with all USEPA-approved label instructions. The use of insecticides in Delaware is overseen by the Delaware Department of Agriculture's Pesticide Compliance Section.

Currently, five types of insecticides are used for mosquito control in Delaware. These include 3 larvicides – the microbial larvicide *Bacillus thuringiensis israelensis* (Bti – Vectobac, Aquabac, Teknar); the juvenile growth hormone mimic *methoprene* (Altosid); and the organophosphate *temephos* (Abate). Larvicides are typically applied over marshes or other wetlands, where people are usually not likely to be.

Two types of adulticides are used, which in their routine application may come in contact with people, since these products are applied as aerosols near, over or within populated areas.

Resmethrin (Scourge) or *sumithrin* (Anvil) are synthetic pyrethroid adulticides used to control mosquitoes and other insects. These synthetic compounds imitate natural insecticides found in chrysanthemum flowers. Both compounds have low toxicity to mammals, and break down quickly in sunlight or when exposed to air. Resmethrin and sumithrin are considered by the USEPA to pose little risk to humans when used at the low concentrations for mosquito control.

Naled (Dibrom, Trumpet) is an organophosphorus adulticide. It is primarily registered for use on land to control adult mosquitoes and blackflies. Naled is also used on some food and feed crops to control pests. When applied at low concentrations as required by the label for mosquito control purposes, naled is considered by the USEPA to pose little risk to humans.

How safe are the insecticides that are used?

The insecticides being used for mosquito control, whether larvicides or adulticides, are registered and approved for mosquito control by the USEPA and have gone through rigorous testing to assure that there are negligible adverse effects to human health or the environment. These insecticides have been developed to affect insects while being relatively non-toxic to humans and other mammals, along with being short-lived in the environment. The USEPA has determined that these mosquito control insecticides, when used in accordance with USEPA-approved label instructions, can be applied without posing unreasonable risks to human health, wildlife or the environment. The currently used adulticides are applied as ultra-low volume (ULV) formulations, which allows very small quantities of active ingredients to be used. All insecticide applications carried out for mosquito control are conducted or supervised by licensed pesticide applicators, who have been trained in safe usage and application of insecticides.

What precautions could I take to reduce my exposure to insecticides?

As mentioned above, insecticides used for mosquito control are registered by the USEPA for spraying near, over or within populated areas, and can be applied without posing unreasonable risk to human health. However, there are some steps that can be taken to help further reduce any concerns about insecticide exposure. These measures could include staying indoors and closing windows during spraying, or washing any exposed skin with soap and water after direct contact. In the unlikely event you feel you are experiencing adverse health effects following insecticide application, you should seek medical care.

Who do I call for more information?

An information packet containing the Mosquito Control Section's "Spray Policy," pertinent USEPA factsheets, and technical information (product label, MSDS) about selected adulticides is available by contacting:

Dept. of Natural Resources and Environmental Control (DNREC), Mosquito Control Section (302) 739-3493
Dept. of Agriculture (DDA), Pesticide Compliance Section (302) 739-4811
Division of Public Health (DPH), Environmental Health Evaluation Branch (302) 739-6619

Pesticides and Mosquito Control. United States Environmental Protection Agency (USEPA). Office of Pesticide Programs.

<http://www.epa.gov/opp00001/citizens/mosquitocontrol.htm>

The EXTension TOXicology NETwork (EXTOXNET) Cooperative effort of University of California-Davis, Oregon State University, Michigan State University, Cornell University, and the University of Idaho. <http://www.ace.orst.edu/info/extoxnet/>

MOSQUITO CONTROL SPRAY POLICY

The Delaware Mosquito Control Section (Division of Fish and Wildlife, Department of Natural Resources and Environmental Control) utilizes an Integrated Pest Management (IPM) program to control mosquitoes in Delaware.

I. CONTROL METHOD PRACTICES AND PRIORITIES

The Department's (DNREC's) first preference for control is to use environmentally-sound source reduction techniques such as Open Marsh Water Management (OMWM) for saltmarsh mosquito control, managing or manipulating water levels in high-level coastal impoundments so as to disrupt the mosquito's life cycle, or stocking of larvivorous fishes in stormwater basins, backyard ornamental ponds, beaver ponds, etc. Such biological controls are effective in controlling an estimated 95 percent of mosquitoes breeding in areas treated with source reduction. The Department has a long-term program for implementing such approaches and is carrying out this program as time and resources permit. However, source reduction techniques are not suitable for some mosquito producing habitats, and in some cases landowners will not permit the Department to undertake the activities needed for source reduction purposes. In such circumstances, other control measures must then be employed.

The second preference for control is selective application of environmentally-compatible, EPA-registered larvicides (products designed to kill mosquitoes while they are still in the concentrated aquatic life stage) applied to the areas where mosquitoes breed. Aerial larviciding by fixed-wing aircraft or helicopters is usually not practiced directly over residential or developed areas, but ground-applied larvicides are frequently used to treat roadside ditches, flooded fields, used tire piles, abandoned swimming pools, woodland pools, median strip swales, lawn puddles, etc. in urban areas or suburban communities. Aerial larviciding by fixed-winged aircraft or helicopter is primarily used to treat freshwater wetlands, flooded woodlands, or coastal salt marshes or tidal wetlands, and is done only as warranted based upon intensive field surveys of larval occurrence, distribution and abundance. To be effective, larvicides must be applied during a very restricted period in the mosquito's aquatic phase of development. However, unfavorable weather or tidal conditions may prevent effective larvicide applications during this period. Larvicides routinely used in the recent past have included organophosphates such as temephos (Abate); but there is now a tendency to move toward third-generation larvicides, including juvenile growth hormone mimics such as methoprene (Altosid, Metalarv), bacterial insecticides such as Bti (VectoBac, FourStar, Aquabac, Teknar) or *Bacillus sphaericus* (VectoLex), or spinosad (Natular). Temephos is no longer used. We also make some local use of mono-molecular film larvicides (Agnique, Arosurf). These products may be either liquid or granular formulations. All larvicide products are applied according to federal, EPA-approved label specifications, as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

When unfavorable larviciding conditions occur or larviciding has been unsuccessful, it might be necessary to resort to adulticiding (the term used to describe spraying practices to

control adult mosquitoes). This type of spraying always occurs via a liquid formulation which ultimately becomes a fog or vapor. This is not to be confused with larviciding, which is often done via a dry/granular formulation. The adulticides used for the control of pestiferous mosquito species (e.g. organophosphates such as naled, or synthetic pyrethroids such as sumithrin, or etofenprox) are EPA-registered insecticides, which (like the larvicides) have demonstrated minimal human health or environmental risks, and as such can be sprayed over or within populated areas. Older chlorinated hydrocarbon or organochloride pesticides (DDT) are no longer used by our program, nor are carbamates. The EPA has determined that all the modern mosquito control insecticides applied by the Mosquito Control Section can be used to kill mosquitoes without posing unreasonable risks to human health, wildlife or the environment (but this is not to say that there are no risks at all). Once again, all adulticide products are applied according to federally, EPA-approved label specifications, as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Department will keep abreast of any EPA announcements that would suggest that a pesticide of choice (larvicide or adulticide) might present greater risks to human health or the environment than previously thought, and certainly comply with any new EPA requirements affecting the use of individual pesticide products.

When adulticides have to be used, our first choice is to apply them aurally by fixed-wing aircraft or helicopter within or immediately adjacent to mosquito-breeding areas, immediately after the adult mosquitoes have emerged. This tactic is more effective and less expensive than spraying adulticides over widespread areas after the adults have dispersed. However, before newly-emerged adults migrate to upland zones, the time period available to achieve satisfactory control on or near their breeding habitats is even shorter than for larviciding.

In some cases, however, all of the above controls are inadequate to control mosquito populations prior to their movements into developed areas. In such cases, adulticiding in populated areas might have to be done, particularly if nuisance problems become intolerable or there is the chance of spreading mosquito-borne diseases. These adulticides might be applied aurally (by fixed-wing aircraft or helicopter) or by ground using truck-mounted sprayers.

This spray policy primarily addresses the issues of insecticide applications in populated areas, with an emphasis on adulticide use whether by aerial or ground applications. The best available scientific information from the EPA and product manufacturers, plus independent research by the University of Delaware and other sources, leads us to conclude that the products we use, and the manner in which we use them, pose no unreasonable risks to the public (human health), wildlife or the environment. The EPA's product-labeling process reflects the permitted use and safety precautions that pesticide applicators must adhere to. The EPA, in order to designate a product's approved use, has to complete a risk assessment, and has to determine using best available science that the final end use possesses extremely low human health or environmental risks when applied in accordance with federally-approved label instructions, as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

II. ADULTICIDING IN POPULATED AREAS

The decision to spray for mosquitoes in populated areas depends upon two forms of evidence indicating that mosquito populations are unacceptably high. The first form is physical evidence obtained in populated areas from professional analyses of adult mosquito light-trap data (where available) for population abundance and species composition, or upon adult mosquito landing rate counts. Light-trap counts in populated areas exceeding 25 adult females per night of pestiferous species, or landing rate counts averaging three (3) or more adults per minute in populated areas, indicate a nuisance condition substantially lowering the quality-of-life, as well as an enhanced possibility for mosquito-borne disease transmission. Except when there are additional reasons to believe that some mosquito species may be presenting a significant public health risk, no spraying will be conducted unless physical or complaint evidence suggests that spraying is warranted.

The second form of evidence is public complaints in populated areas, resulting in requests for spraying coming from either individuals, civic or homeowners associations, or local city or town officials within incorporated municipalities. To the extent practicable the Section will investigate in the field the need for a spray response based on the physical evidence previously described, collected in manner as can be practicably obtained in the field in consideration of mosquito species-specific diurnal/nocturnal activity patterns, sampling limitations, and staff or equipment logistical constraints. The Mosquito Control Section will decide whether spraying is warranted on the basis of physical evidence alone; or by the merit, as determined by the Section, of a municipal request; or by the number, merit and pattern, as determined by the Section, of citizen complaints directly received by the Section. **[In regard to public requests for adulticide spraying coming from incorporated areas, the Section requires that citizen requests for spraying during an infestation be coordinated and conveyed to the Section by phone through a designated municipal official.]**

III. PROTOCOLS FOR ADULTICIDING INCORPORATED MUNICIPALITIES

1. Mosquito Control Municipality Spray Endorsement

On an annual basis, each incorporated municipality (city or town) desiring aerial adulticiding or aerial larviciding will prepare and sign a waiver on official municipal letterhead permitting spray application of insecticides by low-flying aircraft for treatments to be done by the Delaware Mosquito Control Section or its contractors, in order to comply with Federal Aviation Administration (FAA) regulations.

Before the start of the pest season (by early or mid-March), the municipality will also acknowledge and agree to through a signed endorsement the Mosquito Control Spray Policy's provisions, in order to allow and request the Mosquito Control Section to spray as warranted either all or portions of areas within the municipality's jurisdiction in accordance with this Spray Policy. Return of the signed endorsement requesting spraying will be needed for the Section to

spray by fixed-wing aircraft, helicopter, or truck-mounted sprayer or fogger any adulticides or larvicides within a municipality's borders, with exception of aerial spraying of larvicides over coastal tidal wetlands, and with exception of ground application of larvicides to tidal or non-tidal wetlands or other aquatic breeding sites by truck-mounted sprayers or hand application methods. [In regard to these last two situations, approval from municipalities is *not* necessary for the Section to aerially treat coastal tidal wetlands with larvicides, nor to make ground applications of larvicides in tidal or non-tidal wetlands or other aquatic breeding sites.] Without receipt of this signed endorsement, the Section will assume that the municipality does not want any aerial adulticiding or non-tidal wetland aerial larviciding, nor any truck-mounted spraying of adulticides, within their jurisdiction during the current pest season (mid-March through mid-November). If a municipality does not sign and return the endorsement before start of the pest season, it must be kept in mind that any change of thought resulting in a municipality to then request spraying later in the season cannot be honored until the endorsement is signed and returned to the Section, which in many cases might slow down or even prohibit the Section's ability to provide timely treatment, even in response to severe nuisance problems or potential disease outbreaks.

2. Adulticide No-Spray Requests and No-Spray Zones

The Mosquito Control Section might entertain and possibly grant requests for creation of No-Spray Zones for situations or circumstances where a resident might have substantial medical complications or adverse impacts from exposure or contact with our adulticide sprays. Please note that the possible creation of No-Spray Zones will not apply for domestic honeybee-keeping, organic gardens or crops, endangered or threatened species or other wildlife species of special concern, etc. These other possible concerns or issues have other approaches or mechanisms to try to deal with such possible conflicts and spray exposures. Possible creation and use of No-Spray Zones is for human health purposes only, and also requires some appropriate medical documentation (from a board-certified M.D. or D.O.), submitted by a person requesting an adulticide spray exclusion that substantiates such a request.

The Mosquito Control Section will not spray those municipality areas delineated by the municipality, and agreed to by the Section, to be zones where: 1) no aerial adulticide can be applied; or 2) areas where no ground adulticide can be applied; or 3) areas where neither method of adulticiding can be done. *Residents/property owners within an incorporated municipality desiring not to be included in the aerial or ground adulticide program must make such requests known by contacting their local municipal government officials.* The decision to request or authorize a No-spray Zone within a municipality, and the consequences for doing such, are entirely the responsibility of a municipality's officials. It is anticipated that such No-spray Zones will not be sought by municipalities for non-residents or non-property owners (i.e. not applicable to casual visitors or tourists). The municipality, after accounting for factors given in Section 3 below (for sizes of No-spray Zones), will prepare maps of No-spray Zones that were requested by their citizens and approved by the municipality, and submit these maps to the Mosquito Control Section for review and concurrence. Please note that it is important that the locations and sizes of each No-spray zone within a municipality be identified each and every year, as there will be no automatic carryover of No-spray Zone designations from previous years. The Section will

review the submitted maps and inform the municipality in writing (by U.S. Mail or e-mail) of its concurrence. If concurrence cannot be given by the Section for the proposed No-Spray Zones because of technical or logistical problems, the Section will then meet with municipal officials to resolve these problems. If a municipality wishes to modify the No-spray Zone designations after the pest season has started (i.e. after mid-March), the municipality may request such modification from the Section, but should understand that the Section will need at least two weeks advance notice in order to comply with the requested modification.

With exception of a declared public health emergency by appropriate State-level agencies, it must be understood that within a municipality the decision to adulticide for mosquito control purposes or not to spray is totally up to municipal officials, who have to weigh several factors in making this decision, to then possibly be followed by requesting the Mosquito Control Section's treatment services. These officials have to consider the impacts of intolerably high mosquito populations on quality-of-life factors and local economies, along with the possibility of mosquito-borne disease transmission, weighed against very negligible risks to human health or the environment when using EPA-registered adulticides in manner prescribed by the EPA, plus perhaps aircraft noise issues occasionally associated with aerial applications. If a resident or visitor to an incorporated city or town has a problem with this municipal decision, their complaint or grievance should be taken up with the municipality, not with the Mosquito Control Section. If a resident's or visitor's complaint or problem involves aircraft noise or other operational issues for how spraying was done, exclusive of concerns or issues dealing with pesticide exposure, the municipality should, in consultation with the Mosquito Control Section, attempt to directly address these issues with the resident or visitor making such complaint. If the complaint or problem concerns pesticide exposure, which in many cases is quite unavoidable in responding to a municipality's request for adulticiding over or within populated areas, the Mosquito Control Section will assist a municipality in technically addressing a complaint or issue raised by a resident or visitor. However, it must be kept in mind that the Section applied the adulticide at the municipality's request, in conjunction with the Section also independently investigating to the extent practicable that the adulticiding was warranted.

3. Sizes of No-Spray Zones

Because of technical constraints often associated with the nature and distances of adulticide spray drift (which is actually both a beneficial and unavoidable aspect of mosquito control adulticiding), a No-spray Zone for aerial adulticiding could involve an area having a radius of about 1500 feet outward from or around the residence in question (amounting to about 162.5 acres in size), and a No-spray Zone for ground spraying could involve an area having a radius of about 500 feet outward from or around the residence in question (amounting to about 18.1 acres in size). In almost all cases it will probably **not** be necessary for the No-spray Zone to be much larger than these minimums (which are created to avoid treating a residence where no spraying has been requested), but the final determination of the size of the No-spray Zone will be made by the Section on a case-by-case basis. In some or even many cases depending upon wind speed, wind direction, and other factors, it might still be possible at Mosquito Control's sole discretion to adulticide at distances less than what's described above.

It must also be recognized by the local municipalities that certain configurations or densities of No-spray Zones might also prohibit adulticide spraying to an extent greater than the mere summation of individual No-spray Zones. It must also be kept in mind that in many locations the creation of a No-spray Zone for an individual residence will preclude adulticide treatment for many neighbors or nearby residences who desire pest relief -- this situation is a dilemma that the local municipality must resolve.

4. Requests for Adulticide Spraying within Municipalities

A city or town each year signing and returning an annual endorsement form does **not** mean that a municipality then automatically receives **all** of our mosquito control services whenever needed without any further actions on the city's or town's part. Converse to this and as a specific exception (and exclusive of a public health emergency that Mosquito Control might recognize), **each and every time** that a municipality wants Mosquito Control to undertake any **adulticide** spraying (to control adult mosquitoes), done by Mosquito Control either via ground-based or aerial applications within or over areas under a municipality's jurisdiction, **then the municipality's designated Mosquito Control contact person** (as indicated by the city or town on the endorsement form), or some other appropriate city or town official, **must first contact the Mosquito Control Section and request such adulticiding.** Please note that there can be occasions when Mosquito Control might recommend to a city or town that such type of spraying be undertaken (based on technical information that our program collects) and whereby we advise that the municipality then officially requests that we take such spray actions, but in many instances it will be more a matter of the city or town first contacting us on an **event-by-event** basis to request that Mosquito Control performs some adulticide spraying (which could be determined by a city or town as being necessary or desirable for Mosquito Control to undertake via a municipality hearing from its citizens or constituents about intolerable local mosquito infestations, or by other means or devices that a city or town might have at its disposal).

For cities or towns in New Castle County and the northern half of Kent County, with the latter to involve all areas north of Camden-Wyoming on an east-west line that essentially includes all areas from south Dover north, extending on the west side from north of Marydel essentially along Rt. 8 into Dover and then eastward out to areas just north of Pickering Beach, the number to call is our **Glasgow office at 302-836-2555**. For cities or towns in all of the remainder of Kent County in its southern portions, including all of Camden-Wyoming, plus Marydel on the west and Pickering Beach on the east, along with all of Sussex County too, the number to call is our **Milford office at 302-422-1512**. Please refer to Mosquito Control's webpage on the DNREC website for more detailed delineations of the geographic jurisdictions for our Glasgow and Milford offices, at <http://www.dnrec.delaware.gov/fw/Services/Pages/MosquitoSection.aspx>.

Additionally, the Mosquito Control Section now provides the public and municipal officials an on-line portal to submit mosquito complaints and requests for control services, at <http://www.dnrec.delaware.gov/fw/mosquito/Pages/ServiceRequestForm.aspx>. Depending upon if an on-line request comes from a party living within an incorporated municipality or not, Mosquito

Control's response might then be different in accordance with what's contained in this policy for residents of incorporated municipalities versus residents in unincorporated areas.

It should be emphasized that any requests for mosquito control spraying coming from residents or visitors in municipalities should *not* be made directly to the Mosquito Control Section, but rather should first go to the appropriate municipal official, such that the city or town can then decide based upon several types of possible inputs as to whether the city or town will then request our Section's control services. The Mosquito Control Section will not respond to such requests if coming to us directly from a resident or visitor in a municipality (although via various means we might still receive such requests), but rather will tell the caller upon hearing of their problem to now contact their appropriate municipal official. A resident or visitor experiencing mosquito problems in unincorporated areas of the counties can directly call the Mosquito Control Section or utilize the on-line service request portal, done both for our awareness and possible follow-up control actions.

5. Advance Notification of Spraying

When there is a good probability that adulticiding operations are imminent within a municipality, to the extent practicable for sake of public notification the Mosquito Control Section will, for each adulticiding event (whether done by air or truck), do the following:

1) Offer advance spray notifications via Mosquito Control's new **Spray Zone Notification System (SZNS)**, which was started in 2015 and has now also replaced our former listserver e-mail method. The SZNS is probably now our most effective and comprehensive method to provide the public with advance spray notifications. This system is used to convey to the general public where and when *aerial* spraying (for adulticides or larvicides) and truck-mounted fogging (for ground-applied adulticides) is planned. To accomplish this, Mosquito Control has partitioned the state into numerical spray zones which are geographic blocks roughly 4.3 miles x 3.4 miles in dimension, or about 14.6 square miles in size (essentially about one-quarter of a USGS 7.5-minute quad map).

The SZNS consists of two key components. First, an integrative, on-line statewide map assists the public in identifying their particular zones of interest. Additionally, this statewide map is updated on a daily basis to display those zones where mosquito control spraying is planned for that day. Second, for good communication purposes, the SZNS integrates the Delaware Notification Service (DNS) application in order to then broadcast via text, e-mail or phone message when spray activity is scheduled for or within a particular zone (the mode or modes of communication are up to the subscriber's choice). If the subscriber prefers to also receive a daily statewide spray announcement summary of all spray events planned for any given day by Mosquito Control, this can be requested too.

The goal of the SZNS is to provide a tool where the public can identify their spray zone(s) of interest, and then be quickly notified when spray activity is planned within that zone(s). Individuals interested in signing up for this service or viewing the map can do so by visiting <http://www.dnrec.delaware.gov/fw/mosquito/Pages/MC-Spray-Info.aspx>.

Additionally, if a city or town has provided a municipal contact person(s), possibly achieved via return of the Municipality Spray Endorsement form they're asked to complete and return each year to Mosquito Control, then that appropriate municipal official so identified will be entered into the SZNS, and will receive our e-mailed daily spray announcements sent in advance for our planned spray events.

- 2) Place a phone spray announcement on a Mosquito Control Section recorder that citizens can call toll-free at 1-800-338-8181 to find out about the status of spraying.
- 3) On a statewide basis, contact about 15 local radio stations by e-mail (via the SZNS described above) to provide a daily spray announcement, which the radio stations may or may not choose to broadcast at their discretion.
- 4) Post a similar spray announcement on the Mosquito Control Section's (Division of Fish and Wildlife's) DNREC webpage, which the public can access via the Internet at <http://www.dnrec.delaware.gov/fw/Lists/Mosquito%20Spraying%20Announcements/calendar.aspx>.
- 5) Lastly, immediately prior to aerial applications of adulticides, if possible the treatment aircraft will briefly circle over pertinent areas within a municipality, to provide final notification or signal in the field of our intention to spray.

Any additional notification of intent to spray is up to the participating municipalities to perform or offer, but it is probable that giving additional public notice going beyond what the Mosquito Control Section presently performs would not be very feasible or practicable to do.

To the extent feasible and practicable, with exceptions for public health emergencies or when contending with unsettled weather conditions for spraying, such advance notification will be issued by the Mosquito Control Section at least two (2) hours before any adulticide spraying begins, and be done for every adulticiding effort within a municipality's jurisdiction.

The advance notification procedure for spraying described above will now also be followed for every *aerial* larviciding effort within a municipality's jurisdiction (in the past, such notice was routinely provided for spring woodland control aerial larviciding and other aerial treatments of freshwater wetlands, but was not done for aerial larviciding of coastal marshes). While aerial larviciding operations in treating wetland breeding sites usually do not involve spraying directly over people, the unfortunate terrorism events of September 11, 2001 have now greatly increased the public's concern and anxiety about possible bioterrorism incidents, which could occur (at least in theory) via pesticide spray delivery systems, so it is now prudent to ensure that municipal officials are fully aware in advance of any-and-all adulticiding (whether done by air or truck) or aerial larviciding within their jurisdictions. What will not be publicly announced will be truck-based spraying of larvicides (e.g. along roadside ditches) or hand-applied or back-pack larviciding done on foot (e.g. when treating localized breeding sites in small pocket marshes or in residential areas), since these types of activities are: 1) sometimes numerous and scattered; 2) are often not determined to be necessary until actually on-site; and 3) because of their carefully targeted applications to localized surface water (as opposed to the widespread spraying of

adulticide aerosols over uplands or marshes by aircraft or truck, or the relatively widespread aerial spraying of larvicides over wetlands), such applications hardly generate any public awareness, concern or comment.

For sake of good communications, and to help other agencies respond to possible public inquiries about mosquito control spraying activities, advance notifications of spraying are also provided by the Mosquito Control Section by e-mail via the SZNS to the Delaware Emergency Management Agency (DEMA), to each county's 911 Emergency Call Center, to Dover Air Force Base, and to the Delaware Department of Agriculture's (DDA) Pesticide Compliance Section and to the DDA's State Apiarist.

Additionally, by a working agreement adopted in 2003 among the Mosquito Control Section, the DDA's State Apiarist, and the Delaware Beekeeping Association (DBA), for all aerial adulticide spray announcements the Mosquito Control Section now indicates via coded grid-block numbers (for a special map of Delaware) where aerial adulticide spraying activities are intended to occur. By the tri-party working agreement, it is incumbent upon domestic honeybee keepers to assume responsibility for their keeping up-to-date and for their being aware about locations where aerial adulticiding is soon intended, achieved by the beekeepers taking advantage of the various spray announcement devices mentioned above (i.e. Spray Zone Notification System subscription, toll-free phone calls, radio announcements, webpage postings). If a domestic honeybee keeper has a problem with where some spraying will soon occur, the beekeeper should then inform the Mosquito Control Section in timely manner about such concerns, so that appropriate spray measures can be taken by Mosquito Control to avoid or minimize any adverse impacts to beekeeping operations. Since domestic honeybee keepers frequently move their bee colonies around in addressing crop pollination needs, and since the need for mosquito control spraying can be quite geographically variable and occur with relatively short notice, it is important that good two-way communications be maintained between Mosquito Control and domestic honeybee keepers, which adherence to the working agreement's protocols is intended to provide.

The 2003 mosquito control/ beekeeper working agreement has now been significantly updated, and starting in 2015 the protocols or standard operating procedures between the Mosquito Control Section and Delaware's beekeepers, which now address both aerial and ground adulticiding, are now described in 2 new documents, essentially replacing the 2003 agreement. These 2 documents should now be consulted for anything concerning mosquito control adulticiding relative to domestic beekeeping.

"Adult Mosquito Control and Domestic Honeybees – Standard Operating Procedures," accessible at www.dnrec.delaware.gov/fw/mosquito/Documents/MC-Honeybees-SOP.pdf.

"Adult Mosquito Control and Domestic Honeybees – Standard Operating Procedures, Background and Rationale," accessible at www.dnrec.delaware.gov/fw/mosquito/Documents/MC-Honeybees-Rationale.pdf

6. Time of Spraying

To the extent feasible and practicable and in consideration of product label requirements, adulticide spraying will be conducted at times which minimize direct human exposure (preferably early morning or late evening for aerial applications). During the summer peak “tourist season” from the Friday evening immediately before the Memorial Day weekend through the Monday evening of Labor Day weekend, aerial adulticide applications in the “coastal resort strip” from Lewes to Fenwick Island may be made on weekdays in the morning from 5:30 to 8:30 a.m. and in the evenings from 6:00 to 9:00 p.m., excluding the weekend that is defined here as Friday evenings through Monday mornings (and through Monday evenings on holiday Mondays of 3-day “weekends”). The “coastal resort strip” itself may be viewed as extending landward of the Atlantic Ocean coastline from Lewes to Fenwick Island a distance of up to about 5 miles inland, as well as about 2 miles landward of the primary bayshores composing the Inland Bays. Exceptions to not aerially adulticiding the coastal resort strip between Friday evening and Monday morning can occur at special request (in writing) from a municipality, or in event that inclement weather or other circumstances prevent timely, effective adulticiding at other times, whereby only the Friday evening to Monday morning weekend period is left for timely, effective spray application. Aerial adulticide applications will only be made when weather conditions comply with product-label spraying requirements (e.g. clear visibility and winds no more than 10 mph). Outside the coastal resort strip area, the weekend exclusion for adulticide spraying will not apply, but the daily time slots for spraying will still apply. An exception to the desired early morning and evening times for aerial spraying can occur when unusual weather conditions (e.g. fog, excessive wind, temperature inversions) preclude applications at the desired times, and yet the mosquito situation is so bad that spraying must still be performed that day, in which case adulticide spraying might occur during the day between early morning and late evening if not in violation of any product label conditions. Ground applications of adulticides statewide may generally be done from early evening through the night into early morning on weekdays or weekends, except that municipalities within the coastal resort strip from Lewes to Fenwick Island during the summer peak “tourist season” will generally not receive ground adulticide applications on the weekends (defined as above); municipalities within the coastal resort strip still might be ground-sprayed on weekends at special request (in writing) of a municipality, or if inclement weather or other circumstances prevent timely, effective ground applications at other times. Ground applications will only be done when weather conditions comply with product-label spraying requirements.

7. Adulticides Used

The Mosquito Control Section may aerially apply by twin-engine aircraft or helicopter at application rates up to those indicated below one or more of the following adulticides, with the choice of which product to use per spray event dependent upon the problem species to treat and other technical factors or local considerations:

- 1) Dibrom Concentrate (naled) applied at 0.10 lbs. AI/A, applied in ULV concentrated formulation of 1.0 oz./A, or

- 2) Trumpet EC (naled) applied at 0.10 lbs. AI/A, applied in ULV concentrated formulation of 1.2 oz./A, or
- 3) Anvil 10+10 (sumithrin + PBO) applied at 0.0036 lbs. AI/A, applied in ULV concentrated formulation of 0.62 oz./A, or
- 4) Zenivex E20 (etofenprox) applied at 0.00175-0.0070 lbs. AI/A applied ULV in undiluted, concentrated formulation; or mixed with mineral oil and also applied ULV.

The following adulticides may be ground applied at application rates up to those indicated by truck-mounted London Fog ULV (Ultra Low Volume) ground foggers:

- 1) Anvil 10+10 (sumithrin + PBO) applied at 0.0036 lbs. AI/A, mixed with mineral oil, applied at a total volume of 1.24 oz./A (0.62 oz./A Anvil 10+10 plus 0.62 oz. mineral oil/A), or
- 2) AquaAnvil (sumithrin + PBO) applied at 0.0036 lbs. AI/A, applied in ULV concentrated formulation of 0.54 oz./A, or
- 3) Duet (prallethrin + sumithrin + PBO) applied at 0.00024-0.00072 lbs. AI/A for prallethrin component, plus 0.0012-0.0036 lbs. AI/A for sumithrin component, both applied as a packaged mix in ULV concentrated formulation, or
- 4) AquaDuet (prallethrin + sumithrin + PBO) applied at 0.00024-0.00072 lbs. AI/A for prallethrin component, plus 0.0012-0.0036 lbs. AI/A for sumithrin component, in undiluted concentrated formulation; or mixed with water and also applied ULV, or
- 5) AquaHalt (pyrethrins + PBO) applied at 0.0009-0.0025 lbs. AI/A for pyrethrins component, plus 0.0045-0.0125 lbs. AI/A for PBO component, in undiluted concentrated formulation; or mixed with water and also ULV applied, or
- 6) Zenivex E4 – RTU (etofenprox) applied at 0.00175-0.0070 lbs. AI/A applied in undiluted concentrated formulation, or
- 7) Zenivex E20 (etofenprox) applied at 0.00175-0.0070 lbs. AI/A applied ULV in undiluted concentrated formulation; or mixed with mineral oil and also applied ULV.

The Mosquito Control Section will make accessible via CD to each incorporated municipality a copy of each adulticide's product label and its accompanying Safety Data Sheet (SDS), provided for their informational purposes as part of annual Spray Policy packets sent to each municipality.

8. Larvicides Used

The Mosquito Control Section may apply at application rates up to those indicated one or more of the following larvicides aerially by twin-engine aircraft or helicopter, or from the ground

using truck-mounted sprayers or hand application methods, with the choice of which product to use per spray event dependent upon the problem species to treat and other technical factors or local considerations:

- 1) VectoBac 12AS (Bti) applied at 32 oz./A, or
- 2) VectoBac GS or G (Bti) applied in granular formulation at 10 lbs./A, or
- 3) VectoLex CG (Bacillus sphaericus) applied in granular formulation at 20 lbs./A, or
- 4) VectoLex WSP (Bacillus sphaericus) applied at 1 pouch/50 sq. ft.
- 5) VectoLex FG (Bacillus sphaericus) applied in granular formulation at 2-20 lbs./A, or
- 6) VectoMax WSP (Bti + Bacillus sphaericus) applied at one water soluble pouch/50 sq. ft., or
- 7) Aquabac XT (Bti) applied at 32 oz./A, or
- 8) Aquabac 200G (Bti) applied in granular formulation at 10 lbs./A, or
- 9) Aquabac 400G (Bti) applied in granular formulation at 8 lbs./A, or
- 10) FourStar 45, 90 and 180 Day Briquets (Bti + Bacillus sphaericus) applied at one briquet/100 sq. ft., or
- 11) FourStar BTI 45 and 150 Day Briquets (Bti) applied at one briquet/100 sq. ft., or
- 12) FourStar Bti CRG (Bti) applied in granular formulation at 7.5-20 lbs./A, or
- 13) FourStar MBG (Bti + Bacillus sphaericus) applied in granular formulation at 5-20 lbs./A, or
- 14) FourStar CRG (Bti + Bacillus sphaericus) applied in granular formulation at 7.5 lbs./A, or
- 15) Teknar SC (Bti) applied at 32 oz./A, or
- 16) Teknar G (Bti) applied in granular formulation at 10 lbs./A, or
- 17) Altosid Liquid Larvicide (5% methoprene) applied at 0.013 lbs. AI/A, applied at 4 oz./A mixed with water to achieve a final application volume of 32 oz./A, or
- 18) Altosid Liquid Concentrate (20% methoprene) applied at 0.013 lbs. AI/A, applied at 1 oz./A mixed with water to achieve a final application volume of 32 oz./A, or
- 19) Altosid Pellets (methoprene) applied at 10 lbs./A, or

- 20) Altosid SBG II (methoprene) applied in granular formulation at 10-20 lbs./A, or
- 21) Altosid Briquets (methoprene) applied at one briquet/100 sq. ft., or
- 22) Altosid XR Extended Residual Briquets (methoprene) applied at one briquet/200 sq. ft., or
- 23) Altosid XR-G (methoprene) applied in granular formulation up to 20 lbs./A, or
- 24) Metalarv S-PT (methoprene) applied in pellet formulation at 2.5-10 lbs./A, or
- 25) Natular 2EC (spinosad) applied at up to 2.8 oz/A, or
- 26) Natular G (spinosad) applied up to 9 lbs./A, or
- 27) Natular G30 (spinosad) applied in granular formulation up to 20 lbs./A, or
- 28) Natular T30 (spinosad) applied at one tablet/100 sq. ft., or
- 29) Agnique MMF (nonionic surfactant) applied at 3 oz/1000 sq. ft., or
- 30) Agnique MMF G (nonionic surfactant) applied in granular formulation up to 21.5 lbs./A, or
- 31) Arosurf (nonionic surfactant) applied at 3 oz/1000 sq. ft.

The Mosquito Control Section will make accessible via CD to each incorporated municipality a copy of each larvicide's product label and its accompanying Safety Data Sheet (SDS), provided for their informational purposes as part of annual Spray Policy packets sent to each municipality.

9. Public Health Emergencies

In the event of an Eastern Equine Encephalitis (EEE), St. Louis Encephalitis (SLE), or West Nile Encephalitis (WNE) public health emergency, jointly recognized by DNREC and the Delaware Division of Public Health, aerial or ground adulticiding might be carried out over municipalities that have not signed the Spray Policy endorsement agreeing to permit such activities, as well as spraying also possibly occurring in designated No-spray zones, ceasing when the public health emergency is terminated. In event of a public health emergency, general public health considerations to prevent or lessen serious disease problems must take precedent over individual desires to avoid a short-term exposure to an insecticide that is registered by the EPA for application over populated areas, with knowledge that such exposures will of course take place but which are of minimum risk to human health and safety. The Section will try to continue to observe to the extent feasible and practicable its policies on advance notification, timing of spraying, and type of insecticides used, but public health concerns during emergencies may necessitate deviations from these protocols, such as for application timing, or for treating No-spray Zones, etc.

IV. PROTOCOLS FOR ADULTICIDING UNINCORPORATED AREAS

The spraying of adulticides by aerial or ground application in unincorporated areas does not require a signed Mosquito Control Spray Policy endorsement such as is needed prior to spraying incorporated municipalities. Because of insurmountable practical and logistical problems in communicating with individual citizens or civic associations in unincorporated areas, the Mosquito Control Section must assume that timely and safe adulticiding is allowable and desired whenever pest populations become excessive or mosquito-borne disease potentially threatens. The Section will determine when and where adulticiding is necessary, based on physical evidence and in conjunction with complaints from individual citizens or civic or homeowners associations. Similarly, the Section's ability to use larvicides, whether applied aerially or by ground, will not require any signed endorsements for when spraying is done in unincorporated areas.

Requests for human-health-related purposes for no spraying of ground or aerially-applied adulticides in unincorporated areas can be made by individual residents or property owners by directly contacting the Mosquito Control Section, to request a form for applying for No-spray Zone consideration, which after completion should then be returned to the Mosquito Control Section at the address indicated on the form (note: to request the application form, contact the Mosquito Control Section at 302-739-9917; or write to Delaware Mosquito Control Section, Division of Fish and Wildlife, DNREC, 89 Kings Highway, Dover, DE. 19901; or you can download a copy of the form over the Internet, by accessing at <http://www.dnrec.delaware.gov/fw/mosquito/Pages/MC-No-Spray-Request.aspx>). Please note that as with incorporated areas, the possible creation of No-Spray Zones will not apply for domestic honeybee-keeping, organic gardens or crops, endangered or threatened species or other wildlife species of special concern, etc. These other possible concerns or issues have other approaches or mechanisms to try to deal with such possible conflicts and spray exposures. Possible creation and use of No-Spray Zones is for human health purposes only, and also requires some appropriate medical documentation (from a board-certified M.D. or D.O.), submitted by a person requesting adulticide spray exclusion that substantiates such a request.

Please note that in situations in unincorporated areas where a local civic or homeowners association (HOA) exists that encompasses a residence for which a No-spray Zone designation is sought, the Mosquito Control Section will then strongly encourage and expect the No-spray Zone request form to be submitted by an appropriate official or representative of the local civic or homeowners association, done on behalf of the resident making the No-spray Zone request, with the resident helping to provide the appropriate official or representative for purposes of form completion the human health-related reason(s) or rationale behind the No-spray Zone request and other pertinent personal information. Adhering wherever possible to this protocol will help ensure that the residents in a neighborhood or development represented by a local civic or homeowners association will then be aware of the No-spray Zone request and its possible ramifications; and via the request form's submission by an appropriate official or representative, that the local civic or homeowners association is then in agreement or concurrence with a resident's request for a No-spray Zone. This should then also assist a local civic or homeowners

association to provide notice and explanations to their association's members who might then not receive pest relief services, resulting from a neighbor of theirs requesting and being granted a No-spray Zone designation.

All such requests for No-spray Zones must be made prior to March 1 for each pest season and must be made in writing using the approved form, which will request information such as name, address, and telephone number of the resident or property owner requesting no spraying, a map indicating the location of the property not to be adulticided, and the human health-related reason(s) for requesting the No-spray Zone. The names, addresses and phone numbers of all residents or property owners that adjacently border a property where no spraying is requested must also be submitted by a person requesting a No-spray Zone. This will assist the Mosquito Control Section in evaluating the No-spray Zone request and in providing explanations to at least some of the people who might then not receive pest relief services, resulting from their neighbor possibly being granted a No-spray Zone designation. Individuals must indicate whether they are requesting no aerially-applied adulticides, no ground-applied adulticides, or both. Similar as with No-spray Zones established within incorporated municipalities, and because of the nature and distances of adulticide spray drift (which is actually both a beneficial and unavoidable aspect of mosquito control adulticiding), the size of such zones for aerial adulticiding must involve an area having a radius of about 1500 feet outward from or around the residence in question (amounting to about 162.5 acres in size), and a No-spray zone for ground spraying must involve an area having a radius of about 500 feet outward from or around the residence in question (amounting to about 18.1 acres in size). In some cases depending upon wind speed, wind direction, and other factors, it might still be possible to adulticide at distances less than what's described above. If the entire requested No-spray Zone all fits inside the property of the person requesting such designation, then submitting information about neighboring residents or property owners will not be required.

This request for no spraying must be submitted each and every year using the approved form, as there will be no automatic carryover of No-spray Zone requests from year to year. If an individual citizen or a local civic or homeowners association in an unincorporated area wishes to request a No-spray Zone after the pest season has started (i.e. after mid-March), such requests may be submitted in writing to the Section similar to requests made prior to mid-March. However, due to the logistical problems in changing operational spraying procedures and advising contractors of revisions, the requester should understand that the Section will need at least two weeks advance notice in order to consider and review the request and to initiate procedural changes (if any).

Based upon the written requests for no spraying of adulticides, the Section will determine the need for and boundaries of No-spray Zones and will notify the individual or a local civic or homeowners association of the Section's decision. When possible, the Section strongly prefers that individual requests for no spraying in areas or neighborhoods that have local civic or homeowners associations be coordinated and conveyed in writing to the Section by the association prior to mid-March; however, individual requests can still be presented to the Section.

The application of adulticides in unincorporated areas will be similar to what is done in incorporated municipalities regarding times of spraying, insecticides used, and public health emergencies. However, in regard to providing advance notification of each spraying event, and because of insurmountable logistical problems, telephone calls or other personal contacts by the Section to individual citizens or local civic or homeowners associations will *not* be made. Nonetheless, concerned citizens can still inquire about the Section's intentions to spray by contacting, on a daily basis, the toll-free phone recording at 1-800-338-8181 or the Section's webpage posting of daily spray announcements at <http://www.dnrec.delaware.gov/fw/Lists/Mosquito%20Spraying%20Announcements/calendar.aspx>, or they can subscribe to the Section's Spray Zone Notification System (SZNS) to automatically receive such spray announcements via the Internet at <http://www.dnrec.delaware.gov/fw/mosquito/Pages/MC-Spray-Info.aspx>, and they can also be aware of pending spray operations by listening to any spray announcements that may be broadcast by local radio stations.

V. RESOLVING CONFLICTS IN UNINCORPORATED AREAS BETWEEN PERSONS REQUESTING NO SPRAYING vs. PERSONS WANTING PEST RELIEF VIA ADULTICIDING

Whenever possible, persons living in unincorporated areas who do not desire adulticiding will try to be accommodated by the Mosquito Control Section. However, conflicts sometimes arise when one or more nearby neighbors demand adulticiding for pest relief. Such conflict can arise either during the consideration or designation process for a human health-related No-spray Zone or after a human health-related No-spray Zone has been designated. When such conflict arises, the Section will attempt to resolve the disputes on a case-by-case basis, resulting in either continuation or resumption of adulticiding measures, modification of adulticiding measures, or stopping or continued cessation of adulticiding measures. Wherever local civic or homeowners associations exist that encompass a residence for which a No-spray Zone might be sought, the Mosquito Control Section will then also look to an appropriate association governing board or an association official to help make the determination whether to grant a No-spray Zone designation. Having a local civic or homeowners association actually submit the human health-related No-spray Zone request form on a resident's behalf also then indicates to the Mosquito Control Section that the ramifications of possibly not treating anywhere from about 18.1- 162.5 acres within a neighborhood or development have been examined by the local association, and that the association is in agreement or concurrence to go forward in accommodating a human health-related No-spray Zone. Value judgments of public health, safety, comfort and quality-of-life must be weighed against the health or other concerns of an individual requesting no spraying, with such judgments made either by the Mosquito Control Section, or by a local civic or homeowners association wherever such exist that pertinently apply. Individuals with special medical problems possibly attributed to pesticide exposure can obtain a physician's written opinion acknowledging pesticide sensitivity, coming from a board-certified M.D. or D.O., and such people might be given special consideration by the Section to the extent feasible and practicable, with hopefully similar consideration also extended by a local civic or homeowners association wherever such exist that pertinently apply.

The Section will try to resolve all conflicts in a manner acceptable to all parties, including if requested helping a local civic or homeowners association also resolve such conflicts, but public health concerns possibly affecting many people (e.g. arbovirus encephalitis outbreaks) must take precedence over other considerations. For most individuals having health-related concerns involving adulticide exposures, such people can satisfactorily minimize their concerns by paying attention to the advance spray notification process, followed by their taking common-sense measures to minimize or avoid exposure (e.g. temporarily leave the spraying area, temporarily moving inside, temporarily closing windows and doors, etc.). However, please note that given the safety of the types of EPA-registered adulticides or larvicides that the Section uses, and how these products are then applied with very minimal human health risks, then for a vast majority of people no special precautions need to be taken to avoid exposure to the Section's operational spraying

VI. POLICY APPLICABILITY – TYPES OF SPRAY APPLICATIONS

This policy's requirements to request participation of incorporated cities or towns, and to give advance notice of intention to spray in incorporated cities or towns, is applicable to aerial applications of adulticides, as well as for ground application of adulticides when delivered by truck-mounted sprayers. Participatory consent by cities or towns is also needed for aerial applications of larvicides during the spring woodland control program or for aerial larviciding of other freshwater wetlands; but such participatory consent from municipalities is not needed for aerial larviciding over coastal tidal wetlands, nor for the ground application of larvicides by truck-mounted sprayers or hand or back-pack application methods. However, advance spraying notice of all aerial larviciding within municipalities will be given. This policy's requirements for the Mosquito Control Section to give advance notice to cities or towns of intention to spray is not applicable to ground applications of larvicides when delivered by truck-mounted sprayers or on-foot by back-pack sprayer, hand-held sprayer, or hand toss. [It must be noted that if a municipality desires only on-foot applications of insecticides that are done by hand or back-pack, and does not agree to aerial applications of insecticides nor to adulticide applications by truck-mounted sprayers, in many cases and locations it will then not be possible to provide satisfactory nuisance control or disease prevention.]

The spray policy is also applicable to insecticide applications that are made for mosquito control in unincorporated areas, in regard to many needs, matters or practices that are similar to what occurs in cities or towns; as well as providing some protocols that are specific or unique for adulticiding in unincorporated areas, where municipal government interactions are not possible nor applicable. Finally, requirements to follow this spray policy can be waived by DNREC during a declared public health emergency (see Section III-9).

VII. GENERAL EMERGENCY WAIVERS

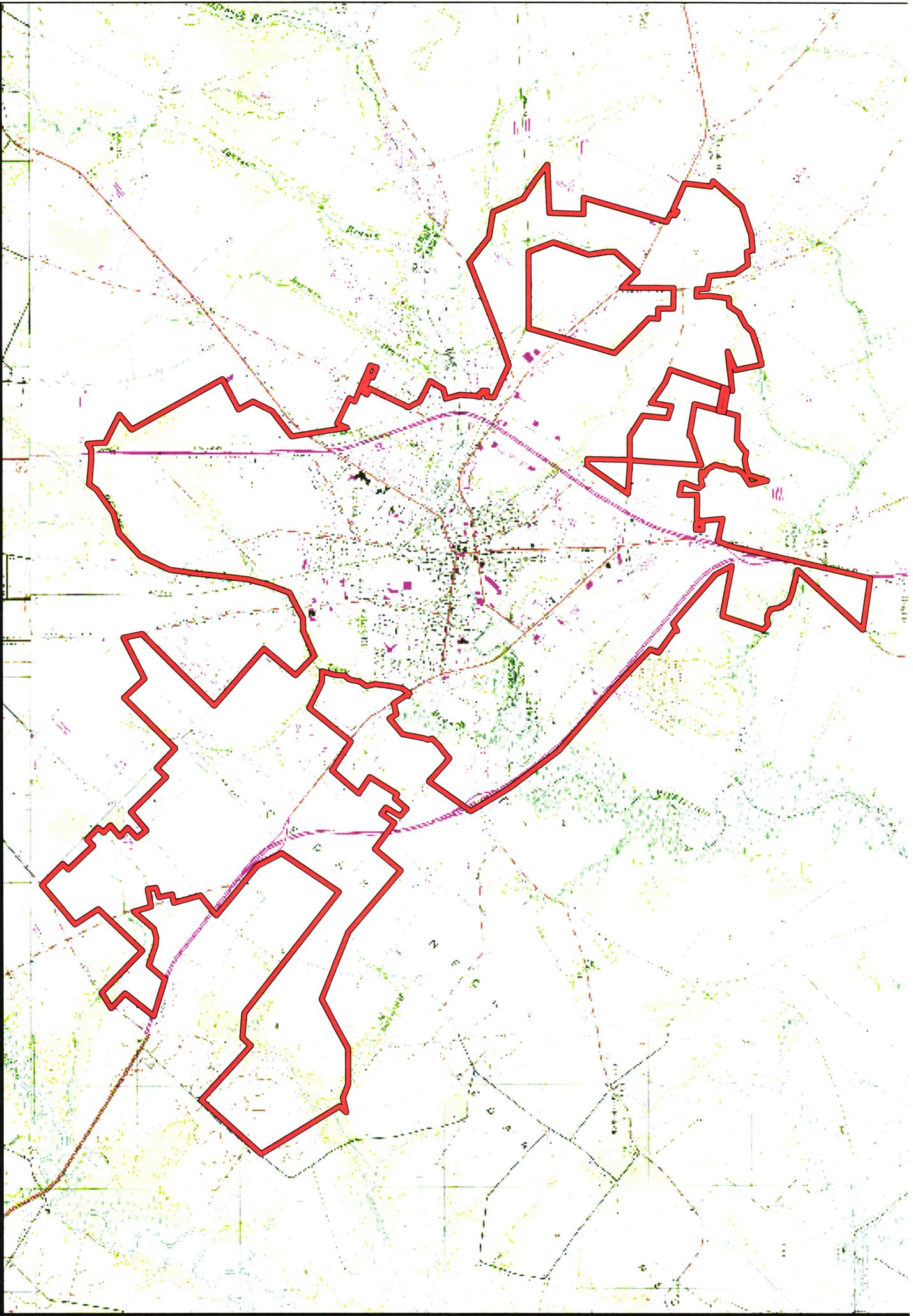
The Department, for exceptional circumstances or during emergencies, may modify this policy on a case-by-case basis.

VIII. POLICY ADOPTION

This "Mosquito Control Spray Policy" is adopted as the Mosquito Control Section's (Delaware Department of Natural Resources and Environmental Control) management policy, and supersedes any previous written or unwritten policies.

First formulated and adopted in February, 1990.

Latest revision – January 26, 2016



MILFORD

 Town of Milford