

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 30, 2008

A Meeting of the Police Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, December 30, 2008.

PRESIDING: Chairman Douglas Morrow

IN ATTENDANCE: Committee/Council Members Katrina Wilson and James Starling, Sr.

STAFF: Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Chairman Morrow called the Police Committee meeting to order at 5:04 p.m.

Towing Policy

Chief Hudson informed the police committee of a recent issue involving the city towing policy when a new wrecker service asked to be added to the rotating list kept by the department. He explained that under previous administrations and rules set in place, all towing companies were required to meet specific guidelines and have equipment necessary (including large capacity hauling trucks) to move anything off the roads, as well the insurance and expenses that go along with owning the equipment. To qualify, a towing company must maintain liability insurance, driver bonding and numerous operator license requirements that include criminal checks. Additional rules govern the mechanical safety of the tow trucks, the information displayed on trucks, reporting and recordkeeping just to name a few. Both Minner's and Wadkin's Towing Services have provided services for the police department since the early 1980's when the policy was put into effect by then Police Chief Richard Carmean.

Chief Hudson has searched the records at the police department and has been unable to find a written policy for towing companies. In the meantime, the city clerk search has searched the city records. Because the council minute books are presently in Florida being scanned for the newly implemented records management system, she was unable to access them at this time. However, she did find a couple of references in the index books which indicate the towing policy was discussed and voted on by city council in the 1980's.

The chief advised the towing business is located north of Milford next to Mike Stevens Car Dealership. The letter submitted by the owner indicates he is qualified to tow for Triple A and possesses all necessary insurances. However, one requirement is for a secure impound area where vehicles can be retained and safeguarded until released by the police department. When Chief Hudson went to review the site, the area was not completely secure though the owner indicated it is in the process of being completed.

It is Chief Hudson's belief that city council adopted and implemented a towing policy for Milford Police Department modeled after the policy used by the Delaware State Police as was stated by Minners and Wadkins. Both indicated this wrecker service does not meet the same strict criteria needed to be a police towing service.

Bill Wadkins informed Chief Hudson that he came before council with an attorney back in the 80's. In order for him to become a towing service for the police, he was required to make numerous changes including the purchase of some heavy duty towing equipment. Roger Minner, who was the owner of Minners Towing at the time, was also present. The Ingram Brothers, current owners of Roger Minner Towing, confirmed what Mr. Wadkins stated. Both stated that Chief Carmean informed council the police department would follow the same procedure as the state police.

Both Minners and Wadkins feel it is unfair to include a towing service that does not adhere to the strict requirements outlined in the towing policy.

The committee agree the towing companies must adhere to all state guidelines to be eligible to provide services for the police department.

Chief Hudson will wait until he is able to get copies of the minutes. Once that information has been confirmed, an official towing policy will be developed which will either refer to the state police towing policy or require the same criteria.

Though this company wanted to start towing for the city the beginning of the year, Chief Hudson feels it is necessary to obtain this information before an answer can be provided.

Mr. Morrow agrees that an official policy must be written, but agrees the minutes must be reviewed before a decision is made. In the meantime, Chief Hudson will begin to work on an official policy.

It was agreed that once a policy is in place, that information will be provided to any wrecker company interested even though they will need to comply with all regulations before they can be added to the rotation list. The committee agreed it would also protect the city.

Chief Hudson will follow up with other towns and review the state policy and make recommendations. Ms. Wilson suggests a final draft be presented to council; however, if council already adopted a policy, it will not need to be re-adopted unless Chief Hudson feels changes need to be made.

Chief Hudson reiterated his concern is that the policy be clear to ensure everyone understands what is required.

Police Vehicles

Chief Hudson advised that two police vehicles recently involved in accidents need to be replaced. A check for \$8,565 was received for one and he is still waiting to hear what they will receive for the other.

When Hertrichs was contacted to determine if they had any police vehicles, they had six on the lot. Since that time, four have been sold. They offered to sell them to Milford at last year's pricing of \$20,781.

Two obsolete vehicles were sold earlier this year for \$1,525 and \$1,136. That money was placed back in the general fund account by the finance director. Mr. Portmann has agreed to put the money coming from the insurance company into a separate fund for the purchase of the new vehicles.

Of the four patrol vehicles left, one was being worked on at Hertrichs which had to be left overnight which left only three patrol vehicles.

When asked if any criminal division or administrative vehicles could be used, Chief Hudson explained that because they are not equipped with the proper emergency equipment, there are some liability concerns if used by patrol officers. In addition, those vehicles were pulled off the road because they have extremely high mileage which creates maintenance issues particularly if they are run for an 12-hour period. He added that if necessary, one of those vehicles can be used by the shift supervisor, though they are instructed to be very cautious when responding to a complaint or emergency situation.

Chief Hudson recalled the \$35,000 placed in his capital building fund for a police building needs and feasibility study. If he is able to use a portion of that to pay the difference for these new vehicles, he will request the study be postponed for a year which he feels is appropriate considering the current economy. In that manner, no additional money would be needed and his budget would not increase.

Mr. Starling moved for approval to use the amount needed to purchase two new police vehicles from Hertrich and to move that amount from the police capital building fund, seconded by Ms. Wilson. Motion carried unanimously.

Chief Hudson advised that the finance director had previously informed him that moving money in his budget from one line item to another does not require council action. Council action is only required when a new funding source is needed that would increase the overall budget. However, the chief felt that police committee action was needed in

addition to informing them of the status of the vehicles.

Chief Hudson advised that Hertrich is holding the two vehicles for Milford until an answer can be obtained. The committee feels that both vehicles should be obtained. If these cars were unavailable, Chief Hudson would have to do a nationwide search. It was confirmed that falls under the state contract and any other vehicle would have a much higher price tag.

Chief Hudson also verified that all emergency equipment could be transferred to the new vehicles which is a substantial savings. Because this is done in house, there are no labor costs involved as well.

Executive Session-Activities of Milford Police Department in its efforts to collect information leading to criminal apprehension.

Motion made by Mr. Starling to go into executive session in reference to the activities of the Milford Police Department efforts to collect information leading to criminal apprehension, seconded by Ms. Wilson. Motion carried.

Chairman Morrow recessed the Police Committee Meeting at 5:54 p.m. to go into executive session to conduct a discussion to discuss the activities of the Milford Police Department in its efforts to collect information leading to criminal apprehension.

Return to Open Session

The Police Committee returned to open session at 6:09 p.m.

No formal action was needed on the item discussed in executive session.

Adjourn

Motion to adjourn the Police Committee Meeting made by Ms. Wilson, seconded by Mr. Starling.

Motion carried.

The Police Committee Meeting was adjourned by Chairman Morrow at 6:09 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder