

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2020

The City of Milford Police Committee met by way of video conferencing on September 28, 2020.

PRESIDING: Chairman Mike Boyle

IN ATTENDANCE: Mayor Arthur Campbell

Committee/Councilmembers Andrew Fulton, Jason James and Douglas Morrow

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

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See September 28, 2020 Police Committee Meeting agenda for additional information.

CALL TO ORDER

Chairman Boyle called the meeting to order at 6:11 p.m.

Because of for the most part being a new committee, Chairman Boyle asked Chief Brown to provide an overview of the department's operations.

Chief Brown stated as you know, we've had two openings for a long time. We recently hired a female who was a summer officer for years and will be starting the Dover Police Academy starting October 4th.

He said they also have two other certified officers that have applied and he hopes at least one of those pans out.

The Chief said that Chairman Boyle asked him to also talk about things he has changed in light of the national sentiment with police. The Delaware State Chiefs Association has been active and have come out with a model policy on the use of force. But within their own department, they will mirror that though there aren't any deficiencies in Milford. They don't have use chokeholds and have not had any issues so they are in compliance already.

They are looking at other policies to ensure they are meeting the needs of other public outcry issues.

He is also activity involved with the police accountability subcommittee that was formed out of the Black Caucus of the legislators. The Police Chiefs Council has representation on that and he always gets the notices and monitors them.

When asked what else the Chairman wanted him to talk about, he mentioned remedial training. He stated that Councilmember Baer sent him a question which was forwarded to the Chief in regard to the monthly statistics though that can be discussed during the regular Council meeting.

Chief Brown said we do track the traffic tickets and there are quite a few ways of tracking them, but to determine if are city residents or non-residents is not included in that tracking. Chairman Boyle said in regard to the increased traffic during the summer coming through Milford, he was wondering how that impacted the city.

Chief said they would have to go through the tickets and create a record. Councilmember Boyle said he has seen on the statistics it is not out of line that traffic tickets are increased in the summer. Chief Brown said this year has been different before Covid-19.

NEW BUSINESS

*Police Facility Update/Chief Brown:
2020-2021 Cost Estimate (Current)
Special Borrowing Referendum Schedule*

Chief Brown deferred to Brendan Frederick from Becker Morgan for the update on the project.

Mr. Frederick said they had worked on the project and came up with a budget around this time last year. He is going to use the largest number that included everything for the project was \$18,429,000. Now that it has been pushed out another year, and considered the potential impacts to the construction market, and working with RY Johnson, is an increase of roughly 3% or just over \$500,000. The new projected total will be \$18,901.17.

Mr. Frederick pointed out that number aligns with all the discussions to date. There is a lot of ways to go into design and opportunities where we can work within budget parameters that may come our way, as well as accommodate for the ever- changing construction market.

As can be seen on the news, or anyone involved in homebuilding, understand that prices have soared astronomically over the last few months, to the extent that she had a sheet of plywood will cost about \$30 at Home Depot right now.

However, the team will work with everyone to kind of work within these parameters. But he felt it was important to evaluate the current status, where it could a year from now, because the design would not be completed until 2021, with construction starting late 2021, early 2022 for about twelve months.

The genesis of the update and basically involves just over a \$500,000 increase.

It was confirmed by Mr. Frederick when asking about continuing increases over the construction period, that number is what they call in the industry an escalation factor. The good news, is on bid day, that is the number. If the project duration is twelve-fourteen months, that number does not change. That contractors is meant to anticipate those costs through the start to finish.

He continued by stating that if the project was delayed another year, it would need to be re-evaluated on an annual basis. That number vacillates over the years and he has seen that number be a flat annually, up to as high as 10% depending on the market. Becker Morgan typically recommends a five to six percent increase, though they are very comfortable with the three percent at this time. But it needs to be taken into consideration general inflation in the construction market.

When asked what a bond issue of \$18.9 million means considering the money market now, Finance Director Lou Vitola said in terms of borrowing, he is unsure what a 30-year municipal debt is trading at right at this moment. He would like to think we could get under 3% still because the rates are still at historic lows. But right now, we do not know how that will change.

Mayor Campbell then talked about the \$3 million of electric funds discussed in the early stages of this project, he is curious what the interest would be on \$18.9 million. Mr. Vitola explained the rate will be driven, not by the amount borrowed. Whether borrowing \$10 million or \$20 million, the things that are going to drive the rate are the maturity term, how long the bonds are outstanding and how they are sold and in what markets.

In a project like this, Mr. Vitola explained, and there is a genuine need for a project and the referendum passes, there should be less worry about interest rate and the timing of the bond issue to get to market and more about making sure we have the ability to provide an adequate funding source, lock it in at a fixed rate and then establish a revenue stream to pay for it.

Mr. Vitola said where cities, get into trouble is when there is a rush to do something, or purposely put something off, in an effort to aggressively go after certain market conditions because it's short lived and could go away. But if the community needs a police station, you know, whether at 2.5 or 2.7%, that is not a huge tweak to the required funding when it involves a 40-year asset for the city. He would like to allow finance to be more of a back-office function that's going to help the city solve this problem. Then when it is time to go to market, at that point, the most advantageous bond sale will be made, at the best rates with the lowest interest cost that are in the best the best interest of the city.

The Finance Director explained that previously, any interest discussed may have been based on the municipal markets at that time though they change every day. We are in a historically low rate environment so if we are going to borrow, we might as well borrow the full amount. He does not think that sentiment will change.

If things move forward, pursuant to tentative schedule created by the City Manager, then Mr. Vitola's recommendation will not be any different that Finance Director Jeff Portmann's to borrow the full amount.

When questioned, Mr. Vitola explained that if the original plan was to borrow the entire \$18.4 million, without any down money or up-front cash, and the project is now up to \$18.9, we would still want to borrow 100% of the requirements. That makes financial sense in a low interest rate environment, regardless of the amount.

When asked the difference in tax increases because of the additional \$500,000 in project costs, Mr. Vitola said he is not sure of the exact amount. There is a small delta, but he has not done the math.

Councilmember James then asked that his item again be added to the next Finance Committee meeting in order to keep abreast of the project costs. He feels the most important thing is the time line. He understands from the memo there are some decisions that need to be made that have not yet been discussed.

Councilman Boyle pointed out that is on tonight's Council agenda where it can be further discussed, and included is the timeline for Council's review.

Councilmember Fulton agrees that from what he is understanding, the full amount sounds like the correct pathway to go. He feels that keeping our reserves intact keeps us more liquid. He is anxious to hear the timeline as well.

Councilmember Morrow concurs with Councilmember Fulton and he agrees that in this market, it is advantageous to borrow the entire amount of the project.

Councilmember Boyle referenced the memo in the packet that talks about the cost and what it will do to our property tax rate. The last section of the memo includes the timeline beginning October 12th through January 30th at which time the referendum would be held.

It was confirmed there are no alternative plans at the time should the referendum fail. Chief Brown is unaware of one.

Councilmember Fulton said he does not believe our city has any anti sentiment towards the police department, but if there were by some residents, he would hope that would not impact the vote.

City Manager Whitfield pointed out that if it were to fail, the question would be why would the referendum failed. And if it was the proposed tax increase, the size of the building, the cost of the building, etc. There would be a host of issues that would need to go back to the drawing board and review the reasons why referendum fail. Then tweak any future plans from that and move forward with a second referendum at some point.

Councilmember Fulton recommends we move forward with the timeline and hopefully get more information out to people to really drive the point home on how much it is needed.

Councilmember Fulton moved the Police Committee make a recommendation to move forward to the full City Council with the approval of the timeline has put forth by the City Manager, seconded by Councilmember Morrow. Motion carried.

Consideration/Behavioral Health Unit

Councilmember James reported that he is asking City Council consider having a feasibility study done to determine whether a behavior health unit would be beneficial to the Milford citizens and to the police department and discussed his request which follows:

This memo is a formal request that the City of Milford conduct a feasibility study to determine if the establishment of a Behavioral Health Unit within the Milford Police Department would be beneficial to the citizens of the City of Milford and to the Milford Police Department. The purpose for establishing the unit would be to fill the need for the department “to do something on the front end” for people in need.

It is evident that more and more our Police Officers are, by default, required to respond to mental illness and addiction related issues. The Behavioral Health Unit could reduce the burden on Police Officers and instead help to connect people with the behavioral, mental health, and substance abuse addiction services they need. Arresting and incarcerating someone with a behavioral health issue, mental health issue, or substance abuse addiction disorder is often not the best path. Absent a crime being committed, individuals suffering from these issues and disorders do not need to be in the criminal justice system. The Behavioral Health Unit would aim to keep these individuals and the community safe and to make sure that the persons in need receive the necessary treatment.

Responding to behavioral, mental, and addiction related issues places a burden on the resources of the Police Department by removing Officers from other law breaking and criminal activity matters. Responding to known mentally unstable subjects can be more difficult amid staffing limitations. A Behavioral Health Unit adds a vital resource to Police Officers responding to behavioral health issues; i.e., puts another tool in their tool belt; you've got your gun, you've got your Taser and then you have this. Specifically -trained police officers are paired with licensed mental health clinicians in an unmarked police car, wearing plain clothes.

The mission of the Behavioral Health Unit is to coordinate the response of Law Enforcement and the Behavioral Health System to aid people in behavioral crisis resulting from known or suspected mental illness and or drug and alcohol addiction. The Behavioral Health Unit receives calls through 911.

The Behavioral Health Unit would be under the umbrella of the Chief's Office and oversees the two tiers of police response to individuals with mental illness or in behavioral crisis:

- o Mental Health
- o Substance abuse addiction

Behavioral Health Unit Goals:

- Create a partnership with behavioral health professionals and police department.
- Develop an accessible, coordinated and comprehensive system of psychiatric emergency services.
- Divert persons who have behavioral health illness from the 911 emergency system and hospital emergency departments.
- Link frequent mental health consumers to the behavioral health system.
- Reduce police time on calls associated with behavioral health consumers.
- Increase disposition and treatment options for Police Officers police officers responding to crisis calls.
- Increase overall treatment satisfaction for behavioral health consumers.

This initiative is not to reduce nor replace current funding of the Milford Police Department; it is to provide the proper services for the citizens and the Police Department alike. Per conversation with Captain John W Treadwell Sr, there is possible funding through Federal and State grants.

Councilmember James said there a lot of cities all around us that are doing this. He spoke with Officer John Treadwell who runs the Behavior Health Unit up in the New Castle County Police Department who is willing to help. From Milford Hospital, as well as the Lieutenant Governor's office, are both willing to provide additional input.

There is also federal and state money available to help fund these types of things, starting with grants, that would then be turned into long-term funding if successful.

There are other partners available as well. New Castle County Police Department partners with Christiana Care as their behavioral health specialist. The ask here is for the Council to consider allowing a feasibility study to be done to see how this would fit or would be beneficial to the citizens of Milford and the department.

When asked for comments, Chief Brown said he is all for the feasibility study to learn more. He said he has read about departments across the country that are in the early stages of such programs and believes a feasibility study would be a good thing to do.

Councilmember Fulton asked if the department has a peer counseling type intervention at this time for drug addiction.

Chief Brown said he partners with Brandywine Counseling and Connections in Harrington and primarily take people there. They usually come in contact with a person that could benefit from those services, and they are willing to give them a ride to these places. If not, they provide the information they need to seek out those services.

Councilman Fulton asked if information is also provided for the Division of Public Health; Chief Brown said yes and since Brandywine Counseling here in Milford has helped with the homeless. Those that seek out and get treatment have really benefitted according to Chief Brown. He also got a DART bus stop there to make it easily accessible.

Councilman Fulton thinks a feasibility study would be of help, though there is a need to sit down and come up with some parameters as far as what they would like this program to do. He would like to start with Councilman James's parameters and move forward based upon these parameters. He would hate to repeat things that are already being done by other organizations like DPH.

Councilmember James said he has been in touch with Chief Brown and was aware of what was being presented. He agrees that in order to do a feasibility study, parameters have to be set, which will be impossible without Chief Brown. His assumption will be this Police Committee, with Council's approval, would be the owner of this project and create those parameters on what is the expected outcome.

He continued by saying the way Milford is growing that mental health, illness and addiction issues are putting a strain on the resources of our current police department.

Councilmember Fulton moved that the Police Committee move forward and have a feasibility study for a mental and behavior health unit to be considered, seconded by Councilmember Morrow. Motion carried.

ADJOURNMENT

There being no further questions, Chairman Boyle adjourned the Police Committee meeting at 6:44 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder