

City of Harrington
AGENDA
City Council Workshop
City Hall, 106 Dorman Street
October 6, 2014
6:30 p.m.

Public Comments *(2 minute limit)*

The public comment segment of the Council Meeting is the time that the City extends the opportunity to the general public to share with us your questions, thoughts, comments, concerns, and complaints. Those wishing to step forward to take advantage of the public comment segment will be provided two (2) minutes. While City government is interested in taking appropriate action, no action can be taken while the City Council is not in session, and current law prohibits City Council from engaging in discussion of any comments made. Discussion of any item appearing on the agenda as a public hearing is prohibited during the public comments segment as an opportunity will be provided during consideration of that item.

Call to Order

Pledge of Allegiance

1. **Delaware League of Local Governments' 2014 Police Chief of the Year
Norman Barlow**
2. **Farmington sewer contract**
3. **Yard award**

Adjourn

Posted 09/29/2014
Kelly Blanchies
Clerk of Council

Note: 29 Del.C. §10004(e)(2). Agenda items as listed may not be considered in sequence. This agenda is 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 meeting. If there are questions or special accommodations are needed, please contact Kelly Blanchies at City Hall, 398-4476 (at least 72-hours in advance of the meeting for special accommodations).

CITY OF HARRINGTON

PROCLAMATION

In Recognition of Chief Norman Barlow
Delaware League of Local Governments'
2014 Police Chief of the Year

WHEREAS, Norman Barlow has worked for the City of Harrington since 1991 and has served as the Chief of Police since July 1, 2009; and

WHEREAS, Chief Barlow has implemented many programs to improve the community, including landlord training classes and a school resource officer; and

WHEREAS, Chief Barlow coordinates and communicates well with other City departments and other police and government agencies in order to improve the functioning of the Harrington Police Department, the City as a whole, and the State of Delaware; and

WHEREAS, Chief Barlow continues to lead a valued police department, successful fugitive round-ups, and maintain a police presence for traffic safety; and

WHEREAS, Chief Barlow has prioritized insuring that his officers have the equipment and training that they need to be a safe and efficient police force; and

WHEREAS, as a longtime member of the community, Chief Barlow understands the importance of communication and effectively managing resources in a small town; and

WHEREAS, Chief Barlow is a respected member of the community, earning the admiration of his staff and colleagues by leading by example; and

WHEREAS, the Freedom Park pavilion was named for Chief Barlow because of the time and energy he devoted to founding the City's first park; and

WHEREAS, Chief Barlow has saved the City of Harrington considerable money by seeking grants and acquiring equipment through the LESO program; and

WHEREAS, Chief Barlow was named by the Delaware League of Local Governments as the 2014 Police Chief of the Year.

NOW, THEREFORE, the Mayor and Council of the City of Harrington, do hereby proclaim October 7, 2014 as **Chief Norman Barlow Day** in the City of Harrington and extend the deepest gratitude to Chief Barlow for his dedication to the City of Harrington and its citizens.

Anthony R. Moyer, Mayor

Cheryl J. Lahman
Vice Mayor, Council Member, District 4

Charles W. Porter
Council Member, District 1

Amy L. Minner
Council Member, District 2

Fonda Coleman
Council Member, District 3

Kenneth W. Stubbs
Council Member, District 5

Duane E. Bivans
Council Member, District 6

Signed the 6th day of October, 2014.

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**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF HARRINGTON AND THE TOWN OF FARMINGTON
REGARDING SANITARY SEWER SERVICE
TO BE PROVIDED TO CERTAIN PROPERTIES
IN THE TOWN OF FARMINGTON
BY THE CITY OF HARRINGTON**

RECITALS

1. The Town of Farmington ("Town") does not have a central sanitary sewer collection and treatment system, but a number of residents and property owners of the Town are desirous of having their properties connected to such a central system.
2. The City of Harrington ("City"), which is located approximately 4 miles from the Town of Farmington, does have a central sewer collection system and treatment system which presently serves all properties within the City, as well as the Delaware State Fairgrounds, and several other properties located outside, but in close proximity to, the City.
3. In order to accommodate future development within and near the City, the City has obtained approval for additional sanitary sewage effluent discharge capacity and is desirous of treating sewage from the Town of Farmington in order to benefit from economics of scale in operating its sewage collection and treatment system.
4. The Delaware Department of Natural Resources and Environmental Control is favorably disposed toward the creation of several larger sanitary sewage systems as opposed to the proliferation of individual on-site septic systems and/or small sanitary sewage systems in developing areas of the state.
5. The Town of Farmington is desirous of making central sanitary sewage service available to those properties in the greater Farmington area that apply for same without undertaking the significant expense and responsibility of constructing and operating such a system. Therefore, the Town has determined to allow the City to extend its collection and transmission facilities to and throughout the Town to allow the City to collect, transport (through sewage transmission mains), and treat sanitary sewage from participating properties in the greater Farmington area.
6. In order to fund this extension and enlargement of its collection, transmission, and treatment facilities, the City is obtaining monies through several grants and a loan directly by Rural Utilities Service of the U.S. Department of Agriculture, the terms of which loan impose various conditions and requirements on the City.
7. In order to facilitate a smooth relationship between the City and the Town, but recognizing that a formal, binding agreement between the Town and the City would be cumbersome and serve little purpose (because it is the individual property owners of the Town,

not the Town, who are to be served by the City's sanitary sewage facilities), the parties hereto are desirous of acknowledging, in a non-binding writing, their present mutual understanding and expectation regarding the implementation of the project contemplated hereby. It is therefore declared to be the purpose and intent of this "Memorandum of Understanding" that it be simply a contemporaneous written record of the parties present understanding of some aspects of the project contemplated hereby, and that it is not intended to be an exhaustive discussion of all of the project's aspects, nor is it intended to create enforceable contractual rights in the Town, the City, or in any third parties.

ACKNOWLEDGMENT OF BASIC UNDERSTANDING

At this time, the parties mutually contemplate that the following aspects of this project will be implemented and guided by the following basic concepts and principles:

1. Definition of Eligible Service Area. The service area shall be defined by the gravity collection system designed for the greater Farmington area. See attachments hereto for preliminary layout.
2. Expansion of Service Area. Future service expansions shall be considered eligible as long as the potential customer can be reached via a gravity extension of the collection system. Pumped connections to the collection system may be considered by the City on a case-by-case basis. Pressurized connections to the transmission system shall not be permitted. All future service area expansions shall be funded by the party requesting service and neither the City nor the Town shall be responsible for any portion of the cost thereof.
3. Description of Service. The City of Harrington will provide wastewater collection service from the property line cleanout to the greater Farmington area pump station, transmission service from the Farmington district pump station to the City of Harrington Wastewater Treatment Plant, and wastewater treatment and final disposal of effluent in accordance with the applicable State permits.

Each individual user within the entire sewer service area is responsible for the service lateral between the cleanout and the dwelling.

4. Rates and Rate Adjustments. The users in the greater Farmington area shall be subject to the sewer service charges in force and in effect at the time of connection, or as modified by the City Council from time to time, levied on the users within the corporate limits of the City of Harrington. The operation and maintenance component of the rates shall be subject to a multiplier as determined by the City.
5. Metering. The quarterly sewer service charge shall consist of the following:
 - A fixed amount currently set at \$100/quarter associated with a 20,000 gallon/quarter flow allowance.

- A variable amount set at \$5.00 assessed per 1,000 gallons of metered sewage above the flow allowance.

The users within the greater Farmington area shall not be individually metered. The pump station for the district will be metered and the individual bills for the users within the greater Farmington area will be based on the average as determined by dividing the overall number of users into the total district flow per billing period.

6. Impact Fees. All users connecting to the greater Farmington area at the time of the 1999 initial offer shall be exempt from tap-in and impact fees. Service connection requests received after completion of construction of the collection system shall be subject to a tap-in and an impact fee in force and effect at the time of connection.

7. Collection Policy. Users within the greater Farmington area shall be billed and subject to the same late payment and collection policies as are from time to time in effect for properties served by the City within the City of Harrington limits. At the present time, any sewer bill not paid within 30 days of its due date is subject to a late payment penalty of 2% per month.

8. Delinquent Accounts. The City may, at any time after a bill remains unpaid after its due date: (a) commence proceedings before any court of competent jurisdiction to collect the amount due, together with interest, late payment penalties and court costs. (b) disconnect service to the property(s), and/or, (c) to the extent permitted under 25 Del.C. Chapter 29, impose a lien on such property(s) and sell the same pursuant to motion proceedings. ~~In all events, the City may re-allocate any amounts not paid by any user in the Farmington Sewer District to and among the remaining users in the greater Farmington area, pro rata.~~ FR.

9. Rules and Regulations. Users within the greater Farmington area shall be bound by and subject to the same rules and regulations as from time-to-time govern like users located within the City of Harrington; provided however, that where the City can demonstrate a reasonable basis therefore, special rules and regulations may be made applicable to similarly-situated users within the greater Farmington area.

10. Monitoring of City's Rate-setting and Sanitary Sewer System Policy Decisions. In order to allow users in the greater Farmington area to be kept informed of the City's determinations regarding rates, charges, rules, regulations and other policies regarding the City's sanitary sewer collection, transmission, and treatment system, the Town shall appoint one member of the Town's governing body to act as a liaison with the City. Such individual shall be provided personal notice of any meeting of the City's Council, or of any Committee appointed by the Council, at the same time and in the same manner as those persons serving on such Council or Committee, whenever matters concerning the City's sanitary sewer system will be discussed and/or voted upon; provided however, that the City may exclude the Farmington liaison representative from any Executive Session authorized by the Delaware Freedom of Information Act.

11. Farmington Users Not Empowered to Vote in Bond and/or Other City Referendum. Recognizing that it is the City and not the Town that is pledging its full faith and credit to secure the loan funds to construct the improvements necessary to provide service to properties in Farmington, the parties hereto acknowledge that only the voters of the City authorized to vote by the municipal charter of the City shall be entitled to vote on any referendum regarding the issuance of bonds or other certificates of indebtedness by the City, or with regard to the future expansion or curtailment of the City's sanitary sewer service territory, such decisions to be solely those of the City, its governing body, and/or its qualified voters as provided by the City Charter and/or City ordinance.

TOWN OF FARMINGTON

11-10-99
Date

By: Thomas Roca
President of Commissioners

CITY OF HARRINGTON

9-1-99
Date

By: William A. P...
Mayor

Yard award will be discussed at the Workshop. No information included in packets.