

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**January 17, 2012**

A meeting of the Harrington City Council was held on January 17, 2012 and was attended by the following: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Wayne Porter; Council Member Kenneth Stubbs; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also in attendance: Alan Moore, Public Works Supervisor; Chris Fazio, City Engineer; and Jeremy Robinson from Chipman Middle School.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

**Community fitness center – Doug Brown from Chipman Middle School**

Jeremy Robinson was in attendance in place of Doug Brown. Mr. Robinson introduced himself as the Dean of Students at Chipman Middle School. He stated that the school is working in conjunction with Harrington Police Department to add fitness stations to the walking track that surrounds the school for both the students and the community. They are fundraising to purchase the equipment. He was seeking ideas for other fundraising or grant opportunities. The goal is to get the community more involved in the school. They have also installed an outdoor cafeteria with grills.

Mayor Price asked if the walking track and fitness stations would be open to the public. Mr. Robinson replied that the walking track is available for public use and the fitness stations would be as well. He hopes that the senior citizen population in particular will use it. He thanked the Council for their time.

**Minutes**

**City Council Meeting December 19, 2011**

Council Member Bivans asked about redistricting. The Clerk of Council replied that the Department of Elections was able to provide a map that contained the population of each district and block. She would like to present the new districts in February for a public hearing and approval. Vice Mayor Lahman requested that redistricting be added to the agenda for the February Workshop. The City Manager stated that it can be

presented at the Workshop and have a revised map for the second meeting in February. The City Solicitor stated that it may have to be adopted by ordinance.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the December 19, 2011 City Council Meeting Minutes as presented. The MOTION passed unanimously.

### **City Council Workshop January 11, 2012**

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the January 11, 2012 City Council Workshop Minutes as presented. The MOTION passed unanimously.

### **Police Chief's Report**

Council Member Porter asked what LESO was on the report. The Chief of Police responded that it is military equipment that is available for police departments to acquire. The Police Department has received weight equipment, golf carts, generators, and file cabinets. Council Member Porter asked if it is something that is applied for every year. The Chief of Police stated that it is available all the time through a website and coordinator. Council Member Porter asked if it is just for the police or if other departments can use it. The Chief of Police responded that it is for police but after a year some things can be sold or reassigned to other departments. Council Member Porter stated that he is glad to see the Chief of Police taking advantage of the program because it is something the taxpayers do not have to pay for.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to accept the Police Chief's Report as presented. The MOTION passed unanimously.

### **City Manager's Report**

Council Member Porter asked if the capital improvements calendar is a wish list. The City Manager replied that it is the schedule for what each department will need in the next five years. It is a documented plan as to what the City's priorities for capital improvement are.

Council Member Porter stated that Public Works needs a capital improvement plan because the streets are deteriorating badly. The City Manager stated that one of the things we will do is get a streets program with a priority list and hopefully each year a certain amount of money can be allocated to that and get community transportation funds and have a systematic approach to fixing the streets.

The City Manager stated that there are major projects in our audit that need to be put in the plan and plan how to fund for the future. This is what our plan is for the next five years and it can be adjusted. Council Member Stubbs stated that Milford has improved their streets and infrastructure in the last five years.

Council Member Bivans asked about the Inspections Report. The City Manager stated that it is a work in progress and being improved. She would like to include more information in her report about what is being done in City Hall all month long. Council Member Porter asked about 113 W. Mispillion being demolished. The City Manager stated that they got a demolition permit.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to accept the City Manager's Report as presented. The MOTION passed unanimously.

### **Financial Report**

Council Member Porter asked about the CIP Account Reconciliation. The City Manager responded that the allocated amounts are what is earmarked and what is available is the unallocated. There is a running list of what has been allocated. Council Member Porter stated that he would like to see the list.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to file the Financial Report for audit. The MOTION passed unanimously.

### **Departmental Reports**

#### **Public Works**

Council Member Porter asked about the I&I flow totes. The City Engineer stated that the totes were pulled but unfortunately did not record any data, so they have to be placed back in the manholes. Council Member Porter stated that should be a priority because the sewer will be turned over soon. The City Engineer stated that all they need is two rain events, pull the totes, get the data, and write the report.

Vice Mayor Lahman asked what causes there to be no data. The City Engineer stated that the water velocity could bump it against the side; it might just need to be turned off and on like a computer; new batteries were put in before they were installed.

Council Member Porter asked about a timetable for the East Milby Street project. The Public Works Supervisor stated that they are waiting to get the material from Delaware Plumbing and would like to have it done within the next month.

### **Wastewater Treatment**

There were no questions.

### **Library**

There were no questions.

### **Parks and Recreation**

There were no questions.

### **Fire and Ambulance**

The Clerk of Council stated that she met the new Fire Department Chief, and he will be emailing reports but did not have anything yet. Vice Mayor Lahman asked who the new Chief is. The Chief of Police responded Ralph Tucker.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the Departmental Reports as presented. The MOTION passed unanimously.

### **City Planner's Report**

Council Member Porter stated that more information on projects should be in the City Planner's Report. The City Manager stated that she just found out today that the building permit files are with the contractor. Vice Mayor Lahman stated that building permits are an internal process. Council Member Porter stated that the same projects keep appearing on the reports, and he would like to see them cleared up. Vice Mayor Lahman stated that she believes part of the problem is the turn over of employees. The City Manager stated that there is a problem of continuity and the City has a lot of projects in the works. We are working on getting things done, but some things just take time.

Vice Mayor Lahman stated that building permits and their expiration is as simple as having an internal tick file, which should have already been an internal process. The City Manager stated that for building permits we are setting up a spreadsheet on a shared drive so when they come in, they can be entered on it. Then when a bill comes in, it will be registered against it, so we will know for future reference if we are breaking even or if fees need to be increased. That will become the tick file too.

Council Member Bivans stated that he would like to see a timeline and update on what is happening with the projects on the City Planner's Report.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to accept the City Planner's Report as presented. The MOTION passed unanimously.

### **City Engineer's Report**

The City Engineer stated that we are waiting on Kent County to finish the testing of the pump station. The I&I was discussed earlier. The engineering portion of the Comprehensive Plan was finished awhile ago, but we will keep this on the report until the City Planner is ready to present it to Council. The Source Water Protection Ordinance has gone back and forth with the City Solicitor and there should be a final draft soon. The Water Meters will be discussed later.

The City Engineer stated that we are hitting a milestone for the Downtown Streetscape the maintenance bond will be up in February of this year so we have already sent a letter putting the contractor on notice of the different punch list items that we found requiring them to address them by January 20, 2012. Council Member Bivans stated that he has not seen any activity on correcting the issues and asked what happens if they are not fixed. The City Engineer stated that after January 20 the City Solicitor can send them a letter stating that if the work is not completed then we will call the bank to get the maintenance bond. Council Member Bivans asked if they could get an extension. The City Engineer stated that they could ask for one, but he would push for the work to be done before the bond expires.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to accept the City Engineer's Report as presented. The MOTION passed unanimously.

### **Old Business**

There was no Old Business.

### **New Business**

#### **Microphones for Council Chamber's recording system**

Council Member Porter asked who provided the original recording system. The City Manager replied that it was the same company, Atlantic Telephone. The old ones could not be repaired. The Clerk of Council stated that currently it is difficult to hear on the recordings people at the far end of the table and people in the audience. Vice Mayor Lahman asked if there was money in the budget to cover the cost. The City Manager stated that we can find \$619 to cover it.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept the bid from Atlantic Telephone for the microphones. The MOTION passed unanimously.

### **Contract award – Potable Water Meter Project**

The City Engineer stated that bids were opened on December 30, 2011. There were three bidders. The first apparent lower bidder was Dover Plumbing Supply Company. In evaluating their bid, there were several issues that forced us to look at the next low bidder. The first was that they submitted their bid late after all the bids had been opened and read out loud. Secondly, their product did not meet our technical specifications. We gave performance standards for these meters. The City Manager stated that Dover Plumbing Supply sells the City of Dover Census meters and quoted us for Hershey meters.

The second bid was from Belair Road Supply. Their bid was complete and on time. The problem with their bid is that they do not meet the technical specifications for the quality of the meter we are looking for. The biggest issue being that they did not have a product that is lead free. What is happening in Delaware and across the country is that manufacturers are going to be prohibited from having lead in their meters. This will become a law in 2014 in Delaware. There is talk right now of not grandfathering in meters that were installed in the last five years so they would have to be removed and replaced. There will be a legislative change in the next one to two years so philosophies could change. Council Member Stubbs stated there is a letter included with the bid stating that the meters are lead free. The City Engineer stated that they do not have it now.

Council Member Stubbs stated that the City already has 300 radio read meters and asked if they would be thrown out. The City Engineer replied that the City can get salvage value for them. Council Member Stubbs asked where the specifications came from for the meters since our current Master meters are not up to spec. The City Engineer replied that they are based on industry standards for the State in terms of what the requirement will be to get through 2014 without having to replace any meters and based on new technologies and interviews with the staff about issues with other manufacturers. Council Member Stubbs stated that the City has made an initial investment of 300 meters in preparation for the time that meters would be changed to radio read. We are almost committed to go with Master meter because of our investment. The City Manager stated that you can continue with your investment and in another two years you may have to take those meters out and ask the residents to replace them. Even if they are grandfathered in, for safety reasons do you want to continue putting that kind of product into houses for your residents. If you do not have to have lead in your meter then why would you want to

continue to do that. Council Member Stubbs stated that there is still lead on the pipe. The City Manager replied that is all the more reason to get meters that are NSF and lead free.

Council Member Porter asked if the meters that are used now have lead in them. The City Engineer stated that was the standard used when they were installed. Council Member Porter asked how authorities could ask you a year or two after you invest in a product to remove them. A list of the 300 meters could be kept and replaced as required. The City Manager stated that could be done and may mean that they will have to be read manually but that is more manageable than what we have now. The Public Works Supervisor stated that there is an inventory of the 300 meters with their locations, and they are radio read and still have warranties on them. He talked to other municipalities about issues they have had with water meters.

Vice Mayor Lahman stated that she thinks the City should keep the current 300 radio read meters and replace the others with new, lead free meters to be ready for 2014. The Public Works Supervisor stated that from what he has read, Neptune and Census meters are a far better quality than other meter companies. The City Engineer stated that the trick would be to be sure that the new meter system is able to read the remaining 300 meters. Council Member Stubbs stated that we should go with the same type of meters that are already being used. The City Manager stated that the Master meters will not comply with the 2014 regulations; the Neptune will. Council Member Stubbs stated that the letter attached to the Belair Road Supply bid says that they do. The City Engineer stated that the product that is in the bid is not lead free. There are six issues that do not comply with our technical specs. There was a difference of about \$17,000 between our second low bidder and our third low bidder.

Council Member Bivans asked if the legislation is tentative for 2014; there is no guarantee that it will read that way. The City Manager stated that the President signed the bill about a year ago and it is schedule to take effect in 2014. The City Engineer stated that it will become a mandate in the State. Council Member Bivans stated that if meters will not be grandfathered in then legislators will have to come up with a grant. Council Member Porter stated that the City is lucky that it has the funds now. The City Manager stated that the government issues many unfunded mandates. We are at a point where we can pay for it and do it once and do not have to make homeowners pay for it if we do it right. If we go with a meter that has lead in it, then in 2014 we might have to ask homeowners to replace them again. If the mandate does not go through then you still have a good meter that is NSF certified for health reasons. Last year the standard changed so why ignore it.

The City Engineer stated that he understands what the Council is saying, and no one wants to waste any money. He would be remiss to not make sure the City is ready for the 2014 standard. It would be irresponsible to let the City spend money then in two years come back and say I knew this was changing but did not advise you properly. He stated that he sees the point about the newer 300 meters but we have to look long term for the other meters to get both consistency and to be ready for 2014, because if it is a federal mandate, and it is going to happen. Vice Mayor Lahman stated that the biggest question is if the City goes with Neptune meters are they going to be compatible with the 300 meters that we already have.

Council Member Porter asked if the City Engineer was recommending the Rio Supply bid. The City Engineer stated that based on the fact the first two bids did not qualify the third low bidder was Rio, and their bid includes Neptune meters.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to table and add to the February Workshop the Contract award for the Potable Water Meter Project. The MOTION passed unanimously.

### **USDA Sewer Loan Terms Resolution \$1,658,000**

The City Manager stated that the Resolution just states the terms of our loan from the USDA. The terms will be 2.25% and shall not exceed 2.375% for 40 years. We have been approved for the loan and are getting ready to close on it. This is for the force main. Most of the money has been spent through interim financing at First National Bank of Wyoming.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept the USDA Sewer Loan Terms Resolution. The MOTION passed. Roll was called: 3 yes, 0 no, 1 abstain (Lahman – Yes, Bivans – Abstain, Porter – Yes, Stubbs – Yes). Council Member Bivans stated that he abstained because this loan was in process before he was elected, and he does not have enough information to vote on it.

The City Manager stated that there was a referendum that included the terms that was approved. The Resolution is a technical, house keeping measure to accept the terms. The City Solicitor stated that it reduces the cost to the City.

### **Public Comments**

There were no Public Comments.

### **Executive Session**



There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council