

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 12, 2012

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, March 12, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:06 p.m.

Receptionist Carlene Wilson filled in as recorder until City Clerk Terri Hudson was able to arrive.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Pikus to approve the minutes of the February 7, 2012, February 13, 2012 and March 1, 2012 Council and Committee Meetings as presented. Motion carried.

RECOGNITION

Mr. Pikus then introduced newly elected Kristin Patterson of the Milton Town Council. Ms. Patterson advised that she lived in Milford for thirteen years before moving to Milton three years ago. She will be appointed on April 2, 2012 and is present to observe Milford's meeting.

Mayor Rogers congratulated Councilwoman Elect Patterson and advised her our door is always open for any assistance we can provide.

MONTHLY POLICE REPORT

After presenting the monthly police report on behalf of Chief Hudson, Mr. Morrow moved to accept the police report as submitted, seconded by Mr. Brooks. Motion carried.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

I met with Chris Adkins who is taking over the operation and management of Shawnee Country Club. I think this is worth mentioning because having a golf course in our community can be a great resource for recreation, and is one of those amenities that make our town more attractive to people who are considering Milford as a place to live. Mr. Adkins has tremendous experience in this type business and shared with me some of the great changes he will be instituting at Shawnee.

I have devoted many hours to what changes the city could institute to make our billing process more customer friendly, and maybe even improve the staff's work load. I would very much like to introduce and offer e-notification along with the choice to go paperless. If only the present customers who pay on line choose this method of receiving their statement, it would save the city in excess of \$15,000.00 per year in postage and paper costs. This amount does not reflect man hour savings.

I also would like to finally create four billing and disconnect dates for bills. The present system of doing our entire customer base in one due date and one disconnect date is not the best use of staff and certainly a method that makes customers, who have to stand in lines that run out the door, unhappy. It makes no sense to follow a routine that is causing staff and customer overloads, but is also absolutely chaotic. I would divide the city into four billing areas, and assign four due and disconnect dates. They will now be the 7th, 14th, 21st and 28th. This would allow for a division of the workload into roughly 25% segments, thereby spreading the billing tasks throughout the month. The downside will be that initially, some customers may receive a six-week bill while others may receive a two or three-week bill. That will take some adjustment financially on the customer's end, but we will work with them until everything is back to a monthly time frame.

I am also considering the implementation of a policy wherein we return an electric account back to the owner of a rental property once a tenant closes the account. Our present policy involves an employee going to the location and disconnecting the meter. Many times the owner will call the same day for a reconnection, and then in a short time span the new tenant will walk in and request we put the account into their name. Currently, the owners do not pay any fee for disconnects and reconnects. We can automatically put it in the owners' name at no cost; however, should the electric be disconnected but the owner later request it be reconnected, they would then pay a \$35 fee. There are also owners who attempt to put the city in a liability issue for disconnecting power and allowing pipes to freeze or refrigerators to become unusable because tenants left spoiled food in them. Enacting this policy would save a great deal of employee costs, and customer complaints. The city is not rental property managers, and we do have many rental properties which makes this no small matter.

Mr. Carmean would also like an e-mail notification program into place. This would provide our customers with an on-line, paperless notice that the bill is ready and can be paid. However, customers can still request a paper copy of their bill should they choose that.

City Engineer Mark Mallamo and I met with Baltimore Air Coil regarding their failing well. This is causing serious problems with their fire suppression system. A few years back, I was allowed to extend sewer to their business when their septic system failed. They did not have the property to construct another system and retain any land for expansion. Our assistance, with help from Kent County and the State of Delaware, has allowed BAC to do several expansions and bring close to 300 more jobs to our community. I would appreciate councils' nod to let me continue to work out a solution to an important economic problem.

The mayor and I attended a meeting with DELDOT engineers regarding the proposed overpass at Rt. 1 and New Wharf Road. There is serious concern that some of the changes being considered could greatly reduce the ability for any commercial development in that vicinity. Some designs could adversely impact the ability of the two businesses already built to be successful. The concepts will be on display on Monday, March 12th at Milford Public Library from 4:00 p.m. to 7:00 p.m. Public comments will be taken at that time. I hope that council is able to stop by and familiarize themselves with the proposed plans before our council meeting that evening. Please make your wishes known at that time.

On March 15th, there will be a ceremony at City Hall for the Washington Street Water Project during which time, a \$4 million check will be presented to the city.

It was noted there are some DELJIS security issues at the police department by allowing our billing clerks in the dispatch room to accept disconnect payments. Mr. Brooks asked if something else can be arranged and recommended a police officer be hired at public works during disconnect periods; Mr. Carmean stated he is considering some other options and plans to discuss this with Chief Hudson. He and the chief have discussed some issues that have arisen by having civilians in the restricted area.

Mr. Pikus moved to accept the city manager report, seconded by Ms. Wilson. Motion carried.

Chief Hudson and City Clerk Terri Hudson arrived at this time.

Mr. Carmean later added that oil was found at the Washington Street site today. The plans were to add another well because production is down. When they began to drill in the area beside the basketball court, some of the bore equipment had an oil smell. Drilling was stopped immediately and DNREC was contacted though we have not yet received a report.

He will follow up with council once a final determination is made.

If required, Mr. Carmean hopes to have city crews handle any excavation.

COMMITTEE REPORTS

Nothing new to report.

COMMUNICATIONS

All documents included in packet.

UNFINISHED BUSINESS

Planning Commission Vacancy/Appointment

Mayor Rogers advised that Jason James was appointed at the previous meeting. His term will expire on August 31, 2013.

Mr. Brooks asked if the new planning commissioners are continuing to be trained as was done in the past. Planning Commission Chairman Chuck Rini was present and stated there is an ongoing training program that was developed by City Planner Gary Norris. He advised a training session is scheduled at the next meeting during which time DeIDOT representatives will be present.

Mr. Brooks recalled a comment made at the last meeting at which time it was stated that the planning commissioners voted to approve the Key Properties billboard because 'that is what council wanted'. Mr. Rini explained the planning commission approved the application based on the ordinance approved by council based on the DeIDOT signage requirements. At that time, the billboards met those specifications. However, they were not aware of the commitment made in 2003.

Mr. Brooks emphasized that the planning commission should make their own decisions and not make a determination based on what council desires.

Mr. Rini advised that the planning commission packet is mailed two weeks in advance of the meeting. Each application is reviewed individually before the meeting to allow commissioners to become familiar with the application. Therefore, there is no need to review each condition at that time.

Mr. Rini also emphasized the planning commission strictly adheres to FOIA and avoids e-mail messages to prevent any potential violations.

NEW BUSINESS

Reappointment of Board of Adjustment Member

Mr. Grier moved to reappoint Frank Bason of 400 Matthew Circle, Matlinds Estates, for a second three-year term beginning 02/28/12, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

It was noted that the changes made in the membership in 2010 by replacing the mayor, city manager and city solicitor with a three-resident board has worked well. There were a number of potential conflicts before that time.

City Solicitor Rutt agreed noting that the three board members do a great job reviewing the applications as are noted in the questions and comments that are made.

Motion carried by a unanimous roll call vote.

Board of Adjustment Term/Month Extension

In order to prevent overlooking the term expiration of the Board of Adjustment members, it was recommended their terms be extended to coincide with the terms of the Planning Commissioners. Therefore, it is requested the current terms of all three Board of Adjustment members be extended to August 31st of the applicable year.

Mr. Pikus moved that the terms of the Board of Adjustment members are extended from February 28th to August 31st of each respective year, seconded by Mr. Grier as follows:

Samuel Johnson-Term Expiration: 08/31/2013

Keith Gramling-Term Expiration 08/31/2014

Frank Bason-Term Expiration 08/31/2015

Motion carried.

Economic Development Advisory Panel

Mr. Grier moved to appoint Michael Ashton of Bayhealth and Pastor Gregory Nelson of Bethel AME Church to the Economic Development Advisory Panel, seconded by Mr. Pikus. Motion carried

Tyler Technologies Contract Amendment

FY2011-2012 Budget Adjustment/City Administration/Tyler Technologies/Contract/Parcel Count

Mr. Carmean reminded council that Tyler Technologies is the company handling the city's ten year reassessment. He noted that the contract approved by city council covered 4,180 parcels. An overage fee of \$50 per parcel would be charged for any parcels over that number. They have since determined the actual number of parcels that need to be evaluated in the city is 5,559. Instead, they have agreed to charge an additional \$22,200.

The city manager believes this involves paper parcels in subdivisions that had not been separated at the time they were approved. He emphasized these are fields only with no structures involved.

He reminded council we have also contracted Tyler to do regular annual maintenance beginning this year.

It was the consensus of council that Mr. Carmean should follow up with our Tyler representative and report back to council at the next workshop.

The city manager contacted our former tax assessor who had planned to enter the individual parcels into the city's system at the time of the reassessment.

FY2011-2012 Budget Adjustment/Police Department/Recording System

Chief Hudson requested \$13,995 to replace the police department's recorder system which is over eight years old. He advised the recorder had failed for two straight weekends over the past month. The equipment records emergency phone calls and police radio calls, emphasizing it is a crucial piece of equipment.

He said it is unfortunate it failed in the middle of a budget year but is needed as it protects both the police department and the city. He noted that the recordings are permanent files.

The chief reported the new recorder can be installed in 10 to 14 days. He noted the quote is a state contract from Collins Business Systems who is contracted with the police department.

Mr. Pikus agreed this was an unforeseen expense for the police department and agreed with Chief Hudson's assessment of its importance.

Mr. Pikus moved to transfer \$13,995 from General Fund Capital Reserves, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Introduction of Ordinance 2012-5/Water Code Chapter 220 Fire Line Service & Cross Connection Control

City Engineer Mark Mallamo presented an ordinance that addressed two items and will update our water code. One is to add a fee for a 2-inch fire service. Previously, there was only a 4-inch option. With the changes in the building code, some multi-family housing now requires fire service protection/sprinklers and a 4-inch line is not needed. A new fee will cover a 2-inch line that can handle these situations.

Mr. Mallamo advised the new state regulations require each city have a cross connection control plan and a way to monitor cross connection control. He explained that cross connection is a point in our water distribution system where chemicals or some type of contaminants could come into contact with potable water. Examples of cross connections can be found on carbonated beverage equipment, boilers and processing equipment. The plan protects our public water supply from the backflow of dangerous substances that could endanger our public water system due to a drop in pressure. He agrees there is a need to protect the balance of our water system and residents and this plan provides that ability.

To do this, backflow prevention assemblies are required where the water may come into contact with a contaminant. It is required by new state laws that all backflow prevention devices be tested minimally on an annual basis. This will begin with a monitoring program.

Mr. Mallamo noted the city is under contract with Hydro Designs, Incorporated through a state grant. Hydro Design will direct us through the implementation of the program by surveying all the businesses with potential threats. They will then evaluate the potential threat and determine the device needed to install. They will then test and set up the paperwork so that in the future, the city can handle the monitoring and annual reports from each business to meet these regulations.

Mr. Pikus asked the cost to a business that would need this type of device; Mr. Mallamo advised that the plumbing code requires backflow prevention in their systems. Therefore, any new construction or renovation would already have those devices. He said some may involve a small device that would attach to their beverage vending machines. However, some businesses may need a device costing several thousand dollars which would sense a drop in the system pressure and shut the system down to prevent fluids from backtracking.

Mr. Mallamo advised there may also be costs to upgrade or change outs to some devices that do not meet the need. In addition, there may be annual costs for each business for annual testing. He is unaware of those maintenance costs though it will depend on the device.

Mr. Mallamo confirmed there are businesses in Milford that will require these devices. He noted that each restaurant will be required to have some type of backflow prevention on anything with carbonation where there is a water connection. In addition, industries such as LD Caulk and Perdue will have a much higher threat because of the type of chemicals they use.

Mr. Gleysteen asked if basic check valves provide the same protection; Mr. Mallamo explained a basic check valve provides protection for a low threat. Each of the city's water meter pits has a basic check valve in it. As an example, where lawn chemicals at someone's home may be mixed with water and a hose is left in the bucket, the check valve in the

water meter will handle any reverse pressure because it is a low threat. However, in the more industrial applications, the threat goes up because of the different pressures involved in the systems. As a result, the standard check valve is not adequate.

It was confirmed this is a state law. Mr. Mallamo advised that any potential business will be notified of the new state code. Once the ordinance is adopted, the testing and surveying will begin. He said that some may not comply though he expects the majority of businesses will not have a problem because backflow prevention has been around for a while. The designers of fire protection systems have been putting in backflow protection even though a fire system is not a high threat; however, there is a chance for a foam injection or possible contamination of stagnant water.

He pointed out the variances in the different type of connections which the survey will provide.

The city engineer noted Selbyville also received the grant with Hydro Designs.

The following ordinance was officially introduced:

ORDINANCE NO. 2012-5

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by the City Council of the City of Milford:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, FOR THE PURPOSE OF ADDING A FEE FOR TWO-INCH FIRE SERVICE LINES AND FOR REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SYSTEM, I.E., CONNECTIONS OR ARRANGEMENTS OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SYSTEM.

WHEREAS, changes in the building code have created a need for small fire service lines, and the current schedule of water rates and charges does not address this need; and

WHEREAS, water services are available to businesses and residences within the City of Milford; and,

WHEREAS, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford are not allowed to connect to the City water system except as defined herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS AS FOLLOWS:

Section 1. §222-1(B)(1), Schedule of Water Rates and Charges, Fire Service Line, is hereby amended by adding a two (2) inch fire service line and applicable fee as follows:

<i>Size of Fire Service Line (inches)</i>	<i>Fee</i>
<i>2</i>	<i>\$2,500</i>
<i>4</i>	<i>\$3,000</i>
<i>6</i>	<i>\$3,500</i>
<i>8</i>	<i>\$4,000</i>
<i>10</i>	<i>\$6,000</i>

Section 2. §222-3 - Definitions, is hereby amended by adding the following definition:

CROSS CONNECTION - Actual or potential connections between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

Section 3. Chapter 222 is hereby amended by adding a new Section 33 to read as follows:

§222-33 - Cross Connection Control

- A. *That the City of Milford adopts by reference the Cross Connection Control Plan, which may be amended from time to time.*
- B. *That it shall be the duty of the City to cause surveys to be made of all properties served by the public water system where cross connections with the public water supply is deemed possible. The frequency of surveys and resurveys based on potential health hazards involved shall be as established by the City Engineer and as approved by the Water Department.*
- C. *That the representative of the City Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water system of City of Milford for the purpose of surveying the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the survey agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.*
- D. *That the City of Milford Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.*
- E. *That all testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be performed on an annual basis as required by the City of Milford. Only individuals that are approved and State of Delaware certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.*
- F. *That the potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified by this ordinance and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.*
- G. *That this ordinance does not supersede the state plumbing code but is supplementary to it.*
- H. *That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Milford, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$1000.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.*

Section 4. Dates

Introduction to City Council: 03-12-12

Adoption by City Council: 03-26-12

Effective Date: 04-05-12

Mr. Pikus and Mr. Gleysteen both agreed there is no problem with the surveying though there is concern with the financial impact on small businesses.

Mr. Mallamo agrees though this is a state regulation the city needs to comply with. He is unaware of any small business that could potentially have a major problem. He emphasized that anyone with a recent plumbing inspection would be required to have had adequate protection devices installed.

Once the evaluations are done, Mr. Carmean will report back to city council with any substantial needs of our businesses.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the seventh month of Fiscal Year 2011-2012 with 58% of the fiscal year having passed, 61.6% of revenues have been received and 53.8% of the operating budget expended.

Mr. Pikus moved to accept the January 2012 Finance Report, seconded by Mr. Gleysteen. Motion carried.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements.

Ms. Wilson moved to go into Executive Session reference discussions on site acquisitions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:53 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:44 p.m.

Executive Session Matter

Ms. Wilson moved to proceed with second drilling on the Hall property, with the partnership of Wickersham Developer who has agreed to pay costs, seconded by Mr. Brooks.

When asked for questions, Mr. Starling asked what happens if Wickersham does not pay the associated costs and will this need to be readdressed at another council meeting. The consensus of council was that it would.

Mr. Johnson then confirmed a contract would be in place before the drilling occurs. It was agreed it would.

Motion then carried by the following 6-2 roll call vote:

Mr. Johnson stated that in light of the fact that we have no clue where we will be drilling on the Mills Farm, he votes yes.

Mr. Grier votes yes noting that with the results of a positive test well, if the city places the water tower on this site, we will stub water east of Route 1.

Mr. Pikus votes no stating he prefers both test wells should be done.

Mr. Gleysteen votes no considering the first well on the Hall property came up dry. He feels it is very likely the second test well could also be dry. Two options are needed with one well on the Hall property, which would be paid by the developer, though a second test well should be drilled on the Mills property as council previously agreed.

Mr. Brooks votes yes to drill the second test well on the Hall property.

Mr. Morrow votes yes to proceed with the Hall property.

Mr. Starling and Ms. Wilson both voted yes.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting adjourned at 8:51 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, CMC
City Clerk/Recorder