

**MINUTES OF THE MEETING OF THE  
CITY OF SEAFORD MAYOR AND COUNCIL**

July 26, 2016

7:00 PM

Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Grace S. Peterson, Councilwoman Leanne Phillips-Lowe, Councilman Orlando Holland, Councilman William Mulvaney and Councilman Dan Henderson. City Manager Dolores Slatcher and Assistant City Manager Charles Anderson were also present.

Councilman Mulvaney offered the opening prayer and Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor Genshaw solicited any changes to the agenda. City Manager Slatcher stated there were none.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of July 12, 2016. Councilwoman Phillips-Lowe made a motion to approve the minutes from the July 12, 2016 Council Meeting. Councilman Holland seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw called for a motion to approve the minutes of the Public Hearing held on July 14, 2016. Councilman Henderson made a motion to approve the minutes from the July 14, 2016 Public Hearing. Councilman Mulvaney seconded the motion, and the motion so passed with all present voting in favor.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

Mayor Genshaw presented New Business #1, Eastern Shore Forest Products, Inc. seeking waiver of outside storage requirements outlined in the covenants for the Seaford Industrial Park. Assistant City Manager Charles Anderson stated that on Monday, July 18, 2016 the Economic Development Committee met with Eastern Shore Forest Products, Inc. in regards to seeking relief from the Seaford Industrial Park Covenants to outside storage. Their company is potentially considering the purchase of the former BASF facility in the Seaford Industrial Park. The zoning in the Industrial Park is M-1 and ESFP meets those regulations; and with this purchase their company would bring several new jobs to our community. Mr. Johnson from ESFP stated that for more than 35 years, the company has been dedicated to producing high quality products from the forests of the Eastern Shore of Maryland. The main products produced are animal comfort products, energy products, mulch and specialty soil products, and industrial wood fiber. With locations in Fruitland, Frankford, Millington, and Pocomoke that run 24 hours a day, 7 days a week, the company has averaged a 17% growth rate for the last 10 years.

Mayor Genshaw solicited any questions or comments from Council. Councilman Henderson asked if there were any plans to use the rail siding. Mr. Johnson said not at this time; products are being shipped by trucks.

Councilman Henderson asked if phase one will entail bringing products from other locations to the new facility and storing them there. Mr. Johnson said yes, and gave the following information on planned phases:

- Phase 1 (first two months): Repackaging operation of shavings brought in from the Pocomoke operation in bulk bale form. Bulk bales would be opened inside and repackaged into small retail sized packages.
- Phase 2 (within one year): Installation of a dryer to dry pre-made wood shavings at the Seaford site. Drying operations would likely increase employment by 2-8 people, depending on sales. Truck traffic would increase by 2-4 loads per day.
- Phase 3 (within two years): Installation of machinery to manufacture the wood shavings at the Seaford site. At this phase direct employment may increase to 40 workers on site. Truck traffic may increase to 12-15 loads per day. This is comparable to the traffic of the BASF plant.
- Screening: The property has some small berms and vegetative screening already in place. Expect to continue with this type of screening; noting that vegetative screening takes time to grow and may not totally screen the operations from street view for some time.

Councilwoman Peterson asked if the dry products and dryer will be kept outside of the building. Mr. Johnson stated yes; dryers are kept outside and the inside is used for manufacturing the product.

With no further questions or comments, Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made a motion to give Eastern Shore Forest Products, Inc. relief from the Seaford Industrial Park covenants to allow outside storage for their operations. Councilman Holland seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #2, an agreement between the City of Seaford and Two Farms, Inc. (Royal Farms), which would allow them to take over the contract of Purchase and Sale Agreement currently with Seaford Development Associates, Inc. Assistant City Manager Charles Anderson stated that on Monday, July 18, 2016 the Economic Development Committee met with regard to the agreement allowing Two Farms to take over the Contract of Sale from Seaford Development Associates, dated October 23, 2015 for the vacant lot, tax map and parcel # 4-31-5.00-208.00. Allowing them to do so will provide them the opportunity to potentially build a new Royal Farms store with a better access. It is the recommendation of the Economic Development Committee that City Council move forward with the agreement between the City of Seaford and Two Farms, and allow them to take over the Contract of Sale from Seaford Development Associates, Inc.

Mayor Genshaw solicited any questions or comments from Council. Councilman Mulvaney asked if Mr. Krieg's properties were all finished with their settlement on the purchase of lands from the City. ACM Anderson stated that they were. Councilman Henderson asked what liability the City has. City Manager Slatcher stated that the consent agreement takes precedence over the initial sales agreement; all the rights for the other party will just be transferred to Two Farms.

Councilman Henderson asked about the settlement date. ACM Anderson stated that it was set for a year from the execution date, but that they can always request an extension. City Manager Slatcher added that it could possibly be at the end of December 2016.

With no further questions or comments, Mayor Genshaw called for a motion. Councilman Henderson made a motion to approve the Consent Agreement between the City of Seaford and Two Farms, Inc. (dba Royal Farms) to be the owner of the contract of the Purchase and Sale Agreement the City previously executed with Seaford Development Associates, Inc. for TMP #4-31-5.00-208.00 (vacant lot). Councilwoman Peterson seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #3, information on emergency repairs authorized for damages that occurred during the July 13<sup>th</sup> storm at the Our Lady of Lourdes Church bio-retention area. Judy Schwartz, engineer at GMB, stated that the storm started shortly after 1 p.m. and lasted until about 5 p.m. A total of 5½ to 10+ inches of rain was recorded in and around Seaford. At this intensity, the storm was representative of a 200-500 year storm event. During the most intense rain fall was when the pipe failure occurred within the bio-retention area. The pipe was a 30-inch diameter dual-wall polypropylene pipe with watertight joints made for use in gravity-flow sewer and storm drainage applications. The pipe failure occurred at the joint, which was not stiff enough to offset the hydrostatic pressure within the saturated soil matrix, causing the pipe to get forced out of the ground. The water tightness of the pipe joint was also a contributing factor. The area was temporarily stabilized by City employees, and one section of the pipe was removed to avoid further compromise and prevent flooding should a second storm occur prior to permanent repair. GMB met with a representative for the manufacturer, who arranged for the delivery of three new sections of pipe at no cost to the City. They also sought assistance from a qualified contractor, Teal Construction, who was already mobilized and working on another project in Seaford. Teal Construction was able to provide a rapid response and proposed an amount of \$9,280.00, which was believed to be a reasonable price. Upon delivery of the pipe, GMB provided on-site construction representation to oversee the repair work at no charge to the City, which was completed on July 20<sup>th</sup>. Following the permanent pipe repairs, additional landscaping within the bio-retention area may be warranted.

Mayor Genshaw solicited any questions or comments from Council. Councilman Mulvaney asked how many yards of concrete ended up being used. Mrs. Swartz stated there were about 24 yards used. Councilman Mulvaney added that he was out at the site for a considerable amount of time during the installation of the pipe and that Teal Construction did a great job. Councilman Henderson questioned the timing, stating that since the pipe failure happened during the peak of the storm, it would have been less buoyant because it was full of water, and more buoyant after the storm was over when it emptied out. Mrs. Schwartz stated that when they went out to take a look at it around 4:30 p.m. the pipe was already out, and it could have been because the dirt used around the infiltration site is bio-soil so it is less dense than regular soil.

With no further questions or comments, Mayor Genshaw called for a motion. Councilman Mulvaney made a motion to approve \$11,920.00 from the sewer reserves for the concrete used to

secure the new pipe and contractor's installation of the replacement pipe as the emergency repairs to the storm water pipe ejected in the rain garden at Our Lady of Lourdes Catholic Church during the 200-500 year storm event on July 13, 2016. Councilwoman Phillips-Lowe seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #4, the proposed name of Cottage Lane on behalf of the Manor House located in Seaford, to rename the street for the cottages related to new cottages being constructed. City Manager Slatcher stated that Cottage Lane is now the new proposed name for Sussex Court and Woodland Court, because the existing names of the roads did not fit with the additions of the new cottages, because of the numbering system being even on one side and odd on the other. The name change was approved by Sussex County Mapping and Addressing.

Mayor Genshaw solicited any questions or comments from Council. There being none, he called for a motion. Councilman Holland made a motion to approve the name of Cottage Lane for the interior road as requested by the Manor House and approved by Sussex County Mapping and Addressing. Councilwoman Phillips-Lowe seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #5, information on the need to replace the controller in Pine Street Substation, which is a non-budgeted expense. Bill Bennett, Superintendent of Electric, stated that the tap control board on the main transformer in the Pine Street Substation failed on July 7, 2016. In troubleshooting the problem, they found a bad relay that raises the secondary voltage. The relay was ordered and installed on July 13, 2016, and in testing the function of the new relay it was found that a second problem had surfaced and the control board needed to be replaced. An emergency order for the replacement control board has been placed as this is a critical functioning control necessary for the transformer to maintain voltage. Two parts were ordered: a Beckwith M-2001D-6L42SBCUDOO control board at a cost of \$2,816.00, an M-2067B adapter connector board at a cost of \$166.00 and shipping of approximately \$30.00, for a total of \$3012.00. The parts are expected to be shipped out on Thursday, July 28, 2016. This tap changer controller is the same one specified in the Pine Street Substation expansion for two new transformers. When this expansion is completed and the transformer is out of service, the Electric Department will move this tap changer controller to the Ross Substation transformer, so that all three tap changer controllers are the same, which should help eliminate the chance of the tap changer control board creating a problem for the 20 years remaining on the life of the main transformer in the Ross Substation.

Mayor Genshaw solicited any questions or comments from Council. There being none, he called for a motion. Councilman Henderson made a motion to approve the non-budgeted amount of \$3,012.00 to replace the tap changer control board (i.e. controller) for the Pine Street Substation's main transformer. Councilwoman Peterson seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #6, information on placing a net along Sussex Avenue adjacent to the driving range to minimize golf balls from landing on private property. City Manager

Slatcher apologized for Mrs. English not being able to attend the Council meeting; she is the resident with the golf ball related complaint. ACM Charles Anderson stated that Mrs. English called last year to make the complaint that golf balls were landing on her property, and that she would like something done to avoid property damage. She is also concerned for her child's safety. The recommended plan is to place 40' wood utility poles at approximately 60' on center. The poles would extend 34' above grade. A 25' net would be placed at the top, which leaves 9' from the ground to the net. The material cost is estimated at \$4,089.79, the labor is estimated at \$2,705.34, and the equipment cost is estimated at \$1,420.00, for a total cost of \$8,215.13.

Mayor Genshaw asked if the net would be taller than the trees and how that would look. City Manager Slatcher stated that it would be taller than the trees. Bill Bennett stated that the net will be the same height as the light poles across the street. Councilwoman Phillips-Lowe wondered if it was safe to assume that the issue has become more serious than it was before. ACM Anderson stated that the issue has been monitored for a year already, looking at several options. Last year he also spoke to the golf pro at Hooper's Landing about liability, and learned that it would fall on the golfer, not the golf course, so the golfer would be responsible for any property damage. They did advise the golf pro to work with golfers to avoid the problem. But to date, nothing has changed, and the resident, Mrs. English, is not pleased.

Mayor Genshaw suggested to start checking into something less expensive and more natural looking. The residents do live in a golf course area, and this is expected to happen. If the City were to set up a net in that specific area for Mrs. English, other residents in that area would want the same done for them.

ACM Anderson stated that planting vegetation this time of year is not conducive because proper irrigation is required. The best time for planting would be in the fall, if that's what the City would like to do to make it look more natural. It also needs to be considered that there is limited space to work with.

With no further questions or comments, Mayor Genshaw accepted the recommendation and called for a motion to follow up. Councilman Henderson made a motion to table the project until further research as to cost of the plantings could be developed. Councilman Mulvaney seconded the motion, and the motion so passed with all present voting in favor.

Mayor Genshaw presented New Business #7, information for a planning grant for the shoreline stabilization at the Wastewater Treatment Plant. ACM Charles Anderson stated that the City of Seaford has the opportunity for a planning grant for Riverview Park. Council received some input from a landscape architect at the University of Delaware to convert it into Discovery Park. The park currently has some issues, like erosion along the shoreline. About 25 years ago it did have a shore line revetment, which is now slumping off into the Nanticoke River. The concept of Discovery Park is to develop a children's playground that highlights elements of Captain John Smith's life. The living shoreline requires an engineer study of drainage and feasibility; however the boardwalk and indigenous plants throughout the shoreline would allow visitors to connect with the Nanticoke River. The project is through the SRF, which would match 50% of the project, and the City would have to come up with the remaining 50%. There are two engineers working on this,

and a Landscape Architect at Foresite Associates, who will provide the structural engineering and permits. The total cost of the planning is estimated at \$49,500. The SRF grant will cover 50% of this. The City is also working with DNREC on this; they are providing \$12,375.00 and would like the City to come up with same amount. Ed Lewandowski is also working with Representative Danny Short to provide some funds for it as well. The City has to agree to submit the planning grant, process, manage and follow up on it under the City's name. As of this meeting date, Mr. Lewandowski has advised the City that Representative Short has committed the necessary funding.

Mayor Genshaw asked if this project would prevent the City from completing the canoe and kayak launch site project that has been envisioned. ACM Anderson said yes and no. It would not be conducive to take canoes and kayaks in and out of the water along the living shoreline. It has been discussed the possibility of utilizing the existing surface parking access ways at the end of the dock, and creating at the end of that some type of amenity for canoe and kayak launch.

Councilman Henderson asked if there is a cost estimate for the master plan. ACM Anderson said no; that can't be determined until we know the particulars of the living shoreline. Mayor Genshaw asked what is being done to prevent people from walking down into this living shore line, assuming that they cannot walk on it. ACM Anderson stated there is currently another one down south of Central Substation, and people don't really walk on it; but if they choose to they will.

Council Henderson asked how much fishing and human activities go on at the living shoreline. ACM Anderson stated that there is some, judging from the trash in the area. Councilman Henderson asked if any future Waste Water Treatment expansion is within the limits of the existing facilities, or if more real estate will be needed. ACM Anderson said that yes, real estate is always needed, depending on technology requirements at the Waste Water Facility.

Councilwoman Phillips-Lowe asked if the City will be obligated to do anything further if it agrees to go ahead with the living shoreline planning study. ACM Anderson said no.

With no further questions or comments, Mayor Genshaw called for a motion. Councilwoman Peterson made the motion to approve the expenditure of \$12,375.00 as non-budgeted funds for the planning grant submission to SRF in the amount of \$49,500. This represents a 25% share of the grant for Seaford. Others are seeking 25% funding from the Chesapeake Bay Regulatory funds or other available funds. 50% matching funds for the planning grant would be provided by DNREC SRF. Councilwoman Phillips-Lowe seconded the motion, and the motion so passed with all present voting in favor.

### **OLD BUSINESS**

There was none.

### **REMINDER OF MEETINGS & SETTING NEW MEETINGS**

Public Hearing scheduled for Pine Street Electrical Substation Expansion and Reconstruction including other distribution work at 7 p.m. on July 28, 2016.

### COMMITTEE REPORTS

Councilwoman Phillips-Lowe reported that she did not have a SVFD report this week. The ambulance is staffed by Delaware State Fire School and nationally certified with medical technicians. The ambulance services provide service to over 6,500 homes and businesses in Seaford. Last year, the ambulance responded to over 3,000 calls for help. The Seaford Police Department reports that the police officer applicant background checks were completed, and job offers have been sent to four of the applicants. If the applicants accept the job offers, the individuals will begin Delaware State Police Academy training on September 12, 2016. Cpl. Linville attended a 3-day Field Training Officer class at the Delaware State Police Academy. Cpl. Laurion and Cpl. Scott attended an Officer Involved Shooting class at the Delaware State Police Training Academy. The Intrado 911 phone system received upgrades last week with no problem areas. The CAD system and vehicle mobiles are working properly with new upgrades. CAD training will continue in August, Records Management training for Anita and Donna. Fire and EMS are now up and running on their mobile computers. Upgrades are still in the process of being completed on an as-needed basis. There has been one retirement, Sergeant Thomas Lee, and one resignation from the communication department, Dispatcher Erik Peterson.

Councilman Holland reported that bids are due on August 4, 2016 for the Teen Challenge Sidewalk and Curb Replacement project. The sidewalk at the Seaford Volunteer Fire Department Tribute has been placed and completed. City Manager Slatcher and ACM Anderson attended various meetings, such as State Office Telecommunication in Sussex County, Electrical Improvement meetings with Downes Associates and the event for Miss Delaware. They also participated in preconstruction meetings with the Seaford School District and American Tennis Courts for tennis court repairs. They attended the Pine Street Substation storm water meeting and the DNREC board meeting. In Information Technology, staff worked with various departments with IT needs, completed a Windows 10 upgrade, and miscellaneous IT maintenance and documentation. In the Administration Department, June Merritt, Director of Finance/HR, prepared the requested information for the auditors, prepared a bond schedule for the State of Delaware and processed an annual pension data request.

Councilwoman Peterson reported that the Code Department is continuing work on violations, permit inspections, building permit reviews, and zoning ordinance revisions. There were no public hearing requests for Planning and Zoning or Board of Adjustment for the month of July. The Parks and Recreation movie night held in Mt. Olivet's parking lot had an attendance of approximately 40 people. The employee pool party held on July 20, 2016 had tasty food, desserts and games, and saw about 40 attendees. Pop Warner football/cheerleading has been cancelled for this season. Youth Flag Football is still open for sign-ups and Men's Slo-Pitch softball will start on August 15<sup>th</sup>. Katie Hickey, Superintendent of Parks and Recreation, reports that Co-ed softball is playing strong. Parks did routine grass cutting and worked on prepping the softball and soccer fields. They continue to work hard on grass work orders. The grass looks good in the Sports Complex for the amount of rain we have had in the last couple of weeks.

Councilman Mulvaney reported that at the WWTF, personnel rotations were completed and a temporary cover was installed over half of the contact tank to analyze the sun's effect on the chlorine residual. Overall plant performance is good, dewatering and leachate are reported as doing well, and compost is now available for sale. In Public Works, the curb and sidewalk at Locust Street for the Senior Center project is now installed and paved. On the Stein Highway project, most of the sidewalk has been poured, with the driveway entrances and soil backfilling ongoing. The Boys & Girls club parking lot paving was completed last week. All routine tasks are reported as normal, with some weed spraying, curb painting and two fire hydrant replacements completed.

Councilman Henderson reported that the Electric Department they attended the public hearing for the Pine Street Substation Expansion. There was a 2-hour outage at Seaford Village Shopping Center, which affected Hallmark, M&T Bank, the car wash, Plaza Tapatia restaurant and Wendy's. It was caused by an aged section of underground primary. The department worked in Kiwanis Park on the SVFD Tribute and pathway lighting. They also worked with ACM Charles Anderson and Public Works pulling pipe from the retention pond behind the Catholic Church. At 2:23 a.m. on July 20<sup>th</sup>, circuit 320 opened and reclosed. Circuit 310 opened and remained open. Since both circuits opened at the same time, the Department felt like it may have been a lightning hit at the substation. The substation was checked out and they found no problems, so breaker 310 was closed at 3:09 and it held. Circuit 310 serves 178 customers, mostly along Sussex Highway; it was offline for 46 minutes. The substation was checked again later that day and there were no further problems. Bill Bennett helped with setup and cleanup for the Employee Picnic. The department manually adjusted the tap changer at Pine Street Substation until the new one arrives and is installed. For the upcoming week, the Electric Department will continue working on the new circuit 330. They will also be working at Meadowbridge Apartments and continue work on the problems found in the infrared scan.

With no further comments, Mayor Genshaw called for a motion to adjourn the Regular Meeting of Mayor and Council. Councilwoman Peterson made a motion to adjourn the Regular Meeting of Mayor and Council. Councilwomen Phillips-Lowe seconded the motion, and the motion so passed with all present voting in favor. The Regular Meeting of Mayor and Council was closed at 8:30 p.m.

---

Dolores J. Slatcher, City Manager

/cg