

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

November 24, 2015

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 William Mulvaney, Councilman Dan Henderson and Councilman Orlando Holland. City Manager Dolores Slatcher and Assistant City Manager Charles Anderson were also present.

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

Mayor Genshaw solicited changes to the agenda. City Manager Slatcher stated that there was one, the addition of the second option for the residency requirement.

Mayor Genshaw called for a motion to approve the addition of the second option for the residency requirement. Councilwoman Phillips-Lowe made the motion to approve the addition. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw called for a motion to approve the minutes of the Regular Council Meeting of November 10, 2015. Councilman Henderson and Councilman Mulvaney both abstained from approving the minutes, due to their absence of the November 10th meeting. Councilwoman Peterson made a motion to approve the minutes of the Regular Council Meeting of November 10, 2015. Councilman Holland seconded the motion, and the motion so passed with Councilwoman Peterson, Councilwoman Phillips-Lowe, and Councilman Holland voting in favor and Councilman Henderson and Councilman Mulvaney abstaining.

CORRESPONDENCE

There was none.

NEW BUSINESS

Mayor Genshaw presented New Business # 1, request from Liborio Watergate, LLC to extend the final subdivision plans approved for Mearfield- Section II through March 24, 2017. City Manager Slatcher explained Liborio Watergate LLC is requesting a two year extension of the Final Subdivision Plans that was recently extended until March 23, 2015. The current owners have contracted with a contractor to begin site work for the project. All approvals necessary for the Subdivision are valid, and all permits necessary to construct the project will be obtained and/ or extended prior to requesting a pre-construction meeting.

Mayor Genshaw asked if there were any questions or comments from Council.

Councilman Henderson asked if there were any costs related to the extension.

City Manager Slatcher stated there were none.

Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made the motion to approve the extension of the final subdivision plans for Mearfield- Section II for Liborio Watergate, LLC through March 24th, 2017. Councilman Henderson seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 2, audit report for year end June 30, 2015. Mayor Genshaw called Michael C. Kleger, CPA with Pigg, Krahl, and Stern to the podium to present the audit report. Mr. Kleger reported that their opinion of the City was unmodified, or clean, meaning it was given the highest level of assurance they can give as auditors. He also mentioned some content of the audit report is different from 2014 including the Pension Liability that is now present on the report, and will be in the future. Mr. Kleger touched base on a few numbers including the decrease in grant revenues from 2014 and a 4 % increase in the general fund expenditures.

Mayor Genshaw asked if there were any questions or comments from Council. There were none.

Mayor Genshaw presented New Business # 3, first reading of Chapter 2, Article 4 of the Municipal Code of Seaford, Delaware. City Manager Slatcher stated the reading of Chapter 2, Article 4 of the Municipal Code of Seaford, is hereby amended by striking out all of said Chapter 2, Article 4 and substituting in lieu thereof a new Chapter 2, Article as reserved. This will eliminate the residency requirement for all positions. The job duties and responsibilities of City employees requires their knowledge of matters of community interest and their immediate availability to perform their duties in special, unique and emergency situations, all City employees, shall be required to reside within a thirty mile radius of Seaford City Hall. Failure of employees to maintain residency as stated shall be cause for removal or discharge from City employment. Mrs. Slatcher stated that City Council by majority vote of its full membership may waive the requirements of this section for a period of time not to exceed six months upon the request of a covered employee and upon a showing by said employee of special circumstances resulting in temporary inability of said employee to reside within a thirty mile radius of Seaford City Hall.

Mayor Genshaw asked if there were any questions or comments from Council.

Councilman Henderson asked if there was a listing of the proposed employees that would have to live within the radius.

City Manager Slatcher stated all positions as previously listed including all utility employees would need to reside inside the thirty mile radius.

The rest of Council agreed with the thirty mile radius for residency requirements.

City Manager Slatcher stated this is the first reading of the ordinance and it will be brought back at the December 8th meeting for the second and final reading, and a motion to adopt.

Mayor Genshaw presented New Business # 4, hiring of the Singer Group, LLC to perform a wage review and compensation study. City Manager Slatcher stated that Mayor Genshaw requested that

herself, Councilwoman Phillips-Lowe, Councilman Henderson, Assistant City Manager Anderson, and Director of Human Resources June Merritt serve on a selection committee to hire an outside firm to perform a compensation study. Two proposals for the study were received because there is a limited pool of vendors who do compensation studies for small municipals, larger firms would not engage. Prior to finalizing the selection process one vendor withdrew therefore the Singer Group was interviewed by the selection committee. The Singer Group LLC proposed a price not to exceed \$33,025 and the committee would like to propose a small buffer in case there is a task that surfaces that could use slightly more funds. Mrs. Slatcher stated the Committee is recommending awarding the contract to the Singer Group in the amount of \$33,025 but reserve for the City a non-budgeted amount of \$ 35,000. There have been employee turn-over and periods of vacancies that will cover the cost of this project.

Mayor Genshaw asked if there were any questions or comments from Council.

There were none.

Mayor Genshaw called for a motion. Councilman Holland made the motion to approve the hiring of the Singer Group, LLC to perform a wage review and compensation study as a non-budgeted expense in the FY 2016 budget in the amount of \$33,025 and to authorize an additional \$1,975 for unforeseen related expenses. Councilman Mulvaney seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 5, authorizing the City to sign the easement with WASH N' VAC III INC and B and B Realty, LLC for the placement of a sign in the easement area previously granted to the City of Seaford. City Manager Slatcher stated that the Property Owner and Sign Owner will construct the sign within the City's easement area, and in no way reduces or rescinds any of the rights conveyed to the City in the original easement. The City shall have the right to remove and/or demolish the sign in the event the City must enter the easement area to perform the construction and maintenance activities described in the recorded easement and the sign owner and property owner will be solely responsible for the reconstruction of the sign in the event of damage, removal and/ or demolition of the sign by the City.

Mayor Genshaw asked if there were any question or comments from Council.

There were none.

Mayor Genshaw called for a motion. Councilman Henderson made the motion to authorize the City to sign the easement with WASH N' VAC III INC. and B and B Realty LLC for the placement of a sign in the easement area previously granted to the City of Seaford. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

Mayor Genshaw presented New Business # 6, information from Division of Water, DNREC designating the City of Seaford a new MS4 Permitted Area. Mayor Genshaw called Assistant City Manager Charles Anderson to the podium to present the information. Mr. Anderson explained that MS4 is Municipal Separate Storm Sewer System, and the City of Seaford's jurisdiction is within an

urbanized area according to the latest Census, therefore the City will fall under the purview of the Clean Water Act's stormwater permitting requirements in accordance with 40 C.F.R. 122.32 (a)(1). Stormwater discharges are a significant contributor to local water quality impairments as high levels of sediment, oil, toxics and other pollutants flow from impervious surfaces into waterways. EPA defines "municipal separate storm sewer system" as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): owned or operated by a state, city, town, borough, city, parish or other public body. Any area that is a regulated jurisdiction "owns or operates" infrastructure that conveys runoff can be covered under this NPDES municipal separate storm sewer system permit. The permittee must develop and implement a comprehensive storm water management program designed to control the quality of the storm water discharged from its MS4. The SWPP & MP (Storm Water Pollution Prevention and Management Program) focuses on the six minimum control measures; public education, public involvement, illicit discharge detection and elimination, construction, new development, and good housekeeping. For the purposes of this permit, the public education and involvement requirements have been combined into one permit provision. Some deadlines include:

- In draft permit phase
- 120 days from permit issuance to submit NOI (notice of intent)
- Develop our MS4 program once we submit NOI and receive notice that our MS4 is covered by the NPDES permit (GP)
- MS4 program to include milestones for implementing each aspect of our program in accordance with the MS4 GP
- An outline of the SWPP & MP is due within six months following the date of NOI Authorization to discharge from the Department, the final draft for Department review is due within one year, and the final SWPP & MP is due with 15 months
- It is expected that by the end of the first five year permit term we will have fully developed and implemented our storm water management program meeting the milestones along the way
- No later than four years following the date of Authorization to Discharge from the Department, the permittee(s) shall conduct a comprehensive effectiveness analysis of the SWPP & MP, with analysis measures to be described in the SWPP & MP Monitoring Plan.

Mayor Genshaw asked if there were any questions or comments from Council.

Councilwoman Phillips- Lowe asked what the 1st Five Year Permit terms included.

Mr. Anderson stated that there will be some deadlines we will have to meet, but we are not in the permit phase yet.

Councilman Henderson commented that according to the letter from DNREC the City may be eligible for a waiver from the program since it has fewer than 10,000 citizens.

Mr. Anderson stated that he was not sure of the waiver, because the census is regionally based because of the bodies of water surroundings. But perhaps they could look into it further.

PUBLIC COMMENTS

Mr. Dan Cannon a resident of 411 Nylon Blvd came forward to speak. Mr. Cannon stated:

Along with 8 other Delaware cities, Seaford operates an unregulated electric monopoly.

First, Seaford's current residential electricity rate of 15.24 cents/ kwh* is at/ near the highest in state and our region. Seaford also "leads" our state for commercial rates at 15.6 cents/kwh*. These rates discourage both potential new residents and businesses- a fiscally unhealthy practice. In addition, such unnecessarily high rates prop up \$1.5 million annual overspending in Seaford- another fiscally unhealthy practice. Our City's overuse of and extreme dependence on electricity resale revenues make Seaford about twice as dependent on electricity revenues* as Milford, the next most dependent electric monopoly- fiscally risky in a time of falling revenues from electricity resale.

Accordingly, the rate Seaford charges for electricity should be lowered dramatically to – 13.0 cents/ kwh. At this rate Seaford would become more attractive to new residents and businesses as well as lower its dependence on electricity resale revenues. Both are highly desirable outcomes and fiscally prudent.

Of course our City should not succumb to inevitable advice to raise other taxes and rates to support current, unwise "Cadillac spending" habits. Instead there should be fiscally responsible cuts in overall spending of - \$1.5 million/ year.

Second, recently instituted (and increasing) customer charges penalize consumers who conserve by increasing the effective rate**/ cost per kwh for using less electricity. For example, in October my effective rate** was 16.55 cents/ kwh! Our city should scrap its current plans to keep increasing these unfair customer charges and strongly reconsider even having these charges with their negative impact on customers/ consumers.

Finally, in the winter rate structure in Seaford, customers who conserve/ use less electricity are charged a higher (per kwh) rate than higher use consumers. Philosophically, this is just wrong headed. Customers who use less electricity should be rewarded not penalized by the rate structure.

Our City needs to see the handwriting on the wall and enact appropriate changes or face regulation thought the Public Service Commission and/ or direct competition for sale of electricity.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- Thanksgiving Holiday all offices closed except Police Patrol and call-ins for emergencies, Thursday, November 26th and Friday, November 27th.
- Caroling in Gateway Park, 7 p.m. on November 30th with lighting of the Star on the Christmas tree. Please bring a canned good as a donation.
- 1st Saturday event Downtown Seaford, former Burton Brothers lot on High Street, 12 noon to 5 p.m. ; December 5th.
- Downtown Seaford Association Christmas Parade; theme "Seaford Christmas 1865-2015"; December 5th at 7 p.m.; Seaford Mayors to be the Grand Marshalls.

COMMITTEE REPORTS

Councilwoman Phillips- Lowe reported that the Seaford Police Department is continuing training for officers, and have set the testing date for Police Department applicants. The Department is also preparing for the Seaford Christmas Parade, holiday shopping center safety training and preparing for the Police Awards in January. Councilwoman Phillips- Lowe reported that the Seaford Fire Department answered 239 ambulance calls, which on average has 275 EMS calls a month, so October was a little slow for the department; and 47 fire/ rescue calls. On October 30th, while the rescue and ambulance were handling a motor vehicle accident at the intersection of Sussex Hwy and Tharp Road, dispatch advised there was a second call in the district for an unknown odor on Park Dr. The Duty Officer had the rescue handle the accident, and responded to the industrial park for the second call. The Duty Officer arrived and found an active Hazardous Materials incident inside the structure. Seaford Fire/ EMS, DNREC, Sussex County Decon, Seaford Electric, Sussex County Paramedics, and Blades Fire Co. sent an engine crew to the firehouse to cover the Seaford district for any other emergencies while units were dedicated at the HazMat incident. The first week of October is National Fire Prevention week; the department sent fire trucks to the schools and brought all of the first grade students in the Seaford School District to the fire house. Once at the firehouse, the first station was the presentation of a fire engine. A member takes the kids around the fire engine and explains to them what all the different tools are on the truck, and how we use them during emergencies. The next station was stop drop and roll where a member would demonstrate the correct way to stop drop and roll, then have the students practice a few times to ensure they all understood. After that, the students went to the "crawl low" station, where they were taught that during a fire, the cleanest air is closest to the floor, therefore crawling out of the house is the safest way to get out. They used thick blankets draped overtop a row of folding chairs, to simulate a smoke filled hallway, and then had the students practice crawling through and out the other side. The last station was the friendly firefighter. They explained why they wear protective clothing, and the kids watched a fireman get dressed in full gear. After all the gear is on, the kids get to talk and ask questions to the fireman. Many young kids are intimidated by the way a firefighter may look in full gear. In introducing them to the "friendly firefighter", they explained that even though they may look scary, they are only there to help. Once the students were done at the fire house, they each received a bag of fire prevention goodies and were given a ride back to school on a fire truck. On October 23rd, while responding to a field fire on Coverdale Road, ambulance C-87 was hit by a car at the intersection of Hastings Farm Road and Coverdale Road. The

Duty Officer transferred Command of the several acre field fire to the brush truck, and responded to the accident. Blades Fire Co. was requested to the accident scene to assist, since Seaford units were tied up at the fire. The ambulance crew was transported to Nanticoke Memorial Hospital for evaluation, and was released within a few hours. The driver of the car had to be extricated from the vehicle, and was transported to Nanticoke with non-life threatening injuries. Seaford Dispatch also alerted for a water vessel in distress on the Nanticoke River. Our Department, with the assistance of Blades Fire Co. was able to successfully handle all three of these incidents simultaneously. From October 21st- 24th, the Department hosted a Water Rescue 1 class. Several members and employees attended the class which included two nights of classroom session, along with practical evolutions in the Boys and Girls Club pool on Saturday. This class is important because it teaches the basics of safely rescuing a patient that is in water, along with different techniques and tools used for shore based, or watercraft based rescue; the department requires members to complete this class before responding on our boat during water emergencies. The Fire Department participated in the Seaford High School Homecoming parade with Tanker 87 and Rescue 87. The Department is also sending an ambulance to be on standby at all Seaford High School football games this season, along with a fire engine when available; to show support for the community.

Councilman Mulvaney reported that City Manager Dolores Slatcher and Assistant City Manager Charles Anderson jointly attended several meetings and dedications including; Veterans Day Ceremony, Nanticoke Health Pavilion Opening, Linda Vista Realty Ribbon Cutting and the Nanticoke Hospital Tribute Dinner, where Finance Director, June Merritt also attended. Mrs. Slatcher and Mr. Anderson also met with SVFD, a developer representative and Trish Newcomer to review plans for potential building removals on High Street. Mrs. Slatcher met with the City Solicitor to resolve a right-of-way issue on Water Street which will require a quit claim deed, prepared multiple job descriptions, reviewed the MS-4 material and attended the DEMEC board meeting. Mr. Anderson met with the Senior Center Director regarding the Locust Street paving and walking improvements and assisted with the Gateway Park Tree Setup. Finance Director June Merritt, worked on preparation of the management discussion and analysis section for the audited financial statements, reviewed the draft of the audited financial statements, reviewed job descriptions, processed account reconciliations and continued work on the FOP negotiations. All other business is reported as routine. Disconnects are scheduled for December 8th. Councilman Mulvaney also wanted to mention the appreciation he had for all of the visits from his colleagues and City management during his recent hospital stay.

Councilman Holland reported that in the Parks and Recreation Department, they have finished up softball, youth flag football and adult volleyball and football; presented trophies as well as continuing youth basketball signups. Superintendent of Parks and Recreation has been preparing for the First Saturday event on December 5th, and the department helped with putting up the Christmas tree at Gateway Park. They have finished the waterline project at the football shed, continued irrigation blow outs, and winterized the sports complex. Natalie Wilson, Superintendent of Parks and Recreation has also put in her resignation with the City; her last day will be December 11th.

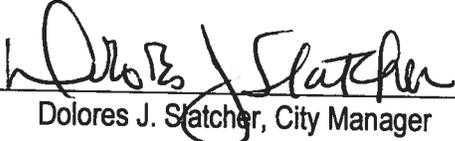
Councilman Henderson reported that in Economic Development Trisha Newcomer attended several meetings, most notably a Seaford Economic Development Workgroup meeting, Greater Seaford Chamber of Commerce Economic Development Forum, and a Worksite Wellness Board meeting. Mrs. Newcomer assisted with getting the tree up and decorated in Gateway Park and she made preparations for Caroling in the Park to be held there on Monday November 30th at 7:00 p.m. Trisha met with vendors regarding new advertising and partnership opportunities and she attended several ceremonies including the Nanticoke Health Pavilion opening, and the Ribbon Cutting at Linda Vista Real Estate Services. Mrs. Newcomer also spoke with representatives from the Delaware Grantmaker's Association in reference to an upcoming Downtown Development District presentation. The Delaware Grantmaker's Association is an interesting organization that provides education and other information to donors of all kinds throughout Delaware. In Information Technology Trisha continues to populate the Facebook page and the website with new content. In the Public Works department they have installed a wet tap and tested a 6" water main pipe for the Harrington Street water main replacement. There are 7 water services need to be connected to complete the piping portion of the project. Temporary paving measures are being planned to patch the street over the winter. Department personnel performed some routine equipment maintenance and other routine tasks such as leaf and limb pickup, street sweeping, state sampling, meter readings, pink tagging (pre-disconnect courtesy notice), and disconnects. The leaf vacuums have been deployed for the fall season; leaf collection is being done citywide. Public Works personnel attended vendor provided onsite AFC (American Flow Control) fire hydrant training and the department continues to adapt to having less available labor than in previous periods. In the Waste Water Treatment Facility, the long term intermittent sand filter Programmable Logic Controller (PLC) problems have been repaired. Total system performance is reported as good and the leachate treatment program is going well. Compost sales continue to be steady, and the screening of material is ongoing. Significant equipment problems include the Equalization Pump (EQ) #1 being out for repair and they are experiencing some blower maintenance issues. Other operations and maintenance are routine. The facility received its results from an annual toxicity screen and definitive test. The facility passed this test which is a requirement for compliance with our National Pollutant Discharge Elimination System (NPDES) permit. Councilman Henderson reports that Josh Littleton, Building Official, reports that in the Code department permits and violation inspections as well as most other activities are routine and are working on ongoing plan reviews for several projects. The department continues work on the City's Standard Design Specifications. Mr. Littleton had several notable meetings during the period including a pre-construction meeting, a safety committee meeting, and a meeting with the City Solicitor.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer, replaced the control valve in Breaker 6240 at Pine St. Substation and assisted with bushing replacement on breaker 7240 at Pine St. Substation. Mr. Garner developed drawings for 3rd circuit addition at Ross Substation, attended various meetings including the Quarterly

Safety Committee, revised Standard Design drawing details, and reviewed specifications and plans for the solar project. Superintendent of the Electric Department, Bill Bennett, reported that the department trimmed trees in Westview, attended a preconstruction meeting at Chandler Heights 2, and replaced the pilot valve in breaker 6240 in Pine Street Substation. The department also did some switching to get ready to replace the leaking bushing in breaker 7240 in Pine Street Substation, replaced the leaking bushing in the 7240 breaker, and replaced the bad bulbs and sockets on the star on top of the water tower on Cedar Ave. The department helped put up the Christmas tree in Gateway Park, did the monthly substation checks and changed the street lights on Nylon Blvd to the new LED lights.

With no further comments, Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council and move into an executive session to discuss personnel; negotiations. Councilwoman Phillips-Lowe made the motion to close the Regular Meeting of Mayor and Council and move into an executive session. Councilman Henderson seconded the motion, and the motion so passed with all present voting in favor. Mayor Genshaw closed the Regular Meeting and moved into an executive session at 7:55 p.m.

Mayor Genshaw reopened the Regular Meeting at 9:38 p.m. and solicited a motion to adjourn the Regular Council Meeting. Councilman Henderson made a motion to adjourn the Regular Council Meeting and Councilwoman Peterson seconded the motion; motion so passed with all presents voting in favor. The Regular Council Meeting was closed at 9:38 p.m.


Dolores J. Statcher, City Manager

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