

REVISED 5/8/2020

**AGENDA
REGULAR MEETING OF THE MAYOR AND COUNCIL
May 12, 2020
SEAFORD CITY HALL - 414 HIGH STREET**

In accordance with the proclamation issued by Governor Carney and Lieutenant Governor Hall-Long on March 13, 2020, the City Council meeting will be closed to the public and the meeting will be streamed via live feed.

To view a live meeting visit one of the links below:

- On our website: www.seafordde.com/meetinglivefeed
- On Facebook: www.Facebook.com/cityofseaford
- On YouTube: <https://www.youtube.com/channel/UCmTD6-NSvIMLwLSg3FUCzIA>

To view this meeting agenda and supporting documentation visit our website:
[www.seafordde.com/meetings and agendas](http://www.seafordde.com/meetings_and_agendas)

Comments and questions may be mailed to:
Councilinfo@seafordde.com

7:00 p.m. - 8:00 p.m. - FORMAL REAL ESTATE TAX APPEAL HEARING

- 7:00 P.M. - Mayor David Genshaw calls the Regular Meeting to order.**
- Invocation
 - Pledge of Allegiance to the Flag of the United States of America.
 - Changes to agenda for this meeting.
 - Approval of minutes of the regular meeting on April 14, 2020.
 - **Mayor Genshaw will close the Formal Real Estate Tax Appeal Hearing at 8:00 p.m.**

ALL ITEMS ON THIS AGENDA MAY OR MAY NOT BE VOTED ON.

CORRESPONDENCE:

- 1.

NEW BUSINESS:

1. Presentation by Bill Bennett, Director of Power: The City of Seaford electric department received a 2019 first-place award for safety. The American Public Power Association (APPA) awards an annual safety award; determined by how many hours

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worked by a utility in a calendar year. In 2019 the Seaford Electric Department worked 20,199.25 hours providing reliable power to the customers of the City of Seaford Electric system.

2. Presentation by Bill Bennett, Director of Power: The APPA also awards a Reliable Public Power Provider (RP3) award every three years that evaluates system reliability, training, staffing levels, system upgrades and planning for future load and upgrades. In 2019 the City of Seaford Electric Department was once again awarded Gold status. This was achieved by the dedicated employees that we have, planning for the future and the Councils support to make the upgrades necessary to provide reliable electric service to the customers of the City of Seaford.
3. Present for approval the Memorandum of Agreement Between the Seaford School District Board of Education and the Seaford Police Department.
4. Present for approval the Seaford Police Department School Resource (SRO) Contract; School Year 2020-2021.
5. Bids - Clean up Week.
6. Present for approval a listing agreement extension for the Ross Business Park lands with SVN Miller Commercial Real Estate, set to expire on April 30, 2020, until April 30, 2021.
7. Present for approval the Requests for Quotations (RFQ) that the Director of Finance, June Merritt received for the financing options for the Spruce Street water tower repairs and repainting project.
8. Present for approval the Requests for Quotations (RFQ) that the Director of Finance, June Merritt received for the financing options for the Police Department renovations project.
9. Present for approval information related to the collection of the Hotel/Motel Tax by the City of Seaford and present options to

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modify the tax collection during the Delaware State of
Emergency declaration.

OLD BUSINESS:

1.

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

1. Budget Workshop meeting, City Hall; May 19, 2020, 6:00 p.m. - 8:00 p.m.
2. City Offices will be closed in observance of the Memorial Day Holiday on May 25, 2020.
3. Summer Hours (7:00 a.m. - 4:00 p.m.) will begin on Tuesday May 26, 2020 for City Office and Utility personnel.

CITY OF SEAFORD

**Municipal Election Date Has Been Revised – New Date:
May 16, 2020**

The City of Seaford Municipal Election will be held on Saturday, **May 16, 2020** in the City Council Chambers, City Hall, 414 High Street, between the hours of 7:00 a.m. E.S.T. and 3:00 p.m. E.S.T.

One (1) Mayor will be elected for a (2) year term
Two (2) Council Members will be elected for a (3) year term.

All candidates must have filed by 5:00 p.m., E.S.T., February 28, 2020.
Registration can be completed at City Hall, 414 High Street, Seaford, DE. Registration hours are Monday through Friday, 8 a.m. until 5:00 p.m. or by appointment if you cannot register during these normal business hours. Any candidate who withdraws his/her name must do so in writing. Any candidate who withdraws his/her name after 5:00 p.m., E.S.T., February 28, 2020 will still appear on the official ballot for election.

Anyone eighteen (18) years of age or older who is a bona fide resident and US Citizen to be eligible to vote **must have been registered at the Seaford City Hall by 5:00 p.m., E.S.T., April 24, 2020 (Date Revised)**. A nonresident property owner to be eligible to

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vote must be owner of record for a period of six (6) months immediately preceding the date of the Annual Municipal Election (November 16, 2019) and shall have one vote **provided he or she is registered on the “Books of Registered Voters” maintained at the City Hall. Registration hours are Monday through Friday, 8 a.m. until 5 p.m. or by appointment if you cannot register during these normal business hours.**

The City of Seaford has independent registration procedures for the Annual Municipal Election. To vote, you must meet the eligibility requirements and be registered on the “Books of Registered Voters” maintained at City Hall.

A person shall be required to register only one time. You are urged to check your registration if you did not vote in the last municipal election. If you have moved out of the City after your original registration, you will need to check your registry to assure you are an eligible voter.

All voters will need to show proof of residency which may be a State of Delaware driver’s license, a State of Delaware identification card, a federal or state tax return with address, a City of Seaford utility bill or real estate property tax bill, or other acceptable proof of residency or ownership.

CANDIDATES FILED AS OF February 28, 2020:

Mayor David Genshaw has filed for re-election as Mayor
Councilman James King has filed for Mayor

Councilman Dan Henderson has filed for re-election to Council
Alan Cranston has filed for City Council
Jose Santos has filed for City Council

COMMITTEE REPORTS:

1. Police & Fire - Councilman Dan Henderson
2. Administration - Councilman Orlando Holland
3. Code, Parks and Recreation - Councilman James King
4. Public Works & WWTF - Councilman Matt MacCoy
5. Electric - Councilman William Mulvaney

Mayor Genshaw solicits a motion to adjourn the regular Council meeting.

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NOTE: Agenda shall be subject to change to include or delete additional items (including executive session) which arise at the time of the meeting. (29 Del. C. S1004 (e) (3))

Date Posted: 5/8/2020

Posted by: TNT

NB#3
5-12-20

MEMORANDUM OF AGREEMENT BETWEEN THE SEAFORD SCHOOL DISTRICT
BOARD OF EDUCATION AND
THE SEAFORD POLICE DEPARTMENT

1. The Board of Education of the Seaford School District and the Seaford Police Department hereby agree that the following practices and procedures shall govern their relationship.

2. All law enforcement agency officers performing law enforcement functions under this Agreement will be governed by the provisions contained herein.

3. ARRESTS

a. When possible and appropriate, arrest by police should be made during non-school hours and away from school premises. This excludes on site arrests made by a School Resource Officer pursuant to normally assigned duties.

b. Arrest on school premises during school hours should be undertaken in such a manner as to avoid embarrassment to the student being arrested and to avoid jeopardizing the safety and welfare of other students.

c. In the event a physical arrest must be made during school hours, the principal or designee should summon the student to his/her office before surrendering the student. Unless the safety of the students and school staff will be compromised if an arrest is delayed, the officer should not appear in the classroom to make the physical arrest.

d. If the student is to be surrendered to the custody of the police officer, the principal or designee should record the name and organization of the officer, the time the officer leaves the school, the destination (police station, detention facility, or Family Court) and the offense for which the arrest was made. The principal or designee will immediately contact the parent(s) or guardian(s) of the student concerning any contact by the police. If the student is arrested and removed from the premises before such contact is made, the principal or designee will still have the responsibility for that notification. In addition to the school making notification the Seaford Police Department Officer's will follow SPD/legal guidelines for notifications involving the arrest/interview of juveniles.

4. QUESTIONING OR INTERROGATION BY POLICE ON SCHOOL PROPERTY

- a. Police investigations involving the questioning or interrogation of pupils should not be permitted on school premises unless in connection with a school-related crime or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the student or other persons. Questioning becomes interrogation when it becomes accusatory in nature and is designed to elicit an admission of guilt from the suspected offender. Law enforcement officers must provide Miranda warnings when questioning becomes interrogation.
- b. The principal or designee shall be present throughout questioning or interrogation that occurs on school property, except in cases in which the investigation concerns a student who is the victim of physical or sexual abuse where a member of the student's immediate family or household is suspected of being the perpetrator of or a conspirator in such abuse, and where the police investigator is a representative of a special unit trained to do such interviews.
- c. In any case in which a student is in custody and being questioned regarding involvement in a criminal matter and in which the student's Fifth Amendment protection against self-incrimination may apply, the law enforcement officer should consider the environment in which questioning takes place and the ability of the student to discontinue the questioning. Unless unreasonable to do so, the law enforcement officer should notify the principal or his designee when such questioning becomes custodial in nature. Questioning becomes "custodial in nature" when a law enforcement officer is conducting an interview and the party being interviewed is not free to leave the presence of the officer.
- d. Before the police commence the questioning or interrogation of a minor on school premises, the principal shall make a substantial effort to contact the student's parent(s) or guardian(s) to provide them an opportunity to be present or consult an attorney. Such contact is particularly important in the case of students below the high school level. Questioning or interrogation without such parental contact should only proceed when one or more of the following conditions exist:
 - (1) The contact may endanger the safety of students or other persons.
 - (2) The contact would compromise the success of the investigation because a member of the student's immediate family or household is suspected of being a perpetrator or conspirator or potential conspirator to a crime, or the delay caused by lack of contact would compromise the success of the investigation and a substantial effort has been made to contact the student's parent(s) or guardian(s) without success.

- (3) The police should ensure that the student is afforded all constitutional rights due in such a situation.
- e. School officials may request the arresting officer remove the student from the premises as soon as possible, after the arrest is made.

5. SEARCH AND SEIZURE

- a. Law enforcement officers, in reliance upon probable cause that a crime is, has, or is about to be committed, may search for evidence of that crime. Whenever reasonable, a search warrant issued by a court of competent jurisdiction will be sought before a search is conducted. As a general policy, and when agreed upon to do so, a school official will accompany the law enforcement officer on searches that are conducted on school property. School officials will not participate in the actual search unless specifically requested to do so by the police.
- b. Efforts should be made by police and school administrators to conduct searches in a manner that will minimize disruption of the normal school routine and will minimize embarrassment to pupils affected.
- c. A frisk (pat-down) may be conducted by the police when the officer has reason to believe that the person being encountered is armed or presents a risk of injury to the officer or an innocent third party.
- d. The principal or designee may, at any time, conduct such searches as are essential to the safety, security, discipline, and sound administration of the particular school. The appropriate police agency will respond to a request from a school official conducting an administrative search when the official feels that the search might reveal a violation of the law.

6. REPORTING CRIMES

School officials are charged with the responsibility to provide for the safety of students and for the security of school property. The Delaware Code mandates reporting of the offenses listed in 14 Del.C., § 4112; a substantial fine can be assessed against any superintendent, principal, or school employee who fails to make such a mandatory report.

7. SCHOOL DISTURBANCES

- a. The request for police assistance in a crisis situation requires special care because of the possibility of an escalating situation.
 - (1) It is preferable that the principal or designee call the police. If a law enforcement officer is on the scene, it is desirable that the decision to call for additional police support be reached in collaboration with that officer.
 - (2) No person other than the principal or designee, the superintendent of the district or his designee, or the ranking police officer present may request the tactical deployment of police to a school.
 - (3) The determination of the level of force required is best made by the ranking police officer on the scene, working jointly with the principal or designee. The ranking police officer will make the final decision.
- b. The Board of Education must recognize that any policy governing the use of these different categories of Police Officers must be flexible and that final authority rests with the police.
- c. Tactical coordination between the Principal or designee and police officers on the scene is a necessity. During any crisis situation, it will be the responsibility of the ranking police officer on the scene to ensure that direct, secure, continuing communication with the principal or designee is maintained.

8. SCHOOL RESOURCE OFFICER ROLE AND RESPONSIBILITIES

a. General Description

The School Resource Officer (SRO) assignment is in a school setting with the goal of creating and maintaining a safe, secure, and orderly environment for students, teachers, and staff. An SRO represents a proactive strategy designed to bring crime prevention and intervention into the school.

The SRO will not be used as an enforcer of District or School policy.

b. Examples of Duties

Investigate and enforce offenses listed in 14 Del.C., §4112. Follow all legal and policy requirements regarding juvenile investigation, detention, and arrest. Assist in developing and updating school Emergency Preparedness Plans. Maintain a safe and secure school environment by keeping abreast of elements and incidents that may threaten the safety of the students, teachers,

and staff. Develop crime prevention programs with school staff and provide education on crime prevention to the school community, including current topics such as bullying. Be a positive role model and mentor to the school community and present a positive image to better enhance communication with students, staff, and parents. Receive information from Principal/Designee and conduct an investigation to determine if incident requires mandated reporting. Maintain logs of participation in school activities and of criminal investigations conducted.

c. Awareness and Education

At the beginning of each school year, the School Resource Officer in collaboration with the Principal, shall provide an introduction and awareness program/presentation on the School Resource Officer (SRO) Program. The program attendees shall include students, staff, parents, and school community members. The role and responsibilities of the SRO.

9. SIGNATURES

School District

Law Enforcement Agency

Date

Date

C. Anderson

From: Craft Marshall (Seaford PD) <Marshall.Craft@CJ.State.de.us>
Sent: Friday, May 1, 2020 3:34 PM
To: C. Anderson
Cc: jmerritt
Subject: SRO Contract and MOA for 2020/2021 school year
Attachments: Seaford - SRO MOA 2020-2021.docx; Seaford - SRO Contract 2020-2021.docx

NB # 314
5-12-20

Good afternoon,

Please see the attached SRO Contract and MOA for 2020/2021 school year. I would like to send the contract and MOA to the SSD before the end of next week if possible. The only real change was the updated salary and OEC's and a slight change under 'Duties and Assignment':

Duties and Assignment:

Old

- The Seaford Police Department SRO will continue to provide traditional police services to the school during the school's summer school program, will provide training for District staff and conduct youth initiatives for students throughout the summer.

New

- The Seaford Police Department SRO will be reassigned to the criminal investigative unit during the summer; however, he will also continue to provide traditional police services to the school during the school's summer school program as needed, will provide training for District staff upon request and conduct youth initiatives for students throughout the summer. Extenuating circumstances, such as a State of Emergency, may result in a temporary reassignment when schools are canceled.

Marshall D. Craft Jr. | Chief of Police
Seaford Police Department
300 Virginia Avenue, Seaford, DE 19973
☎: (302) 629-6645 ext. 1205
marshall.craft@cj.state.de.us



NB#4
5-12-20

**SEAFORD POLICE DEPARTMENT
SRO CONTRACT
School Year 2020-2021**

The Seaford School District and Seaford Police Department wish to enter into a collaborative partnership agreement to assume the duties and responsibilities of the School Resource Officer (SRO) program for a period of time commencing on July 01, 2020 and ending on June 30, 2021.

The SRO program will provide one trained, experienced Seaford Police Officer assigned by the District and Seaford Police Department primarily to the Seaford High School. The duties of the SRO will focus on proactive, prevention programs conducted on a regular full-time basis under the direct supervision of the school administration and the Detective Sergeant for the Seaford Police Department.

Duties and Assignment:

- A detailed description of performance and responsibilities has been outlined in the attached MOA prepared in May 2020.
- It is further understood and agreed upon that regular police duties will periodically require the SRO(s) to be away from the high school. These absences may be scheduled functions such as departmental in-service training or unpredictable events such as assignment to light duty status or leave due to disability. If the period of absence is prolonged, the Seaford Police Department will continue to provide SRO services to the high school through a substitute SRO or other officers. These temporary arrangements will immediately be terminated upon the assigned SRO's return to full duty status.
- The Seaford Police Department SRO will be reassigned to the criminal investigative unit during the summer; however, he will also continue to provide traditional police services to the school during the school's summer school program as needed, will provide training for District staff upon request and conduct youth initiatives for students throughout the summer. Extenuating circumstances, such as a State of Emergency, may result in a temporary reassignment when schools are canceled.
- Selection/Assignment:
 - SROs will be selected by Seaford Police Department Executive Staff.
 - Placement of SROs will be solely at the direction of the Seaford Police Department Executive Staff.

Evaluation and Termination:

- In order to provide the best service possible, the School District will provide a bi-annual evaluation of all SRO's assigned to their district. This evaluation will be provided by the Seaford Police Department and allow the District to identify strengths and any areas needing improvement. The evaluation will be presented to the Sergeant responsible for supervising the SRO. The supervising Sergeant will present the document to the SRO.
- Any issues/problems that are detailed in the performance evaluation will be dealt with by the Seaford Police Department through its internal policies and procedures for performance evaluations or personal improvement plans.

- The Sergeant will be the primary point of contact and will follow up on all complaints/concerns against the Officer.
- The Deputy Chief will be the next point of contact for administrators who feel the SRO and Sergeant are not responding to concerns/complaints in a timely manner.
- Termination of Contract:
 - This contract will remain in effect for the entire School year and will be considered renewed for the following year unless Termination is requested in writing by the School Superintendent to the Seaford Police Department Chief of Police NLT: June 1, 2021.

Police Equipment:

- The SRO will be a Uniformed Seaford Police Officer and will have all individual equipment issued to include: Handgun/Long Gun/Cuffs/Taser/ASP/OC Spray/Police Vehicle/Radio.
- Weapon Safe: In order to facilitate an effective response to an active shooter the Officer's Long Gun will need to be housed inside his office in a secured safe. The weapon will only be in the safe when the Officer is on duty and will be removed at the end of his/her shift.
 - The Seaford Police Department will provide a lockable safe for the Officer's Long Gun. The safe must be secured to a floor or wall and will require the assistance of the school's maintenance personnel for mounting.
 - The safe remains the property of the Seaford Police Department and will be removed upon termination of this contract.

The **Seaford School District** agrees to contribute the salary and Other Employee Cost's (OEC's) of an amount equal to the selected SRO salary, a six-year Corporal, with the Seaford Police Department, with an estimated total cost of **\$85,018.74**. This total cost was computed based on FY2021. It is mutually agreed that all other training, employment, and personnel costs required to support this program will be provided by funds secured by the Seaford Police Department.

Seaford Police Department, Chief

Date

School District Official

Date

NB #5
5-12-20

MEMORANDUM

TO: Charles Anderson, CM

FR: Berley Mears, DPW

RE: Clean Up Week

DT: April 8, 2020

The City received one bid for the above referenced project. Please see the below table:

Bidder	Price Per Pull	Total Base Bid
Waste Industries	\$175.00	\$23,250

It is my recommendation that the bid be awarded to Waste Industries, in the amount of \$175.00 per pull for a total base bid of \$23,250.00. This total base bid amount is derived from an estimated number of pulls and disposal tonnage based off of past clean-up week totals. The base bid is subject to variations pending the number of pulls and tonnage received.

Senator Richardson has already dedicated \$2,500 toward our clean-up through his Community Clean Up Initiative Program.

Please present this information to Mayor and Council at the April 28, 2020 meeting for their consideration.

Please contact me should you have any questions.

Thank you.

April 17, 2020

Mr. Charles Anderson
c/o City of Seaford
P.O. Box 1100
Seaford, DE 19973

Dear Charles,

I'm writing to request an extension of our Listing Agreement for the Ross Business. Our current listing agreement will expire April 30, 2020.

Please review the attached Extension Agreement and if it is acceptable, please sign and return. If you have any questions, please feel free to give me a call or reach out to anyone on our team.

Thank you.

Sincerely,



Henry H. Hanna, CCIM, SIOR
Council Chair Industrial Properties
SVN-Miller Commercial Real Estate

HHH:fra

cc: Trisha Newcomer

Memo

To: Mayor & Council
From: June Merritt, Director of Finance & H.R.
CC: Charles Anderson, City Manager
Date: May 9, 2020
Re: Spruce Water Tower – Loan Rate Quotes

A “Request for Quote” was sent to five of the local financial institutions. I received quotes from three of them. I have attached a spreadsheet which summarizes their quotes.

Based upon the information submitted, I recommend the City of Seaford secure a fixed rate loan with Community Bank Delaware for a 5 year term at fixed rate of 1.95%.

City of Seaford
 Request for Quotes - Repairing & Repainting of Spruce Water Tower
 Amount: \$340,000
 Terms: 5 years

<u>Financial Institution</u>	<u>Fixed Rate</u>	<u>Fixed Monthly Payment</u>	<u>Variable Rate</u>	<u>Variable Monthly Payment</u>	<u>Additional Comments</u>
County Bank	N/A	N/A	N/A	N/A	
Fulton Bank	N/A	N/A	N/A	N/A	
M&T Bank	2.7500%	\$6,071.66	N/A	N/A	General Obligation Note, Tax-Exempt, Bank Qualified, 1st Principal Payment Due December 15, 2020 and annually thereafter on June 15 with Interest Payments semiannually on December 15th & June 15th.
Community Bank Delaware	1.9500%	\$5,960.00	55% of NY Prime	\$5,667.00	Variable rate is 55% of NY Prime with a floor of 1.95% = 1.785%
The Bank of Delmarva	3.0000%	\$6,109.35	63% of Prime	N/A	Variable rate is 63% of Prime today of 3.25% = 2.05%

Memo

To: Mayor & Council
From: June Merritt, Director of Finance & H.R.
CC: Charles Anderson, City Manager
Date: May 9, 2020
Re: Police Dept. Building Renovation – Loan Rate Quotes

A “Request for Quote” was sent to five of the local financial institutions. I received quotes from three of them. I have attached a spreadsheet which summarizes their quotes.

Based upon the information submitted, I recommend the City of Seaford secure a fixed rate loan with Community Bank Delaware for a 10 year term at fixed rate of 2.69%.

City of Seaford
 Request for Quotes - Police Department Building Renovation
 Amount: \$690,000
 Terms: 10 years

Financial Institution	Fixed Rate	Fixed Monthly Payment	Variable Rate	Variable Monthly Payment	Additional Comments
County Bank	N/A	N/A	N/A	N/A	
Fulton Bank	N/A	N/A	N/A	N/A	
M&T Bank	2.9900%	\$6,659.51	N/A	N/A	General Obligation Note, Tax-Exempt, Bank Qualified, 1st Principal Payment Due December 15, 2020 and annually thereafter on June 15 with Interest Payments semiannually on December 15th & June 15th.
Community Bank Delaware	2.6900%	\$6,580.00	55% of NY Prime	\$5,750.00	Variable rate is 55% of NY Prime of 3.25% with a floor of 1.46% = 1.7875%
The Bank of Delmarva	3.0000%	\$6,662.69	63% of Prime	N/A	Variable rate is 63% of Prime today of 3.25% = 2.05%

MEMORANDUM

NIB# 9
5-12-20

TO: Charles Anderson, City Manager
FROM: June Merritt, Director of Finance/HR
DATE: May 8, 2020
RE: Lodging Tax (Hotel/Motel Tax)

On August 13, 2019, City Council passed Ordinance #2019-02 adopting a City lodging tax of 3%, effective January 1, 2020. There are five hotel/motels in the City of Seaford: Motel 6, Hampton Inn, Days Inn, Comfort Suites and Seaford Inn. Currently, the Seaford Inn is undergoing renovations.

The lodging tax collected from these establishments is listed below.

January 2020	\$ 5,919.45
February 2020	\$ 9,013.82
March 2020	<u>\$ 9,824.93</u>
April 2020	\$ 0.00*Due by May 15, 2020
TOTAL	<u>\$24,758.20</u>

Governor Carney issued a State of Emergency order effective, March 13, 2020. Since the initial order there have been several modifications. The modifications have restricted public gatherings and travel which will undoubtedly have an impact on the lodging tax collections for the FY'21 budget.

If you have any questions or need additional information, please let me know.