

AGENDA
REGULAR MEETING OF THE MAYOR AND COUNCIL
June 11, 2019
SEAFORD CITY HALL - 414 HIGH STREET

- 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.
 - Executive Session - Personnel
 - Approval of minutes of the Budget Workshop meeting on May 21, 2019.
 - Approval of minutes of the regular meeting on May 28, 2019

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

Introduction of Sean O'Brien; new Public Works Employee.

CORRESPONDENCE:

- 1.

NEW BUSINESS:

1. Mr. Eric Piner with PTA/DELVAL to present the formal tax appeal recommendations for Council action.
2. Present a recommendation from the Oyster House RFP review committee.
3. Present for approval a proposed contract for services related to the development of a Master Plan for Oyster House Park.
4. Present for approval FY 2020 budget.
5. Bids - Pine Street substation transformer disposal.
6. Present for approval a proposal to revise the current Spruce Street water tower logo to the new branding logo.

AGENDA

REGULAR MEETING OF THE MAYOR AND COUNCIL

June 11, 2019

7. Request approval for a non-budgeted expenditure from the FY19 Parks Department Buildings and Grounds line item for costs associated with the proposed installation of a bench to be located in front of 300 High Street.
8. Present for approval a Notice of Conciliation and Secretary's Order between the Department of Natural Resources and Environmental Control and the City of Seaford related to performance-based interim effluent limits for copper at the Seaford Waste Water Treatment Facility; and request authorization for execution of the Order by Mayor Genshaw.
9. Mayor Genshaw to make annual committee appointments: Economic Development, Electric, Parks & Recreation, Planning & Zoning, Operations, Antique Fire Truck Restoration and Emergency Preparedness.
10. Present for discussion a USDA opioid awareness grant opportunity to assist with the purchase of a police department (purple) vehicle.

OLD BUSINESS:

- 1.

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

1. Sussex Montessori Campaign Kick-Off, June 13, 2019 from 5:00 p.m. until 7:00 p.m. at 24960 Dairy Lane.

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

AGENDA

REGULAR MEETING OF THE MAYOR AND COUNCIL

June 11, 2019

Mayor Genshaw solicits a motion to hold an Executive Session for the purpose of discussing personnel.

EXECUTIVE SESSION:

1. Personnel

Mayor Genshaw solicits a motion to adjourn the Executive Session.

Mayor Genshaw reopens the regular Council meeting.

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

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: 6/3/19

Posted by: TNT

11 June 2019

To: City of Seaford Mayor and City Council

Subject: 2019 Appeal Recommendations

Good evening,

There were four properties appealed at the 14 May 2019 Council meeting.

Recommendations for those appeals are as follows:

1. 301 Oak Rd.
 - a. Property owner feels new assessed value is above current market value. Property was viewed again by the assessor. Property new assessed value (2019) is probably 4 -7% above market value.
 - a. Recommendation: Increase physical depreciation to 30% from 25%. Total value change from current \$182,800 to \$173,277.
2. Applebee's - 22873 Sussex Hwy.
 - a. Property owner feels new assessed value is above current market value. Current assessed value (2019) is \$1,400,700. Real estate analysis submitted suggesting market value of \$1,000,000. Some of the figures used in the analysis seem to be on the low side. In particular the gross rent multiplier appears to be low (\$15.25) for a quality sit down restaurant.
 - a. Recommendation: No change to current assessed value.
3. Lynn Baynum - 4 Unimproved commercially zoned parcels located on Sussex Hwy.
 - a. Ms. Baynum feels the four parcels are assessed above current market value. Owner hired an appraiser to conduct a market analysis of the four

parcels. The analysis emphasized the surrounding properties listed for sale and their similarities with the subject property. Those similarities include the topography, and the location, that location being on the outer limits of the city away from the busier commercial activity of Sussex Hwy. In this area of Sussex Highway there appears to be less demand for commercial property. The land in this area is currently being used for agricultural purposes and there is currently no public sewer on the property. There is a ravine which runs through the front portion of the property which would add extra cost to development. Parcel 448 the largest of the four parcels is odd shaped with very narrow road frontage.

- a. Recommendation: Add an adjustment factor of 55% to bring the assessment in line with surrounding undeveloped commercial land until such time as the subject property is developed. This would include the installation of public sewer lines on the property. Once the property is developed the adjustment is to be removed. The value for each of the four parcels is as follows:

- b. Parcel 445 - 44,431 sq. ft. @17.50 = 777,500 (value prior to informal appeal)
-55% = \$349,894

Parcel 446 - 43,995 sq. ft. @17.50 = 769,900 (value prior to informal appeal)
-55% = \$346,461

Parcel 447 - 38,768 sq. ft. @ 17.50 = 678,400 (value prior to informal appeal)
-55% = \$305,298

Parcel 448 - 39,760 sq. ft. @8.75 =347,900 -55% = 156,555

3800 sq. ft. @17.50= 66,500 -55%= 29,925

5.32 acres @ 75,000 = 399,000 -55% =179,550

Total value for Parcel 448 - \$366,030

Total new assessed value for all parcels - \$1,367,683

4. Barbara Durham commercially zoned property located on Bridgeville and Sussex Hwy.
 - a. Property owner believes the 2019 assessment is over market value based on an appraisal for \$1,145,000 dated 5 March 2016. This appraisal includes all four parcels. This property is located near the Baynum property and is subject to the same economic conditions that the Baynum property is experiencing. Low commercial demand. The parcel also lies below the road and currently is being used for agricultural purposes. It has been for sale for quite some time with the original listing at \$1,800,000 but being lowered to the appraised value of \$1,145,000 (3.50 sq. ft.) several years ago. Three of the parcels front on Bridgeville Hwy. and each parcel is currently valued at \$3.00 a square foot. Considering these three parcels don't front Sussex Hwy. (considered a more desirable commercial location) \$3.00 a sq. ft. appears to be a fair price per square foot and is backed up by the appraisal submitted by Ms. Durham. The appraisal indicated a fair market value of \$3.50 per sq. ft. for the three parcels. The parcel that fronts Sussex Hwy. with an acreage of 3.710 is divided into two separate columns for valuation purposes. the First column, 81,608 sq. ft. @ 11.00 = \$897,688. The remaining sq. ft. of 80,000 @3.00 = \$240,000.
Recommendation: Due to its location near the Baynum property and with similar impediments I would recommend giving the same adjustment (-55%) to parcel 193.05 which fronts Sussex Hwy. and only to the first column with 81,608 sq. feet. The breakdown would be as follows.

- Parcel 193.05 81,608 @11.00 -55%= \$403,960 (Change).
- Parcel 193.05 80,000sq. ft. @3.00 = \$240,000 (no chg.)
 - Total value for Parcel 193.05 \$ 643,960
- Parcel 193.09 54,014sq. ft. @3.00 = \$162,000 (no chg.)
- Parcel 193.10 55,321 sq. ft. @3.00= \$166,000 (no chg.)
- Parcel 193.11 56,192 sq. ft. @3.00= \$168,600 (no chg.)

- Total New Assessment for all parcels: \$1,140,560

NB# 2
C-11-19

June 6, 2019

City of Seaford
Mayor & Council Members
414 High Street
Seaford, DE 19973

RE: Oyster House Park - RFP Committee Report and Recommendation

The RFP committee members respectfully submit the following report and recommendation for your consideration:

Two firms submitted proposals on May 30th, 2019 for the above referenced solicitation. The firms were subsequently ranked. Both of the firms submitting proposals were found to be well qualified and credible. The unique objectives necessitated by the City's needs required the firms to present innovative solutions to the outlined criteria.

The committee notes the top ranked firm presented a positive approach with regard to the outlined needs, well defined solutions to the identified problems, and demonstrated extensive experience with municipal clients in Delaware.

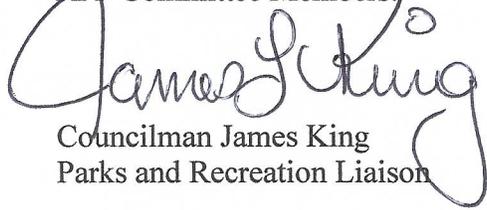
After the above referenced review of proposals, the committee unanimously recommends the City award the Oyster House Park Master Plan contract to the firm of Landscape Architectural Services, LLC., for the required services.

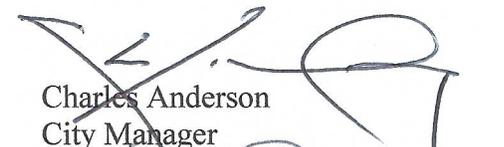
The required selection process was a complex one and all committee members agreed the process thoroughly vetted the desired firm for the scope of work presented.

If you require additional information, feel free to contact any of the committee members.

Thank You,

RFP Committee Members:


Councilman James King
Parks and Recreation Liaison

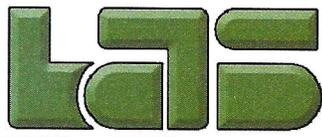
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Charles Anderson
City Manager


Trisha Newcomer
Director of Economic Development


Katie Hickey
Superintendent of Parks & Recreation

May 30, 2019

NB #3
6-11-19



**LANDSCAPE
ARCHITECTURAL
SERVICES, L.L.C.**

Matthew T. Spong, R.L.A., ASLA

Trisha Sawicki, ASLA

City of Seaford
414 High Street
PO Box 1100
Seaford, Delaware 19973
Attn: Charles Anderson, City Manager

May 30, 2019

This proposal is submitted to the City of Seaford to provide the following professional services for the City of Seaford's Oyster House Park located at the terminus of Cannon and Pearl Streets – Tax Parcel #431-7.00-23.00 - approximately 0.9180 acres.

Scope of Work

1. Community Description - This will include a brief description of the City, the regional location, and existing characteristics, the relationship to existing locally adopted plans; such as the City Comprehensive Plan, the Downtown Conceptual Vision Plan, the Downtown Development District Plan, the Captain John Smith National Water Trail planning efforts and other relevant planning documents.

2. Site Conditions, Environmental Assessment, Evaluations - Site conditions, assessments and evaluations will include the following:

a. Site Description - Park type, park name, size in acres, and physical condition.
b. Data collection and Map preparation. All mapping will be prepared in AutoCad and saved to a program compatible with ESRI's ArcGIS. Develop a comprehensive set of physical site and resource attribute datasets and maps for the site and immediately adjacent properties that will include:

- A site survey taken from the ALTA / NPS land title survey on the lands of Geraldine P Thomas & Robin G. Bears, Sussex County, Seaford, DE, dated 6-20-18 (or as finalized) by Lane Engineers, LLC.
- Topographic and Existing Utilities: we will add the existing sanitary sewer interceptor easement, sewer manholes rims and inverts and 1' contours tied into NAVD 88 datum and mapped from the Seaford Shoreline Stabilization project, completed by our Civil Engineering consultant, GMB.
- Wetland Delineation: we will perform a tidal wetland delineation and confirm with DNREC Wetlands Section Maps. This will be shown on the Final Base Map.
- Potential impacts from nearby industry and business development.
- Public street locations and how they serve the site and immediately adjacent properties.

- c. Evaluate the potential for a visitor contact station, with restrooms, picnic pavilion and interpretive features, which reflects the previous oyster house architecture/character, while taking into account the parcel's small size and other goals for the new park. The site and park master plan will achieve a balance of water access, connections, and resource protection.
- d. Site ingress and egress via public roads - Conduct an assessment of site ingress, egress and both on-site and off-site parking. Determine options for vehicle access and parking at the site or alternatively off-site.
- e. Determine options for site access from land to water for car top boats, such as canoes and kayaks.
- f. Determine options to extend the existing River Walk to Oyster House Park over land and/or via an over water boardwalk.
- g. Develop a planting plan for native species specific to the Nanticoke River (Consult with the Mt. Cuba Center for Horticulture Resources).

3. Phase 1 Environmental Assessment – Our consultant, Sussex Environmental Services, LLC will prepare a Phase I property assessment in compliance with ASTM Standard E1527-13 for the property in Seaford, Delaware. The services include National Environmental Policy Act (NEPA) search.

A Phase I environmental site assessment (ESA) is a qualitative assessment intended to help owners of property satisfy one of the requirements to qualify for CERCLA's innocent landowner defense. As part of this Phase I assessment no sampling will be provided.

A Phase I ESA is not an operational regulatory compliance audit. Federal, state, and local laws may impose environmental obligations that are usually not included in a Phase I ESA.

Historical research combined with the site investigation (and not publicly available government records) is the principal source for identifying environmental conditions on a property. A thorough search of all reasonably available information, and making reasonable efforts to interview persons with knowledge regarding current and past uses of the property, waste disposal practices, and environmental compliance history.

All of the above property research and analysis will be included in the Phase 1 environmental assessment. The Owner and its' attorneys will be responsible for deed search as this will not be part of the Phase I assessment unless otherwise agreed upon.

4. Phase 1 A Historical and Archaeological Evaluation (Archival Assessment) – Our consultant, Ed Otter, Inc. will prepare the Phase 1A assessment in accordance with the State of Delaware Division of Historic and Cultural Affairs standards.

5. Concept Master Plan - Based on site data and information collected, evaluations, concepts, determinations, public engagement with the City's and their partner's visions, develop a park master plan balancing park amenity construction and resource conservation.

The Oyster House Park Master Plan will embrace the asset of the Nanticoke River and the site's former uses, though takes into account floodplain and City's limited resources. The Master Plan will include base mapping, site analysis and pedestrian and vehicular circulation.

The Master Plan will also include 3D renderings (Sketchup) depicting the proposed site improvements. This will be based on the final master plan that represents the best Park development options that take into account the site's opportunities and constraints, input from the public, the City of Seaford staff and their partners and the agreed upon probable development costs and obtainable funds.

6. Final Master Plan will provide:

- a. A description the site's opportunities and constraints in text and tabular form with the amenities that are compatible with each opportunity. And, in this format, outline what is limited or not compatible on the park parcel based on site constraints.
- b. green infrastructure components such as pervious paving, green roof, solar energy for the public contact station, restrooms, pavilion
- c. landscape design
- d. preliminary architectural plans and elevations (for the public contact station)
- e. pedestrian and vehicular access and parking (on or off site)
- f. options for site access from Nanticoke River by self-propelled boats as well as power boats (to enhance access to interpretive materials at the Oyster House Park and the Seaford Historical Society Museum.)
- g. Nanticoke Riverwalk extension
- h. other amenities identified in the planning process compatible with the site
- i. accessibility improvements and amenities that are barrier free to meet ADA requirements.
- j. identify future protection components beneficial to the park's master plan.
- k. relocation of utilities if feasible and accommodates the **future Sussex County 2020 Unified Sewer District which will require the existing sanitary sewer interceptor to be updated.**
- l. projected operating costs
- m. potential options for sustainable funding
- n. planting plan, possibly with input from third-party resources (Mt. Cuba, garden club)
- o. outlining potential collaboration opportunities with interested community groups (Historical Museum, Schools, Garden Club, Artists, Churches, Outfitters, Lions Club, Marina, etc)
- p. outlining possible funding from other sources including:
State of Delaware DNREC Parks Department Outdoor Recreation, Parks & Trails Fund, DNREC Community and Environmental Project Fund (funding from penalties levied against polluters of air and water within the project's watershed), State of Delaware & FHWA Transportation Alternatives Fund (TAP), State of Delaware Tourism Grants, State of Delaware DNREC Division of Watershed Stewardship Water Quality Improvement Grants, EPA Green Street Fund, National

Fish and Wildlife Enhancement Fund and private Foundation Grants such as Chesapeake Bay Stewardship Fund, The Crystal Trust, Longwood Foundation , Mt. Cuba Center, etc.

7. Planning and Public Input – LAS and GMB will manage the public engagement and input process, including periodic updates of social media as desired by the City of Seaford.

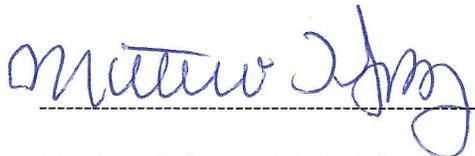
8. Not to exceed cost for the Scope of Work listed in Items 1-7 above is sixty thousand two hundred and ten dollars and no cents (\$60,210.)

9. Add Alternate – Upon completion of the Final Master Plan, process required permits for the USACOE Nationwide Permit and Section 408, Subaqueous Lands Section, DNREC Coastal Zone Management Program, State of Delaware Architectural Accessibility Board .

Add Ten thousand dollars and no cents (\$10,000.)

Total cost for Items 8 and 9 is seventy thousand two hundred ten dollars and no cents (\$70,210.)

This proposal is submitted by Matthew T Spong, R.L.A., A.S.L.A., Principal
Landscape Architectural Services, LLC



date : 5-29-19

Matthew T. Spong, R.L.A., A.S.L.A., Principal

This proposal is valid for 90 days or until 8-30-2019. After that time it may be withdrawn by Landscape Architectural Services, LLC.

**CITY OF SEAFORD
BUDGET/REVENUE ANALYSIS
ADOPTED BUDGET**

	FY 2019	FY 2020	% CHANGE	\$ INCR/DEC
<u>REVENUE</u>				
General Fund	5,651,401	6,676,699	18.14%	1,025,298
Transfer from Electric Fund	3,227,551	2,823,931	-12.51%	(403,620)
Transfer from Sewer Fund	200,000	477,698	138.85%	277,698
Transfer from Water Fund	85,000	0	-100.00%	(85,000)
Municipal Golf Fund	0	15,000	0.00%	15,000
Transfer from General Fund	358,199	347,973	-2.85%	(10,226)
Transfer from Electric Fund	0	0	0.00%	0
Water Fund	1,126,946	1,603,665	42.30%	476,719
Transfer from Electric	0	0	0.00%	0
Sewer Fund	2,931,590	2,799,667	-4.50%	(131,923)
Transfer from Electric	0	0	0.00%	0
Electric Fund	14,941,532	14,319,207	-4.17%	(622,325)
TOTAL REVENUE	28,522,219	29,063,840	1.90%	541,621
REVENUE W/O INTERNAL TRANSFER	24,651,469	25,414,238	3.09%	762,769
<u>EXPENDITURES</u>				
Executive	103,465	108,198	4.57%	4,733
Capital	7,900	0	-100.00%	(7,900)
Administration	1,844,922	1,712,232	-7.19%	(132,690)
Capital	26,300	110,017	318.32%	83,717
Transfer to Golf Fund	358,199	347,973	-2.85%	(10,226)
Economic Development	139,885	176,668	26.30%	36,783
Capital	25,100	0	-100.00%	(25,100)
Information Technology	110,400	132,409	19.94%	22,009
Capital	25,000	25,000	0.00%	0
Code	334,034	396,147	18.59%	62,113
Capital	1,600	2,000	25.00%	400
Fire	307,846	309,501	0.54%	1,655
Capital	0	0	0.00%	0
Police	3,724,600	3,552,849	-4.61%	(171,751)
Capital	89,037	768,925	763.60%	679,888
Dispatchers	632,532	651,609	3.02%	19,077
Capital	19,400	5,500	-71.65%	(13,900)
Recreation	211,913	210,370	-0.73%	(1,543)
Capital	5,400	2,800	-48.15%	(2,600)
Parks	483,321	580,672	20.14%	97,351
Capital	29,229	36,190	23.82%	6,961
Pools	36,170	35,877	-0.81%	(293)
Capital	0	0	0.00%	0
Streets	493,199	543,861	10.27%	50,662
Capital	154,500	269,530	74.45%	115,030
EXPENDITURES - SUBTOTAL PAGE 1	9,163,952	9,978,328	8.89%	814,376

**CITY OF SEAFORD
BUDGET/REVENUE ANALYSIS
ADOPTED BUDGET**

	FY 2019	FY 2020	% CHANGE	\$ INCR/DECR
Municipal Golf	358,199	362,973	1.33%	4,774
Capital	0	0	0.00%	0
Water	1,000,421	1,023,656	2.32%	23,235
Capital	41,525	580,009	1296.77%	538,484
Transfer to General Fund	85,000	0	-100.00%	(85,000)
Sewer Collector System	593,416	506,410	-14.66%	(87,006)
Capital	140,000	0	-100.00%	(140,000)
Sewer Plant	1,795,602	1,614,536	-10.08%	(181,066)
Capital	17,200	32,000	86.05%	14,800
Transfer to General Fund	200,000	477,698	138.85%	277,698
Compost	185,372	169,023	-8.82%	(16,349)
Capital	0	0	0.00%	0
Electric Distribution	11,463,781	11,386,626	-0.67%	(77,155)
Capital	250,200	108,650	-56.57%	(141,550)
Transfer to General Fund	3,227,551	2,823,931	-12.51%	(403,620)
Transfer to Golf Course Fund	0	0	0.00%	0
Transfer to Water Fund	0	0	0.00%	0
Transfer to Sewer Fund	0	0	0.00%	0
Power House	0	0	0.00%	0
Capital	0	0	0.00%	0
EXPENDITURES - SUBTOTAL PAGE 2	19,358,267	19,085,512	-1.41%	(272,755)
TOTAL EXPENDITURES	28,522,219	29,063,840	1.90%	541,621
EXPENDITURES W/O INTERNAL TRANSFER	24,651,469	25,414,238	3.09%	762,769
Total Revenues without Internal Transfers	24,651,469	25,414,238	3.09%	762,769
Total Expenditures without Internal Transfers	24,651,469	25,414,238	3.09%	762,769
Surplus (Deficit)	0	0	0.00%	0
Note: Purchased Power Electric Distribution	8,495,899	8,247,695	-2.92%	(248,204)
Note: Electric Distribution without Purchased Power	2,967,882	3,138,931	5.76%	171,049
Total Capital	832,391	1,940,621	133.14%	1,108,230

NB #5
C-11-19

Memorandum

To: Charles Anderson, City Manager

FR: Bill Bennett, Director of Electric

RE: Sale of Pine ST Substation Transformer

DT: June 4, 2019

The City of Seaford received two prices for the removal of the substation transformer, neither bid was received on time and by mail to the City office. One price was sent by G&S Technologies but it diverted by the carrier to several locations and the company sent me an emailed version of it. Soloman Corporation sent only an emailed copy of their price.

G&S technologies has offered us \$2,511 and Soloman wants us to pay \$5,425.00 for them to remove the transformer.

I would recommend awarding the bid to G7S Technologies for the sum of \$2,511.00 for the purchase of the transformer.

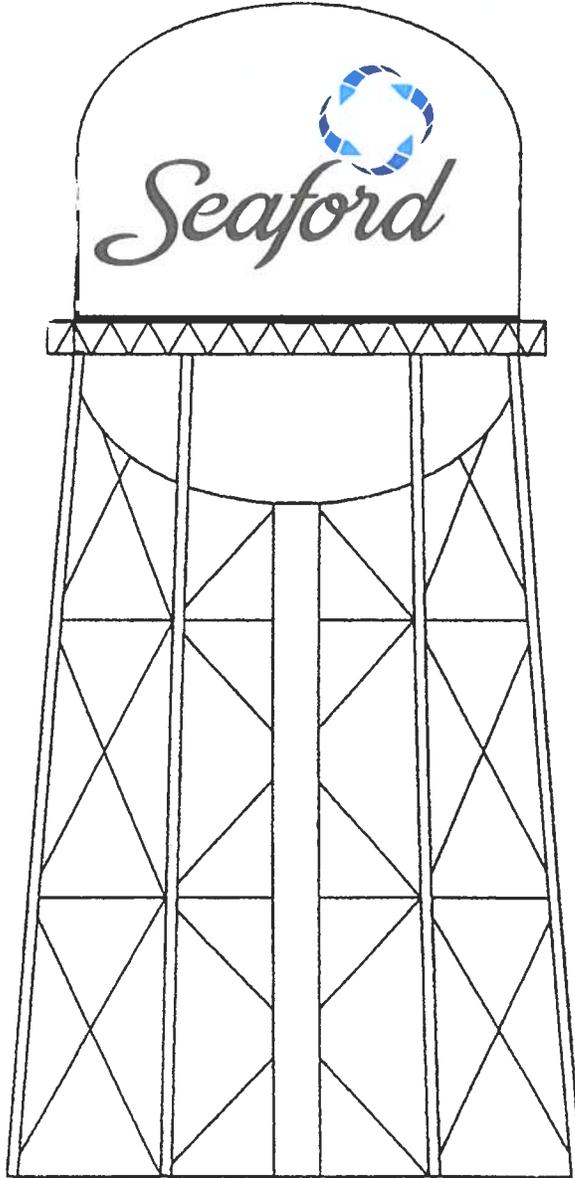
Thank you for your consideration and if have any questions, please contact me.

OPTION #1

NB#6

6-11-19

LOGO



NOTES:

1. EXTERIOR FINISH COAT SHALL BE CURED PRIOR TO STRIPING AND LETTERING OF SHELL EXTERIOR.
2. STRIPES TO BE CONTINUOUS AROUND SHELL EXTERIOR. LETTERING TO BE ON TWO SIDES.
3. DARK STRIPES ARE TO BE CLASSIC NAVY 35 (TNEMEC B3494 COLOR)
4. LETTERS, ONE STRIPE ABOVE & ONE STRIPE BELOW TO BE SAFETY YELLOW (TNEMEC SC01 COLOR).
5. LETTERING FONT TO BE ARIAL.

NOT TO SCALE

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300,000 GALLON STEEL ELEVATED TANK
"SPRUCE TOWER"
SEAFORD, DELAWARE

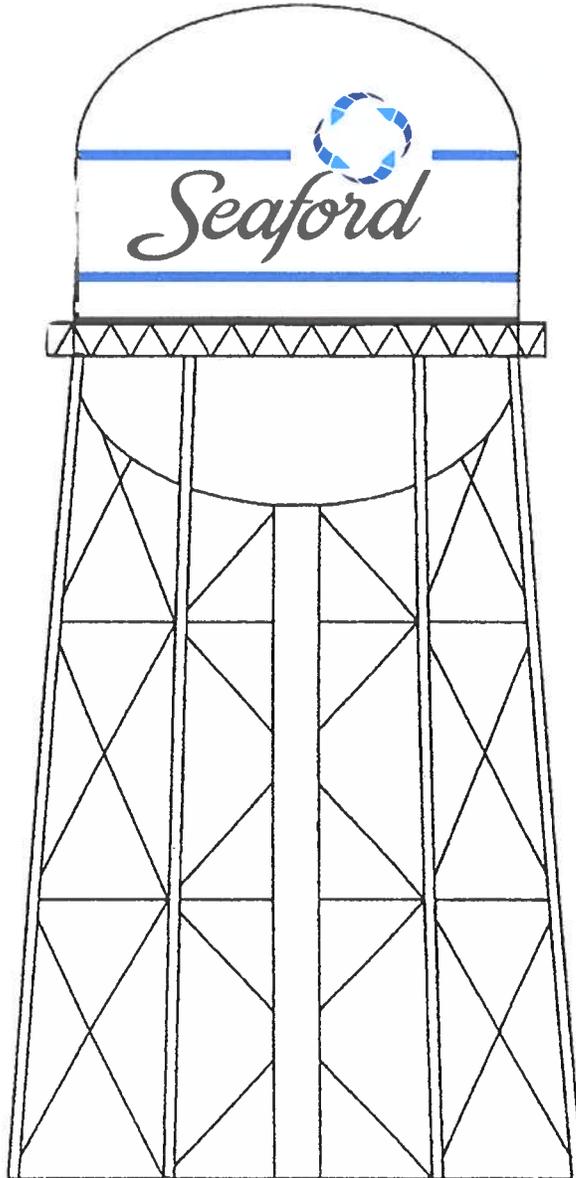
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OPTION #2

LOGO

NB# 4

6-11-19



NOTES:

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NOT TO SCALE

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300,000 GALLON STEEL ELEVATED TANK
"SPRUCE TOWER"
SEAFORD, DELAWARE

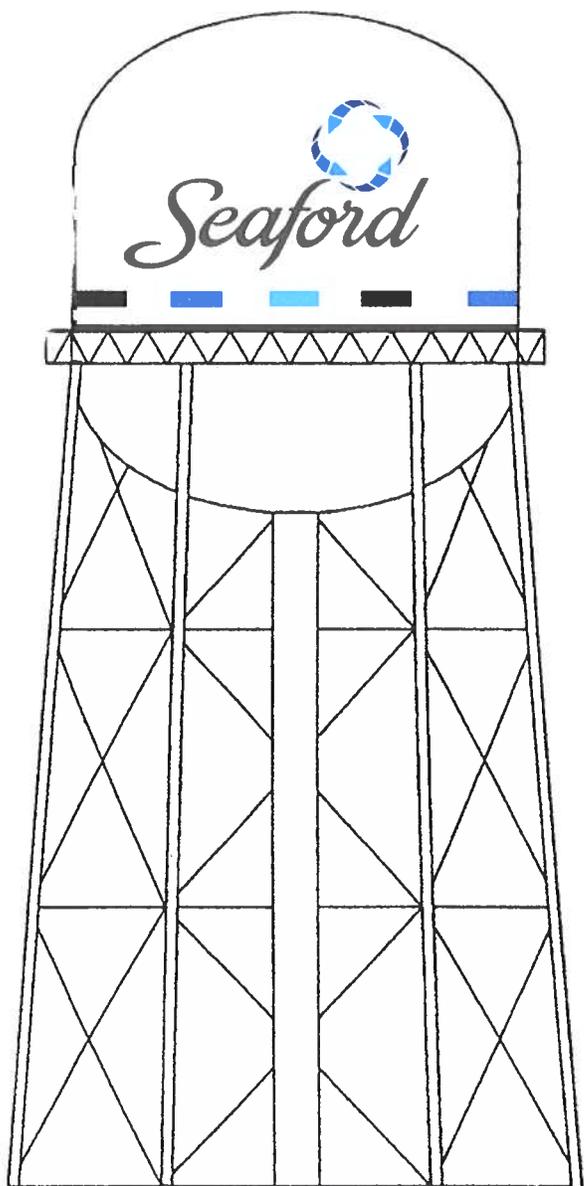
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05/02/19
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OPTION #3

LOGO

NB# 60

6-11-19



NOTES:

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5. LETTERING FONT TO BE ARIAL.

NOT TO SCALE

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300,000 GALLON STEEL ELEVATED TANK
"SPRUCE TOWER"
SEAFORD, DELAWARE

DWG. NO. LG
05/02/19
TIC 19.054.E365.001



Memorandum

To: Mayor & Council

From: Trisha Newcomer, Director of Economic Development & Community Relations

Date: May 23, 2019

RE: Bench Installation at Every Fiber Coffee

As Council is aware, Every Fiber Coffee is now open, and we hope to see many patrons visiting them. They have requested to have a bench and trash can installed in front of the shop for their customers and passersby to use.

We have purchased a new bench to match the others on High St., this bench is actually a replacement to the one that was damaged in an accident at Spring and High Sts. Staff thought it would server more people being placed at the Coffee Shop. The cost of the bench is \$1,145. It is our hope these funds will be reimbursed through the insurance claim. Additionally, we will relocate an existing trash can, which was at the southwest corner of High and Pine Sts., in front of the recently demolished Thomas R. Young building.

To install the bench requires additional work to be done, due to keeping the path of mobility accessible to all patrons (i.e. wheelchairs, motorized scooters, strollers, etc.) Staff will need to have the stump in the flower bed out front removed, as well as 8" of soil. It will then allow it to be filled with 4" of stone (supplied by Public Works) and backfilled with concrete. The total cost to complete this work, including the concrete, its installation, equipment rental and anchors is approximately \$910. You will find below, a sketch plan of the proposed layout.

We are seeking from Council approval for non-budgeted funds from the FY19 Parks Dept. Buildings and Grounds account in the amount of \$910. We respectfully thank Council for your careful consideration and hope you will see this as an enhance not just to a business downtown, but to the overall growth of our downtown.



NB-H 3
0-11-17

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Office of the
Secretary

Phone: (302) 739-9000
Fax: (302) 739-6242

**NOTICE OF CONCILIATION
AND SECRETARY'S ORDER**

Pursuant to 7 *Del.C.* §6005(b)(2)

Order No. 2018-W-xxxx

***SENT BY CERTIFIED
FIRST CLASS MAIL***

Issued To:

Mr. Charles D. Anderson, City Manager
City of Seaford
414 High Street
Seaford, DE 19973

This Conciliation Order by Consent and Secretary's Order ("Order") reflects the mutual effort by the City of Seaford ("Seaford") and the Secretary of the Department of Natural Resources and Environmental Control ("Secretary or DNREC") (collectively the "Parties") to attain compliance with discharge limits in a NPDES permit issued pursuant to 7 *Del.C.* Chapter 60 and by Conciliation pursuant to 7 *Del.C.* §6005(b)(2).

SECTION I-BACKGROUND

WHEREAS, the City of Seaford operates a Wastewater Treatment Facility (“WWTF”) located at 403 Nanticoke Avenue, Seaford, Sussex County, Delaware;

WHEREAS, DNREC is responsible for the administration of the National Pollutant Discharge Elimination System (“NPDES”) program in accordance with 33 *U.S.C.* §§1251 *et seq.* and 7 *Del.C.* Chapter 60;

WHEREAS, pursuant to this authority, DNREC issued NPDES Permit DE 0020265 (“Permit”), effective November 1, 2015 (as amended), to Seaford, authorizing the discharge of treated effluent from the Seaford WWTF through its Outfall 001 to the Nanticoke River;

WHEREAS, the permit effective November 1, 2015 (as amended) includes copper limits of 0.088 lbs/day (load: daily average) and 0.17 lbs/day (load: daily maximum) and 5.3 µg/L (concentration: daily average) and 10.1 µg/L (concentration: daily maximum) calculated using hardness based criteria, which was the freshwater standard at the time of permit issuance;

WHEREAS, the permit effective November 1, 2015 (as amended) includes a compliance schedule to meet those copper limits no later than 36 months after the effective date of the permit (by November 1, 2018) and a reopener clause requiring the establishment of an alternate copper limitation (or no limitation at all) based on the use of a Copper Biotic Ligand Model (BLM), once approved by the Environmental Protection Agency (“EPA”);

WHEREAS, on May 4, 2017, the EPA approved Delaware’s adoption of the BLM as its applicable aquatic life criteria (acute and chronic) for copper in freshwaters of the State;

WHEREAS, DNREC proposed a Modification to NPDES Permit DE 0020265 in which the newly adopted copper BLM criteria was used to calculate new copper limits of 0.314 lbs/day (load: daily average) and 0.54 lbs/day (load: daily maximum) and 18.8 µg/L (concentration: daily average) and 32.3 µg/L (concentration: daily maximum);

WHEREAS, on September 26, 2018, DNREC issued a public notice of the proposed Permit Modification, commencing a 30-day public comment period;

WHEREAS, on October 26, 2018, Seaford submitted comments on the new BLM derived copper limits proposed in the Permit Modification, including an alternative methodology for calculating the copper BLM criteria, and proposed copper limits of 1.05 lbs/day (load: daily average) and 1.566 lbs/day (load: daily maximum) and 62.9 µg/L (concentration: daily average) and 93.8 µg/L (concentration: daily maximum);

WHEREAS, the need for continued evaluation of Seaford's comments and alternative methodology by DNREC and EPA resulted in DNREC issuing the Permit Modification without revision of the copper limits;

WHEREAS, DNREC is amenable to consider further modification of the applicable copper limits based upon further review of the BLM calculations, including, but not limited to information from EPA on the proper application and implementation of the BLM procedure in this circumstance which will likely result in the further adjustment of the copper limits originally contained in the proposed Permit Modification;

WHEREAS, DNREC is in the process of collecting humic acid data in the Nanticoke that may allow for further site-specific adjustment of the BLM calculations in this circumstance;

WHEREAS, DNREC and Seaford concur that additional time is needed to address the issue of copper at the facility;

WHEREAS, DNREC is agreeable to using performance-based copper limits as interim limits only, pending full compliance with future BLM derived copper limits;

WHEREAS, both Parties agree that the resolution of issue without further protracted formal enforcement actions is in the best interest of the Parties, and can be effectively accomplished via this Order until the issuance of BLM derived copper limits in a renewed or modified permit;

WHEREAS, both Parties agree that this Order will remain valid and in effect until the issuance of BLM derived copper limits in a renewed or modified NPDES permit, or within three (3) years of the effective date of this Order, whichever comes first.

SECTION II-CONCILIATION

NOW THEREFORE, Seaford and DNREC jointly execute this Order to effectuate the purposes and actions delineated herein. Pursuant to 7 *Del.C.* §6005(b)(2), it is Ordered and Agreed as follows:

1. During the period from November 1, 2018 and lasting until the issuance of a renewed or modified permit addressing BLM derived copper limits, Seaford shall meet the following performance-based interim effluent limits for copper: 0.866 lbs/day (load: daily average) and 0.937 lbs/day (load: daily maximum) and 52 µg/L (concentration: daily average) and 56 µg/L (concentration: daily maximum).

2. Notwithstanding any express stipulation in this Order to the contrary, if any event occurs that causes or may cause a delay or have a materially adverse effect on Seaford's ability to perform in compliance with this Order, and such event is beyond Seaford's reasonable control and is not the product or result of Seaford's negligence (Force Majeure Event), Seaford shall notify DNREC, in writing, within fifteen (15) calendar days of when Seaford first knew of the event or should have known of the event by the exercise of due diligence. In its written notice, Seaford shall provide sufficient evidence to support this claim. Unanticipated or increased costs and expenses associated with the performance of Seaford's obligations as described herein shall not constitute a Force Majeure Event. DNREC shall respond to Seaford, in writing, regarding its claim of delay or impediment to performance within fifteen (15) calendar days of receipt of notice of claim.
3. In the event Seaford fails to meet the deadlines or fails to complete any activity described or authorized herein, DNREC reserves the right to commence any administrative, civil and/or criminal remedies against Seaford pursuant to *7 Del.C. §6005*.
4. When Seaford believes that it has completed all of the activities in compliance with the requirements of this Order, then Seaford shall so certify to DNREC, in writing. Within sixty (60) calendar days after the receipt of Seaford's certification, DNREC shall provide a written response to Seaford indicating partial or complete concurrence. If DNREC determines that concurrence is complete, this Order shall be deemed satisfied. If concurrence is partial, DNREC will identify the outstanding activities that require satisfaction. Either notice will be in writing.
5. By accepting the stipulations contained herein and executing this Order, Seaford formally acknowledges that it has read and understands this Conciliation Order by Consent and voluntarily waives its right to a hearing and to appeal or contest this Order and further agrees to perform each of the actions listed in this Order pursuant to the schedule set forth herein.

6. This Order becomes effective on the date of execution by the Secretary of DNREC.

Date

Shawn M. Garvin, Secretary
Department of Natural Resources and
Environmental Control

Date

The Honorable David Genshaw, Mayor
City of Seaford

cc. Dirk Durstein III, Deputy Attorney General
Virgil Holmes, Division Director

NP# 9
6-11-19

City Committees – 2019

Economic Development

- Mayor David Genshaw – Chair
- Councilman Dan Henderson
- Charles Anderson
- Trisha Newcomer
- Joan Neal

Electric Committee

- Councilman Bill Mulvaney – Chair
- Sharon Drugash
- Dave Downes
- Charles Anderson
- Bill Bennett
- Scott Pickinpaugh
- Virginia “Gigi” Hastings
- Lex Grier

Parks & Recreation

- Councilman James King – Chair
- Charles Anderson
- Trisha Newcomer
- Tina Hurley
- Katie Hickey
- Bobby Holston
- Vince Evans
- Debbie Buttridge
- Norma Ortiz
- Javier Leyva

Planning & Zoning

- Wayne Sammons – Chair
- John Leverage
- Mike Bailey
- Stacie Spicer
- Rick Peterson
- Al Temple
- Matthew Shaffer
- Mark Grasset
- Jose Santos (appointed at 5/14/19 Council meeting)

Operations

- Councilman Matt MacCoy – Chair
- Charles Anderson
- Berley Mears
- Judy Schwartz
- Frank Raskauskas

Antique Fire Truck Restoration

- Councilman Dan Henderson – Chair
- Barry Calhoun
- Mike Vincent
- Randy O' Bier
- John Botdorf
- Boyd Taylor
- Rick Marvel
- Ron Marvel
- Mark O'Bier
- Wayne Rigby
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- Mayor David Genshaw – Chair
- Charles Anderson
- Trisha Newcomer
- Pat Ryan
- Marshall Craft
- Jack Wilson
- John Leverage