

****REVISED** AGENDA**
REGULAR MEETING OF THE MAYOR AND COUNCIL
February 14, 2023
SEAFORD CITY HALL - 414 HIGH STREET

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: <http://www.youtube.com/c/CityofSeafordDe19973>

To view this meeting agenda and supporting documentation visit our website: www.seafordde.com/meetings_and_agendas

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

- 7:00 P.M.** - Mayor Genshaw calls the Regular Meeting to Order.
- Invocation
 - Pledge of Allegiance to the Flag of the United States of America.
 - Changes to the agenda for this meeting.
 - ~~Executive Session – Personnel, Staffing Needs~~
 - Approval of minutes of the regular meeting on January 24, 2023.
 - Approval of the minutes of the City Planning Session held on January 27, 2023.

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

PUBLIC COMMENT:

- 1.

CORRESPONDENCE:

NEW BUSINESS:

1. Jamie Nutter, Esquire to present for approval a resolution that would allow the City of Seaford to participate in the new opioid settlement with Teva, Allergan, CVS, Walgreens and Walmart.
2. Present for approval a request from Kathy Anger, Credit Representative, to set formal Real Estate Tax Appeals to City Council on March 28, 2023, from 7:00 p.m. until 8:00 p.m.

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February 14, 2023

3. Chief of Police, Marshall Craft, to present a request to implement a modified take home vehicle program at the City of Seaford Police Department.
4. Present for approval a draft Cross Connection Control Plan that would provide protections for backflow of contaminants and pollutants into the public water system.
5. June Merritt Director of Finance and Human Resources to request approval to have Buck, the City actuarial consultant, perform a study to implement a 5% COLA applied to anyone in retirement status, including retirees and beneficiaries.
6. Ashley Heinicke, City Clerk to present for approval a Memorandum of Understanding between the City of Seaford and the Delaware Sustainable Energy Utility, LLC that will provide \$133,953 in grant funding to the City of Seaford to purchase three electric vehicles and to install two charging stations at City facilities.
7. Trisha Newcomer, Director of Economic Development and Community Relations to present for approval a request to purchase replacement fiber optic cable and preform splicing necessary to repair damaged cabling that was discovered in early February as an unbudgeted expenditure.
8. Mayor Genshaw to present appointments for the ~~Election Officers~~ ~~and~~ Board of Elections for the 2023 Municipal Election.
9. Bids - Seaford Village Lift Station Renovations.
10. Bids - Front End Loader.
11. Bids - Landscape Maintenance.

OLD BUSINESS:

- 1.

AGENDA

REGULAR MEETING OF THE MAYOR AND COUNCIL

February 14, 2023

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

CITY OF SEAFORD

Municipal Election - Saturday April 15, 2023

The City of Seaford Municipal Election will be held on Saturday, April 15, 2023 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.

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., Friday, February 24, 2023. 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 24, 2023 will still appear on the official ballot for election.

To be eligible to vote, anyone eighteen (18) years of age or older who is a bona fide City of Seaford resident and US Citizen **must have been registered at the State of Delaware Department of Elections by 5:00 p.m., E.S.T. on Friday March 24, 2023.**

Nonresident property owners must be owner of record for a period of six (6) months immediately preceding the date of the Annual Municipal Election (October 16, 2022) and shall have one vote **provided he or she is registered on the "Books of Registered Voters" maintained at the City Hall by 5:00 E.S.T. on Friday, March 24, 2023. 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.**

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.

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February 14, 2023

❖ **Councilman Jose Santos has filed for reelection.**

LIAISON REPORTS:

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

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: 02/06/2023

Posted by: ASH

REVISED VERSION POSTED 02/08/23 - ASH

REVISED VERSION POSTED 02/10/23 - ASH

NB#1
2/14/23

CITY OF SEAFORD
RESOLUTION OF THE MAYOR AND CITY COUNCIL
Resolution # R-2023-01

**AUTHORIZING THE CITY OF SEAFORD TO PARTICIPATE IN NEW NATIONAL
OPIOID SETTLEMENTS AND THE EXECUTION OF PARTICIPATION FORMS
AND SETTLEMENT DOCUMENTS ASSOCIATED THEREWITH**

WHEREAS the City of Seaford (hereinafter “Seaford”) is a party to proceedings in the United States District Court for the Northern District of Ohio pending in *In Re National Prescription Opiate Litigation*, MDL No. 2804, against various manufacturers of opioids, pharmaceutical distributors, pharmacies, and other potentially responsible parties and individuals (collectively “Opioid Defendants”) for their role in the opioid epidemic; and

WHEREAS Seaford is a party to the Remediating Opioids Across Delaware through State-Municipal Abatement Partnership Agreement (the “ROADS MAP Agreement”), pursuant to which all settlement funds received by the State of Delaware and its subdivisions from Opioid Defendants are allocated to the Prescription Opioid Settlement Fund (the “Settlement Fund”) established pursuant to 16 *Del. C.* §4808B; and

WHEREAS funds allocated to the Settlement Fund are administered and distributed by the Prescription Opioid Settlement Distribution Commission (the “Commission”) created under 16 *Del. C.* § 5196A, which includes representation from Seaford and other local governments serving as members of a Local Government Subcommittee of the Commission; and

WHEREAS funds administered by the Commission are required to be used for purposes of “remediating or abating the opioid crisis in Delaware.” 16 *Del. C.* §4808B(b)); and

WHEREAS Seaford has previously joined in national settlements reached in 2021 with the three largest pharmaceutical distributors - McKesson, Cardinal Health, and AmeriSource Bergen (collectively the “Distributors”) - and opioid manufacturer Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (“J&J”); and

WHEREAS five new proposed national opioid settlements have been reached (the “New National Opioid Settlements”), two of which involve opioid manufacturers, Teva and Allegan, and the other three involving the pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS the State of Delaware has elected to join in each of the proposed New National Opioid Settlements; and

WHEREAS Seaford has received a Participation Package and Participation Forms associated with each of the proposed New National Opioid Settlements which must be executed by April 18, 2023, for Seaford to participate in the settlements; and

WHEREAS based on the advice of counsel and consideration of the New National Opioid Settlements, the Mayor and City Council have determined that participating in the settlements with Teva, Allegan, CVS, Walgreens, & Walmart is in the best interests of the City of Seaford and its residents.

CITY OF SEAFORD
RESOLUTION OF THE MAYOR AND CITY COUNCIL
Resolution # R-2023-01

NOW, THEREFORE:

BE IT RESOLVED that the City of Seaford is authorized and directed to take and perform all acts necessary to participate in the New National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart, including execution of any Participation Form(s), release of claims, dismissal notices, or such other documents or forms as may be necessary (collectively the "Participation Forms") for Seaford to participate in each of the New National Opioid Settlements.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are designated as Authorized Signatories for purposes of this Resolution, and each is individually vested with all requisite authority necessary to executed the required Participation Forms.

BE IT FURTHER RESOLVED that the City of Seaford acknowledges through execution of the respective Participation Forms that each of the opioid-related settlement agreements with Teva, Allergan, CVS, Walgreens, and Walmart constitutes a "Settlement Agreement" as defined in the Remediating Opioids Across Delaware through State-Municipal Abatement Partnership Agreement, the ROADS MAP Agreement, and that allocation of the State Fund, the Subdivision Fund, and the Abatement Accounts Fund or Remediation Accounts Fund in such settlement agreements shall be treated in accordance with Section (3) of the ROADS MAP Agreement. Further, the City of Seaford acknowledges that references in the ROADS MAP Agreement to the "Abatement Accounts Fund" shall be deemed to be references to the "Remediation Accounts Fund" for purposes of the CVS, Walgreens, and Walmart settlement agreements.

Certification

I, David Genshaw, Mayor of the City of Seaford, hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Mayor and City Council of the City of Seaford at its Regular Meeting held on February 14, 2023, at which a quorum was present and voting and that such resolution is still in full force and effect.

Dated:

David C. Genshaw, Mayor

Attest: _____

Charles Anderson, City Manager

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com

UB#1
2/14/23

<<Subdivision Name, Subdivision State>>

Reference Number: <<Subdivision Crosslink ID>>

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements ("*New National Opioid Settlements*") have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** ("*Settling Defendants*"). This *Participation Package* is a follow-up communication to the *Notice of National Opioid Settlements* recently received electronically by your subdivision or special district ("*subdivision*").

You are receiving this *Participation Package* because Delaware is participating in the following settlements:

- Teva
- Allergan
- CVS
- Walgreens
- Walmart

This electronic envelope contains:

- *Participation Forms* for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.

The *Participation Form* for each settlement must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

By its signature, the Participating Subdivision acknowledges and confirms that each of the opioids-related settlement agreements with CVS, Walgreens, Walmart, Teva, and Allergan is a "Settlement Agreement" as defined in the Remediating Opioids Across Delaware through State-Municipal Abatement Partnership Agreement (the "ROADS MAP Agreement") and that the allocation of the State Fund, the Subdivision Fund, and the Abatement Accounts Fund or Remediation Accounts Fund in such settlement agreements shall be treated in accordance with Section (3) of the ROADS MAP Agreement. References in the ROADS MAP Agreement to the "Abatement Accounts Fund" shall be deemed to be references to the "Remediation Accounts Fund" for purposes of the CVS, Walgreens, and Walmart settlement agreements.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, your Attorney General's Office, and other contacts within your state. Many states are implementing and allocating funds for these new settlements the same as they did for the prior opioid settlements with McKesson, Cardinal, Amerisource, and J&J/Janssen, but states may choose to treat these settlements differently. **In Delaware, in accordance with the ROADS MAP Agreement and Senate Bill 166, all abatement funds from these new settlements will go to the statewide Prescription Opioid Settlement Distribution Fund.**

Information and documents regarding the *New National Opioid Settlements* and how they are being implemented in your state and how funds will be allocated within your state allocation can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Forms* electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning *Participation Forms*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed *Participation Forms* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return executed *Participation Forms* using DocuSign, signed *Participation Forms* may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms – [Subdivision Name, Subdivision State] – [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or Owen Lefkon at the Delaware Attorney General's Office at owen.lefkon@delaware.gov or (302) 683-8888.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.



414 High Street | PO BOX 1100
Seaford, DE 19973
302.629.9173
302.629.9307 fax
www.seafordde.com

To: Charles Anderson, City Manager

From: Kathy Anger, Credit and Collections *K.A.*

Date: February 2, 2023

RE: Tax Appeal Date

*NB#2
2/14/23*

I received an email from Eric Piner, our real Estate Appraiser. He assured me he will be available for Public Tax Appeals on March 28, 2023 and available to return with their recommendations for the Tax appeals on April 25, 2023.

If it is possible to get on the next Council Meetings Agenda, I would like to request Council set the next tax appeals date for March 28, 2023.

Thank you for your time.

SEAFORD POLICE DEPARTMENT

Directive 13 FISCAL MANAGEMENT & AGENCY OWNED PROPERTY

MODIFIED TAKE HOME VEHICLE PROGRAM

NB#3
2/14/23

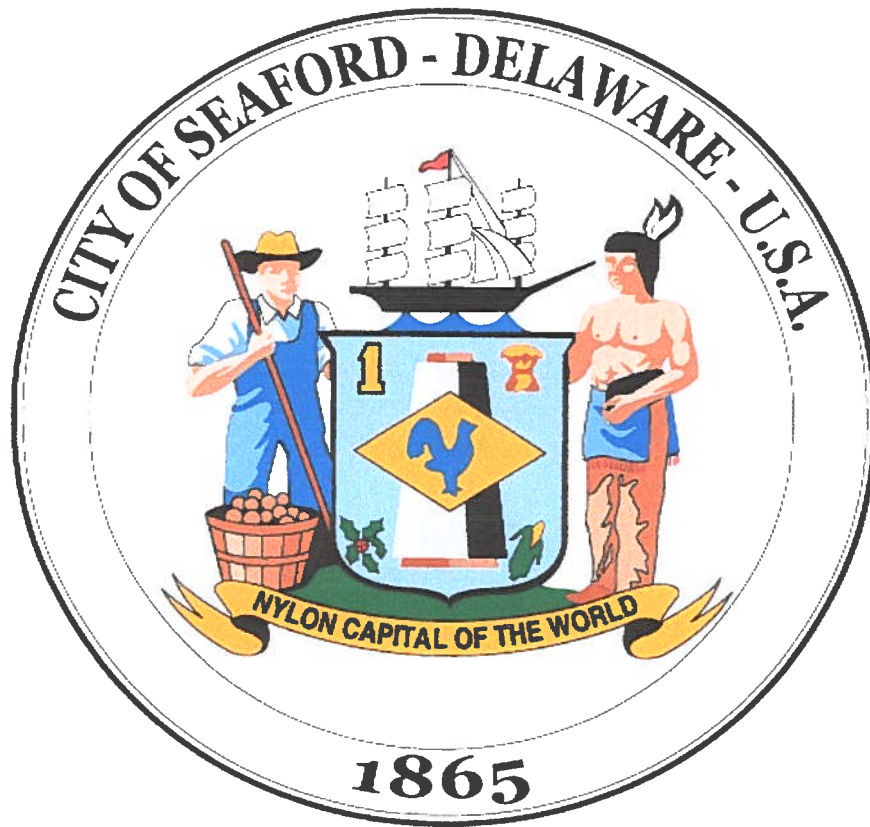
- A. The Seaford Police Department “Modified Take Home” vehicle program will help to improve the efficiency and effectiveness of the department.
- B. Only officers residing within a 20-mile radius of the Seaford Police Department are assigned a “Modified Take Home” vehicle, which is authorized on “work days” only.
 - 1. Driving distance is calculated by a method of utilizing a standardized mapping application (Google Earth). Driving distance shall be measured from the Seaford Police Department.
 - 2. Officers employed with the department prior to City Council approval, shall be exempt from the 20-mile limit based on the following conditions:
 - A. The officer is currently employed with the department at the time the “Modified Take Home” vehicle program is initiated.
 - B. The officer’s residential address at the time of policy initiation is the only address considered for exemption. Any residential address changes are to be reported to the Chief of Police, or their designee.
 - C. Address changes exceeding the 20-mile limit voids prior exemption grants. Considerations may be requested through the office of the Chief of Police. Until such consideration is made, the officer will discontinue participation in the “Modified Take Home” vehicle program.
- C. Any tolls, fees, traffic/parking enforcement violations that are incurred while operating a departmental vehicle traveling to and from the officer’s residence is at the expense of the officer. Any negative police contact, regardless of received citation, is to be reported to the officer's immediate supervisor.
- D. Officers driving a modified take-home vehicle, at minimum, shall carry their duty weapon, credentials, and police radio while driving the vehicle.
 - 1. Officers are not required to wear their departmental issued uniform during their commute to and from home; however, officers shall not wear any type of clothing or accessories that brings embarrassment or discredit to themselves or the department while operating a department vehicle.
- E. Use of department vehicles for vacations, recreational trips, or personal use, is not authorized.
 - 1. Exceptions regarding personal use are made when the officer is traveling to and from work and stops at a grocery, department, convenience, or

restaurant store or business.

- A. It is desired that any such stops be made within the jurisdictional limits of the City of Seaford whereas the police presence can best benefit the Seaford community.
- F. Officers will provide their residential address to the Fleet manager and/or administration as to where the vehicle will be secured during the officer's time of vehicle possession. That location must remain the same at all times unless a change is approved by the Chief of Police, or their designee.
- G. All department vehicles are subject to inspection and/or search at any time by a supervisor. No officer assigned to or operating such a vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.
- H. All patrol weapons and ammunition shall be carried during assigned duty hours. While on duty, all long guns will be carried in a car ready condition and properly locked in gun mount if available and operable.
 - 1. Vehicles will remain locked at all times when unattended.
 - 2. All weapons shall be removed from vehicles at the conclusion of duty if no gun mount lock is available/operable in the car.
- I. Any and all maintenance performed on any Seaford Police vehicle is to first have prior approval from an Administrator.
 - 1. Officers who are assigned a modified take-home vehicle shall be responsible for maintaining the vehicle in good running order. The officer shall be responsible for both scheduled and preventive maintenance and timely repairs to the vehicle. This includes meeting regularly with the Fleet manager or administration regarding the vehicle.
 - 2. Failure to follow the maintenance schedule or to keep the vehicle in good mechanical condition may result in the officer's loss of modified take-home privilege.
 - 3. Officers assigned a take-home vehicle will be responsible for keeping the appearance of the vehicle clean and professional.
 - 4. In the event that an officer's assigned vehicle becomes unavailable or inoperable, only the vehicles identified as a 'spare' by the fleet manager or administration shall be used. This is regardless of officer's rank.
 - A. Exception would be if all 'spare' vehicles are being utilized or out for maintenance.
 - B. The on-duty supervisor will be responsible to maintain the strict adherence to vehicle assignments.
- J. All officer's assigned a modified take-home vehicle are subject to losing such privilege as a result of disciplinary infractions, below standard productivity or performance, and/or at the discretion of the Chief of Police, or their designee.
- K. Members shall not be assigned a modified take-home vehicle while: (a) On vacation (extending more than 2-days) (b) Suspension; (c) Limited duty; and/or (d) Extended sick leave.

Officers who are assigned to a vehicle with another officer and unable to bring the vehicle back to the Seaford Police Department due to exigent circumstances, will notify the fleet manager and/or administration.

NR#4
2/14/23



CROSS-CONNECTION CONTROL PLAN

For

City of Seaford

City of Seaford Approved: (insert date)

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1. DEFINITIONS

Air Gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet and at no time less than 1 inch.

Approved: Accepted by the City of Seaford as meeting an applicable specification stated or cited in this plan or as suitable for the proposed use.

Auxiliary Water System: Any water system on or available to the premises other than the City of Seaford approved public water supply.

Backflow: The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow Preventer: An assembly, device or method designed to prevent backflow.

Backflow Prevention Assembly: A mechanical backflow preventer used to prevent backward flow of contaminants or pollutants into a potable water distribution system. An assembly has a resilient seated, full flow shut-off valve before and after the backflow preventer making it testable in line.

Backflow Prevention Device: A mechanical backflow preventer without shut-off valves.

Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage: Backflow caused by negative or reduced pressure in the potable water supply piping.

Containment or Service Line Protection: Installation of an approved backflow prevention device, assembly or other method at the point of service in order to confine potential pollution or contamination caused by a cross-connection within the building or facility where it arises.

Contaminant: Any foreign substance (liquid, solid or gas) that degrades the quality of water and creates a health hazard.

Cross-connection: A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances, would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the quality of the water.

High Hazard: A high hazard is referred to as toxic, health or contamination hazard where a backflow incident may pose a serious threat to the public water supply.

Low Hazard: A low hazard may also be referred to as a backflow incident that does not pose a serious threat to the public water supply or are non-health hazards that are considered aesthetically objectionable or a pollution hazard that will not have serious affects.

Non-Potable Water: Water that is not safe for human consumption or of questionable quality.

Owner: Person or entity receiving service from the public water distribution system.

Pollutant: Any foreign substance (liquid, solid or gas) that degrades the quality of water as to constitute a non-health hazard or impair the usefulness of the water.

Potable Water: Water that is safe for human consumption as described by the public health official having jurisdiction.

Premises: A house, building or facility, together with its land and accessory structures, including the privately owned portion of the water service connection(s).

Reclaimed Water: Water that, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is not safe for human consumption.

2. INTRODUCTION

2.1 Purpose

The purpose of this document is to outline the City of Seaford Cross-Connection Control (CCC) program and policies for all non-residential, residential, and miscellaneous facilities having service connections to the City of Seaford public water supply. The goals of this policy are summarized as follows:

- Protect the public water supply from contaminants and pollutants that could backflow through the service connection(s); and
- Promote the elimination of actual and/or potential cross-connections between the public water supply and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality; and
- Promote the elimination of actual and/or potential cross-connections between the building or facility potable water supply and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality; and
- Identify all hazards, whether low or high, that may exist and may pollute or contaminate the public water supply; and

- Provide guidance for the maintenance of a continuing program for protection from the potential of service line and internal cross-connections within the building or facility; and
- Educate the Seaford Community on the dangers of cross-contaminants and the procedures needed to further protect the public water supply; and
- Provide procedures for the survey and testing of cross-connections, backflow prevention assemblies and/or backflow prevention devices to further protect the public water supply.

2.2 Legality

In accordance with the Delaware Department of Health and Social Services (DHSS), Division of Public Health, the City of Seaford proclaims this program as a continuing effort to maintain safe potable water. The City of Seaford shall comply with the CCC Rules in the Delaware Administrative Code 4662, Chapter 16, Section 21.

By reference to the DHSS Code requirement *“we hereby establish the City of Seaford Cross-Connection Control Program.”* This program was adopted by City of Seaford on June 20, 2021 and made effective on June 20, 2021.

3. PROGRAM TEAM

3.1 Administrator

City of Seaford, City Manager, Public Works Director or their designee (hereinafter “City”), shall be the Administrator of the CCC Program. The City may contract with a third party, as its Designated Agent, to perform the role of Administrator of the CCC Program. This CCC Program shall include, but not be limited to:

- Establishment of Applicable Rules and Regulations
- Approved Backflow Prevention Devices and Assemblies
- Testing Requirements of Backflow Prevention Assemblies
- Survey Process and Requirements
- Non-Compliance
- Data Management
- Reporting
- Public Education and Awareness

3.2 Surveyor

The City, or its Designated Agent(s), may conduct site surveys at premises connected to the City of Seaford public water supply. The Surveyor must have both 1) an experience component and 2) a certification/training component.

1) Experience

Acceptable experience may include one (1) or more of the following:

- Be employed or have been employed by a Water Utility, Water Purveyor, Building Department, Code Enforcement Department for a period of not less than 3 years, not more than 5 years ago; or,
- Held the position of Cross-Connection Surveyor, or similar position, with a municipal body or Branch of the Military for a period of not less than 3 years, not more than 5 years ago; or,
- Have not less than one-year full time experience in conducting cross-connection control surveys in non-residential and/or residential facilities for a private, non-governmental, entity.

2) Surveyor Certification/Training

Acceptable certification/training shall include successful completion of the American Society of Sanitary Engineers Standard 5120 – relating to Cross-Connection Control Surveyors and a valid certification of completion.

4 BACKFLOW PREVENTION ASSEMBLIES AND DEVICES

4.1 Responsibility of the Owner

Installation and maintenance of backflow prevention assemblies, devices and/or methods at all premises to protect existing cross-connections shall be the responsibility of the property Owner.

4.2 Approved Backflow Prevention Assemblies and Devices

- City of Seaford accepts ASSE recognized backflow prevention devices, assemblies and methods (downstream of containment or service line protection) appropriate to the level of hazard as recognized by the applicable Delaware Statutes, Rules and Regulations.
- New installation, repair, replacement, or relocation of all backflow prevention assemblies or devices, including but not limited to Reduced Pressure Backflow Prevention and Double Check Valve Assemblies, must conform to the applicable ASSE Standards, most recent versions.
- All work required by the City or their designated agent, including but not limited to installation, alteration, replacement, relocation or repair of backflow prevention assemblies, devices or methods shall be completed under an approved City of Seaford permit through the City of Seaford Code Department. The permit fee shall be waived.

4.3 Non-Residential Containment Backflow Prevention Assembly Protection

With respect to backflow prevention assemblies installed at the service line, the City will require the following:

- Containment, or Service line protection, shall be required at all non-residential properties as outlined in the DE Regulation 21.2.4, or as required by the City or their designee.
- Where a backflow prevention assembly or device is required, the Owner shall also install appropriate protection from thermal expansion within the premises.
- Service connections to fire protection systems shall be protected from backflow prevention in accordance with the applicable ASSE Standard.
- Fire suppression systems shall be independently protected against backflow by an appropriate backflow assembly/device. The installation of a backflow assembly or device on a fire suppression system, of whatever sort, shall be installed in such a way as to not adversely affect the operation of the fire suppression system. This shall be approved by the fire system company.
- Regardless of the level of hazard, a Reduced Pressure Backflow Prevention Assembly shall be required at all facilities which are also served by reclaimed water or where auxiliary water systems exist.
- Backflow prevention assemblies, devices or methods shall be installed immediately downstream of the water meter and prior to the first branch line in the plumbing system.
- Only Double-Check Backflow Prevention Assemblies or Dual-Check Backflow Prevention Devices are permitted to be installed below grade or in an underground pit, otherwise all other backflow prevention assemblies or devices are prohibited to be installed below grade or in an underground pit.
- Pressure Vacuum Breaker Assemblies and Atmospheric Vacuum Breakers shall not be installed as containment protection.
- All backflow assemblies or devices, except residential Dual Check Valves, shall be tested upon installation, upon repair, upon relocation, after a reported backflow incident at the premises, and on an annual basis.

4.4 Residential Containment Backflow Prevention Assembly Protection

At this time, residential customers on the City of Seaford public water system are not required to have or maintain a backflow device. Residents may install ASSE-complaint dual checks installed downstream of the water meter at their discretion. These dual checks may be replaced at the time of a City of Seaford meter exchange. Costs to install and replace the dual check valve are the responsibility of the customer.

- Exceptions (required installations at residential premise(s)):

a) Lawn Irrigation Systems

In-ground lawn irrigation systems including those with chemical injection systems on the City of Seaford public water system shall be equipped with a Reduced Pressure Backflow Prevention Assembly or Pressure Vacuum Breaker Assembly immediately downstream of the water meter and prior to the first irrigation branch line. These

assemblies must be installed in accordance with the applicable ASSE standard for such assemblies, the applicable portions of the DE Plumbing Code IPC 2018, Section 608, most recent version, and the manufacturers' installation requirements, most recent versions.

b) Reclaimed Water and/or Auxiliary Water System(s)

Those premises that are connected to the City of Seaford public water system and who are also served by reclaimed water or auxiliary water system(s) shall be equipped with a Reduced Pressure Backflow Prevention Assembly downstream of the meter and prior to the first branch line. These assemblies must be installed in accordance with the applicable ASSE standard for such assemblies, the applicable portions of the DE Plumbing Code IPC 2018, Section 608, most recent version, and the manufacturers' installation requirements, most recent versions.

c) Pools

Those premises that are connected to the City of Seaford public water system and have a pool on the premises with a direct connection to the public water service, shall be equipped with a Reduced Pressure Backflow Prevention Assembly or Pressure Vacuum Breaker Assembly immediately downstream of the water meter and prior to the first branch line. These assemblies must be installed in accordance with the applicable ASSE standard for such assemblies, the applicable portions of the DE Plumbing Code IPC 2018, Section 608, most recent version, and the manufacturers' installation requirements, most recent versions.

d) Fire Suppression Systems

Those premises that are connected to the City of Seaford public water system and have a fire suppression system shall be equipped with an appropriate backflow assembly/device. The installation of a backflow assembly or device on a fire suppression system, of whatever sort, shall be installed in such a way as to not adversely affect the operation of the fire suppression system. These assemblies must be installed in accordance with the applicable ASSE standard for such assemblies, the applicable portions of the DE Plumbing Code IPC 2018, Section 608, most recent version, and the manufacturers' installation requirements, most recent versions.

4.5 Testing of Backflow Prevention Assemblies

- All testable backflow prevention assemblies, excluding residential dual-checks, but including required residential backflow prevention assemblies, as set forth in 4.4 (a-d), shall be tested upon installation, upon repair, upon relocation, after a reported backflow incident, and on an annual basis. Assemblies must be tested in accordance with applicable standards referenced within the DE Plumbing Code, Section 608 and/or ASSE 5000 Series.

- Equipment, such as three and five hose test gauges, used to field test assemblies must be certified and calibrated for accuracy annually. Single hose testing is prohibited.
- Assembly test form(s) to record test results will be maintained by the Owner and submitted to the City as required.
- Completed assembly test forms shall be filed in a location as directed by this program.
- The Owner shall have all assemblies tested by a tester having completed the applicable forty (40) hour ASSE Backflow Prevention Assembly Tester Training and Certification Course. All testers must also complete a recertification exam at an interval not to exceed once every three (3) years.
- The City of Seaford shall reserve the right to direct and administer testing and/or maintenance of any backflow prevention assemblies. All costs associated with testing and any necessary installation, alteration, replacement, relocation or repairs of these assemblies or devices shall be the sole responsibility of the Owner. If, in the interest of public safety and safety of the water supply, the City assumes the responsibility of backflow assembly installation, testing, maintenance or repair at a premises, all costs for such testing, maintenance, installation or repairs will be charged to the Owner in a manner deemed appropriate by the Director of Public Works.
- Failure to test assemblies and submit appropriate test forms, in accordance with this program, may result in termination of water service.

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4.6 Assembly and Device Abbreviation List

Backflow Prevention Assembly and Device Legend			
A.S.S.E Standard	Legend	Acronym	Testable Device
1001	Atmospheric Type Vacuum Breakers	AVB	Yes
1002	Anti-siphon Fill Valves (Ballcocks)	ASBC	No
1011	Hose Connection Vacuum Breaker	HBVB	No
1012	Backflow Preventer w/Intermediate Atmospheric Vent	VDCV	No
1013	Reduced Pressure Backflow Prevention Assembly	RPBP	Yes
1015	Double Check Valve Backflow Prevention Assembly	DCV	Yes
1019	Vacuum Breaker Wall Hydrants	HBIVB	No
1020	Pressure Vacuum Breaker Assembly	PVB	Yes
1022	Backflow Preventer for Carbonated Beverage Machine	VMBP	No
1024	Dual Check Valve Type Backflow Preventers	DC	No
1024	Residential Dual Check	RDC	Yes/No
1035	Laboratory Faucet Backflow Preventer	LFVB	No
1037	Pressurized Flushing Devices (Flushometers)	PFD	No
1047	RP Detector Backflow Prevention Assembly	RPDA	Yes
1048	Double Check Detector Backflow Prevention Assembly	DDCV	Yes
1052	Hose Connection Backflow Preventer	HCBP	No
1055	Chemical Dispensing Systems	AG	No
1056	Spill Resistant Vacuum Breaker Assembly	SVB	Yes
1057	Freeze Resistant Yard Hydrant W/Backflow		No
A112.1.2	Air Gap	AG	No

5 SURVEYS of EXISTING CUSTOMERS

5.1 Responsibility of the Owner

The Owner shall be responsible for the protection of the public water supply from pollution or contamination due to backflow through the water service connection(s). The City may require the Owner, as a result of the survey and at their expense, to install, alter, replace, relocate or repair any plumbing connected to the public water system that may pose a threat to public health. Failure, refusal, or the inability on the part of the Owner to correct any deficiency or violation in the timeframe indicated within the Notice provided to the Owner by the City shall be unlawful and the City may deny or discontinue water service to the premises (See Section 5.4). The Owner shall be responsible for the elimination of all unprotected cross-connections, including but not limited to, any service line protection and any connections downstream of the service line supply to the premises.

5.2 Initial Survey

- The initial survey, which can be completed by the owner or their designee by mail or via an on-line portal, will be used by the City for premises served by the City of Seaford public water system in order to determine the level of hazard existing at the premises and obtain record of existing backflow prevention assemblies, devices, and methods installed. The CCC Plan, at inception, will first address all existing non-residential premises and required non-exempt residential premises.
- If it is determined by the City, or their designated agent, that a site visit is required as a follow-up to the initial survey, the Owner of the premises will be contacted to schedule the visit.
- If it is determined by the City, or their designated agent, that a backflow prevention assembly needs to be installed, altered, replaced, relocated, or repaired, the Owner of the premises shall have 60 days to perform the required work unless this timeline is extended by the City Manager or Director of Public Works.

5.3 Site Survey

Authorized Surveyors, having proper identification, shall be permitted to enter the building/premises at any reasonable time for the purpose of survey for the presence or absence of cross-connections, testing, repair, and maintenance of any part of the plumbing system related to any cross-connection control device connected to the water system. The City may deny or discontinue, after reasonable notice to the occupants, water service to any building/premises for refusal or failure to arrange for a cross-connection survey. The City shall deny or discontinue water service if there is reason to believe the building/premises pose an immediate danger to the public and/or occupants.

5.3.1 Service Line Protection Survey

- a) Existing service line connections should be reassessed/surveyed at an interval of no less than every ten (10) years (unless the service line is protected with an approved Reduced Pressure Backflow Prevention Assembly to determine if the existing backflow preventer/method is appropriate for the level of hazard, or if service line protection is required).
- b) Existing non-residential service line backflow prevention assemblies/methods shall be protected by, including but not limited to, Double Check Backflow Assemblies (DCVA) or Reduced Pressure Backflow Preventers (RPBP), as determined by the City.
- c) All high hazard non-residential customers are required to have, at a minimum, an RPBP installed immediately after the water meter and prior to any connections.
- d) The City, or their designee, has the right to require the installation of a testable backflow prevention assembly necessary to address the level of hazard.
- e) Failure to install backflow protection as required by the City may precede disciplinary action from the City, including but not limited to, termination of the water service connection(s).

5.3.2 Internal Plumbing System Survey

- a) Internal plumbing systems may require a survey at the discretion of the City, or their designee. The facilities internal water use practices shall be reviewed to determine whether there are actual or potential cross-connections to the plumbing system through which contaminants or pollutants could backflow into the public water supply and/or the facilities internal plumbing system.
- b) Recommendations for internal plumbing cross connection control and backflow prevention will be provided to the Owner upon survey completion.

5.3.3 Survey/Survey Forms

Initial surveys can be conducted by mail or on-line by the Owner or its designated agent. A *Survey/Survey Form* shall be used in every required physical survey and will be filed in a location as directed by this program. This form will be used to record the level of hazard existing at the premises, any existing backflow prevention devices discovered at the premises and any additional backflow prevention devices required or recommended to be installed at the premises at the time of the survey.

5.3.4 Survey Procedures

Completed CCC surveys shall include the following information:

- a) Identify the premises to be surveyed and date of survey.
- b) The building or facility contact/Owner, or their designated representative.
- c) Notation that the building or facility contact/Owner or their designated representative

was explained the purposes of the CCC Program.

- d) Survey/Evaluate the level of hazard present within the premises and the status of cross-connection control and backflow prevention containment protection on the premises.
- e) Survey the premises and record the following information:
 - Any identified deficiency in the exposed piping and water outlets/uses downstream of the service connection(s); and
 - All existing backflow prevention assemblies, devices and methods (including make, model#, size, serial # if applicable) that are currently in place on the premises; and
 - Any point of use or equipment supplied for each backflow prevention assembly, device or method; and
- f) Any required or recommended backflow prevention assemblies required to be installed at the premises for corrective action or containment or isolation protection.
- g) In addition to the field forms, a piping diagram or schematic of the plumbing system may be requested or required.

5.3.5 Request for Internal Cross-Connection Control Information

The City has the right to request specific CCC and backflow prevention related information, including but not limited to, containment or service line protection methods, backflow assembly installation, repair, relocation and test records, CCC Program compliance information, and piping diagrams for the premises.

5.4 Non-Compliance

Failure, refusal, or the inability on the part of the Owner to correct any deficiency or violation in the timeframe indicated within the Notice provided to the Owner by the City, or their designee, shall be unlawful and the City may deny or discontinue water service to the premises.

Timeline for Corrective Actions by Owner:

The Owner shall have sixty (60) days from receipt of the first notification letter from the City, or their designee, to correct any deficiency or violation noted in the letter. After the sixty (60) days have passed and the Owner has not corrected any deficiency or violation, a second notification shall be sent to the Owner from the City, or their designee, providing another forty-five (45) days from receipt of this second letter to correct any deficiency or violation noted in the letter. After the forty-five (45) days have passed and the Owner has not corrected any deficiency or violation, a third letter shall be sent to the Owner from the City notifying the Owner that they are now subject to fees or fines in accordance with the City of Seaford's applicable Codes, Ordinances, Rules or Regulations.

If there are any special circumstances in which the timelines above cannot be reached by the Owner, the City or their designee shall review on a case-by-case basis and may grant extensions of the time periods within this section.

5.5 Record Keeping and Data Management Software

All data, reports, test results and any other related information obtained by the City or their designee will be inputted into a data management system and held for a period of no less than ten (10) years. This information will include:

- Address and location
- Owner name and contact information
- Survey information
- Level of hazard classification
- Backflow Prevention Assemblies present at the premises
- Location of any assemblies
- Make, model, and size of assemblies
- Testing and maintenance records for the assemblies
- Description of other cross-connections within the building or facility
 - Air gaps
 - Non-testable devices

6 SITE PLANS AND PERMITS

6.1 Procedures

Site plans and permits submitted to the City of Seaford shall be reviewed by the City for compliance with the CCC Plan and Backflow Prevention requirements, where applicable.

6.2 Inspections

The City of Seaford shall continue to inspect the authorized work, in compliance with the City of Seaford applicable municipal code, building code, plumbing code, fire code or other codes, ordinances, policies, rules or regulations.

New service line connections shall be assessed by City staff *prior* to introduction of new water service to determine the level of hazard and the appropriate method of containment backflow protection required.

6.3 Non-Compliance

Failure, refusal, or the inability on the part of the Owner to comply with the CCC Plan and Backflow Prevention requirements in the timeframe indicated to the Owner by the City shall be unlawful. The water service and the certificate of occupancy may be initiated, for a limited period not to exceed 60 days, until compliance is achieved and approved. The City may deny water service to the premises.

Owner may be subject to fees or fines in accordance with the City of Seaford's applicable municipal code, building code, plumbing code, fire code or other codes, ordinances, policies, rules or regulations.

6.4 Records

All data, reports, test results and any other related information obtained by Code Department and Fire Marshal offices for permit-required work including back flow prevention assemblies, devices and/or methods shall be provided to the City, or its designated agent. This shall also include any and all annual testing reports provided to the City and Fire Marshal offices from the Owner.

7 EDUCATION AND AWARENESS

The CCC program staff must have a thorough understanding of the program. Staff shall receive training focusing on terminology, backflow prevention devices/assemblies, regulations, and hydraulic concepts, coordinated by the public water system. In addition, staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices/assemblies, regulation changes (i.e. plumbing code updates), new water use devices that pose cross-connection concerns, etc.

Furthermore, public education opportunities about cross-connections will be provided, including but not limited to, distributing pamphlets on common residential cross-connections, providing onsite education of facility management and maintenance staff during routine surveys, web site information, social media posts, newsletter article(s), or posting newspaper announcements. Education content will comply with the applicable DHSS, Division of Public Health, requirements with respect to public education.

Cross-connection staff or their designated administrative designee(s) shall be available upon request to provide backflow prevention education to pertinent community officials and City of Seaford employees.

APPENDIX A – DELAWARE CCC REGULATION

21. Cross-Connection Control

21.1. Cross-connection control requirements and prohibitions.

- 21.1.1. No public water system shall install or maintain a water service connection to any premises where actual or potential cross-connections to a public water system exist unless such actual or potential cross-connections are eliminated or controlled to the satisfaction of the owner of the public water system and the Division.
- 21.1.2. No public water system shall install or maintain any connection whereby water from an auxiliary water system may enter a public water system unless the auxiliary water supply and the method of connection.
- 21.1.3. In accordance with subsection 1.12.1, public water systems shall maintain acceptable water pressure throughout the distribution system so that the risk of backflow is reduced.
- 21.1.4. If a cross-connection exists or backflow occurs at a consumer's water system, the public water system may discontinue service to the consumer and water service shall not be restored until the deficiencies have been corrected.

21.2. Cross-connection control programs.

- 21.2.1. A public water system shall develop a plan for a comprehensive cross-connection control program for the elimination, prevention, and control of cross-connections appropriate to the number of service connections, size of the distribution system, and type of customers. The cross-connection control program shall include an individual designated by the public water system and appropriately trained and experienced in cross-connection control programs to be responsible for the program.
- 21.2.2. A cross-connection control program shall include an inventory and records of testing, repairs, and maintenance of all backflow prevention assemblies, and backflow elimination methods.
- 21.2.3. A cross-connection control program shall include appropriate policies to complete assessments of customer premises for potential cross-connections to establish hazard criteria to classify customer premises consistent with Table 1, and to determine the degree of hazard and adequacy of existing preventive measures.

Table 1 Backflow Prevention Assembly Types Required for Service Line Contaminants	
Premises - Degree of Hazard	
High Hazard	Low Hazard
Reduced Pressure Principle Backflow Prevention Assembly	Reduced Pressure Principle Backflow Prevention Assembly
	Double Check Valve Assembly

- 21.2.4. An approved backflow prevention assembly or backflow elimination method shall be installed at premises where the following conditions exist in a location intended to prevent backflow into the distribution system:

21.2.4.1. Premises having auxiliary water system:

- 21.2.4.2. Premise types that are deemed by the public water system or the Division to represent a health or high hazard to the public water system, to include but not be limited to:

<i>Agricultural facilities (e.g., farms, dairies)</i>	<i>Beverage bottling plants</i>	<i>Car washes</i>
<i>Chemical plants</i>	<i>Dry cleaners (on site processing)</i>	<i>Film processing plants</i>
<i>Food processing plants</i>	<i>Laboratories</i>	<i>Medical facilities</i>
<i>Mortuaries</i>	<i>Metal plating industries</i>	<i>Mortuaries</i>
<i>Petroleum processing/storage plants</i>	<i>Piers, marinas, docks and waterfront facilities</i>	
<i>Radioactive material processing plants</i>	<i>Wastewater treatment facilities</i>	

- 21.2.4.3. Premises where having internal cross-connections that, in the judgment of the public water system, are not correctable or are impractical to determine if cross-connections exist due to intricate plumbing arrangements;
- 21.2.4.4. Premises where because of security requirements or other prohibitions, it is impossible to complete a cross-connection control survey; or
- 21.2.4.5. Premises having a history of cross-connections being established or reestablished.

- 21.2.5. In lieu of assessments and installation of backflow prevention assemblies at customer premises deemed low hazard, a public water system may implement a public education program.

21.2.5.1. The public education program shall include, at minimum:

- 21.2.5.1.1. Causes and dangers of backflow and cross-connections, including health effects;
- 21.2.5.1.2. Information on how to identify actual and potential cross-connections
- 21.2.5.1.3. Preventive measures to reduce or eliminate cross-connection and backflow risks; and
- 21.2.5.1.4. Information on reporting suspected cross-connections to the

21.3. Corrections and protective devices.

- 21.3.1. Backflow prevention assemblies shall conform to the standards of the American Society of Sanitary Engineering (ASSE), the American Water Works Association (AWWA), and the American Society of Mechanical Engineers (ASME)

21.4. Cross-connection control records and reporting.

- 21.4.1. All backflow prevention assembly test records which document the test results of assemblies designed to protect the public water system shall be retained on file for a period of no less than 10 years.
- 21.4.2. All cross-connection control survey records which document results from the monitoring of cross-connections shall be retained on file for a period of no less than 10 years.

21.5. Violations.

- 21.5.1. The following items shall be deemed to be violations of these regulations:

- 21.5.1.1. Failure to develop and implement a comprehensive cross-connection control program in accordance with Section 3.0 of this regulation within three years of the effective date of these regulations;
- 21.5.1.2. Failure to implement the cross-connection control program as prescribed; and
- 21.5.1.3. Failure to maintain all backflow prevention assembly test records on file for at least 10 years.

21.6. Penalty Clause.

- Any person who neglects or fails to comply with these regulations shall be subject to penalty as provided in 16 Del.C. §122(3)(c).

UB#5
2/17/23

CITY OF SEAFORD

Memo

To: Mayor & Council

From: June Merritt, Director of Finance & Human Resources 

cc: Charles D. Anderson, City Manager

Date: February 10, 2023

Re: Request for Actuaries to Perform COLA Study

As you are aware the costs of goods and services continue to rise and some of our retirees have expressed this to us. In review of our pension records the last COLA was performed in 2006 and was effective March 1, 2007.

I am requesting approval for our actuaries, Buck, to perform a 5% COLA study for current retirees and beneficiaries of the City of Seaford General Employee Pension Plan. This 5% would be reduced for anyone who has been retired for less than 5 years.

Buck quoted a cost of \$2,500 to perform the study. The study will provide the additional annual cost to the plan and the effect on the City's annual contribution. I will bring the results of the study back to Council at a later date. If Council chooses to implement the COLA, there will be an additional fee of \$750 to amend the plan.

This COLA would help to counteract the effects of inflation on our retirees. Your consideration of this request is appreciated.



NB# 6
2/14/23

Memorandum of Understanding

City of Seaford
and
DELAWARE SUSTAINABLE ENERGY UTILITY, LLC

This Memorandum of Understanding ("MOU") is between City of Seaford, hereinafter referred to as "The Grantee", and Delaware Sustainable Energy Utility Inc., hereinafter referred to as "Energize Delaware".

Energize Delaware has been duly authorized to award the Grantee a grant in the amount of **\$133,953** for the purposes detailed in Exhibit A, Section 1-Scope of Work for the Grants for Local Government EV Fleets.

Upon execution of this memorandum, the parties shall agree that Energize Delaware will award the grant in accordance with the following terms:

- A. The Grantee shall be responsible for fulfilling the requirements of the grant as detailed in *Exhibit A, Section 1-Scope of Work*. Nothing contained in this MOU requires the Grantee and/or Energize Delaware to assume or expend any funds more than applicable and available appropriations.
- B. Energize Delaware and the Grantee agree that the Grantee will keep all documentation for the eligible expenses listed in *Exhibit A Section 1 -Scope of Work* and Energize Delaware will disburse funds in accordance with *Exhibit A, Section 2 – Disbursement of Grant Funds*.
- C. Grants will be active for a period of **24 Months** after the funding has been allocated and the grant has been approved by Energize Delaware. Grant extensions will require pre-approval by Energize Delaware.
- D. Energize Delaware and The Grantee agree to the reporting requirements as detailed in *Exhibit A, Section 3 – Reporting*.
- E. The Grantee and Energize Delaware shall cooperate and collaborate on marketing, branding and communications as set forth in *Exhibit A, Section 4-Marketing and Communications*.
- F. Energize Delaware may terminate this Agreement at any time without cause prior to its completion by sending to Grantee written notice of such termination. Upon such termination, DESEU will pay to the Grantee an equitable amount for all work satisfactorily performed by the Grantee as of the date of termination.
- G. All notices, requests, reports, statements, and other communications to either party shall be in writing, and may be delivered in any reasonable manner to the other party at the physical and/or email addresses specified below (or to such other addresses as may be specified by Notice to the other party):



If to **Energize Delaware**, to:

Name: Keith Modzelewski

Job title: Commercial Program Manager

Mailing Address: 500 W. Loockerman St. Suite 450

Mailing Address: Dover, DE 19904

Phone Number: 302.883.3048 x 111

Email: keith@deseu.org

If to **The Grantee** to:

Name of Grantee Organization: _____

Name: _____

Job title: _____

Mailing Address: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Energize Delaware Representative

The Grantee

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date



Exhibit A

Section1: Scope of Work

Proposed Vehicles

Vehicle type	Brand/ Model	Use	Dept	Fleet Addition or Replacement	Estimated Annual Miles or Runtime	Total Estimated Cost
Sub-Compact	Chevy Bolt EUV	General Use	Administration	Replacement	1,600	\$34,495.00
Sub-Compact	Chevy Bolt EUV	General Use	Recreation	Replacement	900	\$34,495.00
Full-Size Truck	Ford F-150® Lightning XLT	General Use	Code Enforcement	Replacement	4,700	\$54,864.00

Total Project Cost= \$123,854

Seaford Funds Provided- \$20,000

Funding Request = \$103,854

Charging Station Installation

	Charger #1	Charger #2
Estimated Installation Date	By 12/31/2022	By 12/31/2022
Charger Manufacturer/Make	SemaConnect Series 7 (Dual Charging Pedestal)	SemaConnect Series 7 Dual Charger
Voltage Rating	240VAC@48A	240VAC@48A
Number of Ports	2	2
Estimated Charger Cost	\$3,433.00	\$3,433.00
Estimated Installation Cost	<u>City Hall</u> Materials: \$13,704.00 Equipment: \$1,440.00 Labor: 3,196.00 Total: \$18,340.00	<u>Recreation Department</u> Materials: \$15,103.00 Equipment: \$680.00 Labor: \$2,711.00 Total: \$18,494.00
Parking Spot & Station Signage	\$303.00	\$303.00
DNREC/Utility EV Charger Incentive Requested/Received	\$3,433.00 @ 90% = \$3,090.00	\$3,433.00 @ 90% = \$3,090.00

Total Project Cost = \$44,306

Seaford Matching Materials and Labor = \$8,027

DNREC Rebate = \$6,180

Funding Request = \$30,099

Total Funding Request = \$133,953



Section 2: Disbursement of Grant Funds

Energize Delaware will disburse funds as follows:

Vehicle Grants:

Distribution of Vehicle Grant Funds: Energize Delaware will transfer 50% of the invoiced or contract amount when the local government provides documentation that vehicles are on order and scheduled for delivery within six months. And 50% documentation upon delivery of vehicle(s).

Funding Requested - \$103,854

Funding Approved - \$103,854

Charging Station Grant

Distribution of Charging Station Grant Funds: Energize Delaware will transfer 30% of the invoiced or contract amount when the local government provides documentation that charging stations are ordered, 30% when electric permits and utility approval of installation documentation is received, and 40% upon receipt of certificate of completion.

Funding Requested - \$30,099

Funding Approved - \$30,099

Section 3: Reporting

Local Government will be required to report usage on an annual basis in a format provided by Energize Delaware upon final disbursement of funds. Please see Attached Excel Sheet for reporting requirements for the grant that should be submitted annually.



Vans

Markings on vans should be clearly viewable on back door or on the drivers-side back quarter-panel.



Police Cars, Motorcycles or other Emergency Vehicles Due to the nature of law enforcement and emergency vehicles, we will work with applicants on placement of sign.

All EVs will display the information depicted below. The permanent decal type signs must be at least 8"x4" and be in full color except for the special accommodations made for law enforcement EVs. Colored vehicles must keep a white background on the sign. The signs must be professionally made and adhered to the vehicles. We are willing to discuss alternative placement of signs. If you build a charging station they should have our signage displayed.

Electric Vehicle Funded by:

Email Pr@deseu.org for a digital EPS file of the sign for EVs or for a charging station.

For additional assistance or guidance please call Energize Delaware at 302-883-3048.





Section 4: Marketing

Energize Delaware will require marketing cooperation and recognition of funding as follows:

The recipient of the grant agrees to collaborate with Energize Delaware on all press releases or public facing information, which could include websites, social media, digital publications, e-news, or printed materials. Recipients are expected to provide testimonials and photos to Energize Delaware for marketing purposes. Collaboration with and information should be sent to Energize Delaware's Communications and Marketing Manager, Robin Coventry at robin.coventry@deseu.org.

In Addition:

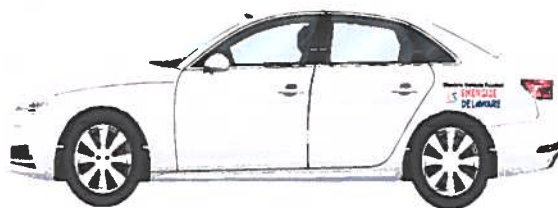
Vehicles and Charging stations will require signage recognizing Energize Delaware Funding. Design and location of signage will be subject to mutual agreement.



Funded Electric Vehicle Logo Guidelines

Congratulations on your new EV.

As a grantee of Electric Vehicles, you are responsible for placing Energize Delaware's signage on the vehicle per the following guidelines. The sign can be made and attached to your EVs by any sign company. This should be done within the first month of taking ownership



Cars and Trucks

Signs should be placed on the back quarter-panel or the rear of the vehicle. Signs must be permanent and be a vinyl decal printed in full color. Signs must be at least 4" x 8". Signs cannot be a bumper sticker on these vehicles.



Memorandum

NB#7
2/14/23

To: Mayor & Council

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

Date: February 8, 2023

RE: Request to purchase replacement fiber and complete emergency fiber repair work as non-budgeted expense.

The IT Department has been working with Assurance Media LLC to splice in the new connections at the Mears splice case located on a pole along Herring Run Rd. This splice case has numerous connections for the Mears Campus, TidalHealth's new 201 Building, Mears Lift Station, and the capacitor bank addition. Through numerous attempts to fix it was determined that case along with and an additional splice case located further east on Herring Run Road were no longer viable, and would both need an overhaul. In addition, new 96-count fiber would need to be run to replace the brittle fiber and relocation of the far east splice case, so it is no longer underground subject to further water damage. The hospital is currently functional using the west fiber loop, but there is no redundancy in this scenario.

We are requesting approval to complete the aforementioned emergency repairs to place the east loop back into an operational capacity. The estimated cost for the additional work and two splice cases completed by Assurance Media, LLC is \$5,500.

In working with the Electric Department, we believe we have enough 96-count fiber needed for this repair, but it would totally diminish the supply, and should fiber be needed elsewhere we would not have any. To that end, we are asking for authorization to order a new reel of 96 count fiber cable (22,900' @ \$1.64/ft. = \$37,556). This would also be non-budgeted but believe due to the 12-week lead time, the expense would be incurred in the FY24 budget.

MEMORANDUM

To: City Council Members
Charles Anderson, City Manager

Fr: Mayor David Genshaw

Re: Proposed Board of Elections Appointment

Dt: 02/08/23

Please accept my recommendation to appoint the following Seaford residents to the Board of Elections for a term of one year that will expire on February 14th, 2024

George F. Stewart – 710 Cypress Drive

Mary Borger – 402 W. King Street

Ronald Milligan – 1 Crossgate Drive

Should you have any additional questions please contact me.

Thank you.

NB# 9
2/14/23

■ ■ ■ ■

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

February 7, 2023

City of Seaford
414 High Street
Seaford, DE 19973

Attn: Charles Anderson
City Manager

Re: Recommendation for Award of Construction Contract
Seaford Village Lift Station Replacement
Seaford, Delaware
GMB File No. R210224.A

Dear Mr. Anderson:

Bids for the referenced project were opened and read aloud publicly at the City of Seaford Council Chambers at 11:00 a.m. on Thursday, February 2, 2023. A total of eight (8) bids were submitted by Contractors from Delaware, Maryland and Pennsylvania; Bids ranged from \$0.995 million to \$2.11 million. The Engineer's pre-bid construction cost estimate was approximately \$1.1 million. A tabulation of the Bids is enclosed with this letter of recommendation for award.

The lowest total base bid (Schedules A+B+C) was submitted by Chesapeake Turf, LLC of Salisbury, MD in the amount of \$995,900.00. The second lowest Bid was submitted by Hopkins Construction, Inc. of Bridgeville, DE and was in the amount of \$996,400.00.

GMB has reviewed the Bids received and we offer the following comments:

- All bidders acknowledged receipt of the two (2) addenda.
- All bidders provided the required bid bond.
- The lowest Bid is \$500 lower than the second lowest Bid.
- The lowest Bid is approximately \$3,000 (0.3%) lower than the third lowest Bid.
- There was a group of three (3) bids that were approximately \$1.0M.
- There was another group of three (3) bids that were approximately \$1.3M.

Focus was made regarding Chesapeake Turf's work performance since they were the apparent low bidder. Chesapeake Turf has completed work previously within the City for a small project, and completed the work to be performed

satisfactorily. Similarly, GMB has previously worked with Chesapeake Turf on a wastewater treatment facility improvement project and found the work to be completed satisfactorily. Most recently, Chesapeake Turf completed construction of nine (9) submersible, sewage pumping stations for Sussex County Engineering Department (SCED) as part of the Herring Creek Sanitary Sewer District and feedback from SCED was favorable towards Chesapeake Turf's performance.

For the reasons listed above, Chesapeake Turf, LLC was found to be the lowest, responsive, responsible bidder. Accordingly, GMB recommends that the City of Seaford award construction of the Seaford Village Lift Station Replacement to Chesapeake Turf, LLC of Salisbury, MD at the Total Base Bid price of Nine Hundred Ninety-Five Thousand Nine Hundred Dollars (\$995,900.00).

If you have any questions, please do not hesitate to contact me at 410-742-3115. Thank you.

Sincerely,



Chris Derbyshire, P.E.
Sr. Vice President

CBD/slh

Enclosure:
Certified Bid Tabulation



Tabulation of Bids

PROJECT NAME: Seaford Village Lrt Station Replacement
GMB JOB NO.: 210224.A
BIDS OPENED: February 2, 2023 @ 11:00 am

Item No	Bid Item Description	Size	Units	Est. Qty	Zack Excavating, Inc.		M2 Construction, LLC		Teal Construction, Inc.		A-DEL Construction		JJID, Inc.		Bearing Construction, Inc.		Chesapeake Turf, LLC		Hopkins Construction, Inc.																		
					Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price																	
SCHEDULE A: LUMP SUM BID ITEM																																					
A1	Lrt Station Replacement	—	LS	1	\$	1,218,159.01	\$	1,218,159.01	\$	1,254,450.00	\$	1,254,450.00	\$	1,183,350.00	\$	1,183,350.00	\$	931,600.00	\$	931,600.00																	
SUBTOTAL SCHEDULE A						\$	1,218,159.01		\$	1,254,450.00		\$	1,183,350.00		\$	931,600.00		\$	1,223,800.50		\$	1,223,800.50															
SCHEDULE B: UNIT PRICE BID ITEMS																																					
B1	Concrete Demolition and Repair	—	SF	725	\$	114.24	\$	82,824.00	\$	130.00	\$	94,250.00	\$	151.00	\$	109,475.00	\$	50.00	\$	36,250.00	\$	118.00	\$	84,100.00	\$	120.00	\$	87,000.00	\$	63.00	\$	50,175.00	\$	97.00	\$	70,325.00	
B2	Concrete Surface Leveling Mortar	—	SF	725	\$	21.00	\$	15,225.00	\$	25.00	\$	18,125.00	\$	26.00	\$	18,850.00	\$	25.00	\$	18,125.00	\$	21.00	\$	15,225.00	\$	22.00	\$	15,950.00	\$	31.00	\$	22,475.00	\$	18.00	\$	13,050.00	
B3	Miscellaneous Existing Reinforcing Pipe and Ana-Corros on Coating	—	SF	50	\$	35.36	\$	1,768.00	\$	100.00	\$	5,000.00	\$	44.00	\$	2,200.00	\$	60.00	\$	3,000.00	\$	36.00	\$	1,620.00	\$	35.00	\$	1,750.00	\$	100.00	\$	5,000.00	\$	30.00	\$	1,500.00	
B4	Chemical Injection Repair of Leaking Cracks	—	SF	20	\$	222.00	\$	4,440.00	\$	300.00	\$	6,000.00	\$	272.00	\$	5,440.00	\$	750.00	\$	3,000.00	\$	224.00	\$	4,480.00	\$	232.00	\$	4,640.00	\$	100.00	\$	2,000.00	\$	183.00	\$	3,700.00	
SUBTOTAL SCHEDULE B - B1 THRU B4						\$	104,253.00		\$	123,275.00		\$	133,865.00		\$	82,375.00		\$	105,805.00		\$	109,340.00		\$	109,340.00		\$	109,340.00		\$	109,340.00		\$	109,340.00		\$	109,340.00
SCHEDULE C: UNIT PRICE CONTINGENT BID ITEMS																																					
C1	Excavation Below Subgrade	—	CY	5	\$	97.75	\$	488.75	\$	1,000.00	\$	5,000.00	\$	100.00	\$	500.00	\$	115.00	\$	575.00	\$	400.00	\$	2,000.00	\$	150.00	\$	750.00	\$	100.00	\$	500.00	\$	25.00	\$	125.00	
C2	Furnish and Place Gravel Bedding	—	CY	5	\$	102.00	\$	510.00	\$	150.00	\$	750.00	\$	100.00	\$	500.00	\$	219.00	\$	1,095.00	\$	600.00	\$	3,000.00	\$	75.00	\$	375.00	\$	150.00	\$	750.00	\$	60.00	\$	300.00	
C3	Furnish and Place Special Backfill	—	CY	5	\$	78.00	\$	390.00	\$	200.00	\$	1,000.00	\$	100.00	\$	500.00	\$	175.00	\$	875.00	\$	530.00	\$	2,650.00	\$	75.00	\$	375.00	\$	100.00	\$	500.00	\$	30.00	\$	150.00	
C4	Miscellaneous Excavation and Backfill	—	CY	5	\$	78.00	\$	390.00	\$	1,000.00	\$	5,000.00	\$	100.00	\$	500.00	\$	150.00	\$	750.00	\$	500.00	\$	2,500.00	\$	250.00	\$	1,250.00	\$	100.00	\$	500.00	\$	50.00	\$	250.00	
C5	Furnish and Place Miscellaneous 4,000 psi Concrete	—	CY	5	\$	632.00	\$	3,160.00	\$	800.00	\$	4,000.00	\$	250.00	\$	1,250.00	\$	350.00	\$	1,750.00	\$	1,200.00	\$	6,000.00	\$	1,000.00	\$	5,000.00	\$	1,000.00	\$	5,000.00	\$	5,000.00	\$	2,000.00	
SUBTOTAL SCHEDULE C - C1 THRU C5						\$	4,838.75		\$	15,750.00		\$	3,250.00		\$	5,000.00		\$	16,550.00		\$	7,750.00		\$	7,750.00		\$	7,750.00		\$	7,750.00		\$	7,750.00		\$	7,750.00
TOTAL BASE BID - SUM OF SCHEDULE A + B + C						\$	1,327,356.76		\$	1,393,575.00		\$	1,322,545.00		\$	989,875.00		\$	1,445,955.50		\$	2,114,090.00		\$	2,114,090.00		\$	2,114,090.00		\$	2,114,090.00		\$	2,114,090.00		\$	2,114,090.00
DEDUCT LUMP SUM PRICE																																					
A1	LUMP SUM BID DEDUCT - Emergency Generator	—	LS	1	\$	25,000.00		\$	20,000.00		\$	41,000.00		\$	39,000.00		\$	1,283,800.58		\$	55,800.00		\$	55,800.00		\$	55,800.00		\$	55,800.00		\$	55,800.00		\$	55,800.00	

NOTE: Numbers in red represent corrected values.

CERTIFIED BY
Christopher B. Deroyne P.E.

MEMORANDUM

UB# 10
2/14/23

TO: Charles Anderson, CM

FR: Berley Mears, DPW

RE: Front end Loader Re-bid

DT: February 8, 2023

The city received four bids for the above referenced project. Please see the below table:

Bidder	Cost Less Trade
Iron Source (Sany)	\$154,900.00
GT Mid Atlantic (Case)	\$156,000.00
Best Line Equipment (Doosan)	\$171,475.00
Jesco, Inc. (John Deere)	\$171,586.50

I would like to make recommendation to accept the second lowest bidder of GT Mid Atlantic for an additional \$1,100. This will be over our budget by \$1,000, which I feel is still reasonable as we budgeted this amount over a year ago. I am recommending the second lowest bidder for the following reasons.

- GT Mid Atlantic meets ALL bid specifications
- Iron Source listed FIVE exceptions to the bid specifications
- Iron Source included a “Roll out bucket” to meet the hinge pin height requirements of the specification. This is basically a bucket that uses a third function hydraulic switch to dump or “roll out” the bucket. This complicates the dumping function and includes more hydraulics to maintain. Dump height is critical for use with existing equipment at our site.

Please present this information to Mayor and Council at their February 14, 2023 meeting for their consideration.

Please contact me should you have any questions.

MEMORANDUM

NB#11
2/14/23

TO: Charles Anderson, City Manager
Trisha Newcomer, Director of ED and CR

FR: Katie Hickey, Supt. of Parks and Recreation

RE: **2023 City Maintenance Bid**

DT: February 8, 2023

The City received one bid in response to our bid advertisement for the above referenced services on February 8, 2023. Please see the tabulation of the bids received below:

**City of Seaford
Landscaping Maintenance
Bid Tabulation - 2023**

Bidder	2023	2024	2025	TOTAL
Designscapes, LLC	\$32,699.86	\$33,680.85	\$34,848.51	\$101,229.22

We have reviewed the detailed specification documentation submitted by the bidder. It is my recommendation the bid be awarded to the lowest bidder, Designscapes, LLC.

The funds for this service are part of the FY23 and FY24 Parks Beautification Contractor budget.

Should you have any questions, please contact me.

Thank you.