

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 7, 1992

Executive Session

An Executive Session of the Sussex County Council was held on Tuesday, July 7, 1992, at 9:30 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition. The Executive Session concluded at 9:45 a.m.

Call to Order

The regular meeting of the Sussex County Council was held on Tuesday, July 7, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	Member
William D. Stevenson, Sr.	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 294 92  
Approval  
of Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the minutes of the previous meeting dated June 30, 1992. Motion Adopted by Voice Vote.

Corre-  
spondence

Mr. Bayard, County Attorney, read the following correspondence:

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT,  
PHILADELPHIA, PENNSYLVANIA  
RE: June 1992 issue of "C&D Update", the third in a series of newsletters designed to keep the public informed of the ongoing study of navigational enhancements for the Chesapeake and Delaware Canal-Baltimore Harbor Connecting Channels Feasibility Study.

JOSEPHINE H. SPENCE, PRESIDENT, BETHEL HISTORICAL SOCIETY,  
BETHEL, DELAWARE  
RE: Inviting Council to ride in the annual Heritage Day Parade to be held on Saturday, October 3, 1992, beginning at 10:30 a.m. at the Bethel Schoolhouse.

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT,  
PHILADELPHIA, PENNSYLVANIA  
RE: Public Notice regarding an application from the Delaware Department of Natural Resources and Environmental Control for a Department of the Army permit to replenish the beaches of Bethany, South Bethany, and Fenwick Island for shore protection and recreation.

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Corre-  
spondence  
(Continued)

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY  
RE: 1991 Annual Report.

JOE CONAWAY, VICE PRESIDENT, COOPER REALTY ASSOCIATES,  
SEAFORD, DELAWARE  
RE: Commending Heather Sheridan and Mike Izzo for a fine  
job in answering questions calmly and accurately and  
demonstrating thorough knowledge of the sludge application  
process at a public hearing held at the Roxana Fire Hall on  
Monday, June 22, 1992.

PETER P. NILLES, TOWN ADMINISTRATOR, TOWN OF SELBYVILLE,  
SELBYVILLE, DELAWARE  
RE: Expressing appreciation for financial help with the  
town's swimming pool.

Proposed  
Procla-  
mation  
Honoring  
Charles  
Stevenson

Mr. Stickels, County Administrator, introduced Charles  
Stevenson of Frankford, Delaware, and John Bamforth, General  
Manager, Coastal Stock Tab Company, Inc. Charles Stevenson  
is a leading member of the United States Powerlifting  
Federation and has been selected to represent the United  
States of America, the State of Delaware, and Sussex County  
as a member of TEAM USA at the 1992 World's Fair and in  
International Powerlifting Competition to be held in Spain  
during the month of August. Mr. Stevenson is employed by  
Coastal Stock Tab Company, Inc. at the Sussex County  
Industrial Park in Georgetown. In recognition of  
Mr. Stevenson's outstanding accomplishments in the sport of  
powerlifting, Mr. Stickels read in its entirety a Proposed  
Proclamation entitled "PROCLAIMING THE WEEK OF JULY 5  
THROUGH 11, 1992, AS A WEEK IN SUSSEX COUNTY TO HONOR  
CHARLES STEVENSON".

M 295 92  
Adopt  
Procla-  
mation  
Honoring  
Charles  
Stevenson

A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
adopt the Proclamation entitled "PROCLAIMING THE WEEK OF  
JULY 5 THROUGH 11, 1992, AS A WEEK IN SUSSEX COUNTY TO HONOR  
CHARLES STEVENSON".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 296 92  
Council-  
manic  
Grant

A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
to grant \$500.00 (\$100.00 from each of the five Councilmanic  
Accounts) to the United States Powerlifting Federation for  
expenses incurred by Charles Stevenson in attending

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M 296 92 International Powerlifting Competition in Spain, for which  
(Continued) he will depart on August 12, 1992.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Presenta- President Dukes presented to Charles Stevenson the  
tion of Procla- Proclamation adopted in his honor, and Council wished him  
mation luck in the upcoming competition.

Delaware Mr. Stickels, County Administrator, read in its entirety a  
Private letter from Alan B. Levin, Chairman, Delaware Private  
Industry Industry Council, Inc., dated May 29, 1992, advising that  
Council his term as a representative of the Sussex County Council on  
Represent- the Delaware Private Industry Council expires October of  
ative 1992. It is requested that Mr. Stickels accept another  
three year term as a member of the Private Industry Council  
or, in the event that Mr. Stickels' schedule would prevent  
him from remaining active, that another individual be  
suggested to represent the Sussex County Council. Because  
of frequent meeting conflicts, Mr. Stickels recommended that  
Robert N. Betts be appointed to represent the Sussex County  
Council, since Mr. Betts is very knowledgeable of the  
programs of the Delaware Private Industry Council through  
his previous position as Director of Sussex Job Exchange.

M 297 92 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Name that the name of Robert N. Betts be submitted for the  
Robert Governor's consideration as the Sussex County Council's  
Betts to representative on the Delaware Private Industry Council for  
Serve on a term of three years.  
Delaware  
Private  
Industry  
Council

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Transfer Mr. Stickels, County Administrator, read in its entirety a  
Station letter from N. C. Vasuki, Chief Executive Officer, Delaware  
Operations Solid Waste Authority, dated June 25, 1992, regarding  
in Sussex transfer station operations in Sussex County. The County  
County has requested that the Delaware Solid Waste Authority assume  
responsibility for transfer station operations in Sussex  
County by constructing and operating two transfer stations

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Transfer  
Station  
Operations  
in Sussex  
County  
(Continued)

to replace the six smaller stations that will be closed on June 30, 1993. The Authority has stressed that its prime responsibility is the management of solid waste for the entire State of Delaware, and the construction of two transfer stations in Sussex County is not feasible due to the costs involved (\$4,000,000 in capital costs and annual operating costs of approximately \$1.5 million) and the fact that tonnage data indicates the present transfer stations service less than 15 percent of the population. Although additional costs for new facilities would be passed on to the users on a statewide basis, it is the County's position that Sussex County residents are subsidizing statewide Authority operations this year (including the New Castle County Transfer Station) through the current \$56.20 per ton rate and, therefore, should be entitled to similar facilities.

Mr. Stickels advised Council that a meeting will be scheduled with Sussex County legislators in the near future to discuss the Delaware Solid Waste Authority's position. Additionally, a letter will be written to Mr. Vasuki encouraging him to give further consideration to Council's request that the Delaware Solid Waste Authority construct and operate two transfer stations in Sussex County to replace the six County sites closing as of June 30, 1993.

Laurel  
Landfill  
Update

Abraham Thomas and Thomas Drew of Roy F. Weston, Inc. appeared before Council with an update on the Remedial Investigation and Feasibility Study (RI/FS) required by the U. S. Environmental Protection Agency (EPA) to determine the nature and extent of site contamination and identify appropriate remedial alternatives for Sussex County Landfill No. 5, Laurel. To date, all field activities have been completed by Weston. Litigation is ongoing with pertinent insurance companies to determine the extent of pollution coverage liability. Potential Responsible Parties (PRPs) are also being investigated and, once established, will be assigned a cost assessment. Due primarily to escalating legal fees, it is now estimated that the RI/FS will cost approximately \$932,000 to complete, versus the original estimate of \$700,000 made in March 1990. Every effort will be made to minimize clean-up costs; however, the final remedial alternative for the site will be decided by EPA.

Mr. Stickels, County Administrator, distributed for Council's information copies of a notice stating that the U. S. Environmental Protection Agency will hold a public meeting on the Sussex County Landfill No. 5 site on Wednesday, July 15, 1992, at 7:00 p.m. at the Laurel Fire Hall. EPA officials will be on hand to provide information

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Laurel  
Landfill  
(Continued)

about current and upcoming activities at the site and to answer questions.

M 298 92  
Allocate  
Funds  
for RI/FS  
of Laurel  
Landfill

A Motion was made by Mr. Cole, seconded by Mr. Benson, that based on the recommendation of the Sussex County Engineering Department and the County's consultant, Roy F. Weston, Inc., that funds be allocated for the Remedial Investigation/Feasibility Study (RI/FS) of Sussex County Landfill No. 5 (Laurel) to accommodate all technical and legal costs which have been incurred during FY '92 and all said costs which are projected to be incurred during FY '93.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

County  
Adminis-  
trator's  
Report

Mr. Stickels, County Administrator, reviewed the following information included in his County Administrator's Report:

1. Delaware Symphony Orchestra

Stephen Gunzenhauser, Music Director, in cooperation with the University of Delaware Summer Arts Festival, will present the Cape Concert, "An Evening of Music", at the University of Delaware, Lewes, Delaware, on July 11, 1992. Grounds will open for picnics at 5:30 p.m. Chairs and blankets are encouraged. Sin City Band will be appearing at 7:00 p.m., and the symphony's performance begins at 8:00 p.m. The orchestra's finale will be the "1812 Overture" featuring the Lancaster Cannon Company's antique cannons.

2. Recyclers of the Month

Caryn Brown of Bridgeville, Delaware, and Herbert Beers of Seaford, Delaware, are the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program for the month of June. Eight hundred twenty-two people participated in the program during the month. This compares to 758 who participated during the month of May.

Call Check  
Recorder  
for EOC

Mr. Carey, Director of Emergency Preparedness, reported to Council that after reviewing the bids received on June 30, 1992, for a Call Check Recorder for the Sussex County Emergency Operations Center, it is his recommendation that

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Call Check Recorder for EOC (Continued) Model No. 6623 be purchased from Dictaphone, Inc. of Conshohocken, Pennsylvania, in the amount of \$6,596.75. This model meets all bid specifications and will provide the most flexibility for future expansion.

M 299 92 Award Bid/ Call Check Recorder for EOC A Motion was made by Mr. Cole, seconded by Mr. Collins, that the bid for a Call Check Recorder for the Sussex County Emergency Operations Center be awarded to Dictaphone, Inc. of Conshohocken, Pennsylvania, for the purchase of Model No. 6623 in the amount of \$6,596.75.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Dagsboro-Frankford Sanitary Sewer District Mr. Green, Director of Utility Construction, reviewed Change Order No. 1 for the Dagsboro-Frankford Sanitary Sewer District Treatment Facility along with Peter A. Bozick of George, Miles & Buhr, inspection engineer for the project.

M 300 92 Authorize Change Order No. 1/ Dagsboro-Frankford Sanitary Sewer District A Motion was made by Mr. Collins, seconded by Mr. Benson, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorize the President of the Sussex County Council to issue Change Order No. 1 for the Dagsboro-Frankford Sanitary Sewer District to David A. Bramble, Inc. for miscellaneous value engineering items for a credit amount of \$78,640.00, decreasing this contract amount to \$1,923,760.00.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Mariner's Cove Pumping Station Councilman Cole stated he has received a complaint regarding the offensive odor around the Mariner's Cove pumping station. Mr. Green, Director of Utility Construction, assured Councilman Cole that the County Engineering Department is aware of the problem and is working to resolve it. A contributing factor to the problem is that the Mariner's Cove pumping station is surrounded on three sides by fencing for aesthetic purposes and there is the possibility that the air is being trapped. Several options

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Mariner's Cove  
(Continued) are being explored, including masking agents, installation of a charcoal filter, and raising of the air vent.

Zoning Ordinance Violations Although a concerted effort has been made by the Planning and Zoning Department to violate those in noncompliance with the Sussex County Zoning Ordinance, Councilman Cole expressed concern at the number of roadside vendors that continue to operate on commercial properties along Route 1 and Route 54 without the legal authority to do so. The Planning and Zoning Department will continue to aggressively monitor these areas for violations.

Bungee Jumping Amusements Disturbed at the number of bungee jumping amusements being permitted in the coastal area, Councilman Cole questioned the authority of Council to place a moratorium on applications of this nature until such time as action on the Proposed Ordinance introduced on June 23, 1992, addressing such activities has been held. As a permitted use in C-1 General Commercial and B-1 Neighborhood Business Districts, these amusements could abut residential properties and may not be compatible with the surrounding area. It was the consensus of Council that Mr. Bayard, County Attorney, Mr. Schrader, Assistant County Attorney, and Mr. Lank, Director of Planning and Zoning, meet to discuss the alternatives available and that this matter be placed on the agenda next week.

M 301 92 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to grant \$600.00 (from Mr. Benson's Councilmanic Account) to the Lewes Fire Department, Inc. to help offset the cost of the dedication of the new firehouse.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Courthouse Featured on Pepsi Cans Mr. Stickels, County Administrator, was pleased to inform Council that the Pepsi-Cola Bottling Company has featured the Sussex County Courthouse on 12-ounce Pepsi cans as part of its series on Places Of Interest To Visit On Delmarva, 1992. Below the picture of the Courthouse reads, "Georgetown Courthouse, Return's Day, November 5, 1992, Georgetown, Delaware".

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M 302 92  
Adjourn-  
ment

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 11:42 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb  
Acting Clerk of the County Council