

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 25, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 25, 1995, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George B. Cole	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 328 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated July 18, 1995. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Notice to solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit for the following:

Applicant: Ralph G. Degli Obizzi
Waterway: Lewes and Rehoboth Canal

Applicant: Frank T. English
Waterway: Deep Hole Creek (Broadkill Sound)

ELSIE A. WEISTLING, COUNCIL MEMBER AND COMMISSIONER OF EMERGENCY MANAGEMENT, TOWN OF FENWICK ISLAND, FENWICK ISLAND, DELAWARE.

RE: Copy of a letter addressed to Mr. Glenn Gillespie, Delaware Emergency Management Agency; Mr. Robert Stickels, County Administrator; and Mrs. Betty Collins, Sussex County Emergency Operations Center, regarding the environmental emergency response activity on June 29, 1995, in Fenwick Island, Delaware.

Certifi- Mr. Thomas, Acting Chief Dispatcher, Sussex County Emergency cates of Operations Center, was in attendance to present Appreciation Certificates of Appreciation to Elizabeth M. Mears and Joan E. Quann for serving Sussex County as dispatchers at the Emergency Operations Center.

Delaware Mr. Stickels, County Administrator, advised Council that River and Bay Authority representatives of the Delaware River and Bay Authority have expressed interest in buying or leasing Sussex County's Airport and Industrial Park. The Authority is soliciting Authority Council's permission to do a feasibility study on the pro-

Delaware River and Bay Authority (con't) posal and a real estate appraisal of the property. Mr. Stickels reviewed the following issues regarding the Industrial Park and Airport: history, FY '96 budgets, businesses and number of employees. Mr. Stevenson and Mr. Cole expressed concern over relinquishing local control of the Industrial Park and the Airport. After considerable discussion, it was decided to authorize the Authority to proceed with the feasibility study and property appraisal upon the condition that the results of the study be shared with the Council.

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

1. Delaware State Police

Included with the Administrator's Report is a copy of the Delaware State Police Status Report for the second quarter of 1995 for Sussex County for Troops 4, 5, and 7. During the second quarter of this year, officers of Troop 4 arrested 81 drivers for DUI and 41 felons.

2. Computers - Cape Henlopen School District

Cape Henlopen School District received a grant to place MacIntosh Computers in public libraries serving the school district. One computer and printer has been installed in the Milton Library. Lewes and Rehoboth libraries have also received computers. The school district included programs used by elementary and middle school students.

This equipment is on permanent loan and will be maintained by the District. This project is a wonderful example of schools working with public libraries to help area school children by providing access to materials and equipment available in the school at other sites and after school hours.

3. Laurel Landfill

Mr. Michael McCabe, Regional Administrator for the United States Environmental Protection Agency, contacted Mr. Stickels on Friday, July 21, 1995, regarding EPA's oversight charges of \$344,121.61. Mr. McCabe stated he has asked the legal staff in Washington to determine whether Sussex County is entitled to a discount from the EPA charges for the oversight work of the former landfill. Mr. McCabe said he was able to stop the payment date. Originally the County was to pay the bill by August 13, 1995; however, Mr. McCabe said until a complete analysis has been done on the federal level, the payment can be withheld without penalty. EPA does have a right to impose a 5.63 percent annual interest payment for any portion of

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the bill paid after August 13, 1995. Mr. Stickels told Mr. McCabe the County's primary concern is the \$64.00 an hour charged for each hour in which an EPA worker dealt with the study. The \$103.00 overhead charge is 2.3 times the cost for employees themselves. This is about twice the usual rate charged by private concerns. Mr. McCabe stated that the EPA rate is applied throughout the region, which includes Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia.

Mr. Stickels stated he appreciates Mr. McCabe taking his time to investigate EPA's charges. Mr. McCabe stated that if the Laurel Landfill had not been removed from the Superfund List that the charges totalling \$344,000 from the EPA would have been minor compared to the potential costs, anywhere from \$5 Million to \$25 Million for cleaning up the site. Mr. Stickels told Mr. McCabe the County is willing to pay their charges; The County just wants the charges to be reasonable. The County does not want to pay any costs just because this is the way EPA has always done business.

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Mr. Archut, Director of Planning and Permits, discussed a Proposed Interjurisdictional Agreement for Industrial Pretreatment between the City of Seaford and Sussex County. The City of Seaford owns and operates a wastewater treatment system; the Blades Sanitary Sewer District (BLSSD), operated and maintained by Sussex County, utilizes this wastewater treatment system and currently contributes wastewater which includes industrial waste. The City of Seaford is required by federal law to implement and enforce a pretreatment program to control industrial waste and; therefore, the City has executed an Industrial Pretreatment Ordinance. Sussex County is required to enforce pretreatment requirements in the BLSSD which are no less stringent than the Pretreatment Ordinance. The Interjurisdictional Agreement outlines the terms of the County complying with the City of Seaford's Pretreatment Ordinance.

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A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the President of the Sussex County Council is authorized to execute the Interjurisdictional Agreement for industrial pretreatment with the City of Seaford, as presented on July 25, 1995.

Motion Adopted: 3 Yea; 2 Absent.

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

Proposed Ellendale Sanitary Sewer District Mr. Archut, Director of Planning and Permits, updated the Council on the Proposed Ellendale Sanitary Sewer District. On July 20, 1995, a public meeting was held on the Proposed District. Information discussed at the meeting included background information on the original study, alternative collection and treatment systems, areas to be included, funding for the project, etc. The State is proposing a \$1.2 Million grant for the project; the Rural Economic and Community Development Service (RECD) of the Department of Agriculture is proposing to fund the balance of the costs with a combination grant and interest loan. The RECD has expressed concern that the Town of Ellendale has not been interested in being included in the proposed district. Representatives of the Town of Ellendale were present at the meeting and they were asked again if the Town wants to be a part of the proposed district. The Town Council is to advise the County of its decision following their meeting the first week of August.

County Administrative Office Building Mr. Archut, Director of Planning and Permits, discussed Change Order No. 3 to the Contract for the new County Administrative Office Building. The Change Order, in the amount of \$2,744.82, is for additional waterproofing due to oil contamination found on the site.

M 330 95 Approve Change Order No. 3 County Administrative Office Building Contract A Motion was made by Mr. Cole, seconded by Mr. Stevenson, based on the recommendation of the Architect, R. Calvin Clendaniel Associates, and the County Engineering Department, that the Sussex County Council approves Change Order No. 3, in the amount of \$2,744.82, to the County Administrative Office Building Contract for additional waterproofing due to oil contamination encountered on-site, with no additional time required.

Motion Adopted: 3 Yea, 2 Absent.

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

Proposed Extension to Dagsboro/Frankford Sanitary Sewer District Mr. Archut, Director of Planning and Permits, discussed an extension to the Dagsboro/Frankford Sanitary Sewer District to include eleven lots in the Prince Georges Acres Sub-division that were in the District when it was created, but were not served during original construction. Mr. Archut advised that the Rural Economic and Community Development Service has agreed to allow the County to use the remaining original grant funds for this extension.

M 331 95 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, Approve that the Sussex County Council approves the extension of Extension the Dagsboro-Frankford Sanitary Sewer System to serve that to portion of Prince Georges Acres Subdivision that was in the Dagsboro/ Town of Dagsboro at the time the District was created. Frankford Sanitary Motion Adopted: 3 Yea, 2 Absent. Sewer District Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea; Mr. Collins, Absent; Mr. Stevenson, Yea; Mr. Dukes, Yea

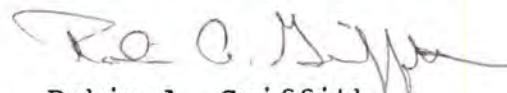
Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLUMBING BUSINESS WITH RELATED STORAGE AS AN ACCESSORY USE TO DWELLING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS" (Conditional Use No. 1129) filed on behalf of Brice J. Butler, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Cole introduced a Proposed Ordinance entitled "AN Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DISPLAY AND SALE OF ANTIQUES WITH RELATED STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS" (Conditional Use No. 1130) filed on behalf of Robert B. Atallian. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced a Proposed Ordinance entitled "AN Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EIGHTY-TWO LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41.1 ACRES, MORE OR LESS (Conditional Use No. 1131) filed on behalf of Nicholas P. DelCampo, Jr. and Cynthia S. DelCampo. The Proposed Ordinance will be advertised for Public Hearing.

M 332 95 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, Adjourn to adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council