

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBaum
MATT LLOYD
STEVE C. MCCARRON



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

January 14, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - January 7, 2025

[Draft Minutes 010725](#)

Reading of Correspondence

Public Comments

Councilman Matt Lloyd

1. Discussion related to development initiatives

Todd Lawson, County Administrator

1. Administrator's Report

John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare and Post Notices for Travalini Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area)**
[Prepare and Post Notices Travalini](#)
2. **Permission to Prepare and Post Notices for Love Creek Manufactured Home Community (Angola North Area)**
[Prepare and Post Notices Love Creek](#)



Hans Medlarz, Project Engineer

1. **Cannon Road – Inland Bays Road Drainage Improvements & Constructed Wetlands, Project S22-05**
 - A. **Change Order No. 7 Time & Material Summary**
 - B. **Final Balancing Change Order No. 8**
 - C. **Granting of Substantial Completion**
[Cannon Rd CO & SC](#)
2. **Wolfe Neck RWF, Proposed Treatment Plant Upgrades**
 - A. **GHD Amendment 28 – Ocean Outfall Benthic Testing & Dispersion Modeling**
[Wolfe Neck Amd 28](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2468 CU2556 CZ2035 CZ2034](#)

Council Members' Comments

Executive Session - Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 7, 2025 at 5:30 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 7, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 7, 2025, at 1:00 p.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Hudson.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 001 25
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the Agenda, as presented. Mr. Lawson noted that the start time was changed due to the weather.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Election
Officers**

of Mr. Lawson noted the requirement that the County Council must elect officers for 2025.

**M 002 25
Appoint
President**

A Motion was made by Mr. Rieley that Mr. Hudson serve as President of the Sussex County Council in 2025.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 003 25
Appoint
Vice
President**

A Motion was made by Mr. McCarron that Mr. Rieley serve as Vice President of the Sussex County Council in 2025.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

**Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Council
Member
Appoint-
ments**

Mr. Lawson noted the requirement that Council appoint members to the various boards and committees and he referenced the recommendations included in Council packets for this meeting, as follows: Doug Hudson to the Delaware Association of Counties (County Director); John Rieley to the Delaware Association of Counties (Executive Board); Doug Hudson to the Delaware League of Local Governments; Matt Lloyd to the Salisbury/Wicomico MPO (District Specific); Steve McCarron to the Sussex Conservation District Board; Matt Lloyd to the Sussex County Airport Committee; and John Rieley and Jane Gruenebaum to the Sussex County Land Trust.

**M 004 25
Approve
Council
Member
Appoint-
ments**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the 2025 Member appointments as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Legal
Counsel
Appoint-
ments**

Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; and legal representation for the Board of Adjustment, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Ballard Spahr LLP, Barnes & Thornburg, Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Potter Anderson & Corroon LLP, and Young Conaway Stargatt & Taylor, LLP.

**M 005 25
Approve
Appoint-
ment
of
Legal
Counsel**

A Motion was made by Mr. Rieley that the Sussex County Council approves the 2025 appointment of Legal Counsel, as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Rules
of
Procedure**

Mr. Lawson presented the Rules of Procedure which were included in Council packets which were unchanged.

**M 006 25
Approve
2025 Rules
of Procedure**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved that the Sussex County Council approves the 2025 Rules of Procedure, as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Minutes The minutes from December 10, 2024, and December 17, 2024, were approved by consensus.

Correspondence Mr. Moore read correspondence received from Delaware Lions Foundation, Volunteer Delaware 50+ and Unique Minds Changing Lives, Inc. thanking Council for their donation.

Public Comments Public comments were heard, and the following people spoke:

Mr. Jack Young spoke on behalf of the League of Woman Voters. He welcomed the new Council Members.

Mr. Phillip Brady congratulated the three new Council Members.

M 007 25 A Motion was made by Mr. Rieley, seconded by Mr. McCarron to approve
Approve the following item under the Consent Agenda:
Consent

Agenda Use of Existing Wastewater Agreement
Delmarva Bioenergy Center, South Blades Area

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

**Adminis-
trator's
Report** Mr. Lawson read the following information in his Administrator's Report:

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Chase Oaks – Phase 6 (Construction Record) received Substantial Completion effective December 8th.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Bank
Resolutions** Mrs. Jennings reported that when leadership changes, the signers on the County's financial institutional and investment accounts need to change. The signers are the President and Vice President of County Council and the Finance Director.

M 008 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt

Adopt Resolution No. R 001 25/Bank Resolutions **Resolution No. R 001 25** entitled “**BE IT RESOLVED THAT THE SUSSEX COUNTY COUNCIL IS AUTHORIZING THE SIGNATURES ON THE ACCOUNTS OF THE SUSSEX COUNTY COUNCIL WITH VARIOUS FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS TO BE DOUGLAS B. HUDSON PRESIDENT; JOHN L. RIELEY, VICE PRESIDENT; AND GINA A. JENNNINGS, FINANCE DIRECTOR/CHIEF OPERATING OFFICER**”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Airport Advisory Committee Appoint **Mr. Bob Bryant, Airport Manager, presented for Council’s approval the Delaware Coastal Airport Advisory Committee members for the Year 2025.**

M 009 25 Approve Airport Advisory Committee Appointments **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that the Sussex County Council appoints Dustin Berlinger, Larry Kelley, Jeff Reed, Rick Garner, Ezra Richards, Mark Ryan, Scott Thomas, and Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2025.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Lochwood CO No. 3 **Hans Medlarz, Project Engineer presented change order no. 3 for Lochwood Sewer expansion for Council’s consideration.**

M 010 25 Approve CO No. 3/ Lochwood Sewer Expansion **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based up the recommendation of the Sussex County Engineering Department, that change order no. 3 for project S22-07, Lochwood sewer district expansion, be approved, for an increase of 89 calendar days, contingent upon USDA concurrence.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Joy Beach CO No. 3 **Hans Medlarz, Project Engineer presented change order no. 3 for Joy Beach sewer expansion for Council’s consideration.**

M 011 25 Approve CO No. 3/Joy **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 for project S20-12, Joy Beach sewer**

Beach Sewer Expansion district expansion, be approved, for an increase of 115 calendar days.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Grant

Requests Mrs. Jennings presented grant requests for the Council's consideration.

M 012 25 Frankford Public Library A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to give \$2,500 (\$2,500 from Mr. Hudson's Councilmanic Grant Account) to Frankford Public Library for safety doors for their meeting room.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 013 25 Bethany-Fenwick Area Chamber of Commerce A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Bethany-Fenwick Area Chamber of Commerce for their 2025 Fire & Ice Festival.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Introduction of Proposed Ordinances Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE & PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS" filed on behalf of Savini Companies.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS" filed on behalf of Gulfstream Glen Cove, LLC.

Introduction Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE

of Proposed Ordinances (continued)

TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” filed on behalf of Gulfstream Glen Cove, LLC.

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMUNITY SOLAR ENERGY GENERATING FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.6 ACRES, MORE OR LESS” filed on behalf of Woodland Ferry Solar 1, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

Council Members’ Comments

Mr. Lloyd thanked those that were present that supported him. He commented about development in the County and putting a moratorium in place. He then discussed the changes that a moratorium would create if put in place.

Mr. McCarron commented that he is honored to represent the 2nd District and looks forward to working with his fellow Council Members. He added that he is committed to addressing the issues that matter most to the residents. He pledged to make decisions that are thoughtful and well informed.

Ms. Gruenebaum commented that it is an honor to be here and recognizes it is a heavy responsibility. She added that the election was a voice for change throughout the County with how development is done. She believes that growth needs to be done in a more responsible way. She thanked everyone that helped her get elected.

Mr. Rieley welcomed the new members, and he looks forward to discussions moving forward.

Rules

Mr. Moore read the rules of procedure for public hearings.

**Public Hearing/
CZ2020**

A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS” (property lying on the west side of Sussex Highway [Rt. 13], and on the east side of Gordy Road [S.C.R. 70] approximately 150 feet north of the intersection of Sussex Highway [Rt. 13] and Gordy Road [S.C.R. 70]) (911 Address: N/A) (Tax Map Parcel: 332-1.00-67.03) filed on behalf of Samuel

Public

**Hearing/
CZ2020
(continued)**

Petersheim.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on November 13, 2024. At the meeting of November 13, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined.

Mr. Samuel Petersheim and Mrs. Glenda Petersheim, the applicants spoke on behalf of the application; that they own the Dutch Furniture Store in Laurel; that they have run out of space; that they want to sell storage buildings and display backyard properties, backyard structures, gazebos, pergolas, and lawn furniture; that they would like to move their furniture store to this area so that they can expand; that most of their customers buy the items rather than lease.

There were no public comments.

The Public Hearing and public record were closed.

**M 014 25
Adopt
Ordinance
No. 3068/
CZ2020**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 3068 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS” for the reasons given by Planning & Zoning as follows:

- 1. B-2 Business Community Zoning is designed to allow office, retail shopping, and personal service uses that serve a relatively small area, including low-density and medium-density neighborhoods.**
- 2. The site is in the Developing Area according to the current Sussex County Comprehensive Plan. B-2 zoning and the uses permitted in that District are appropriate in the Developing Area according to the Plan.**
- 3. This location is in an area along Route 13 where there is a larger commercially zoned area of land that includes a large store complex and warehousing as well as other retail and commercial uses.**
- 4. The rezoning will not adversely affect area roadways or traffic.**
- 5. The rezoning will also not adversely affect nearby properties or property values.**
- 6. No parties appeared in opposition to this Application.**
- 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 015 25
Go Into
Executive
Session**

At 2:12 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to go into Executive Session for the purpose of discussing land acquisition.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Executive
Session**

At 2:18 p.m. an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session ended at 2:55 p.m.

**M 016 25
Reconvene**

At 2:58 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

E/S Action

There was no action related to Executive Session matters.

**M 017 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 2:59 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Travalini (Salt Air) Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area).
- The Engineering Department has received a request from Louis Travalini owner of parcel 134-11.00-141.00 adjacent to the existing Millville Area of the SCUSSD.
- Parcel is along Hickory Manor Road, and providing an easement for the adjacent Hunters Creek (Salt Air) project for stormwater conveyance. In exchange Hunters Creek will pay to connect the parcels on the Travalini parcel.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



John J. Ashman

From: Louis Travalini <coastalrealestateinc@gmail.com>
Sent: Thursday, August 8, 2024 8:42 PM
To: John J. Ashman
Cc: Arnold Dunn
Subject: Annexation of 134-11.00-141.00

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

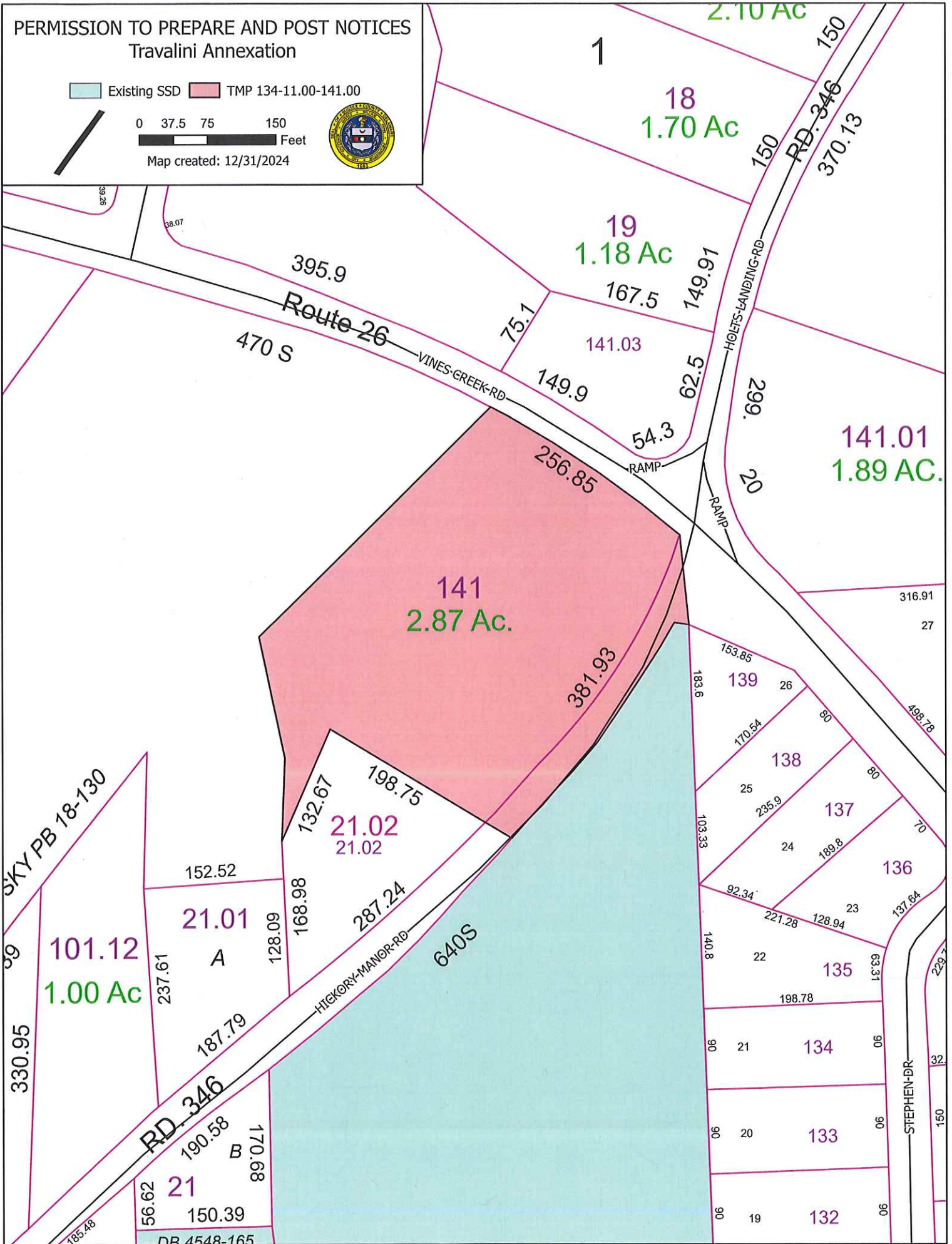
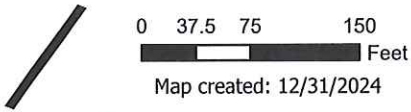
Mr Ashman,

I am writing to ask if you would please annex my property located at Hickory Manor Road, So that we may receive sewer and hookups to buildings on 134-11.00-141.00
It is understood that Salt Air Land Group will pay all cost and expenses associated with this annexation and hookup of all buildings.
Thank you for your attention in this matter

Louis Travalini
Sent from my iPhone

PERMISSION TO PREPARE AND POST NOTICES
Travalini Annexation

Existing SSD TMP 134-11.00-141.00



ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: John J. Ashman, Director of Utility Planning & Design Review
Hans Medlarz, P.E. Director of Special Projects

RE: *Permission to Prepare & Post Notices*
Sussex County Unified Sanitary Sewer District Annexation
Love Creek MHC (Angola North Area)

DATE: January 14, 2025

The Sussex County Engineering Department has received a request from Love Creek MHC, LLC to annex the Love Creek Mobile Home Community, consisting of 168 homes and 10 campers, into the Sussex County Unified Sanitary Sewer District for the purpose of providing County central sewer service to parcel 334-18.00-32.00.

An income survey was completed by the University of Maryland, Environmental Finance Center revealing a Median Household Income of \$44,400.00 well below the 2024 county-wide one of \$78,996.00.

The Community is located directly adjacent to the tidal portion of Love Creek. Under the State of Delaware's promulgated Pollution Control Strategy for the Inlands Bays the areas within 1,000 feet off water's edge were to be connected to central sewer under priority one in 2008. Love Creek has had its shell fishing halted many times in recent years due to contamination. However, to date no request was received despite several outreach attempts on the County's part.

The community is served by individual on-site "systems" with two homes per system. Most of the disposal areas are very limited in size and possibly not much more than a converted cesspool. If connected, the environmental impact of removing almost three tons of nitrogen per year from the Inland Bays is significant and in the best interest for the health and welfare of the entire area.



Time is of the essence to start the annexation process in order to file a Notice of Intent to qualify the project for the State's 2025 Intended Use Plan. Therefore, the Engineering Department requests permission to prepare and post notices for a Public Hearing on the annexation area as per Del Code Title 9 to be held at the February 4th Sussex County Council meeting. The public hearing will explain the project timeline and the potential costs to the residents. It will further allow the addition of adjoining properties also interested in connecting. The Department will reach out to two smaller mobile home parks in the same general area prior to the public hearing.

LOVE CREEK MHC

P.O. BOX 1528, CHESAPEAKE, VIRGINIA 23327-2688
TELEPHONE (757) 463-0400

December 29, 2024

TO:

Sussex County Delaware
Mr. John Ashman
Director of Utility Planning & Design Review
Sussex County Engineering Department
CC: Hans Medlarz

RE: Request For Annexation
Love Creek Mobile Home Park
PID # 334-18.00-32.00- PARK

VIA: Electronic mail – jashman@sussexcountyde.gov, hans.medlarz@sussexcountyde.gov
CC: Property Manager - Shawn Rhodes – Srhodes@arcaplc.biz

Mr. Ashman,

Please accept this letter as my formal request to Sussex County to annex into the Sussex County Sewer District, for the purpose of providing sewer service, the above referenced parcel.

Respectfully,



Love Creek MHC, LLC
Richard B. Kellam – Manager

CC: Property file

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron

FROM: Hans Medlarz, P.E., Project Engineer

RE: ***Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05***
A. Change Order No. 7 - Time & Material Summary
B. Final Balancing Change Order No. 8
C. Granting of Substantial Completion

DATE: January 14, 2025

The County's five (5) year capital plan, as approved in the FY 23 Capital Budget, included the Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 located at the Inland Bays Regional Wastewater Facility utilizing a portion of the County's American Rescue Plan Act (ARPA) funding.

This project reduces runoff discharges to Guinea Creek as well as nuisance flooding in the Cannon Road area and within the spray fields. In addition, it creates a significant water quality credit which can be used as a stormwater management offset for future projects including the ongoing plant expansion.

The wetland was designed in coordination with the Delaware Department of Natural Resources and Environmental Control (DNREC) under a 5-year "operational-testing" program. The wetland is an innovative land based enhanced polishing and disposal option for wastewater effluent and groundwater with elevated nutrient levels. The initial design for the constructed wetlands portion of the project was first submitted to DNREC in 2020. As a result of DNREC's comments additional data acquisition, soil testing, hydrogeologic evaluations and surface water assessments were conducted summarized in the October 2022 Hydrogeological Report.



On November 17, 2022, invitations to bid for the Cannon Road/Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 were publicly advertised and on December 21, 2022, six (6) bids were received.

The bid review revealed imbalances and mathematical errors in the apparent low bid and considering these errors and irregularities the bid was withdrawn. Kinsley Construction, Inc. of Dagsboro, Delaware submitted the lowest, responsive base bid and on January 10, 2023, Council awarded the project to Kinsley Construction, Inc. in the amount of \$11,467,000.00.

During the initial stages of the project the Environmental Services staff gained a better understanding of the objectives and made three improvement (3) requests associated with the South Field irrigation area. The first one involved an expanded hydroseeded buffer area on the downstream southern end of the field; the second one an additional drainage structure and piping next to Wetland 1 for an adjacent area ponding along the wetland maintenance access area; the third one was associated with the stabilization of the irrigation rig ruts. On June 6, 2023, County Council approved Change Order No.1 in the aggregate amount of \$34,953.00.

In October the Engineering Department requested pricing for the following objectives:

- The South Hettie irrigation field had initially been left out of the grading and replanting scope for cost considerations. However, it was beneficial to complete all the grading, eliminate the remaining ponding which poses permit challenges plant the area in meadow mix.
- During the construction of the submerged gravel wetland stone chimneys were deleted but subsequently more aquatic plants in the wetland itself as well as the outfall swale were added.
- The DNREC required four (4) two-inch monitoring wells around the submerged gravel wetland were added.
- A supplemental feed line essential for the initial hydration stages and during subsequent mid-summer months for aquatic plants survival was added.
- The bid included an allowance for two (2) suction lift pump systems. In cooperation with Kinsley's subcontractor the Department was able to value engineer the approach by switching to a system of wells with submersible pumps more than offsetting the cost by a reduction in the allowance.

October 10, 2023, County Council approved Change Order No. 2 in the aggregate amount of \$847,134.56 and the associated 55 calendar days extension.

The project is still on schedule despite several weather-related impacts. Even in the partially completed stage did the project prevent overtopping of Cannon Road during the most intense storm event.

The Department had previously advised Council of one last grading modification to eliminate an off-field ponding between the lagoon perimeter road and the North Spray Field. In addition to this known item listed under item 1 below several other issues arose.

1. Lagoon perimeter road and swale modifications (T&M) -- estimated at \$44,000.00.
2. Stormwater wetland 1 pilot channel repairs- completed for \$10,526.71.
3. North Spray Field electrical conduit test pitting- completed for \$7,776.50.
4. East Hettie Spray Field electric conduit and effluent lines test pitting (T&M) – estimated at \$7,800.00.
5. Assistance for consultants RK&K to expose restrictive layer for infiltration testing- completed for \$18,660.00.
6. Goose damage repair to wetland replanting- three-way cost split between contractor, subcontractor, and County – lump sum \$65,000.00.
7. Hydro-mulch hardening of wetland bypass swale and northern portion of Cannon Road swale – completed based on unit pricing \$104,885.20.
8. Bypass swale repairs after damage by County’s inappropriate irrigation techniques, since then corrected (T&M) – estimated at \$52,000.00.
9. Lower electric conduits and effluent main in North Spray Field in conflict with grading to be completed in January (T&M) – estimated at 58,000.00.

On December 5, 2023, Council approved Change Order No. 3 in the aggregate not to exceed amount of \$375,000.00.

The project site experienced a five-inch rain event between December 17th - 18th. The resulting run-off overtopped Cannon Road and washed-out part of the eastern shoulder as and undermined the road bed. Temporary repairs were completed allowing the road to reopen for vehicular travel. The permanent repair to the road surface scheduled to occur in the spring and will be covered in a future change order. To further improve drainage runoff from stormwater management pond 1, riprap armor was added to the low flow outfall.

To meet a DNREC requirement preliminary PFAS testing on the submerged gravel wetland sand and biomass was initiated. Erosion has continued to plague the constructed wetland bypass swale and the contractor was directed and has completed the installation of stone level spreaders plus riprap swales and slopes to prevent erosion by capturing the runoff and slowing its discharge rate into the bypass swale.

Change Order No. 4a (items 1-4 below) covering the following issues:

1. Bypass Swale stone channels and level spreaders completed PCO 19 for \$72,834.48.
2. Additional riprap at the Wet Pond 1 outfall weir under PCO 20 for \$12,434.15.
3. Initial Cannon Road repairs under PCO 21 for \$30,410.62 caused by the December 18th storm.
4. PFAS testing on the submerged gravel wetlands PCO 22 for \$1,012.12

It was determined that additional erosion control measures were need including but not limited to riprap bleeder swales and armoring of slopes along the constructed wetland bypass channel to halt erosion. Kinsley Construction, Inc. proffered PCO 23 however the Department recommends a not to exceed approach for up to \$95,800.00 based upon confirmed breakdown of labor and material.

On March 5, 2024, Council approved issuance of Change Order No. 4A in the amount of \$116,691.37 and Change Order No. 4B in the not to exceed amount of \$95,800.00 to be reconciled based on confirmed quantities.

A series of previously stabilized areas within the constructed wetland by-pass swale, the Cannon Road swale north of the facility entrance and the swale along Inland Bays Road were repeatedly compromised in subsequent storms. The Department in conjunction with Kinsley developed PCO 24 summarizing the additional erosion control effort to this point at a cost of \$138,576.08.

In addition, Environmental Services requested the assistance of Kinsley's subcontractor, ARRC, to "No-Till Drill" a new sand-tolerant seed mixture into fields that have established vegetation limiting erosion and reducing soil moisture loss. PCO 25 establishes a \$0.12/SY unit price for no-till meadow seed drilling of up to 95,000 SY at a not to exceed cost of \$11,400.00.

On April 30, 2024, Council approved Change Order No. 5A based on unit pricing in the not to exceed amount of \$11,400.00 and Change Order No. 5B in the amount of \$138,576.08 to Kinsley Construction, Inc.

However, over the last two months the following scope changes have actively tracked for potential approval under Change Orders No. 6A & 6B:

1. South Field had been originally regraded by JJID, Inc. under the General Labor & Equipment contract. However, recent storm events combined with higher-than-normal spray irrigation activities revealed some remaining grading deficiencies in the most southern 20-acres segment. It will be beneficial to complete all the grading and eliminate the remaining ponding which poses permit compliance challenges. The associated regrading will be using in situ material and is proposed by Kinsley Construction, Inc. under PCO 26 at a lump sum of \$434,800.00 and a net cost allowance per truck load of \$170.00 for other on-site material in the not to exceed amount of \$170,000.00.
2. A portion of the constructed wetland by-pass swale is subject to storm runoff sheet flows concentrating in several locations along a 700 feet long section. In order to prevent future wash outs in these limited swale segments the Department developed the attached revised living wall cross section, which is proposed by Kinsley Construction, Inc. under PCO No. 27 for a lump sum of \$226,234.00.
3. Irrigation and rainfall across the fields south of Inland Bays Road create a channel as they exit the Plant and enter the South Swale. The slope and adjoining bank should be

armored with turf reinforcement matting for approximately 400 feet. is proposed by Kinsley Construction, Inc. under PCO No. 28 for a lump sum of \$23,592.00.

4. The submerged wetland will polish 300,000 gpd of treated effluent as well as 150,000 gpd of groundwater from new wells on site. Approximately 200 feet of steel sheeting should be installed to reinforce the toe of the north berm where seepage is occurring. Kinsley Construction, Inc. is proposing to complete this work under PCO No. 29 for a lump sum \$136,800.00.
5. Portions of our North and Center Swale areas along Cannon Rd. have been subject to storm runoff sheet flows concentrating in several locations, which will also be remediated with a living wall. Kinsley Construction, Inc. is proposing to complete this work under PCO No. 30 for a lump sum \$51,512.00.

On June 4, 2024, Council approved Change Order No. 6A for South Field regrading in the not to exceed amount of \$604,800.00 and Change Order No. 6B in the aggregate amount of \$438,138.00.

Since Council's approval of Change Order No. 6 additional adjustments had to be made to the project scope to reduce sediment erosion and to finetune grading in certain areas for further drainage improvement. The following scope modifications were implemented under a time and material tracking approach:

1. A temporary sediment trap near the corner of Inland Bay Road and Cannon Road was filled in. (PCO 35)
2. The auxiliary irrigation line for the constructed wetlands occasionally floated and disconnected requiring repeated repairs. (PCO 36)
3. Stone bedding pads and bollards around the North and South Groundwater Production Well Sites protecting control cabinets and wells were not included in the original contract drawings and had to be added. (PCO 37 & 39)
4. The South Burton Field swale grading reduced the effluent line "cover". For protection during future swale maintenance, it was partially encased in concrete. (PCO 40)
5. Fill material from the "Mt. Joy Borrow Area" was needed for grading operations south of Inland Bay Road and now doubles as a flood plain during heavy rainfall events. Contractor covered all costs except the permanent stabilization. (PCO 43).
6. A section of Cannon Road was initially repaired after a storm under Change Order No. 4. The DelDOT required permanent repairs included top course hot mix plus turf reinforcement matting in the shoulder area. (PCO 44)
7. The South Field and in a small portion of the West Hettie Field were improved with gravel drainage trenches. The section in the latter field required more gravel than originally designed. In addition, the contractor repaired a section of the gravel trench in the South Field after emergency repairs were made on the West and South Hettie irrigation rigs. (PCO 45 & 48).

8. Wet Pond 1 proved to be difficult to stabilize requiring riprap in addition to turf reinforcement matting on the incoming slopes carrying stormwater sheet flow runoff as well as the outfall slopes to prevent erosion of the adjacent spray field (PCO 46 & 51).
9. Forebay 1 also required riprap in two locations for energy dissipation of the runoff from the North and East Hettie Fields. (PCO 47)
10. The turf reinforcement matting along the Cannon Road swale was expanded to further armor the slopes downstream of the East and West Hettie irrigation pivots. (PCO 49 and 50) The initial turf reinforcement matting was covered under Change Order 6.
11. The facility previously had a secondary access road north of the effluent lagoons. The contractor was instructed to remove the gravel road surface and revegetate it matching the neighboring field. (PCO 52).
12. These additional work items required re-stabilization after each improvement because the Sussex Conservation District requires that less than 20 acres be disturbed at any time and that stabilization efforts be completed within 14 days. (PCO 54).

With the project conclusion, the Department was able to balance all unit price work items and allowances resulting in credit under Change Order No. 8. In summary, the Department requests Council's concurrence to Change Order No. 7 in the aggregate amount of \$453,283.77, the final unit quantity balancing Change Order No. 8 in the deduct amount of \$(368,561.85) and the granting of Substantial Completion including release of retainage in accordance with the contract documents.

Overall, the project experienced a good start but was subjected to a record winter rainfall in 2023/2024, significant goose damage and an extended drought in the fall of 2024 affecting germination. Despite these adverse conditions, the overall change order percentage was contained at <24%.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Cannon Rd/Inland Bays Rd Drainage Improvements**
2. Sussex County Project No. S22-05
3. Change Order No. 7
4. Date Change Order Initiated - 1/8/25
5.
 - a. Original Contract Sum \$11,467,000.00
 - b. Net Change by Previous Change Orders \$2,662,493.01
 - c. Contract Sum Prior to Change Order \$14,129,493.01
 - d. Requested Change \$ 453,283.77
 - e. Net Change (No. of days) 45
 - f. New Contract Amount \$14,582,776.78
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7728

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

- PCO 35 – Fill & Stabilize Temporary Sediment Trap Pond 1
- 36 – SGW Aux Fill Line
- 37 – Wellhead North & South Pads
- 39 – Bollards
- 40 – Cradle 8" Sewer Line
- 43 – South Borrow Area Stabilization
- 44 – DeIDOT Final Repair
- 45 – Gravel Trench Repairs
- 46 – Rip Rap Outfall @ Pond 1
- 47 – Rip Rap @ Forebay 1
- 48 – Additional Stone @ Stone Trench
- 49 – TRM @ East Hettie Contech Pavers
- 50 – Contech Frame Repair
- 51 – Add Rip Rap & TRM @ Pond 1
- 52 – Road Removal & Restoration
- 54 – Re-seeding

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

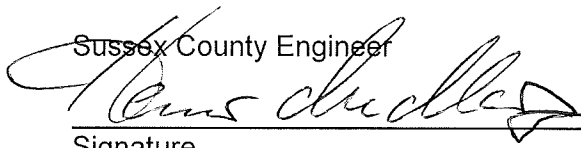
E. APPROVALS

- 1. Kinsley Construction, Inc., Contractor

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer


Signature 1/9/25
Date

- 3. Sussex County Council President


Signature 1/10/25
Date



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 35

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 09/16/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Fill and Stabilize Temp. Trap. @ Pond #1
Priority: High
Req Return Date: 09/23/2024

We propose to modify our contract for the above referenced project as follows :

70000-033 Work preformed as directed from 4/8/24 - 10/18/24

Item	Amount
1 Fill and Stabilize Temp. Trap. @ Pond #1 Work Preformed on a T&M Basis	\$34,399.00
TOTAL CHANGE ORDER FOR THIS REQUEST	\$34,399.00

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 5 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____

Signed: _____

Printed: Mitch Seitz

Printed: _____

Date: 9/16/2024

Date: _____

Cannon (234701)

70000-033 - Fill and Stabilize Temp. Trap. @ Pond #1 - Billable

<u>Labor & Equipment @ T&M Rates:</u>	4/8	4/9	4/10	4/11	4/12	4/15	10/15	10/16	10/18	TOTAL HOURS	HOURLY RATE	TOTAL COST
JOHN DEERE 850 Dozer w/ Operator	4.0	10.0	2.0							16.00	\$ 294.00	\$ 4,704.00
JOHN DEERE 250 Track Excavator w/ Operator			4.0							4.00	\$ 215.00	\$ 860.00
VOLVO A40G/A45G Artic Truck w/ Operator		10.0	14.0	13.0	5.0					42.00	\$ 290.00	\$ 12,180.00
CAT 336FL Excavator w/ Operator		10.0	10.0	10.0	5.0	2.0				37.00	\$ 215.00	\$ 7,955.00
F250/350 Truck w/Tools							4.0	7.0	5.0	16.00	\$ 18.00	\$ 288.00
CAT 315 Excavator w/ Operator								4.0		4.00	\$ 175.00	\$ 700.00
CAT D1 Dozer w/ Operator							4.0	7.0	5.0	16.00	\$ 163.00	\$ 2,608.00
CAT D6 Dozer w/ Operator			5.0	10.0	5.0	2.0				22.00	\$ 232.00	\$ 5,104.00
												<u>\$ 34,399.00</u>
										TOTAL:	\$	34,399.00



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 36

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 09/16/24
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: Repair SGW Aux Irrigation Line
Priority: High
Req Return Date: 09/23/2024

We propose to modify our contract for the above referenced project as follows :

Item	Amount
70000-048 Work preformed as directed from 7/18/24 - 8/21/24	
1 Repair SGW Aux Irrigation Line	\$4,410.47
TOTAL CHANGE ORDER FOR THIS REQUEST	\$4,410.47

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 3 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____

Signed: _____

Printed: **Mitch Seitz** _____

Printed: _____

Date: 9/16/2024 _____

Date: _____

Cannon (234701)
Repair SGW Aux Irrigation Line

70000-048

	7/18	7/19	8/5	8/20	8/21	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>								
Foreman	10.0	3.0	2.0	3.0	3.0	21.00	\$ 90.00	\$ 1,890.00
Laborer			4.0	2.0	3.0	9.00	\$ 52.00	\$ 468.00
F250/350 Truck w/Tools	10.0	3.0	2.0	3.0	3.0	21.00	\$ 18.00	\$ 378.00
Case 621 Wheel Loader w/ Operator				1.0		1.00	\$ 160.00	\$ 160.00
CAT 315 Excavator GPS w/ Operator				1.0		1.00	\$ 175.00	\$ 175.00
CASE TR270 Compact Track Loader w/ Operator				1.0		1.00	\$ 132.00	\$ 132.00
								<u>\$ 3,203.00</u>
<u>Materials @ Cost Plus 15% OH&P</u>								
Lowe's REF#87830B								\$ 62.81
Lowe's REF#85875D								\$ 103.88
Mumford Sheet Metal REF#VISA0725249G								\$ 206.10
Belair Road Supply REF#582808								\$ 420.39
Mumford Sheet Metal REF#VISA0825248N								\$ 256.79
								<u>\$ 1,049.97</u>
15% OH&P								<u>\$ 157.50</u>
								<u>\$ 1,207.47</u>
TOTAL: \$								4,410.47



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 37

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 09/20/24
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: Wellhead Stone Edging
Priority: High
Req Return Date: 09/27/2024

We propose to modify our contract for the above referenced project as follows :

70000-049 Work preformed as directed from 7/30/24 - 8/9/24

Item	Amount
1 Wellhead Stone Edging	\$88,665.47
TOTAL CHANGE ORDER FOR THIS REQUEST	\$88,665.47

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 6 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____

Signed: _____

Printed: Mitch Seitz

Printed: _____

Date: 9/20/2024

Date: _____

Cannon (234701)
Wellhead Stone and Edging

70000-049

	7/30	7/31	8/1	8/2	8/5	8/6	8/7	8/9	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>											
Foreman	18.5	16.0	20.0	13.0	18.0	16.0	20.0	14.0	135.50	\$ 90.00	\$ 12,195.00
Laborer	39.5	36.0	43.0	17.0	36.0	32.0	40.0	35.0	278.50	\$ 52.00	\$ 14,482.00
F250/350 Truck w/Tools	18.5	16.0	23.0	13.0	18.0	16.0	20.0	8.0	132.50	\$ 18.00	\$ 2,385.00
CAT 315 Excavator GPS w/ Operator	8.0	6.0	10.0	5.0	9.0	8.0	10.0		56.00	\$ 175.00	\$ 9,800.00
VOLVO A40G/A45G Artic Truck w/ Operator	8.0		2.0	4.0				3.0	17.00	\$ 290.00	\$ 4,930.00
CASE TR270 Compact Track Loader w/ Operator	10.5	6.0	10.0	4.0	9.0	8.0	10.0		57.50	\$ 132.00	\$ 7,590.00
CAT D6 Dozer w/ Operator								1.0	1.00	\$ 232.00	\$ 232.00
CAT D1 Dozer w/ Operator								2.0	2.00	\$ 163.00	\$ 326.00
2023 Peterbilt Tri-axle Dump w/ Operator	4		10.5			12.5			27.00	\$ 125.00	\$ 3,375.00
CASE 621 Wheel Loader w/ Operator	10.5	6.0	10.0	4.0	9.0	8.0	10.0		57.50	\$ 160.00	\$ 9,200.00
											<u>\$ 64,515.00</u>
<u>Materials @ Cost Plus 15% OH&P</u>											
Lowe's Home Centers REF# 998990 - 2x6 Lumber											\$ 21.07
Lowe's Home Centers REF# 970485 - 2x6 Lumber											\$ 63.21
Lowe's Home Centers REF# 983011 - #4 Rebar											\$ 204.43
Lowe's Home Centers REF# 984887 - 4x4 Lumber											\$ 1,507.34
Lowe's Home Centers REF# 978543 - 4x4 Lumber											\$ 1,204.62
Lowe's Home Centers REF# 975357											\$ 43.58
Lowe's Home Centers REF# 970918											\$ 65.28
Martin Marietta INV#43250712 - #57 (21.09 TN)											\$ 446.67
Dagsboro Stone Depot REF# B-110M-0012310 - #57 (127.38 TN)											\$ 4,547.48
Dagsboro Stone Depot REF# B-110M-0012353 - #57 (127.64 TN)											\$ 4,556.75
Dagsboro Stone Depot REF# B-110M-0012413 - #57 (176.30 TN)											\$ 6,544.30
Belair Road Supply INV# 582207											\$ 1,102.90
Belair Road Supply INV# 587728											\$ 626.42
Inventory Material# 13080 - 80lb Type S Mortar (6 EA)											\$ 66.36
											<u>\$ 21,000.41</u>
15% OH&P											\$ 3,150.06
											<u>\$ 24,150.47</u>

TOTAL: \$ 88,665.47



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 39

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 10/14/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Bollards
Priority: High
Req Return Date: 10/31/2024

We propose to modify our contract for the above referenced project as follows:

70000-047	Work preformed as directed on 5/28/24 -10/4/24	Amount
Item		
1	Bollards	\$16,207.35
TOTAL CHANGE ORDER FOR THIS REQUEST		\$16,207.35

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 2 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz _____ **Printed:** _____

Date: 10/24/2024 _____ **Date:** _____

Cannon (234701)

Bollards - PCO 39

70000-047

Materials @ Cost Plus 15% OH&P

Tudor Electrical Services INV#44

\$ 13,896.53

Tudor Electrical Services INV#90

\$ 1,508.96

\$ 15,405.49

15% OH&P

\$ 2,310.82

\$ 16,207.35

TOTAL: \$ 16,207.35



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 40

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 10/14/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Cradle 8" Sewer Line
Priority: High
Req Return Date: 10/21/2024

We propose to modify our contract for the above referenced project as follows:

70000-039 T&M Work preformed as directed from 5/20/24 - 7/26/24

Item	Amount
1 Cradle 8" Sewer Line	\$5,450.60
TOTAL CHANGE ORDER FOR THIS REQUEST	\$5,450.60

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 2 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 10/14/2024 **Date:** _____

Cannon (234701)

Cradle 8" Sewer Line

70000-039 - PCO 40

Labor & Equipment @ T&M Rates:

	5/20	7/26	TOTAL HOURS	HOURLY RATE	TOTAL COST
Foreman	5.0	8.0	13.00	\$ 90.00	\$ 1,170.00
Laborer	19.0	12.0	31.00	\$ 52.00	\$ 1,612.00
F250/350 Truck w/Tools	5.0	8.0	13.00	\$ 18.00	\$ 234.00
CAT 317 Track Excavator GPS w/ Operator	4.0		4.00	\$ 175.00	\$ 700.00
Case 621 Wheel Loader w/ Operator		4.0	4.00	\$ 160.00	\$ 640.00
CAT 336FL Excavator w/ Operator		4.0	4.00	\$ 215.00	\$ 860.00
					\$ 5,216.00

Materials @ Cost Plus 15% OH&P

Atlantic Concrete					\$ 204.00
					\$ 204.00
15% OH&P					\$ 30.60
					\$ 234.60

TOTAL: \$ 5,450.60



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 43

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 10/14/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: South Borrow Stabilization
Priority: High
Req Return Date: 10/21/2024

We propose to modify our contract for the above referenced project as follows:

70000-051 T&M Work preformed as directed 8/05/24-11/30/24

Item	Amount
1 South Borrow Stabilization	\$98,824.86
TOTAL CHANGE ORDER FOR THIS REQUEST	\$98,824.86

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 3 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 10/14/2024 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 44

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov

From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 10/14/24
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: Cannon Road Patch and Shoulder Work

Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-053 T&M Work Performed as Directed 9/19/24 - 10/17/24

Item	Amount
1 Cannon Road Patch and Shoulder Work	-\$9,536.15
TOTAL CHANGE ORDER FOR THIS REQUEST	-\$9,536.15 \$8,854.15

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is ~~0~~ calendar days.

2

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

Cannon Road Patch and Shoulder Work

70000-053 - PCO 44

<u>Labor & Equipment @ T&M Rates:</u>	9/19	10/14	10/15	10/16	10/17	TOTAL HOURS	HOURLY RATE	TOTAL COST	
Foreman	2.0	10.0				12.00	\$ 90.00	\$ 1,080.00	
Laborer		1.5	6.0	9.0	13.0 7.5	29.50 24.00 0.00	\$ 52.00	\$ 1,534.00	1,248.00
Peterbilt Distributor Tack Truck w/ Operator	1.0					1.00	\$ 200.00	\$ 200.00	
F750 2000 Gallon Water Truck w/ Operator	1.0					1.00	\$ 290.00	\$ 290.00	
CASE 210 Skid Loader w/ Operator	2.0					2.00	\$ 132.00	\$ 264.00	
CAT 1055 Paver w/ Operator	2.0					2.00	\$ 438.00	\$ 876.00	
Wirtgen Milling Machine w/ Operator	1.0					1.00	\$ 600.00	\$ 600.00	
HAMM HD90 Asphalt Roller w/ Operator	2.0					2.00	\$ 188.00	\$ 376.00	
HAMM HD12 Asphalt Roller w/ Operator	2.0					2.00	\$ 150.00	\$ 300.00	
CAT 315 Excavator w/ Operator		8.5				8.50	\$ 175.00	\$ 1,487.50	
CASE 270 Compact Track Loader w/ Operator					6.0 3.0	6.00	\$ 132.00	\$ 792.00	\$396.00
F250/350 Truck w/Tools	4.0	10.0				14.00	\$ 18.00	\$ 252.00	
								\$ 8,051.50	\$7265.59
<u>Materials @ Cost Plus 15% OH&P</u>									
River Asphalt - 9.2TN of 9.5mm								\$ 621.00	
Ferguson - TRM								\$ 670.00	
15% OH&P								<u>\$ 1,484.65</u>	
TOTAL:							\$	9,536.15	\$8,854.15



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 45

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: T&M Fix Gravel Ditch
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-037 T&M Work Performed as Directed 11/04/24

Item	Amount
1 T&M Fix Gravel Ditch	\$681.00
TOTAL CHANGE ORDER FOR THIS REQUEST	\$681.00

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 46

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Rip Rap Outfall at Pond 1
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-055 Work Performed as Directed 10/3 - 10/15/24

Item	Amount
1 Rip Rap Outfall at Pond 1	\$54,940.44
TOTAL CHANGE ORDER FOR THIS REQUEST	\$54,940.44

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is ~~0~~ calendar days.

4

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

Rip Rap Outfall @ Pond 1

70000-055 - PCO 46

	10/3	10/4	10/7	10/8	10/9	10/10	10/15	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>										
Foreman				10.0	5.0	8.0		23.00	\$ 90.00	\$ 2,070.00
Laborer					11.0		14.0	25.00	\$ 52.00	\$ 1,300.00
F250/350 Truck w/Tools				10.5	5.0	9.5		25.00	\$ 18.00	\$ 450.00
CAT 315/317 Excavator GPS w/ Operator				15.0	8.0	10.0		33.00	\$ 175.00	\$ 5,775.00
VOLVO A40G/A45G Artic Truck w/ Operator				8.0				8.00	\$ 290.00	\$ 2,320.00
CAT D1 Dozer w/ Operator						9.5		9.50	\$ 163.00	\$ 1,548.50
KENWORTH Tri-axle Dump w/ Operator	10.0	7.5	10.0				10.0	37.50	\$ 125.00	\$ 4,687.50
CASE 621 Wheel Loader w/ Operator				4.0	6.0			10.00	\$ 160.00	\$ 1,600.00
										\$ 19,751.00
<u>Materials @ Cost Plus 15% OH&P</u>										
Dagsboro Stone Depot - 111.67TN R-4										\$ 4,745.98
East Bay Aggregates- 144.05TN R-4										\$ 8,643.00
Lee's Transfer - 9HRS Haul										\$ 945.00
Dagsboro Stone Depot - 42.86TN R-4										\$ 1,821.55
Vulcan Materials - 211.11TN R-4										\$ 10,217.73
Lee's Transfer - 40.25HRS Haul										\$ 4,226.25
										\$ 30,599.51
15% OH&P										\$ 4,589.93
										\$ 35,189.44
TOTAL: \$										54,940.44



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 47

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Rip Rap at Forebay 1
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-057 T&M Work Performed as Directed 10/7/24 -10/22/24

Item	Amount
1 Rip Rap at Forebay 1	\$17,530.60
TOTAL CHANGE ORDER FOR THIS REQUEST	\$17,530.60

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is ~~0~~ calendar days.

2

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

Rip Rap Outfall @ Forebay 1

70000-057 - PCO 47

	10/7	10/22	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>					
Foreman		5.0	5.00	\$ 90.00	\$ 450.00
F250/350 Truck w/Tools		10.0	10.00	\$ 18.00	\$ 180.00
CAT 315/317 Excavator GPS w/ Operator	10.0	5.0	15.00	\$ 175.00	\$ 2,625.00
VOLVO A40G/A45G Artic Truck w/ Operator	5.0		5.00	\$ 290.00	\$ 1,450.00
CASE 621 Wheel Loader w/ Operator	4.0		4.00	\$ 160.00	\$ 640.00
					<u>\$ 5,345.00</u>
<u>Materials @ Cost Plus 15% OH&P</u>					
Ferguson INV#0712812					\$ 1,495.56
Ferguson INV#0716654					\$ 294.00
Dagsboro Stone Depot- 110.05TN R4 - INV#B-110M-0012980					\$ 4,677.13
Vulcan - 85.32TN R4 - INV#1944477					\$ 4,129.48
					<u>\$ 10,596.17</u>
15% OH&P					\$ 1,589.43
					<u>\$ 12,185.60</u>
				TOTAL: \$	17,530.60



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 48

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Additional Stone at Stone Trench
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-058 T&M Work Performed as Directed 10/11/24 -10/25/24

Item	Amount
1 Additional Stone at Stone Trench	\$3,680.33
TOTAL CHANGE ORDER FOR THIS REQUEST	\$3,680.33

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

Additional Stone at Stone Trench

70000-058 - PCO 48

	10/11	10/15	10/25	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>						
Laborer	4.0		4.0	8.00	\$ 52.00	\$ 416.00
F250/350 Truck w/Tools		3.0		3.00	\$ 18.00	\$ 54.00
CASE 270 Compact Track Loader w/ Operator	4.0			4.00	\$ 132.00	\$ 528.00
CAT D1 Dozer w/ Operator		3.0		3.00	\$ 163.00	\$ 489.00
						<u>\$ 1,487.00</u>
<u>Materials @ Cost Plus 15% OH&P</u>						
Dagsboro Stone Depot INV#B-110M-0013036 - #3's 48.26TN						\$ 1,907.24
						<u>\$ 1,907.24</u>
15% OH&P						\$ 286.09
						<u>\$ 2,193.33</u>
				TOTAL:	\$	3,680.33



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 49

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: TRM at East Hettie Contech Pav
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-059 T&M Work Performed as Directed 10/15/24 -10/29/24

Item	Amount
1 TRM at East Hettie Contech Pav	\$15,159.75
TOTAL CHANGE ORDER FOR THIS REQUEST	\$15,159.75
	\$15,029.75

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is ~~0~~ calendar days.

2

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

TRM at East Hettie Contech Pav

70000-059 - PCO 49

	10/15	10/23	10/24	10/25	10/29	TOTAL HOURS	HOURLY RATE	TOTAL COST
Labor & Equipment @ T&M Rates:								
Foreman		9.0	10.0			19.00	\$ 90.00	\$ 1,710.00
Laborer	2.5	27.0	10.0	6.0	8.0	53.50	\$ 52.00	\$ 2,782.00
	0					51.00		2,652.00
F250/350 Truck w/Tools		9.0	10.0			19.00	\$ 18.00	\$ 342.00
CASE 270 Compact Track Loader w/ Operator		2.0	3.0			5.00	\$ 132.00	\$ 660.00
CAT 303 Track Excavator w/ Operator		9.0	5.0			14.00	\$ 132.00	\$ 1,848.00
CAT 315/317 Excavator GPS w/ Operator			1.0			1.00	\$ 175.00	\$ 175.00
PETERBILT Tri-axle Dump w/ Operator	2.5					2.50	\$ 125.00	\$ 312.50
CASE 621 Wheel Loader w/ Operator					1.0	1.00	\$ 160.00	\$ 160.00
								\$ 7,989.50
								7,859.50
Materials @ Cost Plus 15% OH&P								
Ferguson INV#0715953								\$ 1,410.00
Ferguson INV#0715421								\$ 2,875.00
Ferguson INV#0715953-1								\$ 975.00
Ferguson INV#0717210								\$ 975.00
								\$ 6,235.00
15% OH&P								\$ 935.25
								\$ 7,170.25

TOTAL: \$ ~~15,159.75~~
15,029.75



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 50

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Concrete Frame Repair at Contech
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-060

	Item	Amount
1	T&M Work Performed as Directed 10/30/24 Concrete Frame Repair at Contech	\$1,145.06
TOTAL CHANGE ORDER FOR THIS REQUEST		\$1,145.06

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 51

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/03/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Added Rip Rap and TRM at Pond 1
Priority: High
Req Return Date: 12/10/2024

We propose to modify our contract for the above referenced project as follows:

70000-061 T&M Work Performed as Directed 11/4/24 - 11/19/24

Item	Amount
1 Added Rip Rap and TRM at Pond 1	\$29,141.19
TOTAL CHANGE ORDER FOR THIS REQUEST	\$29,141.19

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is ~~0~~ 4 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: 12/3/2024 **Date:** _____

Cannon (234701)

Added Rip Rap and TRM at Pond 1

70000-061 - PCO 51

	11/4	11/5	11/6	11/7	11/8	11/19	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>									
Foreman		5.0	1.0	11.5	8.5	7.5	33.50	\$ 90.00	\$ 3,015.00
Laborer	2.5			15.0	9.0	8.0	34.50	\$ 52.00	\$ 1,794.00
F250/350 Truck w/Tools	2.5			12.5	8.5	7.5	31.00	\$ 18.00	\$ 558.00
VOLVO A40G/A45G Artic Truck w/ Operator		5.0	3.0				8.00	\$ 290.00	\$ 2,320.00
CAT 303 Track Excavator w/ Operator				6.0	4.0	6.0	16.00	\$ 132.00	\$ 2,112.00
CAT 315/317 Excavator GPS w/ Operator		5.0	5.0	1.0	3.0		14.00	\$ 175.00	\$ 2,450.00
PETERBILT Tri-axle Dump w/ Operator			7.5				7.50	\$ 125.00	\$ 937.50
CASE 621 Wheel Loader w/ Operator			3.0				3.00	\$ 160.00	\$ 480.00
									\$ 13,666.50
<u>Materials @ Cost Plus 15% OH&P</u>									
Ferguson INV#0720995									\$ 325.00
Ferguson INV#0719106									\$ 4,675.00
Dagsboro Stone Depot - 155.30TN R-4									\$ 7,418.69
Dagsboro Stone Depot - 21.72TN R-4									\$ 1,037.56
									\$ 13,456.25
15% OH&P									\$ 2,018.44
									\$ 15,474.69

TOTAL: \$ 29,141.19



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 52

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov

From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 10/14/24
Project: CANNON ROAD DRAINAGE
IMPROVEMENTS
KCI No: 234701-
Re: Remove Rd + Topsoil @ Original Contech Access Rd.

Priority: High
Req Return Date: 10/21/2024

We propose to modify our contract for the above referenced project as follows:

70000-036 T&M Work Performed as Directed 5/6/24 -5/9/2024

Item	Amount
1 Remove Rd + Topsoil @ Original Contech Access Rd.	\$19,127.00
TOTAL CHANGE ORDER FOR THIS REQUEST	\$19,127.00
	\$15,230.50

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____

Printed: Mitch Seitz **Printed:** _____

Date: _____ **Date:** _____

Cannon (234701)

Contech Road Material Change

70000-036 - PCO 39

	5/6	5/8	5/9	TOTAL HOURS	HOURLY RATE	TOTAL COST	
Labor & Equipment @ T&M Rates:							
CAT 317 Track Excavator GPS w/ Operator		1.0		1.00	\$ 175.00	\$ 175.00	
VOLVO A40G/A45G Artic Truck w/ Operator	6	12.5	7.0	1.5	21.00	\$ 6,090.00	4,205
580 Quad Trac Scraper Tractor and K-TEC 1228 Pull Behind Scraper w/ Operator			8.0	8.00	\$ 500.00	\$ 4,000.00	
CAT D6 Dozer w/ Operator	4	8.5	6.0	10.0	14.50	\$ 3,364.00	2,320
JOHN DEERE 850 Dozer w/ Operator		7.0		7.00	\$ 294.00	\$ 2,058.00	
JOHN DEERE 250 Track Excavator w/ Operator	4	8.5	6.0	1.5	16.00	\$ 3,440.00	2,472.50
						\$ 19,127.00	
					TOTAL: \$	19,127.00	
						15,230.50	



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 54

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 12/13/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Additional Reseeding as Directed
Priority: High
Req Return Date: 12/20/2024

We propose to modify our contract for the above referenced project as follows:

Item	Amount
1 Additional Reseeding as Directed - 27.8 Acres	\$88,198.84
134,552 SYs x 0.57/SY = \$76,694.64	
\$76,694.64 x 1.15 = \$88,198.84	
TOTAL CHANGE ORDER FOR THIS REQUEST	\$88,198.84
	\$59,093.00

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____ **Signed:** _____
Printed: Mitch Seitz **Printed:** _____
Date: 12/13/2024 **Date:** _____

ARRC

Additional Seeding as Directed

Date	Phase	Ac	Comments
8/7-11/2023	7,8,9	7.62	By Pass swale,North Swale Borrowa area N washouts
9/14/2023	3,4,5	3.82	Area between swales and Cannon Road
11/27/2023	3	0.5	North Swale Reseeding due to repairs/washouts
	3	1	Buffer area due to access to fix North Swale
	8,9	1.37	By pass swale washouts on north side
	8,9	1.21	By pass swale acces and field washouts
	3,4,5	2.98	Area between cannon road and swales
2/1/2024	5	1.32	South Swale and area adjacent due to storm repairs
2/19/2024	4	0.31	Forebay 1 and pond 1 due to storm repairs
	2	0.18	Outfall Swale and access along Church property due to storm repairs
	5	2.2	South Swale and area adjacent due to storm repairs
	3,4,5	1.5	access to repair above areas
4/19/2024	3	0.29	reseeding due to general repairs and access
	3,4,5,6	1.5	Access along Cannon road and swales
		2	

Additional Reseeding as Directed:

27.8 Acres = 134,552 SY's X 0.57 / SY = \$76,694.64



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Cannon Rd/Inland Bays Rd Drainage Improvements**
2. Sussex County Project No. S22-05
3. Change Order No. 8
4. Date Change Order Initiated - 1/8/25
5.
 - a. Original Contract Sum \$11,467,000.00
 - b. Net Change by Previous Change Orders \$3,115,776.78
 - c. Contract Sum Prior to Change Order \$14,582,776.78
 - d. Requested Change \$ -368,561.85
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$14,214,214.93
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7728

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

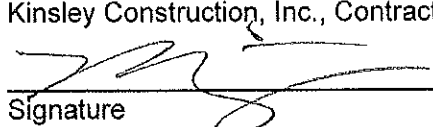
Balance final quantities.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Kinsley Construction, Inc., Contractor

 _____
Signature Date 1/9/25

Mitchell L. Seitz
Representative's Name in Block Letters

2. Sussex County Engineer

 _____
Signature Date 1/9/25

3. Sussex County Council President

Signature Date

Cannon Rd/ Inland Bays Rd Drainage Improvements
 Sussex County Project S22-05 - Kinsley Construction, 1/8/24
 Balancing Change Order (C. O. #8)

WORK ITEMS				As Bid		As-Built			
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE	FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE	OVER/UNDER TOTAL ITEM PRICE
A1.1	Mobilization - Drainage & Stormwater Improvements	LS	1	\$ 537,000.00	\$ 537,000.00	1	\$ 537,000.00	\$ 537,000.00	\$ -
A1.2	Drainage & S/W Improv's on Can Rd & In Bays Rd	LS	1	\$ 6,340,000.00	\$ 6,340,000.00	1	\$ 6,340,000.00	\$ 6,340,000.00	\$ -
A1.3	Inland Bays Rd Improvements	LS	1	\$ 150,000.00	\$ 150,000.00	1	\$ 150,000.00	\$ 150,000.00	\$ -
A1.4	Wetland Plants & Seeds	LS	1	\$ 144,000.00	\$ 144,000.00	1	\$ 144,000.00	\$ 144,000.00	\$ -
A1.5	Temp. Irr. Allow. For Wetand 1	LS	1	\$ 50,000.00	\$ 50,000.00	0	\$ 50,000.00	\$ -	\$ (50,000.00)
B1.1A	Mobilization - Directional Drills	LS	1	\$ 19,000.00	\$ 19,000.00	1	\$ 19,000.00	\$ 19,000.00	\$ -
B1.2A	Directional Drill Pipes	LS	1	\$ 610,000.00	\$ 610,000.00	1	\$ 610,000.00	\$ 610,000.00	\$ -
B1.3	Terminal Drainage Structures	EA	14	\$ 4,100.00	\$ 57,400.00	14	\$ 4,100.00	\$ 57,400.00	\$ -
C1.1	Mobilization - SGW	LS	1	\$ 164,200.00	\$ 164,200.00	1	\$ 164,200.00	\$ 164,200.00	\$ -
C1.2	Construct SGW Facility excl. Liner	LS	1	\$ 1,840,000.00	\$ 1,840,000.00	1	\$ 1,840,000.00	\$ 1,840,000.00	\$ -
C1.3	Engineered Soil Liner	Crew-hr	200	\$ 417.00	\$ 83,400.00	0.00	\$ 417.00	\$ -	\$ (83,400.00)
C1.4	Construct Grass Cgannel	LS	1	\$ 30,100.00	\$ 30,100.00	1	\$ 30,100.00	\$ 30,100.00	\$ -
C1.5	Construct Access Rd.	LS	1	\$ 260,000.00	\$ 260,000.00	1	\$ 260,000.00	\$ 260,000.00	\$ -
C1.6	Wetland Plantings	LS	1	\$ 537,000.00	\$ 537,000.00	1.00	\$ 537,000.00	\$ 537,000.00	\$ -
C1.7	Install SGW Groundwater & Eff. Amenities	LS	1	\$ 256,000.00	\$ 256,000.00	1	\$ 256,000.00	\$ 256,000.00	\$ -
C1.8	Pump Encl. & Ctrl Equip. Allowance	EA	2	\$ 100,000.00	\$ 200,000.00	1.196502	\$ 100,000.00	\$ 119,650.20	\$ (80,349.80)
C1.9	Temp. Irrigation Allowance	EA	1	\$ 100,000.00	\$ 100,000.00	0.83	\$ 100,000.00	\$ 83,290.52	\$ (16,709.48)
D1.1	Mobilization: Landscape Buffer	LS	1	\$ 1,900.00	\$ 1,900.00	1	\$ 1,900.00	\$ 1,900.00	\$ -
D1.2	Landscape Buffer Plants along Cannon Rd.	LS	1	\$ 210,000.00	\$ 210,000.00	1	\$ 210,000.00	\$ 210,000.00	\$ -
E	Base bid DEDUCT for Joint award of Parts A & C	LS	1	\$ (123,000.00)	\$ (123,000.00)	1.00	\$ (123,000.00)	\$ (123,000.00)	\$ -
	Original Contract Price				\$ 11,467,000.00				
CO1	Seed Additional 1.5 AC	LS	1	\$ 5,445.00	\$ 5,445.00	0	\$ 5,445.00	\$ -	\$ (5,445.00)
CO1	Wetland 1 pipe	LS	1	\$ 8,650.00	\$ 8,650.00	1.00	\$ 8,650.00	\$ 8,650.00	\$ -
CO1	S. Pivot Wheel Ruts	LS	1	\$ 20,858.00	\$ 20,858.00	1.00	\$ 20,858.00	\$ 20,858.00	\$ -
	Total, Change Order 1				\$ 34,953.00				
CO2A	S. Hettie Regrading	LS	1	\$ 782,503.78	\$ 782,503.78	1	\$ 782,503.78	\$ 782,503.78	\$ -
CO2B	Stone Column Credit	LS	1	\$ (32,999.00)	\$ (32,999.00)	1	\$ (32,999.00)	\$ (32,999.00)	\$ -
CO2C	Changes to Well Manifold System	LS	1	\$ 47,411.78	\$ 47,411.78	1	\$ 47,411.78	\$ 47,411.78	\$ -
CO2D	Install Four Monitoring Wells	LS	1	\$ 5,888.00	\$ 5,888.00	1	\$ 5,888.00	\$ 5,888.00	\$ -
CO2E	North Burton Auxiliary Line	LS	1	\$ 44,330.00	\$ 44,330.00	1	\$ 44,330.00	\$ 44,330.00	\$ -
	Total, Change Order 2				\$ 847,134.56				

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron

FROM: Hans Medlarz, P.E., Project Engineer

RE: **Wolfe Neck RWF, Proposed Treatment Plant Upgrades**
A. GHD Amd. 28 – Ocean Outfall Benthic Testing & Dispersion Modeling

DATE: January 14, 2025

GHD, Inc., held the County's engineering services contract associated with the South Coastal RWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant. On July 16, 2024 County Council expanded GHD, Inc.'s reaffirmation as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029.

In July of 2016, County Council authorized agreement negotiations with other wastewater service providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (BPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up of up to 300,000 gallons per day during the fall/winter season.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.

On September 26, 2018, the County presented a request to increase the flow contributions at a Board meeting. Subsequently, the Board instructed their Counsel to draw up Amendment No. 2, which was accepted by County Council on January 8, 2018.



In 2021 both parties independently started planning for capital treatment plant improvements and expansions using GHD, Inc., the consultant already representing both entities. In addition, County Council committed substantial ARPA funding to the upgrade of wastewater treatment facilities in general and the Wolfe Neck RWF in particular. In this context, the County Engineer was authorized to initiate discussion with the BPW regarding increase cooperation.

This presented an opportunity to significantly reduce the LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, the Board held a series of workshops for public discussion and input and on March 31, 2022 decided to evaluate the following three (3) options:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

The 2016 Agreement had established a "handshake" point splitting capital cost responsibility between the parties. Under options 1 & 2, all activities would occur on the Board's side of the handshake point and the County would participate on the agreed upon prorated percentage. Under option 3, most of the transmission and all the treatment plant capital upgrades would occur on the County side of said point.

On May 24, 2022, Council approved to fund 50% of the long-range study in the amount of \$124,250.00 utilizing allocated ARPA. The results of the study were presented to County Council on December 6, 2022. Since then, the BPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th to continue the open decision-making process.

In late June Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. These findings triggered a Phase 2 archeological study, encompassing the entire spray lease area. The impact has created uncertainty for biological polishing under option 3b as well as the proposed facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests.

During the BPW workshop on August 9th the concept of an ocean outfall from the Wolfe Neck RWF emerged as study Option 3c. Under this scenario the County would construct a new 5.00 MGD treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. With BPW's waste load allocation in the Lewes-Rehoboth Canal no longer an asset, Option 3c would be a flow-based partnership requiring a new agreement detailing future operation and maintenance.

Due to archeological findings any Wolfe Neck treatment expansion can only occur in the location of the primary treatment lagoon requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering

equipment a new electrical service and power distribution center must be installed to accommodate both the immediate power needs as well as the future plant expansion.

On August 15, 2023, Council approved GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00, utilizing allocated ARPA funding.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work. The project was publicly advertised and on April 18, 2024, two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

BW Electric, Inc.'s low bid for the Electrical Construction was within budget. However, the bid for General Construction came in well above budget. At the time of bid the County had three (3) open general construction projects with different companies. All three, Bancroft, Whayland and Ronca are capable of performing the scope but chose not to bid. Therefore, the Engineering Department recommended, and Council concurred to approach each company requesting competitive proposals for a potential change order under.

On April 30, 2024, Council approved award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

The Whayland Company, Bancroft Construction, and M.F. Ronca were sent a request for proposals. BW Electric was later invited to bid since they were awarded the electrical portion of the project. On June 7, 2024 four (4) proposals were received with the lowest responsible offer by Bancroft Construction at \$1,376,000.00. The Engineering Department requested GHD to submit an amendment for construction phase engineering services for both contracts at the Wolfe Neck Facility and on June 11, 2024, Council awarded the general construction contract to Bancroft Construction in addition to approving GHD's Amendment 25 in the not to exceed amount of \$736,342.23.

City of Rehoboth Beach and Sussex County had a very successful wastewater partnership since the 1970s with the current 25-year agreement dating to 2017. It contains a 42% county capacity allocation which can be increased to 50%. The debt service is based on the reserve allocation while the operational and maintenance expenses are based on percentage of flow.

Given, this partnership background the County jointly with the Lewes BPW approached the City in the spring of 2024 with a proposal to purchase 5.0 MGD of unused ocean outfall capacity for \$20 million in lieu of constructing another outfall off Wolfe Neck.

After receipt of the joint request the City Commissioners held five (5) public meetings culminating on December 20, 2024 with a conditional approval motion after considering favorable recommendations from city staff and the city's independent engineering consultant. The conditions centered around value, risk assessment, bi-directional flow capabilities and hydraulic analyses among others. However, under either outfall option the County and the

Lewes BPW must expeditiously either update previous ocean studies or initiate new ones off Wolfe Neck.

In order to accomplish this task, the Engineering Department requested attached Amendment 28 from GHD to initiate up to four (4) sampling events and reports of the near field benthic zone associated with the city's outfall. The benthic zone being the lowest ecological zone involving the sediments at the seafloor which play an important role for the organisms living in that zone. In addition, the previous dispersion modeling must be updated reflecting the increased effluent flow rates and waste loadings.

The Engineering Department recommends approval of GHD's Amendment 28 in the not to exceed amount of \$474,000.00 allowing for immediate scheduling of the first four (4) rounds of ocean sample collections.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 28

This contract amendment, **Contract Amendment No. 28** dated _____, **2025** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 221, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 27** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Benthic Study and Dispersion Modeling** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Four Hundred Seventy-Four Thousand dollars (\$474,000.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant's Scope of Services, Benthic Study and Dispersion Modeling (Contract Amendment No. 28).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment, based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **28** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM

Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

GHD Inc.



Vince Maillard, P.E.

WITNESS:



Attachment A

Your ref:
Our ref: 12619190

January 09, 2025

Hans Medlarz P.E., Mike Harmer P.E.
Sussex County
2 The Circle
Georgetown, DE 19947

Benthic Study and Dispersion Modeling

Dear Mr. Medlarz & Mr. Harmer

GHD is pleased to submit this proposal for Benthic Study and Dispersion Modelling associated with the potential disposal of treated effluent from the Wolfe Neck Regional Wastewater Facility (WNRWF) via the existing Rehoboth Beach WWTP ocean outfall.

Introduction

Sussex County is planning on upgrading and expanding the WNRWF to approximately 5 MGD to accommodate growth and allow decommissioning of the Lewes WWTP. GHD has been assisting Sussex County and the Lewes Board of Public Works in numerous preparatory tasks for this expansion project.

Sussex County and the City of Rehoboth Beach are discussing the utilization of unused capacity in the Rehoboth Beach WWTP ocean outfall for discharge of treated effluent from the upgraded and expanded WNRWF. If agreement is reached, Sussex County would seek the permits from DNREC required to construct the new facility and discharge into the ocean via the existing ocean outfall. In anticipation of permitting requirements, GHD will oversee benthic testing for establishment of baseline conditions at the ocean outfall discharge location and update near-field dispersion modeling to reflect increased flows associated with the addition of treated effluent from the WNRWF.

Scope of Services

GHD will provide the following services:

1. Benthic Testing
 - a. Subconsultant management and coordination.
 - b. Development of a benthic testing plan with input from a subconsultant and GHD staff.
 - c. Coordination with DNREC regarding the benthic testing plan, and incorporation of any feedback from DNREC into the benthic testing plan.
 - d. Ongoing liaison with DNREC over the course of benthic testing.
 - e. Completion of up to four instances of benthic testing with associated reporting, and with the first mobilization anticipated to occur as soon as early spring of 2025. It is anticipated that subsequent

testing might be completed in the winter of 2025 and then in the spring and winter of 2026, depending on the outcome of discussions with DNREC. Refer to the subconsultant proposal for preliminary details.

2. Near-Field Dispersion Modeling utilizing CORMIX
 - a. Discuss design flows and loads with Sussex County and agree on flows and loads to include in modeling.
 - b. Complete near-field dispersion modeling in CORMIX for the existing Rehoboth Beach WWTP ocean outfall and the agreed flows and loads from Rehoboth Beach WWTP and the WNRWF. Modeling will rely on previous assumptions for ambient ocean characteristics, currents and water quality.
 - c. Use CORMIX model results to determine appropriate dilution factor.
 - d. Reporting (draft and final technical memorandum).

County Responsibilities

1. Participation in meetings and communications with DNREC.
2. Participation in meetings to determine agreed flows and loads for the combined discharge from the Rehoboth Beach WWTP and the WNRWF.

Schedule

1. The objective of this amendment is to have the first phase of benthic testing completed as soon as possible within any timeframe required by DNREC. It is anticipated that this could be as soon as early spring of 2025.
2. Draft reports from the subconsultant within 5 months of each field work mobilization.
3. Dispersion modelling will be completed within 3 months of NTP.

Subconsultants

1. Benthic Study: Versar, Inc.

Engineering Fee

GHD proposes to provide engineering services based on direct hourly payroll costs paid to technical staff engaged on the project plus FAR overhead costs of 1.83 times actual payroll costs billed, plus a fixed fee of 10% on direct costs plus FAR overhead costs and a fixed fee of 10% on subconsultant costs. Payroll rates presented on invoices will be constrained by the maximums specified in the attached rate schedule. This rate schedule is valid until June 30, 2025, and subject to adjustment at that time and on an annual basis thereafter. Total cost for this amendment shall not exceed the total identified in the following table. However, these costs are considered preliminary estimates only, especially in the case of the benthic study which has not yet been discussed with DNREC. If the cost of total services reaches the budget of this amendment, a future amendment would be required to cover the costs of remaining services.

Table 1 Engineering Fee

Description	Cost
Benthic Study (GHD)	\$ 65,000.00
Benthic Study (Subconsultant – allowance for four testing events and standby time)	\$374,000.00
Dispersion Modeling	\$ 35,000.00
Total	\$474,000.00

Enclosures

1. Versar, Inc. proposal (preliminary costs for one mobilization).
2. GHD rate schedule.

Please contact me if you have any questions or comments regarding this proposal.

Regards



Steven Clark
Project Manager

443-875-5061
steven.clark@ghd.com

GHD, Inc.
Hourly Direct Rate Ranges By Classification
Amendment 28

Personnel Category	Hourly Rate (\$/Hr)	
	Minimum	Maximum
Principal	75.00	88.00
Associate	60.00	84.00
Senior Engineer	55.00	82.00
Project Manager	45.00	70.00
Project Engineer	40.00	60.00
Engineer	26.00	40.00
Managing Designer	46.00	65.00
Senior Designer	36.00	46.00
Designer	25.00	36.00
Drafter	20.00	25.00
Senior Rep	30.00	46.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	32.00

Rates are subject to annual adjustment
First adjustment on 7/1/2025
Rates do not include overhead and profit

Rehoboth Beach Outfall Benthic Study 2025

Prepared for

Steven Clark <Steven.Clark@ghd.com>
GHD
16701 Melford Boulevard Suite 221
Bowie, MD 20715

Prepared by



Versar Global Solutions, Inc.
9200 Rumsey Rd STE 1
Columbia, MD 21045
410-740-6052

JANUARY 2025

This proposal contains confidential commercial and financial information as defined under the Maryland Public Information Act. This information shall not be disclosed outside GHD and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this proposal. This statement is justified for the following reasons. The proposal, including specific project experience and approaches, includes proprietary information concerning original technical procedures developed and considered proprietary by Versar Global Solutions, Inc. Names and qualifications of our personnel are confidential, given the commercial and competitive nature of our business. This restriction does not limit the client's right to use information contained in these data if it is obtained from another source without restriction.

INTRODUCTION

GHD, Inc., has asked Versar Global Solutions, Inc. (Versar) for a proposal to conduct a new baseline benthic study for the existing ocean outfall off the coast of Delaware at Rehoboth Beach. An ocean outfall conveys treated effluent to a diffuser located 1.8 km offshore in 12 meters of water. Previous baseline and impact studies were conducted by Versar between 2017 and 2019 before and after the construction of the outfall and start of effluent discharge. Effluent discharge may be increased at the outfall, and for this a new baseline study is required. A general proposal and scope of services is provided below.

SAMPLING DESIGN

This proposal is for a baseline benthic survey to be conducted in spring 2025, or as specified by the State of Delaware. Additional benthic surveys will be needed in other seasons and will be submitted at a later time upon request.

Sampling in early spring 2025 will take place in the vicinity of the current diffuser and within a reference area. Within these two areas sediment samples will be collected for analysis of benthic community abundance, composition, and biomass, and for characterization of sediment grain size and total organic carbon content. In addition, water temperature, conductivity, salinity, dissolved oxygen, pH, and turbidity will be measured at the surface and near the bottom of the water column at all sampling sites.

Sampling near the diffuser will be performed within two circular plots similar to those employed in the 2017-2019 surveys, with a combined diameter of 600 meters or larger, depending on anticipated effluent increase. Plot 1 for assessment of nearfield effects will encompass the diffuser within a radial distance of 100 m from the outfall. Plot 2 for assessment of farfield effects will be at a radial distance of 100 m to 300 m or more from the outfall.

A reference area (Plot 3) of similar size and depth as the outfall area will be established north of the outfall. Based on the results of the previous surveys, the location of the reference area will be reassessed. This area had slightly coarser sediments than the outfall area in the previous study, and this introduces variability in the benthic data. Variability can mask the potential effects of an impact. An effort should be made at reducing variability in sediment composition. An alternative design consisting of radial transects originating at the diffuser site and extending beyond the anticipated effluent impact area into a reference area will be evaluated.

Sampling sites will be allocated at random in sectors within plots, so that there is a homogeneous spread of sampling sites within plots. Each plot will receive 10 sampling sites, for a total of 30 sampling sites to be used in the spring survey. At each sampling site two sediment samples will be collected, one for the analysis of benthic invertebrates and one for the analysis of sediment characteristics.

Although 30 samples will be used for the analysis of benthic invertebrates, we propose as

an option to double the amount of sampling sites in the field (20 sites in each plot for a total of 60 sampling sites) in order to select samples that represent the predominant sediment type in the sampling area.

Past surveys revealed considerable sediment variability within plots. Some of the sampling sites were atypical, with either too much coarse material or a wide spread of grain size from pebbles to very fine sand particles. This introduces variability in the benthic data. We propose to bring all 60 benthic and sediment samples to the laboratory, conduct a gross characterization of grain size on the sediment samples, and select 30 samples among the 60 (10 in each plot, in order of random outcome) that are within the grain size range representative of the predominant sediment type in the area. We will then process the corresponding 30 benthic samples and complete the sediment characterization. This will reduce variability in the benthic data. Unprocessed benthic samples will be archived.

SAMPLING AND LABORATORY METHODS

The survey will be conducted from a 25-foot research vessel equipped with an electric winch, benthic gears, and depth finder, VHF radio, and differential GPS. Samples will be collected with a Young-modified van Veen grab with a sediment surface sampling area of 440 square centimeters (cm) to a depth of 10 cm. Separate grabs for benthic invertebrates and sediment grain size analysis and organic carbon content determination will be collected at each sampling site. Benthic samples will be sieved through a 0.5-millimeter (500 micron) screen in the field, and the organisms preserved in 10% buffered formaldehyde. The top two (2) centimeters of sediment from the second grab will be removed and placed in labeled sediment bags for subsequent grain size and organic carbon analysis. Water quality parameters will be measured with a YSI water quality sonde.

In the laboratory, organisms will be sorted under the microscope and the macrofauna enumerated and identified to species level whenever possible. Quality control procedures (re-sorting and re-ID) will be implemented in 10% of the samples. Biomass will be measured on a taxon-specific basis by drying each taxon at 60 °C, weighing, ashing at 500 °C, and re-weighing to obtain ash-free dry weight. Grain size of sediment samples will be determined by wet sieving to obtain sand-size categories in the Wentworth grade scale, and by pipetting to obtain percent silt-clay. Total carbon and total nitrogen in the sediments will be determined by combustion at high temperature in an Exeter Elemental Analyzer.

DATA ANALYSIS AND REPORTING

All data will be entered in a relational Microsoft Access© database. Abundance, biomass, and diversity measures will be computed, examined, and plotted. Presence of economically important species will be noted. The data will be setup so that an areas-by-time factorial analysis of variance can be conducted later to evaluate the potential impacts from increased effluent at the outfall. Multivariate analyses (classification, ordination, and permutational analysis of variance) will be conducted to delineate groups of samples with similar benthic composition and test for differences among the groups. All data analyses will be summarized in a professional quality report

that will include tabular summaries of the benthic species that occur at the project site.

KEY PERSONNEL

Roberto Llansó (Ph.D., Marine Science, The College of William and Mary, 1990) will be Versar's proposed Principal Investigator. **David Wong** (B.S., Marine Biology, University of Maryland, 1999) will be Field Coordinator and Project Manager. **Suzanne Arcuri** (B.S., Biology, Pennsylvania State University, 1987) is Senior Taxonomist at Versar (>35 yrs. experience) and will be Laboratory Manager for this project.

ANTICIPATED SCHEDULE

Field sampling will take 3-4 days of good weather to complete. A standby rate for inclement weather applies. Benthic samples are typically completed within 120 days of collection (the industry standard) or better. Individual sample processing time is dependent of the number of species, total densities, and the amount of detritus collected by the grab. We anticipate a draft report within five (5) months of sample collection.

ESTIMATED PROJECT BUDGET

Versar is providing the following prices based upon the proposed scope of work outlined above and assumptions based on previous surveys conducted at the Rehoboth Beach Outfall. Prices are estimated and will be adjusted and finalized once a scope is established by GHD.

Category	Estimated Effort	Cost
Field Sampling	<i>Field collection of 60 samples</i>	\$21,169.00
Laboratory		
<i>Benthic Sample Processing</i>	<i>Sorting, enumeration, taxonomy, biomass (per sample)</i>	\$628.00
<i>Sediment Grain Size Analysis</i>	<i>Grain size (per sample)</i>	\$389.50
<i>Sediment Nutrient Analysis</i>	<i>Sample preparation; Total Carbon and Total Nitrogen analysis (per sample)</i>	\$131.00
Total Laboratory	<i>Laboratory process of 30 samples</i>	\$34,455.00
Data Analysis, Reporting & Management		\$21,987.00
GRAND TOTAL (each Standby Day* additional)		\$77,611.00

Category	Estimated Effort	Cost
<u>*Standby Day on Site</u>		
Standby Daily Rate		\$2,604.00

To Be Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 135-15.00-79.03

911 Address: 22592 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS

WHEREAS, on the 14th day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2468 was filed on behalf of Richard H. Bell, III; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2468 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2468 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 16.4 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/14/25

Council District 4: Mr. Hudson
Tax I.D. No.: 134-12.00-73.02
911 Address: 36294 Old Mill Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS

WHEREAS, on the 7th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2556 was filed on behalf of William Melton; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2556 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2556 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A. said parcel containing 0.82 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/14/25

Council District 5: Mr. Rieley
Tax I.D. No.: 133-2.00-20.00 & 24.01
911 Address: 24497 DuPont Boulevard, Georgetown & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS

WHEREAS, on the 1st day of August 2024, a zoning application, denominated Change of Zone No. 2035 was filed on behalf of Parkada Investments, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2035 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation LI-1 Limited Industrial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Rt. 113), and the west side of Bethesda Road (S.C.R. 326), approximately 0.26 mile south of Woodbranch Road (S.C.R 321), and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A, said parcels containing 23.10 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 133-2.00-22.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS

WHEREAS, on the 1st day of August 2024, a zoning application, denominated Change of Zone No. 2034 was filed on behalf of Parkada Investments, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2034 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321), and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcels containing 5.03 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.