

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

March 25, 2025

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes - March 11, 2025

[Draft Minutes 031125](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Administrator's Report**

Robbie Murray, Director of Public Safety

1. **Heart Monitor Request for Proposal Results and Possible Award**
[EMS Monitor RFP](#)

Rachel Lynch, County Librarian

1. **Bookmobile RFP Results and Possible Award of Contract**
[Bookmobile RFP Results & Possible Awardpdf](#)



Mark Parker, Assistant County Engineer

1. **New Marydels Rd, Tanglewood & Oak Acres Sewer Extension, Projects S19-19 & S22-24**

A. Change Order 1

[New Marydels Rd-Tanglewood-Oak Acres Sewer Extension - CO 1 CP](#)

2. **Paramedic Station 103, Project C21-18**

A. Final Balancing Change Order 5 & Project Closeout

[Paramedic Station 103 - CO 5-Closeout CP](#)

John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare and Post Notices for Millsboro Martial Arts Annexation of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)**

[Millsboro Martial Arts](#)

2. **Permission to Prepare and Post Notices for Crescent Place Annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)**

[Crescent Place](#)

Hans Medlarz, Project Manager

1. **Pintail Pointe, Project S21-16**

A. Final Balancing Change Order 2 and Substantial Completion

[Pintail Point BCO SC](#)

2. **Wolfe Neck Regional Wastewater Facility**

A. Denali Sludge Removal Agreement

[WN Sludge Removal CP](#)

3. **South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2**

A. Electrical Construction, Project C19-17, Final Balancing Change Order & Substantial Completion

[SCRWF BW CO 29 SC CP](#)

4. **South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension**

A. Bioworks Aeration Equipment Purchase Order

[IB Bioworks Aeration CP](#)

Old Business

1. [Conditional Use No. 2458 filed on behalf of Oneals Solar, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” (property lying on the north side of Oneals Road [S.C.R. 485] approximately 500 ft. southwest of Sussex Highway [Rt. 13])911 Address: 27720 Oneals Road, Seaford) (Tax Map Parcel: 132-6.00-303.00 [p/o])

[CU 2458](#)

Grant Requests

1. **Milton Historical Society for their When Trains Arrive Exhibit**
[Milton Historical Society](#)
2. **Mariner Middle School for their National Junior Honor Society 2025**
[Mariner Middle School \(National Honor Society\)](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2016 CU2459 CU2485 CU2557 CU2525 CU2583 CU2503](#)

Council Members' Comments

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

Possible action on Executive Session Items

Recess

***** Members of the Sussex County Council will attend a meeting with the Sussex Conservation District at 23818 Shortly Road, Georgetown, Delaware, starting at 12:00 p.m. *****

1:30 p.m. Public Hearings

1. **“AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT”**

[Ordinance BOAR Programs 032025](#)

2. **“AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME”**

[Ordinance to Amend Ch. 103 Art. I](#)

3. **Camp Salty Farm Annexation into the Sussex County Unified Sanitary Sewer District (Miller Creek Area)**

[Camp Salty Farm](#)

4. **Bridgeville Warehouse Annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area)**

[Bridgeville Warehouses](#)

5. **Conditional Use No. 2466 filed on behalf of Albert Fanelli**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS” (property lying on the east side of Bethany Road [Rt. 17] approximately 580 ft. southwest of Polly Branch Road [S.C.R. 386]) (911 Address: N/A) (Tax Map Parcel: 533-17.00-11.10)

[CU 2466 filed on behalf of Albert Fanelli](#)

6. **Change of Zone No. 2014 filed on behalf of J & T Properties, LLC**

“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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” (property lying on the northwest side of Savannah Road [Rt. 9B], approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road [S.C.R. 269A]) (911 Address: 1545 Savannah Road, Lewes) (Tax Map Parcel: 335-12.05-12.00)

[CZ 2014](#)

7. [Change of Zone No. 2023 filed on behalf of Jane Brady](#)

“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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS” (property lying on the northwest side of Savannah Road [Rt. 9], approximately 200 feet northeast of the intersection of Savannah Road [Rt. 9] and Westcoats Road [S.C.R. 12]) (911 Address: 1543 Savannah Rd., Lewes) (Tax Map Parcel: 335-12.05-6.01)

[CZ 2023](#)

8. [Change of Zone No. 2012 filed on behalf of Rudder Road, LLC](#)

“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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” (properties are lying on the east side of Banks Road [S.C.R. 298], approximately 0.61 mile northeast of Long Neck Road [Rt. 23]) (911 Addresses: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A) (Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00)

[CZ 2012](#)

9. [Conditional Use No. 2449 filed on behalf of Rudder Road, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” (properties are lying on the east side of Banks Road [S.C.R. 298], approximately 0.61 mile northeast of Long Neck Road [Rt. 23]) (911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A) (Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00)

[CU 2449](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 18, 2025 at 3:15 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://sussexcountye.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://sussexcountye.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 11, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 11, 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 114 25
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda 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 March 4, 2025 were approved by consensus.

**Corres-
pondence**

Mr. Moore reported that letters were received from Dr. Martin Luther King, Jr. celebration organization and the Food Bank of Delaware thanking Council for their support.

**Public
Comments**

Public comments were heard, and the following people spoke:

Mr. Jay Dean Abbott spoke about development in Sussex County and impact fees.

Mr. Michael Tyler spoke about development in Sussex County.

Ms. Kim Pierce spoke about the number of housing developments in her area.

Mr. Henry Bennett spoke about development in Sussex County.

Mr. Paul Barbin spoke about development in Sussex County.

**Public
Comments
(continued)**

Ms. Patricia Maffucci spoke about an idea about bonds that builders were responsible for in neighborhoods in Arizona.

Mr. Steven Kraitz spoke about proposed fees on new homes.

Retirement

Ms. Loretta Benson was recognized for her retirement.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Silver Woods Villas – Phase 2A-2 (Construction Record) effective February 28th; Suncrest (FKA Marsh Homestead) (Plan Approval & Construction Record) effective February 28th; and Channel Pointe (FKA Bishops Pointe) - Phase 1 (Construction Record) effective March 5th.

2. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for February 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 189 troopers assigned to Sussex County for the month of February.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, March 18th. The next regularly scheduled Council meeting will be held on Tuesday, March 25th.

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

**Pension
Committee
Update &
Recommendation**

Gina Jennings, Finance Director presented an update and recommendation from the pension committee for Council's consideration. Mrs. Jennings reported that a quarterly pension meeting was held on February 20th. Mrs. Jennings reviewed the Investment Performance and the actuarial valuation process for pension and OPEB. An experience study was completed for July 1, 2018 through June 30, 2024 to see how assumptions lined up with actual experience and to see if any changes need to be made. Based on the study, a recommendation is being made for changes to be made for mortality rates, retirement rates, termination rates and salary increases. The cost impact for these changes was discussed and shown.

M 115 25
Approve
Revision of
Assumptions **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron through their experience study, revise the following assumptions for both funds as presented: mortality rates, retirement rates, termination rates, and salary increases.**

Motion Adopted: 5 Yeas

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

M 116 25
Approve
Amortiz-
ation
Schedule **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron, change the actuarial amortization schedule for both funds to a 20-year layered approach.**

Motion Adopted: 5 Yeas

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

Interview
Pension
Committee

Gina Jennings, Finance Director completed a public interview of a Possible Pension Committee Member, George Spindell. She reported that an appointment is needed to fill one of the two community member seats.

M 117 25
Approve
Pension
Committee
Member **A Motion was made by Mr. Rieley seconded by Mr. Lloyd, be it moved that the Sussex County Council appoint Mr. George Spindell for a four-year term to the Pension Committee.**

Motion Adopted: 5 Yeas

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

Amend. No.
3/Warwick
Park **Patrick Brown, Project Engineer III presented amendment no. 3 for Warwick Park Phase I for the 2019 miscellaneous engineering base contract for Council's consideration.**

M 118 25
Approve
Amendment
No. 3/
Warwick
Park **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 3 to the EJCDC 2019 miscellaneous engineering base contract with George, Miles & Buhr, be approved in the amount not to exceed \$8,122.00 for geotechnical phase services associated with the Warwick Park project.**

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. 4** Hans Medlarz, Project Manager presented change order no. 4 for Lochwood Community area, sewer expansion project for Council's consideration. Mr. Medlarz reviewed the items included in the change order.

**M 119 25
Approve CO
No. 4/
Lochwood
Community** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 4 for contract S22-17, Lochwood Community Area sewer expansion, be approved, increasing the contract amount by \$44,777.99 and extending the contract time by ninety-nine 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**

**Old
Business/
CU2454** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS" filed on behalf of H&K Group, Inc.

The County Council held a Public Hearing on the application at the meeting on February 11, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and action on the application was deferred for further consideration.

**M 120 25
Approve
CU2454/
DENIED** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS".

Motion DENIED: 4 Nays, 1 Yea

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

Ms. Gruenebaum, Mr. Rieley and Mr. Hudson voted nay for the reasons provided and given by Mr. Lloyd.

**Grant
Request**

Mrs. Jennings presented a grant request for Council's consideration.

**M 121 25
Town of
Blades**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,500 (\$200 from Mr. Hudson's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account, \$200 from Ms. Gruenebaum's Councilmanic Grant Account and \$200 from Mr. McCarron's Councilmanic Grant Account and \$700 from Mr. Rieley's Councilmanic Grant Account) to the Town of Blades for their community outreach program.

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
Introduct-
ions**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS" filed on behalf of Toney Floyd Trucking, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS" filed on behalf of Toney Floyd Trucking, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

There were no Council Member comments.

Rules

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

**Public
Hearing/
CZ2025 &
CZ2026 &
CU2499**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND

BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Property, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9], and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 9 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (911 Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the

**Public
Hearing/
CZ2025 &
CZ2026 &
CU2499
(continued)**

Planning & Zoning Commission recommended approval of the application for the 15 reasons and subject to the 18 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the applications.

Mr. Whitehouse reported that when these applications went through the Planning & Zoning Commission, there was a fourth application, Application 2023-14 which was a cluster subdivision. Mr. Whitehouse noted that application is not before Council today, that was considered and approved by the Commission.

Ms. Gruenebaum stated that she was active in a local civic group, Sussex Preservation Coalition prior to her election that expressed concerns about overdevelopment, our infrastructure and our environment. She expressed opinions at that time in her role as a private citizen or a member of that group. She understands that now as an elected official, she has a different role, and she does not take that lightly. She has discussed that role with Mr. Moore so that she understands the guardrails that must be place for all of her votes. She understands that she must cast her vote strictly on the record that was made at the Planning & Zoning hearing, the hearing today and those items properly placed in the record including submissions from the public and applicant. Her role now is to review and vote accordingly. She is confident that she can separate her prior advocacy from the important role that she is not entrusted with. She will be fair and impartial to the applicant.

Ms. Gruenebaum asked about a conflict with the DelDOT proposal to widen Route 9 and the placement of the development that is being considered today. Ms. Pamela Steinbach spoke on behalf of DelDOT, she replied that the project development section did originally have their pond location near where the affordable housing section was located. However, they are in active coordination with the developer's team and their project development section to work out the details. Ms. Gruenebaum questioned the timeline. Ms. Steinbach replied that they are far enough in advance to coordinate the two efforts.

Mr. Lloyd asked what the timeline was for the improvements down to Dairy Farm Road. Ms. Steinbach stated that the project in the front is being engineered now, and the next section of Route 9 will follow and is scheduled to start project development in FY27, which is as early as July 1, 2026.

A discussion was held about Mulberry Knoll Road and Beaver Dam Road and the plans and timeline for them.

Mr. McCarron commented that funds will be received for the TID and questioned what more DelDOT would do if this development is approved. Sarah Coakley from DelDOT explained the TID process and what improvements will be made as part of this project.

Public
Hearing/
CZ2025 &
CZ2026 &
CU2499
(continued)

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the fourth application for a cluster subdivision was approved by the Planning Commission at its October 9, 2024 meeting and it is not part of today's presentations; that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was completed in 2019, as well as the comprehensive plan; that Council participated in a workshop with the Delaware State Housing Authority about affordable housing; that the affordable housing opportunity that is presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with the Ingerman Group, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and work through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to

Public
Hearing/
CZ2025 &
CZ2026 &
CU2499
(continued)

carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd.; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage; that there is about 380 acres that are apart of the cluster subdivision; that across Route 9 from the project is The Vineyards, which is a mixture of high density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jimtown community off of Jimtown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge No. 2540; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that first is the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the majority of the property is within the states investment Level 2; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable; that the state's intent is to use its spending and management tools to promote well designed development in these areas, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and

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Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily units, retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads; that appropriate mixed-use development should also be allowed; that a mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned

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trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that they have ongoing meetings and they have requested expedite review; that Mulberry Knoll Rd. will be maintained by DelDOT upon completion; the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Launay completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for this project; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Dr. Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to

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provide stormwater management as it bisects the property; that the affordable housing units will consist of four buildings; that a forested buffer is proposed along the common boundary with Lewes Crossing; that they will all be rentals; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing, the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to work out with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to be constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3rd phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that there will be DART bus stops; that during the Planning & Zoning Commission meeting, it was attempted to address the concerns of buffering and lighting with neighboring communities; that besides a 60-foot forested buffer, the buildings will be 100 feet from the property lines; that during the Commission hearing, there is a proposed condition N that describes the exterior street lighting cannot be closer than 100 feet to the property line and must face away from Lewes Crossing; that it is being proposed for the street lights to be no closer than 40 feet from the property line and shining away and back screened; that it is planned to make it part of a dimmable system to be able to further dim; that a stormwater assessment was completed; that the development will meet all sediment stormwater regulations for the watershed; that the plan is to install approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that the coastal plain meadows intent is to provide natural plants throughout the community; that the 2nd waiver requested was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage

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Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements, nor did it describe the type of grading plan that's required; that it has been requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that the plan is to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DeDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, it was found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the rest of Mulberry Knoll Ext. will drain into pond 17P and 19P and then all of the ponds will drain into the headwaters of Goslee Creek; that they are coordinating with DeDOT so the pond that was proposed will not be installed; that the study was submitted this morning to DeDOT; that the project has been designed to be pedestrian and bicycle friendly and connects to off-site bus stops and paths; that the site is on a DART route; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal; that there are six bus stops right along the frontage or within a couple 100 feet of the frontage; that is one of the requirements of the affordable housing to have access to public transportation; that the developer will be installing a shared use path; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that with all of the changes, it is believed that it will make this block above average; that proposed timelines for the residential portion and the affordable housing units was included in the exhibits; that the design and submittal for that portion is planned to be done by end of 2025; that the project was reviewed by PLUS in December 2021 and was submitted.

Mr. David Hutt distributed a proposed change to condition 16N based on the recommendation given by the Planning & Zoning Commission; that it relates to the lighting; that there is an addition of the word exterior; that it is also recommended to change the distance.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to

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96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, a site plan could be submitted that would meet all of the various requirements, of Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Ms. Natalie DeFlippo, Vice President of Development with the Ingerman Development Company spoke on behalf of the affordable housing aspect of the application; that she evaluates different development opportunities and helps the development through the process specifically for affordable housing; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that the low income tax credit program is administered through DSHA and provides majority of the funding; that all of the units will be affordable; that an application has been filed with DSHA; that in order to submit a tax credit application, it takes a lot of work including financing partners, marketing study, environmental reports and a lot of coordination; that they coordinate with DelDOT to ensure that they are providing accessible path to proposed transit routes; that they have locate the community in a proposed area of

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opportunity; that there is a set deadline that is competitive; that the main feedback they received from an application they submitted last year was that they did not have proper zoning in place; that the application is scored on a point system; that affordable housing in this area is a top priority; that the low income tax credit program is a federal program, however, there is some state funding; that it was explained how the tax credit program works; that it all rentals, no homeownership.

Mr. McCarron expressed the need for workforce housing, and he questioned what problem is being solved with that need. Mr. Hutt replied that some of the maps being shown were also shown during the meetings held within the last month; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened in the fall of 2023 including 60 units of and similar to what is being proposed; that they leased all of the units up quickly and maintain a waiting list of 650; that they anticipate that these units would fill up quickly and have a waiting list similar to Foster Commons; that they do accept Section 8; that they have a dedicated compliance department and they have a department of community support services; that they report to Sussex County Housing Department as well as the State; that Condition B talks about the oversight that the County will have; that in addition, there are more requirements with reporting to DSHA and other agencies; that they report occupancy rate, specific information to make sure residents comply with the program and to make sure they are renting units to qualified individuals; that Ingerman has developed about 10,000 units and manage a little under 7,000 units; that they have been taking on the work for about 35 years; that all of 90-95% of their units are affordable units; that they do evict people if they do not uphold their lease obligations; that if there is an increase in their income, the rent will increase; that they applied to the Sussex County Housing Trust Fund; that this complies with the County's 42 foot height requirement; that once you go higher than three stories, you would need to put in an elevator which would drive your costs up; that a fully submitted application for this year, the application is due on May 29th and has to be complete; that DSHA will make a decision in early August and then they finalize going through the process; that they would need to be complete no later than the end of 2027; that it is anticipated that residents can move in the spring to summer of 2027 if this application is voted favorably.

Mr. David Hutt stated that DelDOT sent an SFR response that stated "The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that there are appropriate places for growth where it has been planned for; that this is one of the locations that growth has been planned for; that placing affordable housing on a DART route; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000

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over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire Department; that would be \$679,000 to the Lewes Fire Department; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that Chapter 8 of the Comprehensive Plan discusses diverse housing; that Comprehensive Plan Goal, 8.2 states that the County should ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed; that the applicant requests that the Council approve the application.

Public comments were heard.

Ms. Joyce Green spoke about the application; that she is somewhat in favor of what is being proposed; that it is her understanding that this project is in a DelDOT traffic improvement district; that her thought is to come up with a citizen initiative to come up with the funds to purchase properties of interest and concerns; that there are several non-profits to assist to turning these areas into parks; that she has one near her house, Hudson Park; that she knows of some people that would be interest in helping with the traffic issues; that she is not for or against this plan.

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Mr. Rich Barrasso, co-founder of SARG, spoke in regards to the application in regards to transportation/traffic around the Northstar project; that this is about a ten year project from start to finish; that the traffic count shows an increase each year; that the analysis was done by the traffic group; that he projects that this project will bring 34,112 vehicle trips going forward; that the public hearing with Planning & Zoning, three request were made; that the first request is for DelDOT to provide full details on the land use transportation plan (LUTP) update of the TID; that second the construction must be coordinated in phased with a completion with the area CTP; that third, pause any decision on the Northstar project until the Route 9 Coastal Corridor Study; that in the coordination manual Section 2.41, it states a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the TID; that the first required element is that a land use, transportation plan or a LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP is very important to make a decision where a TIS is not required; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. to US 9, Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR 12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR 16, US 9, 113 and SR 1; that this study was initiated in 2019 and was finalized in 2024 and is available to view

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on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US 9; that US 9/SR.5 and showed the need to widen the road; that secondly, it determined appropriate setback requirements along US 9 between Georgetown and SR 1; that the current Sussex County Code setbacks is insufficient; that some of the recommendations were that there should no more than 750 lots and that given the location and size of the development, the development shall provide a phasing schedule that shall coordinate and establish the timing of lot construction and the construction of off site entrances and roadways and improvements that DelDOT will require that are not covered by the TID; that the phasing schedule shall be presented to the Planning Commission as part of the final site plan; that a phasing plan is what Planning & Zoning has placed on one of the conditions; that another condition was that no more than 124 building permits shall be used in any calendar year; that the County not historically done phasing; that there is precedent; that on June 22, 2021, the Chapel Farms development was an example where the County had a condition for phasing; that on that property, they have two large commercial pads and building occupancy will be held back until grading is completed; that a lack of coordination leads to traffic congestion and sprawl; that he questioned how the phasing should be completed.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in regard to the application; that the entire project received expedited treatment because the 400 acre site plan included 8 acres dedicated to the 94 affordable housing units; that Sussex Preservation Coalition was pleased to see a project submitted where 100% percent of the rental units were committed to affordable housing and were to be built first; that the project also included 96,000 square feet of commercial space and a cluster subdivision of 758 single-family homes; that the four applications were presented to the Planning & Zoning Commission and then separated; that due to the size and area, this project exemplifies the reason County Council should be the one that should rule on the approval of the total mixed use plan and like plans going forward; that on October 9, 2024, the cluster subdivision received preliminary site plan approval from the Commission; that the problem is that the affordable housing is not 100% sure yet; that the complication of separating out these applications has created inconsistencies that need to be clarified and corrected; that the County needs to be consistent in its expectations; that the Commission recommended approval for CU2499 including condition 9 which states “this project received expedited treatment because of the affordable rental housing being sought as justified by the County Code and the Comprehensive Plan. This project was also considered holistically at the same time as subdivision 2023-14 and C-3 rezoning because the other applications benefited from the application of this one, there is a condition of approval requiring that affordable housing project be built first”; that condition q placed by the Commission of the cluster subdivision states “because this multi-family rental project was linked with subdivision 2023-14 and the projects have both been expedited and considered

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simultaneously, as a result, and because of the importance of providing affordable housing for Sussex County residents, construction of this project shall be substantially completed and receive its Certificate of Occupancy from Sussex County prior to the issuance of a Notice to Proceed for Phase Two of Subdivision 2023-14”; that there is inconsistency in those two conditions; that the timeline submitted by the developer June of 2027 for buildings one and two; that buildings three and four are not mentioned; that the timeline for the notice to proceed is September 2024; that would be prior to the completion of the promised affordable housing units; that since the approval has been given for the subdivision, the promises are shifting; that clarity should be provided to the developer and the public so there is no misunderstanding or continue shift; that it provided incentive to get the rental units completed before directing resources towards the cluster subdivision; that DelDOT made a presentation showing the necessary road improvements and expansion of Lewes Georgetown Highway; that the plan includes a large stormwater pond which is the same location for the affordable housing; that a meeting was held with the developer and DelDOT; that from that meeting, the minutes state “the masterplan and runoff will be managed using wet ponds, bioswales and infiltrated, construction plans will be developed and approved phase by phase; that each phase of the development will confirm the assumption made during the masterplan design and update the masterplan; that they are currently working with DelDOT to accommodate runoff from their Route 9 project as well as plan on how to accommodate runoff from the Mulberry Knoll Road Ext. which will be state maintained”; that the issue is that the developer had not communicated to DelDOT; that the Sussex Preservation Coalition is recommending that a condition be included that the final site plan for the cluster subdivision, commercial area and affordable housing include drainage plans for the total project; that they do not wish to delay any funding for affordable housing; that they request that for the cluster subdivision and commercial area drainage area be included in the final site plans; that SPC does not believe that the location of the affordable housing is the best location on the site; that the residents in the affordable housing units will need to cross two major roadways to access the sidewalks; that perhaps the best use of the 8 acres where the affordable is located is a DelDOT stormwater pond; that the affordable housing unit residents will have no access to the amenities of the community and cannot be a part of the HOA; that the Commission recommended amenities for the affordable housing units in their conditions; that the developer states that they will purchase and distribute passes to the YMCA; that she questioned why they would have to travel to that location rather than a pool and clubhouse in their own neighborhood; that also in the conditions she questioned if there was anything that stated that the units must stay affordable; that another recommendation made by the Commission in Condition L “a 30-foot buffer shall be installed along the perimeter across from Lewes Crossing”; that SPC would like to see a 50-100 foot buffer as stipulated in the SCRP program; that the parking lot for the affordable housing units will have more lighting and noise than the single-family section; that at night, parking located against the perimeter, when they drive around or park,

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their lights will be shining what is there now through Lewes Crossing; that SPC wants to see affordable housing but done in a way that set standard and expectations; that the commercial area has not provided a site plan yet, however, the service road needs to be added or made as a condition as approval as required; that the CO for the 94 affordable housing units should be received before the cluster subdivision; that the DeIDOT stormwater pond approved by SCD before final site plan; that SPC questions the safety of the affordable housing section; that if the parking area abuts Lewes Crossing, the buffer should be a minimum of 50 feet; that SCP is concerned with the physical and social separation of the affordable housing families; that a service road should be added between the commercial areas.

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in regard to the application; that SPC believes that the record should be left open for more information; that the public needs to hear that information as well which they may have comments; that the data through 2023 for the volume at the Old Vine Blvd has been received; that the data for 2024 has not yet been posted; that the volume of traffic grew in a single year by 9%; that we have exceeded the traffic projections with the increases; that dualization is being looked at as a solution for the traffic problems; that studies have shown that adding traffic capacity often produces more traffic; that we do not know the data for the traffic that is projected to be generated for the two projects being presented today; that he believes that the data would be helpful; that the list of permitted uses in the commercial uses is impressive; that C-3 brings a list of permitted uses; that they range from a convenience store with gas pumps, banks, places of worship, childcare facilities, etc.; that we are not getting any sense of what they have in mind; that one of the concerns is that C-3 is the wrong zoning for that commercial parcel; that they recommend one of the zoning C-1, B-1 as used across the street be used; that the walkability index is related to that; that in the supplemental book completed by the traffic group included information about the walkability index; that they have concluded that the net traffic impact is most important; that the section of Route 9 is a section of Delaware Bayshore Scenic Byway; that there are few protections for Delaware Byways; that there are limits on signage; that he hopes that the developers approve a landscaping plan and work with PZ staff to make sure this is done; that this is a sensitive location; that there is more traffic coming to this area from the Henlopen TID that is already in the pipeline; that a decision today would be premature and there is reflection that needs to be done to see what can make the situation better; that it was questioned if the affordable housing did not move forward; that it was suggested that the entire area could be also be made affordable housing; that it was questioned if DeIDOT will be establishing temporary construction zone or request easements that would impact the affordable housing units.

Marge spoke about in regard to the application; that she lives off of Route 9; that within the past 18 months, there has been 3 cars that have had accidents; that one of the cars came through the fence of her development;

**Public
Hearing/
CZ2025 &
CZ2026 &
CU2499
(continued)**

that Route 9 is going to be widen and they are going to take more ground from the distance between the street and the pathway where people are walking; that it is not safe; that what is shown on the paper is different than reality; that other points she wanted to make have already been touched on including the pond for water runoff; that the people at the end of her street have wet spaces near their homes; that lighting should not be a continuing problem.

Mr. Gerald Allen spoke in regard to the application; that he is in opposition of the applications presented today; that when you widen the road, people travel faster which makes it more dangerous for cars and pedestrians; that affordable housing is always the key to get in; that the affordable housing is only a small portion of the project; that he questioned what an affordable home was; that he would like the Council to consider the items outlined by the Sussex Preservation Coalition.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance.

Mr. Whitehouse commented that it may be in relation to the Subdivision application which is not before County Council today.

Mr. Patterson commented that when completed, the entrance will be less than 50 feet from their property on an already well traveled road; that it is said that there will be a traffic signal placed at that entrance upon completion of construction; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to their property and to the property of their neighbors.

Mr. Moore commented that the project that is being discussed was voted on and approved by the Planning and Zoning Commission.

Mr. Patterson stated that traffic is a problem today and the additional vehicles will make it worse; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case they would lose a third of their parking, a very nice sign and a flagpole; that if developed they request that a vegetated buffer be put between their property and the project being discussed; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered.

Mr. Moore commented that the conditions cannot be changed that they were voted on and approved by the Planning & Zoning Commission.

Mr. Patterson stated that they are asking for a physical barrier to separate Northstar from their property and a privacy fence; that they would like to

**Public
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CZ2025 &
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CU2499
(continued)**

work with the developer and DelDOT to ensure that if Beaver Dam is widened, parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that they would like to be good neighbors.

Mr. Michael Quinn spoke about the application; that what he has learned is that the concerns about the build out already out pace the schools and fire department's ability to safely and effectively serve the community; that they need to pause the decision and at some point, need to say no.

Mr. Melvin Mousley, owner of Pam Ann Stables spoke in regard to the application; that he questioned what type of buffering would be around the property to protect his horses; that nobody has discussed the other developments that are using the same roads; that roads need to be ready before the development is approved.

Ms. Allison White spoke in regard to the application; that she supports the statements made by the SPC; that she spoke about well developed landscaping plans; that they should have landscaping and buffering that is in the part of the application that has already been approved; that there were several recommendations made by the PZ staff which she discussed; that the road is designated as a scenic byway which is a tourist attraction; that she urges that all three of the PZ staff recommendations be implemented; that she requested that a screening buffer be placed along Route 9.

Ms. Susan Petze-Rosenblum spoke in regard to the application; that she supports the comments made earlier today by the representatives of the SPC; that she realizes that zoning may be necessary; that she does not see this change of zone balancing the needs of current residents.

The Public Hearing was closed.

**M 122 25
Leave
Record
Open**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to leave the record open for the purpose of obtaining additional written information regarding DelDOT concerns with written comments being provided to the Sussex County Planning & Zoning Office by 4:30 p.m. on March 25, 2025, after which, DelDOT may respond to any comments before 4:30 p.m. on April 8, 2025, for all three of the Applications.

Motion Adopted: 5 Yeas

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

**M 123 25
Defer
Action/**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to defer action and subject to the record being left open on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE

CZ2025

ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons given by the Planning & 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 124 25
Defer
Action/
CZ2026**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action and subject to the record being left open on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons given by the Planning & 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 125 25
Defer
Action/
CU2499**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action and subject to the record being left open on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons and conditions given by the Planning & 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 126 25 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**
Adjourn **adjourn at 6:15 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.}

DEPARTMENT OF PUBLIC SAFETY

ROBERT W. MURRAY, JR.
DIRECTOR



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-1000 T
(302) 855-7797 F

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: Robert Murray, Director 

RE: Cardiac Monitor RFP

DATE: March 14, 2025

On Friday, March 7th Sussex County EMS advertised an RFP for EMS Cardiac Monitors. The deadline for submission is 1pm, March 24th. Our team will review and rank the proposals prior to the council meeting on Tuesday, March 25th.

While the highest scoring vendor is not known at the time of this writing, it will be announced at the meeting. I am requesting authorization to negotiate and execute a contract with the highest scoring vendor. This will involve the purchase of 47 cardiac monitors. Twenty-three are planned in the current fiscal year and the remaining in FY26.

RACHEL LYNCH
COUNTY LIBRARIAN

(302) 855-7890 T
(302) 855-7895 F

rachel.lynych@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 Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Rachel T. Lynch
County Librarian

RE: Bookmobile RFP Results and Possible Award of Contract

DATE: March 25, 2025

Bookmobile service has been offered in Sussex County since 1912, originally provided by the Delaware State Library Commission. In 1977, Sussex County purchased its first bookmobile, and the Sussex County Bookmobile has been a cherished feature of the Department of Libraries ever since. It serves as the sole library resource for three schools in Sussex County, Sussex Academy Elementary, Lighthouse Christian School, and the Indian River Early Learning Center, allowing over 300 students the ability to browse and select their own books, discover the joy of reading and learn the responsibility of caring for items and returning them in a timely fashion.

The bookmobile also visits local daycare facilities, nursing homes, and low-income housing areas, providing reader's advisory services and materials to those where travel to a library building may be difficult. Additionally, there are three public stops where library buildings are not in proximity, allowing the public to check out, return, and reserve materials.

The bookmobile presence is requested for library events and other community happenings. It is after all a 33-foot traveling billboard. Every year the bookmobile and staff participate in the Seaford School District's Read and Feed program following the food trucks and allowing children to choose a free book.

The current vehicle, as mentioned is a 33-foot Thompson-built bus with a diesel engine and requires a CDL to drive, limiting its availability. Built in 1998, it is showing its wear and tear

and has several ongoing maintenance issues. It has become almost impossible to find replacement parts for the 27-year-old vehicle.

On June 18, 2024, County Council approved the FY25 budget which included funds for a new bookmobile. On February 7, 2025, a Request for Proposals was published, ending on February 28, 2025, with the announcement of the applicants. Of the seven bids received, five were disqualified due to the completion date. The remaining two were reviewed by the Head Mechanic and Fleet Manager as well as the Assistant County Librarian and County Librarian and rated on a scale for best value. The option recommended by all members of the reviewing team is a 28-foot Step-van vehicle on a Ford chassis with a gas engine and does not require a CDL to drive. It will have an 800lb wheelchair lift, double doors to allow an easier flow of traffic for school classes, an LED-lit retractable awning for community events, and adjustable shelving to allow staff to customize the interior based on need. It also is under budget with a guaranteed 90-day delivery date.

It is the recommendation of the Sussex County Department of Libraries that the Council award the contract for the purchase of the new bookmobile to Tesco Inc., for \$309,115 to be completed and in possession of Sussex County by June 30, 2025.

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

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



Sussex County

DELAWARE
sussexcountyde.gov

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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: *New Marydels Rd, Tanglewood & Oak Acres Sewer Extension, Projects S19-19 & S22-24*
A. Change Order No. 1

DATE: March 25, 2025

On February 5, 2008, the Engineering Department held a public hearing before council for the Bayard Expansion of the Miller Creek Sanitary Sewer District. Residents from Tanglewood/New Marydel and Oak Acres appeared and questioned council on the possibility of their communities being included in the district boundary. The Engineering Department was tasked with collecting information from the residents and reporting back the next week. On February 12, 2008, the Engineering Department came back to council with information on the community poll. Council subsequently approved inclusion into the Sewer District only those parcels responding in New Marydel and all of Tanglewood and Oak Acres.

The turn in the economy affected the construction of infrastructure that was to be built by the developers of the Estuary to serve the overall area. Once the project began moving forward the main infrastructure became available for the Oak Acres Community. The County agreed to a cost share agreement with the developer for the pumpstation required to serve their phase 4 as well as the Oak Acres Community.

The final design package for the Oak Acres community was ultimately combined with the Tanglewood and New Marydel communities to produce a single overall Bid Package. Invitations to Bid for the combined package was subsequently advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. A total of six (6) contractors attended the pre-bid meeting on February 22, 2024, and on March 7, 2024, six (6) bids were received. Teal Construction, Inc. submitted the lowest responsible bid of \$1,891,891.00. At the recommendation of the Engineering Department, Council approved contract award to Teal Construction on April 9, 2024.



Due to resource scheduling issues with the Contractor, official Notice-to-Proceed wasn't issued until October 21, 2024, with construction activities starting up the following month. Over the following few months, adverse weather conditions resulted in delays to construction progression. Although the Contractor ultimately submitted a request for a time extension of six (6) Calendar Days due to inclement weather, based on a review of inspector records only three (3) days were accepted by the Owner.

As a result, the Engineering Department recommends acceptance of Change Order No. 1 as presented adding 3 Calendar Days to the Contract duration due to weather delays, extending the official Contract Time from 240 Calendar Days to 243 Calendar Days. The original approved Contract Price of \$1,891,981.00 is not impacted by this Change Order.

CHANGE ORDER NO.: 1

Owner:	Sussex County	Owner's Project No.:	S19-19 & S22-24
Engineer:	George, Miles & Buhr, LLC	Engineer's Project No.:	180240 & 220128
Contractor:	Teal Construction Inc.	Contractor's Project No.:	
Project:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		
Contract Name:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		
Date Issued:	March 19, 2025	Effective Date of Change Order:	March 19, 2025

The Contract is modified as follows upon execution of this Change Order:

Description: **No cost time extension due to inclement weather.**

Attachments:

GMB email dated 2-19-2025 with evaluation of the time extension and proposed recommendations

Sussex County email dated 2-19-2025 concurring with 3 calendar day time extension.

Change in Contract Price	Change in Contract Times [State Contract Times as either a specific date or a number of days]
Original Contract Price: \$ <u>1,891,891.00</u>	Original Contract Times: Substantial Completion: <u>240</u> Ready for final payment: <u>240</u>
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. [Number of previous Change Order]: \$ <u>-0-</u>	[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]: Substantial Completion: <u>0</u> Ready for final payment: <u>0</u>
Contract Price prior to this Change Order: \$ <u>1,891,891.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>240</u> Ready for final payment: <u>240</u>
[Increase] [Decrease] this Change Order: \$ <u>-0-</u>	[Increase] [Decrease] this Change Order: Substantial Completion: <u>3</u> Ready for final payment: <u>3</u>
Contract Price incorporating this Change Order: \$ <u>1,891,891.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>243</u> Ready for final payment: <u>243</u>

Recommended by Engineer (if required)
By: James C. Haagood, P.E.
Title: Sr. Project Manager
Date: 3-19-2025

Accepted by Contractor
John W. Stant III
Project Manager
3/20/2025

Authorized by Owner
By: [Signature]
Title: Sussex County Engineer

Approved by Funding Agency (if applicable)

James C. Hoageson

From: James C. Hoageson <JHoageson@gmbnet.com>
Sent: Wednesday, February 19, 2025 11:23 AM
To: Mark Parker
Subject: FW: Oak Acres request for time extension
Attachments: Oak Acres Time Extension Request-1 - JCH Comments 2025.02.19.pdf

Hi Mark,

Received a time extension request from Teal this morning. Please refer to my comments in red. I am open to discuss the weather days for January and February, total of 3 requested. The supplemental conditions section SC-4.05.C addresses abnormal weather conditions. I am not convinced that these days are considered abnormal for this time of year. I see two options to consider: 1) deny the request in total or 2) grant a three-day time extension.

Please let me know your position and if you would like to discuss.

Thanks,
Jim

From: Johnny Stant <JStant@tealconstruction.com>
Sent: Wednesday, February 19, 2025 8:04 AM
To: James C. Hoageson <JHoageson@gmbnet.com>
Subject: Oak Acres request for time extension

Good Morning Jim,

Please see attached request for time extension for Oak Acres.

Let me know if you have any questions.

Thanks,

Johnny Stant

John W. Stant, III

TEAL
CONSTRUCTION INC.

612 Mary St. • P.O. Box 779 • Dover, DE 19903
302-678-9600 Mobile 302-270-7090 Fax 302-678-9716
www.tealconstruction.com

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TEAL

CONSTRUCTION INC.

February 19, 2025

JCH Comments:

1. MH delay is at no fault of SCED or GMB. Deny request for 6 additional working days.
2. Refer to comments within on the weather days. I am open to discuss the days for January and February.

George, Miles & Buhr, LLC
Attn: James Hoageson, P.E.
206 West Main Street
Salisbury, MD 21801

RE: New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Time Extension Request

Dear Mr. Hoageson,

Teal Construction, Inc., would like to request a time extension of 21 Calendar Days to achieve substantial completion for the New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project. Our request is based on the information below.

Since the Notice to Proceed was issued on October 21, 2024, we have had a total of 9 working days missed due to inclement weather. See the attached records of climatological observations from the weather station in Frankford, Delaware.

In addition to the days missed due to inclement weather, we missed 6 working days due to the issues with the manholes not being made to the specifications set forth by Sussex County. We are aware that the issues were of no fault of Sussex County or GMB but those of our precast supplier. With that said, we appreciate the efforts of both Sussex County and GMB to allow the use of the already made pre-cast manholes. However, due to the time it ultimately took to gain approval, we were forced to make the decision to move our sewer crew to another project. The original intent was for our sewer crew to start on-site at Oak Acres on December 13th and to work from then until our company Christmas break on December 20th. We did not receive approval until late in the day on December 12th and unfortunately by that time we had already decided, due to equipment logistics, to send the sewer crew to another project.

If you have any questions, please feel free to contact us at our office at 302-678-9500. Thank you for your consideration.

Sincerely,



John W. Stant, III

U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.
 Generated on 02/18/2025

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 18 ft. Lat: 38.5233° N Lon: 75.1177° W
 Station: FRANKFORD 6.2 E, DE US US1DESS0079

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Fr
SA
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Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"							
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.	
2024	11	01				0.00		0.0												
2024	11	02				0.00		0.0												
2024	11	03				0.00		0.0												
2024	11	04				0.00		0.0												
2024	11	05				0.00		0.0												
2024	11	06				0.00		0.0												
2024	11	07				0.00		0.0												
2024	11	08				0.00		0.0												
2024	11	09				0.00		0.0												
2024	11	10				0.00		0.0												
2024	11	11				0.61														Per GMB field report: Teal worked on clearing brush and tress for pipe installation.
2024	11	12				0.04														
2024	11	13				0.00		0.0												
2024	11	14				0.00		0.0												
2024	11	15				0.10														
2024	11	16				0.00		0.0												
2024	11	17				0.00		0.0												
2024	11	18				0.00		0.0												
2024	11	19				0.00		0.0												
2024	11	20				0.06														
2024	11	21				0.47														Per GMB field report: Teal continued well pointing and setting header pipe on Red Oak.
2024	11	22				0.02														
2024	11	23				0.13														
2024	11	24				0.00		0.0												
2024	11	25				0.00		0.0												
2024	11	26				0.00		0.0												
2024	11	27				0.05														
2024	11	28				0.00		0.0												
2024	11	29				0.30														Per GMB field reports: There were no workers on site all week.
2024	11	30				0.00		0.0												
Summary			0	0		1.78		0.0												

Empty, or blank, cells indicate that a data observation was not reported.
 *Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
 s This data value failed one of NCEI's quality control tests. *At Obs.* = Temperature at time of observation
 T values in the Precipitation or Snow category above indicate a "trace" value was recorded.
 A values in the Precipitation Flag or the Snow Flag column indicate a multiday total, accumulated since last measurement, is being used.
 Data value inconsistency may be present due to rounding calculations during the conversion process from SI metric units to standard imperial units.

U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.
 Generated on 02/18/2025

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Current Location: Elev: 18 ft. Lat: 38.5233° N Lon: 75.1177° W
 Station: FRANKFORD 6.2 E, DE US US1DESS0079

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth			8 in. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2024	12	01																	
2024	12	02					T			T									
2024	12	03				0.00		0.00											
2024	12	04				0.00		0.00											
2024	12	05				0.00		0.00											
2024	12	06				0.03													
2024	12	07				0.00		0.00											
2024	12	08				0.00		0.00											
2024	12	09				0.00		0.00											
2024	12	10				0.04													
2024	12	11				0.55													
2024	12	12				1.24													
2024	12	13				0.00		0.00											
2024	12	14				0.00		0.00											
2024	12	15				0.00		0.00											
2024	12	16				0.38													
2024	12	17				0.18													
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2024	12	24				0.00		0.00											
2024	12	25				0.00		0.00											
2024	12	26				0.00		0.00											
2024	12	27				0.00		0.00											
2024	12	28				0.01													
2024	12	29				0.08													
2024	12	30				0.30													
2024	12	31				0.00		0.00											
Summary			0	0		2.86		0.0											

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Per GMB field reports: There were no workers on site all week.

Per GMB field reports: There were no workers on site all week.

Empty, or blank, cells indicate that a data observation was not reported.
 *Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown
 *s This data value failed one of NCEI's quality control tests. *At Obs. = Temperature at time of observation
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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service
 Current Location: Elev: 18 ft. Lat: 38.5233° N Lon: 75.1177° W
 Station: FRANKFORD 6.2 E, DE US US1DESS0079

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.
 Generated on 02/18/2025

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 in. Depth		8 in. Depth				
			Max.	Min.		Rain, Melted Snow, Etc. (in)	Flag	Snow, Ice Pellets, Hail (in)	Flag				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2025	01	01				0.12													
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2025	01	03				0.00		0.0											
2025	01	04				0.03													
2025	01	05																	
2025	01	06				SNOW													
2025	01	07				SNOW													
2025	01	08				0.00		0.0											
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2025	01	24				0.00		0.0											
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2025	01	26				0.00		0.0											
2025	01	27				0.00		0.0											
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2025	01	29				0.00		0.0											
2025	01	30				0.00		0.0											
2025	01	31				0.09													
Summary			0	0		0.43													

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Two snow days in January is not considered abnormal weather conditions.

agreed to GMB/SCED

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U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 National Environmental Satellite, Data, and Information Service
 Current Location: Elev: 18 ft. Lat: 38.5233° N Lon: 75.1177° W
 Station: FRANKFORD 6.2 E, DE US US1DESS0079

Record of Climatological Observations
 These data are quality controlled and may not be identical to the original observations.
 Generated on 02/18/2025

National Centers for Environmental Information
 151 Patton Avenue
 Asheville, North Carolina 28801

Observation Time Temperature: Unknown Observation Time Precipitation: Unknown

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Year	Month	Day	Temperature (F)			Precipitation					Evaporation		"Soil Temperature (F)"						
			"24 Hrs. Ending at Observation Time"		At Obs.	24 Hour Amounts Ending at Observation Time				At Obs. Time	24 Hour Wind Movement (mi)	Amount of Evap. (in)	4 In. Depth			8 In. Depth			
			Max.	Min.		Rain, Melted Snow, Etc. (in)	F l a g	Snow, Ice Pellets, Hail (in)	F l a g				Snow, Ice Pellets, Hail, Ice on Ground (in)	Ground Cover (see *)	Max.	Min.	Ground Cover (see *)	Max.	Min.
2025	02	01				0.93													
2025	02	02				0.00		0.0											
2025	02	03																	
2025	02	04				0.00		0.0											
2025	02	05				0.00		0.0											
2025	02	06				0.36													
2025	02	07				0.20													
2025	02	08				0.00		0.0											
2025	02	09				0.26													
2025	02	10				0.00		0.0											
2025	02	11				0.00		0.0											
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2025	02	24																	
2025	02	25																	
2025	02	26																	
2025	02	27																	
2025	02	28																	
Summary			0	0		3.15													

One snow day in February is not an abnormal weather condition.

agreed to by SCED/GMB

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James C. Hoageson

From: Mark Parker <mark.parker@sussexcountyde.gov>
Sent: Wednesday, February 19, 2025 7:58 PM
To: James C. Hoageson
Subject: RE: Oak Acres request for time extension

Jim: I don't have any heartache on the 3 days due to weather – this would only account for the days that crews were not on site working per GMB records. It sounds like the other days claimed for weather were in time periods when crews were not on site for the entire week (i.e, pulled to another job). I'm not caving on the pre-cast MH issue – that is on Teal/Gillespie and it seems to be acknowledged.

Give me a call if you want to discuss.

From: James C. Hoageson <JHoageson@gmbnet.com>
Sent: Wednesday, February 19, 2025 11:23 AM
To: Mark Parker <mark.parker@sussexcountyde.gov>
Subject: FW: Oak Acres request for time extension

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.

Hi Mark,

Received a time extension request from Teal this morning. Please refer to my comments in red. I am open to discuss the weather days for January and February, total of 3 requested. The supplemental conditions section SC-4.05.C addresses abnormal weather conditions. I am not convinced that these days are considered abnormal for this time of year. I see two options to consider: 1) deny the request in total or 2) grant a three-day time extension.

Please let me know your position and if you would like to discuss.

Thanks,
Jim

From: Johnny Stant <JStant@tealconstruction.com>
Sent: Wednesday, February 19, 2025 8:04 AM
To: James C. Hoageson <JHoageson@gmbnet.com>
Subject: Oak Acres request for time extension

Good Morning Jim,

Please see attached request for time extension for Oak Acres.

Let me know if you have any questions.

Thanks,
Johnny Stant

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

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



Sussex County

DELAWARE
sussexcountype.gov

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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Paramedic Station 103, Project C21-18***
A. Final Balancing Change Order No. 5 & Project Closeout

DATE: March 25, 2025

The new Paramedic Station 103 was programmed to replace the current temporary EMS location in Dagsboro, and to support the new station a 0.92-acre parcel of land was purchased in February 2020 off Dickerson Road just outside of Millsboro Town limits. The Engineering Department coordinated to have the parcel annexed into the Town in order to have public water and sewer service, and the annexation was officially approved in April 2023.

In coordination with our EMS Team, our Design Consultant George, Miles and Buhr, Inc. (GMB) spearheaded the development of a Building Prototype for the new EMS Station, in part based on the building layout that was implemented for the Seaford Station completed in 2022. The Building Prototype was adapted to fit the Millsboro site, and was approved by the EMS/Engineering Teams in February 2023 which in turn kicked-off the detailed design phase for the project.

Final Bidding Documents were subsequently developed and the project was advertised for public bid on December 15, 2024, and on January 24, 2024 a total of five (5) bids were received. The low bidder was The Whayland Company with a total bid of \$1,812,700.00 which included three (3) Bid Alternates and eight (8) Site Contingent Items. Based on a recommendation for award by the Engineering Department following a detailed review of all bids, Council approved award of the project to Whayland Company in the amount of \$1,812,700.00 on February 6, 2024. Notice to Proceed was subsequently issued by the Engineering Department and project construction officially commenced on February 20, 2024.

The Engineering Department had initially been tracking a number of minor changes to the project scope in the April-May timeframe. Some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. Since the overall



Contract was bid on a Lump Sum basis, project scope changes require Council approval of individual Change Orders.

The following is a summary of items comprising Change Order No. 1:

- Delete concrete foundation waterproofing (Contractor request) – Credit of \$4,000
- Expand sediment pond/reshape for final conversion (field condition) – Charge of \$6,000
- Abandon existing two 2” water line services/altered tap location (field condition) – Charge of \$3,500
- Delete compost logs (field condition) – Credit of \$1,260
- Delete paving and pipe culvert at driveway entrance (Owner direction) – Credit of \$2,500
- Modify alignment of forcemain (Contractor request) – Credit of \$3,500
- Delete emergency lite in sprinkler room (Owner direction) – Credit of \$186

Tabulation of all items contained in Change Order No. 1 results in a **credit of \$1,946.00** and a reduction in the overall Contract amount from \$1,812,700.00 to \$1,810,754.00. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 1 on May 14, 2024.

Since this time, additional items have arisen that have resulted in additional changes in project scope. As with Change Order No. 1, some changes were based on Owner direction and/or Contractor request, and others were based on changed field conditions. The items involved in Change Order No. 2 are summarized below:

- Removal of redundant fire alarm pull station (Owner direction) – Credit of \$225.00
- Flagpole model change (Owner direction) – Credit of \$425.00
- Addition of water feed to janitor closet mop basin (Owner direction) – Charge of \$770.00
- Change in roof valley flashing installation method (Contractor request) – Credit of \$615.00
- Recessing of electric panel into wall (field condition) – Charge of \$210.45
- Removal of twist lock plugs from Contract (Owner direction) – Credit of \$358.00
- Gutter downspout routing modifications (Owner direction/field condition) – Charge of \$11,200.00
- Dickerson Road paving scope modifications (Owner direction) – Credit of \$3,000.00
- Contractor Overhead & Profit - \$755.75

Tabulation of all items contained in Change Order No. 2 results in a **net charge of \$8,313.20** and an increase in the overall Contract amount from \$1,810,745.00 to \$1,819,067.20. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 2 on August 13, 2024.

Since the time of approval of Change Order No. 2, additional items have arisen that have resulted in additional changes in project scope and/or construction. As with previous change orders, some changes were based on Owner direction some from Contractor request. The items involved in Change Order No. 3 are summarized below.

- Addition of level spreader along north edge of driveway (Owner direction) – Charge of \$5,200.00
- Deletion of 6' white vinyl fence, sod & small river rock along east property line, and addition of large river rock on fabric in same area (Owner direction) – Credit of \$670.00
- Addition of junction boxes/raceways for garage door status lights (Owner direction) – Charge of \$216.42
- ADA shower replacement (Owner direction/inspection requirement) – Charge of \$3,463.00
- Flooring adhesive change in ADA bathroom (Contractor request) – Charge of \$370.00
- Contractor Overhead & Profit - \$857.94

Tabulation of all items contained in Change Order No. 3 results in a **net charge of \$9,437.36** and an increase in the overall Contract amount from \$1,819,067.20 to \$1,828,504.56. Change Order No. 3 also adds 61 calendar days to the Contract. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 3 on October 1, 2024.

With the project nearing Substantial Completion, two additional items have surfaced since Change Order No. 3 was approved which constitute additional changes in project scope. Both items are considered minor in scope and are a result of requests from the Owner. The items involved in Change Order No. 4 are summarized below:

- Addition of FRP panels on walls in Janitors Closet for protection from water spray – Charge of \$800.00
- Relocation of four (4) power cord reels in the garage area to prevent possible damage to reels and vehicles when the paramedic vehicles are converted to the new Kussmaul auto-eject system – Charge of \$3,295.00

The items in Change Order No. 4 results in a **net charge of \$4,504.50** and an increase in the overall Contract amount from \$1,828,504.56 to \$1,833,009.06. Change Order No. 4 also adds 4 calendar days to the Contract. Based on the recommendation of the Engineering Department, the Council approved Change Order No. 4 on January 28, 2025.

With the project at the Substantial Completion level, the Engineering Department issued a final Punch List to the Contractor on February 11, 2025 for items left to be corrected or completed. With the major items completed, and due to lease timeframe constraints with the EMS building under rent in Dagsboro, a full EMS staff move and occupancy was scheduled and successfully executed on February 26, 2025. With two minor items still outstanding with the Town of Millsboro building code inspection, a temporary Certificate of Occupancy was obtained from Town officials to permit building occupation. All items have since been satisfied, including Contractor punch list items, and a permanent Certificate of Occupancy was issued by the Town of Millsboro on March 12, 2025.

There were a number of contingency items included in the Contract to account for the potential to encounter unforeseen site conditions. None of these were needed during construction and therefore all are returned to the Contract amount in the form of a credit. As outlined in the attached Change Order 5, there were a total of eight (8) unused contingency items totaling \$17,200.00.

Based on the above, the Engineering Department recommends approval of final balancing Change Order No. 5 in the credit amount of \$17,200.00 reducing the overall Contract amount from \$1,833,009.06 to \$1,815,809.06, and also recommends issuance of final project closeout.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Millsboro Paramedic Station 103**
2. Sussex County Project No. C21-18
3. Change Order No. 5
4. Date Change Order Initiated - 03/05/25
5.
 - a. Original Contract Sum \$1,812,700.00
 - b. Net Change by Previous Change Orders \$20,309.06
 - c. Contract Sum Prior to Current Change Order \$1,833,009.06
 - d. Requested Change (\$17,200.00)
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$1,815,809.06
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

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:

Cost Change:

1. Unused Contingency Item #1 – Removal of unsuitable materials: \$3,000.00 (cost deduction)
2. Unused Contingency Item #2 – Furnish and install #57 stone: \$5,000.00 (cost deduction)
3. Unused Contingency Item #3 – Furnish and install select backfill: \$2,000.00 (cost deduction)
4. Unused Contingency Item #4 – Miscellaneous excavation and backfill: \$2,000.00 (cost deduction)
5. Unused Contingency Item #5 – Furnish and place Portland cement: \$4,000.00 (cost deduction)
6. Unused Contingency Item #6 – Secure field density tests: \$600.00 (cost deduction)
7. Unused Contingency Item #7 – Secure modified proctor tests: \$450.00 (cost deduction)
8. Unused Contingency Item #8 – Secure concrete cylinders with testing: \$150.00 (cost deduction)

Total Change Order (\$17,200.00)

Time Change:

N/A

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes _____ No X

E. APPROVALS

1. The Whayland Company, Contractor



 Steven Hentschel (Mar 14, 2025 11:28 EDT) 3/14/2025
 Signature Date

Steve Hentschel, President

 Representative's Name in Block Letters

2. Sussex County Assistant Engineer



 Signature 20 MAR. '25
 Date

3. Sussex County Council President

Signature

Date

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 Millsboro Martial Arts Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area).
- The Engineering Department has received a request from Plitko Engineering LLC on behalf of their client Dupont Properties, LLC owners/developer of parcels 233-16.00-22.00, 24.00 & 25.00 in the Tier 2 area for sewer service.
- The firm was informed the parcels were not contiguous to the existing area and that we would need to receive requests for annexation from the intervening parcels.
- The engineer provided us signed letters from the owners of parcel 233-11.00-244.00, 233-11.00-240.00 & 233-11.00-240.01 making the project contiguous to the existing district.
- The project will be responsible for extending the existing sewer south along Route 113 to their project and providing a connection point for those parcels agreeing to be annexed along with the project parcels.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



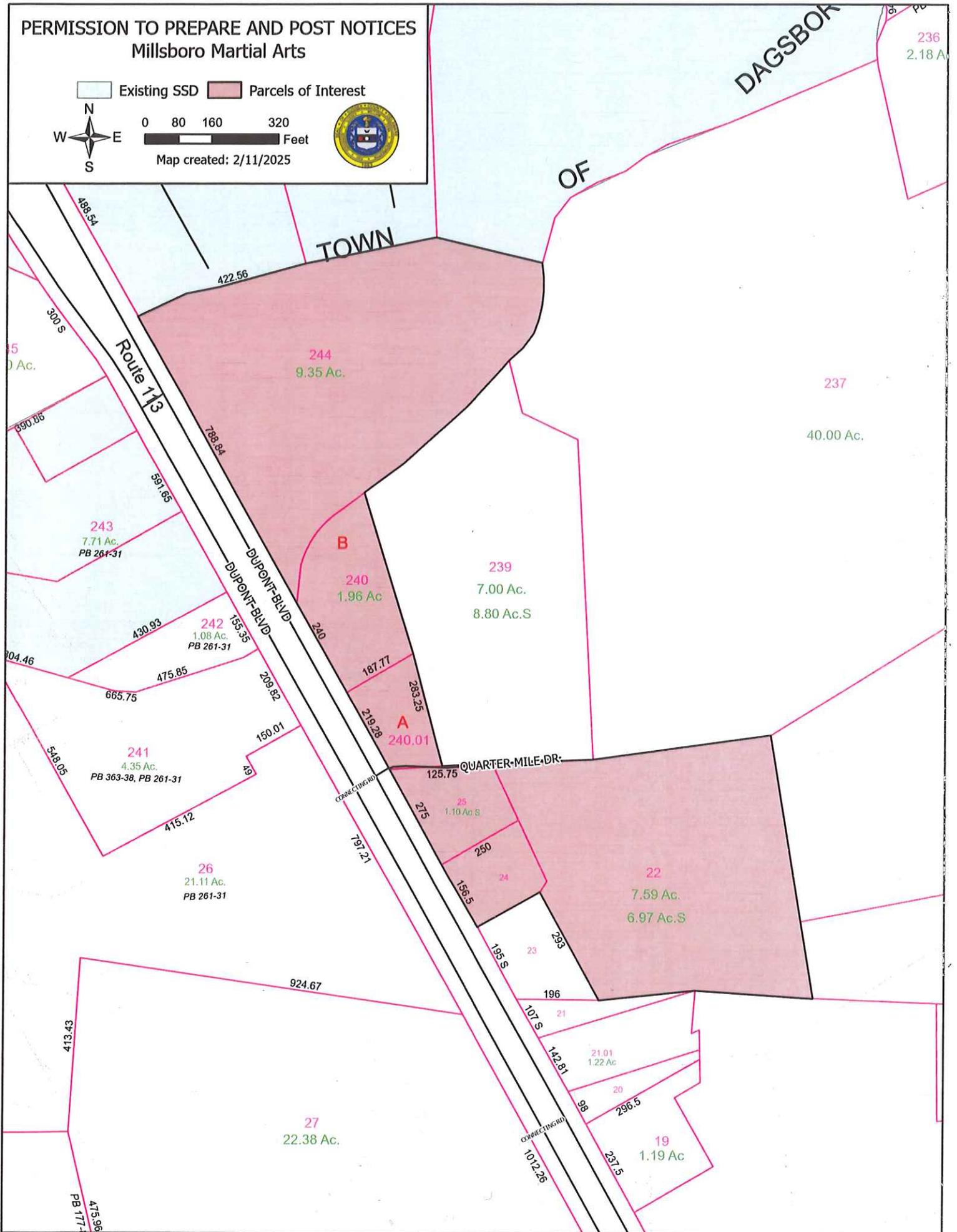
PERMISSION TO PREPARE AND POST NOTICES Millsboro Martial Arts

Existing SSD Parcels of Interest



0 80 160 320
Feet

Map created: 2/11/2025



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

Proposed Crescent Place Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area).
- The Engineering Department has received a request from Beacon Engineering, LLC on behalf of their client, The Evergreene Companies, LLC owners/developer of parcel 134-19.00-24.00, adjacent to the existing Miller Creek Area of the SCUSSD.
- Parcels along Central Ave., the project is proposed for (57) single family lots plus a clubhouse.
- 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.



ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.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 Matthew R. Lloyd
The Honorable Steve C. McCarron

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

DATE: March 25, 2025

RE: *Pintail Pointe, Project 21-16*
A. Final Balancing Change Order No.2
B. Granting of Substantial Completion

In January 2021, the Engineering Department and elected officials started receiving calls pertaining to the large on-site system failure serving the Pintail Pointe Community. On March 29, 2021, the Engineering Department presented to the Pintail Pointe Owners Association (PPOA) a short-term and a long-term remediation approach.

The short-term required an interim sewer operations and transition agreement which was executed on March 30, 2021, allowing temporary repairs and County operational assistance under a reimbursement arrangement. Subsequently, Sussex County applied to DNREC for an on-site system permit modification which was received and implemented.

The long-term sewer district creation required a Public Hearing and a referendum. The Public Hearing was held on April 27, 2021, and the referendum on June 4, 2021, the referendum passed (34) in support and (0) opposed to the creation of a sanitary sewer area. The results from the referendum were presented to County Council on June 15, 2021, and Council voted to extend the Sussex County Unified Sanitary Sewer District to include the Pintail Pointe Community.

In April of 2022 the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). On November 8, 2021, these Documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC for \$959,888.00. On December 30, 2021, the County received the Binding Commitment Letter from DNREC Environmental Finance. January 3, 2022, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$959,888.00 and \$579,000.00 of principal forgiveness.



On January 25, 2023, Council approved the introduction and approval of the associated debt ordinance authorizing the issuance of up to \$959,888.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Pintail Pointe Expansion of the Unified Sanitary Sewer District.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to George Miles & Buhr, Inc. and on May 24, 2022, Council approved a standalone contract for design & permitting in the not to exceed amount of \$81,450.00.

The design was completed and permitted in the spring of 2023 and subsequently Invitations to Bid were advertised and on May 10, 2023, five (5) bids were received. The two (2) lowest bid submissions were missing all three required State certifications and contained other minor irregularities. DNREC must concur in any award which would not be possible without the required State certification. An award to the third lowest bidder would have significantly exceeded the budget. Therefore, Council rejected all bids on May 23, 2023 and authorized an immediate rebid.

Bid were readvertised and four (4) contractors attended the pre-bid meeting, and on June 29, 2023, five (5) bids were received. This time, all bid submissions included the required State certifications. On September 19, 2024, Council awarded the project to the lowest bidder Zack Excavating, Inc. in the amount of \$887,031.96, contingent upon DNREC concurrence. Due to the tight budget, the Engineering Department was performing the contract administration and inspections in-house.

The project experienced time delays from the start mainly associated with the standardized vender for the electrical cabinets used in all County pump stations. It resulted in a two-to-three-month delay to the schedule despite the Engineering Department's suggested adjustments in alternative sourcing &/or means & methods. Project timeline was further impacted by extreme change fluctuations in pressure at the forcemain tie-in point, not known during the planning and design phase of the project. To resolve these issues, it required an adjustment in the project scope by providing higher pressure by-pass pumps during construction as well as adding a temporary second pump stage. On December 10, 2024, County Council issued Change Order No. 1 in the amount of \$81,010.00 together with a 126-day time extension.

Since then, the contractor completed the scope modifications, conducted the pump station start-ups and addressed the punch list items. Therefore, the Engineering Department recommends issuance of unit quantity adjustment Change Order No. 2 in the deduct amount of \$(13,404.00) together with granting of substantial completion as March 1st, 2025, contingent upon DNREC concurrence.

Date of Issuance: <u>12/2/24</u>	Effective Date: <u>3/11/25</u>
Owner: <u>Sussex County</u>	Owner's Contract No.: <u>S21-29</u>
Contractor: <u>Zack Excavating</u>	Contractor's Project No.: _____
Engineer: <u>GMB</u>	Engineer's Project No.: <u>220129</u>
Project: <u>Pintail Pointe</u>	Contract Name: <u>Pintail</u>
<u>Pump Sta. & Force main</u>	<u>Pointe</u>

The Contract is modified as follows upon execution of this Change Order:

Attachments:

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 887,031.96</u>	Original Contract Times: <u>180 days</u> Substantial Completion: <u>9/27/2024</u> Ready for Final Payment: <u>10/28/2024</u> <u>60 calendar days</u>
Increase from previously approved Change Orders No. 1 to No.: <u>\$81,010.00</u>	Increase from previously approved Change Orders No. <u>0</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u>
Contract Price prior to this Change Order: <u>\$ 968,041.96</u>	Contract Times prior to this Change Order: Substantial Completion: <u>9/27/2024</u> Ready for Final Payment: <u>10/28/2024</u>
Decrease of this Change Order: <u>\$ (13,404.00)</u>	Increase of this Change Order: <u>126 days</u> Substantial Completion: <u>1/31/2025</u> Ready for Final Payment: <u>2/28/2025</u>
Contract Price incorporating this Change Order: <u>\$ 954,637.96</u>	Contract Times with all approved Change Orders: <u>306 days</u> Substantial Completion: <u>1/31/2025</u> Ready for Final Payment: <u>2/28/2025</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ <u>Engineer (if required)</u>	By: _____ <u>Owner (Authorized Signature)</u>	By: _____ <u>Contractor (Authorized Signature)</u>
Title: _____	Title _____	Title _____
Date: _____	Date _____	Date _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

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 Matthew R. Lloyd
The Honorable Steve C. McCarron

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

RE: *Wolfe Neck Regional Wastewater Facility
A. Denali Sludge Removal Agreement*

DATE: March 25, 2025

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" 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.

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 (LBPW) 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.

As per the LBPW's request, the County utilized George, Miles & Buhr, Inc., the Board's Engineer of Record for the design of the proposed improvements. Following the design completion and permitting Council approved on August 29, 2017, LBPW's assistance request under the FY18 General Labor & Equipment Contract for a joint project.

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 Board.

The possible cooperation 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 with variations:

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 established a "handshake" point splitting capital 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 LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th to continue the open decision-making process.

In late June of 2023 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 LBPW 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 5.25 mgd treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. With LBPW'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.

The Wolfe Neck RWF has been in operation for 30-years but no biosolids were ever removed from the large treatment lagoon. 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 designed and constructed 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 and Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Five (5) contractors attended the pre-bid meeting on March 26, 2024, 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 their respective open contract.

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. Out of the four (4) proposals received on June 7, 2024, the lowest responsible offer was made by Bancroft Construction at \$1,376,000.00 and on June 11, 2024, Council approved issuance of Change Order No. 1 under Bancroft Construction's James Farm contract in the full amount of \$1,376,000.00 but with separate accounting and schedule of values.

The Engineering Department requested GHD to submit an amendment for construction phase engineering services for both contracts at the Wolfe Neck Facility. GHD subsequently submitted Amendment 25 in the not to exceed amount of \$736,342.23, which Council approved on June 11, 2024.

The initial design approach for the lagoon solar project anticipated a “behind the meter” component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County’s project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.’s Change Order No. 1 for the same amount.

The electrical project also included a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals. BW Electric, Inc. priced out the work in the amount of \$6,102.82 which was approved under Change Order No. 2 by Council on November 19, 2024.

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20th and the issue was resolved one month later on January 20th. GHD and the Engineering Department supported a 3-week delay and an allowance for remobilization after subtracting weather related delays. Based on the recommendation, County Council issued Change Order No. 3 to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

Environmental Services and the Engineering Department had planned for the removal of a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from the firms, circulating a draft before issuing a final version. Upon receipt of the draft, the firms conducted site visits confirming sludge depth and consistency as well as developed questions which resulted in a revised RFP capturing the updated information and operational details. On February 28, 2025, proposals were received based on the requirements under the revised RFP.

Denali’s proposal was lower in cost than either one of Synagro’s options. Denali was initially the more engaged and responsive bidder – although Synagro ended up asking some good questions in the week leading up to the RFP due date. The cost proposals are summarized in the attached table. Denali offered a \$(75,000.00) credit for not restoring the staging area to existing conditions. This will be a benefit for the larger upgrade project currently under preliminary design and is incorporated in the award amount.

In addition, we were debriefing Denali was regards to the exact power requirements. Based on their response, we may be able to use a series of smaller breakers, allowing the project schedule to be accelerated prior to the current start date of September 2025.

In summary, the Engineering Department recommends approval of the agreement with the Denali Corporation in the amount of \$3,850,800.00.

Your ref:
Our ref: 12619190

January 02, 2025

Glen Knecht
Denali Water Solutions

Request for Proposal: Removal of Sludge and Water from Lagoon No. 1 at the Wolfe Neck RWF

Dear Glen

Sussex County, DE (County) and GHD invite Denali Water Solutions (Contractor) to submit a proposal for removing water and sludge, and dewatering and disposing of the sludge, from Lagoon No. 1 at the Wolfe Neck Regional Wastewater Facility (WNRWF) located at 36160 Wolfe Neck Rd, Rehoboth Beach, DE 19971 in accordance with the details included herein.

Background

The WNRWF was constructed in the 1990's and has been in continuous service treating municipal wastewater with minimal upgrades since that time. County is currently planning to complete an upgrade and expansion of this facility in the coming years and is progressing two preliminary and related projects to expedite the future work. The first project is the construction of a new electrical service and switchgear in a new electrical building. This project will allow Lagoon No. 1 to be taken out of service and provide electrical capacity for the second project, the removal of water and sludge from Lagoon No. 1. This second project is the subject of this RFP.

Lagoon Dimensions and Sludge Characteristics

The existing lagoon is understood to have the following dimensional characteristics. Note that these values are taken from record drawings and should be considered approximate only. They have not been verified by GHD or County:

- Top of berm: EL 33.0
- Water Surface: EL 30.0 (depth 11 ft)
- Bottom of lagoon: EL 19.0
- Slope of berm: 3:1
- Dimensions at top of berm: 1050 ft long x 414 ft wide
- Dimensions at water surface: 1032 ft long x 396 ft wide
- Dimensions at bottom of lagoon: 966 ft long x 330 ft wide

The sludge to be removed by Contractor is understood to have the following approximate characteristics:

- Lagoon volume: 27.2 MG
- Approximate sludge volume: 15-20 MG
- Typical depth of sludge at bottom of lagoon: 7 feet

Based on general assumptions, the quantity of dry solids could be in the order of 2,000 to 3,000 dry tons (order of magnitude estimate only).

County has recently sampled and analyzed sludge characteristics for Contractor's information. The results are enclosed. Contractor may take additional samples as necessary before preparing a proposal.

Project Schedule

Contractor will perform the work in accordance with the following dates:

- Anticipated Notice to Proceed (NTP): October 20, 2025
- Final Completion (latest permissible date to complete all work, be demobilized from site, and have achieved readiness for final payment): 300 calendar days after NTP

Note that the NTP date is dependent on the completion of work by others and may be adjusted.

Removal of Sludge and Water

It is anticipated that Contractor will remove the sludge and water from Lagoon No. 1 generally as follows:

1. Dredging: Pumping of all but approximately 6" depth of sludge to the dewatering equipment via a dredging operation.
2. Removal of Water: Pumping water to Lagoon No. 2 until only a residual depth of sludge remains.
3. Final Sludge Removal: Using construction equipment to push the residual sludge to constructed sumps for pumping to the dewatering equipment.

Dewatering Operation

Contractor shall provide electrically driven pumps, dredging, and mechanical sludge dewatering equipment for the work. Other activities and space constraints preclude use of geotubes. Key considerations for the selection of sludge dewatering equipment:

- County will make available a single 2,000 amp, 480V 3 phase electrical service. Contractor shall provide all conductors, distribution panels, controls, and all other electrical, instrumentation, and control materials and equipment necessary to safely operate its dewatering equipment and any other ancillary equipment. Contractor shall connect directly to the new switchgear being provided as part of the ongoing electrical project via a temporary raceway also being provided as part of the electrical project.
- Process water may be obtained from Lagoon No. 3 (adjacent to Lagoon No. 1 on east side) or the effluent storage lagoon (furthest east lagoon on site). Contractor may attend site and collect samples for the purpose of estimating suitability for use as process water and to determine any pretreatment requirements. County makes no guarantee that water sampled during bidding will be representative of effluent quality during the execution of the work, and notes that algae levels will vary seasonally. Contractor shall provide any pretreatment equipment, and all pumps and piping required to treat and convey process water from these lagoons to its dewatering equipment.
- Process water shall be disposed of in Lagoon No. 2, which is located to the north of Lagoon No. 1. Lagoon No. 2 has the same top of berm, water surface, and bottom elevations as Lagoon No. 1. Contractor shall provide all pumps and piping required to return used process water from its dewatering equipment to Lagoon No. 2.
- Contractor shall provide all hoses, pumps, mixers and equipment necessary to flush, wash, dilute, and mix lagoon sludge for the purpose of collecting, conditioning and pumping to its dewatering equipment.
- Contractor shall produce a dewatered sludge (cake) that is at least 20% solids. Under GHD's or County's supervision, Contractor shall take one sample from each load to be hauled from site and determine percentage solids of the cake. The sample shall be split, with one part being given to County and the other to be used by Contractor for the required analysis. The analysis shall be conducted by an accredited and

independent laboratory in accordance with the standard procedures specified in the most current edition of Standard Methods for Examination of Water and Wastewater available at the time of testing. The analysis results and corresponding load details shall be submitted with payment applications. Contractor to submit documentation of proposed lab's accredited status for approval prior to the start of sampling.

- Contractor shall ensure maximum solids capture in the dewatering process to limit the concentration of total suspended solids (TSS) returned to Lagoon No. 2. Solids capture shall be at least 90%. Under GHD's or County's supervision, Contractor shall collect 5 equal-volume samples of centrate per day, evenly spaced over the course of the day's dewatering. These samples shall be combined into one composite sample for the day and analyzed to determine TSS. The sample shall be split, with one part being given to County and the other to be used by Contractor for the required analysis. The analysis shall be conducted by an accredited and independent laboratory in accordance with the standard procedures specified in the most current edition of Standard Methods for Examination of Water and Wastewater available at the time of testing. The analysis results shall be submitted with payment applications. Contractor to submit documentation of proposed lab's accredited status for approval prior to the start of sampling.
- To facilitate GHD's assessment of dewatering performance, Contractor shall provide flow meters to record the total volume of sludge and water removed from Lagoon No. 1 and discharged to Lagoon No. 2 each day. Flow totals shall be recorded daily and submitted with payment applications.
- Sludge removal will be considered complete when, to the satisfaction of County and GHD, the Contractor has removed all sludge that can be removed by pushing and scraping sludge to the constructed sumps. Contractor is not required to remove any portion of the clay liner.
- The maximum rate at which Contractor may transfer water to Lagoon No. 2 will be no greater than 500,000 gallons per day. County may need to impose further temporary restriction depending on influent flows and plant performance. It is anticipated that maximum allowable transfer rate will never be less than 250,000 gallons per day. Contractor is encouraged to have the equipment necessary for transferring 500,000 gallons per day, and with this equipment, assume that the average maximum allowable transfer rate will be 450,000 gallons per day. If the Contractor chooses to have lower capacity pumping equipment, additional time will be required to transfer water to Lagoon No. 2.

In addition to the above, it is noted that Contractor is responsible for providing all equipment, materials and chemicals intended or necessary for the dewatering and desludging work.

Odor Control

County recognizes the potential for increased odor generation as the lagoon is dewatered and the sludge removal work is completed. In its proposal, Contractor shall propose odor reduction methods, mechanisms for reimbursement and associated cost rates. Methods shall at a minimum provide options for odor reduction at the lagoon and at the dewatering equipment. Contractor shall be responsible for providing all necessary materials, chemicals, and equipment for the work. Contractor will use the same power source and may utilize the same lagoon water as for the dewatering process.

Disposal of Dewatered Sludge

Contractor shall be responsible for disposing of all dewatered sludge in accordance with all applicable laws and regulations. All handling, transportation, and disposal costs shall be borne by Contractor and included in Contractor's proposed unit price rate for sludge dewatering.

Contractor is hereby advised that traffic volume in the region varies significantly during the year and is typically very high during the summer months. Contractor shall plan accordingly.

Note that County does not have any agreements in place for the disposal of sludge from the WNRWF. It is Contractor's responsibility to identify disposal facilities and obtain the necessary permits.

Use of Site

The enclosed figure shows the location of each lagoon and the work area available for use by Contractor. Contractor shall contain all trailers, materials, equipment, and process elements in this work area, except for the process water piping and electrical conductors which will extend to locations outside of this work area.

Contractor may construct a cake storage facility within the work area to suit means and methods. If constructed, Contractor shall also decommission and remove from site at the end of the project. Costs for such a facility shall be included in Contractor's proposed mobilization and demobilization costs. Any such facility shall be provided with an impervious surface and run-off capture to prevent runoff or any rainwater, sludge, wastewater, or process water from discharging to the environment. All captured water would need to be pumped to one of the treatment lagoons. Contractor shall also provide odor control measures if instructed by County, and be ready to cease storing cake, and dispose of all stored cake, within 1 week if instructed by County.

Contractor shall be responsible for site restoration. All materials and equipment shall be removed, and the site restored to conditions as they were before the commencement of the work.

Contractor shall conduct operations on weekdays between the hours of 6:00 a.m. and 6:00 p.m. Trucks shall arrive and depart site between these same hours. Saturday work will be permitted to allow for make-up of rain days, subject to County approval and based on documented rain days. Sunday work will not be permitted.

Cost Basis

Contractor shall submit a lump sum and unit price cost proposal including the following items and in the form of the subsequent cost schedule. These items shall be inclusive of all Contractor costs:

1. Lump sum cost for mobilization
2. Lump sum cost for demobilization
3. Unit price cost for sludge dewatering and disposal during the initial dredging operation, based on an anticipated quantity of 2,200 dry ton. Measurement and payment shall be on a dry ton basis of solids removed from the lagoon. Contractor shall record and subtract mass of lime or any other material added during the dewatering process. If actual quantity exceeds the anticipated quantity, Contractor shall continue the dewatering process unless notified otherwise by GHD or County. Contractor will not be permitted to vary unit price cost if quantity is greater than or less than anticipated quantity.
4. Unit price cost for sludge dewatering and disposal during the final sludge removal operation, based on an anticipated quantity of 400 dry ton. Measurement and payment shall be on a dry ton basis of solids removed from the lagoon. Contractor shall record and subtract mass of lime or any other material added during the dewatering process. If actual quantity exceeds the anticipated quantity, Contractor shall continue the dewatering process unless notified otherwise by GHD or County. Contractor will not be permitted to vary unit price cost if quantity is greater than or less than anticipated quantity

Contractor shall also submit mechanisms and cost rates for proposed odor control measures. This may include separate mobilization and/or demobilization lump sum costs, and unit costs for system availability (i.e. materials and equipment on site and available for use) and/or system use (i.e. consumables and equipment costs).

Contractor is invited to attend site and take sludge samples for the purpose of conducting dewatering tests and effluent samples for the purpose of determining suitability and pretreatment requirements for process water prior to submitting a proposal. Site visits shall be completed by 1/31/2025. Proposals shall be submitted by 2/28/2025.

Cost Schedule

Contractor's proposal shall include lump sum and unit price costs in the following schedule. Submit mechanisms and cost rates for proposed odor control measures separately:

Table 1 Cost Schedule

Bid Item	Unit	Estimated Quantity	Unit Price	Bid Price
1. Mobilization	Lump Sum	--	--	\$
2. Demobilization	Lump Sum	--	--	\$
3. Dredging Operation: Sludge Dewatering and Disposal	Dry Tons (Solids)	2,200	\$	\$
4. Final Sludge Removal: Sludge Dewatering and Disposal	Dry Tons (Solids)	400	\$	\$

Contract Terms

Contractor shall submit proposed terms for the work for County review. It is anticipated that the agreement will be based on Contractor’s standard terms with modifications as negotiated and agreed by County and Contractor.

Enclosures

1. Site plan
2. Laboratory analysis results

Regards



Steven Clark
 Project Manager
 (443) 875-5061
 steven.clark@ghd.com



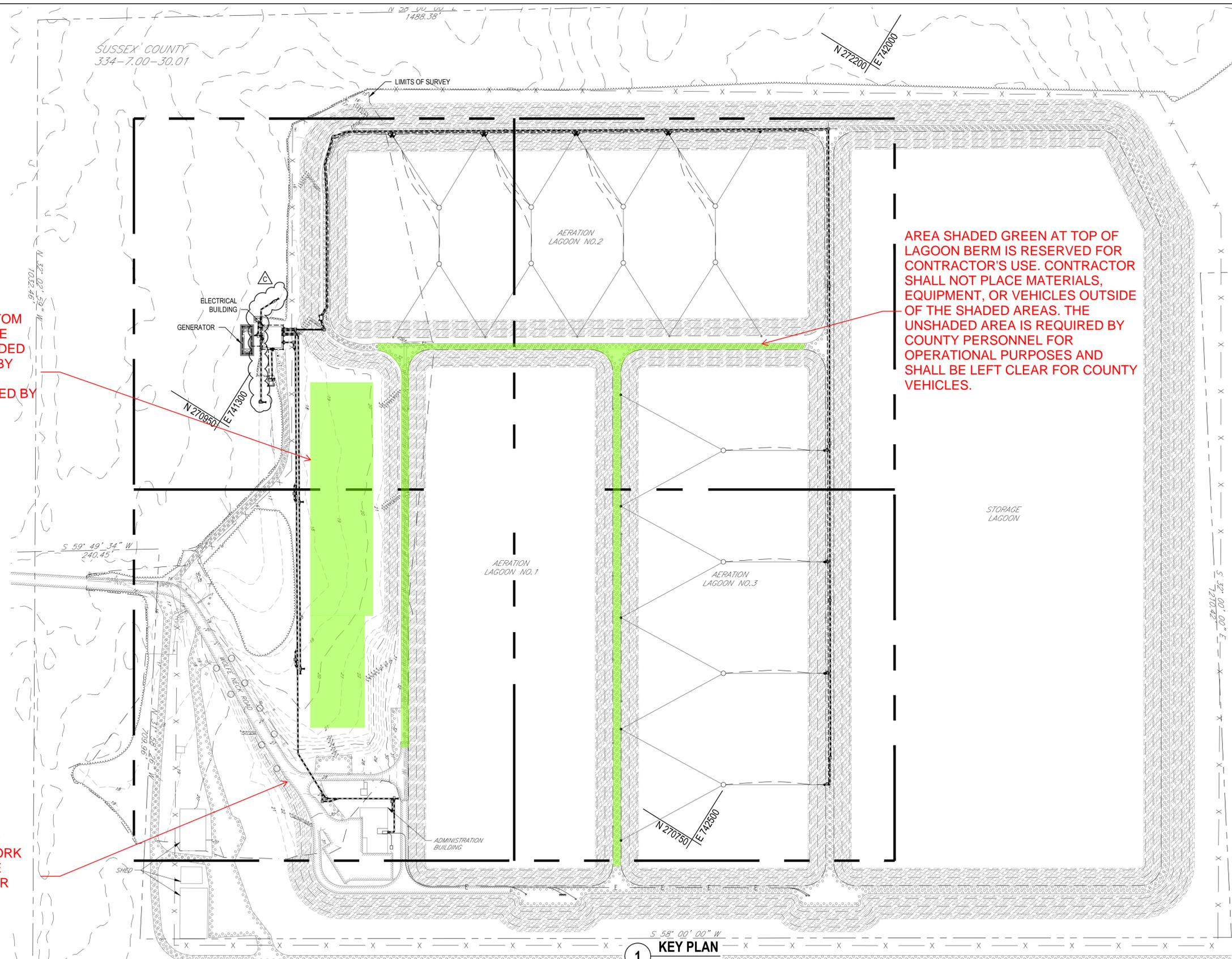
SUSSEX COUNTY
334-7.00-30.01

LIMITS OF SURVEY

AREA SHADED GREEN AT BOTTOM OF LAGOON BERM IS AVAILABLE FOR CONTRACTOR'S USE. SHADED AREA IS APPROXIMATELY 330' BY 50-60'. UNSHADED AREA SHALL REMAIN CLEAR AND IS REQUIRED BY COUNTY PERSONNEL FOR OPERATIONAL PURPOSES.

AREA SHADED GREEN AT TOP OF LAGOON BERM IS RESERVED FOR CONTRACTOR'S USE. CONTRACTOR SHALL NOT PLACE MATERIALS, EQUIPMENT, OR VEHICLES OUTSIDE OF THE SHADED AREAS. THE UNSHADED AREA IS REQUIRED BY COUNTY PERSONNEL FOR OPERATIONAL PURPOSES AND SHALL BE LEFT CLEAR FOR COUNTY VEHICLES.

CONTRACTOR VEHICLES AND EQUIPMENT SHALL ENTER AND LEAVE THE CONTRACTOR'S WORK AREA (SHADED GREEN) BY THE EXISTING ROADS. CONTRACTOR SHALL COORDINATE VEHICLE MOVEMENTS WITH COUNTY.



1 KEY PLAN
SCALE: 1" = 100'-0"

REQUEST FOR PROPOSAL: DEWATERING AND DESLUDGING LAGOON NO. 1 AT SUSSEX COUNTY'S WOLFE NECK REGIONAL WASTEWATER FACILITY

ENCLOSURE 1: SITE PLAN

Bar is one inch on original size sheet
0 1"

0 50 100 150
SCALE 1"=100' AT ORIGINAL SIZE



GHD Inc.
16701 Melford Boulevard, Suite 330
Bowie MD 20715 USA
T 1 240 206 6810 F 1 240 206 6811 W www.ghd.com



www.ghd.com

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ENVIROCORP LABORATORIES INC.

51 CLARK STREET, HARRINGTON, DE 19952
302-398-4313
www.envirocorplabs.com



ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER



November 05, 2024

Albert Goepel
Wolfe Neck Regional WW Treatment Facility
36160 Wolfe Neck Road
Rehoboth Beach, DE 19971

RE: Lagoons

Enclosed are the results of analyses for samples received by our laboratory on 10/16/2024. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Shelly Bloom
Supervising Analyst

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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 11/05/2024 09:31

Sample Summary

Lab ID	Sample	Matrix	Sampled	Received
2409759-01	Front	Waste Water	10/16/2024 9:55	10/16/24 13:45
2409759-02	Middle	Waste Water	10/16/2024 9:20	10/16/24 13:45
2409759-03	Back	Waste Water	10/16/2024 8:55	10/16/24 13:45



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 51 CLARK STREET, HARRINGTON, DE 19952
 302-398-4313
 www.envirocorplabs.com
 ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER MONITORING



Chain of Custody

Client: Tyler Fink
 Wolfe Neck Regional WW Treatment Facility
 36160 Wolfe Neck Road
 Rehoboth Beach, DE 19971

WORK ORDER #



2409759
 Wolfe Neck Regional WW Treatment Lagoons

Phone: 302-644-2761
Email: tyler.fink@sussexcountyde.gov

Comments: Log in as one work order.

Project: Lagoons

Sample #: -01 **Front** **Solid** **Grab**
Collection Date/Time: 10/16/2024 9:55 Am **Collected By:** Ponka Bunde//

Container	Qty	Analysis	Comments
None	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L HCL	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubPlastic - 16oz Unp	1	Sub_Landfill DE	
SubPlastic - 8oz HNO3	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	

Albert Goepel 10/16/24 12:10 PM
 Relinquished By Date/Time
Meore 10-16-24/1345
 Relinquished By Date/Time
Meore 10-16-24/12:08
 Received By Date/Time
Smith 10-16-24/1345
 Received By Date/Time

6.0
Temp. at Lab



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 302-398-4313
 www.envirocorplabs.com
 ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER MONITORING



Chain of Custody

Client: Tyler Fink
 Wolfe Neck Regional WW Treatment Facility
 36160 Wolfe Neck Road
 Rehoboth Beach, DE 19971

WORK ORDER #

Place Barcode Here

Phone: 302-644-2761
Email: tyler.fink@sussexcountyde.gov

Comments:

Project: Lagoons

Sample #: 02 **Middle** **Solid** **Grab**
Collection Date/Time: 10/16/2024 9:20 Am **Collected By:** Parker Bundell

Container	Qty	Analysis	Comments
None	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L HCL	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubPlastic - 16oz Unp	1	Sub_Landfill DE	
SubPlastic - 8oz HNO3	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	

Albert Goepel 12/16/24 12:10 PM Mcleone 10-16-24/12:08
 Relinquished By Date/Time Received By Date/Time
Mcleone 10-16-24/1345 [Signature] 10-16-24/1345
 Relinquished By Date/Time Received By Date/Time

6.0
Temp. at Lab



ENVIROCORP LABORATORIES INC.
 51 CLARK STREET, HARRINGTON, DE 19952
 302-398-4313
 www.envirocorplabs.com
 ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER MONITORING



Chain of Custody

Client: Tyler Fink
 Wolfe Neck Regional WW Treatment Facility
 36160 Wolfe Neck Road
 Rehoboth Beach, DE 19971

WORK ORDER #

Place Barcode Here

Phone: 302-644-2761
Email: tyler.fink@sussexcountyde.gov

Comments:

Project: Lagoons

Sample #: -03
Collection Date/Time: 10/16/2024 8:55 AM **Back**
Solid **Grab**
Collected By: Parker Buskirk

Container	Qty	Analysis	Comments
None	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 100mL Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L HCL	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubGlass - Amber 1L Unp	1	Sub_Landfill DE	
SubPlastic - 16oz Unp	1	Sub_Landfill DE	
SubPlastic - 8oz HNO3	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	
SubVOA - Clear HCl	1	Sub_Landfill DE	

Albert Goppel
 Relinquished By
Moore
 Relinquished By

10/16/24
 12:10 PM
10-16-24/1345
 Date/Time
 Date/Time

Moore
 Received By
 Received By

10-16-24/12:08
10-16-24/1345
 Date/Time
 Date/Time

6.0
 Temp. at Lab



November 04, 2024

Shelly Bloom
Envirocorp Labs, Inc.
51 Clark Street
Harrington, DE 19952

RE: Project: 2409759
Pace Project No.: 30727724

Dear Shelly Bloom:

Enclosed are the analytical results for sample(s) received by the laboratory on October 18, 2024. The results relate only to the samples included in this report. Results reported herein conform to the applicable TNI/NELAC Standards and the laboratory's Quality Manual, where applicable, unless otherwise noted in the body of the report.

The test results provided in this final report were generated by each of the following laboratories within the Pace Network:

- Pace National - Mt. Juliet
- Pace Analytical Services - Beaver
- Pace Analytical Services - Greensburg

If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Nikayla Yasurek

Nikayla M. Yasurek
nikayla.yasurek@pacelabs.com
(724)850-5600
Project Manager

Enclosures

cc: Shelley Johnson, Envirocorp Labs, Inc.
Rachael Short, Envirocorp Labs



REPORT OF LABORATORY ANALYSIS

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CERTIFICATIONS

Project: 2409759
Pace Project No.: 30727724

Pace Analytical Services Pennsylvania

1638 Roseytown Rd Suites 2,3&4, Greensburg, PA 15601
 ANAB DOD-ELAP Rad Accreditation #: L2417
 ANABISO/IEC 17025:2017 Rad Cert#: L24170
 Alabama Certification #: 41590
 Arizona Certification #: AZ0734
 Arkansas Certification
 California Certification #: 2950
 Colorado Certification #: PA01547
 Connecticut Certification #: PH-0694
 EPA Region 4 DW Rad
 Florida/TNI Certification #: E87683
 Georgia Certification #: C040
 Guam Certification
 Hawaii Certification
 Idaho Certification
 Illinois Certification
 Indiana Certification
 Iowa Certification #: 391
 Kansas Certification #: E-10358
 Kentucky Certification #: KY90133
 KY WW Permit #: KY0098221
 KY WW Permit #: KY0000221
 Louisiana DHH/TNI Certification #: LA010
 Louisiana DEQ/TNI Certification #: 04086
 Maine Certification #: 2023021
 Maryland Certification #: 308
 Massachusetts Certification #: M-PA1457
 Michigan/PADEP Certification #: 9991

Missouri Certification #: 235
 Montana Certification #: Cert0082
 Nebraska Certification #: NE-OS-29-14
 Nevada Certification #: PA014572023-03
 New Hampshire/TNI Certification #: 297622
 New Jersey/TNI Certification #: PA051
 New Mexico Certification #: PA01457
 New York/TNI Certification #: 10888
 North Carolina Certification #: 42706
 North Dakota Certification #: R-190
 Ohio EPA Rad Approval: #41249
 Oregon/TNI Certification #: PA200002-015
 Pennsylvania/TNI Certification #: 65-00282
 Puerto Rico Certification #: PA01457
 Rhode Island Certification #: 65-00282
 South Dakota Certification
 Tennessee Certification #: TN02867
 Texas/TNI Certification #: T104704188-22-18
 Utah/TNI Certification #: PA014572223-14
 USDA Soil Permit #: 525-23-67-77263
 Vermont Dept. of Health: ID# VT-0282
 Virgin Island/PADEP Certification
 Virginia/VELAP Certification #: 460198
 Washington Certification #: C868
 West Virginia DEP Certification #: 143
 West Virginia DHHR Certification #: 9964C
 Wisconsin Approve List for Rad

Pace Analytical Services National

12065 Lebanon Road, Mt. Juliet, TN 37122
 Alabama Certification #: 40660
 Alaska Certification 17-026
 Arizona Certification #: AZ0612
 Arkansas Certification #: 88-0469
 California Certification #: 2932
 Canada Certification #: 1461.01
 Colorado Certification #: TN00003
 Connecticut Certification #: PH-0197
 DOD Certification: #1461.01
 EPA# TN00003
 Florida Certification #: E87487
 Georgia DW Certification #: 923
 Georgia Certification: NELAP
 Idaho Certification #: TN00003
 Illinois Certification #: 200008
 Indiana Certification #: C-TN-01
 Iowa Certification #: 364
 Kansas Certification #: E-10277
 Kentucky UST Certification #: 16
 Kentucky Certification #: 90010

Louisiana Certification #: AI30792
 Louisiana DW Certification #: LA180010
 Maine Certification #: TN0002
 Maryland Certification #: 324
 Massachusetts Certification #: M-TN003
 Michigan Certification #: 9958
 Minnesota Certification #: 047-999-395
 Mississippi Certification #: TN00003
 Missouri Certification #: 340
 Montana Certification #: CERT0086
 Nebraska Certification #: NE-OS-15-05
 Nevada Certification #: TN-03-2002-34
 New Hampshire Certification #: 2975
 New Jersey Certification #: TN002
 New Mexico DW Certification
 New York Certification #: 11742
 North Carolina Aquatic Toxicity Certification #: 41
 North Carolina Drinking Water Certification #: 21704
 North Carolina Environmental Certificate #: 375
 North Dakota Certification #: R-140
 Ohio VAP Certification #: CL0069

REPORT OF LABORATORY ANALYSIS

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CERTIFICATIONS

Project: 2409759
Pace Project No.: 30727724

Pace Analytical Services National

Oklahoma Certification #: 9915	Virginia Certification #: VT2006
Oregon Certification #: TN200002	Vermont Dept. of Health: ID# VT-2006
Pennsylvania Certification #: 68-02979	Virginia Certification #: 460132
Rhode Island Certification #: LAO00356	Washington Certification #: C847
South Carolina Certification #: 84004	West Virginia Certification #: 233
South Dakota Certification	Wisconsin Certification #: 998093910
Tennessee DW/Chem/Micro Certification #: 2006	Wyoming UST Certification #: via A2LA 2926.01
Texas Certification #: T 104704245-17-14	A2LA-ISO 17025 Certification #: 1461.01
Texas Mold Certification #: LAB0152	A2LA-ISO 17025 Certification #: 1461.02
USDA Soil Permit #: P330-15-00234	AIHA-LAP/LLC EMLAP Certification #:100789
Utah Certification #: TN00003	

Pace Analytical Services Beaver

225 Industrial Park Road, Beaver, WV 25813	North Carolina DEQ 466
Virginia VELAP 460148	Kentucky Wastewater Certification KY90039
West Virginia DEP 060	Pennsylvania DEP 68-00839
West Virginia DHHR 00412CM	

REPORT OF LABORATORY ANALYSIS

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SAMPLE SUMMARY

Project: 2409759
Pace Project No.: 30727724

Lab ID	Sample ID	Matrix	Date Collected	Date Received
30727724001	2409759-01	Solid	10/16/24 09:55	10/18/24 21:45
30727724002	2409759-02	Solid	10/16/24 09:20	10/18/24 21:45
30727724003	2409759-03	Solid	10/16/24 08:55	10/18/24 21:45

REPORT OF LABORATORY ANALYSIS

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SAMPLE ANALYTE COUNT

Project: 2409759
Pace Project No.: 30727724

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
30727724001	2409759-01	EPA 6010D	AGB	7	PASI-BV
		EPA 7470A	JLH1	1	PASI-BV
		EPA 9056A	MAT	1	PASI-BV
		EPA 8151A	HMH	3	PAN
		EPA 8081B	CTS	9	PASI-PA
		EPA 8082A	BNL	10	PASI-PA
		EPA 8270D	EAC	18	PASI-PA
		EPA 8260C	EG	8	PASI-PA
		EPA 8260C	JEW	14	PASI-PA
		SM 2540G-2015	AJG	1	PASI-PA
		EPA 1010B	CDD	1	PASI-PA
		EPA 9045D	BDU	1	PASI-PA
		EPA 9071B	RSY	2	PASI-PA
		EPA 9095B	RSY	1	PASI-PA
		EPA 9014	PAS	1	PASI-PA
		SM 4500-S2-F-2011	PAS	1	PASI-PA
		30727724002	2409759-02	EPA 6010D	AGB
EPA 7470A	JLH1			1	PASI-BV
EPA 9056A	MAT			1	PASI-BV
EPA 8151A	HMH			3	PAN
EPA 8081B	CTS			9	PASI-PA
EPA 8082A	BNL			10	PASI-PA
EPA 8270D	EAC			18	PASI-PA
EPA 8260C	EG			8	PASI-PA
EPA 8260C	JEW			14	PASI-PA
SM 2540G-2015	AJG			1	PASI-PA
EPA 1010B	CDD			1	PASI-PA
EPA 9045D	BDU			1	PASI-PA
EPA 9071B	RSY			2	PASI-PA
EPA 9095B	RSY			1	PASI-PA
EPA 9014	PAS			1	PASI-PA
SM 4500-S2-F-2011	PAS			1	PASI-PA
30727724003	2409759-03			EPA 6010D	AGB
		EPA 7470A	JLH1	1	PASI-BV
		EPA 9056A	MAT	1	PASI-BV
		EPA 8151A	HMH	3	PAN
		EPA 8081B	CTS	9	PASI-PA

REPORT OF LABORATORY ANALYSIS

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SAMPLE ANALYTE COUNT

Project: 2409759
Pace Project No.: 30727724

Lab ID	Sample ID	Method	Analysts	Analytes Reported	Laboratory
		EPA 8082A	BNL	10	PASI-PA
		EPA 8270D	EAC	18	PASI-PA
		EPA 8260C	EG	8	PASI-PA
		EPA 8260C	JEW	14	PASI-PA
		SM 2540G-2015	AJG	1	PASI-PA
		EPA 1010B	CDD	1	PASI-PA
		EPA 9045D	BDU	1	PASI-PA
		EPA 9071B	RSY	2	PASI-PA
		EPA 9095B	RSY	1	PASI-PA
		EPA 9014	PAS	1	PASI-PA
		SM 4500-S2-F-2011	PAS	1	PASI-PA

PAN = Pace National - Mt. Juliet
PASI-BV = Pace Analytical Services - Beaver
PASI-PA = Pace Analytical Services - Greensburg

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-01 Lab ID: 30727724001 Collected: 10/16/24 09:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
BVR 6010D MET ICP, TCLP, 3010A								
Analytical Method: EPA 6010D Preparation Method: EPA 3010A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.72; Final pH: 4.95								
Pace Analytical Services - Beaver								
Arsenic	ND	mg/L	0.50	1	10/25/24 11:39	10/26/24 12:49	7440-38-2	
Barium	ND	mg/L	2.5	1	10/25/24 11:39	10/26/24 12:49	7440-39-3	
Cadmium	ND	mg/L	0.050	1	10/25/24 11:39	10/26/24 12:49	7440-43-9	
Chromium	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 12:49	7440-47-3	
Lead	ND	mg/L	0.25	1	10/25/24 11:39	10/26/24 12:49	7439-92-1	
Selenium	ND	mg/L	0.10	1	10/25/24 11:39	10/26/24 12:49	7782-49-2	
Silver	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 12:49	7440-22-4	
BVR 7470 Mercury, TCLP								
Analytical Method: EPA 7470A Preparation Method: EPA 7470A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.72; Final pH: 4.95								
Pace Analytical Services - Beaver								
Mercury	ND	mg/L	0.00040	1	10/28/24 03:44	10/28/24 12:42	7439-97-6	
BVR 9056A IC Anions								
Analytical Method: EPA 9056A Preparation Method: EPA 9056A								
Pace Analytical Services - Beaver								
Sulfate	ND	mg/kg	1540	1	10/25/24 08:15	10/25/24 13:28	14808-79-8	
Chlorinated Herb. (GC) 8151A								
Analytical Method: EPA 8151A Preparation Method: 8151A								
Leachate Method/Date: 1311; 10/24/24 08:58 Initial pH: 7.27; Final pH: 4.83								
Pace National - Mt. Juliet								
2,4,5-TP (Silvex)	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:00	93-72-1	
2,4-D	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:00	94-75-7	
Surrogates								
2,4-DCAA (S)	63.6	%	14.0-158	1	10/27/24 13:04	10/29/24 09:00	19719-28-9	
8081B GCS Pesticides, TCLP								
Analytical Method: EPA 8081B Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.85; Final pH: 4.97								
Pace Analytical Services - Greensburg								
gamma-BHC (Lindane)	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:05	58-89-9	1c
Chlordane (Technical)	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:05	57-74-9	1c
Endrin	ND	mg/L	0.00020	1	10/30/24 11:00	10/31/24 11:05	72-20-8	1c
Heptachlor	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:05	76-44-8	1c
Heptachlor epoxide	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:05	1024-57-3	1c
Methoxychlor	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:05	72-43-5	1c,CH
Toxaphene	ND	mg/L	0.0020	1	10/30/24 11:00	10/31/24 11:05	8001-35-2	1c
Surrogates								
Decachlorobiphenyl (S)	68	%	10-129	1	10/30/24 11:00	10/31/24 11:05	2051-24-3	
Tetrachloro-m-xylene (S)	69	%	40-102	1	10/30/24 11:00	10/31/24 11:05	877-09-8	
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1016 (Aroclor 1016)	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	12674-11-2	ED,P1
PCB-1221 (Aroclor 1221)	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	11104-28-2	ED,P1

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-01 Lab ID: 30727724001 Collected: 10/16/24 09:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1232 (Aroclor 1232)	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	11141-16-5	ED,P1
PCB-1242 (Aroclor 1242)	ND	mg/kg	14.9	5	11/01/24 08:14	11/01/24 20:59	53469-21-9	ED,P1
PCB-1248 (Aroclor 1248)	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	12672-29-6	ED,P1
PCB-1254 (Aroclor 1254)	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	11097-69-1	ED,P1
PCB-1260 (Aroclor 1260)	ND	mg/kg	14.9	5	11/01/24 08:14	11/01/24 20:59	11096-82-5	ED,P1
PCB, Total	ND	mg/kg	7.4	5	11/01/24 08:14	11/01/24 20:59	1336-36-3	
Surrogates								
Tetrachloro-m-xylene (S)	81	%	59-94	5	11/01/24 08:14	11/01/24 20:59	877-09-8	
Decachlorobiphenyl (S)	106	%	73-118	5	11/01/24 08:14	11/01/24 20:59	2051-24-3	
8270D MSSV TCLP Sep Funnel								
Analytical Method: EPA 8270D Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.85; Final pH: 4.97								
Pace Analytical Services - Greensburg								
1,4-Dichlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	106-46-7	
2,4-Dinitrotoluene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	121-14-2	
Hexachloro-1,3-butadiene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	87-68-3	
Hexachlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	118-74-1	
Hexachloroethane	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	67-72-1	
2-Methylphenol(o-Cresol)	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	95-48-7	
3&4-Methylphenol(m&p Cresol)	ND	mg/L	0.20	1	10/31/24 10:45	11/01/24 18:37		
Nitrobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	98-95-3	
Pentachlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 18:37	87-86-5	
Pyridine	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	110-86-1	
2,4,5-Trichlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 18:37	95-95-4	
2,4,6-Trichlorophenol	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:37	88-06-2	
Surrogates								
Nitrobenzene-d5 (S)	71	%	10-140	1	10/31/24 10:45	11/01/24 18:37	4165-60-0	
2-Fluorobiphenyl (S)	75	%	10-135	1	10/31/24 10:45	11/01/24 18:37	321-60-8	
Terphenyl-d14 (S)	95	%	10-128	1	10/31/24 10:45	11/01/24 18:37	1718-51-0	
Phenol-d6 (S)	43	%	10-145	1	10/31/24 10:45	11/01/24 18:37	13127-88-3	
2-Fluorophenol (S)	50	%	10-142	1	10/31/24 10:45	11/01/24 18:37	367-12-4	
2,4,6-Tribromophenol (S)	80	%	10-140	1	10/31/24 10:45	11/01/24 18:37	118-79-6	
8260C MSV 5035 Low Level								
Analytical Method: EPA 8260C Preparation Method: EPA 5035A								
Pace Analytical Services - Greensburg								
Benzene	ND	mg/kg	0.24	1	10/29/24 11:20	10/29/24 13:56	71-43-2	1c
Ethylbenzene	ND	mg/kg	0.24	1	10/29/24 11:20	10/29/24 13:56	100-41-4	1c
Toluene	ND	mg/kg	0.24	1	10/29/24 11:20	10/29/24 13:56	108-88-3	1c
Xylene (Total)	ND	mg/kg	0.73	1	10/29/24 11:20	10/29/24 13:56	1330-20-7	
Surrogates								
Toluene-d8 (S)	104	%	70-130	1	10/29/24 11:20	10/29/24 13:56	2037-26-5	
4-Bromofluorobenzene (S)	116	%	70-130	1	10/29/24 11:20	10/29/24 13:56	460-00-4	
1,2-Dichloroethane-d4 (S)	96	%	70-130	1	10/29/24 11:20	10/29/24 13:56	17060-07-0	
Dibromofluoromethane (S)	95	%	70-130	1	10/29/24 11:20	10/29/24 13:56	1868-53-7	

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-01 **Lab ID: 30727724001** Collected: 10/16/24 09:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8260C MSV TCLP		Analytical Method: EPA 8260C Leachate Method/Date: EPA 1311; 10/24/24 16:18 Pace Analytical Services - Greensburg						
Benzene	ND	mg/L	0.050	10		10/30/24 13:10	71-43-2	
2-Butanone (MEK)	ND	mg/L	0.10	10		10/30/24 13:10	78-93-3	
Carbon tetrachloride	ND	mg/L	0.050	10		10/30/24 13:10	56-23-5	
Chlorobenzene	ND	mg/L	0.050	10		10/30/24 13:10	108-90-7	
Chloroform	ND	mg/L	0.050	10		10/30/24 13:10	67-66-3	
1,2-Dichloroethane	ND	mg/L	0.050	10		10/30/24 13:10	107-06-2	
1,1-Dichloroethene	ND	mg/L	0.050	10		10/30/24 13:10	75-35-4	
Tetrachloroethene	ND	mg/L	0.050	10		10/30/24 13:10	127-18-4	
Trichloroethene	ND	mg/L	0.050	10		10/30/24 13:10	79-01-6	
Vinyl chloride	ND	mg/L	0.050	10		10/30/24 13:10	75-01-4	CH
Surrogates								
1,2-Dichloroethane-d4 (S)	96	%	70-130	10		10/30/24 13:10	17060-07-0	
Toluene-d8 (S)	97	%	70-130	10		10/30/24 13:10	2037-26-5	
4-Bromofluorobenzene (S)	97	%	70-130	10		10/30/24 13:10	460-00-4	
Dibromofluoromethane (S)	98	%	70-130	10		10/30/24 13:10	1868-53-7	
Percent Moisture		Analytical Method: SM 2540G-2015 Pace Analytical Services - Greensburg						
Percent Moisture	96.8	%	0.10	1		10/28/24 19:35		H1
1010B Flashpoint,Closed Cup		Analytical Method: EPA 1010B Pace Analytical Services - Greensburg						
Flashpoint	>200	deg F	60.0	1		10/28/24 16:58		
9045D pH Soil		Analytical Method: EPA 9045D Preparation Method: EPA 9045D Pace Analytical Services - Greensburg						
pH in water at 25 degrees C	7.5	Std. Units	2.0	1	10/29/24 13:03	10/29/24 15:08		H3
9071 Oil and Grease/TPH		Analytical Method: EPA 9071B Preparation Method: EPA 9071B Pace Analytical Services - Greensburg						
Oil and Grease	47200	mg/kg	24500	1	10/24/24 15:54	10/25/24 12:17		3c
Total Petroleum Hydrocarbons	ND	mg/kg	24500	1	10/24/24 15:54	10/25/24 12:17		3c
9095 Paint Filter Liquid Test		Analytical Method: EPA 9095B Pace Analytical Services - Greensburg						
Free Liquids	FAIL			1		10/23/24 16:44		
733C S Reactive Cyanide		Analytical Method: EPA 9014 Preparation Method: SW-846 7.3.3.2 Pace Analytical Services - Greensburg						
Cyanide, Reactive	ND	mg/kg	31.1	1	10/24/24 18:00	10/24/24 19:06		RT

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-01 **Lab ID: 30727724001** Collected: 10/16/24 09:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
734S Reactive Sulfide								
Analytical Method: SM 4500-S2-F-2011 Preparation Method: SW-846 7.3.4.2 Pace Analytical Services - Greensburg								
Sulfide, Reactive	ND	mg/kg	311	1	10/24/24 18:00	10/24/24 18:04		H1,H2, RT

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-02 **Lab ID: 30727724002** Collected: 10/16/24 09:20 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
BVR 6010D MET ICP, TCLP, 3010A								
Analytical Method: EPA 6010D Preparation Method: EPA 3010A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.84; Final pH: 4.93								
Pace Analytical Services - Beaver								
Arsenic	ND	mg/L	0.50	1	10/25/24 11:39	10/26/24 13:00	7440-38-2	
Barium	ND	mg/L	2.5	1	10/25/24 11:39	10/26/24 13:00	7440-39-3	
Cadmium	ND	mg/L	0.050	1	10/25/24 11:39	10/26/24 13:00	7440-43-9	
Chromium	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 13:00	7440-47-3	
Lead	ND	mg/L	0.25	1	10/25/24 11:39	10/26/24 13:00	7439-92-1	
Selenium	ND	mg/L	0.10	1	10/25/24 11:39	10/26/24 13:00	7782-49-2	
Silver	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 13:00	7440-22-4	
BVR 7470 Mercury, TCLP								
Analytical Method: EPA 7470A Preparation Method: EPA 7470A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.84; Final pH: 4.93								
Pace Analytical Services - Beaver								
Mercury	ND	mg/L	0.00040	1	10/28/24 03:44	10/28/24 12:54	7439-97-6	
BVR 9056A IC Anions								
Analytical Method: EPA 9056A Preparation Method: EPA 9056A								
Pace Analytical Services - Beaver								
Sulfate	ND	mg/kg	1440	1	10/25/24 08:15	10/25/24 13:47	14808-79-8	
Chlorinated Herb. (GC) 8151A								
Analytical Method: EPA 8151A Preparation Method: 8151A								
Leachate Method/Date: 1311; 10/24/24 08:58 Initial pH: 7.07; Final pH: 4.88								
Pace National - Mt. Juliet								
2,4,5-TP (Silvex)	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:11	93-72-1	
2,4-D	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:11	94-75-7	
Surrogates								
2,4-DCAA (S)	79.8	%	14.0-158	1	10/27/24 13:04	10/29/24 09:11	19719-28-9	
8081B GCS Pesticides, TCLP								
Analytical Method: EPA 8081B Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.6; Final pH: 4.97								
Pace Analytical Services - Greensburg								
gamma-BHC (Lindane)	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:17	58-89-9	1c
Chlordane (Technical)	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:17	57-74-9	1c
Endrin	ND	mg/L	0.00020	1	10/30/24 11:00	10/31/24 11:17	72-20-8	1c
Heptachlor	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:17	76-44-8	1c
Heptachlor epoxide	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:17	1024-57-3	1c
Methoxychlor	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:17	72-43-5	1c,CH
Toxaphene	ND	mg/L	0.0020	1	10/30/24 11:00	10/31/24 11:17	8001-35-2	1c
Surrogates								
Decachlorobiphenyl (S)	69	%	10-129	1	10/30/24 11:00	10/31/24 11:17	2051-24-3	
Tetrachloro-m-xylene (S)	70	%	40-102	1	10/30/24 11:00	10/31/24 11:17	877-09-8	
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1016 (Aroclor 1016)	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	12674-11-2	ED,P1
PCB-1221 (Aroclor 1221)	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	11104-28-2	ED,P1

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-02 Lab ID: 30727724002 Collected: 10/16/24 09:20 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1232 (Aroclor 1232)	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	11141-16-5	ED,P1
PCB-1242 (Aroclor 1242)	ND	mg/kg	14.3	5	11/01/24 08:14	11/01/24 21:16	53469-21-9	ED,P1
PCB-1248 (Aroclor 1248)	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	12672-29-6	ED,P1
PCB-1254 (Aroclor 1254)	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	11097-69-1	ED,P1
PCB-1260 (Aroclor 1260)	ND	mg/kg	14.3	5	11/01/24 08:14	11/01/24 21:16	11096-82-5	ED,P1
PCB, Total	ND	mg/kg	7.1	5	11/01/24 08:14	11/01/24 21:16	1336-36-3	
Surrogates								
Tetrachloro-m-xylene (S)	78	%	59-94	5	11/01/24 08:14	11/01/24 21:16	877-09-8	
Decachlorobiphenyl (S)	98	%	73-118	5	11/01/24 08:14	11/01/24 21:16	2051-24-3	
8270D MSSV TCLP Sep Funnel								
Analytical Method: EPA 8270D Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.6; Final pH: 4.97								
Pace Analytical Services - Greensburg								
1,4-Dichlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	106-46-7	
2,4-Dinitrotoluene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	121-14-2	
Hexachloro-1,3-butadiene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	87-68-3	
Hexachlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	118-74-1	
Hexachloroethane	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	67-72-1	
2-Methylphenol(o-Cresol)	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	95-48-7	
3&4-Methylphenol(m&p Cresol)	ND	mg/L	0.20	1	10/31/24 10:45	11/01/24 18:59		
Nitrobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	98-95-3	
Pentachlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 18:59	87-86-5	
Pyridine	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	110-86-1	
2,4,5-Trichlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 18:59	95-95-4	
2,4,6-Trichlorophenol	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 18:59	88-06-2	
Surrogates								
Nitrobenzene-d5 (S)	81	%	10-140	1	10/31/24 10:45	11/01/24 18:59	4165-60-0	
2-Fluorobiphenyl (S)	85	%	10-135	1	10/31/24 10:45	11/01/24 18:59	321-60-8	
Terphenyl-d14 (S)	92	%	10-128	1	10/31/24 10:45	11/01/24 18:59	1718-51-0	
Phenol-d6 (S)	43	%	10-145	1	10/31/24 10:45	11/01/24 18:59	13127-88-3	
2-Fluorophenol (S)	53	%	10-142	1	10/31/24 10:45	11/01/24 18:59	367-12-4	
2,4,6-Tribromophenol (S)	82	%	10-140	1	10/31/24 10:45	11/01/24 18:59	118-79-6	
8260C MSV 5035 Low Level								
Analytical Method: EPA 8260C Preparation Method: EPA 5035A								
Pace Analytical Services - Greensburg								
Benzene	ND	mg/kg	0.21	1	10/29/24 11:20	10/29/24 14:23	71-43-2	1c
Ethylbenzene	ND	mg/kg	0.21	1	10/29/24 11:20	10/29/24 14:23	100-41-4	1c
Toluene	ND	mg/kg	0.21	1	10/29/24 11:20	10/29/24 14:23	108-88-3	1c
Xylene (Total)	ND	mg/kg	0.63	1	10/29/24 11:20	10/29/24 14:23	1330-20-7	
Surrogates								
Toluene-d8 (S)	104	%	70-130	1	10/29/24 11:20	10/29/24 14:23	2037-26-5	
4-Bromofluorobenzene (S)	118	%	70-130	1	10/29/24 11:20	10/29/24 14:23	460-00-4	
1,2-Dichloroethane-d4 (S)	94	%	70-130	1	10/29/24 11:20	10/29/24 14:23	17060-07-0	
Dibromofluoromethane (S)	97	%	70-130	1	10/29/24 11:20	10/29/24 14:23	1868-53-7	

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-02 **Lab ID: 30727724002** Collected: 10/16/24 09:20 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8260C MSV TCLP		Analytical Method: EPA 8260C Leachate Method/Date: EPA 1311; 10/24/24 16:18 Pace Analytical Services - Greensburg						
Benzene	ND	mg/L	0.050	10		10/30/24 13:30	71-43-2	
2-Butanone (MEK)	ND	mg/L	0.10	10		10/30/24 13:30	78-93-3	
Carbon tetrachloride	ND	mg/L	0.050	10		10/30/24 13:30	56-23-5	
Chlorobenzene	ND	mg/L	0.050	10		10/30/24 13:30	108-90-7	
Chloroform	ND	mg/L	0.050	10		10/30/24 13:30	67-66-3	
1,2-Dichloroethane	ND	mg/L	0.050	10		10/30/24 13:30	107-06-2	
1,1-Dichloroethene	ND	mg/L	0.050	10		10/30/24 13:30	75-35-4	
Tetrachloroethene	ND	mg/L	0.050	10		10/30/24 13:30	127-18-4	
Trichloroethene	ND	mg/L	0.050	10		10/30/24 13:30	79-01-6	
Vinyl chloride	ND	mg/L	0.050	10		10/30/24 13:30	75-01-4	CH
Surrogates								
1,2-Dichloroethane-d4 (S)	99	%	70-130	10		10/30/24 13:30	17060-07-0	
Toluene-d8 (S)	97	%	70-130	10		10/30/24 13:30	2037-26-5	
4-Bromofluorobenzene (S)	96	%	70-130	10		10/30/24 13:30	460-00-4	
Dibromofluoromethane (S)	101	%	70-130	10		10/30/24 13:30	1868-53-7	
Percent Moisture		Analytical Method: SM 2540G-2015 Pace Analytical Services - Greensburg						
Percent Moisture	96.5	%	0.10	1		10/28/24 19:35		H1
1010B Flashpoint,Closed Cup		Analytical Method: EPA 1010B Pace Analytical Services - Greensburg						
Flashpoint	>200	deg F	60.0	1		10/28/24 17:30		
9045D pH Soil		Analytical Method: EPA 9045D Preparation Method: EPA 9045D Pace Analytical Services - Greensburg						
pH in water at 25 degrees C	7.4	Std. Units	2.0	1	10/29/24 13:03	10/29/24 15:07		H3
9071 Oil and Grease/TPH		Analytical Method: EPA 9071B Preparation Method: EPA 9071B Pace Analytical Services - Greensburg						
Oil and Grease	ND	mg/kg	25200	1	10/24/24 15:54	10/25/24 12:17		3c
Total Petroleum Hydrocarbons	ND	mg/kg	25200	1	10/24/24 15:54	10/25/24 12:17		3c
9095 Paint Filter Liquid Test		Analytical Method: EPA 9095B Pace Analytical Services - Greensburg						
Free Liquids	FAIL			1		10/23/24 16:46		
733C S Reactive Cyanide		Analytical Method: EPA 9014 Preparation Method: SW-846 7.3.3.2 Pace Analytical Services - Greensburg						
Cyanide, Reactive	ND	mg/kg	28.8	1	10/24/24 18:00	10/24/24 19:08		RT

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-02 **Lab ID: 30727724002** Collected: 10/16/24 09:20 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
734S Reactive Sulfide								
Analytical Method: SM 4500-S2-F-2011 Preparation Method: SW-846 7.3.4.2 Pace Analytical Services - Greensburg								
Sulfide, Reactive	ND	mg/kg	288	1	10/24/24 18:00	10/24/24 18:04		H1,H2, RT

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-03 Lab ID: **30727724003** Collected: 10/16/24 08:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
BVR 6010D MET ICP, TCLP, 3010A								
Analytical Method: EPA 6010D Preparation Method: EPA 3010A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.41; Final pH: 5.01								
Pace Analytical Services - Beaver								
Arsenic	ND	mg/L	0.50	1	10/25/24 11:39	10/26/24 13:02	7440-38-2	
Barium	ND	mg/L	2.5	1	10/25/24 11:39	10/26/24 13:02	7440-39-3	
Cadmium	ND	mg/L	0.050	1	10/25/24 11:39	10/26/24 13:02	7440-43-9	
Chromium	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 13:02	7440-47-3	
Lead	ND	mg/L	0.25	1	10/25/24 11:39	10/26/24 13:02	7439-92-1	
Selenium	ND	mg/L	0.10	1	10/25/24 11:39	10/26/24 13:02	7782-49-2	
Silver	ND	mg/L	0.12	1	10/25/24 11:39	10/26/24 13:02	7440-22-4	
BVR 7470 Mercury, TCLP								
Analytical Method: EPA 7470A Preparation Method: EPA 7470A								
Leachate Method/Date: EPA 1311; 10/24/24 11:33 Initial pH: 7.41; Final pH: 5.01								
Pace Analytical Services - Beaver								
Mercury	ND	mg/L	0.00040	1	10/28/24 03:44	10/28/24 12:56	7439-97-6	
BVR 9056A IC Anions								
Analytical Method: EPA 9056A Preparation Method: EPA 9056A								
Pace Analytical Services - Beaver								
Sulfate	ND	mg/kg	1270	1	10/25/24 08:15	10/25/24 14:06	14808-79-8	
Chlorinated Herb. (GC) 8151A								
Analytical Method: EPA 8151A Preparation Method: 8151A								
Leachate Method/Date: 1311; 10/24/24 08:58 Initial pH: 7.05; Final pH: 5.32								
Pace National - Mt. Juliet								
2,4,5-TP (Silvex)	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:22	93-72-1	
2,4-D	ND	mg/L	0.00200	1	10/27/24 13:04	10/29/24 09:22	94-75-7	
Surrogates								
2,4-DCAA (S)	79.6	%	14.0-158	1	10/27/24 13:04	10/29/24 09:22	19719-28-9	
8081B GCS Pesticides, TCLP								
Analytical Method: EPA 8081B Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.63; Final pH: 4.96								
Pace Analytical Services - Greensburg								
gamma-BHC (Lindane)	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:28	58-89-9	1c
Chlordane (Technical)	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:28	57-74-9	1c
Endrin	ND	mg/L	0.00020	1	10/30/24 11:00	10/31/24 11:28	72-20-8	1c
Heptachlor	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:28	76-44-8	1c
Heptachlor epoxide	ND	mg/L	0.00010	1	10/30/24 11:00	10/31/24 11:28	1024-57-3	1c
Methoxychlor	ND	mg/L	0.0010	1	10/30/24 11:00	10/31/24 11:28	72-43-5	1c,CH
Toxaphene	ND	mg/L	0.0020	1	10/30/24 11:00	10/31/24 11:28	8001-35-2	1c
Surrogates								
Decachlorobiphenyl (S)	67	%	10-129	1	10/30/24 11:00	10/31/24 11:28	2051-24-3	
Tetrachloro-m-xylene (S)	66	%	40-102	1	10/30/24 11:00	10/31/24 11:28	877-09-8	
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1016 (Aroclor 1016)	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	12674-11-2	ED,P1
PCB-1221 (Aroclor 1221)	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	11104-28-2	ED,P1

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-03 Lab ID: 30727724003 Collected: 10/16/24 08:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8082A GCS PCB								
Analytical Method: EPA 8082A Preparation Method: EPA 3546								
Pace Analytical Services - Greensburg								
PCB-1232 (Aroclor 1232)	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	11141-16-5	ED,P1
PCB-1242 (Aroclor 1242)	ND	mg/kg	12.1	5	11/01/24 08:14	11/01/24 21:33	53469-21-9	ED,P1
PCB-1248 (Aroclor 1248)	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	12672-29-6	ED,P1
PCB-1254 (Aroclor 1254)	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	11097-69-1	ED,P1
PCB-1260 (Aroclor 1260)	ND	mg/kg	12.1	5	11/01/24 08:14	11/01/24 21:33	11096-82-5	ED,P1
PCB, Total	ND	mg/kg	6.0	5	11/01/24 08:14	11/01/24 21:33	1336-36-3	
Surrogates								
Tetrachloro-m-xylene (S)	83	%	59-94	5	11/01/24 08:14	11/01/24 21:33	877-09-8	
Decachlorobiphenyl (S)	97	%	73-118	5	11/01/24 08:14	11/01/24 21:33	2051-24-3	
8270D MSSV TCLP Sep Funnel								
Analytical Method: EPA 8270D Preparation Method: EPA 3510C								
Leachate Method/Date: EPA 1311; 10/24/24 15:15 Initial pH: 7.63; Final pH: 4.96								
Pace Analytical Services - Greensburg								
1,4-Dichlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	106-46-7	
2,4-Dinitrotoluene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	121-14-2	
Hexachloro-1,3-butadiene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	87-68-3	
Hexachlorobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	118-74-1	
Hexachloroethane	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	67-72-1	
2-Methylphenol(o-Cresol)	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	95-48-7	
3&4-Methylphenol(m&p Cresol)	ND	mg/L	0.20	1	10/31/24 10:45	11/01/24 19:21		
Nitrobenzene	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	98-95-3	
Pentachlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 19:21	87-86-5	
Pyridine	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	110-86-1	
2,4,5-Trichlorophenol	ND	mg/L	0.25	1	10/31/24 10:45	11/01/24 19:21	95-95-4	
2,4,6-Trichlorophenol	ND	mg/L	0.10	1	10/31/24 10:45	11/01/24 19:21	88-06-2	
Surrogates								
Nitrobenzene-d5 (S)	81	%	10-140	1	10/31/24 10:45	11/01/24 19:21	4165-60-0	
2-Fluorobiphenyl (S)	88	%	10-135	1	10/31/24 10:45	11/01/24 19:21	321-60-8	
Terphenyl-d14 (S)	96	%	10-128	1	10/31/24 10:45	11/01/24 19:21	1718-51-0	
Phenol-d6 (S)	46	%	10-145	1	10/31/24 10:45	11/01/24 19:21	13127-88-3	
2-Fluorophenol (S)	54	%	10-142	1	10/31/24 10:45	11/01/24 19:21	367-12-4	
2,4,6-Tribromophenol (S)	86	%	10-140	1	10/31/24 10:45	11/01/24 19:21	118-79-6	
8260C MSV 5035 Low Level								
Analytical Method: EPA 8260C Preparation Method: EPA 5035A								
Pace Analytical Services - Greensburg								
Benzene	ND	mg/kg	0.19	1	10/29/24 11:20	10/29/24 14:51	71-43-2	1c
Ethylbenzene	ND	mg/kg	0.19	1	10/29/24 11:20	10/29/24 14:51	100-41-4	1c
Toluene	ND	mg/kg	0.19	1	10/29/24 11:20	10/29/24 14:51	108-88-3	1c
Xylene (Total)	ND	mg/kg	0.58	1	10/29/24 11:20	10/29/24 14:51	1330-20-7	
Surrogates								
Toluene-d8 (S)	104	%	70-130	1	10/29/24 11:20	10/29/24 14:51	2037-26-5	
4-Bromofluorobenzene (S)	123	%	70-130	1	10/29/24 11:20	10/29/24 14:51	460-00-4	
1,2-Dichloroethane-d4 (S)	92	%	70-130	1	10/29/24 11:20	10/29/24 14:51	17060-07-0	
Dibromofluoromethane (S)	98	%	70-130	1	10/29/24 11:20	10/29/24 14:51	1868-53-7	

REPORT OF LABORATORY ANALYSIS

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-03 **Lab ID: 30727724003** Collected: 10/16/24 08:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
8260C MSV TCLP		Analytical Method: EPA 8260C Leachate Method/Date: EPA 1311; 10/24/24 16:18 Pace Analytical Services - Greensburg						
Benzene	ND	mg/L	0.050	10		10/30/24 13:51	71-43-2	
2-Butanone (MEK)	ND	mg/L	0.10	10		10/30/24 13:51	78-93-3	
Carbon tetrachloride	ND	mg/L	0.050	10		10/30/24 13:51	56-23-5	
Chlorobenzene	ND	mg/L	0.050	10		10/30/24 13:51	108-90-7	
Chloroform	ND	mg/L	0.050	10		10/30/24 13:51	67-66-3	
1,2-Dichloroethane	ND	mg/L	0.050	10		10/30/24 13:51	107-06-2	
1,1-Dichloroethene	ND	mg/L	0.050	10		10/30/24 13:51	75-35-4	
Tetrachloroethene	ND	mg/L	0.050	10		10/30/24 13:51	127-18-4	
Trichloroethene	ND	mg/L	0.050	10		10/30/24 13:51	79-01-6	
Vinyl chloride	ND	mg/L	0.050	10		10/30/24 13:51	75-01-4	CH
Surrogates								
1,2-Dichloroethane-d4 (S)	97	%	70-130	10		10/30/24 13:51	17060-07-0	
Toluene-d8 (S)	96	%	70-130	10		10/30/24 13:51	2037-26-5	
4-Bromofluorobenzene (S)	98	%	70-130	10		10/30/24 13:51	460-00-4	
Dibromofluoromethane (S)	102	%	70-130	10		10/30/24 13:51	1868-53-7	
Percent Moisture		Analytical Method: SM 2540G-2015 Pace Analytical Services - Greensburg						
Percent Moisture	96.1	%	0.10	1		10/28/24 19:35		H1
1010B Flashpoint,Closed Cup		Analytical Method: EPA 1010B Pace Analytical Services - Greensburg						
Flashpoint	>200	deg F	60.0	1		10/28/24 17:48		
9045D pH Soil		Analytical Method: EPA 9045D Preparation Method: EPA 9045D Pace Analytical Services - Greensburg						
pH in water at 25 degrees C	7.5	Std. Units	2.0	1	10/29/24 13:03	10/29/24 15:06		H3
9071 Oil and Grease/TPH		Analytical Method: EPA 9071B Preparation Method: EPA 9071B Pace Analytical Services - Greensburg						
Oil and Grease	22900	mg/kg	21800	1	10/24/24 15:54	10/25/24 12:17		3c
Total Petroleum Hydrocarbons	ND	mg/kg	21800	1	10/24/24 15:54	10/25/24 12:17		3c
9095 Paint Filter Liquid Test		Analytical Method: EPA 9095B Pace Analytical Services - Greensburg						
Free Liquids	FAIL			1		10/23/24 16:48		
733C S Reactive Cyanide		Analytical Method: EPA 9014 Preparation Method: SW-846 7.3.3.2 Pace Analytical Services - Greensburg						
Cyanide, Reactive	ND	mg/kg	25.4	1	10/24/24 18:00	10/24/24 19:10		RT

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ANALYTICAL RESULTS

Project: 2409759
Pace Project No.: 30727724

Sample: 2409759-03 **Lab ID: 30727724003** Collected: 10/16/24 08:55 Received: 10/18/24 21:45 Matrix: Solid

Results reported on a "dry weight" basis and are adjusted for percent moisture, sample size and any dilutions.

Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
734S Reactive Sulfide								
Analytical Method: SM 4500-S2-F-2011 Preparation Method: SW-846 7.3.4.2 Pace Analytical Services - Greensburg								
Sulfide, Reactive	ND	mg/kg	254	1	10/24/24 18:00	10/24/24 18:04		H1,H2, RT

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 705310 Analysis Method: EPA 6010D
QC Batch Method: EPA 3010A Analysis Description: 6010D MET ICP, TCLP, 3010A
Laboratory: Pace Analytical Services - Beaver
Associated Lab Samples: 30727724001, 30727724002, 30727724003

LABORATORY CONTROL SAMPLE: 3434465

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Arsenic	mg/L	10	11.2	112	80-120	
Barium	mg/L	10	11.5	115	80-120	
Cadmium	mg/L	5	5.4	108	80-120	
Chromium	mg/L	10	11.5	115	80-120	
Lead	mg/L	10	10.4	104	80-120	
Selenium	mg/L	10	11.2	112	80-120	
Silver	mg/L	2.5	2.8	111	80-120	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3434466 3434467

Parameter	Units	30727724001		3434466		3434467		% Rec Limits	Max RPD	Qual	
		MS Result	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec				MSD % Rec
Arsenic	mg/L	ND	10	10	11.3	10.9	113	109	75-125	3	20
Barium	mg/L	ND	10	10	11.9	11.6	116	112	75-125	3	20
Cadmium	mg/L	ND	5	5	5.4	5.3	108	105	75-125	3	20
Chromium	mg/L	ND	10	10	11.5	11.2	115	112	75-125	3	20
Lead	mg/L	ND	10	10	10.5	10.2	105	102	75-125	3	20
Selenium	mg/L	ND	10	10	11.2	10.9	112	109	75-125	3	20
Silver	mg/L	ND	2.5	2.5	2.8	2.7	112	109	75-125	3	20

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 705319 Analysis Method: EPA 7470A
QC Batch Method: EPA 7470A Analysis Description: BVR 7470 Mercury TCLP
Laboratory: Pace Analytical Services - Beaver
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3433181 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Mercury	mg/L	ND	0.00040	10/28/24 12:37	

LABORATORY CONTROL SAMPLE: 3434483

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Mercury	mg/L	0.01	0.010	102	80-120	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3434484 3434485

Parameter	Units	30727724001		3434485		MS % Rec	MSD % Rec	% Rec Limits	RPD	Max RPD	Qual
		MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result						
Mercury	mg/L	ND	0.01	0.010	0.010	102	104	80-120	2	20	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 705217 Analysis Method: EPA 9056A
QC Batch Method: EPA 9056A Analysis Description: BVR 9056A IC Anions
Laboratory: Pace Analytical Services - Beaver
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3434110 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Sulfate	mg/kg	ND	50.0	10/25/24 12:51	

LABORATORY CONTROL SAMPLE: 3434111

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Sulfate	mg/kg	500	478	96	80-120	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3434112 3434113

Parameter	Units	30727724003		3434113		MS % Rec	MSD % Rec	% Rec Limits	RPD	Max RPD	Qual
		MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result						
Sulfate	mg/kg	ND	12700	12400	12500	95	95	80-120	0	20	

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QUALITY CONTROL DATA

Project: 2409759
 Pace Project No.: 30727724

QC Batch: 2389202 Analysis Method: EPA 8151A
 QC Batch Method: 8151A Analysis Description: Chlorinated Herb. (GC) 8151A
 Laboratory: Pace National - Mt. Juliet
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: R4139228-1 Matrix: Solid
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
2,4,5-TP (Silvex)	mg/L	ND	0.00200	10/29/24 04:19	
2,4-D	mg/L	ND	0.00200	10/29/24 04:19	
2,4-DCAA (S)	%	71.2	14.0-158	10/29/24 04:19	

LABORATORY CONTROL SAMPLE: R4139228-2

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
2,4,5-TP (Silvex)	mg/L	0.0250	0.0177	70.8	50.0-125	
2,4-D	mg/L	0.0250	0.0185	74.0	50.0-120	
2,4-DCAA (S)	%			71.0	14.0-158	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 706010 Analysis Method: EPA 8260C
QC Batch Method: EPA 5035A Analysis Description: 8260C MSV 5035 Low
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3437281 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Benzene	mg/kg	ND	0.0050	10/29/24 12:05	
Ethylbenzene	mg/kg	ND	0.0050	10/29/24 12:05	
Toluene	mg/kg	ND	0.0050	10/29/24 12:05	
Xylene (Total)	mg/kg	ND	0.015	10/29/24 12:05	
1,2-Dichloroethane-d4 (S)	%	100	70-130	10/29/24 12:05	
4-Bromofluorobenzene (S)	%	101	70-130	10/29/24 12:05	
Dibromofluoromethane (S)	%	96	70-130	10/29/24 12:05	
Toluene-d8 (S)	%	100	70-130	10/29/24 12:05	

LABORATORY CONTROL SAMPLE: 3437282

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Benzene	mg/kg	0.02	0.016	79	63-130	
Ethylbenzene	mg/kg	0.02	0.016	79	63-130	
Toluene	mg/kg	0.02	0.016	79	59-130	
Xylene (Total)	mg/kg	0.06	0.047	79	65-130	
1,2-Dichloroethane-d4 (S)	%			102	70-130	
4-Bromofluorobenzene (S)	%			100	70-130	
Dibromofluoromethane (S)	%			99	70-130	
Toluene-d8 (S)	%			101	70-130	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 705357 Analysis Method: EPA 8260C
QC Batch Method: EPA 8260C Analysis Description: 8260C MSV TCLP
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3432664 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
1,1-Dichloroethene	mg/L	ND	0.050	10/30/24 09:25	
1,2-Dichloroethane	mg/L	ND	0.050	10/30/24 09:25	
2-Butanone (MEK)	mg/L	ND	0.10	10/30/24 09:25	
Benzene	mg/L	ND	0.050	10/30/24 09:25	
Carbon tetrachloride	mg/L	ND	0.050	10/30/24 09:25	
Chlorobenzene	mg/L	ND	0.050	10/30/24 09:25	
Chloroform	mg/L	ND	0.050	10/30/24 09:25	
Tetrachloroethene	mg/L	ND	0.050	10/30/24 09:25	
Trichloroethene	mg/L	ND	0.050	10/30/24 09:25	
Vinyl chloride	mg/L	ND	0.050	10/30/24 09:25	CH
1,2-Dichloroethane-d4 (S)	%	100	70-130	10/30/24 09:25	
4-Bromofluorobenzene (S)	%	99	70-130	10/30/24 09:25	
Dibromofluoromethane (S)	%	101	70-130	10/30/24 09:25	
Toluene-d8 (S)	%	98	70-130	10/30/24 09:25	

LABORATORY CONTROL SAMPLE: 3434749

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
1,1-Dichloroethene	mg/L	0.02	0.020	102	44-130	
1,2-Dichloroethane	mg/L	0.02	0.017	83	56-130	
2-Butanone (MEK)	mg/L	0.02	0.020	98	36-130	
Benzene	mg/L	0.02	0.019	96	63-130	
Carbon tetrachloride	mg/L	0.02	0.019	94	48-130	
Chlorobenzene	mg/L	0.02	0.018	92	62-130	
Chloroform	mg/L	0.02	0.017	84	58-130	
Tetrachloroethene	mg/L	0.02	0.018	89	52-130	
Trichloroethene	mg/L	0.02	0.018	91	55-130	
Vinyl chloride	mg/L	0.02	0.022	109	46-130	CH
1,2-Dichloroethane-d4 (S)	%			99	70-130	
4-Bromofluorobenzene (S)	%			91	70-130	
Dibromofluoromethane (S)	%			95	70-130	
Toluene-d8 (S)	%			96	70-130	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3434750 3434751												
Parameter	Units	30727492001		MS	MSD	MS		MSD		% Rec Limits	Max RPD	Qual
		Result	Spike Conc.	Spike Conc.	Result	Result	% Rec	% Rec				
1,1-Dichloroethene	mg/L	ND	0.2	0.2	0.17	0.15	84	73	26-130	13	30	
1,2-Dichloroethane	mg/L	ND	0.2	0.2	0.17	0.15	85	76	35-130	11	30	
2-Butanone (MEK)	mg/L	ND	0.2	0.2	0.24	0.25	118	125	10-175	6	30	
Benzene	mg/L	ND	0.2	0.2	0.18	0.17	89	83	10-136	6	30	
Carbon tetrachloride	mg/L	ND	0.2	0.2	0.17	0.15	83	75	34-130	10	30	
Chlorobenzene	mg/L	ND	0.2	0.2	0.17	0.16	85	79	18-130	7	30	
Chloroform	mg/L	ND	0.2	0.2	0.16	0.15	82	74	36-130	10	30	
Tetrachloroethene	mg/L	ND	0.2	0.2	0.16	0.14	78	71	10-145	10	30	
Trichloroethene	mg/L	ND	0.2	0.2	0.16	0.15	81	74	15-151	10	30	
Vinyl chloride	mg/L	ND	0.2	0.2	0.18	0.17	92	83	20-130	10	30	CH
1,2-Dichloroethane-d4 (S)	%						94	96	70-130			
4-Bromofluorobenzene (S)	%						94	96	70-130			
Dibromofluoromethane (S)	%						99	95	70-130			
Toluene-d8 (S)	%						97	99	70-130			

MATRIX SPIKE SAMPLE: 3434752							
Parameter	Units	30727931001	Spike	MS	MS	% Rec	Qualifiers
		Result	Conc.	Result	% Rec	Limits	
1,1-Dichloroethene	mg/L	50.0 U ug/L	0.2	0.17	86	26-130	
1,2-Dichloroethane	mg/L	50.0 U ug/L	0.2	0.16	79	35-130	
2-Butanone (MEK)	mg/L	100 U ug/L	0.2	0.22	112	10-175	
Benzene	mg/L	50.0 U ug/L	0.2	0.19	97	10-136	
Carbon tetrachloride	mg/L	50.0 U ug/L	0.2	0.20	102	34-130	
Chlorobenzene	mg/L	50.0 U ug/L	0.2	0.19	94	18-130	
Chloroform	mg/L	50.0 U ug/L	0.2	0.18	88	36-130	
Tetrachloroethene	mg/L	50.0 U ug/L	0.2	0.20	98	10-145	
Trichloroethene	mg/L	50.0 U ug/L	0.2	0.18	92	15-151	
Vinyl chloride	mg/L	50.0 U ug/L	0.2	0.13	67	20-130	CH
1,2-Dichloroethane-d4 (S)	%				92	70-130	
4-Bromofluorobenzene (S)	%				97	70-130	
Dibromofluoromethane (S)	%				96	70-130	
Toluene-d8 (S)	%				98	70-130	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 706133 Analysis Method: EPA 8081B
QC Batch Method: EPA 3510C Analysis Description: 8081 GCS TCLP Pesticides
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3432665 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Table with 6 columns: Parameter, Units, Blank Result, Reporting Limit, Analyzed, Qualifiers. Lists pesticides like Chlordane, Endrin, gamma-BHC, Heptachlor, etc.

METHOD BLANK: 3431257 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Table with 6 columns: Parameter, Units, Blank Result, Reporting Limit, Analyzed, Qualifiers. Lists pesticides like Chlordane, Endrin, gamma-BHC, Heptachlor, etc.

METHOD BLANK: 3435764 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Table with 6 columns: Parameter, Units, Blank Result, Reporting Limit, Analyzed, Qualifiers. Lists pesticides like Chlordane, Endrin, gamma-BHC, Heptachlor, etc.

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QUALITY CONTROL DATA

Project: 2409759
 Pace Project No.: 30727724

METHOD BLANK: 3435764 Matrix: Water
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Tetrachloro-m-xylene (S)	%.	66	40-102	10/31/24 10:31	

METHOD BLANK: 3436208 Matrix: Water
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Chlordane (Technical)	mg/L	ND	0.0010	10/31/24 10:42	
Endrin	mg/L	ND	0.00020	10/31/24 10:42	
gamma-BHC (Lindane)	mg/L	ND	0.00010	10/31/24 10:42	
Heptachlor	mg/L	ND	0.00010	10/31/24 10:42	
Heptachlor epoxide	mg/L	ND	0.00010	10/31/24 10:42	
Methoxychlor	mg/L	ND	0.0010	10/31/24 10:42	CH
Toxaphene	mg/L	ND	0.0020	10/31/24 10:42	
Decachlorobiphenyl (S)	%.	71	10-129	10/31/24 10:42	
Tetrachloro-m-xylene (S)	%.	71	40-102	10/31/24 10:42	

LABORATORY CONTROL SAMPLE: 3437841

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Endrin	mg/L	0.0016	0.0012	78	57-104	
gamma-BHC (Lindane)	mg/L	0.0008	0.00060	76	56-104	
Heptachlor	mg/L	0.0008	0.00054	67	48-96	
Heptachlor epoxide	mg/L	0.0008	0.00059	74	57-99	
Methoxychlor	mg/L	0.008	0.0069	87	58-107	CH
Decachlorobiphenyl (S)	%.			70	10-129	
Tetrachloro-m-xylene (S)	%.			66	40-102	

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 706542 Analysis Method: EPA 8082A
QC Batch Method: EPA 3546 Analysis Description: 8082A GCS PCB
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3439765 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
PCB-1016 (Aroclor 1016)	mg/kg	ND	0.016	11/01/24 16:01	
PCB-1221 (Aroclor 1221)	mg/kg	ND	0.016	11/01/24 16:01	
PCB-1232 (Aroclor 1232)	mg/kg	ND	0.016	11/01/24 16:01	
PCB-1242 (Aroclor 1242)	mg/kg	ND	0.033	11/01/24 16:01	
PCB-1248 (Aroclor 1248)	mg/kg	ND	0.016	11/01/24 16:01	
PCB-1254 (Aroclor 1254)	mg/kg	ND	0.016	11/01/24 16:01	
PCB-1260 (Aroclor 1260)	mg/kg	ND	0.033	11/01/24 16:01	
Decachlorobiphenyl (S)	%	97	73-118	11/01/24 16:01	
Tetrachloro-m-xylene (S)	%	74	59-94	11/01/24 16:01	

LABORATORY CONTROL SAMPLE: 3439766

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
PCB-1016 (Aroclor 1016)	mg/kg	0.16	0.13	82	66-108	
PCB-1260 (Aroclor 1260)	mg/kg	0.16	0.15	91	57-108	
Decachlorobiphenyl (S)	%			97	73-118	
Tetrachloro-m-xylene (S)	%			78	59-94	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3439767 3439768

Parameter	Units	30728893001		3439768		MS % Rec	MSD % Rec	% Rec Limits	RPD	Max RPD	Qual	
		MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result							
PCB-1016 (Aroclor 1016)	mg/kg	ND	1.7	1.8	3.4	48.2	198	2680	10-175	174	25	E,MH, R1
PCB-1260 (Aroclor 1260)	mg/kg	ND	1.7	1.8	1.5J	2J	89	111	10-175		25	
Decachlorobiphenyl (S)	%						73	92	73-118			
Tetrachloro-m-xylene (S)	%						65	85	59-94			

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 706432 Analysis Method: EPA 8270D
QC Batch Method: EPA 3510C Analysis Description: 8270D TCLP MSSV
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3432665 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Table with 6 columns: Parameter, Units, Blank Result, Reporting Limit, Analyzed, Qualifiers. Lists various chemical compounds and their analysis results.

METHOD BLANK: 3435764 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Table with 6 columns: Parameter, Units, Blank Result, Reporting Limit, Analyzed, Qualifiers. Lists various chemical compounds and their analysis results.

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

METHOD BLANK: 3435764 Matrix: Water
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Nitrobenzene-d5 (S)	%	90	10-140	11/01/24 14:35	
Phenol-d6 (S)	%	46	10-145	11/01/24 14:35	
Terphenyl-d14 (S)	%	98	10-128	11/01/24 14:35	

LABORATORY CONTROL SAMPLE: 3439340

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
1,4-Dichlorobenzene	mg/L	0.5	0.27	53	15-105	
2,4,5-Trichlorophenol	mg/L	0.5	0.40	80	57-113	
2,4,6-Trichlorophenol	mg/L	0.5	0.39	78	45-122	
2,4-Dinitrotoluene	mg/L	0.5	0.32	64	40-119	
2-Methylphenol(o-Cresol)	mg/L	0.5	0.38	75	10-175	
3&4-Methylphenol(m&p Cresol)	mg/L	1	0.74	74	21-131	
Hexachloro-1,3-butadiene	mg/L	0.5	0.31	61	13-112	
Hexachlorobenzene	mg/L	0.5	0.33	66	17-121	
Hexachloroethane	mg/L	0.5	0.30	61	13-108	
Nitrobenzene	mg/L	0.5	0.38	76	26-128	
Pentachlorophenol	mg/L	0.5	0.39	77	37-125	
Pyridine	mg/L	0.5	0.35	71	10-113	
2,4,6-Tribromophenol (S)	%			78	10-140	
2-Fluorobiphenyl (S)	%			80	10-135	
2-Fluorophenol (S)	%			52	10-142	
Nitrobenzene-d5 (S)	%			75	10-140	
Phenol-d6 (S)	%			43	10-145	
Terphenyl-d14 (S)	%			92	10-128	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3439341 3439342

Parameter	Units	MS		MSD		MS Result	MSD Result	MS % Rec	MSD % Rec	% Rec Limits	RPD	Max RPD	Qual
		Spike Conc.	Result	Spike Conc.	Result								
1,4-Dichlorobenzene	mg/L	ND	0.5	0.5	0.26	0.27	51	54	10-92	5	25		
2,4,5-Trichlorophenol	mg/L	ND	0.5	0.5	0.42	0.44	84	89	32-129	6	25		
2,4,6-Trichlorophenol	mg/L	ND	0.5	0.5	0.41	0.43	83	86	25-130	4	25		
2,4-Dinitrotoluene	mg/L	ND	0.5	0.5	0.36	0.38	72	76	37-123	7	25		
2-Methylphenol(o-Cresol)	mg/L	ND	0.5	0.5	0.39	0.40	77	80	10-120	3	25		
3&4-Methylphenol(m&p Cresol)	mg/L	ND	1	1	0.76	0.79	76	79	10-132	4	25		
Hexachloro-1,3-butadiene	mg/L	ND	0.5	0.5	0.30	0.32	60	64	10-99	6	25		
Hexachlorobenzene	mg/L	ND	0.5	0.5	0.32	0.34	64	68	34-114	6	25		
Hexachloroethane	mg/L	ND	0.5	0.5	0.30	0.31	59	62	10-128	3	25		
Nitrobenzene	mg/L	ND	0.5	0.5	0.36	0.39	73	77	11-114	6	25		
Pentachlorophenol	mg/L	ND	0.5	0.5	0.47	0.49	93	98	10-175	5	25		
Pyridine	mg/L	ND	0.5	0.5	0.37	0.31	72	61	10-97	17	25		

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3439341 3439342														
Parameter	Units	30727559001		3439341		3439342		% Rec	% Rec	% Rec	Limits	RPD	Max RPD	Qual
		Result	MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec							
2,4,6-Tribromophenol (S)	%							82	87		10-140			
2-Fluorobiphenyl (S)	%							76	79		10-135			
2-Fluorophenol (S)	%							50	52		10-142			
Nitrobenzene-d5 (S)	%							71	77		10-140			
Phenol-d6 (S)	%							44	45		10-145			
Terphenyl-d14 (S)	%							87	91		10-128			

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 705989 Analysis Method: EPA 9045D
QC Batch Method: EPA 9045D Analysis Description: 9045D pH
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

SAMPLE DUPLICATE: 3437185

Parameter	Units	30716513004 Result	Dup Result	RPD	Max RPD	Qualifiers
pH in water at 25 degrees C	Std. Units	8.8	8.8	0	10	H3

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QUALITY CONTROL DATA

Project: 2409759
 Pace Project No.: 30727724

QC Batch: 705075 Analysis Method: EPA 9071B
 QC Batch Method: EPA 9071B Analysis Description: 9071 ASE, Oil and Grease/TPH
 Laboratory: Pace Analytical Services - Greensburg
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3433211 Matrix: Solid
 Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Oil and Grease	mg/kg	ND	199	10/25/24 12:13	
Total Petroleum Hydrocarbons	mg/kg	ND	199	10/25/24 12:13	

LABORATORY CONTROL SAMPLE: 3433212

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Oil and Grease	mg/kg	1610	1640	102	85-115	
Total Petroleum Hydrocarbons	mg/kg	803	873	109	70-130	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 3433213 3433214

Parameter	Units	30727492001		3433213		3433214		% Rec Limits	RPD	Max RPD	Qual
		MS Spike Conc.	MSD Spike Conc.	MS Result	MSD Result	MS % Rec	MSD % Rec				
Oil and Grease	mg/kg	ND	4120	4110	4020	4200	97	102	85-115	4	20 2c
Total Petroleum Hydrocarbons	mg/kg	ND	2060	2060	2310	2340	111	113	70-130	1	25 2c

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 704768 Analysis Method: EPA 9095B
QC Batch Method: EPA 9095B Analysis Description: 9095 PAINT FILTER LIQUID TEST
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

SAMPLE DUPLICATE: 3431658

Parameter	Units	30726830001 Result	Dup Result	RPD	Max RPD	Qualifiers
Free Liquids		PASS	PASS			

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 704801 Analysis Method: EPA 9014
QC Batch Method: SW-846 7.3.3.2 Analysis Description: 733C Reactive Cyanide
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3431778 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Cyanide, Reactive	mg/kg	ND	0.99	10/24/24 19:05	RT

LABORATORY CONTROL SAMPLE: 3431779

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Cyanide, Reactive	mg/kg	99.5	12.9J	13	0-17	RT

SAMPLE DUPLICATE: 3431780

Parameter	Units	30727724001 Result	Dup Result	RPD	Max RPD	Qualifiers
Cyanide, Reactive	mg/kg	ND	ND		20	RT

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QUALITY CONTROL DATA

Project: 2409759
Pace Project No.: 30727724

QC Batch: 704800 Analysis Method: SM 4500-S2-F-2011
QC Batch Method: SW-846 7.3.4.2 Analysis Description: 734S Reactive Sulfide
Laboratory: Pace Analytical Services - Greensburg
Associated Lab Samples: 30727724001, 30727724002, 30727724003

METHOD BLANK: 3431775 Matrix: Solid
Associated Lab Samples: 30727724001, 30727724002, 30727724003

Parameter	Units	Blank Result	Reporting Limit	Analyzed	Qualifiers
Sulfide, Reactive	mg/kg	ND	9.9	10/24/24 18:04	RT

LABORATORY CONTROL SAMPLE: 3431776

Parameter	Units	Spike Conc.	LCS Result	LCS % Rec	% Rec Limits	Qualifiers
Sulfide, Reactive	mg/kg	199	76.0	38	0-52	RT

SAMPLE DUPLICATE: 3431777

Parameter	Units	30727724001 Result	Dup Result	RPD	Max RPD	Qualifiers
Sulfide, Reactive	mg/kg	ND	ND		20	H1,RT

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QUALIFIERS

Project: 2409759
Pace Project No.: 30727724

DEFINITIONS

DF - Dilution Factor, if reported, represents the factor applied to the reported data due to dilution of the sample aliquot.

ND - Not Detected at or above adjusted reporting limit.

TNTC - Too Numerous To Count

J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.

MDL - Adjusted Method Detection Limit.

PQL - Practical Quantitation Limit.

RL - Reporting Limit - The lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.

S - Surrogate
1,2-Diphenylhydrazine decomposes to and cannot be separated from Azobenzene using Method 8270. The result for each analyte is a combined concentration.

Consistent with EPA guidelines, unrounded data are displayed and have been used to calculate % recovery and RPD values.

LCS(D) - Laboratory Control Sample (Duplicate)

MS(D) - Matrix Spike (Duplicate)

DUP - Sample Duplicate

RPD - Relative Percent Difference

NC - Not Calculable.

SG - Silica Gel - Clean-Up

U - Indicates the compound was analyzed for, but not detected.

N-Nitrosodiphenylamine decomposes and cannot be separated from Diphenylamine using Method 8270. The result reported for each analyte is a combined concentration.

Reported results are not rounded until the final step prior to reporting. Therefore, calculated parameters that are typically reported as "Total" may vary slightly from the sum of the reported component parameters.

Pace Analytical is TNI accredited. Contact your Pace PM for the current list of accredited analytes.

TNI - The NELAC Institute.

BATCH QUALIFIERS

Batch: 706010
[M5] A matrix spike/matrix spike duplicate was not performed for this batch due to insufficient sample volume.

Batch: 706133
[M5] A matrix spike/matrix spike duplicate was not performed for this batch due to insufficient sample volume.

ANALYTE QUALIFIERS

1c A matrix spike/matrix spike duplicate was not performed for this batch due to insufficient sample volume.

2c initial volume reduced due to clay sample matrix

3c initial volume reduced due to sludge sample matrix

CH The continuing calibration for this compound is outside of Pace Analytical acceptance limits. The results may be biased high.

D6 The precision between the sample and sample duplicate exceeded laboratory control limits.

E Analyte concentration exceeded the calibration range. The reported result is estimated.

ED Due to the extract's physical characteristics, the analysis was performed at dilution.

H1 Analysis conducted outside the EPA method holding time.

H2 Extraction or preparation conducted outside EPA method holding time.

H3 Sample was received or analysis requested beyond the recognized method holding time.

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QUALIFIERS

Project: 2409759
Pace Project No.: 30727724

ANALYTE QUALIFIERS

- MH Matrix spike recovery and/or matrix spike duplicate recovery was above laboratory control limits. Result may be biased high.
- P1 Routine initial sample volume or weight was not used for extraction, resulting in elevated reporting limits.
- R1 RPD value was outside control limits.
- RT Test results for cyanide and/or sulfide are from total determinations of the target analyte.

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QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: 2409759
Pace Project No.: 30727724

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
30727724001	2409759-01	EPA 3010A	705310	EPA 6010D	705473
30727724002	2409759-02	EPA 3010A	705310	EPA 6010D	705473
30727724003	2409759-03	EPA 3010A	705310	EPA 6010D	705473
30727724001	2409759-01	EPA 7470A	705319	EPA 7470A	705522
30727724002	2409759-02	EPA 7470A	705319	EPA 7470A	705522
30727724003	2409759-03	EPA 7470A	705319	EPA 7470A	705522
30727724001	2409759-01	EPA 9056A	705217	EPA 9056A	705253
30727724002	2409759-02	EPA 9056A	705217	EPA 9056A	705253
30727724003	2409759-03	EPA 9056A	705217	EPA 9056A	705253
30727724001	2409759-01	8151A	2389202	EPA 8151A	2389202
30727724002	2409759-02	8151A	2389202	EPA 8151A	2389202
30727724003	2409759-03	8151A	2389202	EPA 8151A	2389202
30727724001	2409759-01	EPA 3510C	706133	EPA 8081B	706379
30727724002	2409759-02	EPA 3510C	706133	EPA 8081B	706379
30727724003	2409759-03	EPA 3510C	706133	EPA 8081B	706379
30727724001	2409759-01	EPA 3546	706542	EPA 8082A	706794
30727724002	2409759-02	EPA 3546	706542	EPA 8082A	706794
30727724003	2409759-03	EPA 3546	706542	EPA 8082A	706794
30727724001	2409759-01	EPA 3510C	706432	EPA 8270D	706630
30727724002	2409759-02	EPA 3510C	706432	EPA 8270D	706630
30727724003	2409759-03	EPA 3510C	706432	EPA 8270D	706630
30727724001	2409759-01	EPA 5035A	706010	EPA 8260C	706021
30727724002	2409759-02	EPA 5035A	706010	EPA 8260C	706021
30727724003	2409759-03	EPA 5035A	706010	EPA 8260C	706021
30727724001	2409759-01	EPA 8260C	705357		
30727724002	2409759-02	EPA 8260C	705357		
30727724003	2409759-03	EPA 8260C	705357		
30727724001	2409759-01	SM 2540G-2015	705608		
30727724002	2409759-02	SM 2540G-2015	705608		
30727724003	2409759-03	SM 2540G-2015	705608		
30727724001	2409759-01	EPA 1010B	705715		
30727724002	2409759-02	EPA 1010B	705715		
30727724003	2409759-03	EPA 1010B	705715		
30727724001	2409759-01	EPA 9045D	705989	EPA 9045D	706026
30727724002	2409759-02	EPA 9045D	705989	EPA 9045D	706026
30727724003	2409759-03	EPA 9045D	705989	EPA 9045D	706026
30727724001	2409759-01	EPA 9071B	705075	EPA 9071B	705351
30727724002	2409759-02	EPA 9071B	705075	EPA 9071B	705351
30727724003	2409759-03	EPA 9071B	705075	EPA 9071B	705351
30727724001	2409759-01	EPA 9095B	704768		
30727724002	2409759-02	EPA 9095B	704768		
30727724003	2409759-03	EPA 9095B	704768		

REPORT OF LABORATORY ANALYSIS

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QUALITY CONTROL DATA CROSS REFERENCE TABLE

Project: 2409759
Pace Project No.: 30727724

Lab ID	Sample ID	QC Batch Method	QC Batch	Analytical Method	Analytical Batch
30727724001	2409759-01	SW-846 7.3.3.2	704801	EPA 9014	705177
30727724002	2409759-02	SW-846 7.3.3.2	704801	EPA 9014	705177
30727724003	2409759-03	SW-846 7.3.3.2	704801	EPA 9014	705177
30727724001	2409759-01	SW-846 7.3.4.2	704800	SM 4500-S2-F-2011	705176
30727724002	2409759-02	SW-846 7.3.4.2	704800	SM 4500-S2-F-2011	705176
30727724003	2409759-03	SW-846 7.3.4.2	704800	SM 4500-S2-F-2011	705176

REPORT OF LABORATORY ANALYSIS

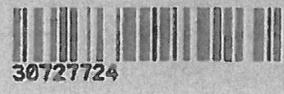
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SUBCONTRACT ORDER

WO#: 30727724

2409759



Sending Laboratory:

Envirocorp
 51 Clark Street
 Harrington, DE 19952
 Phone: 302-398-4313
 Fax: 302-398-4312
Email Results to:
 rachael@envirocorplabs.com, & erin@envirocorplabs.com
Email Invoice to Shelly Bloom:
 shelly@envirocorplabs.com

Subcontract Laboratory:

Pace Analytical Services
 1638 Roseytown Rd., Suites 2, 3, & 4
 Greensburg, PA 15601
 Phone: (724) 850-5600
 Fax:

Sample ID: 2409759-01 *Waste Water* **Sampled: 10/16/2024 09:55**
Sample Name: Front **Sampler ID: Client**
Res. Cl: **Total Cl:** **pH:**

Analysis	Method	Report Due Date	Hold Time Expires	Comments
PCB	SW-846 8082A	10/30/2024	10/21/2024 09:55	
Reactive Cyanide	SW-846 9014	10/30/2024	10/21/2024 09:55	
Reactive Sulfide	SM 4500S2F-2011	10/30/2024	10/21/2024 09:55	
Sub_ %Solid	* DEFAULT SPECIFIC METHOD *	10/30/2024	12/30/2024 09:55	Received by Pace Beaver
Sub_ ASE, O&G, TPH	SW-846 9071B	10/30/2024	10/21/2024 09:55	Therm ID 27 Corr Factor +/- 0
Sub_ BTEX	SW-8260	10/30/2024	10/26/2024 09:55	Receipt Temp 0
Sub_ Corrosivity	SW-846 9045C	10/25/2024	11/15/2024 09:55	Corrected Temp 0
Sub_ Free Liquids, Paint Filter Lic	SW-846 9095B	10/30/2024	10/21/2024 09:55	Correct Preservation Y/N
Sub_ Ignitability	SW-846 1010	10/30/2024	11/15/2024 09:55	
Sub_ SO4	SW-846 9056	10/30/2024	11/13/2024 09:55	
Sub_ TCLP - Metal	SW-846 1311	10/30/2024	10/21/2024 09:55	
TCLP - Dry Weight	ASTM D2974-87	10/30/2024	10/21/2024 09:55	
TCLP - Extraction Procedure	SW-846 1311	10/30/2024	10/21/2024 09:55	
TCLP - Herbicides	SW-846 8151A	10/30/2024	10/21/2024 09:55	
TCLP - Mercury	SW-846 7470A	10/30/2024	10/21/2024 09:55	
TCLP - MSSV	SW-846 8270D	10/30/2024	10/21/2024 09:55	Received by Pace Beaver
TCLP - MSV	SW-846 8260B	10/30/2024	10/21/2024 09:55	Therm ID 27 Corr Factor +/- 0
TCLP - Pesticides	SW-846 8081B	10/30/2024	10/21/2024 09:55	Receipt Temp 0
TCLP - pH	SW-846 9045C	10/30/2024	10/21/2024 09:55	Corrected Temp 0
TCLP - SUST2	SW-846 8260C	10/30/2024	10/21/2024 09:55	Correct Preservation Y/N

Container(s):

Sample ID: 2409759-02 *Waste Water* **Sampled: 10/16/2024 09:20**
Sample Name: Middle **Sampler ID: Client**
Res. Cl: **Total Cl:** **pH:**

Received by Pace Beaver
 Therm ID 27 Corr Factor +/- 0
 Receipt Temp 0
 Corrected Temp 0
 Correct Preservation Y/N

SR 2

Released By	Date	Time	Received By	Date	Time
D. Robinson PACE	10/17/24	1221	D. Robinson PACE	10/17/24	1221
Randy D. Shady - Pace	10/18/24		Randy D. Shady - Pace	10/18/24	1245
Randy D. Shady - Pace	10-18-24	2145	BTCM1	10-18-24	2145



SUBCONTRACT ORDER



2409759

Sample ID: 2409759-02	<i>Waste Water</i>	<i>Sampled: 10/16/2024 09:20</i>
Sample Name: Middle	Sampler ID: Client	
Res. Cl: Total Cl: pH:		

Analysis	Method	Report Due Date	Hold Time Expires	Comments
PCB	SW-846 8082A	10/30/2024	10/21/2024 09:20	
Reactive Cyanide	SW-846 9014	10/30/2024	10/21/2024 09:20	
Reactive Sulfide	SM 4500S2F-2011	10/30/2024	10/21/2024 09:20	
Sub_ %Solid	* DEFAULT SPECIFIC METHOD *	10/30/2024	12/30/2024 09:20	
Sub_ASE, O&G, TPH	SW-846 9071B	10/30/2024	10/21/2024 09:20	
Sub_BTEX	SW-8260	10/30/2024	10/26/2024 09:20	
Sub_Corrosivity	SW-846 9045C	10/25/2024	11/15/2024 09:20	
Sub_Free Liquids, Paint Filter Lir	SW-846 9095B	10/30/2024	10/21/2024 09:20	
Sub_Ignitability	SW-846 1010	10/30/2024	11/15/2024 09:20	
Sub_SO4	SW-846 9056	10/30/2024	11/13/2024 09:20	
Sub_TCLP - Metal	SW-846 1311	10/30/2024	10/21/2024 09:20	
TCLP - Dry Weight	ASTM D2974-87	10/30/2024	10/21/2024 09:20	
TCLP - Extraction Procedure	SW-846 1311	10/30/2024	10/21/2024 09:20	
TCLP - Herbicides	SW-846 8151A	10/30/2024	10/21/2024 09:20	
TCLP - Mercury	SW-846 7470A	10/30/2024	10/21/2024 09:20	
TCLP - MSSV	SW-846 8270D	10/30/2024	10/21/2024 09:20	
TCLP - MSV	SW-846 8260B	10/30/2024	10/21/2024 09:20	
TCLP - Pesticides	SW-846 8081B	10/30/2024	10/21/2024 09:20	
TCLP - pH	SW-846 9045C	10/30/2024	10/21/2024 09:20	
TCLP - SUST2	SW-846 8260C	10/30/2024	10/21/2024 09:20	

CD

Container(s):

Sample ID: 2409759-03	<i>Waste Water</i>	<i>Sampled: 10/16/2024 08:55</i>
Sample Name: Back	Sampler ID: Client	
Res. Cl: Total Cl: pH:		

WO# : 30727724
 PM: NMY Due Date: 11/04/24
 CLIENT: WP-ENVIROCOR

<u>SAZ</u>	<u>10/17/24</u>	<u>1221</u>	<u>D. Robinson PACE</u>	<u>10/17/24</u>	<u>1221</u>
Released By	Date	Time	Received By	Date	Time
<u>D. Robinson PACE</u>	<u>10/18/24</u>		<u>Randy D. Shady - Assoc</u>	<u>10/18/24</u>	<u>1225</u>
Released By	Date	Time	Received By	Date	Time
<u>Randy D. Shady - Assoc</u>	<u>10/18/24</u>	<u>2145</u>	<u>B. Full</u>	<u>10/18/24</u>	<u>2145</u>



SUBCONTRACT OF

WO#: 30727724

PM: NHY Due Date: 11/04/24
CLIENT: WP-ENVIROCOR

2409759

Sample ID: 2409759-03	<i>Waste Water</i>	Sampled: 10/16/2024 08:55
Sample Name: Back	Sampler ID: Client	
Res. Cl:	Total Cl:	pH:

Analysis	Method	Report Due Date	Hold Time Expires	Comments
PCB	SW-846 8082A	10/30/2024	10/21/2024 08:55	
Reactive Cyanide	SW-846 9014	10/30/2024	10/21/2024 08:55	
Reactive Sulfide	SM 4500S2F-2011	10/30/2024	10/21/2024 08:55	
Sub_%Solid	* DEFAULT SPECIFIC METHOD *	10/30/2024	12/30/2024 08:55	
Sub_ASE, O&G, TPH	SW-846 9071B	10/30/2024	10/21/2024 08:55	
Sub_BTEX	SW-8260	10/30/2024	10/26/2024 08:55	
Sub_Corrosivity	SW-846 9045C	10/25/2024	11/15/2024 08:55	
Sub_Free Liquids, Paint Filter Lic	SW-846 9095B	10/30/2024	10/21/2024 08:55	
Sub_Ignitability	SW-846 1010	10/30/2024	11/15/2024 08:55	
Sub_SO4	SW-846 9056	10/30/2024	11/13/2024 08:55	
Sub_TCLP - Metal	SW-846 1311	10/30/2024	10/21/2024 08:55	
TCLP - Dry Weight	ASTM D2974-87	10/30/2024	10/21/2024 08:55	
TCLP - Extraction Procedure	SW-846 1311	10/30/2024	10/21/2024 08:55	
TCLP - Herbicides	SW-846 8151A	10/30/2024	10/21/2024 08:55	
TCLP - Mercury	SW-846 7470A	10/30/2024	10/21/2024 08:55	
TCLP - MSSV	SW-846 8270D	10/30/2024	10/21/2024 08:55	
TCLP - MSV	SW-846 8260B	10/30/2024	10/21/2024 08:55	
TCLP - Pesticides	SW-846 8081B	10/30/2024	10/21/2024 08:55	
TCLP - pH	SW-846 9045C	10/30/2024	10/21/2024 08:55	
TCLP - SUST2	SW-846 8260C	10/30/2024	10/21/2024 08:55	

03

Container(s):

Subcontract Shipping Checklist

Method of Shipment (circle one): FedEx / UPS / Field Service Vehicle / Other

Tracking Number: 1Z 290 103

LIMS #(s) match on container(s) and COC(s)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA	<input type="checkbox"/>
Does the container(s) match the analysis	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA	<input type="checkbox"/>
Containers(s) and COC(s) properly packed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA	<input type="checkbox"/>
Sample containers on ice or ice pack(s)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA	<input type="checkbox"/>
Container(s) properly sealed and secure	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA	<input type="checkbox"/>

Sample delivery verified? Yes

Checked by: _____ Date: _____ Received Date: _____ Initials: _____

<u>SOZ</u>	<u>10/17/24</u>	<u>1221</u>	<u>D. Robman</u>	<u>10/17/24</u>	<u>1221</u>
Released By	Date	Time	Received By	Date	Time
<u>D. Robman</u>	<u>10/18/24</u>		<u>Randy D. Shady - Pace</u>	<u>10/18/24</u>	<u>1305</u>
Released By	Date	Time	Received By	Date	Time
<u>Randy D. Shady - Pace</u>	<u>10/18/24</u>	<u>2145</u>	<u>R. K...</u>	<u>10/18/24</u>	<u>2145</u>


DC#_Title: ENV-FRM-GBUR-0088 v07_Sample Greensburg
Effective Date: 01/04/2024

WO#: 30727724

PM: NMY Due Date: 11/04/24
 CLIENT: WP-ENVIROCOR

Client Name: Envirocor Project #:

Courier: Fed Ex UPS USPS Client Commercial Pace Other

Tracking Number: _____ Initial / Date

Custody Seal on Cooler/Box Present: Yes No Seals Intact: Yes No
 Thermometer Used: 17 Type of Ice: Wet Blue None
 Cooler Temperature: Observed Temp 4.9 °C Correction Factor: 0.4 °C Final Temp: 4.5 °C
 Temp should be above freezing to 6°C

Examined By: BC 10-21-24
 Labeled By: BC 10-21-24
 Temped By: BC 10-21-24

Comments:	Yes	No	NA	pH paper Lot#	D.P.D. Residual Chlorine Lot #
Chain of Custody Present	<input checked="" type="checkbox"/>			<u>10D1041</u>	<u>24D434</u>
Chain of Custody Filled Out:	<input checked="" type="checkbox"/>				
-Were client corrections present on COC		<input checked="" type="checkbox"/>			
Chain of Custody Relinquished	<input checked="" type="checkbox"/>				
Sampler Name & Signature on COC:	<input checked="" type="checkbox"/>				
Sample Labels match COC:	<input checked="" type="checkbox"/>				
-Includes date/time/ID					
Matrix: <u>NA</u>				<u>Sludge/water</u>	
Samples Arrived within Hold Time:	<input checked="" type="checkbox"/>				
Short Hold Time Analysis (<72hr remaining):		<input checked="" type="checkbox"/>			
Rush Turn Around Time Requested:		<input checked="" type="checkbox"/>			
Sufficient Volume:	<input checked="" type="checkbox"/>				
Correct Containers Used:	<input checked="" type="checkbox"/>				
-Pace Containers Used		<input checked="" type="checkbox"/>			
Containers Intact:	<input checked="" type="checkbox"/>				
Orthophosphate field filtered:			<input checked="" type="checkbox"/>		
Hex Cr Aqueous samples field filtered:			<input checked="" type="checkbox"/>		
Organic Samples checked for dichlorination:	<input checked="" type="checkbox"/>				
Filtered volume received for dissolved tests:			<input checked="" type="checkbox"/>		
All containers checked for preservation:	<input checked="" type="checkbox"/>				
exceptions: <u>VOA</u> , coliform, TOC, <u>ORP</u> , Phenolics, Radon, non-aqueous matrix					
All containers meet method preservation requirements:	<input checked="" type="checkbox"/>			Initial when completed: <u>BC</u>	Date/Time of Preservation
				Lot# of added Preservative	
8260C/D: Headspace in VOA Vials (> 6mm)			<input checked="" type="checkbox"/>		
624.1: Headspace in VOA Vials (0mm)	<input checked="" type="checkbox"/>				
Radon: Headspace in RAD Vials (0mm)			<input checked="" type="checkbox"/>		
Trip Blank Present:		<input checked="" type="checkbox"/>		Trip blank custody seal present? YES or NO	
Red Samples Screened <.05 mrem/hr.	<input checked="" type="checkbox"/>			Initial when completed: <u>BC</u>	Date: <u>10-21-24</u> Survey Meter SN: <u>25014380</u>
Comments:					

Note: For NC compliance samples with discrepancies, a copy of this form must be sent to the DEHNR Certification office. PM Review is documented electronically in LIMS through the SRF Review schedule in the Workorder Edit Screen. Qualtrax ID: 55680



ENVIROCORP LABORATORIES INC.

51 CLARK STREET, HARRINGTON, DE 19952
302-398-4313
www.envirocorplabs.com



ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER



October 30, 2024

Albert Goepel
Wolfe Neck Regional WW Treatment Facility
36160 Wolfe Neck Road
Rehoboth Beach, DE 19971

RE: Lagoons

Enclosed are the results of analyses for samples received by our laboratory on 10/29/2024. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Shelly Bloom
Supervising Analyst

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ENVIROCORP LABORATORIES INC.



51 CLARK STREET, HARRINGTON, DE 19952
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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility

Project: Lagoons

36160 Wolfe Neck Road

Project Number:

Rehoboth Beach, DE 19971

Reported: 10/30/2024 16:18

Sample Summary

Lab ID	Sample	Matrix	Sampled	Received
2410121-01	Lagoon 1 - Top	Waste Water	10/28/2024 10:10	10/29/24 13:25
2410121-02	Lagoon 1 - Middle	Waste Water	10/28/2024 10:15	10/29/24 13:25
2410121-03	Lagoon 1 - Bottom	Waste Water	10/28/2024 10:20	10/29/24 13:25

ENVIROCORP LABORATORIES INC.



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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/30/2024 16:18

Analytical Results

Sample ID:	Lagoon 1 - Top	Sample Start:	10/28/24 10:10
Lab ID:	2410121-01		
Matrix:	Waste Water	Received:	10/29/24 13:25
Sample Type:	Grab		

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
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Inorganic

% Solids	3.04	%	0.100		SM2540-G	10/29/24 14:50	10/30/24 11:11	HM
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ENVIROCORP LABORATORIES INC.



51 CLARK STREET, HARRINGTON, DE 19952
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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/30/2024 16:18

Analytical Results

Sample ID: Lagoon 1 - Middle	Sample Start: 10/28/24 10:15
Lab ID: 2410121-02	
Matrix: Waste Water	Received: 10/29/24 13:25
Sample Type: Grab	

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
Inorganic								
% Solids	4.43	%	0.100		SM2540-G	10/29/24 14:50	10/30/24 11:11	HM

ENVIROCORP LABORATORIES INC.



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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/30/2024 16:18

Analytical Results

Sample ID:	Lagoon 1 - Bottom	Sample Start:	10/28/24 10:20
Lab ID:	2410121-03		
Matrix:	Waste Water	Received:	10/29/24 13:25
Sample Type:	Grab		

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
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Inorganic

% Solids	5.77	%	0.100		SM2540-G	10/29/24 14:50	10/30/24 11:11	HM
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ENVIROCORP LABORATORIES INC.



51 CLARK STREET, HARRINGTON, DE 19952
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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility
 36160 Wolfe Neck Road
 Rehoboth Beach, DE 19971

Project: Lagoons

Project Number:

Reported: 10/30/2024 16:18

Notes and Definitions

Item	Definition
Dry-WT	Sample results reported on a dry weight basis.
ND	Analyte NOT DETECTED at or above the reporting limit.
Reporting Limit	Lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.



2410121

Wolfe Neck Regional WW Treatment

Lagoons

ENVIROCORP, INC CHAIN OF CUSTODY RECORD

Facility Name Wolfe Neck Lagoon Sludge (Stratified)

Sample Location Lagoon 1

Type of Sampling Device Grab

		Time	Performed By	
Bottle 1	<u>Top</u>	<u>10/28/24 10:10</u>	<u>AG</u>	<u>01</u>
Bottle 2	<u>middle</u>	<u>10/28/24 10:15</u>	<u>AG</u>	<u>02</u>
Bottle 3	<u>Bottom</u>	<u>10/28/24 10:20</u>	<u>AG</u>	<u>03</u>

Analysis :
% solids

Relinquished By;

Name IF Date 10/29/24

Time 9AM

Accepted By:

Name JB Date 10/29/24

Time 1010
PShunt 10/29/24 1325
4.8



ENVIROCORP LABORATORIES INC.

51 CLARK STREET, HARRINGTON, DE 19952
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www.envirocorplabs.com



ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER



October 22, 2024

Albert Goepel
Wolfe Neck Regional WW Treatment Facility
36160 Wolfe Neck Road
Rehoboth Beach, DE 19971

RE: Lagoons

Enclosed are the results of analyses for samples received by our laboratory on 10/16/2024. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Shelly Bloom
Supervising Analyst

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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility
 36160 Wolfe Neck Road
 Rehoboth Beach, DE 19971

Project: Lagoons

Project Number:

Reported: 10/22/2024 14:25

Sample Summary

Lab ID	Sample	Matrix	Sampled	Received
2409761-01	Lagoon 1 - Top	Waste Water	10/16/2024 9:45	10/16/24 13:45
2409761-02	Lagoon 1 - Middle	Waste Water	10/16/2024 9:45	10/16/24 13:45
2409761-03	Lagoon 1 - Bottom	Waste Water	10/16/2024 9:45	10/16/24 13:45

ENVIROCORP LABORATORIES INC.



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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/22/2024 14:25

Analytical Results

Sample ID:	Lagoon 1 - Top	Sample Start:	10/16/24 09:45
Lab ID:	2409761-01		
Matrix:	Waste Water	Received:	10/16/24 13:45
Sample Type:	Grab		

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
Inorganic								
% Solids	2.59	%	0.100		SM2540-G	10/17/24 15:03	10/18/24 14:52	HM

ENVIROCORP LABORATORIES INC.



51 CLARK STREET, HARRINGTON, DE 19952
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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/22/2024 14:25

Analytical Results

Sample ID: Lagoon 1 - Middle	Sample Start: 10/16/24 09:45
Lab ID: 2409761-02	
Matrix: Waste Water	Received: 10/16/24 13:45
Sample Type: Grab	

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
Inorganic								
% Solids	3.30	%	0.100		SM2540-G	10/17/24 15:03	10/18/24 14:52	HM

ENVIROCORP LABORATORIES INC.



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 302-398-4313
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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility	Project: Lagoons
36160 Wolfe Neck Road	Project Number:
Rehoboth Beach, DE 19971	Reported: 10/22/2024 14:25

Analytical Results

Sample ID: Lagoon 1 - Bottom	Sample Start: 10/16/24 09:45
Lab ID: 2409761-03	
Matrix: Waste Water	Received: 10/16/24 13:45
Sample Type: Grab	

Analyte	Result	Units	Reporting Limit	Qualifier	Method	Date Prepared	Date Analyzed	Analyst
Inorganic								
% Solids	4.47	%	0.100		SM2540-G	10/17/24 15:03	10/18/24 14:52	HM

ENVIROCORP LABORATORIES INC.



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ANALYTICAL SERVICES: NPDES, RCRA, GROUND WATER

Wolfe Neck Regional WW Treatment Facility

Project: Lagoons

36160 Wolfe Neck Road

Project Number:

Rehoboth Beach, DE 19971

Reported: 10/22/2024 14:25

Notes and Definitions

Item	Definition
Dry-WT	Sample results reported on a dry weight basis.
ND	Analyte NOT DETECTED at or above the reporting limit.
Reporting Limit	Lowest concentration value that meets project requirements for quantitative data with known precision and bias for a specific analyte in a specific matrix.



2409761

Wolfe Neck Regional WW Treatment Lagoon

ENVIROCORP, INC CHAIN OF CUSTODY RECORD

Facility Name Wolfe Neck Lagoon Sludge (Stratified)

Sample Location Lagoon 1

Type of Sampling Device Grab

			Time	Performed By
-01	Bottle 1	<u>Top</u>	<u>10/16/2024 9:45am</u>	<u>Parker Burdell</u>
-02	Bottle 2	<u>Middle</u>	<u>10/16/2024 9:45am</u>	<u>Parker Burdell</u>
-03	Bottle 3	<u>Bottom</u>	<u>10/16/2024 9:45am</u>	<u>Parker Burdell</u>

Analysis :
% solids

Relinquished By;
Name Albert Goppel
Date 10/16/24

Accepted By:
Name M Leone
Date 10-16-24

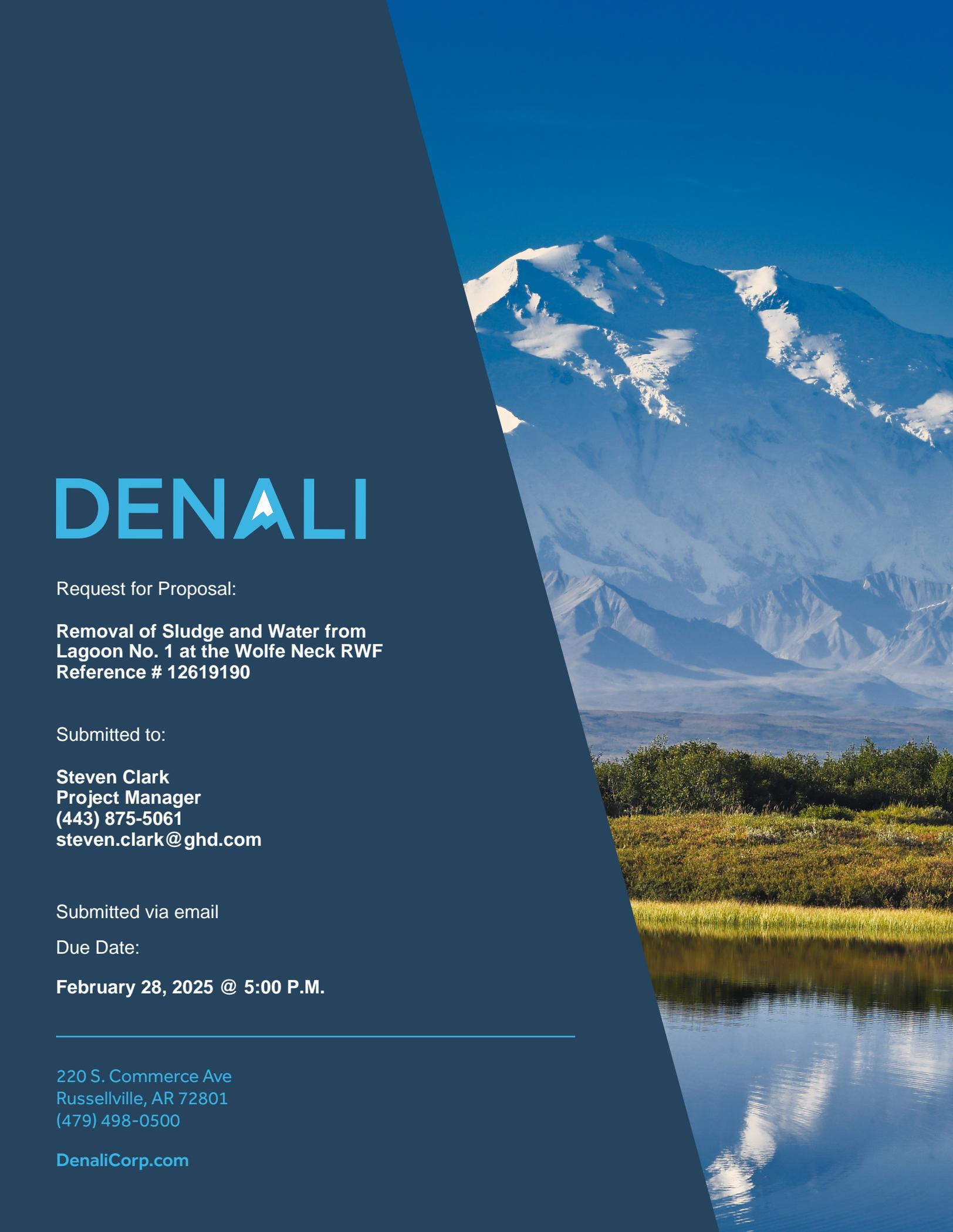
Time
12:10 PM

Time
12:08

Rec'd Sherry Bloom

10/16/24 1345

Cooler Temp 6.0



DENALI

Request for Proposal:

**Removal of Sludge and Water from
Lagoon No. 1 at the Wolfe Neck RWF
Reference # 12619190**

Submitted to:

**Steven Clark
Project Manager
(443) 875-5061
steven.clark@ghd.com**

Submitted via email

Due Date:

February 28, 2025 @ 5:00 P.M.

220 S. Commerce Ave
Russellville, AR 72801
(479) 498-0500

DenaliCorp.com

DENALI

February 28, 2025

Submitted via Email

Steven Clark

GHD and Sussex County, DE

16701 Melford Boulevard, Suite 221

Bowie, MD 20715

RE: ***Request for Proposal: Removal of Sludge and Water from Lagoon No. 1 at the Wolfe Neck RWF
Reference # 12619190***

Dear Mr. Clark,

Denali Water Solutions LLC ("Denali") is the respondent to the RFP, Removal of Sludge and Water from Lagoon No. 1 at the Wolfe Neck RWF. At Denali, our goal is to continuously exceed our customers' expectations by providing residuals management services at the highest industry standards, driven by our team of seasoned residuals management professionals, our readily available assets, and backed by our outstanding environmental and safety record.

The core of our approach presented in this RFP response is to exceed the expectations of GHD and Sussex County as a valued team members through our unparalleled experience in managing and operating biosolids projects. Denali has consistently checked all the boxes when it comes to operations, maintenance, and regulatory aspects of biosolids. The Denali team approach provides the opportunity for GHD and Sussex County to engage trusted biosolids experts throughout the term of the project.

The company prides itself in putting the customers' needs, the environment and safety first. This philosophy has been a primary driver for Denali's success as an environmental services company, and it is the reason Denali will continue to be the premier choice for responsive and ethical residuals management services for public, private, and industrial customers across the United States.

Denali is prepared to enter into an agreement with GHD and Sussex County for the Removal of Sludge and Water from Lagoon No. 1 at the Wolfe Neck RWF. Denali's employees, partners and experience clearly demonstrate our strength and ability to increase the performance level beyond expectations.

I would like to thank you for reviewing the contents of our bid submittal. Should you need additional clarification, please contact me at 315-374-8645 or by email at jeffrey.leblanc@denaliwater.com. Again, thank you for the opportunity to submit our bid to GHD and Sussex County and we look forward to the next steps.

Thank you.

Very truly yours,



Jeffrey J. LeBlanc

Executive Vice President, Sales

cc: Glen Knecht, Vice President of Sales & Development, (518) 222-5452, glen.knecht@denaliwater.com



Work Plan

Work Plan for Lagoon Sludge Removal and Dewatering Operations

The attached work plan is submitted following multiple site visits by Denali to assess the operational challenges presented by rags/debris on aerators, the projected solids content of the filter cake based on sample collection by boat, and other site-specific conditions, particularly concerning odor control.

Please refer to the attached Process Flow Diagram to accompany the narrative.

Operations Overview

- **Schedule:** Operations will be conducted five days per week, 10-12 hours per day, with landfill disposal and weather conditions dictating operational flexibility.
-

Lagoon Sludge Removal – Phase One: Hydraulic Dredging

1. Initial Setup:

The Owner will isolate Lagoon 1 and remove all floating aerators, power lines, anchor cables, and other obstructions to allow for dredging. Denali will place a 10" IMS 4010 Hydraulic Dredge in the lagoon using a crane to remove sludge.

2. Dredging Process:

Dredging will proceed in 250-foot increments along a north-south line with anchor cables running west-east. Shorter traverse cable lengths will be used to minimize wind effects.

3. Debris Management:

The dredge will discharge sludge to a 12" Muffin Monster, which will macerate rags and debris to prevent downstream clogging. The discharge will then be directed to an 8" diesel-driven booster pump to ensure sufficient flow for dewatering operations. The macerated material will be sent to a 18,000-gallon mixing frac tank to provide equalization and account for upstream downtime due to potential clogs.

4. Sludge Transfer:

The equalized flow will then be pumped to the dewatering facility.

Sludge Dewatering Facility

Three high-speed horizontal bowl centrifuges will be used to dewater the sludge from the frac tank. Each centrifuge has a nominal capacity of 150-200 gallons per minute (gpm) of conditioned sludge. Cationic emulsion polymer will be added for conditioning.

Water Management

- **Freshwater Usage:** Up to 300 gpm of fresh water will be sourced from either Lagoon 3 or the final effluent pond, depending on suspended solids content, for centrifuge flush water, non-contact cooling, and polymer dilution.
-

Filter Cake Management

- Filter cake will be discharged by conveyor to staged dump trailers for transport to an approved landfill disposal site. No storage of the cake is planned.
 - **Traffic Control:** Disposal trailers will be lined up along existing plant roads, allowing for traffic flow as space permits.
-

Filtrate Management

- Approximately 400-500 gpm of centrate will be discharged by gravity to a temporary concrete vault and pumped back to Lagoon 1 through a temporary 6" discharge line. Due to a net water volume increase, Lagoon 1 may need to decant to Lagoon 2.
-

Power Requirements

- The County will supply three-phase power (480V, up to 600 amps) for the processing facility. Power will be routed from a Denali distribution panel connected to the plant's 2000-amp source.
-

Polymer Usage

Cationic emulsion polymers will be utilized for dewatering operations.

Facility Design Parameters

- **Filter Cake Production:** 10-12 wet tons per hour, or approximately 100 wet tons per day.
-

Lagoon Sludge Removal – Phase Two: Manual Removal

This phase will begin once hydraulic dredging is complete and the lagoon has been decanted. At this point, further sludge material will be removed manually.

- **Operational Approach:**
Residuals will be pumped to the frac tank for dewatering. The process will vary depending on ambient weather conditions, rainfall, and unknown bottom conditions. Portable barriers will be used to isolate sections of the lagoon for progressive removal.
 - **Final Outcome:** The operation aims to produce a closure-ready lagoon.
-

Odor Control Plan

Denali recognizes the odor sensitivity of the project, particularly affecting users of the bike path and adjacent properties. The approach will minimize these impacts.

- **Hydraulic Dredging:** Odors are not expected to be significant during this phase.
- **Centrifuge Dewatering:** This process will minimize open-air exposure to biosolids.
- **Trailers:** Loaded trailers will be tightly tarped to prevent odor release.
- **Aerosol Odor Counteractant:** Denali will install a 500-foot aerosol odor counteractant spray system along the western edge of the lagoons.

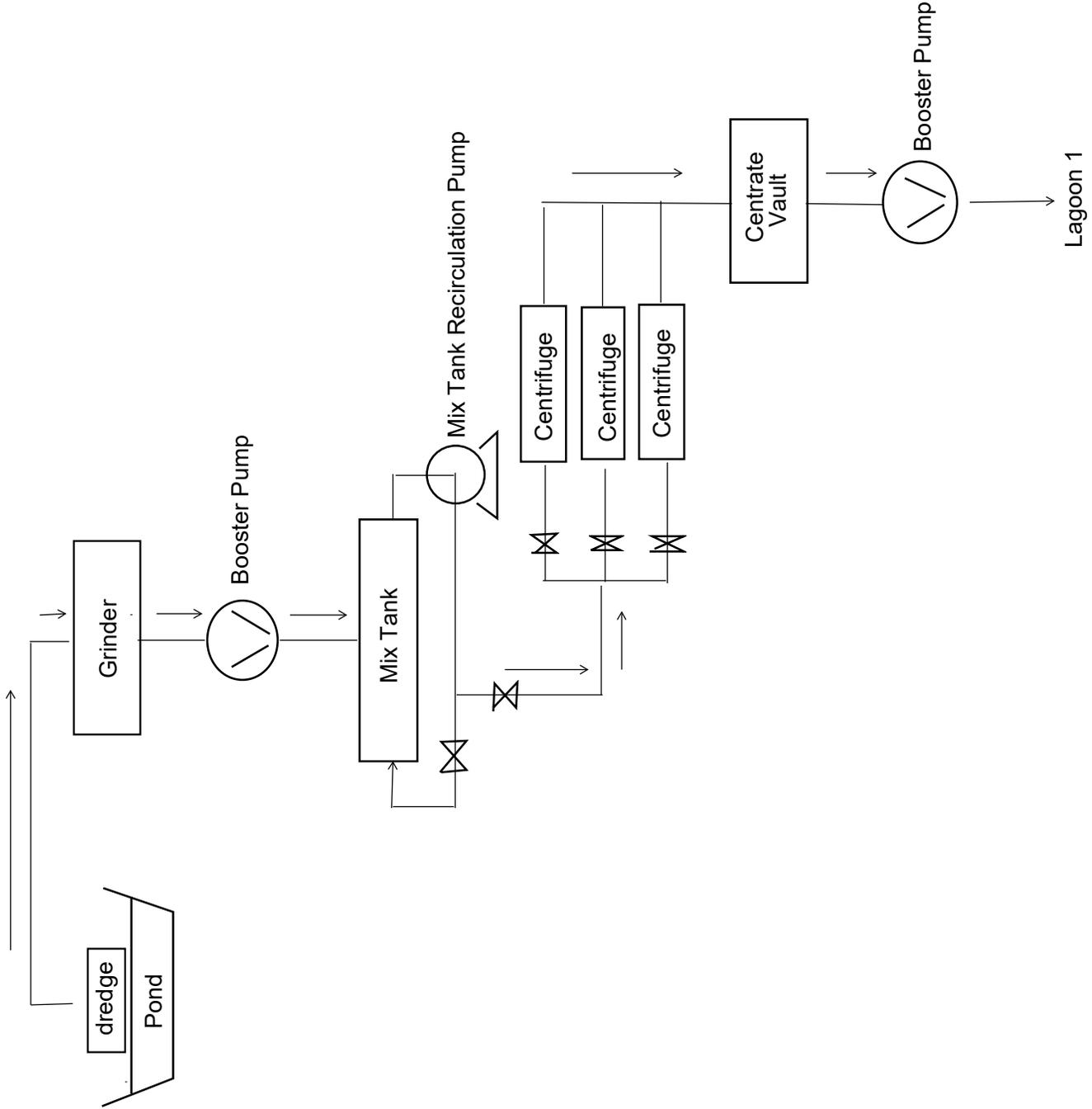
A quote for odor control is attached to this proposal. Odor control will be employed as deemed necessary at the attached rate plus 10%.

Site Access

This proposal assumes 35,000 square feet of space, including a 12” stone base and 6” CR6, for the required site access.

Credit for Non-Removal

A discount of \$75,000 is offered for non-removal of temporary road and pad for future contractor use.



Wolfe Neck Lagoon 1
Cleaning Process Flow





Price Proposal

Table 1 Cost Schedule

Bid Item	Unit	Estimated Quantity	Unit Price	Bid Price
1. Mobilization	Lump Sum	--	--	\$ 335,000.00
2. Demobilization	Lump Sum	--	--	\$ 125,000.00
3. Dredging Operation: Sludge Dewatering and Disposal	Dry Tons (Solids)	2,200	\$ 1,333.00	\$ 2,932,600.00
4. Final Sludge Removal: Sludge Dewatering and Disposal	Dry Tons (Solids)	400	\$ 1,333.00	\$ 533,200.00

Foot notes to pricing:

A quote for odor control is attached to this proposal. Odor control will be employed as deemed necessary at the attached rate plus 10%.

A discount of \$75,000 off of the demobilization price is offered for non-removal of temporary road and pad for future contractor use.



Odor Control Quote



Vapor Phase Product Pricing

The following Zee Co./BioTriad atmospheric odor neutralization products listed below are for use in mobile and stationary vapor phase equipment, please review options and pricing below. If the application site uses up their allotted amount of vapor phase odor control product per the terms of their agreement, you can always order additional.

VaporDOX Elite Series Products

Elite Series: High concentrated blend vapor phase odor neutralizer, for above freezing applications
Option 1:

Odor Control Products	Container	Cost	Estimated Freight	Total
VaporDOX Elite No Fragrance Freeze protection available Upon request for additional fee	55 gal Drum	Drum \$ 69.02/gal.	Based on amount ordered	\$ 69.02/gal.

Option 2:

Odor Control Products	Container	Cost	Estimated Freight	Total
VaporDOX Elite Series With fragrance Freeze protection available Upon request for an additional fee	55 gal Drum	Drum \$ 69.02/gal.	Based on amount ordered	\$69.02/gal.

All products listed above are available in the following blends or in a low fragrance formulation:

- Cinnamon Bark
- Flower Garden
- Citrus Grove
- C/F (citrus/floral/cinnamon)
- Fresh Scent
- Low Fragrance
- Spring Mist
- Northern Forest
- Lavender Petal
- Gardenia
- No Fragrance
- Custom Blends



V750 Vapor Phase System – Start Up Cost

Description	Price	Quantity	Price
<p>Vapor Dispersion Piping Setups and Fasteners</p> <p>The V750 unit is used in conjunction with a vapor distribution system (VDS) – perforated piping setup and fasteners.</p> <p>The vapor distribution system (VDS) – perforated piping setup is implemented on the exterior perimeter by the adjacent lagoon. Please review odor control literature of the equipment, VDS and fasteners for treatment techniques of this type of project</p> <p>Equipment Delivery, Installation and Site Training</p> <p>Zee Co./BioTriad will deliver & install the V750 vapor phase odor control unit and vapor distribution system (VDS) – perforated piping setup at the application site. (DE, Rehoboth - WWTP)</p> <p>Zee Co./BioTriad supply vapor distribution system (VDS) – perforated piping setup, posts and fasteners for the V750 unit. 3” piping matrix, posts and fasteners 3” piping in be elevated 36” off the ground</p> <p>On-site staff will supply the following: Electrical supply to V750 unit (460/3/60) and fork-lift to move the V750 unit and drum or tote of odor control product into needed location</p> <p>Once the installation is complete, Zee Co./BioTriad will conduct a full system training session with on-site staff.</p> <p>Zee Co./BioTriad: (3) men (non-union), (2 to 3) days on site, Travel expenses</p>	\$13,495.95 Startup Package	One (1) Startup Package	\$13,495.95

One (1) V750 Specifications:

8.5 hp TEFC motor, max running amps: 13 @ 460/3/60 (Total max amps of panel and blower = 18)
 H-O-A control panel with disconnect, motor starter, and 120v outlet for metering pump
 Dimensions: approximately 72” x 36” x 60” (cabinet setup) and 48” x 36” x 60” (no cabinet setup)
 Metering pump setup for odor control product
 Average odor control product usage = 27.7 gallons per month, based 24/7 operation

Installation Provisions

Zee Co./BioTriad is NOT responsible for the following:
 All local /city /state permits – if required, Electrical connections and disconnections, Equipment &/or chemical landing pad &/or secondary containment (gravel, concrete, poly, etc), All breaching: Building, wall, tank & road, All specialized equipments and rental fees, Example: man-lift, forklift, etc.



References

Available Up Request



Statement of Qualifications



STATEMENT OF QUALIFICATIONS

Denali has been in the business of providing residuals management services for the last 25 years and employs a number of experts who have been in the residuals management industry since the 1980s. The Company prides itself in putting the customers' needs, the environment, and safety first. This philosophy has been a primary driver for Denali's success as an environmental service company, and it is the reason Denali will continue to be the premier choice for responsive and ethical residuals management services for public, private, and industrial customers across the US.

History

Denali was originally founded as Terra Renewal in 1995. The original focus of the company was the handling and disposal of wastewater residuals from industrial plants via land application for beneficial use as a fertilizer. The focus of the business quickly expanded to include municipal biosolids, spent fryer oil and grease, and handling of spent gas and oil exploration and production fluids. At its peak, it was one of the largest waste companies in the United States with operations in greater than 20 states and was land applying greater than one billion gallons of wastewater residuals on over 225,000 acres of farm fields. Ultimately, the company divested of its oil & gas business and its rendering business (i.e. spent fats and greases). As a result of these divestitures, the name of the company was changed to Denali Water Solutions.



In many states, Denali was an early pioneer in land application permitting process and has led the industry with safe, responsible management of organic residuals. The Company takes pride in its work and its relationships with customers and with officials in regulatory agencies across the US. The goal of Denali is to continue to grow and evolve with this ever-changing industry.

In 2016, Denali combined forces with WeCare Organics LLC and formed a subsidiary known as WeCare Denali LLC which services with mid-Atlantic region on the US, including New York, New Jersey, Maryland, Pennsylvania, and more. The company is now second largest handler of municipal biosolids in the United States, the largest provider of industrial food processing residuals management and operates from coast to coast. Denali offers an array of services including land application, Class A processing, dredging, composting, permitting, mobile dewatering, outsourced dewatering, geo-textile tube dewatering, lagoon and digester cleanout, and transportation services. Recent acquisitions have expanded Denali's service offerings in biosolids, green waste, and food waste composting.



The Denali Team

We believe that we are only as good as our team. Denali has had the same leadership in place since 2002 and has a seasoned team of industry veterans and has had limited turnover in its management team for many years. This is because we foster a culture that makes people proud to say they work at Denali because of how it treats its employees, customers, and the community.

The key personnel working for Denali have a combined 100+ years of experience in the biosolids and residuals transportation and management industry. Whether it's a treatment facility producing as little as 300 tons per year or 150,000 tons per year, our experienced, friendly, and knowledgeable staff has provided years of success and satisfaction for our clients.

The key personnel working for Denali have a combined 100+ years of experience in the biosolids and residuals transportation and management industry. Whether it's a treatment facility producing as little as 300 tons per year or 150,000 tons per year, our experienced, friendly, and knowledgeable staff has provided years of success and satisfaction for our clients.

ANDY MCNEILL – CHAIRMAN OF THE BOARD



With over 15 years of industry experience Andy has led as CEO since 2002 and now serves as Chairman of the Board. Andy graduated from Auburn University with a BS in accounting and holds an MBA from the University of Notre Dame. Andy frequently speaks on topics associated with the company, including land application and beneficial reuse, and serves on various boards.

TODD MATHES - CHIEF EXECUTIVE OFFICER



Todd Mathes is Chief Executive Officer of Denali. Mathes has worked in the organic waste recycling industry for more than two decades, and he has been CEO of Denali since early 2023. As CEO, Mathes succeeded Andy McNeill, who now serves as Denali's Founder and Chairman. Mathes was previously Chief Operations Officer of Denali, overseeing Denali's organic waste recycling work across 48 states and Puerto Rico. Prior to joining Denali, Mathes was a senior executive at Darling Ingredients, a multi-billion-dollar rendering firm. His history with Denali dates back the early 2000's, when Mathes served as an executive at Terra Renewal Services, an organics recycling company that eventually became part of Denali. Mathes lives with his family in Dallas, Texas, where Denali has two offices.

JEFFREY J. LEBLANC – EXECUTIVE VICE PRESIDENT, SALES



Jeff joined Denali Water Solutions LLC, as its President, when it acquired the key assets of WeCare Organics, LLC in 2016. Jeff is now the Executive Vice President of Sales, responsible for overseeing all aspects of sales, marketing and business development, as well as environmental and regulatory compliance. Jeff has played a key role in Denali's growth, as the industry leader in recycling of waste and residuals, and as a frequent guest speaker at industry conferences and seminars.

Jeff is focused on Denali's strategy as a full-service residual management company commissioned to bridge the gap between the farmer and the environmental community via the operations, management, and distribution of residual based products, such as WeCare Compost®. In addition, Jeff has led the Company's vision to be the "landfill-alternative" and has steered the Company's advancement in managing source separated organics, such as green waste, food waste, food processing waste and biosolids.

DON BUDHU- CHIEF FINANCIAL OFFICER



Don Budhu serves as our Chief Financial Officer (CFO). Don leads the finance & accounting teams and IT strategy. Don Comes from Velocity Aerospace Group, where he held the role of Chief Executive Officer (CEO). He previously held leadership positions at Darling Ingredients, Terra Renewal Services, and Safety-Kleen Systems. Don is originally from Guyana, South America, and currently resides in Frisco, Texas. He and his wife Mona have a daughter, Emily, 14. When Don is not working or spending time with his family, he enjoys playing cricket, golf, and being active in his church.

CHARLIE GOLDEN – GENERAL MANAGER, MID-ATLANTIC



Charlie has over 13 years of experience in the environmental residuals management industry. He holds a Bachelor of Science degree in Turf Management. Charlie began his career with Terra Renewal, since acquired by Denali, with responsibilities including land management and event services sales, as well as growing the daily haul business in the central region. Charlie was involved in mergers and acquisitions, directed business development, and now oversees all operations and sales in the Mid-Atlantic region, managing thousands of tons per week of residuals to be beneficially reused.

STEFAN WEAVER – SENIOR ENVIRONMENTAL MANAGER



Stefan is a Senior Environmental Manager at Denali and manages the Environmental Team for the North Region. He holds a Bachelor of Science and Master of Science degree in Soil Science from the Pennsylvania State University. Stefan started his career as a support scientist researching nutrient and watershed management systems at the USDA-ARS (Agricultural Research Service). Additionally, he has over 20 years of biosolids and residuals consulting. He is a Certified Professional Soil Scientist (CPSS), a member of multiple professional organizations, and has served on several committees within those organizations.

LINDSEY HILL - VICE PRESIDENT, HUMAN RESOURCES



Lindsey joined Terra Renewal Services in August 2009. She has held several positions with TRS and Denali Water Solutions, including the most recent position of Vice President, Human Resources. Lindsey attended the University of Central Arkansas and is a graduate of the Institute for Organization Management. Prior to joining Terra, Lindsey served as Vice President of the Russellville and Morrilton, AR Chambers of Commerce and held the certification of Professional Community and Economic Developer.

JASON R. RAMSEY - DIRECTOR OF SAFETY



Jason is the Director of Safety for Denali. He is responsible for safety programs and procedures, risk assessment, and compliance with USDOT, FMCSA, and OSHA regulations. Jason has 8 years of experience with Terra and Denali and has several years of experience in business development, safety, executive management, compliance, and was previously a State Trooper. He holds a bachelor's from the University of Arkansas. Jason also serves as a Board Member for the Arkansas State Police Foundation.

Operations

Denali provides a specialized service, and it is customary to clarify the language in certain provisions such as indemnities, damages limitations, force majeure, notices and cure provisions to make certain they are consistent with industry standards for the services provided. If we are the successful respondent, we will submit any requested changes for your review.

Should you have any questions or require further information regarding our submittal, please feel free to contact Denali at the number provided in our submittal.

RESIDUALS MANAGEMENT SOLUTIONS

Water &
Wastewater
Residuals



Food
Processing
Residuals



Food
Waste



Green
Waste



WeCare
Organic
Products™



Denali
Technologies

DENALI

220 S. Commerce Ave.
Russellville, AR 72801
(479) 498-0500
DenaliCorp.com

AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2025, by and between **Sussex County, a political subdivision of the State of Delaware**, hereinafter called "Owner", and **Denali Water Solutions**, doing business as a Limited Liability Company (an Individual) or (a Partnership) or (a Corporation) or (a Limited Liability Company), hereinafter called "Contractor."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor shall commence and complete the **Wolfe Neck Regional Wastewater Facility Sludge Removal Project**.
2. All capitalized terms herein and throughout the Contract Documents shall have the same meaning as defined in the General Conditions.
3. Contractor will furnish all of the materials, supplies, tools, equipment, labor and other services as described in the Contract Documents as necessary to perform the Work.
4. Contractor will commence the work required by the Request for Proposal on the date set forth in the "Notice to Proceed." Contractor shall meet any deadlines for completion that are set for a particular phase of Work, as directed by Owner.
5. Contractor agrees to perform all of the Work described in the Contract Documents and comply with the terms therein for the price defined in the proposal submission dated February 28, 2025, Reference #12619190. The Contract amount is Three million, eight hundred fifty thousand, eight hundred dollars (\$3,850,800.00), which may be adjusted by subsequent Change Order(s) to match scope and actual quantities of labor and equipment.
7. The term "Contract Documents" means and includes the following, which are herein incorporated into this Agreement by reference:
 - A. GHD, Inc. RFP 12619190;
 - B. Denali Water Solutions Proposal Submission dated 2/28/25;
 - C. This Agreement;
 - D. General Conditions
 - E. Certificate of Insurance supplied by Denali Water Solutions
 - F. Change Orders
8. Owner shall pay Contractor in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.
9. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
10. Owner may set a completion date for each phase of the Work assigned to the Contractor in writing ("Contract Time"). In the event that Contractor fails to meet the

Contract Time, as defined in the General Conditions, Contractor shall submit a revised schedule with justification for the delays.

11.

A. One or more of the following conditions shall be considered a default of this Contract:

- 1) Work shall be abandoned;
- 2) The Contract Documents or any part thereof shall be assigned or sublet without the previous written consent of Owner;
- 3) At any time Owner shall be of the opinion and shall certify in writing to Contractor that the Work, or if any part thereof, is delayed beyond the stated completion time without justification;
- 4) Contractor has violated any provision of the Contract Documents or applicable laws or regulations;
- 5) Contractor fails to provide all supplies, material, machinery, implements, appliances and tools;
- 6) Contractor fails to perform the Work as set forth in the Contract Documents, in whole or in part;
- 7) Contractor declares bankruptcy or has any of its assets taken under receivership;
- 8) Contractor fails to pay any subcontractors or suppliers;
- 9) Contractor fails to perform any aspect of the Work in disregard of Owner's instructions, to the extent such instructions are compliant with the Contract Documents.

B. If Contractor is found to be in default, Owner may use one or more of the following remedies set forth in this Agreement. Owner, in addition to available remedies, may notify the Contractor to discontinue all Work or any part thereof and/or Owner terminate this Contract. Contractor shall discontinue such Work or such part thereof as Owner may designate and Owner may thereupon, by a contract or otherwise, as it may be determined, complete the Work, or such part thereof, and charge Owner's expenses of so completing the Work or part thereof, to the Contractor.

C. All costs and charges that may be incurred under this section or any damages that should be borne by Owner shall be withheld or deducted from any moneys then due, or to become due to Contractor under these Contract Documents, or any part thereof; and in such accounting Owner shall not be held to obtain the lowest cost for the Work or completing or correcting the Work or any part thereof, but all sums actually paid therefore shall be charged to Contractor. In case the costs and charges incurred are more than the sum which would have been payable under the Contract Documents if the same had been completed by Contractor, Contractor shall pay the amount of excess to Owner for the completion of the Work within thirty (30) days of receipt of an invoice.

D. Owner may terminate this Contract for cause with ten (10) business days' written notice to Contractor. Upon receipt of such notice of termination, Contractor shall suspend Work and secure the Site and any Work or improvements, equipment, or materials thereon. Contractor shall be paid for all Work completed in a satisfactory manner, but no additional compensation for profit, overhead, or other costs associated with unperformed Work shall be permitted.

12. Contractor must provide to Owner within 30 days of entering this Agreement, copies of all occupational and business licenses of subcontractors and/or independent contractors that will perform Work on this Project. However, if a subcontractor or independent contractor is hired or contracted more than 20 days after the Contractor entered this Agreement the occupational or business license of such subcontractor or independent contractor shall be provided to Owner within 10 days of being contracted or hired.
13.
 - A. Should any portion of this Agreement be held void, the remainder shall continue in full force and effect. The undersigned acknowledge that they have carefully read this Agreement, have had the opportunity to have been advised of its meaning by an attorney of their choosing, and sign the same of their own free will. In entering into this Agreement, the undersigned warrant that they have done so voluntarily and of their own accord without reliance on any inducement, promise or representation by any other party, except those which are expressly set forth in this Agreement.
 - B. The Contract Documents constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with this Project. The Contract Documents may only be modified by an instrument in writing executed by Owner and their duly authorized representatives.
 - C. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.
 - D. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware without respect to its conflict of laws provisions.
 - E. Time is of the essence for purposes of this Agreement.
 - F. With the exception of an approved subcontractor, Contractor shall not assign, subcontract, sell or otherwise transfer its rights in this Agreement without the prior signed approval of Owner.
 - G. Contractor is not considered an employee or agent of Owner for any purpose whatsoever. Contractor agrees that in all matters relating to this Agreement it shall be acting as an independent contractor and shall assume and pay all liabilities and perform all obligations imposed with respect to the performance of this Agreement. Contractor shall have no right, power or authority to create any obligation, expressed or implied, on behalf of Owner and shall have no authority to represent Owner as an agent of Owner, unless otherwise specifically authorized by Owner in a writing not contained in these Contract Documents.
 - H. A party's omission or failure to exercise any rights or obligations under this Agreement shall not be construed as a waiver of such rights or obligations, unless the party has executed a written waiver of such right or obligation under this Agreement.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in duplicate, each of which shall be deemed an original, on the date first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

WITNESS:

CONTRACTOR

Print Name:

Signature

Print Name: _____

Title: _____

Date: _____

(SEAL)

ATTEST:

OWNER

Clerk of Sussex County Council

Douglas B. Hudson, President, Sussex County Council

Date: _____

SECTION 00710

GENERAL CONDITIONS

1.00 DEFINITION OF TERMS

Whenever the following terms are used in the Contract Documents, their intent and meaning shall be interpreted as follows:

AGREEMENT: The written contract between Owner and Contractor covering Work to be performed; other Contract Documents are attached to the Agreement and made a part thereof.

APPLICATION FOR PAYMENT: The form accepted by Engineer which is to be used by Contractor in requesting progress or final payments and which is to be accompanied by such supporting documentation as is required by the Contract Documents.

BID: The offer by Bidder submitted setting forth the prices for Work to be performed and including all other forms and submissions as required herein.

CHANGE ORDER: A written order to Contractor signed by Owner authorizing an addition, deletion or revision of Work, or adjustment of Contract Price or Contract Time issued on or after the Effective Date of the Agreement.

CONSULTING ENGINEER OR ARCHITECT: The Engineer or Architect firm under contract with Owner to provide engineering and/or architectural services with respect to the Work.

CONTRACT PRICE: The moneys payable by Owner to Contractor for completion of the actual quantities of Work in accordance with the Contract Documents as stated in the Agreement

CONTRACT TIME: The number of consecutive calendar days or the dates, as stated in the Agreement or as may be subsequently designated by the County in writing, to achieve Substantial Completion, and to complete Work so that it is ready for final payment as evidenced by Engineer's written recommendation of final payment.

CONTRACTOR: The person, firm or corporation with whom Sussex County has entered into the agreement.

COUNTY: Sussex County, a political subdivision of the State of Delaware.

DEFECTIVE: An adjective which, when modifying the word Work, refers to Work that is unsatisfactory, faulty or deficient, in that it does not conform to the Contract Documents, or does not meet the requirements of any inspection, reference standard, test or approval referred to in the Contract Documents, or has been damaged prior to Engineer's recommendation of final payment.

ENGINEER: The Sussex County Engineer or authorized representative.

FIELD ORDER: A written order issued by the Engineer which orders minor changes of the Work but does not involve a change in Contract Price or Contract Time.

INSPECTOR: An authorized agent of Engineer assigned to inspect any feature of materials or Work involved in this Contract.

OWNER: Sussex County, a political subdivision of the State of Delaware.

PROJECT: The furnishing of the Work, including all labor, materials and supplies, as described in the Contract Documents.

SITE: The location of where the Work is to occur.

SUBSTANTIAL COMPLETION: Work has progressed to a point where, in the opinion of Engineer as evidenced by a letter of acceptance from Engineer, Work is complete, as required by the Contract Documents.

UNCONDITIONAL WARRANTY: Contractor will warrant that its products will be free from defects in workmanship and material **for one year** from date of **Substantial Completion**. Within this warranty period, the Contractor will repair or replace such products that are returned to the Contractor, at no cost to Owner.

WORK: The furnishing of all labor, materials, tools, equipment, and incidentals necessary or convenient to the Contractor's performance of all duties and obligations as required by the Contract Documents.

2.00 GENERAL REQUIREMENTS

- A. Contractor is presumed to know and shall strictly comply with all Federal, State, or County Laws, and City or Town Ordinances and Regulations in any manner affecting the conduct of Work.
- B. All necessary permits and licenses required by local, State, or Federal laws shall be provided by Contractor at its own expense, unless Owner has issued a written notice of its intent to obtain same.
- C. Contractor shall not award Work to subcontractor(s), in excess of fifty percent (50%) of the Contract Price, without prior written approval of the Engineer.
- D. Owner shall furnish to Contractor two sets of the as-built Drawings of the existing facility. Additional copies will be furnished upon request at the cost of reproduction.
- E. The Contract Time will commence to run on the day indicated in the mutually agreed upon Notice to Proceed
- F. Before any Work at the Site is started, a conference attended by Owner, Contractor, Engineer, and others as appropriate will be held to establish a working understanding among the parties as to the Work and to discuss work schedules, procedures for handling Shop Drawings and other submittals, processing Applications for Payment, maintaining required records, and any other relevant topics related to the Work.
- G. Contractor shall submit to Owner for review, a project specific safety plan addressing his intended program for maintaining safety in accordance with all safety requirements. Contractor shall review the tenets of his safety program with Owner and Consulting Engineer at the Pre-Construction Meeting, and review the program status at each progress meeting.

3.00 GOVERNING CODES AND CONFLICTS:

If the requirements of these Contract Documents conflict with the governing codes and regulations, then the more stringent of the two shall apply.

4.00 WARRANTY AND MAINTENANCE SERVICE

- A. The one-year warranty period shall begin on the date of Substantial Completion, as documented by Owner's written notice.
- B. All parts and materials relating to the Work shall be warranted, including all related equipment, labor, installation, handling, inspection, return, and delivery charges and fees.
- C. Contractor warrants and guarantees to Owner that all Work will be in accordance with the Contract Documents and will not be defective. Engineer and Owner shall be entitled to rely on representation of Contractor's warranty and guarantee.
- D. Contractor agrees to replace with proper workmanship and materials, and to execute, correct or repair, without cost to Owner, any Work which may be found to be defective, improper, or imperfect.
- E. Warranties provided by suppliers/manufacturers for materials and equipment that exceed the minimum one-year period specified herein shall remain in effect and be observed by both Contractor and supplier/manufacturere.

5.00 GENERAL INSURANCE REQUIREMENTS

- A. All required insurance coverages and bonds must be underwritten by insurers and sureties

allowed to do business in the state of Delaware and acceptable to Owner. The insurers and sureties must have a Best's Financial Strength Rating of "A -" or better, and a Financial Size Category of "Class VII" or higher, unless Owner grants specific written approval for an exception.

- B. Contractor shall not commence Work under the Agreement until Contractor has obtained, at Contractor's own expense, all required insurance and such insurance has been approved by Owner. Subcontractors shall not commence Work under any subcontract until all required insurance has been obtained at subcontractor's expense and approved by Owner. Approval of required insurance for Contractor and subcontractors will be granted only after submission to Owner of original certificates of insurance and required endorsements, evidencing the required insurance, signed by authorized representatives of the insurers or, at Owner's request, certified copies of the required insurance policies.
- C. Required liability insurance shall be in force throughout the term of the Agreement and for three (3) years after Substantial Completion. Original certificates of insurance signed by authorized representatives of the insurers or, at Owner's request, certified copies of required liability insurance policies, evidencing that the required liability insurance is in effect, shall be maintained with Owner throughout the term of the Agreement and for three (3) years after Substantial Completion.
- D. Contractor shall require all subcontractors to maintain during the term of the Agreement commercial general liability insurance, business auto liability insurance and workers' compensation and employers' liability insurance to the same extent required of Contractor. Contractor shall furnish subcontractors' certificates of insurance to Owner immediately upon request.
- E. All required insurance policies shall be endorsed to provide that the policy is not subject to cancellation until thirty (30) days prior written notice has been given to Owner (not less than ten (10) days' notice is required for non-payment of premium). Therefore, a copy of the endorsements to the required insurance policies that confirm the insurer is obligated to send notice to Owner as required herein, must accompany all certificates of insurance.
- F. No acceptance and/or approval of any insurance by Owner shall be construed as relieving or excusing Contractor, or the surety, or its bonds, from any liability or obligation imposed upon either or both of them by the provisions of the Agreement. Nothing herein shall be construed as permitting Contractor or subcontractors to allow required insurance coverage to lapse.
- H. If Contractor fails to provide evidence of required insurance, Owner shall be permitted, without prejudice to any other right or remedy, to obtain equivalent insurance to protect Owner's interests, at the expense of Contractor and a change order shall be issued to adjust the Contract Price accordingly.
- I. If Owner is damaged by the failure or neglect of Contractor to purchase and maintain required insurance, then Contractor shall bear all reasonable costs properly attributable thereto.

6.00 CONTRACTOR'S LIABILITY INSURANCE

REQUIRED LIABILITY INSURANCE: Contractor shall purchase the following liability insurance coverages for not less than the limits specified below or required by law, whichever is greater:

- A. **Commercial general liability insurance** that insures against bodily injury, property damage, personal and advertising injury claims arising out of or in connection with any operations or Work under the Agreement, whether such operations are by Contractor, its employees or subcontractors or their employees. The minimum limits of liability for this insurance are as follows:

- \$1,000,000 combined single limit - each occurrence;
- \$1,000,000 personal and advertising injury;
- \$2,000,000 combined single limit - general aggregate; and

\$2,000,000 combined single limit - products/completed operations aggregate.

B. Business auto liability insurance with a minimum combined single limit of \$1,000,000 per accident and including coverage for bodily injury and property damage claims arising out of:

- (1) The ownership, maintenance or use of any auto; and
- (2) Contractual liability including protection for Contractor from bodily injury and property damage claims assumed under the Agreement.

C. Workers compensation insurance with statutory benefits as required by any state or Federal law, including standard “other states” coverage and **employers liability insurance** with minimum limits of:

- \$500,000 each accident for bodily injury by accident;
- \$500,000 each employee for bodily injury by disease; and
- \$500,000 policy limit for bodily injury by disease.

D. Umbrella excess liability or excess liability insurance with minimum limits of:

- \$2,000,000 combined single limit - each occurrence;
- \$2,000,000 combined single limit - aggregate other than products/completed operations and auto liability; and
- \$2,000,000 combined single limit - products/completed operations aggregate.

This insurance shall include all of the following coverages on the applicable schedule of underlying insurance:

- (1) Commercial general liability;
- (2) Business auto liability; and
- (3) Employers’ liability.

This insurance shall afford insured status to all individuals and entities required to be insured’s on underlying insurance, to the same extent as the underlying insurance.

6.01 Insurance provided to Owner and its elected or appointed officials, officers, directors, employees, agents, consultants and Engineer (and Consulting Engineer or Architect when designated) under Contractor’s or subcontractor’s liability insurance required herein, including, but not limited to, umbrella and/or excess liability or excess liability policies, shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of insurance. Any cross suits, cross liability or insured versus insured exclusion shall be deleted from Contractor’s and subcontractor’s liability insurance policies required herein.

6.02 Insurance provided to Owner and its elected or appointed officials, officers, directors, employees, agents, consultants and Engineer (and Consulting Engineer or Architect when designated), as specified herein shall be primary, and any other insurance, coverage or indemnity available to Owner and its elected or appointed officials, officers, directors, employees, agents, consultants and Engineer (and Consulting Engineer or Architect when designated) shall be excess of and non-contributory with insurance provided to Owner and its elected or appointed officials, officers, directors, employees, agents, consultants and Engineer (and Consulting Engineer or Architect when designated) as specified herein.

7.00 CONTRACTOR’S PROPERTY RISK OF LOSS (INSURANCE)

A. Throughout the term of the Agreement, Contractor shall be responsible for loss of or damage to the Work and property, equipment, and materials owned by Contractor or any subcontractors or their respective officers, directors, partners or employees or for which

they are legally liable. This responsibility includes any consequential loss of income or extra expense resulting from such damage or loss. Contractor shall be responsible for the Work until Substantial Completion. Contractor or any subcontractors may purchase insurance to protect their interests for such property.

- B. Contractor shall waive all right of recovery from Owner and its elected or appointed officials, officers, directors, employees, agents, consultants and to the extent commercially available the Engineer (and Consulting Engineer or Architect when designated), for loss of or damage (including consequential loss of income and extra expense) to the Work and Contractor's property, equipment and materials. Contractor shall also require that subcontractors also waive all rights against Owner and its elected or appointed officials, officers, directors, employees, agents, and consultants and to the extent commercially available the Engineer (and Consulting Engineer or Architect when designated), for loss of or damage (including consequential loss of income and extra expense) to subcontractor's property, equipment and materials in all subcontract agreements. Any insurance policies maintained by Contractor and any subcontractors shall permit waivers of subrogation by endorsement or otherwise.

8.00 INDEMNIFICATION

- A. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold harmless Owner, Engineer (and Consulting Engineer or Architect when designated) , and the elected and appointed officials, officers, directors, partners, employees, agents, and other consultants of each and any of them from all claims, costs, losses, or damages (including but not limited to fees and charges of engineers, architects, attorneys, and other professionals and all court or arbitration or other dispute resolution costs) arising out of or relating to the performance of the Work, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom but only to the extent caused in whole or in part by any negligent act or omission of Contractor, any subcontractor, any supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work or anyone for whose acts any of them may be liable. Contractor shall be liable, regardless of whether or not such claims, damages, losses, injuries, or expenses are caused in part by a party indemnified hereunder.
- B. In any and all claims against Owner or Engineer (and Consulting Engineer or Architect when designated) or any of their respective consultants, agents, officers, directors, partners, or employees by any employee (or the survivor or personal representative of such employee) of Contractor, any subcontractor, any supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Contractor or any such subcontractor, supplier, or other individual or entity under workers' compensation acts, disability benefit acts, or other employee benefit acts.
- C. The indemnification obligations of Contractor shall not extend to the liability of the Consulting Engineer or Architect (when designated) and Consulting Engineer or Architect's officers, directors, partners, employees, agents, consultants and subcontractors arising out of the rendering or failure to render any professional services, including: 1) the preparing, approving, or the failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, Change Orders, drawings and specifications; or 2) Supervisory, inspection, architectural or engineering

activities.

- D. Contractor agrees to expressly waive its immunity, if any, as a complying employer under the Workers' Compensation law or statute, but only to the extent that such immunity would bar or affect recovery under or enforcement of any indemnification obligation contained herein. This waiver applies to Title 19, Chapter 23 of the Delaware Code, including amendments, or any other applicable state Workers' Compensation law or statute.

9.00 CONTRACTOR'S RESPONSIBILITIES

A. SAFETY AND PROTECTION OF PROPERTY:

1. Contractor shall be responsible for the preservation of all public and private property and shall protect carefully from disturbance or damage of all land, monuments, and property markers and shall not disturb them until directed by Engineer. This section also applies to existing utilities, public and private, overhead, surface and underground.
2. When or where any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, neglect, or misconduct in the execution of Work, or in consequence of the non-execution thereof by Contractor, Contractor, if requested by Owner, shall immediately contact the affected parties and shall take necessary action to maintain the safety and welfare of the public and to prevent further damage. Contractor shall restore, at his own expense, such property to a condition similar or equal to that existing before such damage or injury was done. Contractor shall be solely responsible for any such damages or injuries.
3. Contractor shall be exclusively responsible for the safety of persons on and around the work site, and shall erect and maintain all necessary barricades for such protection.

B. ACCESS DURING CONSTRUCTION: Contractor shall allow Owner access to the Site at all times in which safety is not of concern and shall minimize the period during which Owner's access is restricted. Contractor shall provide, at all times, safe access around work and staging areas.

C. MAINTENANCE OF WORK AREAS: Contractor shall keep all work areas free of debris. Scraps and other leftover materials must be removed off site daily.

D. COOPERATION BETWEEN CONTRACTORS: Owner reserves the right to contract for and perform other or additional work on or near the Work covered by this contract.

1. When separate contracts are let within the limits of any one project, Contractor shall conduct his/her work so as not to interfere with or hinder the progress of completion of the work being performed by other contractors. Contractors working on the same project shall cooperate with each other to the maximum extent feasible to avoid conflicts and all conflicts shall be brought to the Engineer's attention as soon as possible.
2. Each Contractor involved shall assume all liability, financial or otherwise, in connection with his/her contract and shall release, protect and save harmless Owner from any and all damages or claims that may arise because of inconvenience, delays, or loss experienced by Contractor because of the presence and operations of other Contractors working within the limits of the same project.
3. Contractor shall arrange his/her work and shall place and dispose of the materials being used so as not to interfere with the operations of the other Contractors within the limits

of the same project. Contractor shall join his/her work with that of the others in an acceptable manner and shall perform it in proper sequence to that of the others.

E. WORKING HOURS: Working hours are un-restricted dusk to dawn, Monday through Saturday.

F. LEGAL HOLIDAYS: Contractor will not be permitted to work on Sundays, or major holidays as follows:

New Year's Day	Martin Luther King, Jr., Day	Memorial Day	
Independence Day	Labor Day	Thanksgiving Day	Christmas Day

G. SAFETY GUIDELINES: All Work shall comply with any and all Federal, State and local laws, regulations and ordinances to include but not be limited to the requirements set forth in OSHA Standard 29 CFR 1926 Subpart M, Fall Protection and 1926.500 through 1926.503.

H. CONTRACTOR'S REPRESENTATIVES: Contractor shall assign a "Contract Manager" to this Project, who shall give the Work his or her constant attention to facilitate the progress thereof and shall cooperate with Owner. Contractor shall have at all times competent trade foremen on the work site specific to the work at hand, authorized to receive orders from the manager and act for him. Contractor shall submit at the time of Bid the resume of the contract manager, respective foremen and the accountant as part of the Bid evaluation.

I. MOBILIZATION: Contractor shall mobilize all necessary the necessary heavy equipment to the job site as part of the General Condition's lump sum monthly compensation. This shall include subcontractor owned, rental and/or Owner supplied heavy equipment.

10.00 PAYMENT PROCEDURES

A. Applications for Payment may be made no more than once monthly.

1. Contractor shall submit an electronic executed payment request to the Engineer. Owner will have beginning on that date, thirty (30) calendar days to review the monthly payment request and process for payment.
2. If Owner does not approve the payment request, a marked up copy will be returned to the Contractor for revision. After the Contractor makes the necessary revisions, Contractor shall resubmit the fully executed monthly payment request and upon receipt by Owner, the 30-calendar day payment process will begin.
3. Each request for payment shall describe the specific labor and materials used in the Work performed in accordance with the Contract during the preceding month and the value thereof calculated at the unit prices.
4. The initial total Contract amount shall be adjusted by Change Order to match the scope and actual quantities of labor and equipment utilized.
5. Retainage in the amount of five percent (5%) may be withheld for each monthly payment request, at the discretion of Owner.

B. Change of Contract Price or Time

1. The Contract Price may only be changed by a Change Order. Any Claim for an adjustment in the Contract Price by Contractor shall be subject to the provisions of the Contract Documents. Contractor shall submit written notice to the Engineer in the event of a claim for a change to Contract Price or Contract Time.
 2. If approved by Owner, the value of the Work covered by Change Order will be determined by the unit prices contained in the Contract documents, or by a mutually agreed lump sum.
- C. Payments may be withheld at any time if the Work is not proceeding in accordance with Contract Documents or Engineer's instructions thereunder.

11.00 CLAIMS FOR ADJUSTMENTS AND DISPUTES

- A. If for any reason Contractor deems that additional compensation is due him/her for work or materials not clearly provided for in the Contract Documents or previously authorized as extra work, Contractor shall notify the Engineer in writing of the intention to claim such additional compensation before Contractor begins the work on which Contractor bases the claim. If such prior notification is not given or the Engineer is not afforded proper opportunity by the Contractor for keeping strict account of actual cost as required, then Contractor hereby agrees to waive any claim for such additional compensation. When the work on which the claim for additional compensation is based has been completed, Contractor shall, within 10 calendar days, submit his/her written claim to the Engineer for consideration in accordance with this Contract and/or local laws or ordinances. Such request shall be approved or denied in Owner's sole discretion.
- B. Nothing in this section shall be construed as a waiver of Contractor's right to dispute final payment based on differences in measurements or computations.

12.00 OWNER MAY INCREASE AND DECREASE QUANTITIES

- A. Owner reserves the right to increase and decrease the amount or quantity of unit price items included in the Bid wherever he deems it advisable or necessary to do so and such increase or decrease shall in no way violate the Contract.
- B. Contractor will be paid for the actual amount of quantity of authorized Work performed or materials furnished under any unit price item of the Bid, at the unit prices bid and stipulated for such item. In case the amount or quantity of any item is increased as above provided, Contractor shall not be entitled to any damages or increased compensation over and above the price bid for such items, and in case the amount or quantity of any item is diminished as above provided, Contractor shall not have any claim for damages due to loss of anticipated profits or otherwise because of such diminution.
- C. Should any items contained in the Bid be found unnecessary for the proper completion of the Work, Owner may, upon written order to Contractor, eliminate such items from the Contract and such action shall in no way invalidate the Contract and no allowance will be made for the items so eliminated.

13.00 CONTRACTOR'S RESPONSIBILITY FOR WORK

- A. Until the Substantial Completion and final payment has been made for said portion of the Work, all the Work shall be under the charge of and care of Contractor. Contractor shall take every precaution against the destruction of, injury, or damage to the Work or to any part thereof from any other cause whatsoever. Contractor shall rebuild, repair, restore, and make good, at his own

expense, all destruction of, injuries, or damage to the Work or any of the above causes before reaching Substantial Completion.

- B. No inspection or supervision, no failure to inspect or supervise, nor the pressure of any employees of the Engineer during the execution of the Work, and no approval or acceptance of any part of the Work herein contracted for, or of the materials and equipment used therein, shall relieve Contractor of any of its obligations to fulfill the Contract, or shall prevent the rejection of said Work, materials, and equipment in whole or in part, at any time thereafter should said Work, materials or equipment be found to be defective or not in accordance with the requirements of these Contract Documents.

14.00 SUBCONTRACTORS

- A. The Contractor shall submit a list of Subcontractors as part of the Bid. In the case the Owner objects to any proposed Subcontractor the Contractor is to supply an acceptable alternate. Determination of acceptance shall be at the sole discretion of the Owner.
- B. Contractor may utilize up to 50% of the value of the Work may be performed by a subcontractor.

15.00 LOCATION OF EXISTING UTILITIES

- A. Contractor's attention is directed to the fact that the location of any existing utilities shown on the as-built Drawings are approximate only. It shall be Contractor's responsibility to locate utilities, by test pits in the vicinity of the utilities, prior to actual construction. Owner is a member of Miss Utility of Delmarva.
- B. The failure to show on the Contract Drawings any existing utilities shall not relieve Contractor of Contractor's responsibility of determining the locations of these utilities, and any damage to the utilities or interruption of services shall be promptly repaired by Contractor according to County or utility company specifications. Owner shall be notified of any damage to any utilities.

16.00 EROSION AND SEDIMENT CONTROL

Contractor shall provide for safe disposal of run-off from construction areas in accordance with Federal, State, and County erosion and sediment control requirements. Such requirements may be defined in the Contract Documents, issued by addendum or ordered during construction by Owner. The Work associated with the erosion and sediment control measures shall be treated in the same manner as the utility construction at the appropriate unit prices bid for labor and equipment.

17.00 LAST PAYMENT TO TERMINATE LIABILITY OF OWNER

The acceptance by Contractor of the final payment owed pursuant to the Contract shall operate as, and be a release to Owner and every employee, official, and agent thereof from all claims and liabilities to Contractor for anything related to the Work, or for any act of neglect of Owner or of any persons relating to or affecting this Work.

18.00 LIABILITY OF CONTRACTOR

It is understood and agreed that any and all of the duties, liabilities and/or obligations imposed upon or assumed by Contractor by or under the Contract Documents, shall be taken and construed to be cumulative, and that the mention of any specific duty, liability or obligation

imposed upon or assumed by the Contractor under the Contract Documents shall not be taken or construed as a limitation or restriction upon any or all of the other duties, liabilities and/or obligations imposed upon or assumed by Contractor.

19.00 SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

- A. In order to protect the lives and health of his employees under the Contract, the Contractor shall comply with all pertinent provisions of the Contract Work Hours and Safety Standards Act, as amended, commonly known as the “Construction Safety Act” as pertains to health and safety standards; and shall maintain an accurate record of all cases of death, occupational disease, and injury requiring medical attention or causing loss of time from work, arising out of and in the course of employment on work under the Contract.
- B. Contractor alone shall be responsible for the safety, the adequacy of Contractor’s Work, appliances, and methods, and for any damage which may result from their failure or their improper construction, maintenance or operation. Contractor will comply, within the prices bid and without extra cost to Owner, with all safety regulations or determinations issued by any agency of the Federal government including OSHA, the state in which the Work is performed, and the Engineer.

20.00 SANITARY PROVISIONS

Contractor shall provide and maintain in a neat and sanitary condition such sanitary conveniences and accommodations for the use of Contractor’s employees as may be necessary to comply with the requirements and regulations of the Department of Health or other Subdivisions of the State having jurisdiction thereof. Contractor shall commit no waste or nuisance on this Project.

21.00 BARRICADES, DANGER AND WARNING SIGNS

Contractor shall provide, erect, and maintain all necessary barricades, suitable and sufficient lights, danger signals and signs, and take all necessary precautions for the protection of the Work zone and safety of the public within the unit prices bid.

22.00 PROCEDURES FOR CLOSEOUT

- A. When Contractor believes that Work has been completed in accordance with the Contract Documents, Contractor shall notify Owner. Owner shall schedule an inspection meeting and notify the applicable parties. If the Work is incomplete, a punch list will be developed at the meeting, which shall be completed prior to issuance of Substantial Completion. If the Work is complete, in accordance with the Contract Documents, the Engineer shall establish the date of Substantial Completion. On this date, the Contract Time will end and a one-year warranty period in accordance with the Contract Documents will commence. Retainage shall be considered for release after a final inspection of all Work prior to the end of the Contract term, and retainage shall be released upon the same date as the final payment, if Contractor has met all conditions contained herein.
- B. Contractor shall schedule all remaining Work to be completed prior to the expiration date of the Contract or the extension thereof, unless Owner otherwise agrees in writing. Upon expiration of this Contract or any extension thereof, whichever later occurs, Owner shall issue a final Change Order which makes any remaining adjustments which are necessary to determine the actual quantities of labor and materials furnished to accomplish the assigned

Tasks and to establish the final Contract amount.

23.00 DISPUTE RESOLUTION

Mediation: Owner and Contractor agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof to mediation by mediator. Owner and Engineer agree to participate in the mediation process in good faith. The process shall be conducted on a confidential basis and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction in Sussex County of the State of Delaware, to the extent it is consistent with said jurisdictional requirements.

END OF SECTION

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

DELAWARE
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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 Steve C. McCarron

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2***
A. Electrical Construction, Project C19-17, Final Balancing Change Order & Substantial Completion

DATE: March 25, 2025

The South Coastal WRF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2. The latter has been completed and only the South Coastal component is still ongoing. It encompasses the following components and statuses:

- a. Effluent Forcemain Relocation/Replacement; Completed in fall of 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;

This scope was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.

- d. General Construction Project C19-11; awarded on December 17, 2019, to M.F. Ronca & Sons, Inc.



On March 10, 2020, Council authorized Change Order No.1 in the net amount of \$97,294.31 for deletion of the record drawing requirement and the modification of the RBWTF influent forcemains.

On May 12, 2020, Council authorized credit Change Order No. 2 in the amount of (\$12,705.00) eliminating an explosion proof motor requirement.

On July 28, 2020, Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of County surplus materials.

Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth's wastewater treatment plant oxidation ditch systems was also approved on July 28, 2020. M.F. Ronca & Sons, Inc. completed the scope in May of 2021 and the County increased the flow contribution to the City's plant.

On December 15, 2020, County Council approved Change Order No. 6 for steel framing repairs in the first oxidation ditch on a time & material basis up to \$10,500.00 in addition to the concrete repairs conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 for interior headworks piping modifications and RFP-023 covering the addition of a cross connection between the existing 14-inch process drain header for Aeration Tank Nos. 1-4 and the new header for the Aeration Tank Nos. 5-8. On September 22, 2020, Council approved Change Order No.5 in the combined amount of \$32,991.66.

GHD issued RFP-031 for the installation of plug valves on each of the 12-inch recycle influent pipes to be connected to the existing Aeration Tank Nos. 1-4 and to the new Aeration Tank Nos. 7-8. On December 15, 2020, Change Order No. 7 was approved for said shut off valves in the amount of \$31,974.51.

The new South Coastal aeration basin had to be connected to the existing large diameter sludge return piping requiring a forward flow stoppage. Minimizing the joint risk M. F. Ronca proposed a line stop approach under Change Order No. 8. Since it also gained construction efficiency, they offered to only charge for the subcontractor work.

In the spring of 2021, the Rehoboth Beach WTP oxidation ditch rehabilitation was receiving expansive attention including:

- Contingent Unit Price Concrete Repairs, Bid Items F-19 & F-20
- Steel Repairs authorized under Change Order No. 6
- Steel Coatings authorized as part of Change Order No. 4

In addition, all of the leaking expansion joints have been repaired under a time & material approach. On March 9, 2021, County Council approved Change Order Nos. 8 and 9 in the respective amounts of \$34,765.50 and \$45,600.00.

Only one of the two headworks vertical influent pipes has a shut off valve and Environmental Services requested a second valve. In addition, two of the existing headworks slide gates were

compromised in need of replacement. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-039 addressing modifications to two slide gates avoiding conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16.

The design team-initiated RFP-038 for exhaust duct modifications associated with the new turbo blowers and RFP-041 correcting the elevation difference in the headworks cross channel. On July 13, 2021, Council approved Change Order No. 12 to M.F. Ronca & Sons in the aggregate amount of \$14,700.07.

The contract as bid included concrete repairs to the City's headworks and influent splitter box. With the structures by-passed and accessible, the full extent of the damage required an alternative approach detailed in RFP-037 including full demolition of the upper level as well as the channel between it and the splitter box. GHD, the City Engineer and the County Engineer supported the approach, and the change order was within budget of the City's financing arrangements previously approved by the City and County elected officials. Therefore, Council approved Change Order No. 13 to M.F. Ronca & Sons in the amount of \$1,043,243.92 on August 10, 2021.

The City requested M.F. Ronca & Sons' assistance in the wetwell cleaning of the State Rd. pump station to allow a full evaluation in preparation of the upgrade design. In addition, the City requested to modify the air intake for B-10 Building ventilation from a roof mount to an existing window opening. On November 30, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$7,380.37.

Upon exposure of the normally submerged piping at the oxidation ditches, GHD formulated an initial repair scope for the influent, return sludge & air piping including replacement of valves and fittings. It was subsequently reduced and Michael F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$324,996.81. GHD, the City Engineer and the County Engineer supported the modified approach. However, this amount is not within budget of the City's financing arrangements previously approved. The City will pay for this change order directly out of City funds. County Council approved Change Order No. 15 on January 11, 2022, subject to direct payment by the City. Since then, it was determined that the pipe support configuration for the replacement of oxidation ditch influent piping at the City's WTP required additional supports and RFP-056 was issued. Michael F. Ronca & Sons, Inc. proposed to perform the expanded repair scope for \$8,992.49. County Council approved Change Order No. 17 to M.F. Ronca & Sons in the amount of \$8,992.49 on January 25, 2022.

GHD's design scope included a separate task for the hydraulic transient analysis of the South Coastal effluent force under various pumping scenarios.

After County approval of the findings, GHD issued RFP-052 for replacing air valves on the effluent force main and installing additional air valves at new locations. This work scope was not known at time of base bid and hence not included. On January 11, 2022, County Council issued Change Order No. 16 to M.F. Ronca & Sons in the amount of \$88,132.23.

The South Coastal RWF's return sludge pumping station has three (3) pumps, two of which have been upgraded. The third unit recently experienced a failure, and the Environmental Services requested replacement of the pump and piping to be integrated in the project as per RFP-053. Michael F. Ronca & Sons, Inc. proposed Change Order No. 18 in the amount of \$31,101.61, which Council approved on January 25, 2022.

Under RFP-053 the Environmental Services staff requested replacement of two (2) compromised pumps and rail systems in the existing filtrate return pump station in the filter building. Under RFP-057 the City staff requested new fiberglass baffles and a guide bracket assembly to replace the original wooden baffle assembly located in the flow splitter box. M.F. Ronca & Sons proposed to complete the work for \$90,081.84 and \$8,132.66 respectively which Council approved on February 8, 2022, via Change Order 19.

The City requested M.F. Ronca & Sons' assistance in the installation of a lintel above the screen chute complete with control joints limiting vertical cracking. Ronca proposed to complete this work for \$7,426.59.

Starting in 2021, Environmental Services started experiencing more frequent malfunctions and alarm call outs with the influent screens at the Inland Bays RWF. In addition, a reduction in screen bar opening from ¼-inch to 3/16-inch opening will help the facilities sludge accumulation. The units were commissioned in the fall of 2010 and normally have a 15-year service life. The Engineering Department requested the assistance of Michael F. Ronca & Sons, Inc. and their investigation revealed that a full replacement could be accomplished for \$253,417.58, which was only 10% more expensive than a full rebuilt. Therefore, County Council approved Change Order No. 20 in the aggregate amount of \$260,844.17 on March 8, 2022 for the replacement in kind of two screens at Inland Bays and the masonry work at the City's plant.

The South Coastal facility requires alkalinity adjustments. In the past caustic soda was used however with the upgrade project the approach was switched to magnesium hydroxide. The as bid design included an innovative low energy consumption type Enviromix gas mixing system with a performance guarantee which was not met at start up. Therefore, the design approach was switched to a traditional impeller type mixing system. Michael F. Ronca & Sons, priced the modification including the full contract credits relating to the original Enviromix system and on March 29, County Council approved Change Order No. 21 in the aggregate amount of \$45,989.72.

The FY2022 Environmental Services budget included roof repairs of the South Coastal administration building and conversion of an existing pole building to an electrical panel shop. M. F. Ronca & Sons already has subcontractors in their scope of work who perform this

type of work. They priced the building modification and selectively investigated the roof conditions. The roof dating to the original construction needs full replacement and has areas of compromised decking. Due to market volatility, long lead times and anticipated incremental increases in roofing material (membrane & tapered insulation) costs, pricing includes a material escalation allowance.

Upon delivery of roofing materials final costs will be incorporated in a corrective change order reflecting actual material increases. Roof decking replacement will be performed at a unit cost of \$25.00 per SF incorporated into the corrective change order. On May 10, 2022, Council approved Change Order No. 22 in the aggregate amount of \$306,692.52 for pole building enclosure and admin building roof replacement followed by a later corrective change order adjusting unit costs and material pricing.

Environmental Services initiated RFP-067 for painting of the original 1970s mechanical building pump room and M. F. Ronca & Sons proposed to perform the work for \$7,893.90. On June 7, 2022, Council approved Change Order No. 23 in the amount of \$7,893.90.

Environmental Services initiated RFPs-072 & 073. The first deals with a new isolation valve on the existing 8-inch equalization return line in the Mechanical Building Pump Room. The second one modifies the PLC control logic in motor circuit protection of the new turbo blowers and the human machine interfaces graphic displays. On August 23, 2022, Council approved Change Order No. 24 to M.F. Ronca & Sons in the aggregate amount of \$12,829.83.

The headworks at the SCRWF are covered and the ventilated air treated for odors. The contract included unit pricing repair items for the headworks. The damage discovered during the rehabilitation work in the headworks and grit tanks indicated corrosion way above the anticipated levels. Therefore, the Engineering Department initiated RFP-071 for improvements to the headworks ventilation. After value engineering by M. F. Ronca & Sons they proposed to perform the work for \$126,590.76. On October 11, 2022, Council approved Change Order No. 25, significantly extending the asset life of the headworks in the amount of \$126,590.76.

Upon condition exploration of the City's main system pump station on State Street, GHD formulated an initial repair scope and subsequently issued RFP-075 for the repairs. This station also carries the County's Henlopen Acres Sewer District Area flows, and the County participates in the repair effort. With the urgency of the repair evident, the City requested inclusion in the project. M. F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$2,270,000.00. GHD, the City Engineer and the County Engineer supported the modified approach. On December 6, 2022, Council approved Change Order No. 26 to Michael F. Ronca & Sons, Inc. to perform the expanded State Street Pump Station repair scope for \$2,270,000.00. The City will pay for this change order directly out of City funds with separate invoice by contractor. In addition, with concurrence of the City, County Council granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 as of November 14, 2022.

In January of 2023, GHD conducted a factory acceptance test of the new turbo blower system controls. The test revealed that modifications to the PLC and HMI programs were necessary. All parties agreed that the quantity of the desired modifications would trigger RFP-079. M. F. Ronca & Sons, Inc. proposed to perform the additional scope for \$4,412.55.

The original bid contained a unit cost for grit removal from the sludge holding lagoons. For Lagoon B a hydraulic removal was considered but due to the quantity of grit a mechanical removal was analyzed. It would result in the destruction of the 20-years+ old liner. However, despite the replacement cost of the liner in the amount of \$84,375.17 the overall approach proved to be more cost effective and resulted in a new liner. On March 21, 2023 Council concurred and approved M. F. Ronca & Sons, Inc.'s Change Order No. 27 in the aggregate amount of \$88,787.72.

The project includes a new aeration basin and the associated above ground air supply piping. The air supplied by the turbo blowers is compressed and heats up in the process. Therefore, the piping has to balance the expansion and contraction via a specialized support system. GHD conducts routine construction phase QC inspections. During the last one in April, GHD identified opportunities to further reduce pipe stress and increase service life summarized in the attached RFP-081. The additional made to order components were administratively authorized after review of preliminary pricing to maintain the project schedule. On June 6, 2023, Council approved M. F. Ronca & Sons, Inc.'s Change Order No. 28 in the amount of \$108,583.52.

During the start-up of the upgraded mechanical plant pump station a one-time pressure transient was experienced. In an abundance of caution GHD recommended under RFP-088 to replace the gauge with a pressure transmitter in the same location. M. F. Ronca & Sons, Inc. proposes to install the modified tap and piping for \$1,656.00.

The original project bid included a complex winch system moving biosolids containers back and forth under the belt press shoots to allow for uniform loading. Staff has been operating the regional biosolids system for two years and found the occasional moving of the containers to be unproblematic. This allows for the elimination of the winch system under RFP-088. M. F. Ronca & Sons, Inc. proposes a credit of (-\$282,145.60).

On July 18, 2023, Council approved Change Order No. 29 for M. F. Ronca & Sons, Inc. in the aggregate credit amount of (-\$280,489.60).

Environmental Services initiated RFPs-096 & 098. The first creates a hydraulic bypass for each of the two effluent filter banks allowing part of the filtration system to stay in operation during maintenance. The second one deals with the replacement of the compromised 40-year-old LTS Digester Building roof. M. F. Ronca & Sons proposes to accomplish the tasks for \$68,284.99 and \$24,675.00 respectively.

The original bid contains a walkway from the mechanical building to the equalization tanks. It was in part supported by the original parapet wall. When the wall cap was removed it was

determined that the wall was completely compromised and had to be rebuilt. M. F. Ronca & Sons is proposing to complete this task for \$71,547.30.

The original bid only contained trench hot mix restoration resulting in a patchwork of pavement conditions as depicted on the attachment. The Engineering Department requested the contractor to provide an alternate road reclamation based base course proposal combined with a site wide 2-inch hot mix overlay. M. F. Ronca & Sons agreed to limit the mark up on the cost delta only and is proposing to complete this task for \$149,674.16.

On September 12, 2023, Council approved Change Order No. 30 in the aggregate amount of \$314,181.45.

The original bid contained a \$315.00 per ton unit cost for grit removal & disposal from the existing aeration basins. The bid quantity was based on pictures provided by Environmental Services, but the actual quantity is close to three times the estimate. Therefore, the Engineering Department and M. F. Ronca developed an alternate on-site grit storage approach which as a side benefit provides for new aeration diffusers in the existing tanks at a \$219.61 per ton unit price. On September 12, 2023 Council's concurred with the modified unit cost pricing of item C-6 Grit Removal.

The FY24 environmental services budget contains \$75k funding for the repair of the existing influent screen. The quotation for the parts alone amounted to >\$30K, once the labor and crane services were added the repair far exceeded 50% of the new screen offered by M. F. Ronca & Sons at \$89,762.10. A replacement screen will match the new one provided under the project and will represent the better asset value over the service life.

The project includes a full rebuild of the existing four-cell Effluent Filter No. 2. The project included removing the sand from cell one and stockpiling it while using sand from cell two to refill cell one and so on. Once the filter cells were drained it became apparent that approximately 40% of the sand had been lost in the backwash process over the last twelve years. M.F. Ronca & Sons proposed to utilize the County's bagged sand on site in combination with additional manufacturer supplied sand and complete the process in one step rather than four. The contractor can streamline the labor, speed up the process and agreed not to mark up the supplemental sand. M.F. Ronca & Sons offer of \$142,745.34 includes hauling costs but landfill fees will be paid directly by the County at the discounted rate.

The County requested HVAC equipment and control replacements under RFPs 093 & 095 for three of the original 1970s smaller buildings. All of the units have been repaired before and are not fully functional. M.F. Ronca & Sons proposes to perform the replacements and mechanical tie-ins for \$56,155.84.

On October 17, 2023, Council approved Change Order No. 31 in the aggregate amount of \$288,663.28.

Upon the request of Environmental Services Ronca priced out additional switches (i) two (2) Hydraulic Oil Pressure Switches for the belt filter press per RFP-110 (ii) four (4) Blower Inlet Isolation Valve Limit Switches per RFP-111 and (iii) two (2) Conveyor Pull Cord emergency shut off switches. On February 6, 2024, Council approved Change Order No. 32 to M.F. Ronca & Sons in the aggregate amount of \$16,608.23.

The South Coastal project essentially duplicates the almost twenty-year-old gravity filter arrangement. All the actuated control valves in the process are pneumatic due to the high moisture environment which is not conducive to electrical actuation. The Environmental Services team brought to the Department's attention that the pneumatic control system is nearing the end of its service life which was confirmed by GHD the County's consultants. Therefore, they solicited a proposal from M.F. Ronca & Sons under RFP-112 for the in kind replacement. On February 20, 2024, Council approved M.F. Ronca & Sons' Change order No. 33 in the amount of \$62,212.29

A nuisance alarm issue from an e-stop arose during the operation of the new sludge conveyor. Due to differing software versions, Serpentix the manufacturer was 'unable to remotely connect to its control panel in the sludge building triggering a return site visit to add a delay timer to the alarm and programming changes to the control system. M. F. Ronca & Sons proposed to address the issue at a cost of \$5,750.00.

In October of 2023 GHD issued RFP-105 affecting the as bid headworks odor covers. Changes in channel geometry arising from the extensive concrete repair work completed under a previous change order require sections of the odor control covers upstream and downstream and the manual bar screen, and over the screened effluent channel to be replaced. M. F. Ronca & Sons proposed to address the issue at a cost of \$46,943.00.

In the spring of 2024 GHD issued RFP-115 modifying the compressed air piping. EnviroMix, the manufacturer provided two regulators for the compressed air system, intended to be placed at each of the receiver tanks. EnviroMix wanted to set a lower value for maximum allowable compressed air pressure than that stated in the specifications. Despite an attempt to manage both regulators through carefully selected settings, nuisance alarms continue to plague operations. Therefore, a piping change was requested moving the regulators in more stable locations. M. F. Ronca & Sons proposed to address the issue at a cost of \$ 3,124.09.

In the fall of 2023, the sludge dewatering operations resumed. However, a temporary forcemain had to be laid allowing decant and dewatering filtrate to be returned to the Mechanical Building pump station when peak flows exceeded the capacity of the existing primary force main and recycle systems. Under RFP-116 GHD asked the contractor to replace this temporary line with a permanent force main. M. F. Ronca & Sons proposed to address the issue at a cost of \$ 26,166.34.

In addition, Michael F. Ronca & Sons, Inc.'s submitted a no cost contract time extension request of Three Hundred Eighty Two (382) Calendar Days, thereby extending the current substantial completion date to from September 13, 2023 to September 30, 2024, and final

completion date from December 14, 2023 to December 30, 2024. The Department reviewed the back-up documentation and concurred with the requested number of days.

On June 4, 2024, Council approved Change Order No. 34 in the aggregate amount of \$81,983.43 as well as the revised completion dates.

Later on, in June of 2024, unit 1 of the two clarifier drives at the Inland Bays RWF failed. The permanent replacement of unit 1 with a new identical unit, refurbishment, and reinstallation of refurbished drive for unit 2 was covered under RFP-117a. M.F. Ronca & Sons performed two similar repairs at the Inland Bays RWF under Changer Order 20 for the influent screens and under a direct purchase order for the dryer unit bearing maintenance. Therefore, Council issued Change Order No. 35 in the amount of \$121,235.07 on July 16, 2024.

The general construction portion of the South Coastal project has reached substantial completion by the end of December 2024 with all scope items completed and only punch list issues remaining. The Department compiled a unit cost quantity adjustment change order for both the South Coastal and the City of Rehoboth Beach portion of the project. The numbers are \$1,048,615.73 and \$190,933.32 respectively. In South Coastal's case the source of the overruns was almost entirely (>90%) related to the removal of the accumulated grit in the various tanks (EQ, aeration and sludge holding) and the concrete rehabilitation of the headworks. On December 10, 2024 Council granted substantial completion to M.F. Ronca & Sons, Inc.'s contract and issuing the associated balancing change orders 36.1 & 36.2.

Electrical Construction Project C19-17; awarded on December 17, 2019, to BW Electric, Inc.

On February 4, 2020, Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit change order was approved on March 10, 2020, in the amount of (\$6,800.00) for ductbank modifications.

On April 7, 2020, Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 for DP&L requested changes to the utility power service entrance location at the RBWTP.

On May 12, 2020, Council authorized Change Order No.4 in the amount of \$11,350.00 for reconstruction of the original electrical equipment in South Coastal's sludge handling building electrical room.

On July 28, 2020, Council approved Change Order No.5 in the combined amount of \$37,830.00 for the removal of an existing electrical handhole and duct bank and the modification of the duct bank between the DP&L utility switching pedestal and the transformer.

On September 22, 2020, Council approved Change Order No.6 in the amount of \$16,550.00 for the change of the sewer service for the return sludge building No. 2 from a gravity drain to a pumped approach.

On September 22, 2020, Council approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and required an increase of \$6,582.80. Council approved the modification to Change Order No. 7 on November 10, 2020.

On November 10, 2020, Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016. However, on December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).

On February 9, 2021, Council approved Change Order No. 9 in the aggregate amount of \$30,554.00 covering RFPs-032 & 033. The first RFP provided upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs while the second dealt with a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop.

On August 10, 2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00 covering RFP- 035 for waterproofed convenience receptacles at the return sludge building's pump room and RPP-040 for additional site lighting in the area of the generator and blower buildings.

On October 12, 2021, Council approved Change Order No. 11 in the aggregate amount of \$47,328.70 covering the City's initiated RFPs-042 & 44. The first one replaces the deteriorated pull box at building B-10 with a stainless steel one and the second one addresses modifications to the garage feeder.

Also on October 12, 2021, Council approved Change Order No. 12 in the amount of \$4,779.38 covering RFP-045 for modification to the aeration basin lighting out of operational safety concerns.

On January 11, 2022, County Council issued Change Order No. 13 in the aggregate amount of \$20,018.56 for City initiated RFPs -043 & 049. The first one relates to the electrical control requirements for a booster pump in Building T-1. The second one addresses rewiring of the two (2) level sensors and dissolved oxygen probes at the oxidation ditches.

Also On January 11, 2022, County Council issued Change Order No. 14 in the credit amount of (\$6,485.87) for the elimination of four valve actuators.

The City's lighting in the headworks building and the panelboard in the chemical building are compromised by corrosion and City staff requested replacement as per RFP-050. The County Environmental Services and IT staff reanalyzed the facility's fiber optic cabling needs and requested inner duct modifications under RFP-059. BW Electric proposed to make the changes for \$12,018.72 and \$16,100.70 respectively and on February 8, 2022, Council issued Change Order No. 15 in the aggregate amount of \$28,119.42.

On March 29, 2022, County Council issued Change Order No. 16 in the aggregate amount of \$52,003.13 for the DP&L metering modifications at the City's plant and dedicated VFD cabinet ventilation.

The following RFPs were requested by Environmental Services:

1. RFP-064 for float-controlled effluent pump backup control panel in the event of a failure in the digital pump control system or level transmitter in the amount of \$29,895.13.
2. RFP-065 for the demolition and replacement of the original 1970s lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building in the amount of \$80,099.11.
3. RFP-066 for additional circuits and conduits associated with a conveyor warning alarm in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building in the amount of \$3,090.30.
4. RFP-068 for the electrical work associated with replacing the compressed gas mixing system with a mechanical mixing system in the amount of \$83,738.84. This is the companion change order to Michael F. Ronca & Sons' Change Order No. 21 for the mechanical work.
5. RFP-069 for a change in the existing 6-way DB-5A allowing for the MH-47 to be eliminated at a credit of (\$7,500.00).

On May 10, 2022, Council approved BW Electric, Inc.'s Change Order No. 17 in the aggregate amount of \$189,323.38.

The pumps and rail systems in the existing filtrate return pump station were upgraded under Change Order No. 18 by M. F. Ronca & Sons. RFP-060 covers the electrical and control upgrades associated with that station. This work was not part of the original plant upgrade scope. BW Electric, Inc. proposed to complete the work for \$92,713.82. In order to address operator safety and access cameras, as well as network access points, proposals were requested at aeration tanks 5-8 requiring a series of additional conduits and pull boxes. BW Electric, Inc. proposed to complete the work for \$50,362.91. On June 7, 2022, Council approved Change Order No. 18 to BW Electric, Inc in the aggregate amount of \$143,076.73.

Provide a credit proposal to remove the Off-Site Manufacturer Course Training specified in the construction documents. This will be conducted as part of the startup process resulting in a

credit of \$17,758.13. On October 11, 2022, Council approved Change Order No. 19 in the amount of \$17,758.13.

On October 11, 2022, Council approved M. F. Ronca & Sons' Change Order No. 25 for the SCRWF for improvements to the headworks ventilation. GHD issued the companion RFP-077 for the odor control electrical modifications. In response BW Electric, Inc. proposed to complete the work for \$19,401.62.

GHD also issued companion RFP-076 for the electrical components associated with City's State Street pump station repair scope. In response BW Electric, Inc. proposed to complete the work for \$462,938.82. The City has concurred in the issuance and again will pay for this change order directly out of city funds with separate invoice by the electrical contractor.

On December 6, 2022, Council approved Change Orders No. 20 in the amount of \$19,401.62 & 21 in the amount of \$462,938.82 to BW Electric, Inc. for the headworks ventilation and the expanded State Street Pump Station electrical repair scope. The latter paid for by the City via direct reimbursements to the contractor.

BW Electric, Inc. submitted RFI-102 questioning the absence of a neutral bonding conductor in the electrical feeder 5A. GHD investigated the information request and concluded that the least costly solution to achieve the NEC required bonding was to add a conductor. Since this was an omission in the original documents, all of GHD's work associated with this item was not billed. On March 21, 2023 Council concurred and approved BW Electric's Change Order No. 22 in the amount of \$33,342.10.

The following RFPs were requested by Environmental Services:

1. RFP-082 deals with now required generator building feeder replacement since the "spare" shown on record drawings turned out to be already occupied. BW Electric proposes to complete the task for \$4,736.24.
2. RFP-083 for the shop feeder conductor replacements required due County's equipment changes. BW Electric proposes to complete the task at no cost.
3. RFP-084 covers the complete replacement of original 1970s lagoon sludge lighting system. It is largely inoperative, and the poles and fixtures are heavily corroded. BW Electric proposes to complete the task for \$86,480.73.
4. RFP-085 for the welder receptacles upgrades. BW Electric proposes to complete the task at no cost.
5. RFP-087 for the electrical components and signal wiring associated with the pressure sensor in the mechanical pump station. This is the electrical companion scope to Michael F. Ronca & Sons' RFP-088 for the mechanical work. BW Electric proposes to complete the task for \$10,340.23.

On July 18, 2023, Council approved Change Order No. 23 for BW Electric, Inc. in the aggregate amount of \$101,557.20.

BW Electric priced RFP-089 for the electrical credit associated with the winch system elimination at (\$10,134.30). In addition, an electrical safety issue at the SC administration building was identified under RFP-091. It required removing the existing PLC cabinet located in the Administration Building's electrical room, and replacing it with a new PCS cabinet, PCS-AB in its place. BW Electric has now priced RFP-091 at \$68,103.21. The last RFP-092 was associated with HVAC related issues in the Sodium Hypochlorite Building electrical room replacing it with a new power circuit and DS for a heat pump as well as providing new outdoor receptacle and associated power circuit. BW Electric has priced RFP-092 at \$8,554.77. The General Contractor is still pricing the mechanical components under RFP-093.

On August 1, 2023, Council approved BW Electric, Inc.'s Change Order No. 24 in the aggregate amount of \$66,523.68.

The County requested HVAC equipment and control replacements under RFPs 093 & 095 for three of the original 1970s smaller buildings. All the units have been repaired before and are not fully functional. On October 10, 2023, Council approved M.F. Ronca & Sons' proposal to perform the replacements and mechanical as part of Change Order No. 31. RFP-094 addresses the electrical side of these HVAC improvements. On December 5, 2023, Council approved BW Electric, Inc.'s Change Order No. 25 in the aggregate amount of \$17,939.03.

The Environmental Services staff requested a new exterior a freestanding EMR for the sludge building between the overhead doors. Council approved BW Electric, Inc.'s Change Order No. 26 in the amount of \$9,636.87 on February 6, 2024.

Under M.F. Ronca & Sons' Change order No. 33, Council approved the pneumatic control system replacement for the existing filter which was at the end of its service. Therefore, GHD issued RFP-114 to BW Electric, Inc. for five (5) new equipment cabinet power circuits, four (4) existing pole mounted light fixtures circuits and various receptacles all mounted on Effluent Filter No. 2. On June 4, 2024, Council approved BW Electric, Inc's Change Order No. 27 in the aggregate amount of \$20,137.99.

Following this year's Ocean Outfall inspection the Environmental Services staff requested a replacement of the rectifier, installed as part of the original 1970s outfall project. It converts alternating current to direct current for the cathodic protection system protecting the metal components of the Outfall. In response GHD issued RFP No. 118 for the replacement and installation which was priced out by BW Electric, Inc's in the amount of \$ 15,855.64. On October 29, 2024, Council approved BW Electric, Inc's Change Order No. 28 in the amount of \$ 15,855.64.

The electrical portion of the South Coastal project has reached substantial completion with all scope items completed and only punch list issues remaining. The Department compiled a unit cost quantity adjustment change order for the South Coastal portion of the project in the amount of (\$26,420.00). The Engineering Department recommends granting substantial completion of BW Electric, Inc.'s contract as of March 21st, 2025, issuing the associated

balancing change order No. 29 in the credit amount of \$(26,420.00) and initiating the final payment and retainage release.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction**
2. Sussex County Project No. C19-17
3. Change Order No. 29
4. Date Change Order Initiated - 3/17/25
5.
 - a. Original Contract Sum \$22,178,674.00
 - b. Net Change by Previous Change Orders \$378,503.44
 - c. Contract Sum Prior to Change Order \$22,557,177.44
 - d. Requested Change - \$ 26,420.00
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$22,530,757.44
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

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:

Final quantity adjustments.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. B.W. Electric, Inc., Contractor

Bryon Warren 3-19-2025
Signature Date

Bryon Warren
Representative's Name in Block Letters

2. Sussex County Engineer

M. Hamner 3-19-2025
Signature Date

3. Sussex County Council President

Signature Date



15342 S. DuPont Hwy
Harrington DE 19952

Office: 302.566.6248
Fax: 302.566.6251

Bryon Warren
President
302-270-5719

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

2-18-24

Subject: South Coastal Regional Waste Water Treatment Plant Retainage

Dear Mr. Medlarz,

With the substantial completion of the project, I am initiating the final payment and retainage release process.

I suggest we split the retainage into three equal installments. The first payment will be released immediately with the next billing, and the remaining two after substantial completion.

While the Inland Bay Project will be an extension of this project, \$35,000.00 will be allocated towards it, and the bond percentage fees will still apply to the RFPs for the Inland Bays portion.

Please reach out if you encounter any issues with this process.

Bryon Warren
B. W. Electric, Inc.
BSW/

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

DELAWARE
sussexcountype.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 Matthew R. Lloyd
The Honorable Steve C. McCarron

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension
A. Bioworks Aeration Equipment Purchase Order***

DATE: March 25, 2025

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

The County 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF). The Inland Bays Loop, Project S24-01 provides treated effluent distribution **after** completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property.

The DNREC permitting timeline below allows Council to see the progression and complexity of the operations and construction permitting processes.

- February 25, 2017, Soil Investigation Report - Spray Expansion Project, Rev. May 2017
- December 6, 2018, DNREC Permit Application Form and Legal Notice Fee
- January 11, 2019, Hydrogeo Report - Spray Expansion Project, dated October 26, 2017
- January 31, 2019, Surface Water Assessment Report, dated January 28, 2019
- July 17, 2019, Design Engineering Report for Inland Bays RWF Phase 2



- August 03, 2020, DNREC Letter Requesting Additional Information
- October 22, 2020, Revised Design Engineering Report for the Inland Bays RWF Phase 2
- December 11, 2020, revised drawings for the Inland Bays RWF Phase 2
- December 17, 2020, Effluent Disposal/ Spray Expansion Construction Plans
- February 24, 2021, Design Engineer Report for Distribution of Treated Wastewater for Agricultural Use
- January 28, 2022, Hydrogeologic Report for Submerged Gravel Wetland
- April 18, 2022, Submerged Gravel Wetland Construction Plans
- August 24, 2022, DNREC Letter Requesting Additional Information
- October 21, 2022, County's detailed response to DNREC's 2nd Request

DNREC issued the associated construction and operations permits on **June 17, 2024 after a seven (7) years process**. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances required an innovative project implementation approach to establish the critical implementation path and construct individual components out of sequence to assure the best possible permit compliance.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue work with the County providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements online in sequential order. Therefore, Council concurred on July 16, 2024 with a staged construction implementation process under a series of change orders based on critical path implementation.

The Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. The approach is to break it down in components and develop a critical baseline schedule which will be updated regularly, based on contractor and equipment supplier input. The scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid and funds can be exchanged between them as the priorities shift. GHD committed to transition their cohesive South Coastal design team project and on July 16, 2024 Council approved GHD's Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the entire scope of engineering services associated with the Inland Bays RWF Phase 2 Project fast track implementation including the Inland Bays Loop Project, S24-01. It included over 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) locations where effluent disposal is planned.

The majority of the work occurs on Sussex County owned lands, with some portions of the pipeline crossing or running with DelDOT right-of-way, including the Mount Joy Road segment applicable to the DelDOT Utility Agreement approved by Council on February 20, 2024.

The Loop Project was publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00 with funding provided through the ARPA.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor. The Engineering Department presented Change Order No. 1, for construction of the forested spray-field header piping, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where future distribution & diffuser piping will connect to the spray-field header. On October 15, 2024 Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00.

The Loop Project was the initial step towards constructing a treated effluent distribution system at IBRWF. Design and permitting efforts continued for anticipated projects including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The 100,000 gallons treated effluent elevated storage tank is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids and one (1) decline were received. The fifth company did not respond despite numerous attempts.

Pittsburg Tank & Tower Group submitted the lowest responsible bid as per the attached bid schedule and on March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

The Inland Bays RWF Phase 2 Project includes conversion of and an unused original storage lagoon into two aeration basins (3&4) as well upgrade of the aeration system at the two existing basins (1&2) which were converted over ten years ago. GHD developed a Request for Proposals which was distributed to Bioworks and Parkson, the only two (2) companies in the field. After a two-stage competitive selection process both submitted costs and payment terms proposed as well as the actual proposals. The key points of the proposals are as follows:

1. Bioworks offered lower cost for basins 3&4
2. Bioworks' cost for basins 1&2 were significantly higher
3. Parkson offered no assurances and insisted 100% payment within 120 days of delivery
4. Bioworks offered 5% to be retained for a 24-months mechanical warranty or 30-months after shipping

If the County did not have prior experience with Parkson, they would have received an award recommendation for reasons of cost and experience. However, there is context of historically poor support performance, and Parkson has offered nothing in terms of commitment to good performance in this project. GHD made a firm request in the second submittal round, and they have not moved on their position on the terms.

Therefore, GHD and the Department recommend award to Bioworks on the basis:

- Lower cost for basins 3&4
- Superior maintenance features such as ability to float up individual diffusers
- More robust diffuser material and valve actuators
- More committed start-up support crew days
- Better long-term technical support backed up by 5% retainage of purchase cost

In summary, the Engineering Department issuance of a purchase order to Bioworks in the amount of \$1,397,640.00

IBRWF Lagoon Equipment Proposals

Cost Proposal Summary

	<u>Parkson</u>	<u>Bioworks</u>	
Lagoon Nos. 1-2	\$ 295,225.00	\$ 647,750.00	(1)
Lagoon Nos. 3-4	\$ 764,244.00	\$ 749,890.00	
Total	\$ 1,059,469.00	\$ 1,397,640.00	(2)

(1) Bioworks will require additional air piping at Lagoons 1-2

(2) Cost reduced by \$82k

Proposed Payment Terms (Cumulative)

	<u>Parkson</u>	<u>Bioworks</u>	<u>Request</u>
Executed PO	0%	0%	0%
Approved Shop Drawing	25%	30%	25%
Delivery to Site	100%	95%	70%
Completed Startup	--	--	90%
Warranty Period	-- (1)	100% (2)	100%

(1) Offered performance bond with authority given to bonding company (worthless)

(2) Mechanical warranty 24 months in service or 30 months after shipping

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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 20, 2025

RE: County Council Report for C/U 2458 filed on behalf of Oneals Solar, LLC

The Planning and Zoning Department received an application (C/U 2458 filed on behalf of Oneals Solar, LLC) for a solar array to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 132-6.00-303.00. The property is located at 27720 Oneals Road, Seaford. The parcel size is 49.7 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on March 4, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below is a link to the minutes of the March 4, 2025, County Council Meeting.

[Link to the Minutes of the March 4, 2025, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on January 8, 2025 and January 22, 2025.

[Minutes of the January 8, 2025, Planning & Zoning Commission Meeting](#)

C/U 2458 Oneals Solar, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS.

The property is lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13). 911 Address: 27720 Oneals Road, Seaford. Tax Map Parcel: 132-6.00-303.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklet, a copy of the applicant's conceptual site plan, a copy of the DelDOT SLER, a copy of the staff analysis letter, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division and zero comments.

Mr. Jeremy Karpf, of Summer Ridge Energy, spoke on behalf of the Applicant that this is an application for a solar project; that the site is located currently on open farmland with an easement from the neighbors for land that connects to O'Neill Rd.; that the access driveway crossing the neighbor's parcel via easement will come into the project as the access road with a turnaround; that this will also be the location of the transformer and inverter pad; that the driveway will be 15 feet wide and along the street, there will be 5 poles, a utility recloser, a utility meter, a customer disconnect, a customer recloser and a customer riser; that they will conform to the 50 foot property line set back; that along the access road they will be maintaining the existing tree line as well as existing stormwater, with improvements as necessary; that the screening will be facing the properties on the North side of the parcel to screen it from the neighbors; that they will abide by the 200 foot dwelling set back and 15 foot side yard setback; that they would be leasing the land from the land owner; that the storm water improvements will be done with a silt fence as well as providing permanent stabilization and a local seed mixture for the ground of the parcel; that the total limited disturbance is expected to be 16.42 acres, maximum height will be approximately 15 feet using a single access tracker, mounting the piles will either be drilled or pounded; that there will be a locked fence around the property as well as a 24 hour sign with 24 hour contact number; that there will be a storage shed on the property; that the access road will be made of impacted crushed stone on top of the compacted fill soil; that there will be no employees on site only those that are needed for service and inspections; that the final landscape design has not been established and because of that the preliminary site plan only show possible landscape buffers on it.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2458 Oneals Solar, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 8, 2025.

Ms. Wingate moved the Commission to recommend approval of C/U 2548 for Oneals Solar, LLC for a solar array in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 19.75 acres of a larger 49.7-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is used for agricultural purposes. It is surrounded on two sides by land used for agricultural purposes, including poultry houses. Although there are residential properties to the north of this site, the arrays are at least 200 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation. None of the residents along the northern boundary of the site objected to the proposed use.
5. The land is designated as being within the “Low Density Area” according to Sussex County’s Future Land Use Map; this is an appropriate location for a solar array.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - A. The use shall be for ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. All required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. There shall be a landscaped buffer that is at least 50 feet wide along the common boundary with the residential properties along the northern boundary of the site and the eastern boundary of the site. The landscaping shall include at least fifteen trees within every fifty linear feet of the buffer. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.
 - D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
 - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.

- H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/U 2458 Oneals Solar, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 8th, 2025

Sussex County Council Public Hearing Date: March 4th, 2025

Application: C/U 2458 Oneals Solar LLC

Applicant: Oneals Solar LLC
100 Wilson Boulevard, Suite 2400
Arlington, VA 22209

Owner: Janki P. Ramnath & Bidyawattie Ramnath
27718 Oneals Road
Seaford, DE 19973

Site Location: The property is located on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13) in Seaford.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: A 3 MW/AC solar array/generation facility

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: Mr. Matt Lloyd

School District: Seaford School District

Fire District: Blades Fire Company

Sewer: N/A

Water: N/A

Site Area: 49.7-acres +/-

Tax Map ID.: 132-6.00-303.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 18, 2024
RE: Staff Analysis for C/U 2458 Oneals Solar LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2458 Oneals Solar LLC to be reviewed during the January 8th, 2025 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 132-6.00-303.00

Proposal: The request is for a Conditional Use for Tax Parcel 132-6.00-303.00 to allow for solar array on a parcel lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13) in Seaford. The portion of the Parcel subject of this application is 19.75 +/- acres of the Parcel comprised of a total of 49.7 acres +/-.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) District. The parcels immediately adjacent to the subject property are all Agricultural Residential (AR-1) District with parcels to the east along the Route 13 corridor and immediately to the south zoned General Commercial (C-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” The properties to the north and south of the subject Parcel are categorized as ‘Low Density Area’, with the parcels to the east additionally including parcels categorized “Commercial Area” and parcels to the west additionally including parcels within the “Industrial Area” category.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas “Sussex County hopes to retain the rural environment and set aside significant open space” and where the County “supports State and local land use policies that will preserve the value of farmland” (Sussex



County Comprehensive Plan, 4-18). Additionally, the Comprehensive Plan notes landscaped buffer requirements as a policy to be emphasized in Low Density areas when new development occur, and Staff note that the Site Plan includes buffers for the solar improvements (Sussex County Comprehensive Plan, 4-18).

Further Site Considerations:

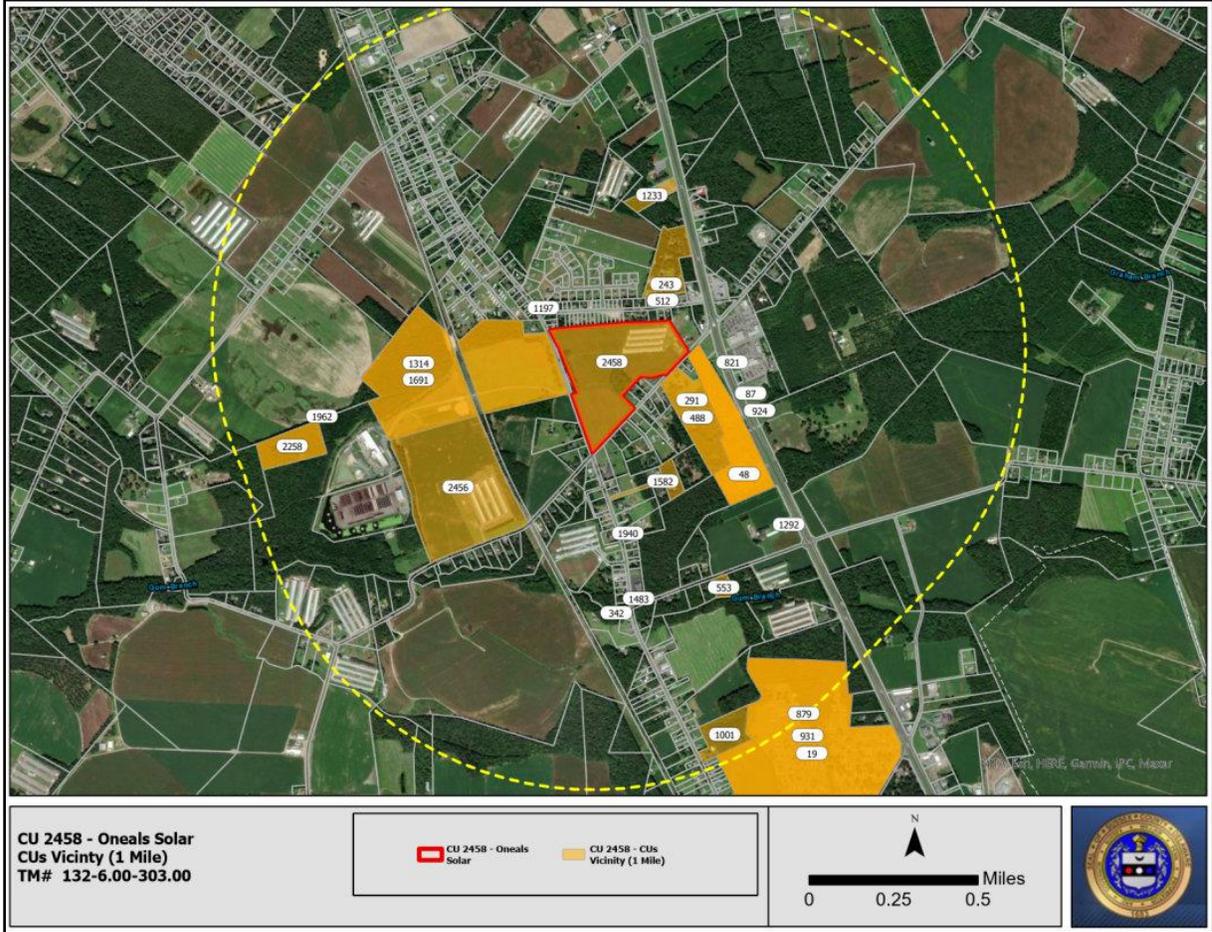
- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The proposed improvements are outside of any existing forested areas on the Parcel as drawn on the conditional use site plan with no proposed removal of the existing trees on the Parcel.
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”, within an area of “Good” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site. Prong 4 of the Mt. Zion Tax Ditch runs through the Parcel with the proposed solar arrays to be located north of the tax ditch and outside of the Tax Ditch ROWs on the Parcel.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a solar array, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications						
(Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
2456	Elk Development, LLC (Oneals Road)	AR-1	Solar Facility	Approved	5/7/2024	3009
2258	Bioenergy Development Group, LLC	AR-1	Amend CU 1314 To Permit Nutrient Recovery for Natural Gas and Electrical Generation	Approved	4/20/2021	2769
1962	Chesapeake AgriSoil, LLC	AR-1	Composting Facility (Extension to CU #1314 & CU #1691)	Approved	6/25/2013	2311
1940	Phil DePenna	AR-1	Physical Training Studio and Gym	Approved	9/11/2012	2276-A
1691	Perdue Farms AgriRecycle, LLC	AR-1	Amend/Pelletizing	Approved	7/25/2006	1865
1582	Duane & Danielle Musser	AR-1	Sign Shop Vehicle Lettering	Approved	1/18/2005	1747
1483	Comcast, Inc.	AR-1	Electronic Equipment/Storage	Approved	4/1/2003	1596
1314	Perdue- AgriRecycle LLC	AR-1	Micro-Nutrient Plant for Poultry Litter	Approved	12/21/1999	1354
1292	Roland V. Fleetwood	AR-1	Retail Shop	Approved	7/27/1999	1330
1233	Eddie French	AR-1	Plumbing & Heating Business	Approved	3/31/1998	1223
1197	Harry & Sally Daisey	AR-1	Auto Repair Shop	Approved	9/23/1997	1176
1001	Joan Lapp	AR-1	Accessory Dwelling for Crafts/Gifts	Approved	6/2/1992	834

931	Chaski Associates, LP	AR-1	Extension To Mobile Home Park	Approved	7/24/1990	703
924	Ronald E. Hastings & W. W. Harper, Jr.	AR-1	Expansion Of Mobile Home Park	Approved	1/16/1990	648
879	Chaski Associates, LP	AR-1	Extension Of Mobile Home Park	Approved	6/21/1988	512
821	Stephen C. Glenn, Inc	AR-1	Addition To Mobile Home Park & Revision	Approved	12/30/1985	334
553	Joseph Roszin	AR-1	Heating & Cooling Business	Approved	11/13/1979	N/A
512	B & B Mobile Home Court Inc	AR-1	Extension Of Existing Manufactured Home Park	Approved	1/16/1979	N/A
488	Stephen C Glenn	AR-1	Extension Of Existing Mobile Home Park	Denied	N/A	N/A
342	Ronald Hastings	AR-1	Extension of an Existing Manufactured Home Park	Approved	5/11/1976	N/A
291	Doris Bryan Whaley	AR-1	Beauty Shop	Approved	9/16/1975	N/A
243	B&B Mobile Court Inc	AR-1	Extend Manufactured Home Park	Approved	11/12/1974	N/A
87	Ronald Hastings	AR-1	Mobile Home Sales Lot	Approved	11/14/1972	N/A
48	Ronald Hastings	AR-1	Extension To Current Manufactured Home Park	Approved	3/21/1972	N/A
19	Ruark Mobile Home Park	AR-1	Manufactured Home Park	Approved	8/17/1971	N/A





VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

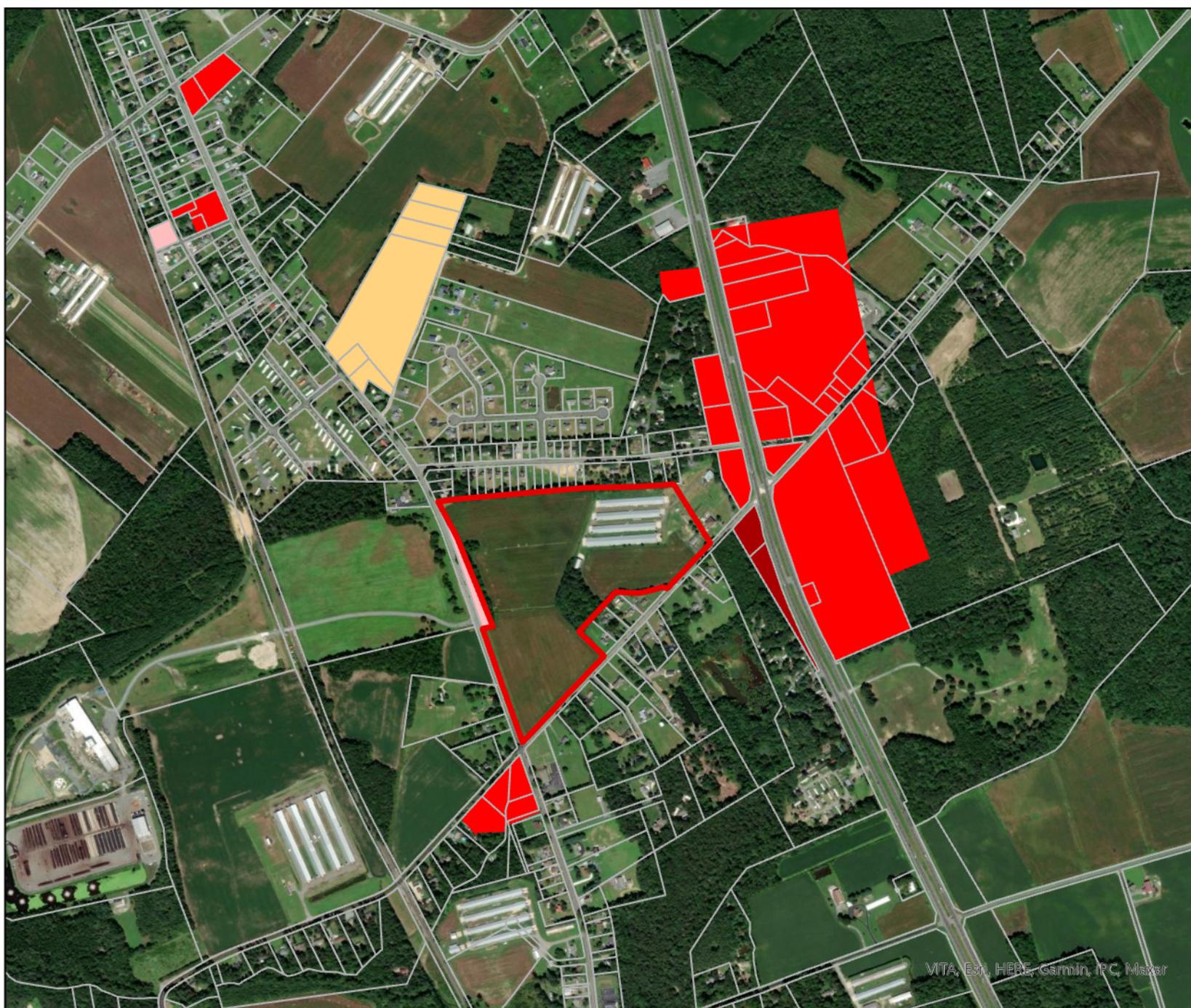
CU 2458 - Oneals Solar
Street Map
TM# 132-6.00-303.00

 **CU 2458 - Oneals Solar**

N

0 250 500 Feet





Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

VITA, Est, HEBE, Garmin, PC, Maxar

CU 2458 - Oneals Solar Zoning Map
TM# 132-6.00-303.00

CU 2458 - Oneals Solar

N

0 0.13 0.25 0.5 Miles





Mixer, Microsoft, VITA, Esri, HERE, Garmin, IPC

CU 2458 - Oneals Solar
Aerial Map
TM# 132-6.00-303.00

 **CU 2458 - Oneals Solar**

N

0 160 320 Feet



Introduced: 10/29/24

Council District 1: Mr. Lloyd
Tax I.D. No.: 132-6.00-303.00 (p/o)
911 Address: 27720 Oneals Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS

WHEREAS, on the 26th day of June 2023, a Conditional Use Application, denominated Conditional Use No. 2458 was filed on behalf of Oneals Solar, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2458 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2458 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the north side of Oneals Road (S.C.R. 485) approximately 500 ft. southwest of Sussex Highway (Rt. 13), and being more particularly described in the attached legal description prepared by First American Title Insurance Company said parcel containing 49.7 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.

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
 <notifications@d3forms.com>
Sent: Tuesday, March 4, 2025 11:41 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization

Milton Historical Society ✓

Project Name

When the Trains Arrived in Milton Historical Museum Exhibit

Federal Tax ID

23-7158119 ✓

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

The Milton Historical Society is a nonprofit cultural and educational organization dedicated to increasing public understanding and appreciation of the history of Milton and the Broadkill Hundred. The Society collects, preserves, and interprets stories, artifacts and documents related to Milton and the Broadkill Hundred for study and education. We welcome the participation of people of all ages in sharing informative and engaging experiences that will encourage them to discover and appreciate their heritage.

Address

P.O. Box 112

City	Milton
State	DELAWARE
Zip Code	19968
Contact Person	DeeDee Wood
Contact Title	Executive Director
Contact Phone Number	3026841010
Contact Email Address	visit@historicmilton.org
Total Funding Request	3000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1000.00
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A

Program Category (choose all that apply)	Cultural Educational
Primary Beneficiary Category	Elderly Persons (62 +)
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	3000
Scope	The Milton Historical Society is presenting a year-long, educational, historical exhibit entitled, "When the Trains Came to Milton" that encompasses the rich heritage of the rail systems in the small rural town of Milton, Delaware at the end of the 19th century. Relevant to today's functioning highway systems and building, a look back on the past educates local school groups, the general public, senior centers and interested historians on the rich past of the railway lines that ran through Milton, and how the systems of delivery and product, as well as industry, changes and flows over time.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Printing of interpretive materials for exhibit, Coast to Coast printing
Amount	2,237.00

Description Printing of marketing materials for exhibit, Coast to Coast printing

Amount 600.00

Description Construction and preparation for this exhibit, (painting, construction, etc.)

Amount 500.00

TOTAL EXPENDITURES 3,337.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -3,337.00

Name of Organization Milton Historical Society

Applicant/Authorized Official DeeDee Wood

Date 03/04/2025

Affidavit Acknowledgement Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
 <notifications@d3forms.com>
Sent: Tuesday, March 11, 2025 12:45 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization (Mariner Middle School) Cape Henlopen School District.

Project Name National Junior Honor Society 2025

Federal Tax ID 51-6000279 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission As a nationally recognized chapter of the National Junior Honor Society, it is our mission to recognize and encourage academic achievement while also fostering the ideals of scholarship, service, leadership, character, and citizenship in middle school students.

Address Mariner Middle School

Address 2 16391 Harbeson Road

City Milton

State	DE
Zip Code	19968
Contact Person	Dr. Daniel Shockley
Contact Title	Faculty Advisor
Contact Phone Number	302-684-8516
Contact Email Address	danielh.shockley@cape.k12.de.us
Total Funding Request	\$1000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50

**Program Category
(choose all that
apply)** Educational

**Primary Beneficiary
Category** Youth

**Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program** 130

Scope

Mariner Middle School National Junior Honor Society (NJHS) is a Grade 7-8 middle-level student organization that recognizes and encourages academic excellence, leadership, character, service, and citizenship among our diverse student population. Our chapter serves as the counterpart to the Cape Henlopen High School National Honor Society (NHS), providing a foundation for continued academic and professional growth.

Based on the "Five Pillars," Key Aspects of NJHS, members must maintain a strong GPA, demonstrate leadership in school, clubs, or community activities, maintain good moral standing, and participate in community service projects to give back.

Community service is a significant portion of NJHS membership. A minimum of 50 hours are required. To that end, community service projects range from campus clean-up and peer tutoring, to canned food drives, animal shelter assistance, holiday gift programs, and beach clean-up. Unfortunately, as a non-profit, all monies raised are recommitted to community service activities. Thus, financial support/sponsorships are needed to help maintain the operational costs associated with expanding our membership. Annual dues range from \$300-500, transportation is \$700+, etc...

Religious Components	n/a
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	500.00
Description	Dues (Required for National recognition)
Amount	430.00
Description	Transportation
Amount	1,500.00
Description	Operating Costs (i.e. supplies, printing)
Amount	1,000.00
TOTAL EXPENDITURES	2,930.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,430.00
Name of Organization	Mariner NJHS
Applicant/Authorized Official	Daniel Shockley
Date	03/11/2025
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 3/25/25

Council District: Mr. Hudson
Tax I.D. No.: 533-19.00-7.00, 8.01, & 9.00
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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2023, a zoning application, denominated Change of Zone No. 2016 was filed on behalf of Marlin Cove, 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. 2016 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 MR Medium Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of New Road (S.C.R. 391) approximately 65 ft. north of Lighthouse Road (Rt. 54), and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, LLC said parcels containing 60.84 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: 3/25/25

Council District 4: Mr. Hudson
Tax I.D. No.: 533-19.00-7.00, 8.01, & 9.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23.90 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2023, a Conditional Use Application, denominated Conditional Use No. 2459 was filed on behalf of Marlin Cove, 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 Conditional Use No. 2459 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 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2459 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the west side of New Road (S.C.R. 391) approximately 65 ft. north of Lighthouse Road (Rt. 54), and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, LLC said parcels containing 60.84 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: 3/25/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-4.00-10.32
911 Address: 20601 Rust Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCE INSTALLATION BUSINESS WITH OUTSIDE STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS

WHEREAS, on the 9th day of October 2023, a Conditional Use application, denominated Conditional Use No. 2485 was filed on behalf of Christopher Hanyok; 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. 2485 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2485 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 situated in Indian River Hundred, Sussex County, Delaware, and lying on the east side of Rust Road (S.C.R. 292A), approximately 0.27 mile south of Harbeson Road (Rt. 5), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, PA., said parcel containing 5.00 acres, more or less.

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

To Be Introduced: 3/25/25

Council District 5: Mr. Rieley
Tax I.D. No.: 133-3.00-6.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2557 was filed on behalf of Stockley Materials, 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 Conditional Use No. 2557 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2557 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 Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432) and being more particularly described in the attached legal description prepared by Moore & Rutt said parcel containing 82.32 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: 3/25/25

Council District: Mr. Rieley
Tax I.D. No.: 235-30.00-6.21
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2290 (ORDINANCE NO. 2849) TO AMEND CONDITION "A" RELATING TO BUILDING SIZE AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS.

WHEREAS, on the 4th day of April 2024, a Conditional Use application, denominated Conditional Use No. 2525 was filed on behalf of Michael Makowski; 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. 2525 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2525 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 Broad Kill Hundred, Sussex County, Delaware, and lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R. 254), and being more particularly described in the attached legal description prepared by Morris James, LLP said parcel containing 7.12 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: 3/25/25

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-6.00-526.01
911 Address: 17996 Coastal Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN C-1 GENERAL COMMERCIAL DISTRICT FOR A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS

WHEREAS, on the 19th day of March 2025, a Conditional Use application, denominated Conditional Use No. 2583 was filed on behalf of Tharros Village (c/o Code Purple at the Cape); 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. 2583 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, Subsections 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2583 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 Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9), and being more particularly described in the attached legal description prepared by St. Jude the Apostle Church D/B/A Code Purple said parcel containing 7.16 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: 3/25/25

Council District 1: Mr. Lloyd
Tax I.D. No.: 132-1.00-11.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2023, a Conditional Use application, denominated Conditional Use No. 2503 was filed on behalf of Hastings Community Energy Initiative, 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 Conditional Use No. 2503 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2503 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the east side of Normandy Lane, a private lane accessed off of E. Seventh Street, and being more particularly described in the attached legal description prepared by Tunnell & Raysor said parcel containing 33.69 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.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@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: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: *Update Ordinances*

DATE: March 21, 2025

On Tuesday, you will have a public hearing on the low-income and disability tax ordinances.

As you will recall, the County received the assessment rolls from Tyler Technologies in February. With the receipt of the taxable assessment values, we could update our low-income and disability tax programs to reflect the current assessment values. The proposed ordinances do not impact the County's current eligibility requirements. The purpose of the ordinances is to make sure that the value of that program, as a whole, is consistent with last year's program. To be clear, because the reassessment has impacted each property differently, this change will not mean each property will receive the same exemption amount as it did the year before.

Both ordinances subject to the public hearings are attached for your review.

If you have any questions, please feel free to contact me.

Attachments

Low-Income/Disability Tax Programs



Tax Programs



The County has two tax programs that are calculated on taxable assessed value and are established in County Code.

1. Low-income Over 65
2. Disability

Currently, if a taxpayer qualifies, they will get \$12,500 off their taxable assessment. There are 818 property owners that qualify. These property owners pay \$10,569 in county taxes.

With the new assessed values, I recommend the \$12,500 be increased to \$229,000. These 818 property owners would pay \$10,539 in county taxes.

Tax Programs



Recommended Code changes for County Low-Income 65 Program:

- (1) Change exemption from \$12,500 to \$229,000
- (2) Change residency requirement from 3 years to 5 years

Recommended Code changes for (non-veteran) County Disability Program:

- (1) Change exemption from \$12,500 to \$229,000
- (2) Change residency requirement from 3 years to 5 years
- (3) Change income limits to match low-income 65 Program \$4,500 to \$6,000 for single and \$6,500 to \$7,500 for married (income does not include social security benefits, railroad retirement benefits, and pension income from the applicant's disability)

Tax Programs



These changes do not impact:

- (1) The State 65 Program where residents who lived in the State for 10 consecutive years get half of their school taxes discounted up to \$500 (25,478 properties enrolled)
- (2) The Disability Veterans Tax Credit where residents who lived in the State for 3 preceding years and are totally disabled get a full credit towards their property taxes excluding Sussex Tech and non-value based fees and services (350 properties enrolled)

Deadlines for these programs are April 30 of each year. More information can be found here:
<https://sussexcountyde.gov/tax-assistance-programs>

Short Title of Ordinances



AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT

1 WHEREAS, Article II of Chapter 103 of the Sussex County Code provides, *inter*
2 *alia*, the income and assessed property value parameters for senior citizens to qualify for
3 a property tax exemption; and

4 WHEREAS, Sussex County completed a property tax reassessment which
5 updated the assessed values of all properties located in Sussex County; and

6 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
7 103, Article II, §103-8 to update the assessed property value threshold for senior citizens;
8 and

9 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
10 103, Article II, §103-9A. to increase the residency requirement from three (3) years to five
11 (5) years.

12 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

13 Section 1. Chapter 103 (“Taxation”), Article II (“Real Property Tax Exemption
14 for Senior Citizens”), §§ 103-8 (“Exemption granted”) and 103-9A. (“Contents of
15 application”) of the Sussex County Code are hereby amended by inserting the underlined
16 and italicized language and deleting the language in brackets as follows:

17 § 103-8 Exemption granted.

18 Every person who shall be a resident of this county and has reached his/her 65th
19 birth date and has an income not in excess of \$6,000 per year or, if married, an
20 aggregate income for husband and wife not in excess of \$7,500 per year and shall
21 reside in a dwelling owned by him or her which is a constituent part of his real
22 property shall be entitled, upon proper claim being made therefor, to exemption
23 from taxation on such real estate to an addressed valuation not exceeding
24 \$229,000[12,500].

25 § 103-9 Contents of application.

26 Every application for such claim shall contain the following declarations:

27 A. That the applicant has been a resident or owner of a residence in Sussex
28 County for [three]five years immediately past preceding the application.

29

30 Section 2. This Ordinance shall become effective immediately upon its
31 adoption.

32

Synopsis

33 This Ordinance amends Chapter 103 (“Taxation”), Article II (“Real Property
34 Exemption for Senior Citizens”) of the Sussex County Code by amending: (a) §103-8 to
35 update the assessed property value threshold for senior citizens to \$229,000; and (b)
36 §103-9A. to increase the residency requirement from three (3) to five (5) years.

37

All new text is underlined and italicized. All deleted text is in brackets.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME.

1 WHEREAS, Article I of Chapter 103 of the Sussex County Code provides the
2 income and assessed property value parameters to qualify for a property tax exemption
3 for disabled persons; and

4 WHEREAS, Sussex County completed a property tax reassessment which
5 updated the assessed values of all properties located in Sussex County; and

6 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
7 103, Article I, §103-1 to update the assessed property value for disabled persons; and

8 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
9 103, Article I, §§ 103-1, 103-2E. and 103-4D. to update the income thresholds to qualify
10 for the exemption as a disabled person; and

11 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
12 103, Article I, §103-2A. to increase the residency requirement from three (3) to five (5)
13 years; and

14 WHEREAS, the Sussex County Council deems it necessary to amend Chapter
15 103, Article I, § 103-3 to allow the County to ask the applicant for additional information
16 to confirm the applicant’s disability, such as receipt of disability income; and

17 WHEREAS, the Sussex County Council deems it necessary to amend the
18 definition of “income” found in Chapter 103, Article I, §103-6 to exclude pension income
19 directly related to the applicant’s disability when calculating the applicant’s income.

20 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

21 Section 1. Chapter 103 (“Taxation”), Article I (“Real Property Tax Exemption for
22 Disabled Persons”), § 103-1 (“Exemption granted”), §§103-2A. and 103-2E. (“Contents of
23 application”), § 103-3 (“Application procedure”) and § 103-4D. (“Applicability to surviving
24 spouse”) of the Sussex County Code are hereby amended by inserting the underlined
25 and italicized language and deleting the language in brackets as follows:

26 § 103-1 Exemption granted.

27 Every person who shall be a resident of this county, who shall be totally disabled
28 and who has an income not in excess of ~~\$6,000~~[4,500] per year or, if married, an
29 aggregate income for husband and wife not in excess of ~~\$7,500~~[6,500] per year
30 and who shall reside in a dwelling owned by him which is a constituent part of his
31 or her real property shall be entitled, upon proper claim being made therefor, to
32 exemption from taxation on such real estate to an assessed valuation not
33 exceeding ~~\$229,000~~[12,500].

34 § 103-2 Contents of application.

35 Every application for such claim shall contain the following declarations:

36 A. That the applicant has been a resident or owner of a residence in Sussex County
37 for [three five years immediately past preceding the application.

38 B. That the applicant is the owner of the real property and the dwelling for which
39 such exemption is claimed.

40 C. That the applicant resides in said dwelling.

41 D. That the applicant is totally disabled and has attached the certificate of a medical
42 doctor in support of such claim.

43 E. That the *applicant's* income is not in excess of ~~\$6,000~~[4,500] or, in the event of
44 a marriage, that the aggregate income for husband and wife is not in excess of
45 ~~\$7,500~~[6,500].

46 § 103-3 Application procedure.

47 Application for exemption pursuant to this article shall be made in the same
48 manner as exemption applications for residents over 65 years of age shall be
49 made. The County may ask for additional information to confirm disability such as
50 receipt of disability income.

51 § 103-4 Applicability to surviving spouse.

52 The surviving spouse of such applicant shall remain exempt from taxation upon
53 the death of the applicant so long as said surviving spouse shall:

54 A. Remain a resident of this county,

55 B. Remain the owner of the real property and of the dwelling for which such
56 exemption was granted;

57 C. Reside in said dwelling;

58 D. Have an income not in excess of ~~\$6,000~~[4,500] per year; and

59 E. Remain unmarried.

60 Section 2. Chapter 103 (“Taxation”), Article I (“Real Property Tax Exemption for
61 Disabled Persons”), § 103-6 (“Definitions”) of the Sussex County Code is hereby
62 amended by inserting the underlined and italicized language and deleting the language
63 in brackets as follows:

64 INCOME

65 Shall not include social security benefits, [or]railroad retirement benefits, and
66 pension income directly related to the applicant’s disability.

67 Section 3. This Ordinance shall become effective immediately upon its
68 adoption.

69 Synopsis

70 This Ordinance amends Chapter 103 (“Taxation”), Article I (“Real Property Tax
71 Exemption for Disabled Persons”) of the Code of Sussex County to amend: (a) §103-1 to
72 update the assessed property value threshold for disabled persons to \$229,000, (b)
73 §§ 103-1, 103-2E. and 103-4D. to update the income thresholds to \$6,000 for a single
74 applicant or a surviving spouse and \$7,500 for married applicants, (c) § 103-2A. to
75 increase the residency requirement from three (3) to five (5) years; (d) § 103-3 to allow
76 the County to ask the applicant for additional information to confirm the applicant’s
77 disability, such as receipt of disability income, and (e) §103-6 to exclude pension income
78 directly related to the applicant’s disability when calculating the applicant’s income.

79 All new text is underlined and italicized. All deleted text is in brackets.

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Camp Salty Farm Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission on February 11th of this year for the proposed Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- The Engineering Department had received a request from Stephens Environmental Consulting Group Inc. on behalf of their client Camp Salty Farm, LLC the owner of parcel 134-19.00-118.00.
- The parcel is adjacent to the existing Sussex County Unified Sanitary Sewer District.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- The Engineering Department posted notices on February 26th, advertised the weeks of March 12th & 19th and added to the County website.
- To date we received no correspondence in support or opposition to this annexation.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

PUBLIC NOTICE

PROPOSED CAMP SALTY FARM EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLER CREEK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **February 11, 2025**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Miller Creek Area, to include the Camp Salty Farm on Camp Barnes Road, being situate in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the northerly Right-Of-Way (ROW) of Camp Barnes Road, approximately 521'± northwest of the intersection with Millers Neck Road; thence proceeding by and with said sewer district boundary and said ROW in a southeasterly direction a distance of 206'± to a point, said point being on the northerly ROW of Camp Barnes Road, said point also being in the southernmost property corner Now-or-Formerly (N/F) of James & Kimberly Raimo; thence leaving said SCUSSD boundary and northerly ROW and proceeding in a southerly direction across Camp Barnes Road a distance of 50'± to a point, said point being on the southerly ROW of Camp Barnes Road, said point also being on the northerly property line of lands N/F of Camp Salty Farm LLC; thence proceeding by and with said Salty Farm lands in a southeasterly, southwesterly, northwesterly & northeasterly directions respectively a total distance of 1975,± to a point, said point being on the southerly ROW of Camp Barnes Road; thence proceeding in a northwesterly direction across Camp Barnes Road a distance of 50'± to a point, said **point being that of the BEGINNING.**

NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records. The annexation contains 5.15 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 p.m. on March 25, 2025, in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

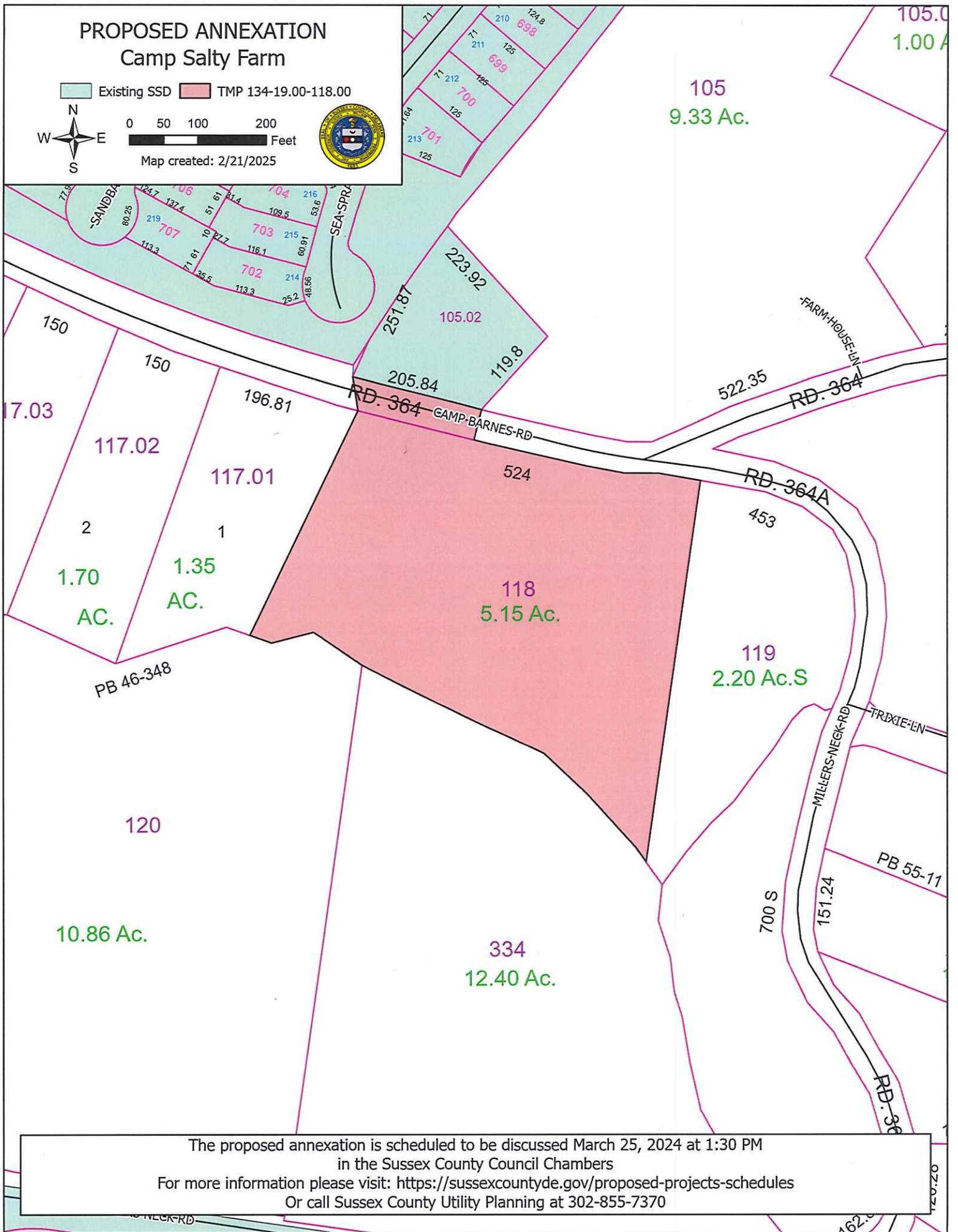
Mike Harmer, P.E.
County Engineer

PROPOSED ANNEXATION Camp Salty Farm

Existing SSD TMP 134-19.00-118.00



0 50 100 200 Feet
Map created: 2/21/2025



The proposed annexation is scheduled to be discussed March 25, 2024 at 1:30 PM
in the Sussex County Council Chambers

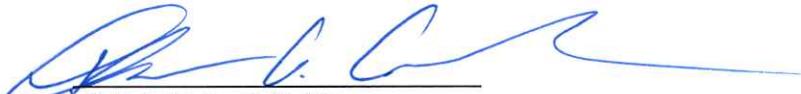
For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
CAMP SALTY FARM EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

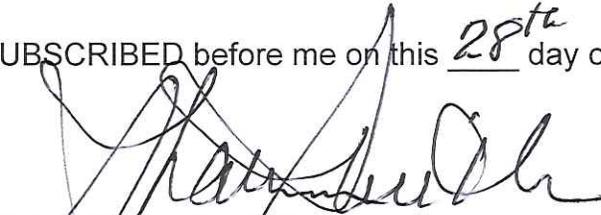
STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On February 26, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 26, 2025, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of DEC Pole 24619 in the southerly Right-of-Way (ROW) of Camp Barnes Road,
 - 2. On a post in front of DEC Pole 24656 in the southerly ROW of Camp Barnes Road,
 - 3. On a post in front of a suggested 25 MPH sign, in the southerly ROW of Camp Barnes Road,
 - 4. On a post in front of DEC Pole 200752 in the southerly ROW of Camp Barnes Road,
 - 5. On a post in front of a STOP sign at the intersection of Camp Barnes Road and Watch Hill Road, The Estuary subdivision,
 - 6. On a post in front of a stop sign at the intersection of Camp Barnes Road and Estuary Boulevard, The Estuary subdivision,
 - 7. On a post in front of a STOP sign at the intersection of Millers Neck Road and Old Mill Bridge Road,
 - 8. On a post in front of a STOP sign at the intersection of Camp Barnes Road and Double Bridges Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 28th day of Feb A.D., 2025


NOTARY PUBLIC



My Commission Expires 6/14/2024

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE CAMP SALTY FARM ON THE SOUTH SIDE CAMP BARNES ROAD LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the Bayard area, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE, BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Miller Creek area and further described as follows:

Beginning at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the northerly Right-Of-Way (ROW) of Camp Barnes Road, approximately 521'± northwest of the intersection with Millers Neck Road; thence proceeding by and with said sewer district boundary and said ROW in a southeasterly direction a distance of 206'± to a point, said point being on the northerly ROW of Camp Barnes Road, said point also being in the southernmost property corner Now-or-Formerly (N/F) of James & Kimberly Raimo; thence leaving said SCUSSD boundary and northerly ROW and proceeding in a southerly direction across Camp Barnes Road a distance of 50'± to a point, said point being on the southerly ROW of Camp Barnes Road, said point also being on the northerly property line of lands N/F of Camp Salty Farm LLC; thence proceeding by and with said Salty Farm lands in a southeasterly, southwesterly, northwesterly & northeasterly directions respectively a total distance of 1975,± to a point, said point being on the southerly ROW of Camp Barnes Road; thence proceeding in a northwesterly direction across Camp Barnes Road a distance of 50'± to a point, said **point being that of the BEGINNING.**

NOTE: The above description has been prepared using Sussex County Tax Map 134-19.00 and Sussex County property assessment records. The annexation contains 5.15 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Bridgeville Warehouses Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission on February 11th of this year for the proposed Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area)
- The Engineering Department had received a request from Becker Morgan Group Inc. on behalf of their client FPDN Management, LLC the owners/developers of a project known as Bridgeville Warehouses for parcel 131-19.00-4.00 and the neighboring parcel 131-19.00-5.00.
- The parcels are zoned CR-1 and adjacent to the existing town boundary and the Sussex County Unified Sanitary Sewer District.
- The project will be responsible for System Connection Charges of \$7,700.00 per EDU based on current rates.
- The Engineering Department posted notices on February 27th, advertised the weeks of March 12th & 19th and added to the County website.
- To date we received no correspondence in support or opposition to this annexation.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

PUBLIC NOTICE

PROPOSED BRIDGEVILLE WAREHOUSES EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WESTERN SUSSEX AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **February 11, 2025**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Western Sussex Area, to include two parcels on the west side of Sussex Highway (Rt. 13), being situate in Northwest Fork Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Sussex Highway (Rt. 13), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of FDPN Management LLC and lands N/F of Joe Johnson, thence proceeding by and with said FDPN lands and SCUSSD boundary in a northwesterly, southwesterly and northwesterly direction respectively a distance of 1,347'± to a point, said point being a shared property corner of lands N/F of Jeffrey Lui, lands N/F of Cannon Road Farms Two, LLC and other lands of FDPN Management LLC; thence leaving said SCUSSD boundary and continuing with other lands of FDPN in a northeasterly direction of 860'± to a point, said point being on the westerly ROW of Sussex Highway (Rt. 13); thence proceeding by and with said ROW in a generally southerly direction a distance of 1,012'± to a point, said point being the **place and point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 131-19.00 and Sussex County property assessment records. The annexation contains 13.69 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 p.m. on March 25, 2025, at the regularly scheduled Sussex County Council meeting. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

MikeHarmer, P.E.
County Engineer

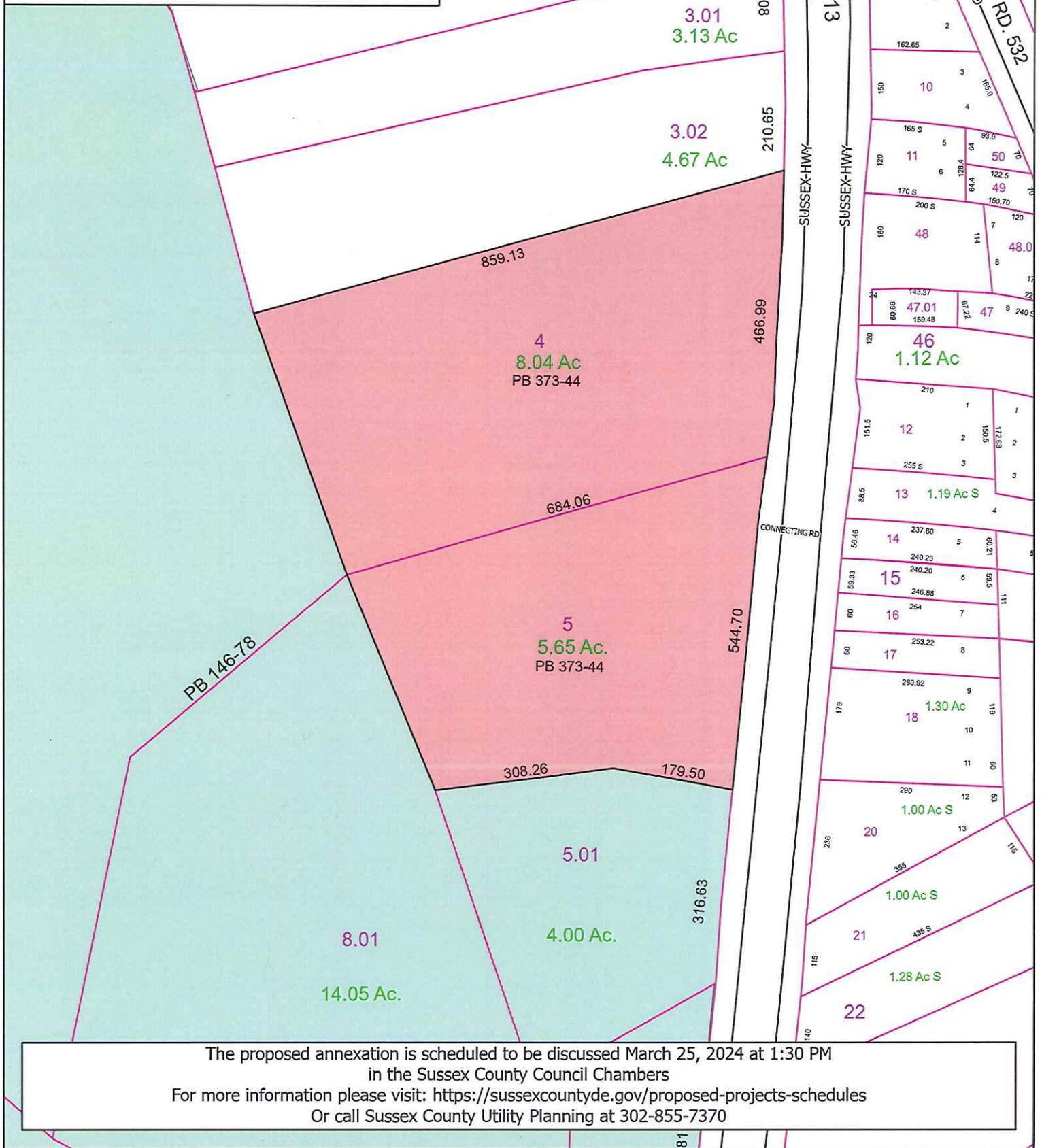
PROPOSED ANNEXATION Bridgeville Warehouses

Existing SSD TMP 131-19.00-4.00 & 5.00



0 62.5 125 250 Feet

Map created: 2/21/2025



The proposed annexation is scheduled to be discussed March 25, 2024 at 1:30 PM
in the Sussex County Council Chambers

For more information please visit: <https://sussexcountype.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE BRIDGEVILLE WAREHOUSES ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Sussex Highway (Rt. 13), the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the west side of Sussex Highway, south of the Town of Bridgeville, as follows:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Sussex Highway (Rt. 13), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of FDPN Management LLC and lands N/F of Joe Johnson, thence proceeding by and with said FDPN lands and SCUSSD boundary in a northwesterly, southwesterly and northwesterly direction respectively a distance of 1,347'± to a point, said point being a shared property corner of lands N/F of Jeffrey Lui, lands N/F of Cannon Road Farms Two, LLC and other lands of FDPN Management LLC; thence leaving said SCUSSD boundary and continuing with other lands of FDPN in a northeasterly direction of 860'± to a point, said point being on the westerly ROW of Sussex Highway (Rt. 13); thence proceeding by and with said ROW in a generally southerly direction a distance of 1,012'± to a point, said point being the **place and point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 131-19.00 and Sussex County property assessment records. The annexation contains 13.69 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 21, 2025

RE: County Council Report for C/U 2466 filed on behalf of Albert Fanelli

The Planning and Zoning Department received an application (C/U 2466 filed on behalf of Albert Fanelli) for boat repair & storage to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-17.00-11.10. The property is located on the east side of Bethany Road (Rt.17) approximately 580 ft. southwest of Polly Branch Road (SCR 386). The parcel size is 5.54 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 6 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, and February 5, 2025.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

C/U 2466 Albert Fanelli

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS. The property is lying on the east side of Bethany Road (Rt. 17) approximately 580 ft. southwest of Polly Branch Road (S.C.R. 386). 911 Address: N/A. Tax Map Parcel: 533-17.00-11.10.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's



conceptual site plan, a copy of the staff analysis, a copy of the Applicant's survey, a copy of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, and zero comments.

Mr. Albert Fanelli and Ms. Kelly Markomarolakis, spoke on behalf of the Applicant that the plan is to utilize the property for boat storage and repairs to gain some supplemental income; that when the land was purchased it was approved for a boat yard, but was never actually used as one; and that there was a DelDOT entrance granted for the boat storage yard.

Mr. Whitehouse stated that the previous Conditional Use that was granted for the parcel is only for boat storage and no repairs, so this application would require a new Conditional Use to accommodate what they are asking for.

Mr. Mears stated that with the application stating boat repair there are several questions that arise, such as oil management, gasoline storage and disposal, who will be doing the repairs, how many boats will be repaired at once and hours of operation.

Mr. Fanelli stated that there will be someone who will come in to do the repairs if this is approved and there would be leasing stipulations that they would need to have proper fluid storage and disposal plan, that there would only be a limited number of boats being repaired at one time and that the hours of operation would be daily from 7:00 AM – 5:00 PM.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2466 Albert Fanelli. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2466 for Albert Fanelli for boat repair within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. This site was previously the subject of a Conditional Use granted in 1998 for mini storage and outside recreational vehicle and boat storage. That was approved as Conditional Use No. 1253.
2. The Applicant now seeks approval for this conditional use to allow boat repairs to also occur on this site. This is a reasonable expansion of the existing use.
3. The boat repair and storage will occur inside. This is an appropriate, convenient location at the existing boat storage site.
4. The Applicant has stated that the use will not have a substantial impact upon area roadways.
5. This minor expansion of the existing use will not have an adverse impact upon the neighboring properties or community.

6. Tourism and outdoor recreational activities on the area's waterways are a significant part of the Sussex County economy. Boat repairs promote and support both of these activities. As a result, it is of a public or semi-public character and is desirable for the general convenience and welfare of residents and visitors to this area of Sussex County.
7. No parties appeared in opposition to this Application.
8. This recommendation for approval is subject to the following conditions:
 - A. The conditions set forth in Conditional Use 1253 that are not inconsistent with this recommendation and shall remain in effect.
 - B. This additional use shall be limited to boat repairs. No other types of repairs (i.e. automobiles and trucks) shall occur on the site.
 - C. All repairs and maintenance shall only occur indoors, with all fluids disposed of properly.
 - D. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and watercraft located on the site.
 - E. No more than ten boats shall be under repair or awaiting repair on the property at any time. The area set aside on the site for the placement of boats awaiting repair shall be clearly shown on the Final Site Plan.
 - F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Butler and carried unanimously to recommend approval of C/U 2466 Albert Fanelli for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22, 2025

Application: CU 2466 Albert Fanelli

Applicant: Albert Fanelli Living Trust
37815 Salty Way East
Selbyville, DE 19975

Owner: Albert Fanelli
37815 Salty Way East
Selbyville, DE 19975

Site Location: Located on the east side of Bethany Road (Rt. 17) approximately 580 ft. southwest of Polly Branch Road (S.C.R. 386).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Boat Repair and Storage

Comprehensive Land Use Plan Reference: Town Center

Councilmanic District: District 4 - Mr. Hudson

School District: Indian River School District

Fire District: Selbyville Fire Company

Sewer: Selbyville

Water: Selbyville

Site Area: 5.54-acre(s) +/-

Tax Map ID.: 533-17.00-11.10



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 8, 2025
RE: Staff Analysis for CU 2466 Albert Fanelli

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2466 (Albert Fanelli) to be reviewed at the January 22, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels: 533-17.00-11.10 to allow for Boat Repair & Storage Facilities. The property is lying on the southeast side of Bethany Road (Rt. 17). The parcel contains 5.53 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the subject parcel has a designation of "Town Center." The adjoining parcels to the north and south have a Future Land Use Map designation of "Town Center." The parcels located south also have the Future Land Use Map Designation of "Developing Area." The adjoining parcels to the east and west across Bethany Road have the Future Land Use Map Designation of "Municipality", these parcels are located within the town jurisdiction of Selbyville, DE.

As outlined in the 2018 Sussex County Comprehensive Plan, Town Center Areas are intended to support a range of housing types, including single-family homes, townhouses, and multi-family units. Commercial uses should serve the daily needs of residents, workers, and visitors. Retail and office use compatible with adjacent areas are appropriate. Institutional and commercial uses may be appropriate depending on surrounding uses. Some smaller scale, low-impact industrial operations may be appropriate, but larger industrial uses are proposed to be directed to General Industrial areas. Appropriate mixed-use development should also be allowed.

Zoning Information

The subject parcel is zoned Agricultural Residential (AR-1) District. All adjoining parcels to the north, south, east, and west across Bethany Road, from the subject property are also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property



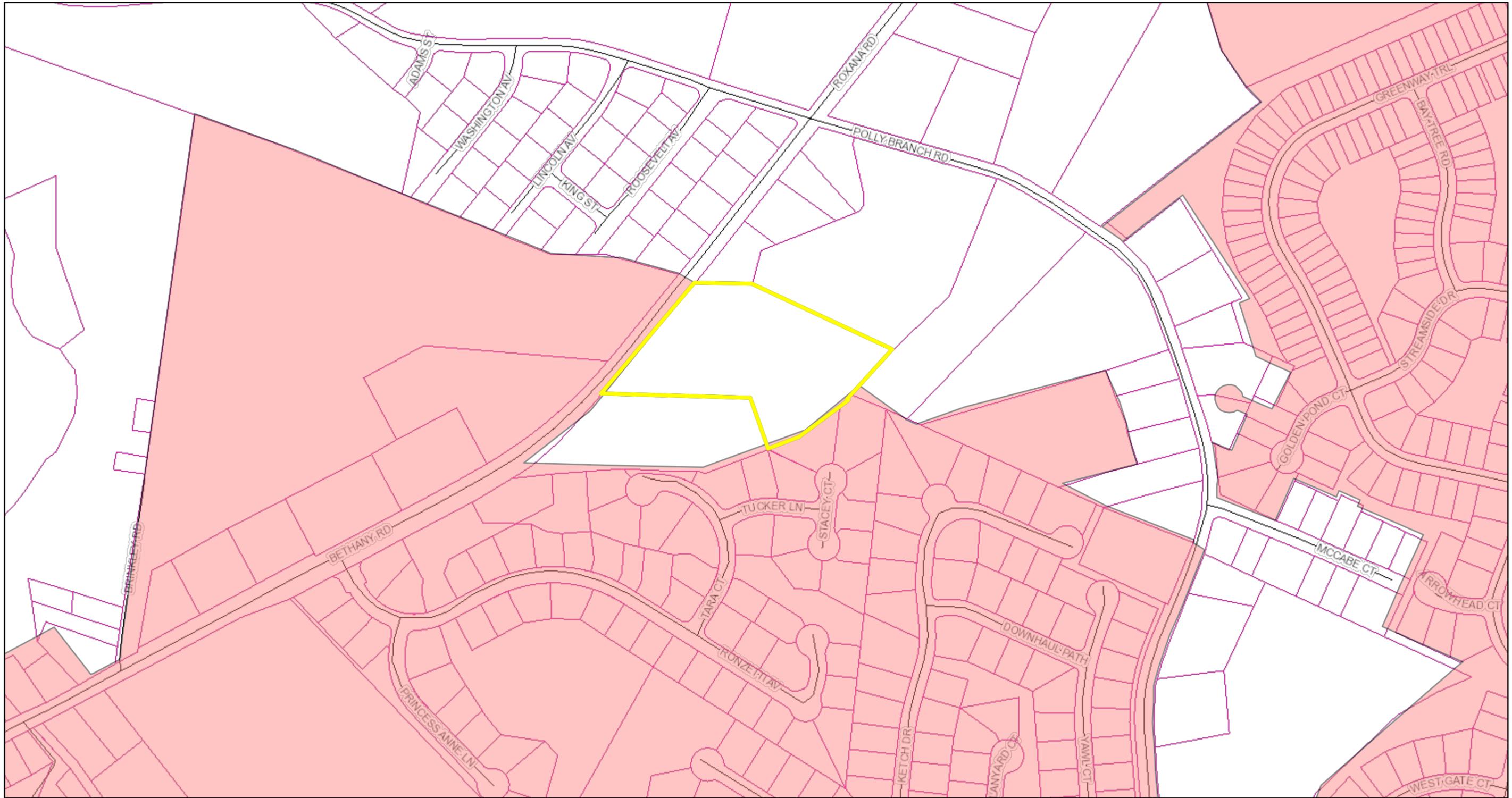
Although historically there have been various other Conditional Use applications nearby, since 2011, there has been one (1) Conditional Use applications within a one (1) mile radius of the application site.

Conditional Use No.	Applicant	Use	CC Decision Date	Ordinance No.
2053	Red Dog Plumbing & Heating	HVAC Contracting Business	9/20/2016	2464

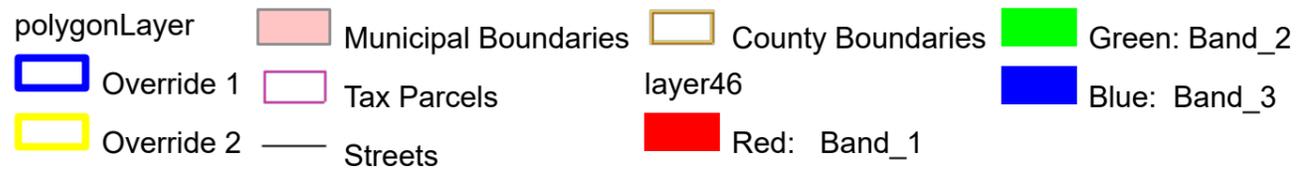


Based on the analysis provided, the Conditional Use to allow for boat repair & storage in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

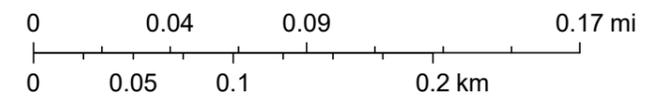
Sussex County



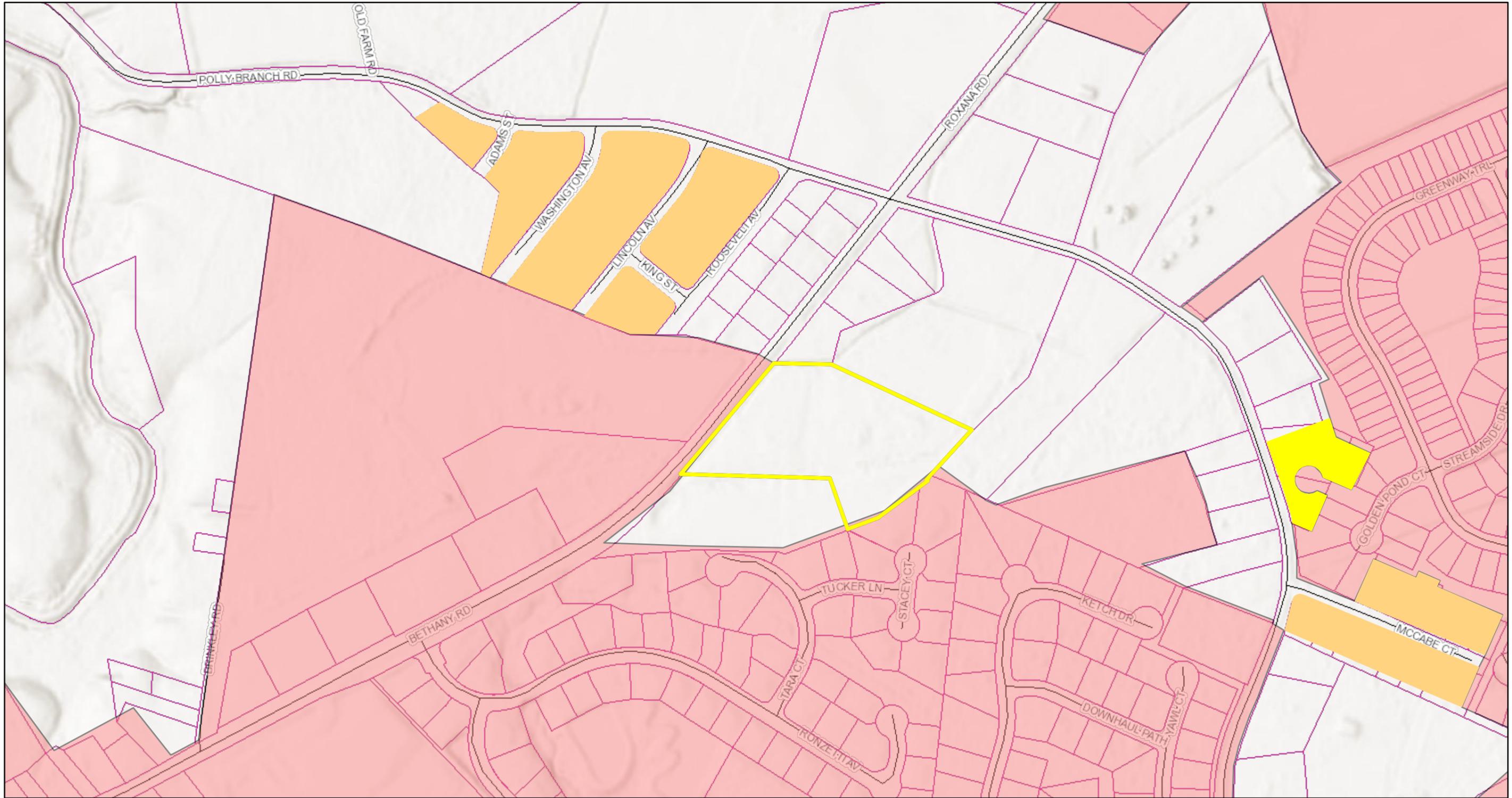
October 27, 2023



1:4,514



Sussex County



October 27, 2023

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

Municipal Boundaries

Tax Parcels

Streets

County Boundaries

layer44

Red: Band_1

Green: Band_2

Blue: Band_3

World Hillshade

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

Sussex County



October 27, 2023

polygonLayer

Override 1

Override 2

Municipal Boundaries

Tax Parcels

911 Address

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

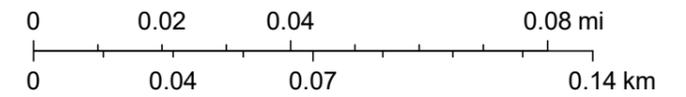
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

1:2,257



Maxar, Microsoft, Sussex County, Sussex County Government

Introduced: 5/7/24

Council District 4: Mr. Hudson
Tax I.D. No.: 533-17.00-11.10
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS

WHEREAS, on the 17th day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2466 was filed on behalf of Albert Fanelli Living Trust and

WHEREAS, on the ____ day of _____ 2024, 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. 2466 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2466 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 east side of Bethany Road (Rt. 17) approximately 580 ft. southwest of Polly Branch Road (S.C.R. 386) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 5.54 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 21, 2025

RE: County Council Report for C/Z 2014 filed on behalf of J & T Properties, LLC

The Planning and Zoning Department received an application (C/Z 2014 filed on behalf of J & T Properties, LLC) for a change of zone from the AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District for Tax Parcels 335-12.05-12.00. The property is located at 1545 Savannah Road, Lewes. The parcel size is 0.57 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, and February 5, 2025.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated, for the record, that C/Z 2014 J&T Properties, LLC and C/Z 2023 Jane Brady would be heard as one case for presentation purposes as they are in relation to each other.

C/Z 2014 J & T Properties, LLC

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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS. The property is lying on the northwest side of Savannah Road (Rt. 9B), approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

269A). 911 Address: 1545 Savannah Road, Lewes. Tax Map Parcel: 335-12.05-12.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the survey, a copy of the Applicant exhibits, a copy of DelDOT SLER, a copy of a letter from the Sussex County Engineering Department, a copy of the staff analysis and zero comments.

Mr. Tim Willard, Esq., of Fuquay, Willard & Sharp, spoke on behalf of the Applicant that in the 2019 Comprehensive Plan both properties were designated commercial and in a coastal zone, that the area is surrounded by commercial zoning; that the J&T Properties, LLC parcel was previously granted a conditional use for a two (2) story medical building that never got built due to issues with DelDOT and their entrance requirements; that DelDOT's plan is to change it or they're asking you to change it to C2, which the county has already decided is appropriate; that DelDOT is taking a portion of the lining of Old Orchard and Savannah Road and a light will be installed at the intersection; that and DelDOT has given a right in and right out for both properties; that there is a conceptual plan with a cross access easement for two (2) small office buildings; and that medical buildings are appropriate for this area and there is a demand for more of them; that the location is within the State Strategies Level 2, which means that there is utilities available for both properties and there is existing public sewer.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 2014 J&T Properties, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved that the Commission to recommend approval of C/Z 2014 J&T Properties, LLC for a change in zone from AR-1 (Agricultural Residential) Zoning to C-2 (Medium Commercial) Zoning based on the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.

5. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
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 development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to recommend approval of C/Z 2014 J&T Properties, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22, 2025

Application: CZ 2014 J&T Properties, LLC

Applicant: J & T Properties, LLC
152 Peoples Way
Hockessin, DE 19707

Owner: J & T Properties, LLC
152 Peoples Way
Hockessin, DE 19707

Site Location: Located on the northwest side of Savannah Road (Rt. 9B),
approximately 620-feet northeast of the intersection of Savannah Road
and Old Orchard Road (S.C.R. 269A).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land
Use Plan Reference: Commercial Area

Councilmanic
District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Sussex County

Water: Sussex County

Site Area: 0.57-acres +/-

Tax Map ID.: 335-12.05-12.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 19, 2024
RE: Staff Analysis for CZ 2014 J&T Properties, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CZ 2014 (J&T Properties, LLC) to be reviewed during the January 22nd, 2025 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Tax Parcel ID: 335-12.05-12.00

Proposal: The request is for a Change of Zone for Tax Parcel #335-12.05-12.00 from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcel is located on the northwest side of Savannah Road (Rt. 9B) approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A) and comprised of a total of 0.57 acres +/-.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. The adjoining properties to the north and west are also zoned Agricultural Residential (AR-1) District. The parcels to the south and east across Savannah Road are zoned General Commercial (C-1).

Future Land Use Map Designation - (Comprehensive Plan): Commercial Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Commercial Area." All adjacent parcels to the north, south, and west also have a Future Land Use Map designation of "Commercial Area". The adjacent parcels to the east across Savannah Road have a Future Land Use Map designation of "Coastal Area" as well as "Commercial Area".

Recommendations/Guidelines for land categorized as *Commercial Area* per the Future land Use Classification in the Comprehensive Plan – Page 4-17

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium



and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (Sussex County Comprehensive Plan, 4-17).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District as well as the proposed zoning of Medium Commercial (C-2) are applicable Zoning Districts within the “Commercial Area” Future Land Use Map Designation.

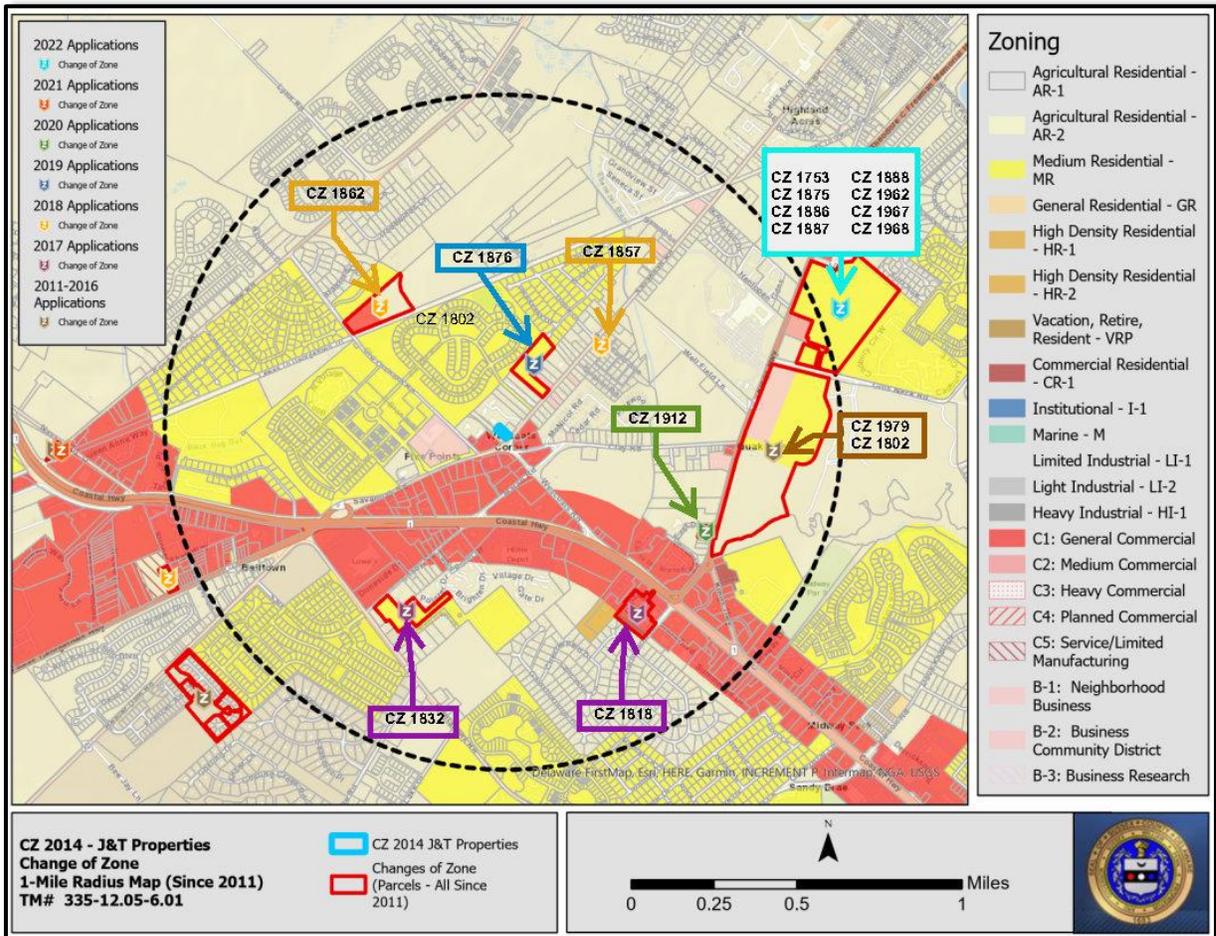
Site Considerations

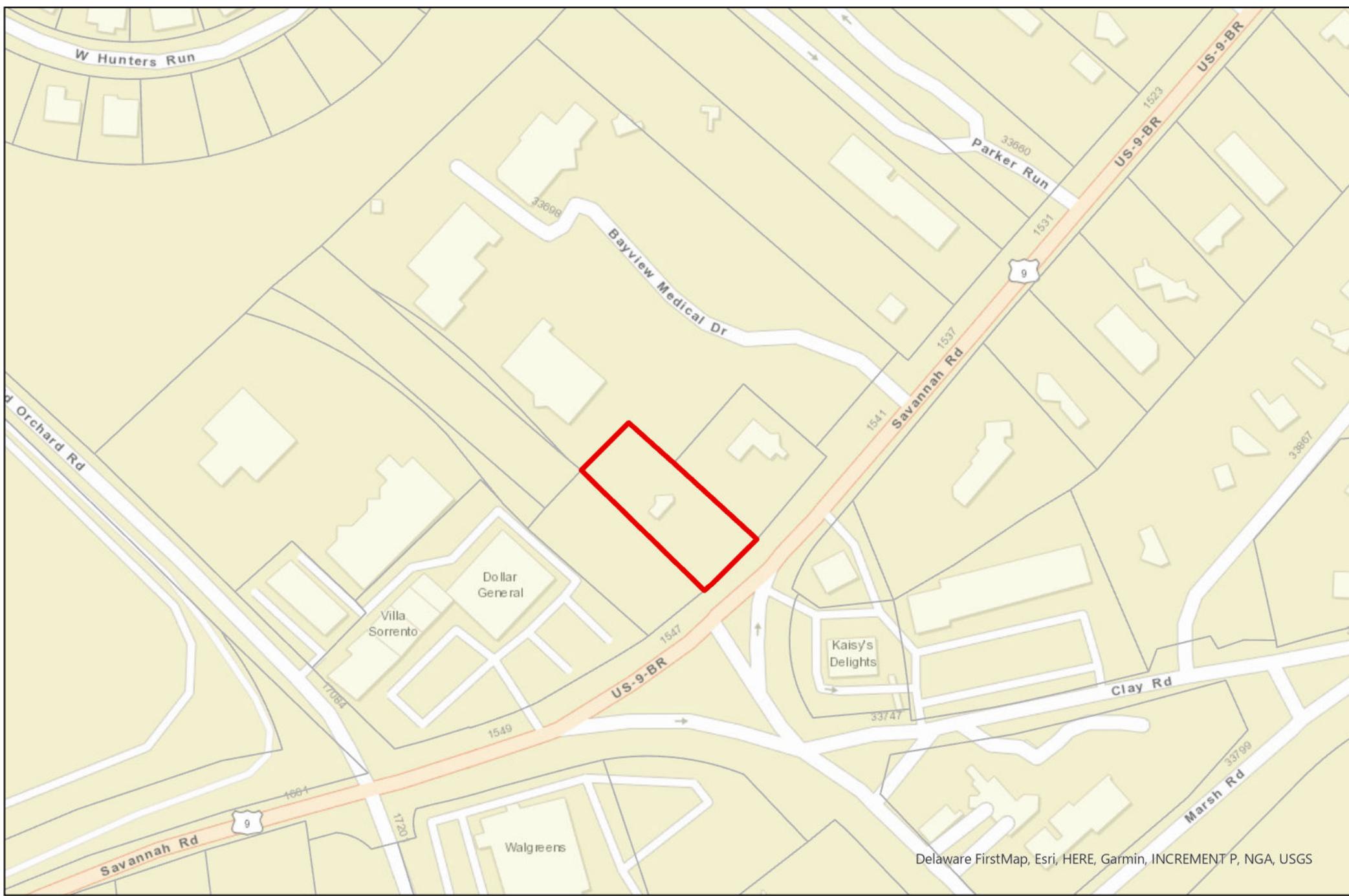
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** The submitted site plan proposes interconnectivity access for the subject parcel through parcel 335-12.05-11.00 owned by the State of Delaware. No easement recordation has been noted on the site plan.
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone and is located within an area of “Excellent” and “Good” groundwater recharge.

Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Change of Zone Applications							(Within a 1-Mile Radius – Since 2011)
Change of Zone No.	Applicant	Previous Zoning	Proposed Zoning	CC Decision	CC Decision Date	Ordinance No.	
1753	Cadbury at Lewes, Inc.	AR-1	MR-RPC	Approved	8/5/2014	2361	
1802	J.G. Townsend Jr. & Co.	AR-1	B-1	Approved	12/13/2016	2480	
1818	Ocean Highway, LLC	AR-1	CR-1	Approved	5/23/2017	2497	
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565	
1857	Elizabeth Ann Burkhardt	AR-1	B-2	Denied	10/23/2018	N/A	
1862	Old Orchard Ventures, LLC	AR-1	C-2	Denied	1/15/2019	N/A	
1876	Robert & Deborah Reed	AR-1	MR	Approved	6/18/2019	2662	
1886	Mitchell Family, LLC	AR-1	C-3	(Withdrawn)	N/A	N/A	
1887	Mitchell Family, LLC	AR-1	MR	(Withdrawn)	N/A	N/A	
1888	Mitchell Family, LLC	AR-1	B-2	(Withdrawn)	N/A	N/A	
1912	Beach and Bay, LLC	AR-1	C-2	Approved	7/14/2020	2725	
1962	Jeff-Kat, LLC	AR-1	C-3	Approved	5/17/2022	2854	
1967	Henlopen Properties, LLC	AR-1	MR	Approved	7/26/2022	2874	
1968	Henlopen Properties, LLC	AR-1	C-2	Approved	7/26/2022	2875	
1979	J.G. Townsend Jr. & Co.	AR-1	MR	Approved	12/5/2023	2963	





Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

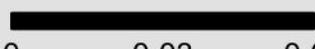
CZ 2014 J&T Properties
Street Map
TM# 335-12.05-12.00

 **CZ 2014 J&T Properties**

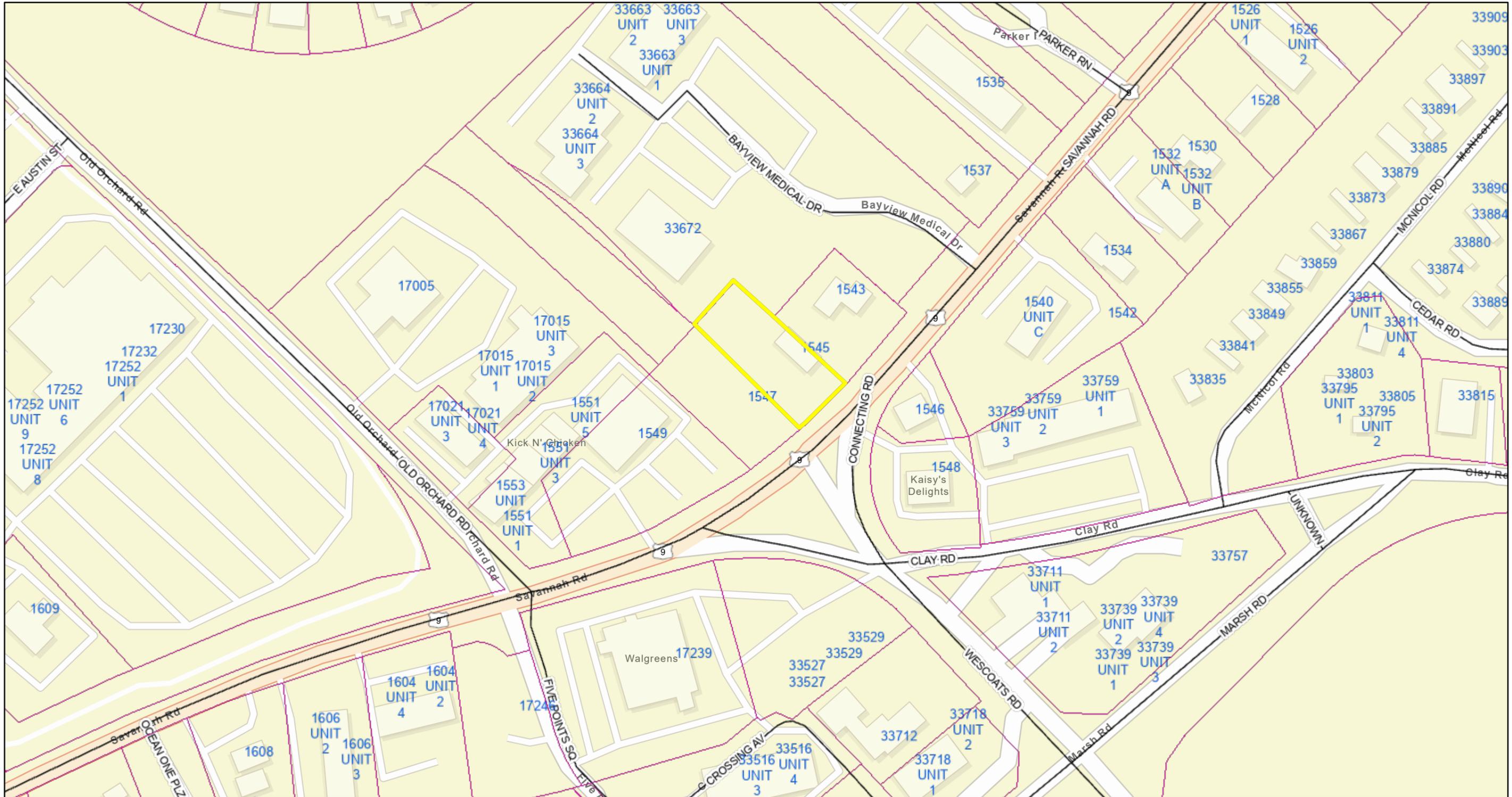
N



0 0.03 0.05 Miles



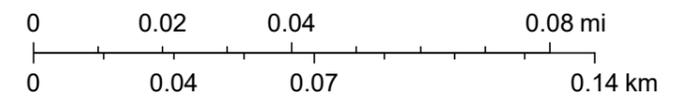
Sussex County



November 13, 2023

- Override 1
- Tax Parcels
- Streets
- Override 1
- 911 Address
- County Boundaries

1:2,257



Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

CZ 2014 J&T Properties Zoning Map
TM# 335-12.05-12.00

CZ 2014 J&T Properties

N

0 125 250 500 Feet

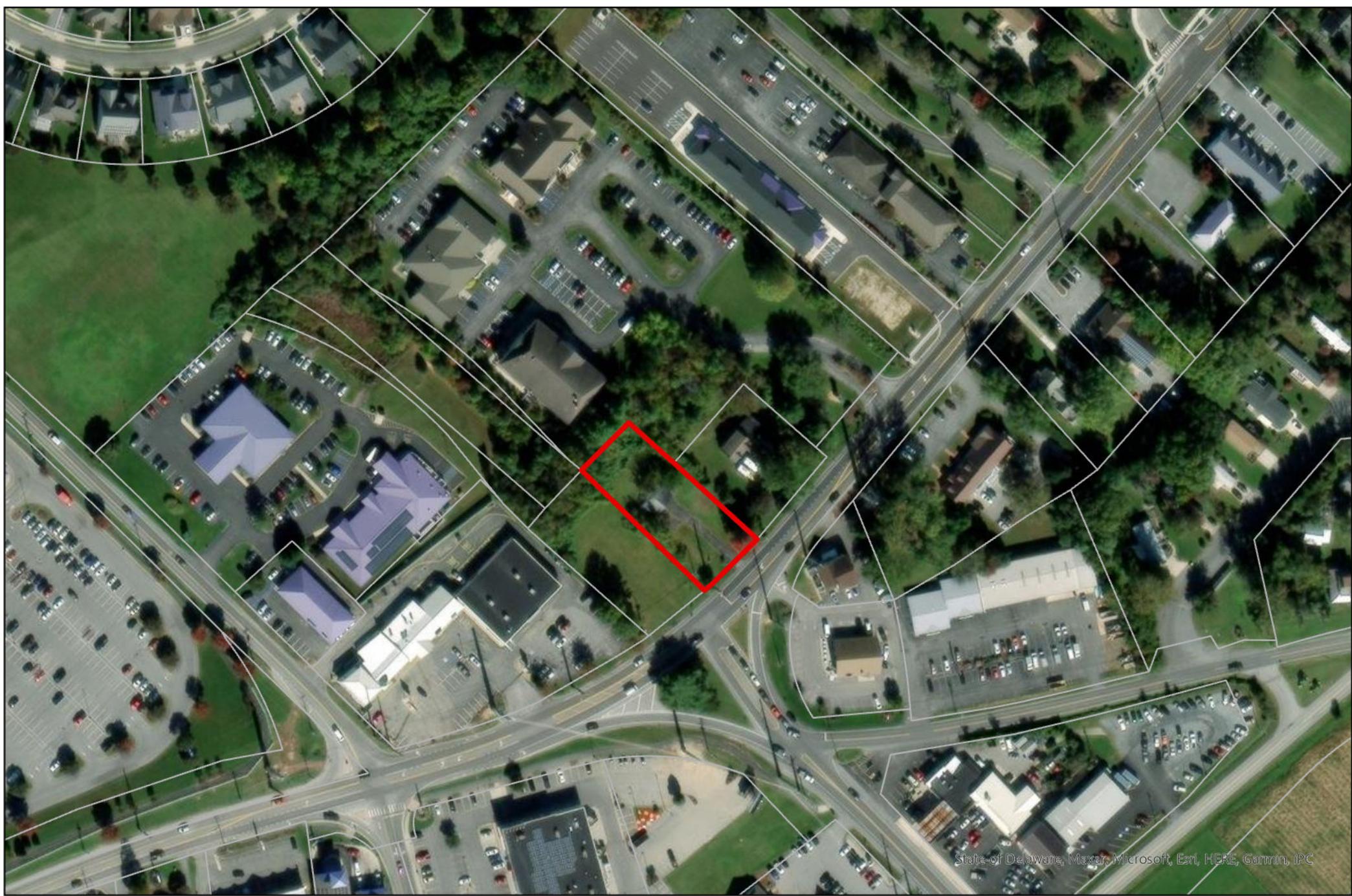


C/Z 2014 J & T Properties C/Z 2023 Jane Brady AR-C2



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 100 ft

Live traffic Fast Slow



State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, IPC

**CZ 2014 J&T Properties
Aerial Map
TM# 335-12.05-12.00**

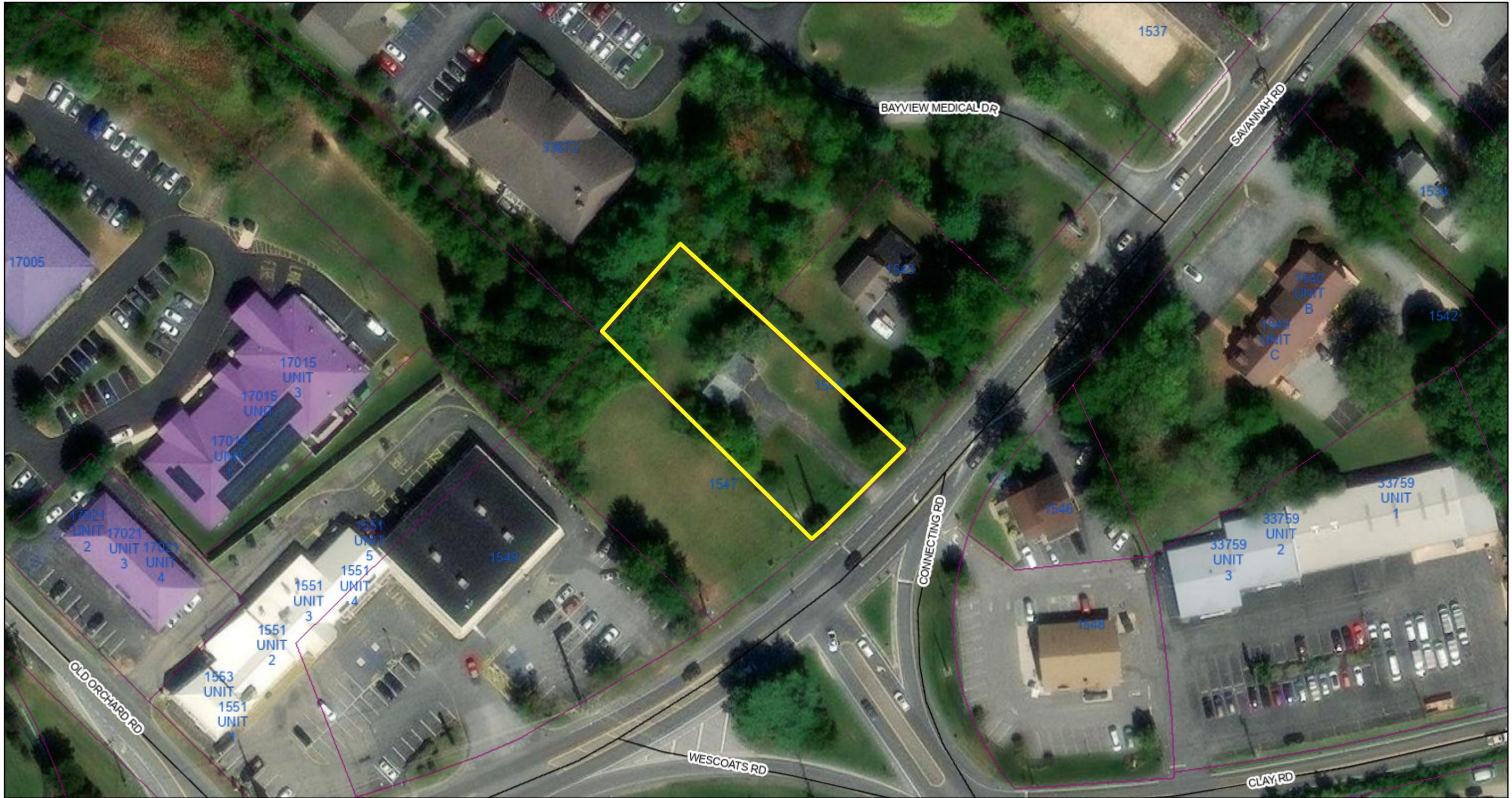
 **CZ 2014 J&T
Properties**

N

0 0.03 0.05 Miles



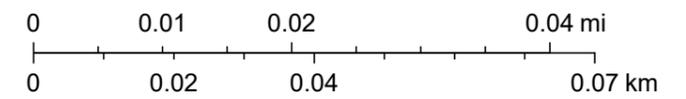
Sussex County



November 13, 2023

-  Override 1
-  Tax Parcels
-  Streets
-  Override 1
- 911 Address
-  County Boundaries

1:1,128



Maxar, Microsoft, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 11/12/24

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.05-12.00
911 Address: 1545 Savannah Road, Lewes

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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS

WHEREAS, on the 7th day of June 2023, a zoning application, denominated Change of Zone No. 2014 was filed on behalf of J&T Properties, 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. 2013 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 parcels of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of Savannah Road (Rt. 9B), approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A) and being more particularly described in the attached legal description prepared by Fuqua, Willard, & Schab, P.A., said parcel containing 0.57 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.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 21, 2025

RE: County Council Report for C/Z 2023 filed on behalf of Jane Brady

The Planning and Zoning Department received an application (C/Z 2023 filed on behalf of Jane Brady) for a change of zone from the AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District for Tax Parcel 335-12.05-6.01. The property is located at 1543 Savannah Road, Lewes. The parcel size is 0.50 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, and February 5, 2025.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

C/Z 2023 Jane Brady

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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS. The property is lying on the northwest side of Savannah Road (Rt. 9), approximately 200 feet northeast of the intersection of Savannah Road (Rt. 9) and Westcoats Road (S.C.R. 12). 911 Address: 1543 Savannah Rd., Lewes. Tax Map Parcel: 335-12.05-6.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant



exhibits, a copy of the conceptual site plan, a copy of the DelDOT SLER, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis and zero comments.

Mr. Tim Willard, Esq., of Fuquay, Willard & Sharp, spoke on behalf of the Applicant that in the 2019 Comprehensive Plan both properties were designated commercial and in a coastal zone, that the area is surrounded by commercial zoning; that the J&T Properties, LLC parcel was previously granted a conditional use for a two (2) story medical building that never got built due to issues with DelDOT and their entrance requirements; that DelDOT's plan is to change it or they're asking you to change it to C2, which the county has already decided is appropriate; that DelDOT is taking a portion of the lining of Old Orchard and Savannah Road and a light will be installed at the intersection; that and DelDOT has given a right in and right out for both properties; that there is a conceptual plan with a cross access easement for two (2) small office buildings; that medical buildings are appropriate for this area and there is a demand for more of them; and that the location is within the State Strategies Level 2, which means that there is utilities available for both properties and there is existing public sewer.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 2023 Jane Brady. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2023 Jane Brady for a change in zone from AR-1 (Agricultural Residential) Zoning to C-2 (Medium Commercial) Zoning based on the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
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 development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z Jane Brady for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22nd, 2025

Sussex County Council Public Hearing Date: March 25th, 2025

Application: C/Z 2023 Jane Brady

Applicant: Jane Brady
c/o Tim Willard P.A.
26 The Circle
Georgetown, DE 19747

Owner: J&T Properties LLC
152 Peoples Way
Hockessin, DE 19707

Site Location: The property is located on the northwest side of Savannah Road (Rt. 9B), approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A)
(S.C.R. 269A)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-2)

Comprehensive Land Use Plan Reference: Commercial Area

Councilmanic District: Ms. Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: N/A

Water: N/A

Site Area: 0.50-acres +/-

Tax Map ID.: 335-12.05-12.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 19th, 2024
RE: Staff Analysis for C/Z 2023 Jane Brady

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2023 Jane Brady to be reviewed during the January 22nd, 2025 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Tax Parcel ID: 335-12.05-6.01

Proposal: The request is for a Change of Zone for Tax Parcel #335-12.05-6.01 from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcel is located on the northwest side of Savannah Road (Rt. 9B) approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road (S.C.R. 269A) and comprised of a total of 0.50 acres +/-.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. The adjoining properties to the north and west are also zoned Agricultural Residential (AR-1) District. The parcels to the south and east across Savannah Road are zoned General Commercial (C-1).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District as well as the proposed zoning of Medium Commercial (C-2) are applicable Zoning Districts within the “Commercial Area” Future Land Use Map Designation.

Future Land Use Map Designation - (Comprehensive Plan): Commercial Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of “Commercial Area.” All adjacent parcels to the north, south, and west also have a Future Land Use Map designation of “Commercial Area”. The adjacent parcels to the east across Savannah Road have a Future Land Use Map designation of “Coastal Area” as well as “Commercial Area”.

Recommendations/Guidelines for land categorized as *Commercial Area* per the Future land Use Classification in the Comprehensive Plan – Page 4-17



Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (Sussex County Comprehensive Plan, 4-17).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District as well as the proposed zoning of Medium Commercial (C-2) are applicable Zoning Districts within the “Commercial Area” Future Land Use Map Designation.

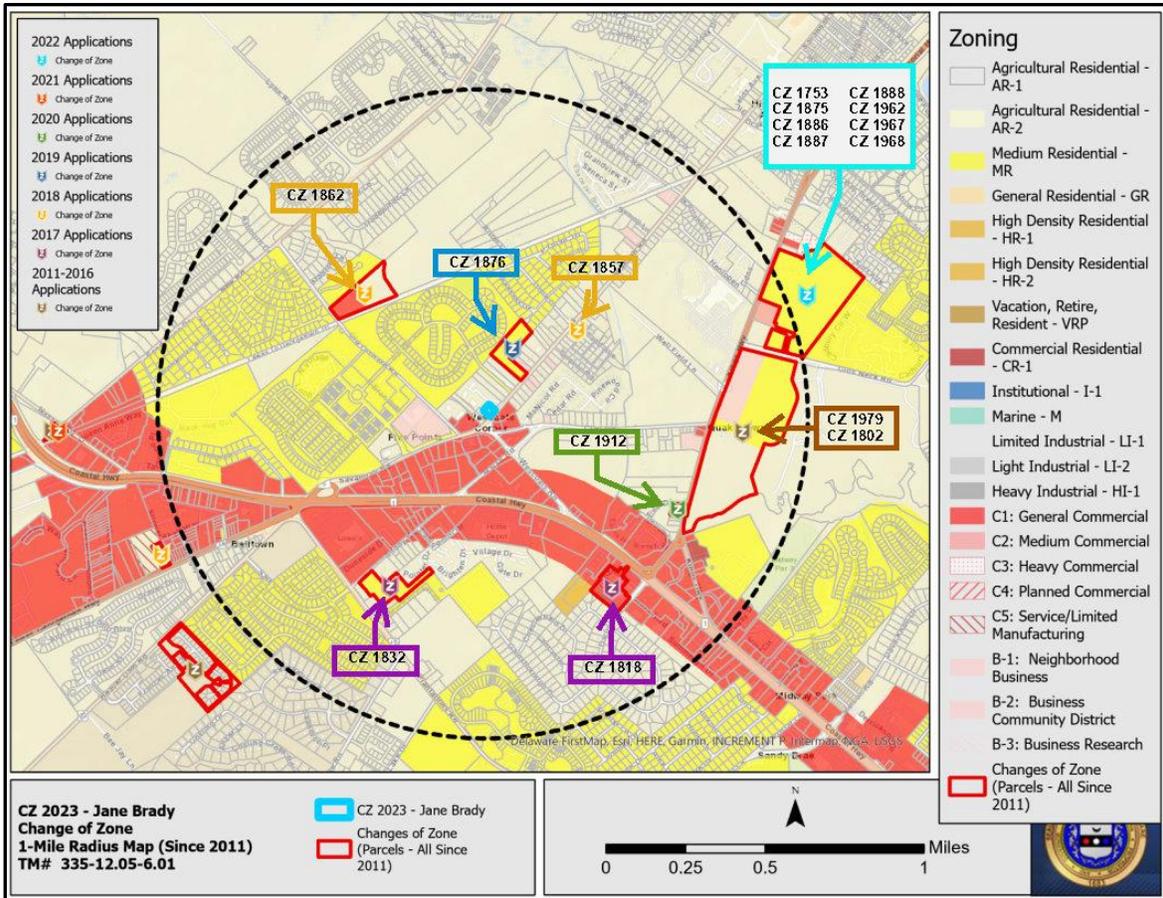
Site Considerations

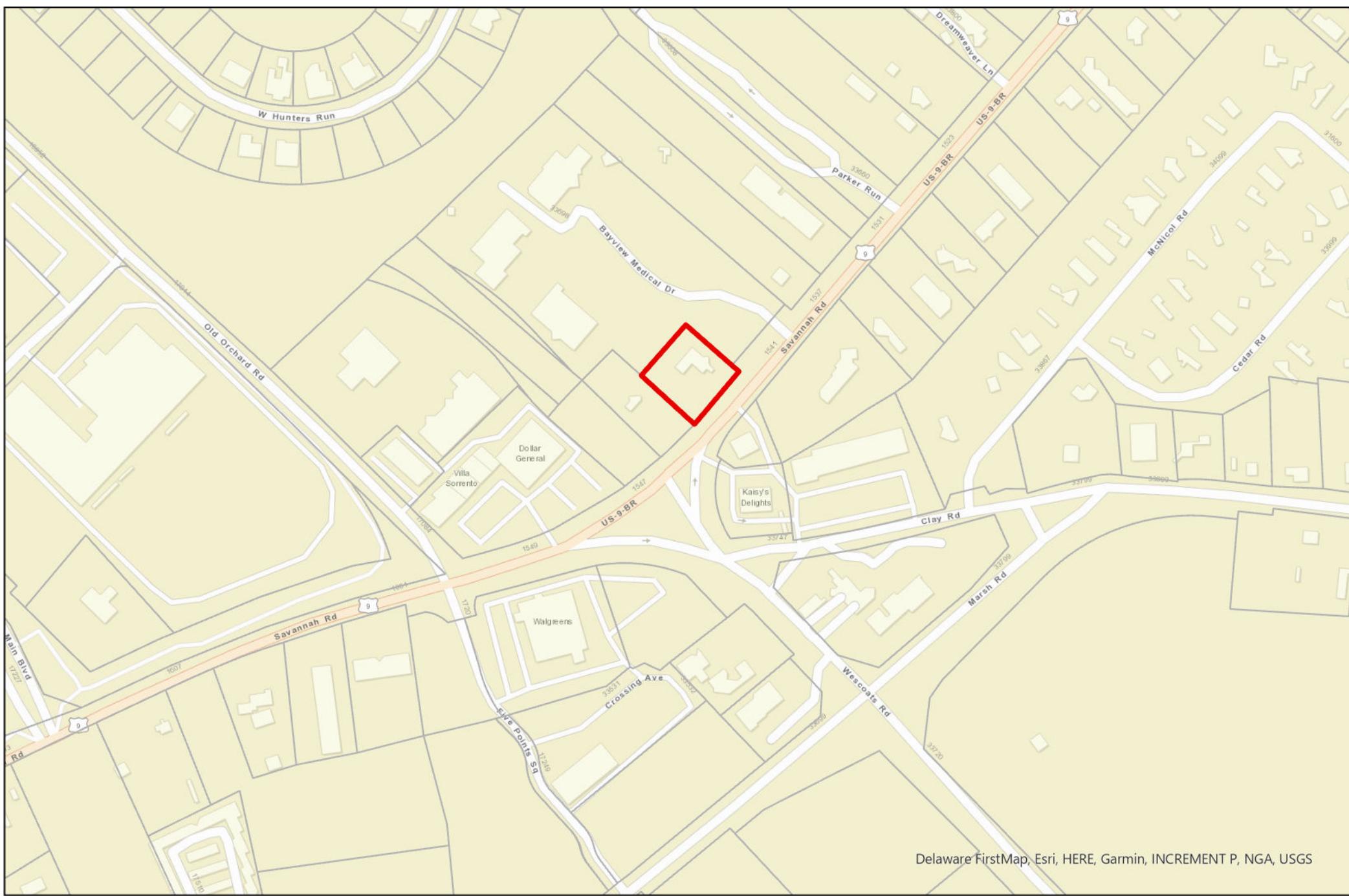
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone and is located within an area of “Excellent” and “Good” groundwater recharge.

Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: The Data Table and supplemental map below provides background regarding the approval status of previous Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Change of Zone Applications							(Within a 1-Mile Radius – Since 2011)
Change of Zone No.	Applicant	Previous Zoning	Proposed Zoning	CC Decision	CC Decision Date	Ordinance No.	
1753	Cadbury at Lewes, Inc.	AR-1	MR-RPC	Approved	8/5/2014	2361	
1802	J.G. Townsend Jr. & Co.	AR-1	B-1	Approved	12/13/2016	2480	
1818	Ocean Highway, LLC	AR-1	CR-1	Approved	5/23/2017	2497	
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565	
1857	Elizabeth Ann Burkhardt	AR-1	B-2	Denied	10/23/2018	N/A	
1862	Old Orchard Ventures, LLC	AR-1	C-2	Denied	1/15/2019	N/A	
1876	Robert & Deborah Reed	AR-1	MR	Approved	6/18/2019	2662	
1886	Mitchell Family, LLC	AR-1	C-3	(Withdrawn)	N/A	N/A	
1887	Mitchell Family, LLC	AR-1	MR	(Withdrawn)	N/A	N/A	
1888	Mitchell Family, LLC	AR-1	B-2	(Withdrawn)	N/A	N/A	
1912	Beach and Bay, LLC	AR-1	C-2	Approved	7/14/2020	2725	
1962	Jeff-Kat, LLC	AR-1	C-3	Approved	5/17/2022	2854	
1967	Henlopen Properties, LLC	AR-1	MR	Approved	7/26/2022	2874	
1968	Henlopen Properties, LLC	AR-1	C-2	Approved	7/26/2022	2875	
1979	J.G. Townsend Jr. & Co.	AR-1	MR	Approved	12/5/2023	2963	





Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

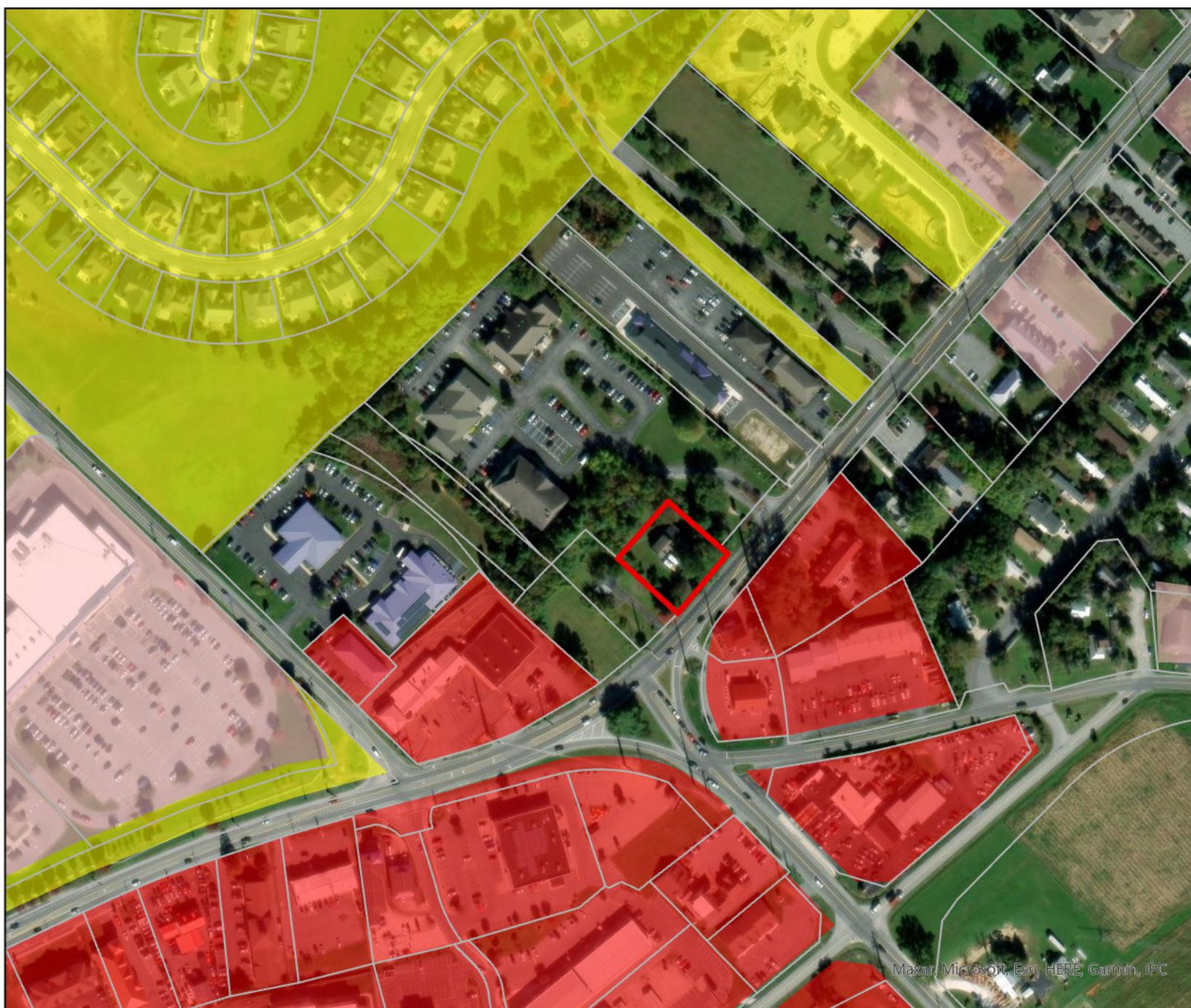
**CZ 2023 - Jane Brady
Street Map
TM# 335-12.05-6.01**

 **CZ 2023 - Jane Brady**
 **Tax Parcels**

N


0 250 500 Feet



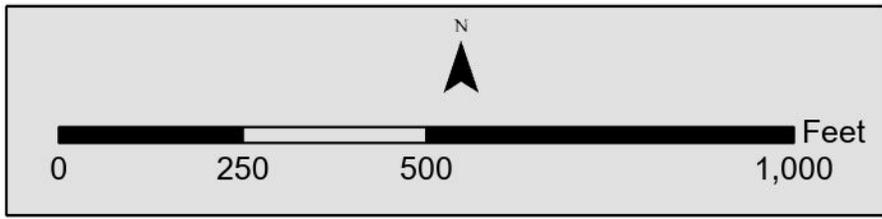


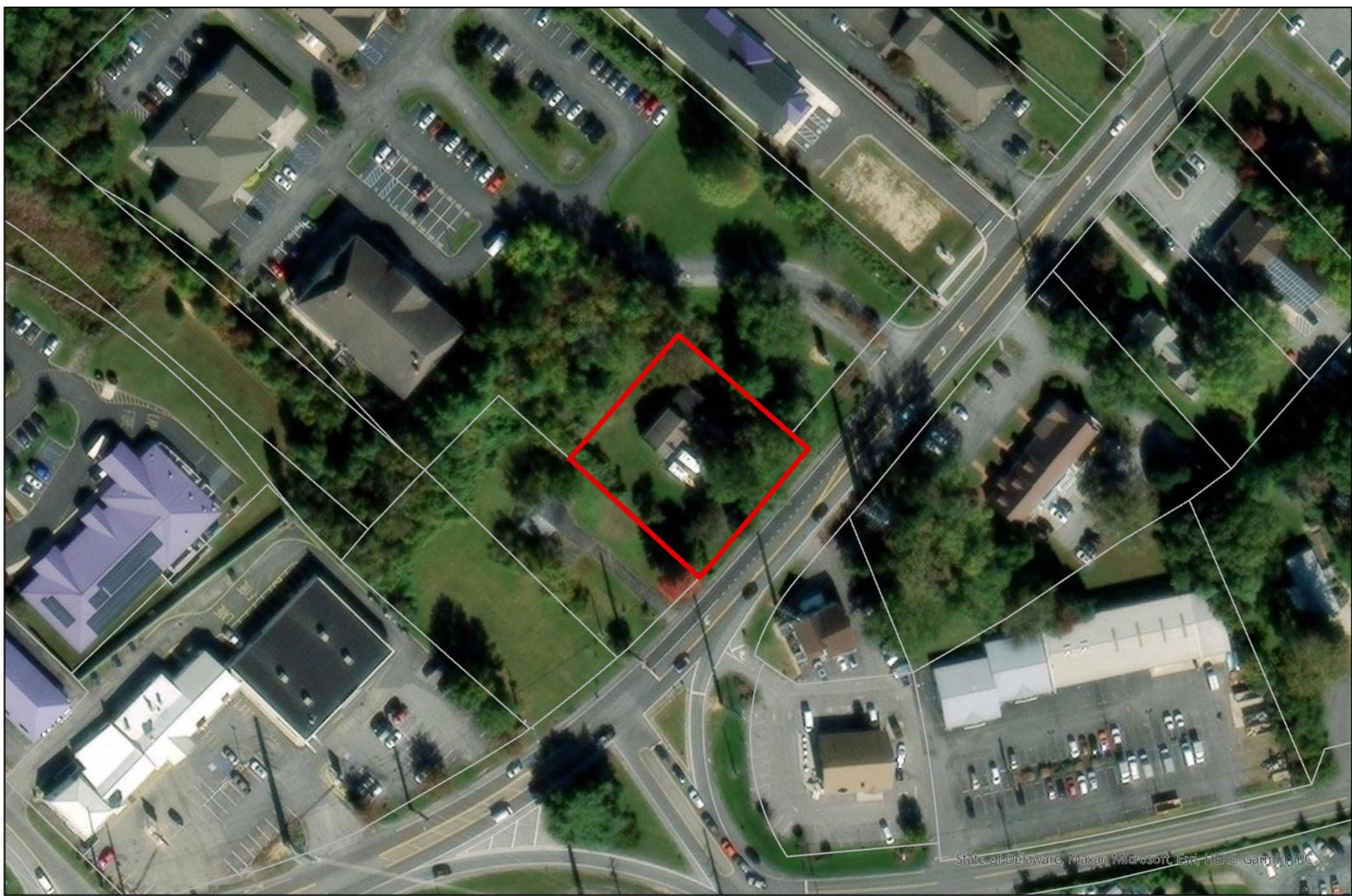
- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1
 - C1: General Commercial
 - C2: Medium Commercial
 - C3: Heavy Commercial
 - C4: Planned Commercial
 - C5: Service/Limited Manufacturing
 - B-1: Neighborhood Business
 - B-2: Business Community District
 - B-3: Business Research

Maxar, Microsoft, Esri, HERE, Garmin, IPC

CZ 2023 - Jane Brady Zoning Map
TM# 335-12.05-6.01

CZ 2023 - Jane Brady





State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, IFC

**CZ 2023 - Jane Brady
Aerial Map
TM# 335-12.05-6.01**

 **CZ 2023 - Jane Brady**
 **Tax Parcels**

N

 Feet
0 100 200



Introduced: 11/12/24

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.05-6.01
911 Address: 1543 Savannah Rd., Lewes

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 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2023, a zoning application, denominated Change of Zone No. 2023 was filed on behalf of Jane Brady; 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. 2023 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 Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of Savannah Road (Rt. 9), approximately 200 feet northeast of the intersection of Savannah Road (Rt. 9) and Westcoats Road (S.C.R. 12), and being more particularly described in the attached legal description prepared by M. Jane Brady, Esq., said parcels containing 0.5 acre, 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

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Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 21, 2025

RE: County Council Report for C/Z 2012 filed on behalf of Rudder Road, LLC

The Planning and Zoning Department received an application (C/Z 2012 filed on behalf of Rudder Road, LLC) for a change of zone from the AR-1 Agricultural Residential Zoning District to an MR Medium Density Residential Zoning District for Tax Parcels 234-23.00-276.00, 276.01 and 277.00. The property is located at 25352 Rudder Road Millsboro. The parcel size is 5.54 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, February 5, 2025, and March 5, 2025.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated for the record that C/Z 2012 & C/U 2449 Rudder Road, LLC would be heard as one case for presentation purposes as they are in relation to each other.

C/Z 2012 Rudder Road, LLC

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS. The properties are lying on the east side of Banks Road (S.C.R. 298), approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Addresses:



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the staff analysis, a copy of the Applicant's exhibits, a letter from Sussex County Engineering, the DelDOT SLER, and zero comments.

Mr. David Hutt, Esq., of Morris James LLP, spoke on behalf of the Applicant that the application relates to three tax parcels totaling a little over 30 1/2 acres of land and the two applications; that the first application is an application to change the zoning classification of the property from the AR-1 Agricultural Residential District to the MR Medium Density Residential District, the second application is a conditional use seeking to have a multi-family use on the property that would consist of 116 units, with a mixture of those units being seventy-five (75) townhomes and forty-one (41) single family lots; that the property is located off of Banks Road which is surrounded by a number of residential uses, single family homes, manufactured home communities and multi-family uses; that the Applicant hired Mr. Will Twupack with Watershed Eco, a DNR qualified forest professional, to conduct a forestation delineation report of the property; that it was determined that there was no Tier 1 or Tier 2 forest and habitat value on this property, 3 acres of Tier 3 forest and approximately twenty-seven (27) acres on non-forest area per the code; that there is an abandoned home on the corner of the property, that once was part of the Dupont Colored Schools Initiative, named the Friendship School; that the Applicant recognized the past history of the structure and reached out to the Nanticoke Indian Tribe Association to see if they would be interested in the dwelling being moved and they were not; that it is proposed that building will be removed and a place marker will be put on the property; that the property lies within a coastal area on the FLUM and Chapter 4 describes coastal areas as being an area where a range of housing types should be permitted, including single family homes, townhouses and multi-family units which is consistent with this application; that the predominant zoning district in this area is GR General Residential, but the applicant chose to request for a change to MR Medium Density Residential; that the zoning code defines the purpose of the MR Zoning District as being to provide for a medium density residential development in areas which are, or are expected to become generally urban in character and where sanitary sewers and public water supplies may or may not be available at a time of construction; that this is certainly a description of the Long Neck area; that there are several communities around this property with much higher densities of units per acre; that Bayshore is 8.9 units per acre, Shawn's Hideaway is 5.2 units per acre, Enchanted Acres is 3.9 units per acre; that the proposal of the Creekside development is 3.8 units per acre; that the layout was purposefully designed to reflect the area in which the property is located; that the Creeks End Community at the rear of the property was considered and the single family homes were aligned adjacent to the single family homes already within the Creeks End Community; that the townhomes will be placed at the entrance to the community approximately 125 feet off of Banks Road; that as you progress into the development there will be the forty-one (41) single family homes towards the rear and there will be approximately 12 acres or 40% of open space; that there will be a pool, pool house and a dock with kayak launch on the Guinea Creek with walking trails along the Guinea Creek that would intersect with the community sidewalks; that the units along the Guinea Creek will have a proposed 30 foot landscape buffer with the closest homes sitting back more than 125 feet; that along the Guinea Creek there would be a resource buffer management plan per the County Code; that there are both Tidal and Non-Tidal wetlands associated with the boundary of the Guinea Creek and Mr. Launay has worked on the delineation, reporting and development of the resource buffer management plan; that there are public utilities available to the site with Tidewater indicating its willingness to provide central water to the property; that the Sussex County Engineering

Department filed its report indicating that this property is in a Tier 1 Sewer District or planning area, and that it has capacity for the proposed project; that Mr. Launay stated in his report that there are no endangered species on the site, there would be a Homeowners Association created to manage and govern the common areas and the Indian River School District will determine a necessary bus stop within the development; that DelDOT's response to that Service Level Evaluation Request, indicated that this proposed community would have a minor impact on traffic which means more than fifty (50) vehicle trips in the peak hour, but less than 200, and more than 500 vehicle trips per day, but less than 2000; that the area wide study fee memo states when something qualifies as a minor impact, DelDOT indicates that a party can pay an area wide study fee and in addition to that fee the Applicant would be required to improve Banks Road in front of the property to its functional classification including 11 foot travel lanes and five foot shoulders for Banks Road; that it was determined that the site was not well situated for the construction of affordable housing options being it was 6/10 of a mile from the nearest collector road, but the developer wanted to commit to supporting affordable housing by contributing \$3500 per building permit that's issued to the Sussex County Housing Trust Fund, Habitat for Humanity or similar organizations that help and facilitate affordable housing within Sussex County; that the Applicant is proffering a \$500 contribution to the Indian River Fire Company per building permit issued and an additional \$10 per month per unit contribution to be made to the Indian River Fire Company possibly collected by the Property Owners Association; that Creekside submitted a letter of concern that has three points to address, first was the increase in traffic and DelDOT has noted that the traffic impact would be minor, second was the buffer between the two developments, which will be the 30 foot landscape buffer and third was the depth of the water in Guinea Creek to support a marina and dock; and that the marina and dock would need to get approval from DNREC through their permitting process and they will assess the plans and determine if that is suitable for this area.

Mr. Edward Launay, of Environmental Resource Insight, spoke on behalf of the Applicant that they worked on a buffer management plan for this project and there are two (2) buffers to deal with, the non-tidal wetland buffer and the tidal wetland buffer; that these two (2) buffers overlap each other and in total there is 100 feet wide of buffer along the shoreline edge; that under the buffer Ordinance there are exceptions to what is allowed and that would include the marina and parking for it as they are water-related activities; and that there will be a kayak launch at the end of the marina pier.

Ms. Lauren Devore asked how far the pool would be from the property line as it was stated that there would be a 30-foot buffer, and the code only requires a 6-foot rear setback so for clarity can you distinguish the distance the pool will be from the actual property line.

Mr. Jason Palkewicz stated that the pool and pool house appear to be lined up with the back of the homes that are proposed next to it.

Mr. Jason Shinn spoke in opposition to the application that the development will destroy the natural wildlife in that area, the traffic will increase significantly and the lack of ability for the Guinea Creek to handle a marina and dock for an entire community.

Ms. Linda Miller spoke in opposition to the application that the traffic is going to be an issue as it is already bad, especially with the school right down the road.

Mr. Steven Miller spoke in opposition to the application that the wildlife in the area is going to be displaced as this is the last area of refuge that they have as all the land around there has been developed;

and that the traffic is an issue as Banks Road is not equipped for all the extra traffic and there are no turning lanes.

Mr. Lou Repa spoke in opposition to the application that currently he lives across from the site and he floods with hightide four to six times a year; that if they clear that land for buildings where will all that water go to; and that he is concerned that flooding will become a major issue as the development clears all the trees and vegetation.

Mr. Rob Yanos spoke in opposition to the application that the emergency services will have a difficult time reaching those in need due to traffic as there is already a delay in response times during the summer months and now this development will bring in even more vehicle traffic.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the Chairman Wheatley stated for the record that C/Z 2012 & C/U 2449 Rudder Road, LLC would be heard as one case for presentation purposes as they are in relation to each other.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

In relation to C/Z 24012 Rudder Road, LLC. Motion by Mr. Collins to defer action for further consideration, leaving the record open to allow for public comment, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved the Commission to recommend approval of C/Z 2012 RUDDER ROAD, LLC, for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”
3. The requested zoning change is consistent with the zoning of properties along this area of Banks Road. All of the properties immediately across Banks Road from the Property are zoned GR, which is a zoning district that is similar to the requested MR Zoning. The properties immediately behind the Property (the Creeks End community) are also zoned MR. Along

Banks Road the adjacent properties are zoned GR, C-1 and AR-1. Along nearby Long Neck Road there are properties zoned C-1, CR-1, C-2, B-1, HR-1, MR, GR, and AR-1. MR zoning is appropriate in this location where these other uses and zoning districts exist.

4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “minor” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study, or “TIS”.
5. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/Z 2012 Rudder Road, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

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302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22, 2025

Application: CZ 2012 Rudder Road, LLC

Applicant: Rudder Road, LLC
850 New Burton Road, Suite 201
Dover, DE 19904

Owner: ABC Woodlands, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Site Location: 25071 Banks Road, Millsboro, DE 19966

Site Location: Located on the southeast side of (S.C.R. 298), approximately 0.65-mile northeast of Long Neck Road (Rt. 23).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Density Residential (MR) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms.Gruenebaum

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 30.57-acre(s) +/-

Tax Map ID.: 234-23.00-276.01, 276.01, & 277.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 15, 2025
RE: Staff Analysis for C/Z 2012 Rudder Road, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/Z 2012 Rudder Road, LLC to be reviewed during the January 22nd, 2025 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 234-23.00-276.00, 276.01, & 277.00

Proposal: The request is for a Change of Zone for Tax Parcels 234-23.00-276.00, 276.01, & 277.00 from Agricultural Residential (AR-1) Zoning District to Medium Density Residential (MR) Zoning District. The Parcel is located on the east side of Banks Road (S.C.R. 298), approximately 0.61 northeast of Long Neck Road (Rt. 23) in Millsboro. The properties are comprised of 30.57 acres +/-.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) District. The parcels to the southwest of the subject property are all Agricultural Residential (AR-1) District with parcels to the southeast being zoned Medium Density Residential (MR) District and immediately to the northwest across Banks Road are zoned General residential (GR) District.

Future Land Use Map Designation - (Comprehensive Plan): Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of "Coastal Area." All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are "areas that can accommodate development provided that special environmental concerns are addressed" (2018 Sussex County Comprehensive Plan, 4-15.) The Plan further notes that "a range of housing types



should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Comprehensive Plan notes that “central water and sewer facilities are strongly encouraged” within the Coastal Area, of which the Application indicates, is on central water and sewer (2018 Sussex County Comprehensive Plan, 4-16).

Site Considerations

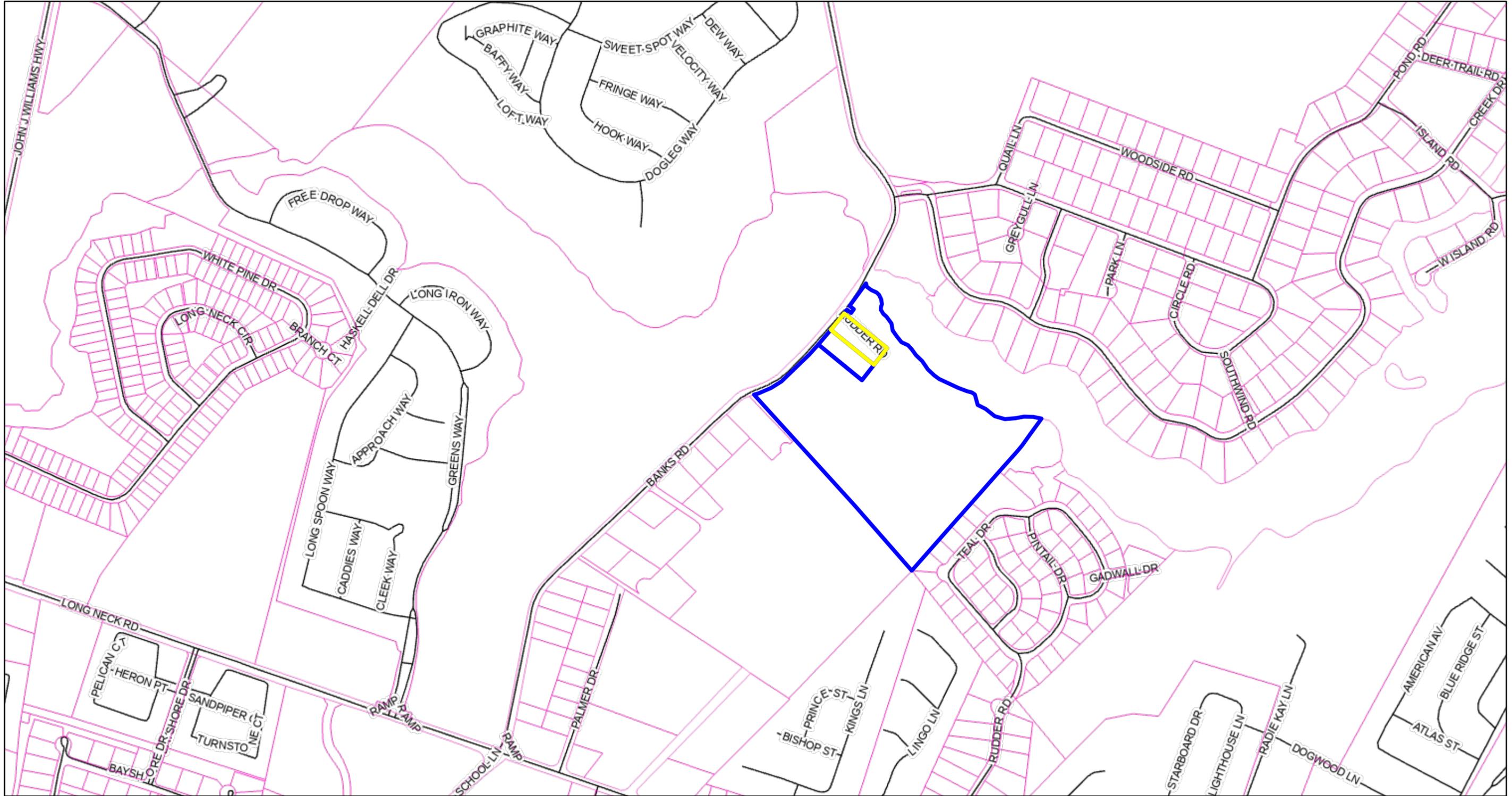
- **Density: 3.83 DU/Ac.**
- **Open Space Provisions: 12.29 Ac. (43.5%)**
- **Agricultural Areas:** The site is not within the vicinity of active agricultural areas. However, it is located within the vicinity of forested areas.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** As shown on the conditional use site plan, 1.55 Ac. of existing woods are to be removed with 3.56 Ac. to remain.
- **Wetlands Buffers/Waterways:** The properties are located adjacent to Guinea Creek. There are both tidal and non-tidal wetlands located on the northeastern side of the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is partially located within an “AE” Flood Zone and located within Flood Zones “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Density Residential (MR) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: A Data Table has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Change of Zone Applications that are less than 1 mile distance from the subject site.

Change of Zone Applications (Within a 1-Mile Radius – Since 2011)						
Change of Zone No.	Applicant	Previous Zoning	Proposed Zoning	CC Decision	CC Decision Date	Ordinance No.
1788	Upesh Vyas	AR-1	CR-1	Approved	12/1/2015	2427
1801	Long Neck Road, LLC	AR-1	CR-1	Approved	7/26/2016	2459
1958	Boardwalk Development, LLC	GR	GR-RPC	Approved	7/12/2022	2873

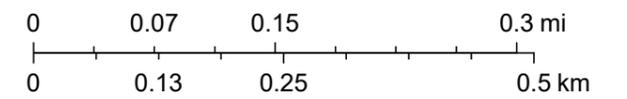
Sussex County



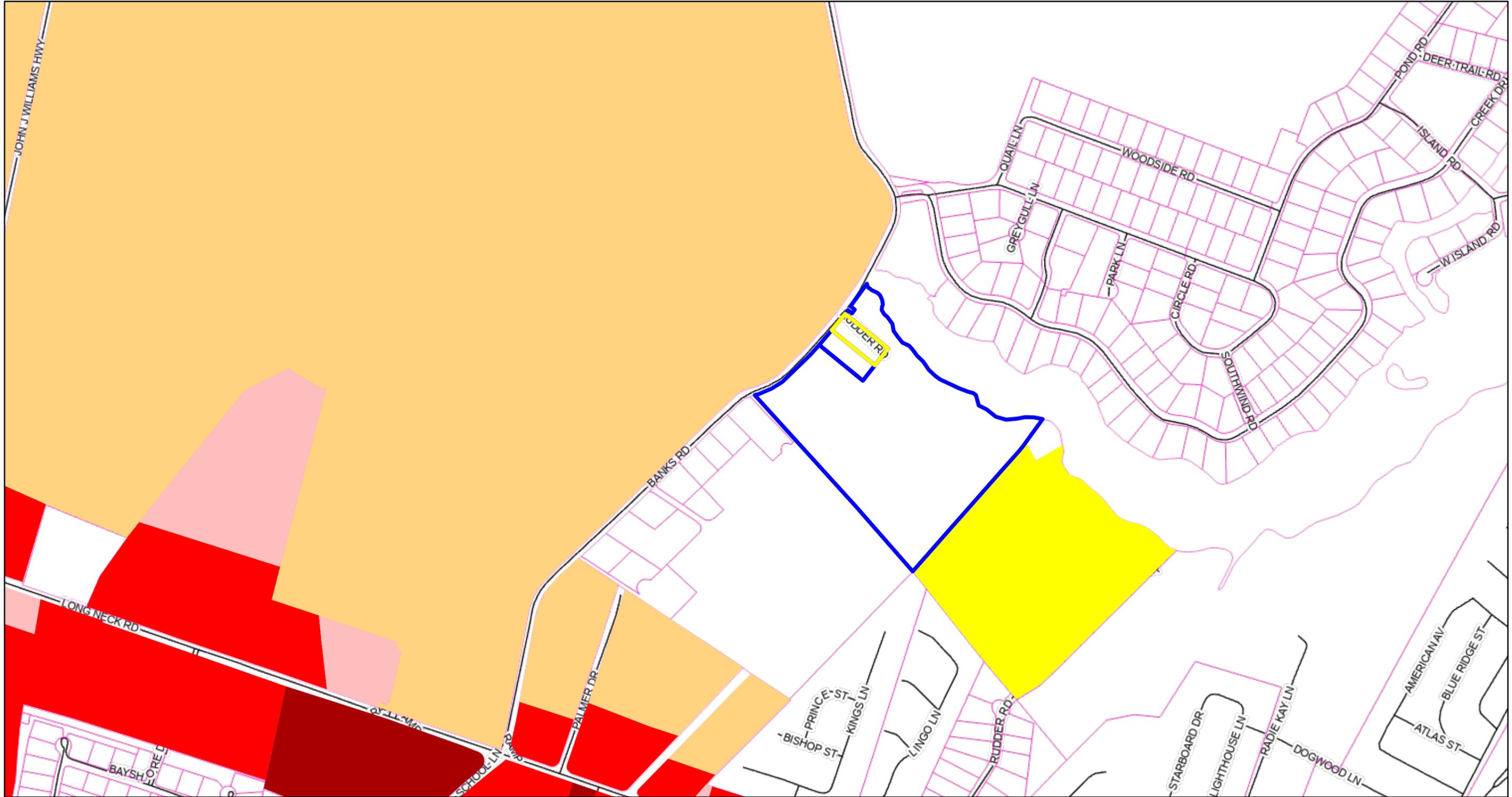
December 18, 2024

1:9,028

- Tax Parcels
 County Boundaries
 Green: Band_2
- Override 1
 Streets
 Blue: Band_3
- Override 2
 Red: Band_1



Sussex County



December 18, 2024

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

Commercial Residential - CR-1

C1: General Commercial

B-1: Neighborhood Business

Tax Parcels

Streets

County Boundaries

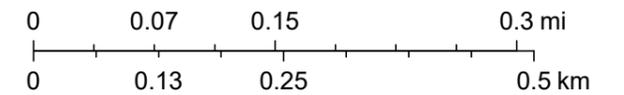
layer44

Red: Band_1

Green: Band_2

Blue: Band_3

1:9,028



Sussex County Government

Sussex County



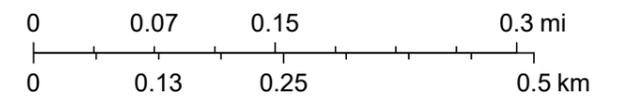
December 18, 2024

- | | | | |
|---------|---------------|---------------|-------------|
| layer43 | Red: Band_1 | polygonsLayer | Override 1 |
| | Green: Band_2 | | Override 2 |
| | Blue: Band_3 | | Tax Parcels |

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|---|----------------------------|
| — | Streets |
| ▭ | County Boundaries |
| | World Imagery |
| | Low Resolution 15m Imagery |

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata

1:9,028



Sussex County Government, Maxar

Introduced: 12/17/24

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 234-23.00-276.00, 276.01, & 277.00

911 Address: 23352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS

WHEREAS, on the 8th day of May 2023, a zoning application, denominated Change of Zone No. 2012 was filed on behalf of Rudder Road, 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. 2012 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 MR Medium Density Residential 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 Indian River Hundred, Sussex County, Delaware, and lying on the east side of Banks Road (S.C.R. 298) approximately 0.61 mile northeast of Long Neck Road (Rt. 23) and being more particularly described in the attached legal description prepared by Brian D. Shirey P.A., said parcels containing 30.57 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.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 21, 2025

RE: County Council Report for C/U 2449 filed on behalf of Rudder Road, LLC

The Planning and Zoning Department received an application (C/U 2449 filed on behalf of Rudder Road, LLC) for multi-family dwellings (116 units) to be located in an MR Medium Density Residential District (if approved) at Tax Parcel 234-23.00-276.00, 276.01 and 277.00. The property is located at 25352 Rudder Road Millsboro. The parcel size is 5.54 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated and subject to the 19 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, February 5, 2025, and March 5, 2025.

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated for the record that C/Z 2012 & C/U 2449 Rudder Road, LLC would be heard as one case for presentation purposes as they are in relation to each other.

C/U 2449 Rudder Road, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS. The properties are lying on the east side of Banks Road (S.C.R. 298),



approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the staff analysis, a copy of the Applicant's exhibit, a copy of the drainage assessment, a copy of the resource buffer management plan, a copy of a notification letter sent by staff to the relevant school district, a copy of the DelDOT SLER and four comments.

Mr. David Hutt, Esq., of Morris James LLP, spoke on behalf of the Applicant that the application relates to three tax parcels totaling a little over 30 1/2 acres of land and the two applications; that the first application is an application to change the zoning classification of the property from the AR-1 Agricultural Residential District to the MR Medium Density Residential District, the second application is a conditional use seeking to have a multi-family use on the property that would consist of 116 units, with a mixture of those units being seventy-five (75) townhomes and forty-one (41) single family lots; that the property is located off of Banks Road which is surrounded by a number of residential uses, single family homes, manufactured home communities and multi-family uses; that the Applicant hired Mr. Will Twupack with Watershed Eco, a DNR qualified forest professional, to conduct a forestation delineation report of the property; that it was determined that there was no Tier 1 or Tier 2 forest and habitat value on this property, 3 acres of Tier 3 forest and approximately twenty-seven (27) acres on non-forest area per the code; that there is an abandoned home on the corner of the property, that once was part of the Dupont Colored Schools Initiative, named the Friendship School; that the Applicant recognized the past history of the structure and reached out to the Nanticoke Indian Tribe Association to see if they would be interested in the dwelling being moved and they were not; that it is proposed that building will be removed and a place marker will be put on the property; that the property lies within a coastal area on the FLUM and Chapter 4 describes coastal areas as being an area where a range of housing types should be permitted, including single family homes, townhouses and multi-family units which is consistent with this application; that the predominant zoning district in this area is GR General Residential, but the applicant chose to request for a change to MR Medium Density Residential; that the zoning code defines the purpose of the MR Zoning District as being to provide for a medium density residential development in areas which are, or are expected to become generally urban in character and where sanitary sewers and public water supplies may or may not be available at a time of construction; that this is certainly a description of the Long Neck area; that there are several communities around this property with much higher densities of units per acre; that Bayshore is 8.9 units per acre, Shawn's Hideaway is 5.2 units per acre, Enchanted Acres is 3.9 units per acre; that the proposal of the Creekside development is 3.8 units per acre; that the layout was purposefully designed to reflect the area in which the property is located; that the Creeks End Community at the rear of the property was considered and the single family homes were aligned adjacent to the single family homes already within the Creeks End Community; that the townhomes will be placed at the entrance to the community approximately 125 feet off of Banks Road; that as you progress into the development there will be the forty-one (41) single family homes towards the rear and there will be approximately 12 acres or 40% of open space; that there will be a pool, pool house and a dock with kayak launch on the Guinea Creek with walking trails along the Guinea Creek that would intersect with the community sidewalks; that the units along the Guinea Creek will have a proposed 30 foot landscape buffer with the closest homes sitting back more than 125 feet; that along the Guinea Creek there would be a resource buffer management plan per the County Code; that there are both Tidal and Non-Tidal wetlands associated with the boundary of the Guinea Creek and Mr. Launay has worked on the delineation, reporting and development of the resource buffer management plan; that there are public utilities available to the site with Tidewater

indicating its willingness to provide central water to the property; that the Sussex County Engineering Department filed its report indicating that this property is in a Tier 1 Sewer District or planning area, and that it has capacity for the proposed project; that Mr. Launay stated in his report that there are no endangered species on the site, there would be a Homeowners Association created to manage and govern the common areas and the Indian River School District will determine a necessary bus stop within the development; that DelDOT's response to that Service Level Evaluation Request, indicated that this proposed community would have a minor impact on traffic which means more than fifty (50) vehicle trips in the peak hour, but less than 200, and more than 500 vehicle trips per day, but less than 2000; that the area wide study fee memo states when something qualifies as a minor impact, DelDOT indicates that a party can pay an area wide study fee and in addition to that fee the Applicant would be required to improve Banks Road in front of the property to its functional classification including 11 foot travel lanes and five foot shoulders for Banks Road; that it was determined that the site was not well situated for the construction of affordable housing options being it was 6/10 of a mile from the nearest collector road, but the developer wanted to commit to supporting affordable housing by contributing \$3500 per building permit that's issued to the Sussex County Housing Trust Fund, Habitat for Humanity or similar organizations that help and facilitate affordable housing within Sussex County; that the Applicant is proffering a \$500 contribution to the Indian River Fire Company per building permit issued and an additional \$10 per month per unit contribution to be made to the Indian River Fire Company possibly collected by the Property Owners Association; that Creekside submitted a letter of concern that has three points to address, first was the increase in traffic and DelDOT has noted that the traffic impact would be minor, second was the buffer between the two developments, which will be the 30 foot landscape buffer and third was the depth of the water in Guinea Creek to support a marina and dock; and that the marina and dock would need to get approval from DNREC through their permitting process and they will assess the plans and determine if that is suitable for this area.

Mr. Edward Launay, of Environmental Resource Insight, spoke on behalf of the Applicant that they worked on a buffer management plan for this project and there are two (2) buffers to deal with, the non-tidal wetland buffer and the tidal wetland buffer; that these two (2) buffers overlap each other and in total there is 100 feet wide of buffer along the shoreline edge; that under the buffer Ordinance there are exceptions to what is allowed and that would include the marina and parking for it as they are water-related activities; and that there will be a kayak launch at the end of the marina pier.

Ms. Lauren Devore asked how far the pool would be from the property line as it was stated that there would be a 30-foot buffer, and the code only requires a 6-foot rear setback so for clarity can you distinguish the distance the pool will be from the actual property line.

Mr. Jason Palkewicz stated that the pool and pool house appear to be lined up with the back of the homes that are proposed next to it.

RECESS: 5:43PM-5:50PM

Mr. Jason Shinn spoke in opposition to the application that the development will destroy the natural wildlife in that area, the traffic will increase significantly and the lack of ability for the Guinea Creek to handle a marina and dock for an entire community.

Ms. Linda Miller spoke in opposition to the application that the traffic is going to be an issue as it is already bad, especially with the school right down the road.

Mr. Steven Miller spoke in opposition to the application that the wildlife in the area is going to be displaced as this is the last area of refuge that they have as all the land around there has been developed; and that the traffic is an issue as Banks Road is not equipped for all the extra traffic and there are no turning lanes.

Mr. Lou Repa spoke in opposition to the application that currently he lives across from the site and he floods with hightide four to six times a year; that if they clear that land for buildings where will all that water go to; and that he is concerned that flooding will become a major issue as the development clears all the trees and vegetation.

Mr. Rob Yanos spoke in opposition to the application that the emergency services will have a difficult time reaching those in need due to traffic as there is already a delay in response times during the summer months and now this development will bring in even more vehicle traffic.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the Chairman Wheatley stated for the record that C/Z 2012 & C/U 2449 Rudder Road, LLC would be heard as one case for presentation purposes as they are in relation to each other.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

In relation to C/U 2449 Rudder Road, LLC. Motion by Mr. Collins to defer action for further consideration, leaving the record open to allow for public comment, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved the Commission to recommend approval of C/U 2449 RUDDER ROAD, LLC, for 116 Multi-Family Dwellings based upon the record made during the public hearing and for the following reasons:

1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.
2. Both central water and central sewer will be available to this site.
3. The property is in the vicinity of other properties with a variety of business, commercial and residential zonings and uses. The zoning classifications around the Property include primarily GR, MR, HR-1, AR-1, C-1, CR-1, C-2, and the B-1. The surrounding area along Banks Road contains a mixture of housing styles including manufactured home communities, single-family

detached homes, townhomes and multi-family units, including Lingo Estates (3.9 units/acre), Enchanted Acres (4.0 units/acre), Shawn's Hideaway (5.2 units/acre), Bayshore (8.9 units/acre), and Baywood Garden Villas (9.4 units/acre). This conditional use for 116 units at approximately 3.8 units per acre is consistent with other zoning, uses and residential development in the area.

4. The Property contains approximately 0.73 acres of non-tidal wetlands adjacent to Guinea Creek which will be protected with Resource Buffers as shown on the Preliminary and Final Site Plans.
5. DelDOT has reviewed the proposed project and has determined that the development's traffic impact will be Minor. When DelDOT determines that traffic impact will be minor, a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.
6. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
7. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
8. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) That is in keeping with the character of the area; and (4) That is situated near a Major Collector Road (Long Neck Road) with another Major Collector (Route 24) in close proximity. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
9. As part of the Application and during the public hearing before the Planning & Zoning Commission, the Applicant unilaterally promised to make financial contributions to address housing needs in Sussex County and also to support the local Fire Company. These promises are not required by Sussex County and have not influenced the decision to recommend approval of this application. Instead, they are being included as conditions to this recommendation to confirm the representations made by the Applicant so that they will be performed as stated.
10. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
11. This recommendation is subject to the following conditions:
 - A. There shall be no more than 116 Units within the development. These units shall consist of 75 attached dwellings in the form of townhomes and 41 single family detached homes. All of these units shall be condominium units. This approval does not constitute a subdivision creating any individual lots.
 - B. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
 - C. The active recreational amenities for the project shall include a small pool house with a minimum square footage of 500 square feet and a pool with a minimum water surface

area of 1,200 square feet. There shall also be a dock with boat slips and a kayak launch (subject to all applicable DNREC approvals) for use by the residents of the community. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.

- D. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- E. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- F. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- I. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- J. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the Final Site Plan and within the Declaration of Covenants, Conditions, Easements, and Restrictions for the community.
- K. Approximately 12 acres or 40% of the site shall remain as open space.
- L. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 8:00 am and 2:00 pm on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- M. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- N. The Applicant shall form a Condominium Association that shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.
- O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- P. The Declaration of Covenants, Conditions, Easements and Restrictions for the subdivision and Final Site Plan shall state that agricultural and hunting activities exist nearby, and they shall include the Agricultural Use Protection Notice and a similar notice about hunting activities.
- Q. As proffered by the Applicant, prior to the issuance of a building permit for each residential unit, the applicant shall make: (1) A \$3,500 contribution to the Sussex County Housing Trust administered by the Sussex County Department of Community

Development and Housing to address housing needs in Sussex County. At the completion of this development the total contribution for housing will be \$406,000. (2) A \$500 contribution to the Indian River Volunteer Fire Company for a total contribution of \$58,000. Thereafter a monthly contribution of \$10 per completed dwelling unit shall be collected by the condominium association and paid over to the Indian Volunteer River Fire Company on a semi-annual basis for a total annual contribution once the project is completed in the amount of \$13,920. All of these contribution requirements shall be set forth on the Final Site Plan and in the recorded governing documents of the development. A copy of this Ordinance shall also be provided to the Indian River Volunteer Fire Company and the Sussex County Department of Community Development and Housing as a condition of Final Site Plan approval.

- R. The applicant shall prepare and establish a marker/plaque describing the history of the Friendship School on the Property. The location of the marker/plaque shall be shown on the Final Site Plan and the maintenance of the marker/plaque shall be the responsibility of the property owners association.
- S. The Final Site Plan shall depict or note these conditions of approval and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to recommend APPROVAL of C/U 2449 Rudder Road, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22, 2025

Application: CU 2499 Rudder Road, LLC

Applicant: Rudder Road, LLC
850 New Burton Road, Suite 201
Dover, DE 19904

Owner: ABC Woodlands, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Site Location: 25071 Banks Road, Millsboro, DE 19966

Site Location: Located on the southeast side of (S.C.R. 298), approximately 0.65-mile northeast of Long Neck Road (Rt. 23).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 116 Multi-Family Dwelling Units (Townhomes & Single-Family Condos)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms.Gruenebaum

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 30.57-acre(s) +/-

Tax Map ID.: 234-23.00-276.01, 276.01, & 277.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 15, 2025
RE: Staff Analysis for C/U 2449 Rudder Road, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2449 Rudder Road, LLC to be reviewed during the January 22nd, 2025, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 234-23.00-276.00, 276.01, & 277.00

Proposal: The request is for a Conditional Use for Tax Parcel 234-23.00-276.00, 276.01, & 277.00 to allow for multi-family dwellings (116 units) on a parcel lying on the east side of Banks Road (S.C.R. 298), approximately 0.61 northeast of Long Neck Road (Rt. 23) in Millsboro. The properties are comprised of 30.57 acres +/-.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) District. The parcels to the southwest of the subject property are all Agricultural Residential (AR-1) District with parcels to the southeast being zoned Medium Density Residential (MR) District and immediately to the northwest across Banks Road are zoned General residential (GR) District.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of “Coastal Area.” All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are “areas that can accommodate development provided that special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15.) The Plan further notes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family



units” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Comprehensive Plan notes that “central water and sewer facilities are strongly encouraged” within the Coastal Area, of which the Application indicates, is on central water and sewer (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density: 3.83 DU/Ac.**
- **Open Space Provisions: 12.29 Ac. (43.5%)**
- **Agricultural Areas:** The site is not within the vicinity of active agricultural areas. However, it is located within the vicinity of forested areas.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** As shown on the conditional use site plan, 1.55 Ac. of existing woods are to be removed with 3.56 Ac. to remain.
- **Wetlands Buffers/Waterways:** The properties are located adjacent to Guinea Creek. There are both tidal and non-tidal wetlands located on the northeastern side of the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is partially located within an “AE” Flood Zone and located within Flood Zones “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

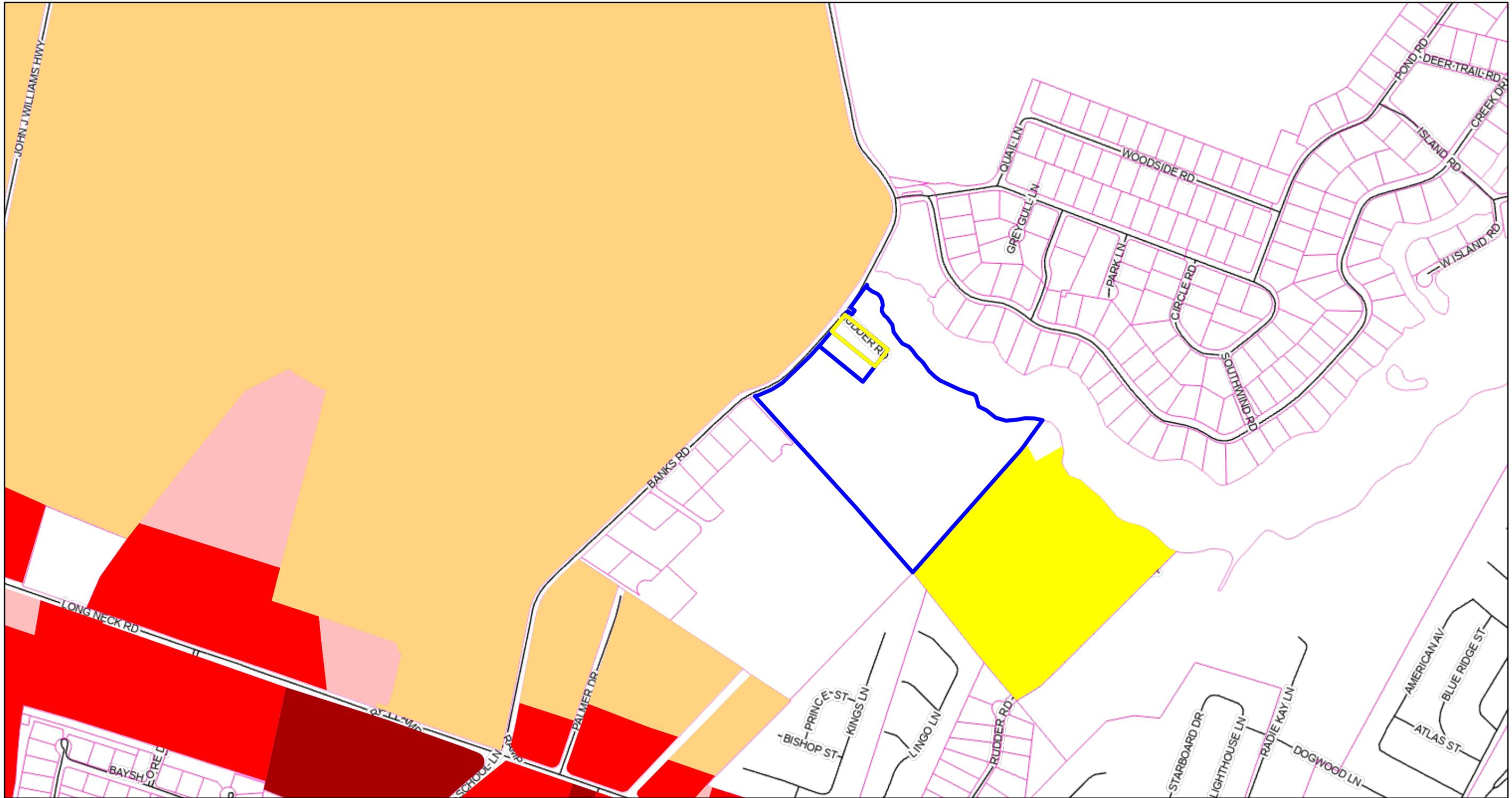
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for multi-family dwellings (116 units), subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications						
(Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
2340	Inland Bays Preservation Company	AR-1	Waste Water Treatment Facility	Approved	4/18/2023	2918
2326	Sun Leisure Point Resort, LLC	AR-1	Amend Condition of Approval Ord. No. 2766 from CU 2201	Approved	12/6/2022	2896
2201	Pine Acres Inc.	AR-1	Expansion of Campground	Approved	3/16/2021	2766
2167	Karen Ann Muller	AR-1	Yard Sales	Denied	5/14/2019	
1910	Charles Boehm	AR-1	Hot Dog Vendor	Approved	9/20/2011	2221
1797	Baywood, LLC	C-1/B-1	MultiFamily	Approved	1/5/2010	2092
1786	Leon Burton	AR-1	Boat Storage	Approved	10/13/2009	2084
1786	Leon Burton	AR-1	Boat Storage	Approved	10/13/2009	2084
1742	Pine Acres, Inc.	AR-1	Expansion of Existing MHP/Campground	Approved	12/2/2008	2011
1738	Baywood, LLC (Equestrian Center)	AR-1	Equestrian Center	Approved	7/22/2008	1983
1581	Leon L. Burton	AR-1	boat storage	Approved	2/8/2005	1752

1554	Fulmer Enterprises Inc.	C-1	miniature golf	Approved	9/28/2004	1720
1505	David Ritter	AR-1	boat storage	Approved	12/9/2003	1644
1476	Elizabeth Little / Ed. Grimm TA Beach Fries	C-1	food vending trailer	Approved	1/28/2003	1581
1362	Timothy S. Johnson Oak Forest Park	AR-1	add lot to mhp	Approved	10/31/2000	1410
1302	Rick A. Willman	AR-1	bait & tackle shop	Approved	8/31/1999	1340
1230	B&M Builders, Inc.	AR-1	Manufactured Home Sales Lot	Approved	3/17/1998	1219
1179	Destination Development	AR-1	3 lot addition to mhp	Approved	5/13/1997	1135
1124	Tunnell Companies, L.P.	AR-1	expand mhp	Approved	9/26/1995	1054
1111	Trantino Norwood	AR-1	retail sales of gifts/crafts/collectibles	Approved	4/25/1995	1023
1103	Pine Acres, Inc.	AR-1	multi-family	Approved	2/28/1995	1013
1043	Indian River School District	AR-1	public school	Approved	6/29/1993	902
1034	Tunnell Companies, L.P.	AR-1	Manufactured Home Community/Golf Course	Approved	2/8/1994	954

Sussex County



December 18, 2024

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

Commercial Residential - CR-1

C1: General Commercial

B-1: Neighborhood Business

Tax Parcels

Streets

County Boundaries

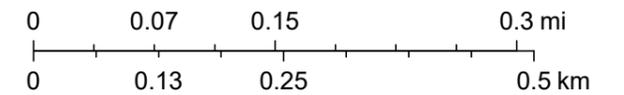
layer44

Red: Band_1

Green: Band_2

Blue: Band_3

1:9,028



Sussex County Government

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 22, 2025

Application: CU 2499 Rudder Road, LLC

Applicant: Rudder Road, LLC
850 New Burton Road, Suite 201
Dover, DE 19904

Owner: ABC Woodlands, LLC
919 North Market Street, Suite 950
Wilmington, DE 19801

Site Location: 25071 Banks Road, Millsboro, DE 19966

Site Location: Located on the southeast side of (S.C.R. 298), approximately 0.65-mile northeast of Long Neck Road (Rt. 23).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 116 Multi-Family Dwelling Units (Townhomes & Single-Family Condos)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms.Gruenebaum

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

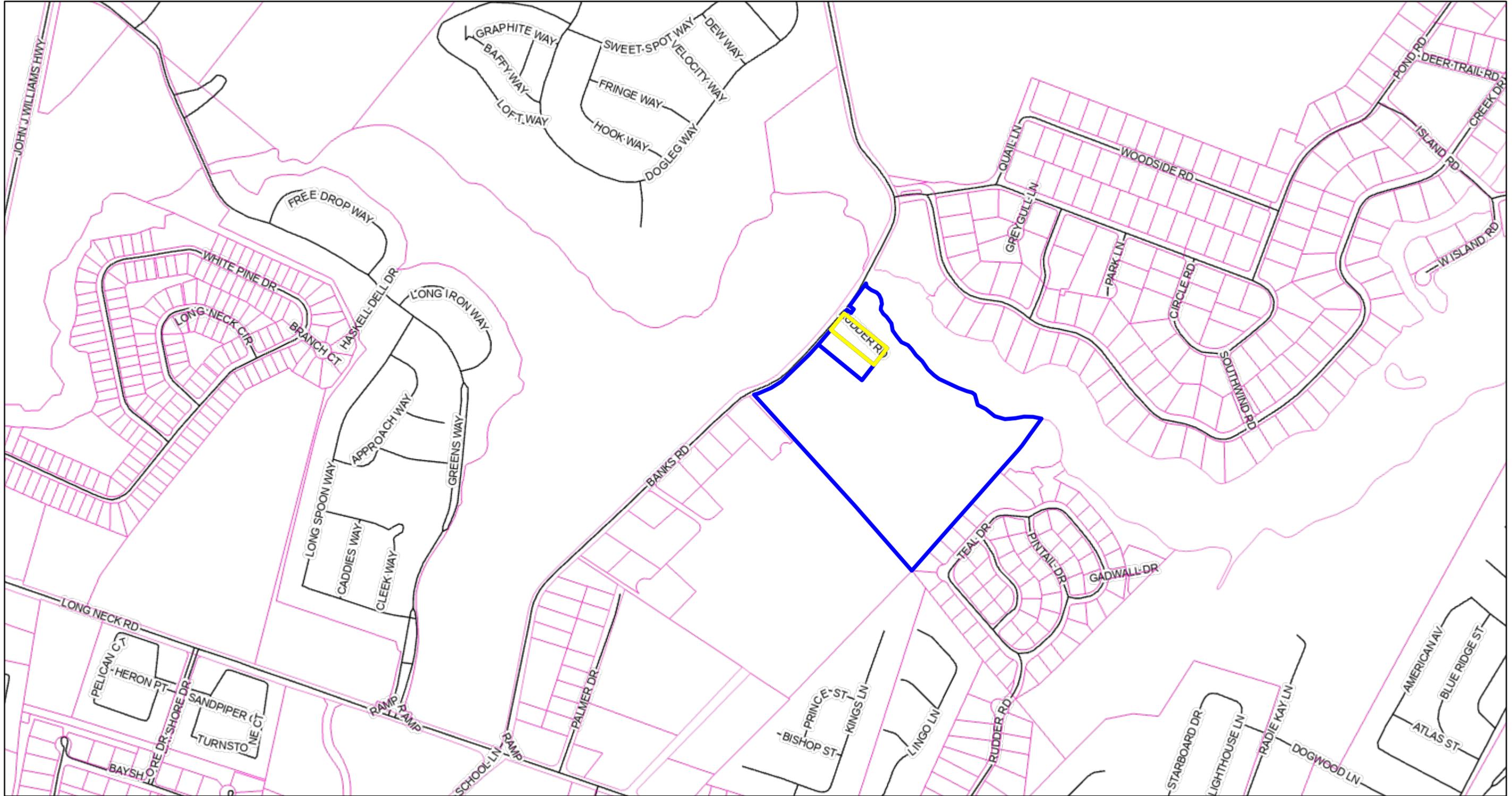
Water: Tidewater

Site Area: 30.57-acre(s) +/-

Tax Map ID.: 234-23.00-276.01, 276.01, & 277.00



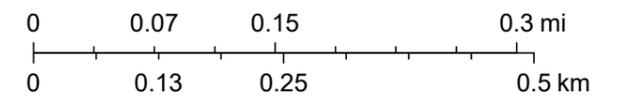
Sussex County



December 18, 2024

1:9,028

- Tax Parcels
 County Boundaries
 Green: Band_2
- Override 1
 Streets
 Blue: Band_3
- Override 2
 Red: Band_1



Introduced: 12/17/24

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 234-23.00-276.00, 276.01 & 277.0

911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro & N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MUTLI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS

WHEREAS, on the 8th day of May 2023, a Conditional Use application, denominated Conditional Use No. 2449 was filed on behalf of Rudder Road, 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 Conditional Use No. 2449 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2449 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 Indian River Hundred, Sussex County, Delaware, and lying the east side of Banks Road (S.C.R. 298), approximately 0.61 mile northeast of Long Neck Road (Rt. 23), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A. said parcel containing 30.57 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.