#### **COUNTY COUNCIL**

MICHAEL H. VINCENT, PRESIDENT JOHN L. RIELEY, VICE PRESIDENT CYNTHIA C. GREEN DOUGLAS B. HUDSON MARK G. SCHAEFFER





DELAWARE sussexcountyde.gov (302) 855-7743

#### SUSSEX COUNTY COUNCIL

#### <u>A G E N D A</u>

#### June 4, 2024

#### <u>10:00 AM</u>

AMENDED on May 29, 2024 at 9:45 a.m.\*\*

Call to Order

**Approval of Agenda** 

Approval of Minutes - May 21, 2024

Draft Minutes 052124

#### **Reading of Correspondence**

#### **Public Comments**

#### **Consent Agenda**

- 1. Proclamation Cape Henlopen High School Unified Track & Field Team DIAA State Champions
- 2. Proclamation Cape Henlopen High School Girls Lacrosse Team DIAA State Champions

#### Todd Lawson, County Administrator

- 1. Reappointment of Board of Adjustment Member Jordan Warfel
- 2. Reappointment of Planning & Zoning Commissioner Holly Wingate
- 3. Discussion and possible action related to the Fenwick Island dredging project\*\* <u>Town of Fenwick Island</u>
- 4. Administrator's Report



#### Brandy Nauman, Community Development & Housing Director

1. Housing Trust Fund Award Recommendation and Possible Action Housing Trust Fund Recommendation

#### Hans Medlarz, County Engineer, Ret.

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

A. M.F. Ronca – Change Order 34, General Construction, Project C19-11

**B. B.W. Electric – Change Order 27, Electrical Construction, Project C19-17** SCRWF Ronca CO No. 34 BW CO No. 27

2. Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05

A. Change Order No. 6 Cannon Rd CO No. 6

3. City of Seaford

A. Approval of Addendum No. 2 to the Wastewater Service Agreement COS Addendum No. 2 WW Service Agreement

4. Boom Truck Procurement, Project M24-21

#### A. Recommendation to Award

**B. Change Order No. 1** Boom Truck Recommendation

#### 5. Bulk Delivery of Magnesium Hydroxide, Project M25-02

A. Recommendation to Award Recommendation to Award - Magnesium

#### Mark Parker, Assistant County Engineer

1. Sugar Maple Farms Road Improvements – Chapter 96 Sussex Community Improvements

A. Introduction of Resolution Sugar Maple Farms Chapt 96 Resolution

2. George, Miles & Buhr, Inc. – Architectural Services Contract

A. Approval of Amendment 5 Architectural Services Contract Amd 5

#### **Robert Bryant, Airport Manager**

1. **Presentation of the Airport Master Plan Update** <u>Airport Master Plan Update</u>

#### **Grant Requests**

- 1. Greenwood Police Department for their National Night Out 2024 Greenwood Police Department
- 2. Southern Delaware Therapeutic and Recreational Horseback Riding, Inc. for their Children with Disabilities Summer program Southern Delaware Therapeutic and Recreational Horseback Riding
- 3. Fraternal Order of Police Sussex County Lodge 2 for their charity programs <u>Sussex County Lodge 2 Inc</u>

#### **Introduction of Proposed Zoning Ordinances**

Ord Intros CU2515 CU2506 CU2510 CU2503 CU2518

#### **Council Members' Comments**

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

Possible action on Executive Session Items

#### 1:30 p.m. Public Hearings

1. "AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE I., §29-3B. (1) OF THE CODE OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF EMERGENCY MEDICAL SERVICES, AND TO CREATE THE NEW POSITION OF DEPARTMENT HEAD OF PUBLIC SAFETY"

Public Hearing Public Safety Update

2. "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"

Public Hearing Warwick Park

3. Conditional Use No. 2439 filed on behalf of Eric Johnson

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS" (property lying on the west side of Bridgeville Highway [S.C.R. 13], approximately 0.85 mile southwest of Sussex Highway [Rt. 13A]) (911 Address: 22540 Bridgeville Highway, Seaford) (Tax Map Parcel: 331-3.00-186.00)

Public Hearing CU2439

4. <u>Conditional Use No. 2488 filed on behalf of Kelly Benson</u>

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS" (properties lying on the northeast side of Muddy Neck Road [S.C.R. 361] directly across from the intersection of Muddy Neck Road [S.C.R 361] and Double Bridges Road [S.C.R. 363]) (911 Address: N/A) (Tax Map Parcels: 134-17.00-15.00 & 15.03) Public Hearing CU2488

#### <u>Adjourn</u>

\*\*Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

#### -MEETING DETAILS-

In accordance with 29 <u>Del.C.</u> §10004(e)(2), this Agenda was posted on May 28, 2024 at 4:15 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 <u>https://sussexcountyde.gov/council-chamber-broadcast</u>.

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: <u>https://sussexcountyde.gov/agendas-minutes/county-council</u>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 21, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 21, 2024, at 10:00 a.m., in Council Chambers, with the following present:

	Michael H. Vincent John L. Rieley Cynthia C. Green Douglas B. Hudson Mark G. Schaeffer Todd F. Lawson Gina Jennings J. Everett Moore, Jr.	President Vice President Councilwoman Councilman Councilman County Administrator Finance Director County Attorney	
Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent.		
	Mr. Vincent called the meeting to order.		
M 265 24 Approve Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda, as presented.		
igenuu	Motion Adopted: 5 Yeas		
	Mr. H	Freen, Yea; Mr. Schaeffer, Yea; udson, Yea; Mr. Rieley, Yea; incent, Yea	
Minutes	The minutes from May 14, 2024, were approved by consensus.		
Correspond- ence	Mr. Moore reported that correspondence was received from Girl Scout Troops 333 & 602 thanking Council for their donation.		
Public Comments	Public comments were heard.		
	Mr. Paul Rieger spoke about the Planning & Zoning Commission and Board of Adjustments appointments.		
	Ms. Patty Deputla spoke about the upcoming appointment for District 5 for the Planning & Zoning Commission.		
Presentation Fenwick Island/ Dredging Project	Committee Chair presented Rymer shared project hi dredging two boating chann	and Town Council Treasurer and Dredge information related to a dredging project. Mr. ghlights. The project includes hydraulically els in Little Assawoman Bay. These East-West s and canals of the town with the large North-	

PresentationSouth channel that is maintained by DNREC. Up to 20,000 cubic yards of<br/>material will be placed on neighboring property for beneficial use in<br/>residential development. The project is fully approved and permitted by all<br/>state and federal agencies. Mr. Rymer shared an aerial photo of where the<br/>project will occur.Presentationresidential development. The project is fully approved and permitted by all<br/>state and federal agencies. Mr. Rymer shared an aerial photo of where the<br/>project will occur.

Mr. Rymer then discussed the history of the project. There has been sedimentation build-up which has increased dramatically over the last 20 years. This project is critical to improve navigation and promote boater safety. DNREC and General Assembly members pursued the project as a state-led effort but were not successful so, it is now a town-led project. Fenwick's recent Comprehensive Plan have identified this project as a key goal for the town. In addition to promoting boater safety, environmental benefits will also occur by eliminating propellers grinding through subaqueous land.

The town completed an initial public RFP and bidding process in April. There were 6 independent bids received which significantly exceeded recent cost estimates developed by the town's independent engineering consultants. The project was recently rescoped in hopes of reducing overall costs. A new public RFP and bidding process launched May 8<sup>th</sup> with finals bids to be received May 29<sup>th</sup>. The goal is to achieve an affordable project that meets overall objectives.

To date, there has been more than \$300,000 spent on research, design and engineering support as well as obtaining final permits. The State of Delaware has committed \$1 million through three separate Bond Bill appropriations in support of this project. Fenwick Island is requesting \$500,000 from Sussex County in support of this project. Based on recent estimates, the funding support consists of State of Delaware: \$1,000,000, Fenwick Island: \$800,000 (\$300,000 already spent) and Sussex County: \$500,000 (requested).

Mr. Rieley questioned the project being scaled back and how that affected the depth. Mr. Rymer replied that it is one of their options. He added that it was originally scaled -4 feet with an allowable over dredge of 1 foot. When the project was rescoped, a minimal depth of -3.5 feet and the over dredge was reduced by 6 inches. Mr. Rieley discussed the importance of the reflushing of the water.

Mr. Hudson commented that this project would help with getting the water moving by flushing it out and public safety. He added that there are many people that go in and out of that area with their boats.

PublicMr. Geroge Kershaw spoke about how Executive Session action is voted on.Comment

A Proclamation was presented to Bernice Edwards from First State Proclama- Community Action Agency for Community Action Month.

tion

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

 Report
 1.
 Delaware State Police Activity Report

The Delaware State police year-to-date activity report for April 2024 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 190 troopers assigned to Sussex County for the month of April.

#### 2. Annual Sussex County EMS Awards

Sussex County first-responders and healthcare professionals were recently recognized during the annual Sussex County Emergency Services banquet on Friday, May 17, 2024, at the Rehoboth Convention Center. The annual banquet, sponsored by the Sussex County Paramedic Association, Sussex County Volunteer Ambulance Association and Sussex County EMS is held each year to celebrate the EMS and medical community and recognize peers for their life-saving efforts in the previous year.

Congratulations to all the Sussex County EMS Award winners.

#### 3. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, May 27<sup>th</sup>, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 28<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, June 4<sup>th</sup> at 10:00 a.m.

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

FY25Mr. Lawson and Mrs. Jennings presented the proposed \$265.8 budget forBudgetFiscal Year 2025.

Presentation

Mr. Lawson reported that the recommended budget was drafted by the County Administrator, Finance Director/COO, Deputy Finance Director, and Manager of Accounting. This recommended budget was drafted after receiving submissions from County departments. This budget is developed with caution in mind given its heavy reliance on the local real estate market. Should real estate activity start to decline, the County's financial outlook will be affected. It is difficult to predict where our building related revenues will level off. As such, a conservative budget philosophy was followed in the FY25 Budget Presentation (continued)

development of the FY25 budget. This philosophy uses cautious revenue projections and keeps expenses at an ongoing sustainable level. Another factor to consider with this budget is in the increase demand of County services. For example, our public safety department has experienced a 10vear increase of 15.5% in 911 calls and 42% in paramedic incidents. To address this increase in demand, public safety employment has increased by 7 positions. In addition, additional funding is provided to the Delaware State Police and the local law enforcement agencies. Aside from public safety, demands in the planning & zoning department continue to increase. To assist the P&Z department, there is another person in the budget to help with the workload. The County's receives the bulk of its revenue each year from both property taxes and RTT; with RTT being the largest revenue source. In this year's budget, RTT is \$3.5 million more than FY24. In addition, RTT funds are limited to some of the County's most critical services including paramedics, fire and ambulance companies, police, 911 dispatchers, economic development, assessment, public works, and open space. Thus, we can keep pace with the population and the demand for our critical services through the use of RTT. However, should RTT drop below anticipated levels, it is likely at some point in the future the County will need to seek additional revenue from the taxpayers. The other side of the budget is the expenses that support our government services and County Council priorities. Any new project request was reviewed to ensure that they are necessary, align with the County's objectives and address longterm concerns and issues of the County Council. The program and projects funded through the budget that address these objectives involve the Excite Sussex Loan program, additional funding to the housing trust fund for housing rehabilitation and expansion of public safety through additional staff. The FY25 budget recognizes that the demand for our services and on our staff continues to grow whether it is the increase in population, new regulations or demands from the public, our government is being called upon more and more to perform. The goal with this budget is to provide more funding to meet those demands but at the same time keeping the expense at a level that can be sustained with the current tax base.

Mr. Lawson reviewed the accomplishments by staff throughout the year from this year's budget. Mr. Lawson highlighted some of the milestones that were accomplished that were broken down by the County's goals.

Mrs. Jennings discussed the trends for building permits and showed a chart showing the decline. Mrs. Jennings shared a chart showing the various oneyear activity. It was noted that constable complaints have gone down due to the ticketing that was put in place. The budget is down from last year by \$12.8 million. Most of that is due to the American Rescue Plan Act and capital projects are seeing a decrease due to the timing of the projects. There are increases that are seen in our operations mostly due to inflation; prices of everything continue to go up. Mrs. Jennings explained that a lot of the increases are due to one-time capital projects within the general or sewer fund. **FY25** Mrs. Jennings shared the revenue highlights: No increase in taxes ٠ Use of Reserve: \$12.4 million in General Fund; \$11.9 million in Capital

- Tax revenue is up \$683,000 •
- **Realty Transfer Tax revenue is up \$3.5 million**
- Interest revenue is up \$2.1 million •
- Grant revenue is up \$1.3 million •
- Wills revenue is up \$350,000
- Use of savings is up \$2.4 million •
- Building related revenues are down \$1.1 million •

Mrs. Jennings reviewed revenue highlights with Realty Transfer Tax being the biggest revenue source at 35% which is the same as last year. The building related revenues and Realty Transfer Tax were discussed and how they were impacting the budget. Mrs. Jennings noted that more reserves are being used which are only used for non-reoccurring costs. The use of reserves was discussed and broken down of how it will be spent.

Mrs. Jennings discussed proposed changes in fees. These include a \$25 annual increase in un-metered water rates (6.4% increase), \$10 annual increase in sewer rates (3.0% increase) and increase out-of-office ceremonies to cover mileage and additional time for travel: Delaware residents go to \$125 from \$100 and out-of-state couples go to \$250 from \$200. In additional, there are proposed new fees which are as follows:

- Plan resubmittal fee \$300 per occurrence
  - Engineering Plan Review due to rejection
  - P&Z site plan changes due to changes to building floor area, building footprint, building location, entrance location, or buffer/landscaped area
- Data center rack space rental fee \$500/month (1/2 rack) & **\$1,000/month (full rack)**
- Board of Adjustment ADU application fee \$500
- Major subdivision/RPC application (where forested buffer plan is required) - \$1,750 plus \$50 per dwelling unit (without forested buffer - \$1,000 plus \$50 per dwelling unit)
- Marriage Bureau Single Status forms \$20

Mrs. Jennings discussed and shared a chart showing the trends over the years for building related revenues and Realty Transfer Tax. Mrs. Jennings explained that Realty Transfer Tax can only be used on certain things with most of it being spent on public safety.

Mrs. Jennings shared a comparison of general fund expense showing most of the expenses are for personnel costs. With increases in other professional services (mostly due to the reassessment), contractual services (a variety of

**Budget** Presentation (continued)

things including dog control, insurance, house repairs with community development), programs and projects (specific to a flood mitigation project), grant-in-aid (due to one-time expenditures) and capital/improvements (directly related to EMS).

Mrs. Jennings discussed staffing; the increases in staffing include 2 in sewer – engineering, one in Planning & Zoning, one in Human Resources and 7 in public safety. For a total of 11 new full-time employees. Mrs. Jennings discussed and shared charts showing the staffing trends over the years. Mrs. Jennings reported that there is a 10% increase over last year in our regular employees and a 4% for pensioners. It is being proposed to increase the employee's contributions for health insurance.

Public Safety, Libraries and Open Space/Recreation funding were discussed further. The general fund project revenues, project expenditures, sewer and water were shared and discussed further.

The budget book and presentation can be found on the County's website at <u>www.sussexcountyde.gov</u>. Budget comments can be sent to <u>budget@sussexcountyde.gov</u>.

ProposedMr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCEOrdinanceESTABLIHSING THE ANNUAL OPERATING BUDGET FOR FISCALIntroduct-YEAR 2025".ionsIntroduct-

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INCREASE THE FEES FOR RESIDENTS AND NON-RESIDENTS FOR OUT-OF-OFFICE MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AND TO INSTITUTE FEES FOR MISCELLANEOUS SERVICES".

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE VI., § 62-18A. OF THE CODE OF SUSSEX COUNTY TO MODIFY CURRENT FEES CHARGED BY THE RECORDER OF DEEDS AND TO ENUMERATE SUCH OTHER RECORDER OF DEEDS FEES ADOPTED IN THE BUDGET PROCESS AND SET FORTH IN THE DELAWARE CODE".

The Proposed Ordinances will be advertised for Public Hearings, which will be held on June 18, 2024.

Grant

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

M 266 24 Slaughter Neck Community Action	A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mrs. Green's Councilmanic Grant Account) to Slaughter Neck Community Action Organization, Inc. for their Slaughter Neck senior program.	
Organiza- tion, Inc.	Motion Adopted:	5 Yeas
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
M 267 24 First State Community Action	A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$1,000 (\$1,000 from the Countywide Youth Grant Account) to First State Community Action Agency, Inc. for their 9 <sup>th</sup> Annual "It's a Par-Tee" Miniature Golf Tournament.	
Agency	Motion Adopted:	5 Yeas
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
M 268 24 Town of Millsboro	A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$5, (\$5,000 from Mr. Rieley's Councilmanic Grant Account) to the Towr Millsboro for a police E Bike.	
	Motion Adopted:	5 Yeas
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
M 269 24 Millsboro Historical Society	A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$3,000 (\$3,000 Mr. Rieley's Councilmanic Grant Account) to the Millsboro Historical Society for Jacob Godwin School maintenance and repairs.	
	Motion Adopted:	5 Yeas
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Blood Bank Amendment /Agreement	Robbie Murray, Public Safety Director presented a healthcare provider amendment/agreement with Blood Bank of Delmarva for Council's consideration.	
M 270 24 Approve Blood Bank	A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the Health Care provider agreement – amendment between the Blood Bank of Delmarva and Sussex	

Amendment /Agreement	County.		
	Motion Adopted:	5 Yeas	
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea	
CU2193 Request for Extension	Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for Conditional Use No. 2193 filed on behalf of Chappell Farm, LLC for Council's consideration.		
M 271 24 Approve CU2193 Time	A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the time extension for a 6- month time extension until December 22, 2024, which is 6 months from the April 22, 2024 original termination date.		
Extension	Motion Adopted:	5 Yeas	
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea	
2019-24 Request for Extension	Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for 2019-24 filed on behalf of Stratus Estates (Formerly Known As Cool Spring Meadows) for Council's consideration.		
M 272 24 Defer Action/	A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to defer action on the time extension requestion for 2019-24.		
2019-24	Motion Adopted:	5 Yeas	
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea	
2020-15 Request for Extension	Jamie Whitehouse, Planning and Zoning Director presented a request for an extension for 2020-15 filed on behalf of The Estuary at Oyster Rock for Council's consideration.		
M 273 24 Approve 2020-15 Time	A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approve the time extension for a 6- month time extension until November 13, 2024, which is 6 months from the May 13, 2024 original expiration date for the subdivision.		
Extension	Motion Adopted:	5 Yeas	
	Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea;	

#### Mr. Vincent, Yea

ProposedMrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCEOrdinanceTO GRANT A CONDITIONAL USE OF LAND IN AN AR-1Introduct-AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TOionsBE LOCATED ON A CERTAIN PARCEL OF LAND LYING ANDBEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING7.2 ACRES MORE OR LESS" filed on behalf of Living Hope FellowshipChurch.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.52 ACRES, MORE OR LESS" filed on behalf of Double H. Development, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (108 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 37.52 ACRES, MORE OR LESS" filed on behalf of Double H. Development, LLC.

The Proposed Ordinances will be advertised for a public hearing.

CC Member Comments Councilwoman Green commented about if Board of Adjustments and Planning & Zoning members move or change their party affiliations that it needs to be kept track of.

M 274 24At 11:44 a.m., a Motion was made by Mr. Hudson, seconded by Mr.Go IntoRieley to go into Executive Session for the purpose of discussing mattersExecutiverelated to land acquisition.

Motion Adopted:	5 Yeas
Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Session

ExecutiveAt 11:51 a.m., an Executive Session of the Sussex County Council was heldSessionin the Basement Caucus Room to discuss matters related to land<br/>acquisition. The Executive Session concluded at 12:20 p.m.

### M 275 24At 12:23 p.m., a Motion was made by Mr. Hudson, seconded Mr. SchaefferReconveneto come out of Executive Session back into Regular Session.

May 21, 2024 - Page 10

Motion Adopted:	5 Yeas
Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

M 276 24A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson toE/S Actionauthorize the County Administrator to negotiate, enter into a contract and2024-B &go to closing on Parcels 2024-B & 2024-I.2024-Igo to closing on Parcels 2024-B & 2024-I.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

M 277 24A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at<br/>12:25 p.m.

Motion Adopted:	5 Yeas
Vote by Roll Call:	Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

**Respectfully submitted,** 

Tracy N. Torbert Clerk of the Council

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

TODD F. LAWSON COUNTY ADMINISTRATOR (302) 855-7742 T (302) 855-7749 F tlawson@sussexcountyde.gov





#### Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson County Administrator

RE: **TOWN OF FENWICK ISLAND DREDGING PROJECT** 

DATE: May 31, 2024

During Tuesday's meeting, Council is scheduled to consider the Town of Fenwick Island's request for Sussex County to financially support Fenwick's dredging project.

As you are aware, Mr. Bill Rymer, Fenwick Town Council Treasurer and Dredge Committee Chair, appeared before the Council during the May 21<sup>st</sup> meeting to describe the project. A copy of his presentation is enclosed. Fenwick is seeking a County contribution towards the overall cost of the dredging project.

On Friday, May 31, 2024, the Town received bids from three independent contractors for its second round of bidding. The apparent lowest bid for the Town's preferable dredging depth is \$2.08M, resulting in a \$190,000 reduction from the first round of bids.

As a result, the Town's request is \$800,000 from Sussex County which will match Fenwick's total fund contribution for the dredging project since its inception. Fenwick has also secured a total of \$1.0M from the State of Delaware.

Funding for the dredging project will come from the County's accommodation tax fund. Recall, the origins of this fund began in 2019 when the County Council supported legislation to establish an accommodation tax in Sussex County for hotels, motels, and tourist homes. That legislation, House Bill 228, was approved by the General Assembly in June 2019 and signed into law in July 2019.



Memo to Council – Fenwick Island Dredging Project Page 2

The funding from the accommodation tax is earmarked for beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, water quality projects, and flood control projects. Currently, the County has \$2.0M in funding available for qualified projects.

If the Council approves the funding for Fenwick Island, the specifications will be memorialized in a Memorandum of Understanding.

In the meantime, please let me know if you have any questions.



# Town of Fenwick Island

Dredging Project May 21, 2024

Bill Rymer

Town Council Treasurer and Dredge Committee Chair



# Project Highlights

- Hydraulically dredge two boating channels in Little Assawoman Bay
- These East-West channels connect the lagoons and canals of the town with the large North-South channel that is maintained by DNREC
- Up to 20,000 cubic yds of material to be placed on neighboring property for beneficial-use in residential development
- Fully approved and permitted by all state and federal agencies







History

- Sedimentation build-up increased dramatically over the last 20 years
- Critical to improve navigation and promote boater safety
- DNREC and General Assembly members pursued the project as a state-led effort but were not successful. It is now a town-led project
- Fenwick's recent Comprehensive Plans have identified this project as a key goal for the town
- In addition to promoting boater safety, environmental benefits will also occur by eliminating propellers grinding through subaqueous land



## Current Status

- Fenwick completed an initial public RFP and bidding process in April
- Received 6 independent bids which significantly exceeded recent cost estimates developed by town's independent engineering consultants
- Project was recently rescoped in hopes of reducing overall costs
- New public RFP and bidding process launched on May 8. Final bids to be received by May 29
- Goal is to achieve an affordable project that meets overall objectives



# Financial Information

- More than \$300,000 has been spent to-date on research, design and engineering support as well as obtaining final permits
- The State of Delaware has committed \$1 million through three separate Bond Bill appropriations in support of the project
- Fenwick is requesting \$500,000 from Sussex County in support of this project
- Based on recent estimates, total funding support:
  - State of Delaware \$1,000,000
  - Fenwick Island \$800,000 (\$300,000 already spent)
  - Sussex County \$500,000 requested







# THANK YOU





### **MEMORANDUM**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia Green The Honorable Douglas B. Hudson The Honorable Mark Schaeffer Todd F. Lawson, County Administrator

FROM: Brandy B. Nauman, Director

**RE:** Sussex County Housing Trust Fund Award Recommendations

DATE: June 4, 2024

On March 19, 2024, Gina Jennings presented the annual update to County Council on the American Rescue Plan Act (ARPA) funding. At that meeting, Council was amenable to opening up the third round of grant funding for affordable housing developers available through the Sussex County Housing Trust Fund (SCHTF).

The third round of funding was opened on April 1, 2024, and closed on April 30, 2024. Eight (8) applications were received during that period. On May 23, 2024, the SCHTF Advisory Board met to review applications. On Tuesday, I will present the four (4) applications that the Advisory Board recommends for funding.

Please do not hesitate to contact me with any questions. Thank you.

Attachment

CC: Gina A. Jennings, Finance Director/COO



#### ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER

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





### **Memorandum**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer, ret.

RE: South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. M.F. Ronca – Change Order 34, General Construction Project C19-11 B. B.W. Electric – Change Order 27, Electrical Construction Project C19-17

DATE: June 4, 2024

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. <u>Effluent Forcemain Relocation/Replacement;</u> Completed in fall of 2019.
- b. <u>Influent Forcemain Consolidation;</u> Completed in May of 2020.

c. <u>Drainage Network Rerouting;</u>

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. <u>General Construction Project C19-11</u>; 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 <sup>1</sup>/<sub>4</sub>-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.

In summary the Department requests Council's concurrence in issuance of Change Order No. 34 in the aggregate amount of \$81,983.43 as well as the revised completion dates.

<u>Electrical Construction Project C19-17</u>; 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. BW Electric, Inc. proposed to complete the added scope for the total amount of \$ 20,137.99. The Department requests Council's concurrence in issuance of Change Order No. 27 in the amount of \$ 20,137.99.

- e. <u>Mobile Belt Filter Press</u>; awarded on January 7, 2020, Council to Kershner Environmental Technologies. The unit is currently stationed at South Coastal in anticipation of the aeration basin transfer.
- f. <u>DP&L direct expenses</u>; on February 4, 2020, Council approved the electric utility service relocation contract with the utility.
- g. The Rehoboth Beach WTP was built on a municipal landfill and Council approved a stand-alone competitive purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020.

The updated expenses associated with the South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program; Phase 2 are summarized in the attached spreadsheet.



# SUSSEX COUNTY CHANGE ORDER REQUEST

# A. <u>ADMINISTRATIVE</u>:

1. Project Name: SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction

2.	Susse	ex County Project No.	<u>C19-11</u>
3.	Chang	ge Order No.	34
4.	Date (	Change Order Initiated -	6/4/24
5.	a.	Original Contract Sum	<u>\$39,526,400.00</u>
	b.	Net Change by Previous Change Orders	\$6,552,282.83
	C.	Contract Sum Prior to Change Order	\$46,078,682.83
	d.	Requested Change	<u>\$ 81,983.43</u>
	e.	Net Change (No. of days)	382
	f.	New Contract Amount	_\$46,160,666.26

6. Contact Person: <u>Hans Medlarz, P.E.</u>

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
- X 4. Design Change
  - 5. Overrun/Underrun in Quantity

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

## C. BRIEF DESCRIPTION OF CHANGE ORDER:

Pneumatic control system replacement, adjustments to the control system, bar screen replacement and compressed air piping modifications.

## D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes <u>X</u> No \_\_\_\_\_

## E. <u>APPROVALS</u>

1. M.F. Ronca & Sons, Inc., Contractor

Signature

Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date



179 Mikron Road, Bethlehem, PA 18020

May 17, 2024

Mr. Steven Clark, P.E. GHD 16701 Melford Boulevard, Suite 330 Bowie, MD 20715

Re: Sussex County SCRWF-RBWWTP CIP Phase 2 Upgrades Proposed Change Order Request No. 554-058 Sludge Conveyor PLC Programming Mods

Dear Mr. Clark:

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554 Hans M. Medlarz, P.E. – Sussex Co. David A. Ronca – M.F. Ronca

PCOR 554-058 Sludge Convery PLC Programming Mods

#### CHANGE ORDER SUMMARY

Item 1 Site Visit to Install Sludge Coneyor Control Panel Programing Delay to Address E-Stop Nuissance Alarm Caused by Power/Signal Interuptions per Sussex/GHD 04.26.24 Email Directive.

Labor Materials Equipment Subcontract	\$0.00 \$5,000.00 \$0.00 \$0.00
Subtotal	\$5,000.00
Contractor Overhead & Profit @ 15%	\$750.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$5,750.00
Change Order Total	\$5,750.00

5/17/2024

PCOR 554-058 Sludge Convery PLC Programming Mods

ltem	Description						
Item ?	Site Visit to Install Sludge Coneyor Control Panel Programing Delay to Address E-Stop Nuissance Alarm Caused by Power/Signal Interuptions per Sussex/GHD 04.26.24 Email Directive.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Labor Total:	\$0.00
	Materials: Sludge Conveyor Technician	<u>Qty</u> 1.00	<u>Unit</u> LS	<u>Unit Cost</u> \$5,000.00	<u>Total</u> \$5,000.00	Material Total:	\$5,000.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00		
						Subcontract Total:	\$0.00
						Item Total:	\$5,000.00

5/17/2024

From: To:	<u>Tony Janssen</u> <u>Scott Wachinski</u>
Cc:	Dominic Ruggiero; Serpentix Conveyor
Subject:	Re: Remote Access - Serpentix Panel
Date:	Wednesday, May 8, 2024 10:12:46 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png

Good morning Scott,

Thanks for the call yesterday, good speaking with you. Available dates as of this morning are June 4, June 12 or 13 or anytime the week of June 17. Those dates would not require any rescheduling or change fees for previous commitments, so the trip cost would just be the standard \$5K. Please let me know your preference and I'll get something booked and on the calendar.

Have a great day,

### TONY JANSSEN

Serpentix Corporation Cell: 303.250.9887

Sent from my iPad

On May 7, 2024, at 1:12 PM, Scott Wachinski <SWachinski@mfronca.com> wrote:

Tony,

Left a VM on your cell. Can you please give me a call on my cell to discuss below.

Thanks,

Scott Wachinski Project Manager <image001.png>

179 Mikron Road Bethlehem, PA 18020 Office: (610) 759-5100 Mobile: (610) 972-1355

From: Tony Janssen <tony@serpentix.com> Sent: Wednesday, April 17, 2024 12:24 PM To: Scott Wachinski <SWachinski@mfronca.com>
 Cc: Dominic Ruggiero <DRuggiero@mfronca.com>; Serpentix Conveyor <conveyors@serpentix.com>
 Subject: RE: Remote Access - Serpentix Panel

Good afternoon Scott,

Good speaking with you yesterday. As discussed, here is the additional detail / clarification regarding the remote access, software versions, and addition of a shutdown alarm timer to the existing program:

- A. Remote Access: Our understanding is that the remote access would work as follows: The County issues an access ticket for a specific user for a period of time, during which the user can log into a computer on the County's network which is running the Schneider programming software. Once the user has remote control of the computer on the County's network which is running the Schneider programming software, the user should then be able to establish communications from that computer with a given PLC and/or OIT on the same network. In theory, this would include the CSCP PLC and OIT. However, the CSCP PLC and OIT were programmed only with the IP and subnet addresses that were provided by the Engineer on 02-06-2024, thus allowing the PLC and OIT to successfully communicate with each other, but it was discovered after system commissioning and testing that the PLC and OIT would also require a gateway address in order to communicate on the County's network. Adding the required gateway address to the PLC and OIT is what Diego Gonzalez Jimenez was attempting to do when he discovered that there was a software version mismatch as described in his message below.
- B. Software Versions: Our understanding from discussions with Diego Gonzalez Jimenez earlier this week is that the County computer(s) are currently running Schneider Electric Unity Pro Control Expert V14 software. The CSCP PLC was programmed using the newer Schneider Electric Unity Pro Control Expert V15 software, which our control panel vendor had procured after they submitted on 01-16-2023 and received approval on 02-06-2023. Our engineering team has taken the time to review the Spec Section 11451 - Dewatered Sludge Belt Conveyor and related Spec Section 11990 - OEM Control Panels for any mention of specific software version requirements, but only found that in Spec Section 11990 - OEM Control Panels, item 2.08 paragraph A-1 states, "PLCs shall be Modicon M340," but does not list any specific configuration software version requirements. In the same Spec Section, regarding the OIT, item 2.08 paragraph A-3-n-1 states that the manufacturer and model of the OIT shall be, "Schneider Electric Magelis GTO, Model HMIGTO6310, with Vijeo Designer configuration software, V6.1 or later." Our control panel vendor had procured and supplied Vijeo Designer configuration software, V6.2 for this project, so there is no concern regarding the OIT at this time.

C. BFP E-Stop Shutdown Alarm Timer: During system commissioning and testing on 02-07-2024 it was confirmed that the CSCP PLC is monitoring and activating all alarm functions properly. This includes the BFP E-Stop alarms, which are configured to be normally closed for safety purposes. Therefore if the PLC loses the signal from the BFP E-Stop circuit it is assumed that an E-Stop condition has been activated. Unfortunately, it seems that there is some kind of power fluctuation in the monitoring circuit, which is causing the circuit to drop out briefly, thus triggering a BFP E-Stop Shutdown Alarm at the CSCP each time the signal drops out for any amount of time. As previously discussed, we propose to remedy the nuisance trips associated with this circuit by adding a hard coded timer to the PLC for the activation of this alarm. Because this cannot be accomplished via remote access due to the circumstances outlined above, it would be necessary for a technician to travel to the site and connect directly to the CSCP PLC in order to perform the download of an updated program. Including all travel arrangements and technician travel time, the budgetary cost for such trip would be \$7500 and could be scheduled for as soon as the week of May 6.

Please LMK if you have any questions or need any additional information at this time... Thank you and have a great day,

TONY JANSSEN Sales Manager Serpentix

www.serpentix.com 11821 Huron Street Westminster, CO 80234 tony@serpentix.com 303-250-9887

From: Scott Wachinski <<u>SWachinski@mfronca.com</u>>
Sent: Monday, April 15, 2024 12:22 PM
To: Tony Janssen <<u>tony@serpentix.com</u>>
Cc: Dominic Ruggiero <<u>DRuggiero@mfronca.com</u>>
Subject: FW: Remote Access - Serpentix Panel

Tony,

See below which is obviously an issue for us considering we have waited this long. Need your help to make it happen quickly. I will give you a call to discuss plan forward.

Thanks,

Scott Wachinski Project Manager <image001.png>

179 Mikron Road Bethlehem, PA 18020 Office: (610) 759-5100 Mobile: (610) 972-1355

From: Steven Clark <<u>Steven.Clark@ghd.com</u>>
Sent: Monday, April 15, 2024 2:18 PM
To: Scott Wachinski <<u>SWachinski@mfronca.com</u>>
Cc: Ed Smigielski <<u>Ed.Smigielski@ghd.com</u>>; Diego Gonzalez Jimenez
<<u>Diego.Gonzalez@ghd.com</u>>; Michael O'Donnell <<u>michael.odonnell@ghd.com</u>>; Bob
Cardinal <<u>Robert.Cardinal@ghd.com</u>>; Robert Geist <<u>Robert.Geist@ghd.com</u>>; Subject: FW: Remote Access - Serpentix Panel

Scott,

Diego and Bob Cardinal attempted to resolve the issue affecting Serpentix remote access today and found that they couldn't. See below for a summary of the issue.

Please forward to Serpentix and ask them to confirm how they will move forward with corrections. I thought that we could make this easy by remote access, but that does not seem to be the case. They might want to consider downgrading as noted by Diego, but it is not clear to me what issues this could introduce. Happy to convene a call if they would like to test ideas or ask questions.

Regards

Steven Clark | A GHD Associate P.E., BCEE

GHD Proudly employee-owned | ghd.com 16701 Melford Boulevard Suite 221 Bowie MD 20715 USA D +1 240 206 6865 M +1 443 875 5061 E steven.clark@ghd.com

 $<\!\!image002.png\!>$  The Power of Commitment

Connect

<image003.png><image004.png><image005.png><image006.png>

Please consider the environment before printing this email

From: Bob Cardinal <<u>Robert.Cardinal@ghd.com</u>>
Sent: Monday, April 15, 2024 12:20 PM
To: Diego Gonzalez Jimenez <<u>Diego.Gonzalez@ghd.com</u>>; Steven Clark

<<u>Steven.Clark@ghd.com</u>> Cc: Michael O'Donnell <<u>michael.odonnell@ghd.com</u>>; Ed Smigielski <<u>Ed.Smigielski@ghd.com</u>>; Robert Geist <<u>Robert.Geist@ghd.com</u>> Subject: RE: Remote Access - Serpentix Panel

Diego, thanks for the information and seeing this through.

Steve, this pretty much ends are ability to provide assistance to Serpentix/Ronca on correcting startup issues. It may also inhibit our ability to troubleshoot during PCS testing. I recommend that you make Ronca aware of this issue, and indicate that we can take no further action at this time due to the different versions of software being used.

We may also have a similar issue with their HMI software that they have used.

Bob Cardinal GHD Inc.

From: Diego Gonzalez Jimenez <Diego.Gonzalez@ghd.com>
Sent: Monday, April 15, 2024 12:00 PM
To: Bob Cardinal <<u>Robert.Cardinal@ghd.com</u>>
Cc: Steven Clark <<u>Steven.Clark@ghd.com</u>>; Michael O'Donnell
<<u>michael.odonnell@ghd.com</u>>
Subject: Remote Access - Serpentix Panel

Hey Bob,

Here's an update on Serpentix's Remote Connectivity. When attempting to update the remote IP address for the Serpentix PLC via USB, I would receive an error message when going online saying: "the missing CPU reference: < BMX P34 2020 03.30 > is MISSING! Please check your product license."

This error message is due to different Control Expert versions and the programs are not forward compatible. As it turns out, GHD is using Control Expert V14.1 and so is the county from the laptop/desktop we use to remote in. Now if I were to update Serpentix's Remote IP address and they were to receive a remote IT ticket to remote into their PLC, they will not be able to due to the software incompatibility from the county and their PLC panel.

A solution would be for them to downgrade their program file and redownload to their PLC since everything onsite uses V14.1. With that said, this will stop PLC operation and is a different obstacle for Serpentix to tackle.

Thanks,

# **Diego Gonzalez**

#### Automation and Controls Engineer

### GHD

Proudly employee-owned | ghd.com 11451 Katy Freeway Suite 400 Houston Texas 77079 USA Office 281-657-0817 | Cell 832-955-5908

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179 Mikron Road, Bethlehem, PA 18020

May 17, 2024

Mr. Steven Clark, P.E. GHD 16701 Melford Boulevard, Suite 330 Bowie, MD 20715

Re: Sussex County SCRWF-RBWWTP CIP Phase 2 Upgrades Proposed Change Order Request No. 554-059 Headworks OC Cover Modifications

Dear Mr. Clark:

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554 Hans M. Medlarz, P.E. – Sussex Co. David A. Ronca – M.F. Ronca

PCOR 554-059 Headworks OC Cover Modifications

#### CHANGE ORDER SUMMARY

Item 1	Furnish and Installation of Additional OC F Concr. Channel Walls and Concrete Degree 11.15.23 with GHD.		
Labor Materials Equipmer Subcontra	nt	\$0.00 \$40,820.00 \$0.00 \$0.00	
Subtotal		\$40,820.00	
Contracto	or Overhead & Profit @ 15%	\$6,123.00	
Contr. Ov	rerhead & Profit on Subcontr. @ 5%	\$0.00	
Item Tota	I	\$46,943.00	
Change O	Order Total	\$46,943.00	

5/17/2024

PCOR 554-059 Headworks OC Cover Modifications

<u>ltem</u>	Description						
Item 1	Furnish and Installation of Additional OC Panels and Modifications to Ex. Due to Modifications to Ex. Concr. Channel Walls and Concrete Degredation per Various Email Correspondence 10.6.23 through 11.15.23 with GHD.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Labor Total:	\$0.00
	Materials: Replacement OC Covers and Modifications	<u>Qty</u> 1.00	<u>Unit</u> LS	<u>Unit Cost</u> \$40,820.00	<u>Total</u> \$40,820.00	Material Total:	\$40,820.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Subcontract Total:	\$0.00
						Item Total:	\$40,820.00

5/17/2024



Thursday, August 3, 2023

Project: Sussex County, Delaware – South Coastal Regional Wastewater Facilities Treatment Upgrade No. 3 and RBWWTP CIP Upgrade Phase 2

Hallsten is pleased to quote on *Lite Span*<sup>™</sup>Aluminum Covers.

#### CHANGE ORDER PROPOSAL No. 1 ADDITIONAL COVER MODIFICATIONS

Per the 08/01/23 discussion with Michael F. Ronca & Sons, Inc., several conditions were identified during the site survey that were not included as part of Hallsten's original proposal. Hallsten requests to modify the aluminum cover scope of work to provide additional cover panels and modifications as described below:

Reference: Hallsten 3/31/20 Plan View Headworks Drawing No. 12052, Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402, GHD Drawing SC-S0105

<u>Panels Located between Headworks and Surge Tank</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 10 and 11 and Beam No. 2)

- The concrete has been shaved back and coated at this location due to concrete degradation, creating a wider gap between the concrete walls. The existing Hallsten panels and small support beam at this location can no longer be mounted to be structurally sound and is a safety issue. Hallsten recommends replacement.
- Two (2) approx. 3'-2" x 3'-11" aluminum panels.
- One (1) approx. 3'-2" aluminum support beam.

ADD:.....<u>\$ 5,660.00</u>

<u>Panels Located at East end of Mechanical Screen Channel</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 14, 15)

- North of Panels 14 and 15, the concrete has been shaved back and coated at this location due to concrete degradation, creating a wider gap between the concrete walls. As a result, the existing Hallsten panels adjacent to this area can no longer be mounted as originally provided. Hallsten recommends replacement of the following panel areas.
- One (1) approx. 4'-0" x 6'-3" aluminum panel tapering slightly down at one end.
- One (1) approx. 30 sq. ft. irregular shaped aluminum panel containing notch outs as required around concrete and a slide gate.

ADD:.....<u>\$\_8,290.00</u>

<u>Panels Located in North/South Channel Adjacent to New Slide Gate</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 12 and 16)

- The concrete between Panel 11 described above and Panel 12 has been modified and coated at this location in a manner that was more significant than depicted on the contract drawings. As a result, the existing Hallsten beam supporting panels 12 and 16 at this location is no longer able to be mounted to the concrete wall as originally designed. Hallsten recommends providing a new aluminum beam that will span from the North end of the channel across the front of the new slide gate to connect to the beam at the south end of panel 15, and provide new reconfigured panel(s) for the roughly 33 sq. ft. area covered by panels 12 and 16.
- One (1) approx. 36 sq, ft. irregular shaped aluminum panel. (May be split into 2 smaller panels to accommodate conditions.)
- Two (2) aluminum support beams.

ADD:.....<u>\$\_6,760.00</u>

<u>Panels Located at East end of Manual Screen Channel</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 20, 21A)

- The concrete has been modified at this location to the North and east of these two panels in a manner that was more significant than depicted on the contract drawings. As a result, the existing Hallsten panels adjacent to this area can no longer be mounted or modified as originally anticipated. Hallsten recommends replacement of the following panel areas.
- One (1) approx. 4'-0" x 6'-2" aluminum panel.
- One (1) approx. 26 sq. ft. irregular shaped aluminum panel containing notch outs as required around concrete and a slide gate.

ADD:.....<u>\$ 8,150.00</u>

<u>Panels Located West of Manual and Mechanical Screens</u> (Reference Hallsten 3/31/20 Plan View Headworks Drawing No. 12052 Panels No. 19, 20 and 23)

- The original "T" support beam supporting these panels has been removed. Hallsten will provide new aluminum support beams for these areas at no cost to the Owner, but the existing panels would not be compatible with the new beams and must be replaced.
- One (1) approx. 5'-0" x 6'-0" irregular shaped aluminum panel containing a 1'-0" x 3'-6" notch out as required around concrete.
- One (1) approx. 6'-0" x 7'-0" rectangular aluminum panel.
- One (1) approx. 24 sq. ft. irregular "T" shaped aluminum panel containing notch outs as required around concrete.

ADD:.....\$\_11,960.00\_

<u>Panels Located in North/South Channel Adjacent to New Slide Gate</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 21B, 22 and 23)

- The required cover modifications in these areas were not listed in the original scope, but are included. Hallsten shall provide new aluminum beams that will span from North to South in front of the new slide gate to connect to the wall at the south end of panel 23, and provide new reconfigured panel(s) for the roughly 30 sq. ft. area covered by panels 22 and 23.
- One (1) approx. 30 sq, ft. irregular shaped aluminum panel. (May be split into 2 smaller panels to accommodate conditions.)
- Two (2) aluminum support beams.

ADD: <u>\$\_NO cost to Owner\_</u>

TOTAL INSTALLED PRICE ALL AREAS: (Not including sales tax.).....\$40,820.00

The estimate of square footage is for informational purposes only. The price quoted above is for the total amount of the project and not based on a price per square foot of the material actually installed.

Including:

- > 6061-T6 corrosion resistant aluminum alloy construction with mill finish.
- Delivery to job site.
- > Installation.
- > Hallsten Corporation one (1) year warranty.

Excluding:

- ✓ Unloading of Hallsten delivered materials.
- ≺ Applicable sales tax.
- ✓ All exclusions listed in Hallsten's original November 13, 2019 Material Scope apply.

Hallsten will hold the price listed above for 90 days. The aluminum cover Work described above would be delivered and installed at the same time as the other covers under the original contract. No separate mobilizations are included.

Sincerely,

Mark Adams Project Manager





179 Mikron Road, Bethlehem, PA 18020

May 29, 2024

Mr. Steven Clark, P.E. GHD 16701 Melford Boulevard, Suite 330 Bowie, MD 20715

Re: Sussex County SCRWF-RBWWTP CIP Phase 2 Upgrades Proposed Change Order Request No. 554-060 Sludge Drain FM

Dear Mr. Clark:

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

# Scott Wachinski

Project Manger

cc: HO file 554 Hans M. Medlarz, P.E. – Sussex Co. David A. Ronca – M.F. Ronca

PCOR 554-060 Sludge Drain FM

#### CHANGE ORDER SUMMARY

Item 1 Permanently Install 4" DIP Sludge Dr	rain Force Main in Accordance with GHD's RFP-116.
Labor Materials Equipment Subcontract	\$9,002.70 \$7,804.04 \$5,946.60 \$0.00
Subtotal	\$22,753.34
Contractor Overhead & Profit @ 15%	\$3,413.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$26,166.34

Change Order Total \$26,166.34

5/29/2024

PCOR 554-060 Sludge Drain FM

<u>ltem</u>	Description						
Item 1	Permanently Install 4" DIP Sludge Drain Force Main in Accordance with GHD's RFP-116.						
	Labor: Operating Engineer Mechanic/Fitter Laborer	<u>Qty</u> 30.00 30.00 30.00	<u>Unit</u> MH MH MH	Unit Cost \$106.59 \$122.18 \$71.32	<u>Total</u> \$3,197.70 \$3,665.40 \$2,139.60	Labor Total:	\$9,002.70
	Materials: 4" RJ DIP 4" MJ Fittings & Access. ASSHTO #57 Aggr.	<u>Qty</u> 144.00 1.00 25.00	<u>Unit</u> LS LS TN	<u>Unit Cost</u> \$51.84 \$339.08 \$35.90	<u>Total</u> \$7,464.96 \$339.08 \$897.50	Material Total:	\$7,804.04
	<b>Equipment:</b> 40 K lb. Hyd. Exc. Tri. Ax. Dump Truck STS	<u>Qty</u> 30.00 30.00 30.00	<u>Unit</u> HR HR HR	<u>Unit Cost</u> \$109.19 \$73.37 \$15.66	<u>Total</u> \$3,275.70 \$2,201.10 \$469.80	Equipment Total:	\$5,946.60
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Subcontract Total:	\$0.00

Item Total: \$22,753.34

5/29/2024



179 Mikron Road, Bethlehem, PA 18020

May 29, 2024

Mr. Hans M. Medlarz, P.E. Sussex County Engineer 2 The Circle PO Box 589 Georgetown, DE 19947

Re: Sussex County SCRWF-RBWWTP CIP Phase 2 Upgrades Proposed Change Order Request No. 554-061 Time Extension Request

Dear Mr. Medlarz:

Please allow this writing to serve as Michael F. Ronca & Sons, Inc.'s formal 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.

This time extension request is based on the following summary of delays, all of which affected critical path schedule activities and were beyond Ronca's control.

### **COVID-19** Pandemic

Pursuant to Ronca's April 6, 2020 Notice, the COVID-19 Pandemic and associated government shutdowns and restrictions created project delays throughout the course of the Pandemic which Ronca mitigated to the best of our ability however did affect overall project schedule.

### Addl. Work Scope Items

As you are aware of the course of the project Ronca performed numerous additional work activities via change orders. This considerable amount of additional work impacted the overall project schedule.

# **Aeration Basin 5-8 Piping Modifications**

The additional work to the Aeration Basin 5-8 Pipe supports identified in GHD's RFP-081 directly affected our schedule to begin testing and startup Aeration Basin's 5-8 which was on the critical path and the materials for this additional work carried a long lead time. This had a direct impact on the overall project completion date.

May 29, 2024 Mr. Hans M. Medlarz, P.E. Page 2

### **Aeration System Programming Issues**

As you are aware Ronca elected to utilize the specified vendor Aerzen to furnish the Turbo Blowers and associated system controls. There have been numerous issues with the complicated controls system for the aeration system which created significant delays with placing Aeration Basins 5-8 into service affecting the overall project completion date.

Should this contract time extension change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554



179 Mikron Road, Bethlehem, PA 18020

May 29, 2024

Mr. Steven Clark, P.E. GHD 16701 Melford Boulevard, Suite 330 Bowie, MD 20715

Re: Sussex County SCRWF-RBWWTP CIP Phase 2 Upgrades Proposed Change Order Request No. 554-060 BB2 CA Piping Modifications

Dear Mr. Clark:

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554 Hans M. Medlarz, P.E. – Sussex Co. David A. Ronca – M.F. Ronca

PCOR 554-062 BB2 CA Piping Modifications

#### CHANGE ORDER SUMMARY

Item 1	Modify Compressed Air Piping per GHD's F ValveFrom Mechanical Bldg. New Piping &	00	ind Ball
Labor Materials Equipmen Subcontra		\$1,935.00 \$625.00 \$156.60 \$0.00	
Subtotal		\$2,716.60	
Contracto	r Overhead & Profit @ 15%	\$407.49	
Contr. Ov	erhead & Profit on Subcontr. @ 5%	\$0.00	
Item Tota	I	\$3,124.09	
Change O	rder Total	\$3,124.09	

5/29/2024

PCOR 554-062 BB2 CA Piping Modifications

<u>ltem</u>	Description						
Item 1	Modify Compressed Air Piping per GHD's RFP-115 to Include Relocating Regulator and Ball ValveFrom Mechanical Bldg. New Piping & Support, Etc.						
	<mark>Labor:</mark> Mechanic/Fitter Laborer	<u>Qty</u> 10.00 10.00	<u>Unit</u> MH MH	Unit Cost \$122.18 \$71.32	<u>Total</u> \$1,221.80 \$713.20	Labor Total:	\$1,935.00
	Materials: SS Pipe Mtrls, Flanges & Support	<u>Qty</u> 1.00	<u>Unit</u> LS	<u>Unit Cost</u> \$625.00	<u>Total</u> \$625.00	Material Total:	\$625.00
	Equipment:	Qty	Unit	Unit Cost	Total		
	STS	10.00	HR	\$15.66	\$156.60	Equipment Total:	\$156.60
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00		
						Subcontract Total:	\$0.00
						Item Total:	\$2,716.60

#### 5/29/2024



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2					
Owner	Sussex County, Delaware					
Contract No.	C19-11: General Construction	GHD Project No	<b>b.</b> 11121182			
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.						
RFP No.	105					
RFP Subject	SCRWF Headworks Odor Covers	-				
Issued By	S. Clark	SC Issue Date	Oct. 13, 2023			

### Description of proposed changes:

Changes in channel geometry arising from the concrete repair work completed in the SCRWF Headworks require sections of the odor control covers upstream and downstream of SCN-101 and the manual bar screen, and over the screened effluent channel to be replaced. Contractor is invited to submit a proposal for replacing these odor control covers, extents as recommended by Ronca and Hallsten in the figure attached. Odor control covers shall be in accordance with Section 13133 and Drawing SC-S0105.



Thursday, August 3, 2023

Project: Sussex County, Delaware – South Coastal Regional Wastewater Facilities Treatment Upgrade No. 3 and RBWWTP CIP Upgrade Phase 2

Hallsten is pleased to quote on *Lite Span*<sup>™</sup>Aluminum Covers.

#### CHANGE ORDER PROPOSAL No. 1 ADDITIONAL COVER MODIFICATIONS

Per the 08/01/23 discussion with Michael F. Ronca & Sons, Inc., several conditions were identified during the site survey that were not included as part of Hallsten's original proposal. Hallsten requests to modify the aluminum cover scope of work to provide additional cover panels and modifications as described below:

Reference: Hallsten 3/31/20 Plan View Headworks Drawing No. 12052, Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402, GHD Drawing SC-S0105

A Panels Located between Headworks and Surge Tank (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 10 and 11 and Beam No. 2)

- The concrete has been shaved back and coated at this location due to concrete degradation, creating a wider gap between the concrete walls. The existing Hallsten panels and small support beam at this location can no longer be mounted to be structurally sound and is a safety issue. Hallsten recommends replacement.
- Two (2) approx. 3'-2" x 3'-11" aluminum panels.
- One (1) approx. 3'-2" aluminum support beam.

ADD:.....<u>\$ 5,660.00</u>

- B Panels Located at East end of Mechanical Screen Channel (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 14, 15)
  - North of Panels 14 and 15, the concrete has been shaved back and coated at this location due to concrete degradation, creating a wider gap between the concrete walls. As a result, the existing Hallsten panels adjacent to this area can no longer be mounted as originally provided. Hallsten recommends replacement of the following panel areas.
  - One (1) approx. 4'-0" x 6'-3" aluminum panel tapering slightly down at one end.
  - One (1) approx. 30 sq. ft. irregular shaped aluminum panel containing notch outs as required around concrete and a slide gate.

ADD:.....<u>\$\_8,290.00</u>

- C <u>Panels Located in North/South Channel Adjacent to New Slide Gate</u> (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 12 and 16)
  - The concrete between Panel 11 described above and Panel 12 has been modified and coated at this location in a manner that was more significant than depicted on the contract drawings. As a result, the existing Hallsten beam supporting panels 12 and 16 at this location is no longer able to be mounted to the concrete wall as originally designed. Hallsten recommends providing a new aluminum beam that will span from the North end of the channel across the front of the new slide gate to connect to the beam at the south end of panel 15, and provide new reconfigured panel(s) for the roughly 33 sq. ft. area covered by panels 12 and 16.
  - One (1) approx. 36 sq, ft. irregular shaped aluminum panel. (May be split into 2 smaller panels to accommodate conditions.)
  - Two (2) aluminum support beams.

ADD:.....<u>\$\_6,760.00</u>

D Panels Located at East end of Manual Screen Channel (Reference Hallsten 11/16/04 As Built Plan View Headworks Drawing No. 10402 Panels No. 20, 21A)

- The concrete has been modified at this location to the North and east of these two panels in a manner that was more significant than depicted on the contract drawings. As a result, the existing Hallsten panels adjacent to this area can no longer be mounted or modified as originally anticipated. Hallsten recommends replacement of the following panel areas.
- One (1) approx. 4'-0" x 6'-2" aluminum panel.
- One (1) approx. 26 sq. ft. irregular shaped aluminum panel containing notch outs as required around concrete and a slide gate.

ADD:.....<u>\$ 8,150.00</u>

- E <u>Panels Located West of Manual and Mechanical Screens</u> (Reference Hallsten 3/31/20 Plan View Headworks Drawing No. 12052 Panels No. 19, 20 and 23)
  - The original "T" support beam supporting these panels has been removed. Hallsten will provide new aluminum support beams for these areas at no cost to the Owner, but the existing panels would not be compatible with the new beams and must be replaced.
  - One (1) approx. 5'-0" x 6'-0" irregular shaped aluminum panel containing a 1'-0" x 3'-6" notch out as required around concrete.
  - One (1) approx. 6'-0" x 7'-0" rectangular aluminum panel.
  - One (1) approx. 24 sq. ft. irregular "T" shaped aluminum panel containing notch outs as required around concrete.

ADD:.....\$\_11,960.00\_

- FPanels Located in North/South Channel Adjacent to New Slide Gate(Reference Hallsten 11/16/04 As<br/>Built Plan View Headworks Drawing No. 10402 Panels No. 21B, 22 and 23)
  - The required cover modifications in these areas were not listed in the original scope, but are included. Hallsten shall provide new aluminum beams that will span from North to South in front of the new slide gate to connect to the wall at the south end of panel 23, and provide new reconfigured panel(s) for the roughly 30 sq. ft. area covered by panels 22 and 23.
  - One (1) approx. 30 sq, ft. irregular shaped aluminum panel. (May be split into 2 smaller panels to accommodate conditions.)
  - Two (2) aluminum support beams.

ADD: \$\_NO cost to Owner\_

TOTAL INSTALLED PRICE ALL AREAS: (Not including sales tax.).....\$40,820.00

The estimate of square footage is for informational purposes only. The price quoted above is for the total amount of the project and not based on a price per square foot of the material actually installed.

Including:

- > 6061-T6 corrosion resistant aluminum alloy construction with mill finish.
- Delivery to job site.
- > Installation.
- > Hallsten Corporation one (1) year warranty.

Excluding:

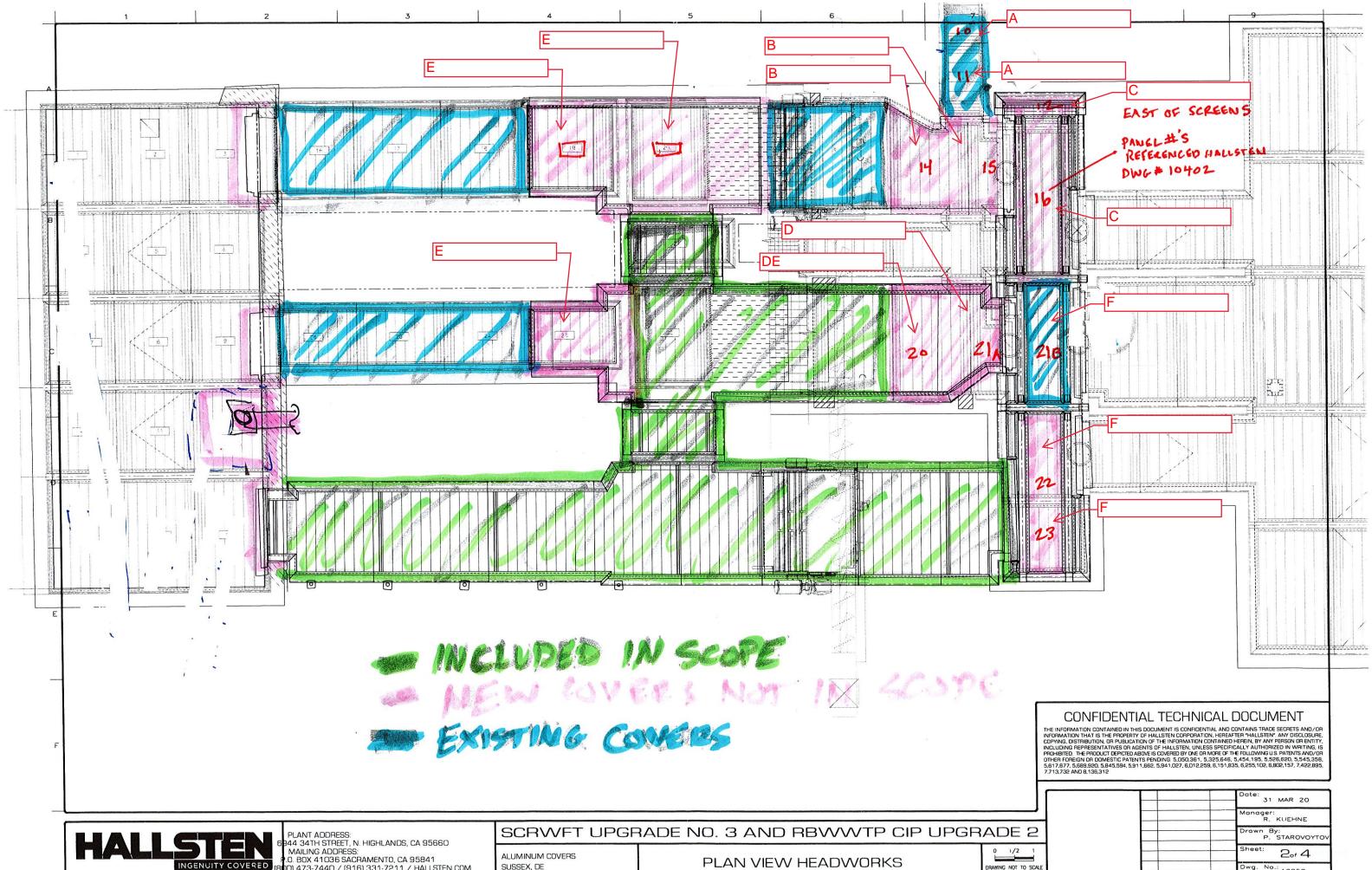
- ✓ Unloading of Hallsten delivered materials.
- ≺ Applicable sales tax.
- ✓ All exclusions listed in Hallsten's original November 13, 2019 Material Scope apply.

Hallsten will hold the price listed above for 90 days. The aluminum cover Work described above would be delivered and installed at the same time as the other covers under the original contract. No separate mobilizations are included.

Sincerely,

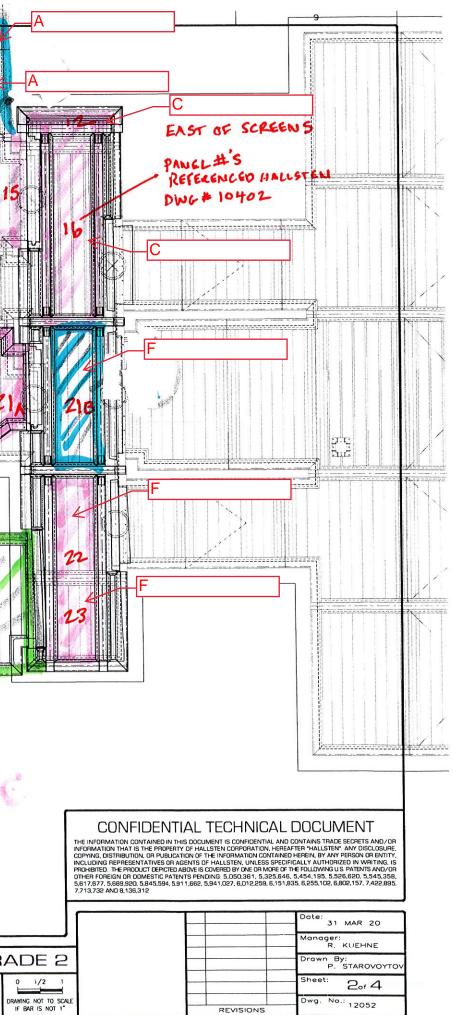
Mark Adams Project Manager







.0. BOX 41036 SACRAMENTO, CA 95841 INGENUITY COVERED (800) 473-7440 / (916) 331-7211 / HALLSTEN.COM



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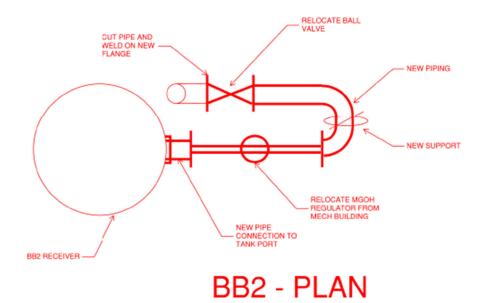
Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2					
Owner	Sussex County, Delaware					
Contract No.	C19-11: General Construction	GHD Project No.	11121182			
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.						
RFP No.	115		B			
RFP Subject	BB2 Compressed Air Piping Modifications					
Issued By	S. Clark	Issue Date	5/16/2024			

### Description of proposed changes:

EnviroMix provided two regulators for the compressed air system, intended to be placed at each of the receiver tanks provided in its equipment package. These were provided because EnviroMix wanted to set a lower value for maximum allowable compressed air pressure than that stated in the specifications. One regulator was correctly placed with the receiver tank for the magnesium hydroxide mixing system (now abandoned), but the other was placed incorrectly with the upstream receiver tank provided by CH Reed. It was thought that this could be managed through carefully selected settings but has been found to ultimately result in nuisance alarms.

Contractor is requested to modify the compressed air piping in BB2 that supplies air to the EnviroMix receiver tank in accordance with the following sketch. In addition, Contractor is also asked to provide a flanged spool piece to close the opening in the compressed air piping created when the regulator is moved from its current position. This spool piece may be swapped with the other regulator if found preferable for operations.











Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2				
Owner	Sussex County, Delaware				
Contract No.	C19-11: General Construction	GHD Project No.	11121182		
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.					
RFP No.	116				
RFP Subject	Sludge Drain PS Force Main				
Issued By	S. Clark	Issue Date	May 24, 2024		

### Description of proposed changes:

A temporary line was constructed from the primary force main from Sludge Drain PS to the plant drain system to allow decant and dewatering filtrate to be returned to the Mechanical Building PS when flow exceeds capacity of the primary force main and recycle systems.

Contractor is asked to replace this temporary line with a permanent 4" DIP force main. Alignment to be coordinated in the field with Contractor, County, and Engineer staff.



# SUSSEX COUNTY CHANGE ORDER REQUEST

# A. <u>ADMINISTRATIVE</u>:

1. Project Name: SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – Electrical Construction

2.	Suss	ex County Project No.	<u>C19-17</u>
3.	Char	ige Order No.	27
4.	Date Change Order Initiated -		2/2/24
5.	a.	Original Contract Sum	<u>\$22,178,674.00</u>
	b.	Net Change by Previous Change Orders	\$342,509.81
	C.	Contract Sum Prior to Change Order	<u>\$22,521,183.81</u>
	d.	Requested Change	\$ 20,137.99
	e.	Net Change (No. of days)	
	f.	New Contract Amount	_\$22,541,321.80
6.	Cont	act Person: <u>Hans Medlarz, P.E.</u>	

Contact Person: <u>Hans Medlarz, P.E.</u>

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
- X 4. Design Change
  - 5. Overrun/Underrun in Quantity

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

# C. BRIEF DESCRIPTION OF CHANGE ORDER:

Five new equipment cabinet power circuits, four existing pole mounted light fixtures circuits and various receptacles mounted on Effluent Filter No. 2. Change Order totals reflect removal of Rehoboth's CO 21.

## D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes <u>X</u> No \_\_\_\_\_

## E. <u>APPROVALS</u>

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

Signature

Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature Date



Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction <b>GHD Project No.</b> 11121182		
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No. RFP-114		B	
RFP Subject	Effluent Filter No. 2 Electrical		
Issued By	S. Clark         Issue Date         05/06/2024		05/06/2024

#### **Description of proposed changes**

General Description of Work: Provide new sources of 120 VAC power circuits for equipment at Effluent Filter No. 2 and provide electrical installation to connect and place in service five (5) new filter control panels for Effluent Filter No. 2.

- 1. Verify functionality of four (4) existing pole mounted light fixtures on Effluent Filter No. 2.
- 2. Verify functionality of two (2) existing receptacles mounted on Effluent Filter No. 2.
- 3. Provide electrical installation and connection of five (5) new filter control panels on Effluent Filter No. 2. Control panels are the same type as installed on Effluent Filter No. 3. Provide installation and connection of OEM furnished float switch and float switch cable, with installation similar to those installed on Effluent Filter No. 3. Provide stainless steel MMS for each control panel, mounted in similar fashion to the installations on Effluent Filter No. 3.
- 4. Utilize five (5) spare 20A, single pole circuit breakers in existing panelboard LP5A to provide new 120 VAC, single phase circuits to provide power to new control panels; one circuit per panel. Utilize one spare 20A, single pole circuit breaker in existing LP5A to provide a new 120 VAC, single phase circuit to the existing light fixtures mounted on Effluent Filter No. 2. All circuit wiring from panelboard to equipment shall be new. Remove all existing wiring. Each circuit shall consist of 2-No. 12, 1-No. 12G conductors.
- 5. Provide one new 1" conduit inside BB1 Electrical Room between LP5A and power junction box to carry new circuit conductors. Install conductors from junction box through spare duct in duct bank EF2.
- 6. Provide new 3/4" conduits on Effluent Filter No. 2 as required to connect new circuits for control panels and for light fixtures. Re-use existing conduit for light fixture circuit where feasible. Remove all existing unused conduit.
- 7. Connect two (2) existing receptacles to new receptacle circuit for receptacle installed on Effluent Filter No. 2. Provide 2-No. 12, 1-No. 12G conductors to connect existing receptacles to new circuit. Re-use existing conduit where feasible. Remove all existing unused conduit.





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

May 30, 2024

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 114

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 114. Our price does not include the use of Prevailing Wages. Our price is *\$20,137.99* and includes the following:

Description of proposed changes

General Description of Work: Provide new sources of 120 VAC power circuits for equipment at Effluent Filter No. 2 and provide electrical installation to connect and place in service five (5) new filter control panels for Effluent Filter No. 2.

1. Verify functionality of four (4) existing pole mounted light fixtures on Effluent Filter No. 2 - noted that the poles worked at the time of demolishing the circuits.

2. Verify functionality of two (2) existing receptacles mounted on Effluent Filter No. 2. - will replace the receptacles.

3. Provide electrical installation and connection of five (5) new filter control panels on Effluent Filter No. 2. Control panels are the same type as installed on Effluent Filter No. 3. Provide installation and connection of OEM furnished float switch and float switch cable, with installation similar to those installed on Effluent Filter No. 3. Provide stainless steel MMS for each control panel, mounted in similar fashion to the installations on Effluent Filter No. 3.

4. Utilize five (5) spare 20A, single pole circuit breakers in existing panelboard LP5A to provide new 120 VAC, single phase circuits to provide power to new control panels; one

circuit per panel. Utilize one spare 20A, single pole circuit breaker in existing LP5A to provide a new 120 VAC, single phase circuit to the existing light fixtures mounted on Effluent Filter No. 2. All circuit wiring from panelboard to equipment shall be new. Remove all existing wiring. Each circuit shall consist of 2—No. 12, 1—No. 12G conductors.

5. Provide one new 1" conduit inside BB1 Electrical Room between LP5A and power junction box to carry new circuit conductors. Install conductors from junction box through spare duct in duct bank EF2.

6. Provide new 3/4" conduits on Effluent Filter No. 2 as required to connect new circuits for control panels and for light fixtures. Re-use existing conduit for light fixture circuit where feasible. Remove all existing unused conduit.

7. Connect two (2) existing receptacles to new receptacle circuit for receptacle installed on Effluent Filter No. 2. Provide 2-No. 12, 1-No. 12G conductors to connect existing receptacles to new circuit. Re-use existing conduit where feasible. Remove all existing unused conduit.

# If this RFP is accepted, we are requesting 10 days be added to the contract.

Exclusions

- 1. No permit fees.
- 2. No cutting.
- 3. No patching or painting.
- 4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters B. W. Electric, Inc. Superintendent JRW/

Material	
Non-Quoted	\$7.719.57
Quotes	\$7,719.57
Sales Tax (6.75%)	521.07
Total Material	\$8,240.64
Labor	ψ0,240.04
Direct (125.28 hours @ \$70.00)	\$8,769.60
Non-Productive Labor	0.00
Total Labor (125.28 hours)	\$8,769.60
Direct Job Expenses	\$0.00
Tools and Miscellaneous Materials	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$17,010.24
Overhead (10.00%)	1,701.02
Profit (5.00%)	935.56
Job Total	\$19,646.82
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Bond	491.17
Job Total with Bond	\$20,137.99
Actual Bid Price	\$20,137.99
Material to Direct Labor ratio: 0.48	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.53
Gross Profit \$	\$3,127.75
Net Profit %	7.08

# South Coastal RWF & Rehoboth Beach WTF Upgrade 6/4/2024

#### Vendor/Contract Description **Contract Value** Michael F. Ronca & Sons, Inc. SCRWF/RBWWTP General Construction 46,160,666.26 BW Electric Inc. SCRWF/RBWWTP Electrical Construction 22.541.321.80 DP&L Service Entrance Modification Conduit System 235,637.33 BW Electric Inc. CO#3 BW P.O. 4,504.50 Soil Screening @ Rehoboth Plant City of Rehoboth Direct Payment for repairs to piping in oxidation ditches 324,996.81 State Street Pump Station Repair 2,732,938.82 Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept GHD 241,938.68 Amd 12 - SCRWF Expansion Construction Docs 2,240,280.73 95,080.15 Amd 13 - Value Engineering Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion 398,410.63 Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program 181,089.72 Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design 172.153.01 Amd 19 - SCRWF Upgrade 3 Add'l Design 108,073.71 Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering 6,589,558.49 Core & Main Influent FM Consolidation Materials 339,944.59 Core & Main 227,603.39 **Effluent FM Pipeline Materials** Improve service entrances for both projects. Payment not Delmarva Power distributed. 175,000.00 G&L FM Consolidation & Influent Consolidation Phase II 973,229.04 G&L Work- Effluent Relocation 316,635.20 G&L Work - RB Treatment Plant Parking Lot Repavement Belt Press 295.000.00 Kershner Environmental Technologies 80,000.00 Melvin Joseph Material Screening DSWA Loading, Hauling & Disposal of Debris 33,000.00 Hauling of Rehoboth Oxidation Ditch Remnants 39,663.15 84,506,726.01 Totals

# ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER

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





# **Memorandum**

- TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer
- FROM: Hans Medlarz, P.E., County Engineer, ret.
- RE: Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 A. Change Orders No. 6A & 6B

DATE: June 4, 2024

The County's five (5) year capital plan, as approved in the FY 23 Capital Budget, contains several projects at the Inland Bays Regional Wastewater Facility. The Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 will reduce runoff discharges to Guinea Creek as well as reduce nuisance flooding in the Cannon Road area and within the spray fields. This project is creating a significant water quality credit which can be used as a stormwater management offset for future projects including the upcoming treatment plant expansion.

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

The wetland was designed in coordination with DNREC under a 5-year "operational-testing" program. Once wetland dosing commences spray irrigation on the North Burton Field will cease and the center pivot equipment removed. This project utilizes a portion of the Council approved American Rescue Plan Act (ARPA) funding.



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

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

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

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

- The South Hettie irrigation field had initially been left out of the grading and replanting scope for cost considerations. However, it was beneficial to complete all the grading, eliminate the remaining ponding which poses permit challenges plant the area in meadow mix.
- During the construction of the submerged gravel wetland stone chimneys were deleted but subsequently more aquatic plants in the wetland itself as well as the outfall swale were added.
- The DNREC required four (4) two-inch monitoring wells around the submerged gravel wetland were added.
- A supplemental feed line essential for the initial hydration stages and during subsequent mid-summer months for aquatic plants survival was added.
- The bid included a \$200,000 allowance for two (2) suction lift pump systems. In cooperation with Kinsley's subcontractor the Department was able to value engineer the approach by switching to a system of wells with submersible pumps more than offsetting the cost by a reduction of the allowance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In summary, the Department requests Council's concurrence to Change Order No. 6A for South Field regrading in the not to exceed amount of \$604,800.00 and Change Order No. 6B in the aggregate amount of \$438,138.00.

The Department believes that Change Orders No. 6A & 6B constitute all issues currently tracked. Overall, the project experienced a good start but was subjected to a record winter rainfall and significant goose damage. Despite these adverse conditions, we will be able to contain the overall change order percentage at  $\pm/-22\%$ .



# SUSSEX COUNTY CHANGE ORDER REQUEST

# A. <u>ADMINISTRATIVE</u>:

1. Project Name: Cannon Rd/Inland Bays Rd Drainage Improvements

2.	Susse	ex County Project No.	S22-05
3.	Chan	ge Order No.	6A
4.	Date	Change Order Initiated -	6/4/24
5.	a.	Original Contract Sum	<u>\$11,467,000.00</u>
	b.	Net Change by Previous Change Orders	\$1,619,555.01
	C.	Contract Sum Prior to Change Order	<u>\$13,086,555.01</u>
	d.	Requested NTE Change	<u>\$ 604,800.00</u>
	e.	Net Change (No. of days)	30
	f.	New Contract Amount	<u>\$13,691,355.01</u>
0	0		

6. Contact Person: <u>Hans Medlarz, P.E.</u>

Telephone No. (302) 855-7728

# B. REASON FOR CHANGE ORDER (CHECK ONE)

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

-	6.	Factors Affecting Time of Completion

- X 7. Other (explain below):
- C. BRIEF DESCRIPTION OF CHANGE ORDER: Improve the grade of a portion of the South Field.

# D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No \_\_\_\_\_

# E. <u>APPROVALS</u>

\_

1.	Kinsley Construction, Inc., Contractor	
	227	05/31/2024
	Signature	Date
	MITCH SEITZ, VICE PRESIDENT	

Representative's Name in Block Letters

2. Sussex County Engineer 5 Signature Date

3. Sussex County Council President

Signature

Date



#### Pending Change Order Request: 26

To:	Sussex County Delaware
Attn:	Helen Naylor
Phone:	302-381-8181
Email:	helen.naylor@sussexcountyde.gov
<b>Frame</b> :	
From:	Mitch Seitz
Phone:	Mitch Seitz 3022332165

Date: 05/14/24 Project: CANNON ROAD DRAINAGE IMPROVEMENTS

KCI No: 234701-Re: South Field Regrade

Priority: High Req Return Date: 06/06/2024

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

#### Item

1

South Field Regrade \$434,800.00 -General Conditions -Survey (In-House) -Strip Topsoil/Regarade/Replace Topsoil -Seed & Straw 32 Acres with Sandy Mix -If the Southfield Grading Requires Additional Fill From an on-site Source, an additional net cost w/o mark-up will be charged per per load (Pan or ORT) as follows: 0-1000 Loads = \$170/Load 1000-2000 Loads = \$150/Load 2000+ Loads = \$142/Load

Cost: \$378,087 15% OH&P: \$56,713

PCO 27 Total: \$434,800

TOTAL CHANGE ORDER FOR THIS REQUEST

\$434,800.00

Amount

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 30 calendar days.



30512 Thorogoods Road Dagsboro, DE 19939 Phone: Fax:

Pending Change Order Request: 26

#### **APPROVALS**

**Contractor** Kinsley Construction Site Division 30512 Thorogoods Road Dagsboro, DE 19939 **Owner** Sussex County Delaware 2 The Circle Georgetown, DE 19947

Signed:	Signed:
Printed: Mitch Seitz	Printed:
Date: 6/6/2024	Date:





# SUSSEX COUNTY CHANGE ORDER REQUEST

#### A. ADMINISTRATIVE:

Project Name: Cannon Rd/Inland Bays Rd Drainage Improvements 1.

2.	Susse	ex County Project No.	<u>S22-05</u>
<mark>3</mark> .	Chan	ge Order No.	6B
4.	Date	Change Order Initiated -	6/4/24
5.	a.	Original Contract Sum	<u>\$11,467,000.00</u>
	b.	Net Change by Previous Change Orders	<u>\$2,224,355.01</u>
	C.	Contract Sum Prior to Change Order	<u>\$13,691,355.01</u>
	d.	Requested Change	\$ 438,138.00
	e.	Net Change (No. of days)	37
	f.	New Contract Amount	<u>\$14,129,493.01</u>
G	Contr	at Person: Hone Medlers, D.F.	

6. Contact Person: Hans Medlarz, P.E.

Telephone No. (302) 855-7728

#### **REASON FOR CHANGE ORDER (CHECK ONE)** Β.

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

		6.	Factors Affecting Time of Completic
--	--	----	-------------------------------------

 $\underline{X}$  7. Other (explain below):

# C. BRIEF DESCRIPTION OF CHANGE ORDER: Prevent future washouts along the Bypass Swale, as well as the North, Center and South Swales; and reinforce the north berm of the submerged gravel wetlands.

# D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes <u>X</u> No \_\_\_\_\_

# E. <u>APPROVALS</u>

1. Kinsley Construction, Inc., Contractor

Signature 05/31/2024 MITCH SEITZ, VICE PRESIDENT

Representative's Name in Block Letters

Sussex County Engineer 2 Signature Date

3. Sussex County Council President

Signature

Date



#### Pending Change Order Request: 27

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

Date: 05/14/24 Project: CANNON ROAD DRAINAGE IMPROVEMENTS

KCI No: 234701-Re: Living Wall at Bypass Swale

Priority: High Req Return Date: 06/06/2024

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

#### Item

Amount

1	Living Wall at Bypass Swale	\$226,234.00
	-Mobilization	
	-F&I 230 Tons of Rip Rap	
	-Replace Topsoil	
	-Approx. 1,830LF of 16" Coir Log	
	-Ernst 180 Rain Garden Seed Mix	
	-3x3x9 Plants in Lower Terrace	
	-Re-Grade & Seed Adjacent Disturbed Areas	
	-Assumes Irrigation will be Reduced to Eliminate Irrigated Water from Getting to the Bypass	
	Swale	
	-Approx. 665LF of 3 tier 12" Fictrexx Silt Sox Natural Plus	
	-Scope to be blended in approx. 3' on South Slope	
	Cost: \$196,725	

15% OH&P: \$29,509

PCO 27 Total: \$226,234

TOTAL CHANGE ORDER FOR THIS REQUEST

\$226,234.00

We reserve the right to revise or withdraw this quotation if not accepted within 15 days. Estimated additional time required to complete job due to this change is 18 calendar days.



30512 Thorogoods Road Dagsboro, DE 19939 Phone: Fax:

Pending Change Order Request: 27

#### **APPROVALS**

**Contractor** Kinsley Construction Site Division 30512 Thorogoods Road Dagsboro, DE 19939 **Owner** Sussex County Delaware 2 The Circle Georgetown, DE 19947

Signed:	Signed:
Printed: Mitch Seitz	Printed:
Date: 6/6/2024	Date:



1

#### Pending Change Order Request: 28

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

Date: 05/14/24 Project: CANNON ROAD DRAINAGE IMPROVEMENTS

KCI No: 234701-Re: South Swale Repair TRM Matting Stabilization

Priority: High Req Return Date: 05/21/2024

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

Item	Amount
South Swale Repair TRM Matting Stabilization	\$23,592.00
-Remove Existing Matting	
-Re-Grade & Topsoil	
-Seed w/ NE Wildflower Seed Mix	
-Install TRM Matting	
Cost: \$20,515	
15% OH&P: \$3,077	
PCO 28 Total: \$23,592	

TOTAL CHANGE ORDER FOR THIS REQUEST

\$23,592.00

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

#### **APPROVALS**

**Contractor** Kinsley Construction Site Division 30512 Thorogoods Road Dagsboro, DE 19939 Owner Sussex County Delaware 2 The Circle Georgetown, DE 19947

Date:

Signed: _		Signed:
Printed:	Mitch Seitz, VP	Printed:

Date: \_\_\_\_



#### Pending Change Order Request: 29

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

1

Date: 05/14/24 Project: CANNON ROAD DRAINAGE IMPROVEMENTS

KCI No: 234701-Re: 200LF of Sheeting in Bypass Swale

Priority: High Req Return Date: 05/21/2024

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

Item		Amount
200LF of Sheeting in Bypass Swale		\$136,800.00
-Nucor Skyline PZ 27 Sheets		
-Sheets to be 12.5' Long		
-Installed 10.5' Bury 2' Exposed		
Cost: \$118,956		
15% OH&P: \$17,844		
PCO 29 Total: \$136,800		
	TOTAL CHANGE ORDER FOR THIS REQUEST	\$136,800.00

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 10 calendar days.

#### **APPROVALS**

<b>Contractor</b> Kinsley Construction Site Division 30512 Thorogoods Road Dagsboro, DE 19939	<b>Owner</b> Sussex County Delaware 2 The Circle Georgetown, DE 19947
Signed:	Signed:
Printed:Mitch Seitz, VP	Printed:



1

#### Pending Change Order Request: 30

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

Date: 05/14/24 Project: CANNON ROAD DRAINAGE IMPROVEMENTS

KCI No: 234701-Re: Living Wall @ N. & Mid Swale

Priority: High Req Return Date: 05/23/2024

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

I		Amount
Living Wall @ N. & Mid Swale		\$51,512.00
-Replace Topsoil		
-Approx. 662LF of 12" Fictrexx Siltsox Natur	al	
-Ernst 180 Rain Garden Mix		
-Re-grade & Reseed Adjacent Disturbed Are	as	
-Pumping / De-Watering		
Cost: \$44,793		
15% OH&P: \$6,719		
PCO 30 Total: \$51,512		
	TOTAL CHANGE ORDER FOR THIS REQUEST	\$51,512.00

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

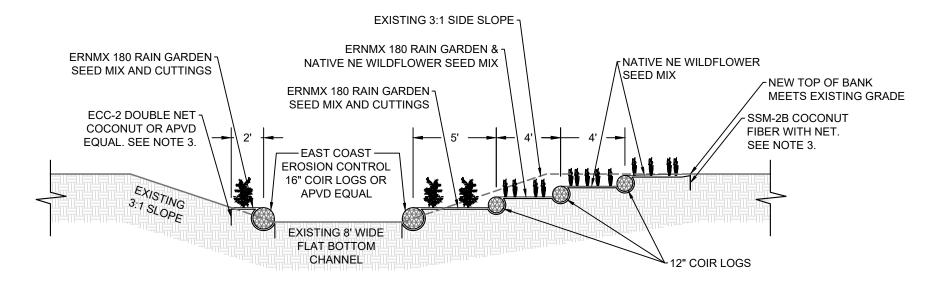
#### **APPROVALS**

Contractor Kinsley Construction Site Division 30512 Thorogoods Road Dagsboro, DE 19939 Owner Sussex County Delaware 2 The Circle Georgetown, DE 19947

Signed:	Signed:
Printed: Mitch Seitz, VP	Printed:
Date:5/16/2024	Date:

SOUTH BANK

#### NORTH BANK



# LIVING WALL IN BYPASS SWALE SECTION DETAIL

N.T.S.

NOTES:

- 1. WORK TO BE DIRECTED BY ARRC REPRESENTATIVE AT ALL TIMES.
- 2. ALL LIVING WALL COIR LOGS TO BE BURIED  $\frac{1}{3}$  OF THE LOG DIAMETER.
- 3. WHEN KEYING IN GEOTEXTILE MATTING AT TOE AND TOP OF SLOPE, USE MECHANICAL TAMPING TO CLOSE TRENCHES.









## ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER (302) 855-7370 T (302) 854-5391 F mike.harmer@sussexcountyde.gov





# <u>Memorandum</u>

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., Retired County Engineer

# **RE:** Approval of Addendum No. 2 to the Wastewater Service Agreement between the City of Seaford and the Unified Sanitary Sewer District

DATE: June 4, 2024

In February 2017, the Commissioners of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. The Engineering Department developed an alternate scenario for a Western Sussex County Sewer District connecting to the City of Seaford. Based on a more favorable cost scenario, both municipal Councils requested formation of a county sewer district pursuant to Title 9 Del. Code § 6501. On August 22, 2017 and County Council established the Western Sussex Area of the Unified Sewer District.

The City of Seaford will provide wastewater services for the Blades and Western Sussex Areas of the Unified Sussex County Sewer District under a wastewater service agreement executed by both Councils in May of 2018. On September 17, 2019, Council approved Addendum No. 1 to the Wastewater Service Agreement to jointly fund I&I investigations and fiber communication extensions on a flow-based cost split not to exceed \$100,000.00 as well as the colocation of the County's camera truck facility at the city's public works complex.

The City's Code referenced in the Wastewater Service Agreement has been amended by City Council requiring a reference modification of Section 9. The correct reference now is "Chapter 11, Article 7". This part of the City Code covers the type and collection of sewer impact fees. The city split the fees, and both would apply to any connections made in the Western Sussex Area of the Unified Sewer District.

The Engineering Department is requesting approval of Addendum No. 2 to modify the Agreement by inserting the correct city code citation.



# ADDENDUM NO. 2 TO THE WASTEWATER SERVICE AGREEMENT Between The CITY of SEAFORD and SUSSEX COUNTY

**WHEREAS**, on May 15, 2018 the parties entered into a Wastewater Service Agreement ("Agreement") regarding conveyance of sanitary sewage emanating from the collection systems of the Western Sussex and Blades Areas of the Unified Sanitary Sewer District to the City's sanitary sewer system for treatment and disposal; and

**WHEREAS**, on September 17, 2019, the parties signed Addendum No. 1 to the Agreement;

and

WHEREAS, both parties desire to amend the Agreement.

**NOW THEREFORE**, the Mayor and Council of Seaford (CITY) and Sussex County Council (COUNTY) agree to amend the Section 9 of the Agreement.

Delete the second sentence of Section 9 in its entirety and replace it with "Impact fees shall be based upon the City of Seaford's Municipal Code Chapter 11, Article 7."

All other terms and conditions of the Agreement remain unchanged.

**IN WITNESS WHEREOF**, the parties have set their hands and seals the day stated below.

# CITY of SEAFORD

Attest:

Charles Anderson, City Manager

By: \_\_\_\_\_ Matthew MacCoy, Mayor

(SEAL)

STATE OF DELAWARE: : SS. COUNTY OF SUSSEX:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Mr. Matthew MacCoy known to me personally to be the Mayor of the City of Seaford and, in that capacity, he executed this Addendum No. 2 to the Wastewater Service Agreement in his own hand for the City.

Notary Public

# SUSSEX COUNTY, DELAWARE

Attest:

By: \_\_\_\_\_(SEAL)

Michael H. Vincent, President

Clerk, Sussex County Council STATE OF DELAWARE:

: SS. COUNTY OF SUSSEX:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, known to me personally to be President of the Sussex County Council and, in that capacity, he executed this Addendum No. 2 to the Wastewater Service Agreement in his own hand for the County.

Notary Public

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER (302) 855-7370 T (302) 854-5391 F mike.harmer@sussexcountyde.gov





# **Memorandum**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., Retired County Engineer

# **RE:** Boom Truck Procurement A. Recommendation to Award

DATE: June 4, 2024

The Environmental Services Division divides its system maintenance by area. The on-call response teams use service trucks with truck cranes suitable of lifting small pumps from the wet wells for servicing. If either routine or emergency service arises for the larger pump units a boom truck with a multi to crane is required. For faster response times, the Division requested, and Council approved in the FY 2024 Budget, the purchase of such a boom truck.

The Department solicited bids for vehicles within three (3) different recent model years with performance-based specifications. The evaluation criteria were based on three (3) factors, cost, delivery schedule and proximity of a certified vehicle service facility. Announcements were sent to ten (10) leading manufacturers of this type of equipment. Initially, there was a lot of interest including follow-up questions, however, only one bid was ultimately received.

With the bid well within the approved budget amount, the Department requested a boom upgrade extending the reach for easier service access. <u>In summary, the Department</u> recommends the truck award to Mid-Atlantic Waste Systems, Inc. in the amount of \$237,000.00 for the base model and \$16,536.00 for the boom & body upgrade.





Easton, MD \* Baltimore, MD \* Chesapeake, VA Chester, PA \* Clinton, MD \* Cheswick, PA \* Salem, VA Phone 800-338-7274 Fax 410-820-9916 Visit us on the web! www.mawaste.com

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1985-2015

Sussex County South Coastal Regional Wastewater Facili 33711 South Coastal Lane Frankford, DE 19971 Sussex County South Coastal Regional Wastewater Facili 33711 South Coastal Lane Frankford, DE 19971 PROPOSAL

Remittance Address for Deposits:

10641 Cordova Road Easton, MD 21601

Quote #:	RSSQ40894-A
Account:	
Terms:	
Date:	05/30/24

+1 302-542-1376

+1 302-542-1376

Sales Rep Colin Kraus

Quote expires 30 days from proposal date. Due to fluctuating materials and fuel charges, final price can change without notice. We appreciate the opportunity to work with you on this!

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
1.00	Autocrane Titan 60 11' Service Body with HC-12S Nexstar Crane	\$139,875.00	\$139,875.00
1.00	Mounted On: 2024 Mack MD6 NON Carb certified 300 HP Cummins ISB Allison 2500 RDS with PTO provisions 12k Front, 21k spring rear, 21k axle with diff lock , 50 Gallon fuel 1M2MDBAA2RS013919	\$97,125.00	\$97,125.00
	BODY		
1.00	<ul> <li>Body TITAN 60 11', 58" TALL, RSC BULKHEAD, RECESSED</li> <li>"Paint &amp; Bedliner" PAINT, TITAN ARMOR. TOP COAT &amp; WHITE OUTSIDE BED LINER, SPRAY-ON (BED AREA &amp; TOP)(60CA/84CA BODIES) BED LINER, SPRAY-ON (ON BUMPER) BED LINER, SPRAY ON (FRONT OF BODY)</li> <li>Interior Lights LED LIGHT STRIPS, KIT, TITAN 84CA 58" TALL INSTALL, COMPARTMENT LIGHTS</li> <li>Master Lock MASTERLOCK, INSTALLED, TITAN 50&amp;60 84CA</li> <li>Shelving FULLY ADJUSTABLE SHELVING, INSTALLED, TITAN 50/60 58" TALL 84CA</li> <li>LSF TOOLBOX (5) 3", (2) 5", (2) 7" FRONT TALL, TITAN 38/50/60/70/85 INSTALL, TOOL BOX</li> <li>RSF OXY-ACET, INSTALLED, DIVIDER/ADJUSTABLE SHELVING DROP WELL, INSTALLED, DIVIDER/ADJUSTABLE SHELVING DROP WELL, INSTALLED, 2" TALL</li> <li>Exterior OUTRIGGER, HYDRAULIC, SINGLE SLIDE, TITAN 60 RIGHT SIDE CRANE INSTALL, OUTRIGGERS</li> <li>BUMPER ASSY, 30", DROP DOWN DOORS</li> <li>INSTALL BUMPER</li> <li>RECEIVER HITCH, INSTALLED, 30" BUMPER, SINGLE SLIDE OUTRIGGER TRAILER WIRING SOCKET 7 WAY SPADE</li> <li>INSTALL, 7-WAY TRAILER LIGHT</li> <li>BRACKET WELDMENT</li> <li>LIGHT BAR ASSEMBLY 33" TALL</li> <li>KIT, FLOOD LIGHT ASS'Y, SQUARE LED 1600 LUMENS FLOOD LIGHT, KIT, SQUARE LED 1600 LUMENS INSTALL, FLOOD LIGHT</li> <li>BODY INSTALLATION, KIT</li> </ul>		
1 of 5		Doc #	RSSQ40894-A

Date

QTY INSTALL, BODY AND SHIP KIT, CLASS 6 AND ABOVE INSTALL, LARGE HC CRANE ICC SAFETY KIT FIRE EXINGUISHER BACKUP SAFTEY ALARM INSTALLED AUTOMATIC PTO/PUMP INSTALLED SPRING REINFORCEMENT INSTALLED **RESERVOIR BLKHD ASSY 36 GAL** HOSE KIT, TITAN 60 w/10006H, AC30A, & 36GAL RESV 4000PSI HOSE INSTALL, HYDRUALIC COMPONENTS **KIT. TITAN CONNECT T38** INSTALL TITAN CONNECT KEYPAD, ADDITONAL FOR IN-CAB ASSY, RAM MOUNT, DOUBLE SOCKET ARM INSTALL, AIR COMPRESSOR INSTALL. AIR TANK 0 CRANE and ACCESSORIES 1.00 HC-12S, NEXSTAR DOCKING STATION, REMOTE REMINDER CHIME INSTALL (CRANE COMPARTMENT) BOOM TIP LIGHTS, INSTALLED, CRANES (EHC6 - HC12) SQUARE ASSEMBLY, BASE PLATE, STANDARD BOOM SUPPORT INSTALL, BOOM SUPPORT COMPRESSOR 1.00 AC 40 COMPRESSOR MOUNTING BRACKET, INSTALLED, AC 40 AIR F/L/R, INSTALLED HOSE REEL, INSTALLED, REAR EXIT 30GAL. AIR RECR (AC-30A/RS60) U/B, KIT 1.00 Freight 1.00 OPTION PRICE TO UPGRADE To TITAN 85 14' SERVICE BODY with HC 14K \$16.536.00 NEXTSTAR CRANE; HC 14K NEXSTAR CRANE HC-14, NEXSTAR DOCKING STATION, REMOTE REMINDER CHIME INSTALL (CRANE COMPARTMENT) TITAN CONNECT BOOM TIP LIGHTS, INSTALLED, CRANES (EHC6 - HC12) SQUARE ASSEMBLY, BASE PLATE, STANDARD BOOM SUPPORT INSTALL, BOOM SUPPORT TITAN 85 - 14' RSC BULKHEAD, RECESSED PAINT, TITAN ARMOR. TOP COAT & WHITE OUTSIDE BED LINER, SPRAY-ON (BED AREA & TOP)(120CA BODIES) BED LINER, SPRAY-ON (ON BUMPER) BED LINER, SPRAY ON (FRONT OF BODY) LED INTERIOR LIGHTS, TITAN 85, TITAN CONNECT INSTALL, COMPARTMENT LIGHTS, TITAN CONNECT MASTER LOCK SYSTEM, INSTALLED 120CA FULL HEIGHT FULLY ADJUSTABLE SHELVING, INSTALLED, TITAN 50/60/85 120CA

DESCRIPTION

TOOLBOX (5) 3", (2) 5", (2) 7" FRONT TALL, TITAN 38/50/60/70/85

INSTALL, TOOL BOX OXY-ACET, INSTALLED, DIVIDER/ADJUSTABLE SHELVING DROP WELL, INSTALLED, 2" TALL OUTRIGGER, HYDRAULIC, TITAN 60-85, RIGHT SIDE CRANE INSTALL, OUTRIGGERS BUMPER ASSY, 30 IN, RECEIVER, CSC, TITAN 60/70 INSTALL BUMPER

2" RECEIVER HITCH, INSTALLED, 30" BUMPER, TITAN 60-85, 2" RECEIVER TRAILER WIRING SOCKET 7 WAY SPADE INSTALL, 7-WAY TRAILER LIGHT WELDMENT, TITAN TRAX, FULL HEIGHT 120CA

\$16,536.00

#### DESCRIPTION

UNIT PRICE EXT PRICE

INSTALL, FLOOD LIGHT BODY INSTALLATION, KIT INSTALL, BODY AND SHIP KIT, CLASS 6 AND ABOVE, TITAN CONNECT INSTALL, LARGE HC CRANE ICC SAFETY KIT FIRE EXTINGUISHER Α BACKUP SAFETY ALARM INSTALLED AUTOMATIC PTO/PUMP INSTALLED SPRING REINFORCEMENT INSTALLED **RESERVOIR BLKHD ASSY 36 GAL** HOSE KIT, TITAN 60 W/10006H, AC30A, & 36 GAL RESV 4000 PSI HOSE INSTALL, HYDRUALIC COMPONENTS TITAN CONNECT, INSTALLED, 14' KEYPAD, INSTALLED, IN-CAB INSTALL, AIR COMPRESSOR INSTALL. AIR TANK ADAPTER, CHASSIS, TITAN CONNECT (PART NUMBER DEPENDS ON CHASSIS, SEE TITAN CONNECT ADAPTORS TAB) POWER ON DEMAND UNDERBODY LIGHTING, INSTALLED, 14' BODIES E-TRACK, INSTALLED, TITAN 60/70 120CA, 2 LEVELS HANDRAIL KIT, TALL GRAB HANDLE LAYOUT INSTALL, HANDRAIL

Terms: Net On Delivery

Price includes mounting.

All built per manufacturer's standard specifications.

No title or tag fees included.

Due to the volatility of the fuel and steel markets, prices are subject to change without notice.

Price does not include any local, state, or federal excise tax.

Quote expires 30 days from proposal date. Due to fluctuating materials and fuel charges, final price can change without notice. We appreciate the opportunity to work with you on this!

Subtotal	\$253,536.00
Federal Excise Tax	\$0.00
Sales Tax	\$0.00
TOTAL*	\$253,536.00

For orders under \$5,000 you may pay by credit card. Please visit www.mawaste.com and select "Pay Bill" \*Terms and limitations apply, see Payment terms below

\*Total does not include optional items

F.E.T will be charged on all applicable items unless current F.E.T Exemption form is on file.

Any cancellation or modification of order will result in a 20% restocking charge to Buyer.



# **TERMS AND CONDITIONS**

# 1. General

No terms or condition of Buyer's purchase order which is different from or in addition to Seller's terms and conditions set forth herein shall bind Seller unless expressly agreed to in writing by Seller's duly authorized representative. Buyer's acceptance of any offer made by Seller is expressly limited to the terms and conditions provided herein. Unless otherwise stated, Seller's quotation may be modified or withdrawn prior to acceptance, and in any event, shall expire after 30 days from its date. This order is not binding on MID-ATLANTIC WASTE SYSTEMS until officially approved. The said machinery, equipment and/or parts are ordered and will be purchased subject to written contract only, and are not affected by any verbal representations or agreements, nor is this order subject to cancellation by the Purchaser without the Seller's consent. Any cancellation or modification of order will result in a 20% restocking charge to Buyer.

## 2. Price and Payment

\*\*Payments Accepted: Cash, Checks, ACH & Wires. Credit Card payments above \$5,000 will incur a 3% fee.
(a) Prices quoted herein are exclusive of all taxes. Any taxes levied or which may become due, and other charges or assessments made by any taxing authority in connection with this contract or the sale, except those measured by Seller's net income, shall be the expense of the Buyer and shall be payable to Seller at or before such tax or other amount is due. When Buyer is entitled to exemption from any tax, Buyer shall furnish Seller with a tax exemption certificate acceptable to the taxing authorities.

(b) Interest at the rate of one and one-half per cent (1.5%) per month (18% per annum), or the maximum lawful rate allowable, will be charged, whichever is less, on all past due invoices. The undersigned agrees to pay all expenses, charges, costs and fees, including, without limitation, attorney's fees and expenses, of any nature whatsoever paid or incurred by, or on behalf of MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., in connection with any collection action brought hereunder. The invalidity of all or any part of any provision of this Agreement shall not render invalid the remainder of such provision or any other part of this Agreement.

(c) MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., shall retain ownership of and title to the above machinery, equipment and parts covered by this order until fully paid for in cash and until any note given in evidence of indebtedness, and any renewals thereof, have been fully paid. If any such note is not paid in full at its maturity, all other notes and obligations given in evidence of indebtedness hereof shall at once become due, and the said MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., shall have the right to take possession of said machinery wheresoever it may be situated and sell the same pursuant to the conditional sales statutes of the State of Maryland.

# 3. Delivery

(a) Delivery dates are estimated and not guaranteed by Seller and, in any event are conditioned upon receipt of all specifications and other data required to be furnished by the Buyer.

(b) If shipment or delivery is delayed because of an act or omission of the Buyer, payment shall be due upon notification by Seller that goods are ready for shipment. Buyer shall pay any additional charges including, but not limited to, cost of storage, handling, and insurance.

# 4. WARRANTY AND LIMITATIONS OF LIABILITY

ANY EXPRESS WRITTEN WARRANTY PROVIDED BY THE MANUFACTURER OF THE EQUIPMENT DESCRIBED IN THIS QUOTATION IS GIVEN IN LIEU OF ALL OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. SELLER SHALL NOT BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM DEFECTIVE GOODS, SELLER'S NEGLIGENCE, BREACH OF WARRANTY OR CONTRACT, OR CLAIMS BASED UPON STRICT LIABILITY. IN NO EVENT SHALL SELLER BE LIABLE FOR CONSEQUENTIAL DAMAGES COMMERCIAL IN NATURE.

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# 5. Delays

Seller shall not be liable for the failure or delay in the performance of any term, condition, or obligation hereunder due to any cause beyond the Seller's control, including but not limited to Acts of God, acts of the Buyer, war, insurrections or riots, fires, floods, accidents, acts, orders or regulations of any government, inability to obtain necessary materials, services or facilities, strikes or other labor troubles.

#### 6. Development Changes

Changes in design, specifications, construction or materials, may be made at Seller's discretion, and without Buyer's consent, where such changes do not materially affect price, delivery or guaranteed performance (if any) of the goods, or make unusable any other item of goods furnished hereunder.

#### 7. Termination

No order may be terminated without Seller's written consent. Upon any termination Buyer shall pay reasonable termination charges, including but not limited to, manufacturing and sales costs, overhead, costs or goods and profit. Any cancellation or modification of order will result in a 20% restocking charge to Buyer.

## 8. Miscellaneous

This agreement shall be binding upon the successors and assigns of the parties. If any provision herein is found to be invalid as a matter of law or by public policy, it shall be considered severed from the remainder of the provisions which shall remain in full force and effect. This agreement shall be governed by the laws of the State of Maryland.

Equipment Purchase Agreement -	[MUST BE COMPLETED OR A PURCHASE ORDER* MUST BE ATTACHED TO PROCESS ORDER]
	**PURCHASE ORDER MUST INCLUDE BILLING INFORMATION. TAX STATUS
PO attached	AND EXEMPTION (IF APPLICABLE) TO BE ACCEPTED IN LIEU OF COMPLETING BELOW.
	* COPY OF TAX EXEMPTION
Sales Tax Status - MUST SELECT AN OPTION	NOT EXEMPT TAX EXEMPT * ATTACHED
	xempt" box is checked, otherwise sales tax will be applied if supporting document is not provided. be the customers responsibility to contact the state agency in order to request a refund.
Billing Information:	
CHECK IF SAME AS SOLD TO ABOVE. IF NOT, PL	EASE FILL OUT BELOW.
BILL TO NAME(S):	
NAME CONT.):	
ADDRESS:	
ADD CONT.	
CITY STATE	
	ZIF
EMAIL (where invoice is to be sent):	
	es order if signed by customer. Your order will be processed as written! Notify of any g available, subject to credit approval. I have read and understand the terms and
You are agreeing to be invoiced	\$253,536.00 per quote RSSQ40894-A
x	
Customer Approval to Process Order	Date
	540

Thank you for the opportunity to earn your business!

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#### ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER (302) 855-7370 T (302) 854-5391 F mike.harmer@sussexcountyde.gov





# **Memorandum**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Douglas B. Hudson The Honorable Cynthia C. Green The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., Retired County Engineer

#### **RE:** Bulk Delivery of Magnesium Hydroxide Project No. M25-02, Recommendation To Award

DATE: June 4, 2024

Sussex County currently utilizes magnesium hydroxide at South Coastal and Inland Bays Facilities in the wastewater treatment process. The current bid expires June 30, 2024. Bids were prepared for the annual procurement of 50,000 gallons, with an alternate bid of 300-gallon totes.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On May 28, 2024, two (2) bids were received for the Bulk Delivery of Magnesium Hydroxide.

The Engineering Department recommends award of the base bid for bulk delivery of magnesium hydroxide to Premier Magnesia for Bid Item 1 in the amount of \$3.34 per gallon of bulk delivery and award of Alternate Bid Item 1 to Garrison Minerals in the amount of \$4.98 per gallon of 300-gallon tote delivery.

Given satisfactory performance, the contract allows a one-year extension at the discretion of the Engineering Department. However, in the past we experienced unwillingness on part of the vendors to continue the bid price after the first year. Hence, readvertisement may be required.





Project: Bulk Delivery of Magnesium Hydroxide Project No.: M25-02 Award Date: TBD Awarded Bidder: TBD Total Awarded Bid: TBD

Bidder	Bid Item 1	Alternate Bid Item 1
Premier Magnesia	3.34	No Bid
Garrison Minerals	4.12	4.98

#### ENGINEERING DEPARTMENT

J. MARK PARKER, P.E. ASSISTANT COUNTY ENGINEER (302) 855-7370 T (302) 854-5391 F mark.parker@sussexcountyde.gov





DELAWARE sussexcountyde.gov

- TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer
- FROM: J. Mark Parker, P.E., Assistant County Engineer
- RE: Sugar Maple Farms Road Improvements Chapter 96 Sussex Community Improvements *A. Introduction of Resolution*

DATE: June 4, 2024

Sugar Maple Farms is a community consisting of sixty-six (66) assessable parcels located off Coastal Highway (SR 1), just south of the Town of Milford. The community by letter dated August 7, 2023, requested assistance from the County to repair and improve their existing roads through the Sussex Community Improvement (SCI) Program as defined in Chapter 96 of Sussex County Code. Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code;
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implemention

The Engineering Department has prepared a Resolution establishing a date, time, place and judge for an official Election to be held to consider the proposed Chapter 96 SCI Project for the Sugar Maple Farms community. Subject to official reading of the Resolution, the Engineering Department recommends approval of the Resolution which will trigger actions necessary to conduct an official Election with the assessable property owners within the community.



#### A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE <u>SUGAR MAPLE FARMS CHAPTER 96</u> <u>SUSSEX COMMUNITY IMPROVEMENT PROJECT</u>

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other community amenities designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as Sugar Maple Farms, as represented on Sussex County **Tax Map 330-16.00 Parcels 20 thru 85**, and on Recorder of Deeds Plot Book 80 - Page 148; located off Coastal Highway (SR 1), south of Milford, DE, within the Cedar Creek Hundred, requested petition forms be provided from the Sussex County Engineering Department to determine if there was adequate interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of Sugar Maple Farms to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

**WHEREAS**, it was determined by the Sussex County Engineering Department that Sugar Maple Farms meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within Sugar Maple Farms on January 3, 2024 in accordance with the Sussex County Code, along with a project boundary map and project preliminary cost estimate, with estimated charges to each property owner; and

WHEREAS, thirty-five (35) valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately fifty-three percent (53%) of the sixty-six (66) assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5 of the Sussex County Code; and

WHEREAS, on March 20, 2024, the Sussex County Engineering Department mailed to all Sugar Maple Farms property owners of record within the proposed project area a Notice of a Public Meeting to be held at the Slaughter Beach Fire Hall in Slaughter Beach on April 18, 2024; as required by §96-5 of the Sussex County Code; and

**WHEREAS**, Sussex County Engineering Department held the Public Meeting on April 18, 2024 to discuss the Chapter 96 community improvements proposal and receive comments, at the Slaughter Beach Fire Hall with Sugar Maple Farms property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.

#### NOW, THEREFORE,

**BE IT RESOLVED,** Sussex County Council hereby formally accepts the community of Sugar Maple Farms into the Sussex County Chapter 96 Sussex Community Improvement Program; and

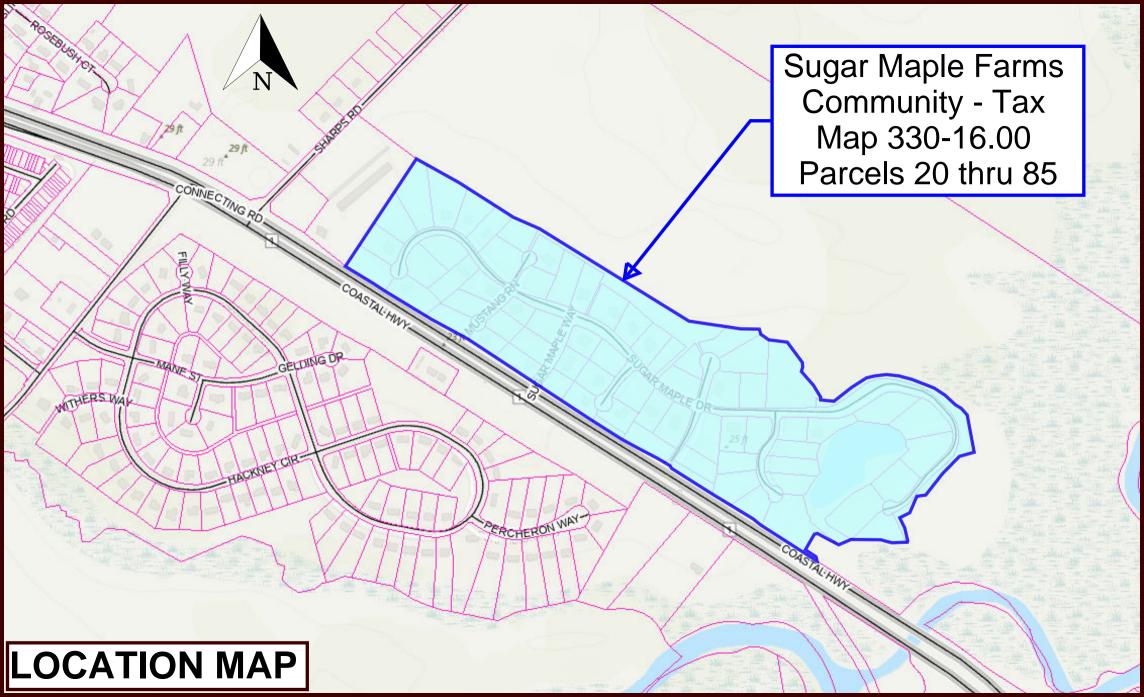
**BE IT FURTHER RESOLVED**, that Sussex County Council approves for Sugar Maple Farms proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of <u>\$822.00</u> for a ten (10) year time period, or an estimated lump sum payment cost of <u>\$5,910.00</u> for each assessable property located within the boundary of the Sugar Maple Farms proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

**BE IT FURTHER RESOLVED,** that Sussex County Council does establish Thursday July 11, 2024 from 10 am to 4 pm., on the third floor of the Sussex County Administration Building located at 2 The Circle, Georgetown, DE 19947, as the date, time, and place for the Election to determine whether the property owners of Sugar Maple Farms are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the April 18, 2024 Public Meeting. A provision for Absentee Ballots shall also be provided as part of the Election process; and

**BE IT FURTHER RESOLVED,** that Sussex County Council appoints J. Mark Parker, P.E., of the Sussex County Engineering Department, or his designee, to be the judge of said official Election; and

**BE IT FURTHER RESOLVED,** that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in the Sugar Maple Farms proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code, and to provide proper notification of any necessary changes to date, time and location of the Election.

J. Mark Parker, P.E. Assistant County Engineer June 4, 2024



#### EXHIBIT "B" - PRELIMINARY COST ESTIMATE

#### Updated 05/24/2024

#### Sugar Maple Farms

ITEM	ITEM DESCRIPTION	UNIT	QTY	UNIT COST	п	EM COST
1	Preliminary Design Cost		N1/A	•	•	
1.1	Misc Permits	LS	N/A	\$ -	\$	-
1.2	DNREC NOI (not needed)	LS	N/A	\$ -	\$	-
1.3	SCD Design Review/Inspection Fees	LS	N/A	\$ -	\$	-
1.4	DelDOT Safety Permit [by County - assume Entrance Permit not needed]	LS	N/A	\$ -	\$	-
1.5	Design Survey (none needed) al Preliminary Design Cost	LS	N/A	\$ -	\$ \$	-
Subiol					Þ	-
2	Preliminary Construction Cost					
2.1	Mobilization	LS	1	\$ 9,346.47	\$	9,346.47
2.2	Pavement Milling, 2" Depth	SY	295	\$ 6.00		1,770.00
2.3	Pavement Milling, 4" Depth	SY	20013	\$ 3.50		70,045.50
2.4	Pavement Patching	CY	35	\$ 90.00		3,150.00
2.5	Graded Aggregate Base Course, Type B	TON	85	\$ 80.00	\$	6.800.00
2.6	Hot-Mix Type C Superpave, PG 64-22, 9.5 mm mix	TON	2305	\$ 112.00	\$	258,160.00
2.7	Driveway Tie-in, Hot-mix	EA	51	\$ 175.00		8,925.00
2.8	Driveway Tie-in, Concrete	EA	7	\$ 400.00		2,800.00
2.9	Maintenance of Traffic	LS	1	\$ 3,000.00	\$	3,000.00
2.10	Topsoil, Seed & Mulch (Edge Stabilization and/or gap fill)	SY	3307	\$ 4.75		15,708.25
2.11	Pipe Culvert Repair	LS	1	\$ 3,000.00		3,000.00
2.12	Pavement Striping	LS	1	\$ 500.00		500.00
	Erosion & Sediment Control Measures (assume none)					
Subtot	al Preliminary Construction Cost				\$	383,205.22
Subtot	al Preliminary Design & Construction Cost				\$	383,205.22
		COST ESTIM				
			<b>v</b>	& Construction Cost	\$	383,205.22
Project	t Engineer: Mark Parker	5% Project Contingency				\$19,160.26
		Total Prelim	Design & C	Construction Cost	\$	402,365.48
	, //					
	ved by County Engineer:	10% Adminis	tration Fe	2	\$	40,236.55
Annroy	ved by County Engineer: Date: 5/29/2024	10 /0 / 0			<b>•</b>	10,200100
,		HOA Contribu	ited Fund	<pre></pre>	\$	52,547.00
		Total Project		<b>~</b>	\$	390,055.03
		Total Project	0031		Ψ	330,033.03
	Total Parcels					66
	Approved by Finance Director: <u>Jina J.</u> <u>Jennings</u> Date: <u>5/29/2024</u> Lump Sum Benavment Cost Option					6.50%
Approv	red by Finance Director: ////// `A · ////////// Date: 5/29/2024		· · ·			
				t Cost Option	\$	5,910
	-			riod Cost Option (per	\$	000
		year, per parc	el)		Þ	822

# SUGAR MAPLE FARMS PROPOSED CHAPTER 96 PROJECT – ASSESSABLE PROPERTIES <u>ESTIMATED</u> ANNUAL ASSESSMENT

TAX	PARCEL	LOT	OWNER	EST. ANNUAL
MAP	NO.	NO.		ASSESSMENT
330-16.00	20	1	Thompson, Rebecca A.	\$822.00
330-16.00	21	2	Bennett, Diane S.	\$822.00
330-16.00	22	3	Schellinger, Chelsea E.	\$822.00
330-16.00	23	4	Alexander, Bradley	\$822.00
330-16.00	24	5	Marshall, Barbara	\$822.00
330-16.00	25	6	Sliwinski, Peggy J.	\$822.00
330-16.00	26	7	List, Wayne A. & Kathleen W.	\$822.00
330-16.00	27	8	Kenney, Shaun F. & Christine R.	\$822.00
330-16.00	28	9	Carey, Dustin D.	\$822.00
330-16.00	29	10	Clendaniel James & Sharon	\$822.00
330-16.00	30	11	Betts, Donald L. Jr. & Sherri P.	\$822.00
330-16.00	31	12	Dondarski, Lindsay C. & Michael	\$822.00
330-16.00	32	13	Spurlock, Nick E. & Kathryn M.	\$822.00
330-16.00	33	14	Gerlitz, Robert R. & Alyssa C.	\$822.00
330-16.00	34	15	Bradley, Jessica M. & Brooks R.	\$822.00
330-16.00	35	16	Watson, John & Mary	\$822.00
330-16.00	36	17	Blaine, Thomas G. & Michelle	\$822.00
330-16.00	37	18	Peck, Colton C. & Allison T. Brubaker	\$822.00
330-16.00	38	19	Bartkowski, Marie A. & Michael R. Stec	\$822.00
330-16.00	39	20	Narurkar, Reema & Shirish M. Thorat	\$822.00
330-16.00	40	21	Krauss, Brandon & Miranda L.	\$822.00
330-16.00	41	22	Roswell, Robert E. & Rebecca A.	\$822.00
330-16.00	42	23	Siles, Kevin & Carol	\$822.00
330-16.00	43	24	Stombaugh, Brandon L. & Elizabeth E.	\$822.00
330-16.00	44	25	Szymanski, Michael J. & Margaret S.	\$822.00
330-16.00	45	26	Szymanski, Michael J. & Margaret S.	\$822.00

TAX MAP	PARCEL NO.	LOT NO.	OWNER	EST. ANNUAL ASSESSMENT
330-16.00	46	27	Gentry, Gregory M. & Pamela M.	\$822.00
330-16.00	47	28	Malley, James D. & Linda A.	\$822.00
330-16.00	48	29	Noll, Suzanne J.	\$822.00
330-16.00	49	30	Shomberger, Stephen M. & Katherine A.	\$822.00
330-16.00	50	31	Prystajko, Michael J.	\$822.00
330-16.00	51	32	Noll, Suzanne	\$822.00
330-16.00	52	33	Kulp, Richard C. Jr. & Kathryn A.	\$822.00
330-16.00	53	34	Strobel, John Jr. & Leona C.	\$822.00
330-16.00	54	35	Sullivan, Daniel & Margaret	\$822.00
330-16.00	55	36	Hudson, Susan F.	\$822.00
330-16.00	56	37	E.L. Bradley Family, LLC	\$822.00
330-16.00	57	38	Ashcraft, Jason R.	\$822.00
330-16.00	58	39	Cash, William D. & Katherine A.	\$822.00
330-16.00	59	40	Popham, William P. & Barbara J.	\$822.00
330-16.00	60	41	Ingegno, Thomas R. & Geraldine	\$822.00
330-16.00	61	42	Schwan, Martin & Ursula	\$822.00
330-16.00	62	43	Hernandez, Becerril V. & Jose M.	\$822.00
330-16.00	63	44	Florio, Robert E.	\$822.00
330-16.00	64	45	Deckelman, Michael A.	\$822.00
330-16.00	65	46	Kneifl, Vance S. & Tracey C.	\$822.00
330-16.00	66	47	Stopera, Douglas J. & Rachel C. Pulaski	\$822.00
330-16.00	67	48	Culver, Devon F. & Kathryn E.	\$822.00
330-16.00	68	49	Osmundson, Leif O. & Casey	\$822.00
330-16.00	69	50	Wood, Abby G.	\$822.00
330-16.00	70	51	Jones, Octavia Best & Julie Best Jones	\$822.00
330-16.00	71	52	Morrisette, Berry G. & Francine A.	\$822.00
330-16.00	72	53	Roeill, Kathy & Lawrence W. Junda	\$822.00
330-16.00	73	54	Kibler, Lori J. & Daniel L.	\$822.00
330-16.00	74	55	Pinnock, Kacie	\$822.00
330-16.00	75	56	Evans, Rosellen G.	\$822.00
330-16.00	76	57	Lyons, Eugene A.	\$822.00
330-16.00	77	58	Palmer, Gary J. & Edith P.	\$822.00
330-16.00	78	59	Ferguson, Robert C. Jr.	\$822.00

TAX MAP	PARCEL NO.	LOT NO.	OWNER	EST. ANNUAL ASSESSMENT
330-16.00	79	60	Gratton, Shannon	\$822.00
330-16.00	80	61	Calandra, Danielle M.	\$822.00
330-16.00	81	62	George, William H.	\$822.00
330-16.00	82	63	Holli Properties, LLC	\$822.00
330-16.00	83	64	TruHomes, LLC	\$822.00
330-16.00	84	65	Jones, Tatum B. & Nicholas Rhoads	\$822.00
330-16.00	85	66	Lewes, Bruce W. & Elinor J.	\$822.00

Notes: Parcel owners and estimated Annual Assessment are current as of 06/04/2024.

Approved by County Engineer: Mind Harman Date: Approved by Finance Director: Mind J. Jannings Date:

Date: 5/29/2024

Date: \_\_\_\_ 5/29/2024

#### ENGINEERING DEPARTMENT

J. MARK PARKER, P.E. ASSISTANT COUNTY ENGINEER (302) 855-7370 T (302) 854-5391 F mark.parker@sussexcountyde.gov





DELAWARE sussexcountyde.gov

### **Memorandum**

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

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

#### **RE:** George, Miles & Buhr, Inc. - Architectural Services Contract A. Approval of Amendment No. 5

DATE: June 4, 2024

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance. The building's purpose is to consolidate all EMS training, administration, and logistics functions in one facility replacing the current locations. Following a publicly advertised request for proposals, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. (GMB) on July 17, 2018 in the amount of \$300,000.00. It covered the North Seaford Medic Station 110 and the Public Safety Building Project C19-04 initial programming and design effort. This station was the first one which had to meet the revised State's fire prevention code requiring a fire suppression sprinkler system.

In October of 2020, the Department presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request, GMB was asked to create several breakout specialty scopes for procurement under Cooperative Purchasing Agreements. This increased the project design complexity and on March 23, 2021, Council approved GMB's Amendment No.1 in the amount of \$61,500.00.

Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover the required services. In addition, they provided a proposal for construction administration services and on August 10, 2021, County Council approved GMB's respective Amendments No. 2 & 3 for a total amount of \$319,500.00.



The architectural design associated with the relocation of the station 103 in Dagsboro and station 101 in Lincoln, and a new station 111 on Cave Neck Road began with a development of a prototype building which was to be duplicated on each of the three sites. Due to the staggered schedules for required site design, the architectural design effort reflected separate bid and construction periods. On September 20, 2022, Council approved GMB's amendment No. 4 in the amount of \$452,000.00 to cover the necessary architectural design services as well as limited bidding and construction administration services. The approved fee was broken into a *not-to-exceed* amount for each of the three EMS sites.

The first EMS station that went to construction is the Millsboro site which relocates station 103 currently situated in Dagsboro. The construction phase is approximately 25% complete based on Calendar Days expended, and the Shop Drawing review process has been particularly involved and time-consuming. To date, 44 Shop Drawings have been reviewed and processed and there are approximately 35 more Shop Drawings still to be submitted. Many of the submittals required multiple rounds of review due to incomplete information provided by Sub-Contractors. Several clarification meetings involving design team members have been required as well. County personnel has been reviewing as many submittals as possible, but many require technical review by the Designer of Record (GMB & Subconsultant) representing architectural, structural and MEP disciplines.

At the Engineering Department's request, GMB submitted a proposal to cover additional services necessary during construction phase of the Millsboro EMS station. <u>The Department is requesting approval of Amendment No. 5 to GMB's 2018 Architectural Services Contract in the not-to-exceed amount of \$38,380.00 to be billed in accordance with GMB's audited hourly rates.</u>



ARCHITECTS ENGINEERS

206 WEST MAIN STREET SALISBURY, MD 21801 PH: 410.742.3115 PH: 800.789.4462 salisbury@gmbnet.com

> SALISBURY BALTIMORE SEAFORD LEWES OCEAN VIEW

www.gmbnet.com

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

Peter A. Bozick, Jr., P.E. Judy A. Schwartz, P.E. W. Brice Foxwell, P.E.

John E. Burnsworth, P.E. Vincent A. Luciani, P.E. Autumn J. Burns Christopher J. Pfeifer, P.E. Benjamin K. Hearn, P.E. May 8, 2024 *Revised May 16, 2024* 

Sussex County Engineering Department 2 The Circle PO Box 589 Georgetown, DE 19947

Attn: Mark Parker

Re: Additional CA Services Proposal Millsboro Paramedic Station GMB File 210263

Dear Mark:

At your request, the following is a proposal to furnish additional CA services for the referenced project. This request is made necessary by fact of exceeding the scope and quantities of CA work efforts estimated and enumerated in our original contract of October 25, 2022.

Contributing factors for requiring our additional CA participation include Contractor performance issues related to the submittal review process and the underlying limitations of our original CA agreement. Quantities of work efforts shown therein represented a best effort estimate to provide reviews of <u>critical</u> submittals and other work items to assist the County in its chosen role as lead in the CA process. Similar challenges have occurred in our limited site access during construction.

As you know, participation by the A/E during construction customarily involves more comprehensive services such as pay application and CO reviews, monthly (or more frequent) site observation and progress meeting attendance, RFI review and response, and acting as the client's full time representative and intermediary with the General Contractor.

GMB shares the County's desire to complete this project in the most expeditious and thorough manner possible.

Our proposal is more particularly described as follows.

#### SCOPE OF SERVICES

#### ARCHITECTURAL/STRUCTURAL:

Furnish the following additional services in excess of those enumerated in our original agreement:

- 1. Perform up to twenty (20) shop drawing reviews including resubmittals of the same submittal.
- 2. Perform up to ten (10) reviews of contractor requests for information (RFIs).



- 3. Perform up to three (3) site observations to monitor the progress of construction.
- 4. Provide one (1) Punch List Inspection and report at Substantial completion. Draft and complete AIA substantial Completion form.
- 5. Finalize As-Built drawings in CAD and export files to the County for record.

#### MECHANICAL, ELECTRICAL & PLUMBING:

MEP design and engineering services will be furnished by Diamond State Engineering of Dover, Delaware. A copy of its proposal is attached to this letter.

#### FEE SUMMARY

We propose to provide the above-named services according to the following fee breakdown.

Architectural	\$ 25,380.00
Structural	\$ 3,000.00
MEP	<u>\$ 10,000.00</u>
Total Proposed Fee (Add Services)	\$ 38,380.00

#### **ASSUMPTIONS AND CONSIDERATIONS**

- Civil/Site Engineering is excluded from this agreement and is provided under a separate contract.
- Attendance at public meetings is excluded from this agreement.
- Additional requested services not enumerated above will be invoiced at our standard hourly rates.
- Review of O&M and close out documentation is excluded from this agreement as it will be performed by the County.
- A second punch list verification onsite inspection is excluded and will be performed by the County.
- Review of pay applications, change orders and final acceptance is excluded from this agreement as these services are being provided by the County.
- Any item not specifically indicated herein is excluded from this agreement.

#### PROPOSAL CONDITIONS

The terms and conditions of our original agreement shall apply.



If acceptable, please sign this proposal and return a copy to our office. If you have any questions, do not hesitate to call me.

Sincerely,

mon-stela

Morgan H. Helfrich, AIA LEED AP

MHH/sh

Enclosures: Schedule of Hourly Rates & Expenses General Conditions Diamond State Engineering Proposal

#### APPROVED FOR SUSSEX COUNTY BY:

By: \_\_\_\_\_

Printed Name:

Date:\_\_\_\_\_

Title:\_\_\_\_\_

Phone Number:

Email Address:\_\_\_\_\_



#### **SCHEDULE OF HOURLY RATES & EXPENSES**

# HOURLY RATES Effective April 25, 2024

CLASSIFICATION Senior Project Director Project Director Senior Project Manager Assistant Project Manager Senior Project Engineer/Architect/Landscape Arch Senior Environmental Scientist Project Engineer/Architect/Landscape Arch Graduate Engineer/Architect/Landscape Arch Environmental Scientist Geospatial Analyst Senior Designer Designer CADD Operator Construction Representative Resident Project Representative (RPR) Senior Project Coordinator Project Coordinator Surveyor Survey Crew Chief Survey Technician Administrative/IT Support GIS Specialist Senior Technician Technician	HOURLY RATE \$ 185.00 - \$ 225.00 \$ 160.00 - \$ 205.00 \$ 135.00 - \$ 185.00 \$ 115.00 - \$ 160.00 \$ 115.00 - \$ 155.00 \$ 100.00 - \$ 155.00 \$ 105.00 - \$ 155.00 \$ 105.00 - \$ 145.00 \$ 70.00 - \$ 135.00 \$ 70.00 - \$ 135.00 \$ 70.00 - \$ 135.00 \$ 70.00 - \$ 115.00 \$ 70.00 - \$ 115.00 \$ 70.00 - \$ 100.00 \$ 90.00 - \$ 125.00 \$ 90.00 - \$ 125.00 \$ 90.00 - \$ 125.00 \$ 95.00 - \$ 125.00 \$ 95.00 - \$ 120.00 \$ 70.00 - \$ 120.00 \$ 40.00 - \$ 80.00 \$ 50.00 - \$ 125.00 \$ 40.00 - \$ 95.00 \$ 60.00 - \$ 125.00 \$ 40.00 - \$ 125.00 \$ 60.00 - \$ 125.00 \$ 40.00 - \$ 125.00 \$ 40.00 - \$ 125.00 \$ 60.00
EXPENSES All items per each, unless noted.	
Internal:	
Photocopies:	¢ 0.00
Black & White	\$ 0.20 \$ 0.50
Color Prints/Plots:	\$ 0.50
Black & White/Color	\$ 0.50 /s.f.
Mylar	\$ 0.50 /s.f. \$ 2.00 /s.f.
Travel:	φ 2.0075.1.
Mileage	\$ 0.67/mile*
Subsistence (Meals & Lodging)	At Actual Cost
Overnight/Immediate Delivery	At Actual Cost
Survey Crew Rates	At Actual Cost
1-person crew	\$ 130.00/hour
2-person crew	\$ 160.00/hour
3-person crew	\$ 190.00/hour
Other:	\$ 190.00/nou
Electronic Media Copies/Transfers/File	\$ 300.00/file
Website Project File Sharing	\$ 1.00/MB/month
Construction Management Software	\$ 200.00/month
Surveying Equipment/Total Station Only	\$ 35.00 /day
Surveying Equipment/Total Station + GPS Unit	
	φ 100.0070dy

\* Adjusted annually in accordance with the Internal Revenue Service Directives



#### GENERAL CONDITIONS

#### (Effective July 1, 2021)

#### AGREEMENT

The term "Agreement" refers to the undertaking by George, Miles & Buhr, LLC ("GMB") to perform Services described in the attached Proposal and these General Conditions. The Agreement shall become effective upon acceptance by Client of the attached Proposal and General Conditions, which when acknowledged in writing, are authorization to proceed. The Agreement is between Client and GMB, and their respective partners, divisions, affiliates, members, successors and assigns, both of whom promise not to transfer or assign any interest in the Agreement without the other party's written consent. The Agreement supersedes all prior written proposals or negotiations and is conditioned upon Client's acceptance of these General Conditions. No modification of the terms of the Agreement or General Conditions shall be valid unless authorized in writing by both parties. If additional services are required by Client, GMB will provide the services when authorized in writing and documented to do so by Client.

#### FEES, RETAINER

Any estimate of the fees and expenses that GMB expects to incur in providing Client with services outlined in the attached Proposal is not a maximum or lump sum fee. Client understands and agrees that the final billing may be more or less than the estimate. Fees for services will be adjusted if there are changes to the scope or schedule, as defined in the Proposal including supporting drawings, schedules and exhibits. If GMB does not have an established relationship with the Client, a retainer will be requested approximating the value of services for a minimum of sixty (60) days and will be credited to the final invoice. A Schedule of Hourly Rates & Expenses is attached to and incorporated as part of the Proposal. Unless otherwise noted, all proposals are valid for a period of 90 days from the date of the proposal.

#### INVOICES

Invoices are due upon receipt. If an invoice is outstanding beyond thirty (30) days of the invoice date, interest will be charged at a rate of one percent (1%) per month and GMB reserves the right to stop providing services and to withdraw all permit applications. Further, if GMB has to refer any delinquent billing to an attorney for collection, Client agrees to pay GMB its reasonable attorney's fees and expenses of collection, to include, without limitation, all litigation related expenses and expert witness fees, plus 25%.

#### EXPENSES

Client agrees to pay GMB for internal expenses in accord with Schedule of Hourly Rates and Expenses charged for those items that are specific to the project, including, but not limited to, subcontracted consultants, permit fees, reproduction expenses, renderings, models, etc. GMB will invoice external expenses at cost plus 10%.

#### LIABILITY & CLAIMS

Client agrees to limit GMB's liability related to errors and omissions to an amount not to exceed the total fee for the project or GMB's available professional liability insurance coverage for that year, whichever is less. GMB will not be responsible for any liabilities arising from Client's negligent acts or errors, or from any entity whose conduct is not subject to GMB's control. Client acknowledges the inherent risks associated with construction. GMB will provide services with a standard of care exercised by licensed architects and engineers. At least 30 days prior to making any claim against GMB, Client agrees to provide GMB a Certificate of Merit issued by an architect or engineer, licensed by the state in which the project is located, specifically describing every error or omission which the issuer believes to be a violation of the standard of care. If Client makes a claim or brings legal action against GMB for any services under this Agreement, and fails to prevail, Client agrees to pay all legal and other expenses incurred by GMB in its defense, including, but not limited to, attorney's fees, court costs, expert witness fees, etc.

#### INSTRUMENTS OF SERVICE

All work products, including those in electronic form, prepared by GMB and GMB's consultants are Instruments of Service for use solely with respect to this project. The Client shall be permitted to authorize Contractor, Subcontractors and material or equipment suppliers to reproduce applicable portions of the Instruments of Service appropriate to and for use in their execution of the work. Any unauthorized use of the Instruments of Service shall be at the Client's sole risk and without liability to GMB and GMB's consultants. No alterations shall be made to the Instruments of Service by the Client and/or any representative of the Client without the written permission of GMB and GMB's consultants. Copies of electronic media, if requested and approved, will be invoiced to the Client and due upon receipt.

#### **APPROVALS**

GMB has no control over governments and their agencies in granting approvals. Therefore, GMB cannot guarantee the timeframe for, or the cost of services incidental to, obtaining approvals from governments or governmental agencies. If the type or level of services as originally defined are revised or changed during our assignment, the fee for our services from that point forward will be subject to negotiation.

#### TERMINATION/SUSPENSION OF WORK

Client or GMB each may terminate the Agreement with fifteen (15) calendar days written notice; Client agrees to pay for all services provided by GMB up to the date of termination. Project delays and suspension of the project for more than 30 days, may result in additional cost to resume work. Client agrees to pay such costs before work resumes if said delays are attributable to the Client.

#### **CONSTRUCTION SAFETY**

Client agrees to require general or subcontractor to indemnify, defend and hold GMB harmless against claims arising from unsafe site conditions.

#### CONSTRUCTION ESTIMATES

GMB has no control over the cost of labor, materials, equipment and services provided by others or over the contractor's methods of determining prices and does not warrant or guarantee construction estimates.

#### CONSTRUCTION SCHEDULES

GMB has no control over the means, methods and techniques of construction employed by contractors, the timing of government approvals or the delivery of materials and equipment. The Client agrees that any construction schedule prepared by GMB is approximate and will not be the basis for a claim.

#### HAZARDOUS MATERIALS

Client agrees to defend, indemnify and hold GMB harmless for any and all liabilities, claims, costs and expenses, including, but not limited to, litigation expenses, attorney's fees, and expert witness fees, which relate in any way to the presence of any hazardous or toxic materials on the project. GOVERNING LAWS; VENUE

The Agreement shall be interpreted in accordance with the laws of the State of Maryland. The venue for any dispute arising out of the Agreement shall be, at the sole discretion of GMB, the Circuit Court for Wicomico County, Maryland or the federal courts within the State of Maryland.



3588 Peachtree Run Dover, DE 19901 (302) 697-7694 Fax: (302) 697-1328

May 16, 2024

P-2024-127r1

Ms. Morgan Helfrich, AIA George, Miles, and Buhr 206 West Main Street Salisbury, MD 21801

REF: Millsboro EMS Station - Construction Administration Change Order

Dear Morgan:

Diamond State Engineering (DSE) is pleased to submit this proposed construction administration change order for the EMS Station in Millsboro, DE.

DSE Construction Administration (Millsboro):

- Respond to RFIs during Construction
- Review Submittals during Construction
- Perform one (1) site visit during construction.
- Perform the final walkthrough with a written punch list.
- Perform closeout tasks and services.

DSE Additional CA Services (Millsboro):

\$10,000

#### Additional Services:

Engineering work not previously defined in this proposal shall be considered additional services. Prior to proceeding with additional services, written authorization shall be received from George, Miles, and Buhr. The DSE hourly invoice rates for personnel associated with or likely to be associated with additional services are as follows:

Principal	\$160.00/hr.
Engineer	\$130.00/hr.
CADD Drafter	\$90.00/hr.
Office Administration	\$40.00/hr.

Clarifications:

• Work under this proposal not completed by July 20, 2024 through no fault of DSE shall be considered Additional Services and billed at rates defined above.

Thank you for the opportunity to submit this proposal. Please do not hesitate to contact me should you have any questions.

Sincerely,

George, Miles, & Buhr

Bala Marg

Accepted:

Branden E. Moore Diamond State Engineering

Date:

# **AIA** Document G802° – 2017

## Amendment to the Professional Services Agreement

<b>PROJECT:</b> (name and address) Millsboro EMS 26929 Dickerson Road Millsboro, DE 19966	AGREEMENT INFORMATION: Date: 5/16/24	AMENDMENT INFORMATION: Amendment Number: 001 Date: 6/4/24
<b>OWNER:</b> (name and address) Sussex County Engineering Department PO Box 589	ARCHITECT: (name and address) George Miles & Buhr, LLC (GMB) 206 West Main Street	
Georgetown, DE 19947	Salisbury, MD 21801	

The Owner and Architect amend the Agreement as follows:

This Amendment covers the extension of Construction Administration services for this project since the original contract assumed that the county would perform the bulk of shop drawing reviews and RFI repsonses. Therfore, this amendment includes additional shop draiwng reviews, RFI repsonses, site visits and punch list with CAD As Built drawings and distribution.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

This amendment provides for a \$38,380.00 increase in the contract amount, not to exceed without approval.

#### Schedule Adjustment:

The work shall commence immediately upon recipet of executed amendment and shall continue until substantional completion of the Millsborbo EMS building.

#### SIGNATURES:

GMB, LLC **ARCHITECT** (Firm name)

**OWNER** (*Firm name*)

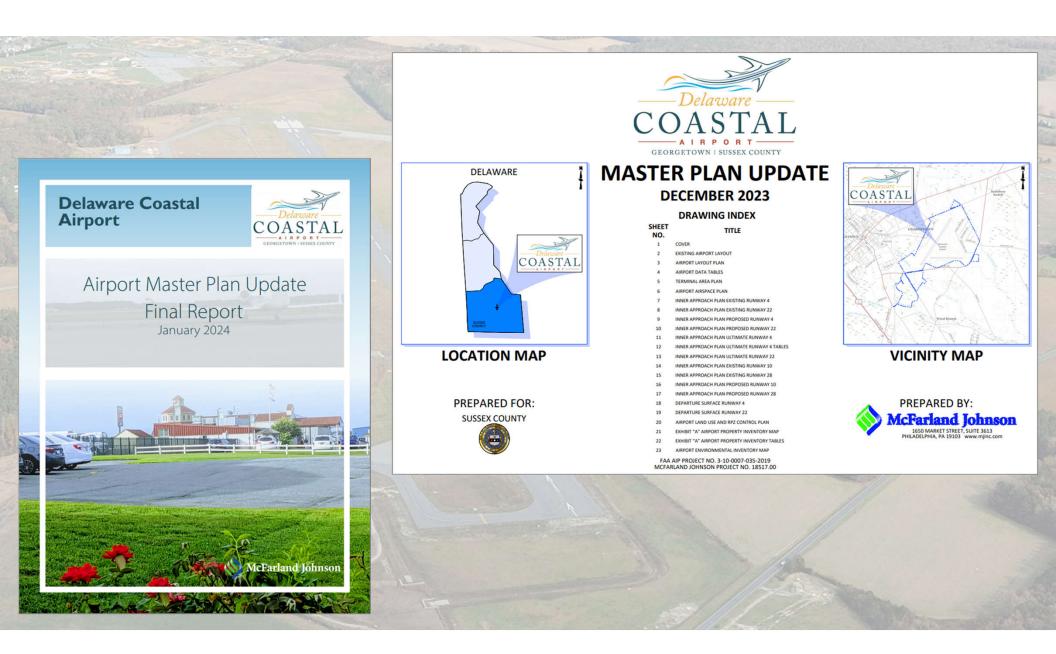
SIGNATURE Morgan H. Helfrich, AIA Senior Vice President PRINTED NAME AND TITLE SIGNATURE

PRINTED NAME AND TITLE

05/16/24 DATE

DATE

1



	Grand Total Income Impacts
	Grand Total Employment Impacts
	Grand Total GDP
	Estimated State and Local Taxes
Delaware Statewide Aviation	Table 3-9: Economic Impacts for Delaware Coastal Airport, Su

ECONOMIC IMPACT ANALYSIS 2022 Final Technical Report

R.A. Wiedemann Associates, Inc.

Published: February 2024

\$165,952,600 \$52,073,900 617 Jobs \$101,409,700 \$5,368,700

Table 3-9: Economic Impacts for Delaware Coastal Airport, Sussex County, DE

**Grand Total Dollar Impacts** 

conomic Impact Item	2022 Impact
irect Impacts	
irport-Related Payrolls	\$34,379,400
irport Expenditures	\$117,351,100
irport-Related Employment	327 Jobs
nduced Impacts	
nduced Impacts	\$48,574,500
otal Induced Employment Impacts	290 Jobs
rand Total Dollar Impacts	\$165,925,600
Frand Total Income Impacts	\$52,073,900
Grand Total Employment Impacts	617 Jobs
Grand Total GDP	\$101,409,700
stimated State and Local Taxes	\$5,368,700
rce: IMPLAN 2022 Model, Accessed 2023	



**Delaware Statewide Aviation AIRPORT COMMUNITY VALUE** 2023 Final Technical Report Airport Community Value (ACV) facilitates the evaluation of an airport's current assets and future investment in relation to its overall economic output.

Delaware Coastal Airport receives the highest Return on Asset value in relation to Economic Output of any public use airport in the State.

Table 5 - Delaware Airports Return on Assets

Airport Name	Existing Value	Total Output	ROA-Economic Output
New Castle Airport	\$522,017,221	\$391,195,200	74.9%
Delaware Coastal	\$151,867,739	\$165,925,600	109.3%
Summit Airport	\$66,293,500	\$48,183,600	72.7%
Delaware Airpark	\$31,050,594	\$4,775,800	15.4%
Chorman Airport	\$11,140,924	\$2,906,400	26.1%
Chandelle Estates	\$3,281,801	\$2,096,800	63.9%
Laurel Airport	\$4,311,031	\$188,300	4.4%
Jenkins Airport	\$2,095,980	\$115,200	5.5%
Smyrna Airport	\$1,057,565	\$115,200	10.9%
Totals	\$793,116,355	\$615,502,100	77.6%

Started in 2019, Sussex County has finally received "Conditional" Airport Layout Plan Approval from the Federal Aviation Administration (FAA)

#### 2 U.S. Departmen

Federal Aviation

sburg Airports District Office Suite 50 Camp Hill, PA 17011 717-730-2830 717-730-2838 (Fax)

January 16, 2024

of Transportation

Robert Bryant Manager Delaware Coastal Airport 21553 Rudder Lane Georgetown, DE 19947

RE: Conditional Airport Layout Plan Approval Delaware Coastal Airport (GED) Airport Master Plan Undate AIP #3-10-007-035-2019 Airspace Case # 2023-AEA-4419-NRA

Dear Mr. Bryant:

The Airport Layout Plan (ALP) consisting of Sheet 3 of 23, for GED Airport, dated December 20, 2023, is hereby approved.

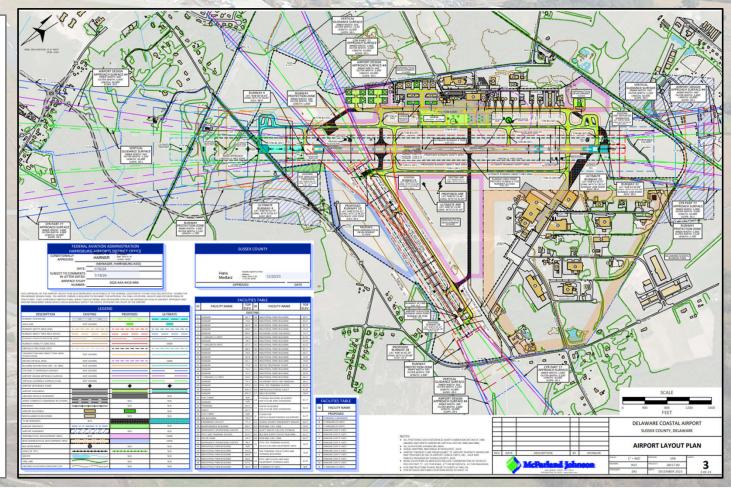
The FAA Reauthorization Act of 2018, section 163(d), has limited the FAA's review and approval authority for ALPs. The Act limits the FAA's authority to those portions of the ALP that:

- Materially impact the safe and efficient operation of aircraft at, to, or from the airport; Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
- Adversely affect the value of prior Federal investments to a significant extent.

FAA's approval of this ALP is limited to existing facilities only (or those specific areas that FAA retains approval authority). The FAA has not made a determination on whether or not it retains review and approval authority for any proposed facilities depicted on the ALP associated with this letter (unless otherwise noted). Under Section 49 USC \$47107(a)(16) (as revised per section 163(d) of Pub.L. 115-254), FAA must separately determine whether it retains approval authority for each individual proposed facility depicted on an ALP before construction occurs.

Although section 163(d) has limited the FAA's review and approval authority of proposed projects depicted on an ALP, airport sponsors must continue to maintain an up-to-date ALP in accordance with Federal law, 49 U.S.C. §47107(a)(16).

The contents of the ALP do not necessarily reflect the official views or policies of the FAA. Approval of the ALP by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted therein.



Delaware Coastal Airport's Master Plan was prepared in compliance with Federal Aviation Administration requirements.

This Advisory Circular **provides guidance** for the preparation of master plans for airports that range in size and function from small general aviation to large commercial service facilities.

The intent of this Advisory Circular is to foster a flexible approach to master planning that <u>directs attention and</u> <u>resources to critical issues</u>.

# Operation Advisory Federal Aviation Circular Subject: Change 2 to Airport Master Plans Date: 1/27/2015 AC No.: 150/5070-6B Initiated by: APP-400 Change: 2

 PURPOSE. This Change 2 incorporates additional guidance on passenger convenience, ground access, and access to airport facilities, as identified in Section 131 of Public Law 112-95, "FAA Modernization and Reform Act of 2012 (49 U.S.C. § 47101(g)(2))." Additional provisions of Public Law 112-95 such as Section 132 (b) which amended the definition of airport planning to include plans for recycling and minimizing the generation of airport solid waste (49 U.S.C § 47102(b)(5)(C)), and Section 133 providing that master plans address issues related to solid waste recycling and waste minimization (49 U.S.C. § 47106(a)(6)(A)) have been addressed in separate FAA guidance. These and related considerations will be incorporated into a future change to this AC.

This change also incorporates relevant updates related to the recent changes to Advisory Circular (AC) 150/5300-13, Airport Design, and references to the new Standard Operating Procedures for preparation and submission of Airport Layout Plans.

2. PRINCIPAL CHANGES. Changed text is indicated by vertical bars in the margins. The primary revisions are contained in Chapters 8 and 10 and Appendix B of this AC. In addition, limited editorial and text revisions since the release of Change 1 to this AC in 2007 are incorporated throughout. A full revision to this AC is underway.

PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
i-iii	7/29/2005	i-iii	1/27/2015
iv	5/1/2007	iv	1/27/2015
7-8	7/29/2005	7-8	1/27/2015
13	7/29/2005	13	1/27/2015
27	7/29/2005	27	1/27/2015

Each master plan should meet the following nine (9) objectives:

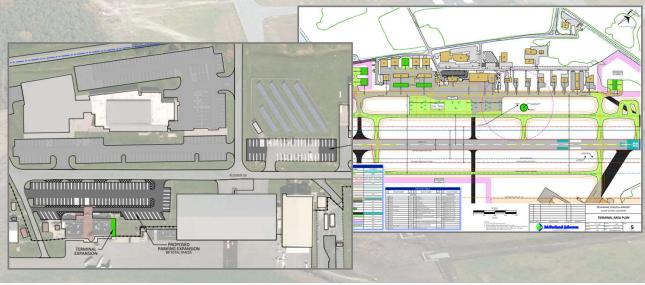
- Document the issues.
- Justify the proposed development.
- Provide an Effective Graphic Presentation.
- Establish a realistic schedule.
- Propose an achievable financial plan.
- Environmental evaluations that may be required before a project is approved.





The effective graphic presentation 23 drawings

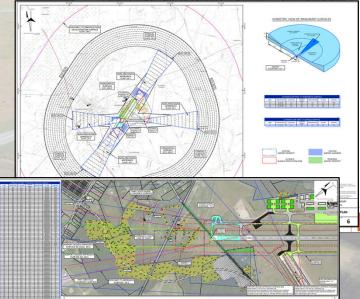
- Address the issues that satisfies local, state, and Federal regulations.
- Document policies and future aeronautical demand necessary to preserve the integrity of the airport and its surroundings.
- Set the stage and establish the framework for a continuing planning process.





The preceding chapters have identified the projects necessary for the Delaware Coastal Airport (GED or the Airport) to accommodate the forecast level of demand throughout a 20-year planning period, as well as meet Federal Aviation Administration (FAA) standards.

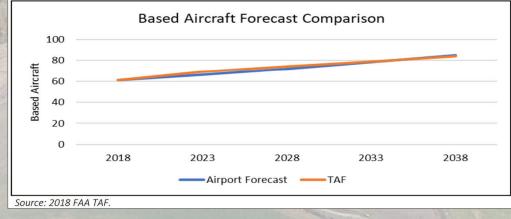
This chapter provides guidance relevant to the implementation development and Alzport Master provides guidance relevant to the implementation for a second provider and Alzport Master provides guidance relevant of the second provider. The proposed development actions detailed in this chapter are derived from the Preferred Alzport Development Alternative presented in Chapter 6, Alzportavies and analysis as well as through the alzport's existing CIP. The provider and analysis and the second provider and the preferred alzport provider and the provider that and a subsidie provider and analysis as checking for implementating the proposed and the second and the second provider and the second



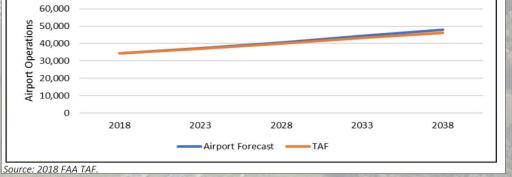
A comparison of the Airport Master Plan forecast to the FAA's Terminal Area Forecast (TAF) is presented.

Growth of Based Aircraft and increases in Airport Operations are consistent with those identified in the FAA's TAF.









The FAA reviews all elements of the master plan to ensure that sound planning techniques have been applied.

However, the FAA only approves the following elements of airport master plans:

- Forecasts of Demand
- Airport Layout Plan

#### AC 150/5070-6B Change 2

1/27/2015

the airport or airports operated by the sponsor. The Internet provides an excellent forum for the distribution of information on the progress of the study and its final findings and recommendations.

- 5) Public Information Kit Throughout the master plan study, airport sponsor representatives may be asked to speak to community associations, eivic clubs, and other organizations with an active interest in the airport. Visual aids such as models, summary brochures, or computer presentations are excellent tools to use at these events to maintain support for the airport development program.
- b. The master plan technical report, summary report, and airport layout plan may be produced as paper versions and/or in an electronic format, as determined by the airport sponsor and the FAA. The electronic format will ease distribution of the final reports after the initial printing is exhausted.
- c. It is again emphasized here that the level of complexity of each of these products should be determined during the development of the study design. The airport sponsor and the FAA have the flexibility to assess the level of detail that is appropriate for the individual airport and may identify other deliverables that should be produced to support the study effort.

#### 205. MASTER PLAN REVIEWS BY THE FAA

- a. The recommendations contained in an airport master plan represent the views, policies and development plans of the airport sponsor and do not necessarily represent the views of the FAA. Acceptance of the master plan by the FAA does not constitute a commitment on the part of the United States to participate in any development depicted in the plan, nor does it indicate that the proposed development is environmentally acceptable in accordance with appropriate public law. The FAA reviews all elements of the master plan to ensure that sound planning techniques have been applied. However, the FAA only approves the following elements of airport master plans:
  - Forecasts of Demand The master plan forecast should be reviewed to ensure that the underlying assumptions and forecast methodologies are appropriate. Paragraph 704.h of this guidance should be used to determine consistency of the master plan forecast levels and the Terminal Area Forecast (TAF). Inconsistencies between the master plan forecast and TAF must be resolved, and the forecast approved, before proceeding with subsequent planning work.
  - 2) Airport Layout Plan All airport development at Federally-obligated airports must be done in accordance with an FAA- and sponsor-approved ALP. Furthermore, proposed development must be shown on an approved ALP to be eligible for Airport Improvement Program (AIP) funding. FAA approval of the ALP indicates that the existing facilities and proposed development depicted on the ALP conforms to the FAA airport design standards in effect at the time of the approval or that an approved modification to standard has been issued. Such approval also indicates that the FAA finds the proposed development to be safe and efficient.

#### Delaware Coastal Airport



#### Airport Master Plan Update

**Final Report** 

Delaware Coastal Airport

Master Plan Update

#### 4. Aviation Forecasts

#### 4.1. INTRODUCTION

The purpose of aviation forecasting is to outline future growth of aviation activity over a 20-year period at the Delaware Cosstal Airport (GED or the Airport). The Federal Aviation Administration (FAA) requires that all airport planning efforts be based upon an approved forecast methodology as the resulting analysis assists in determining the facility requirements for meeting future demand. The aviation demand forecasts will serve three primary purposes in the development of this Airport Master Plan. Specifically, they provide the basis for:

- Determining the necessary capacity of the airfield, passenger terminal area, general aviation area, and ground access system serving the Airport.
- Determining the Airport's future facility size and type of expansion needed.
- Evaluating the financial feasibility of alternative Airport development scenarios

The key elements of this chapter include:

- Aviation Demand Elements
   Forecast Framework
- Forecast Framework
   General Aviation Demand Forecasts
- General Aviation Demand Forecasts
   Military Operational Activity Forecasts
- Summary of Aviation Demand Forecasts

This forecast was prepared prior to the impacts of COVID-19. The forecast approval is based in reference to the data and methodologies used and the conclusions at the time the document was prepared. However, consideration must still be given to the significant impacts of COVID-19 on aviation activity, as a result, there is lower than normal confidence in future growth projections. FAA approval of the forecast does not provide justification to begin airport development. Justification for future projects will be made based on activity levels at the time the project is activity levels reaching the planning activity levels will be needed prior to FAA participation in funding for eligible projects.

#### 4.2. AVIATION DEMAND ELEMENTS

McFarland Johnson

Forecasts of aviation demand can be developed for a variety of activity indicators. In the case of 6ED, demand elements revolve primarily around existing and future general aviation activity, Military operations forecasts are presented, but these are a fraction of overall general aviation totals. Basic activity indicators include the type and number of aircraft operations, along with the number of aircraft based at the Airport. Other important elements are derived from these basic indicators. The Airport does not have scheduled air carrier service. Therefore, 20-year aviation activity forecasts were prepared for the following aviation elements:

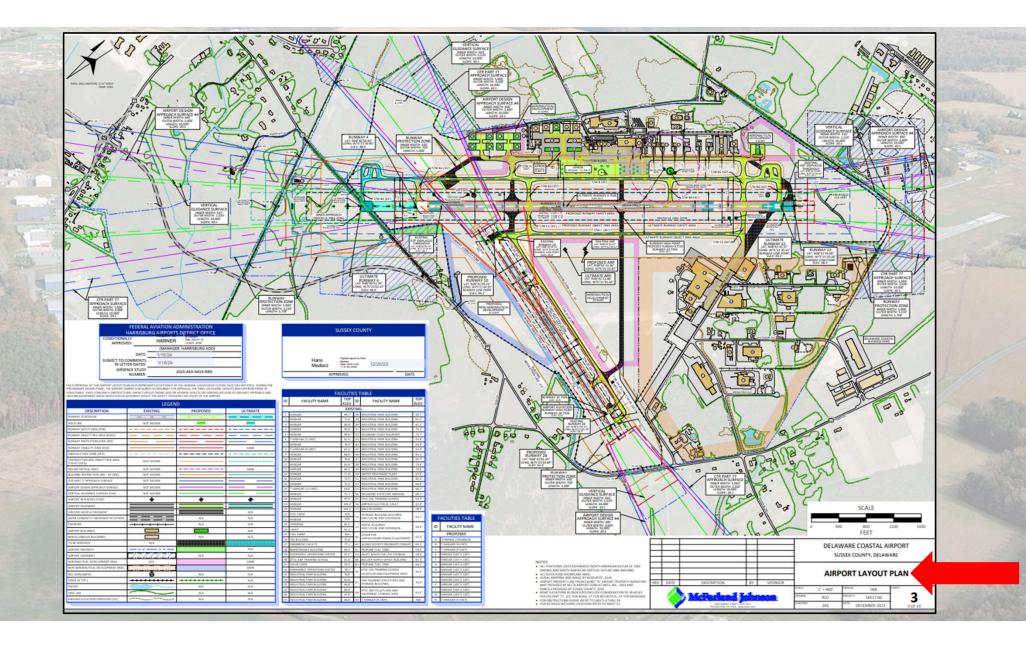
• Based Aircraft: Defined as a general aviation aircraft which is stationed at an airport on a

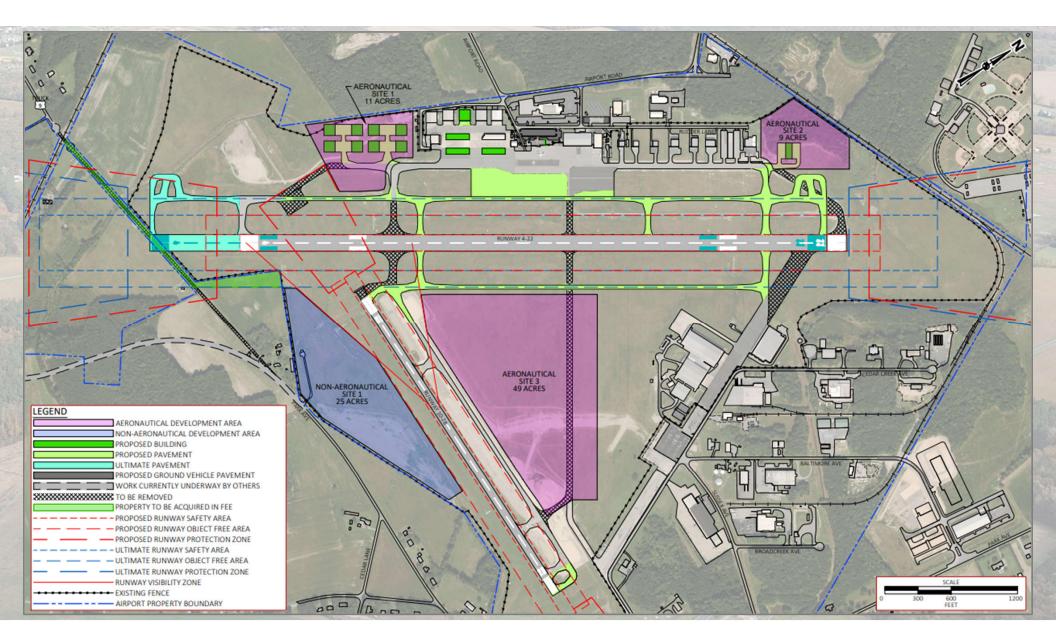
Aviation Forecasts

4-1

# Table on Contents (elements)

- Introduction
- Inventory
- Environmental Overview
- Aviation Forecast
- Facility Requirements
- Alternative Analysis
- Implementation Plan & Financial Feasibility Analysis
- Airport Layout Plan Drawing Set
  - Appendix A Hangar Facilities Inventory and Condition Assessment
  - Appendix B Pavement Management Plan
- Appendix C Environmental Documentation





Robert Bryant Manager Delaware Coastal Airpor 21553 Rudder Lane Georgetown, DE 19947

January 16 2024

RE: Conditional Airport Layout Plan Approval Delaware Coastal Airport (GED) Airport Master Plan Update AIP #3-10-007-035-2019

Airspace Case # 2023-AEA-4419-NRA Dear Mr. Bryant

The Airport Layout Plan (ALP) consisting of Sheet 3 is hereby approved The FAA Reauthorization Act of 2018, section 163(d)

2. for ALPs. The Act limits the FAA's authority to those Materially impact the safe and efficient oper

- · Adversely affect the safety of people or prop
- of aircraft operations; or Adversely affect the value of prior Federal in

FAA's approval of this ALP is limited to existing fac

approval authority). The FAA has not made a determ approval authority for any proposed facilities depicted otherwise noted). Under Section 49 USC §47107(a)(1 254), FAA must separately determine whether it retain facility depicted on an ALP before construction occur

Although section 163(d) has limited the FAA's revie depicted on an ALP, airport sponsors must continu Federal law, 49 U.S.C. §47107(a)(16).

The contents of the ALP do not necessarily reflect the the ALP by the FAA does not in any way constitute a participate in any development depicted therein.

The approval indicated by my signature is given subject to the following conditions 1. FAA's approval of this ALP represents acceptance of the general location of future facilities depicted. During the preliminary design phase, the airport sponsor is required to resubmit for approval final locations, heights and exterior finish of structures. FAA's concerns are obstructions, impact on electronic aids, or adverse effect on controller view of aircraft approaches and ground movement areas, which could adversely affect the safety, efficiency, or utility of the airport. When airport construction, alteration, or deactivation is undertaken, such action requires FAA notification and review in accordance with the provisions of Part 77 and Part 157 of the Federal Aviation Regulation All proposed airport development identified on the ALP should be coordinated with the ADO to determine if environmental processing is required. If environmental processing is required the development shall not be undertaken with or without Federal funds prior to written environment environment shall not be undertaken with or without Federal funds prior to written environment and the statement of the approval by the FAA. The sponsor has a continuing responsibility to k submitted to this office for prior approval. The Property Map for the airport at all times. 4. The approval of this ALP does not in any way

ion or amendment to the Airport Proper proposed and existing non-aeronautical use area 5. The sponsor is responsible for ensuring compa airport and agrees to maintain positive control of

6. The sponsor must take appropriate action to as instrument and visual operations to the airport, y lowering, relocating, marking or lighting existin for mitigation should be reviewed and approved

The sponsor must coordinate with FAA Techni equirements (P&R) Offices prior to any prop-8. The sponsor must coordinate with the FAA Flig changes to the runway approach procedures or must be coordinated with FAA Flight Procedur nt of cor

9. The Runway Data Table on your ALP shows that design standards for runway width. At the time projects, the runway width will need to be evalu Rick Harne evaluation. The sponsor will be responsible for a funding for a runway width beyond the standard Manager

 The Airport Data Table on your ALP shows that proposed and ultimate is TDG 2. Taxiways A, B standards for TDG 2 width. At the time of any t width will need to be evaluated and adjusted to a onsor will be responsible for any costs that ar taxiway width beyond the standard.

11. The ultimate C-II improvements may be shown on the Airport Layout Plan (ALP) to preserve the Indiantary of the start of the FAA Order 5100.38D-Change 1, Section 3-24 regarding development that exceeds FAA Standards.

12. Airport development not depicted on the approved ALP should not be initiated until a revision to the drawing is approved by the FAA. This office should be contacted to discuss the appropriate process for revising the ALP.

 Although section 163(d) has limited the FAA's review and approval authority of non-aviation related development, the sponsor must coordinate any proposed development or change in land use in advance with the FAA. Under Section 49 USE §47107(a)(16) (as revised per section 163(d) of Pub.L. 115-254) FAA must separately determine whether it retains approval authority for each individual ed facility depicted on an ALP before construction oc

The digital copy of this letter and ALP will be upload to the Airports Data and Information Portal (ADIP) If you have any questions or require additional information, please contact me or Lori Ledebohm, ADO Lead Planner at (717)730-2839.

Sincerely RICKY W HARNER

"Conditional" Airport Layout Plan Approval is subject to 13 conditions and in general includes:

Must coordinate with FAA.

Projects must meet with FAA design and construction standards.

Justification of capacity expansion projects by aeronautical demand.



Approval does not in any way constitute a commitment by the FAA to participate in any development.

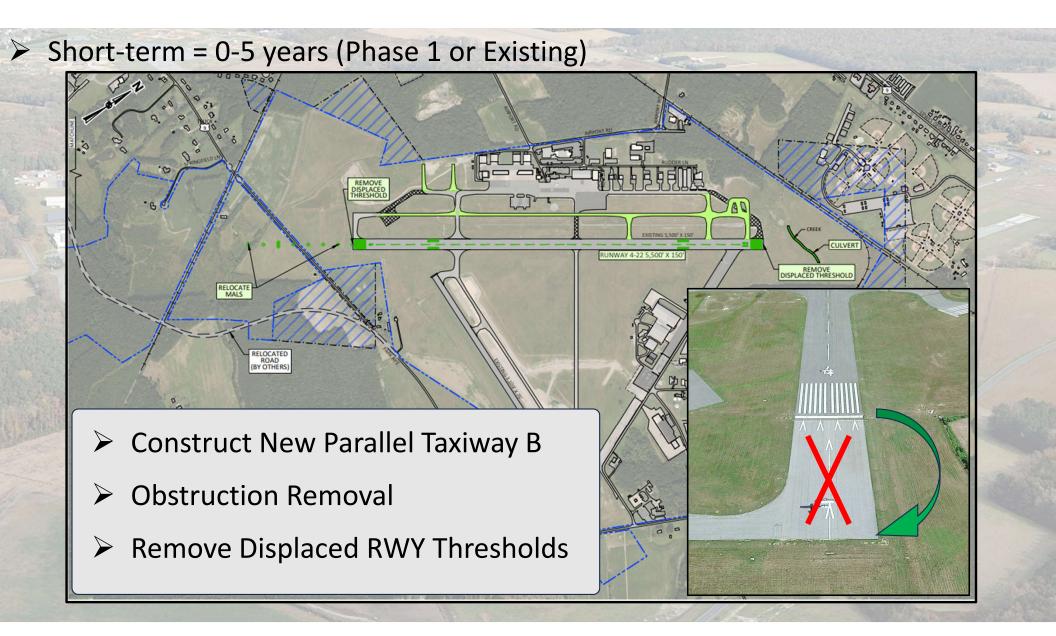
An airport master plan is a comprehensive 20-years study of an airport and usually describes the short, medium, and long-term development plans to meet future aviation demand.

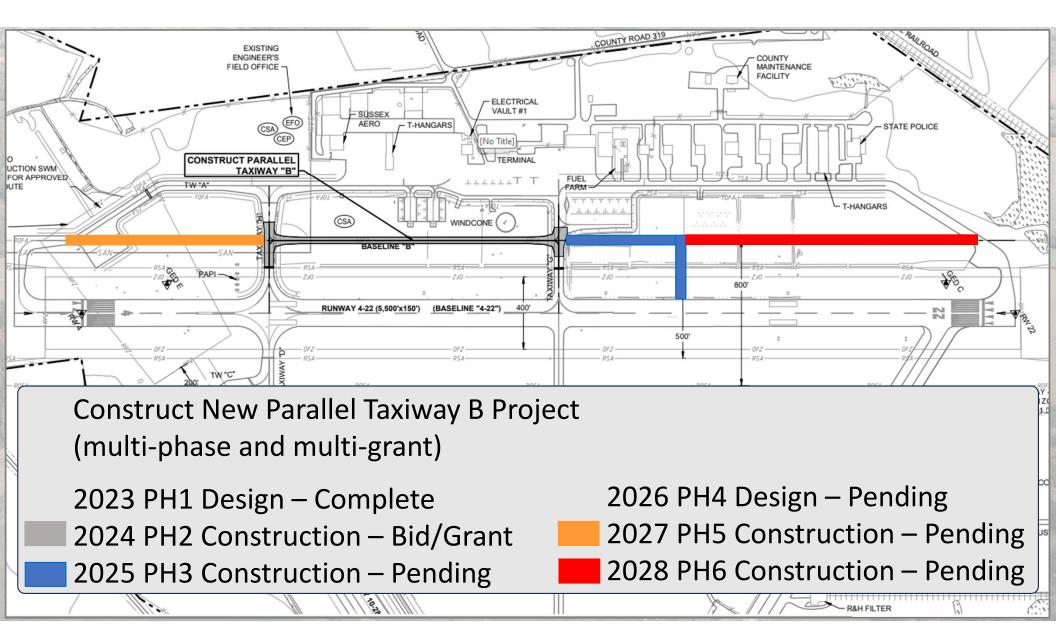
Short-term = 0-5 years (Phase 1 or Existing)

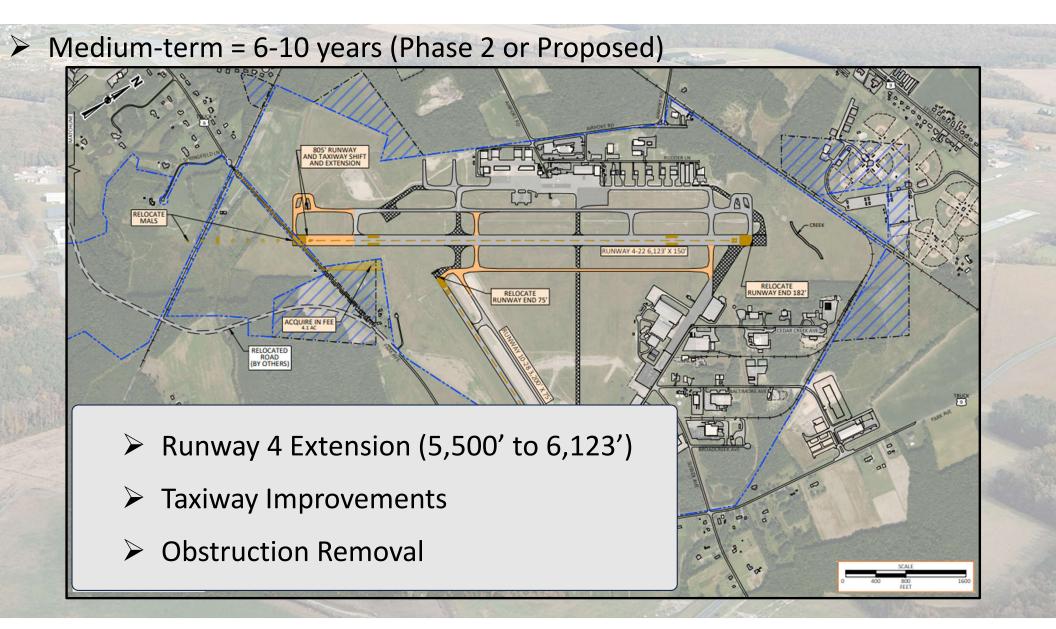
Medium-term = 6-10 years (Phase 2 or Proposed)

Long-term = 11-20 years (Phase 3 or Ultimate)





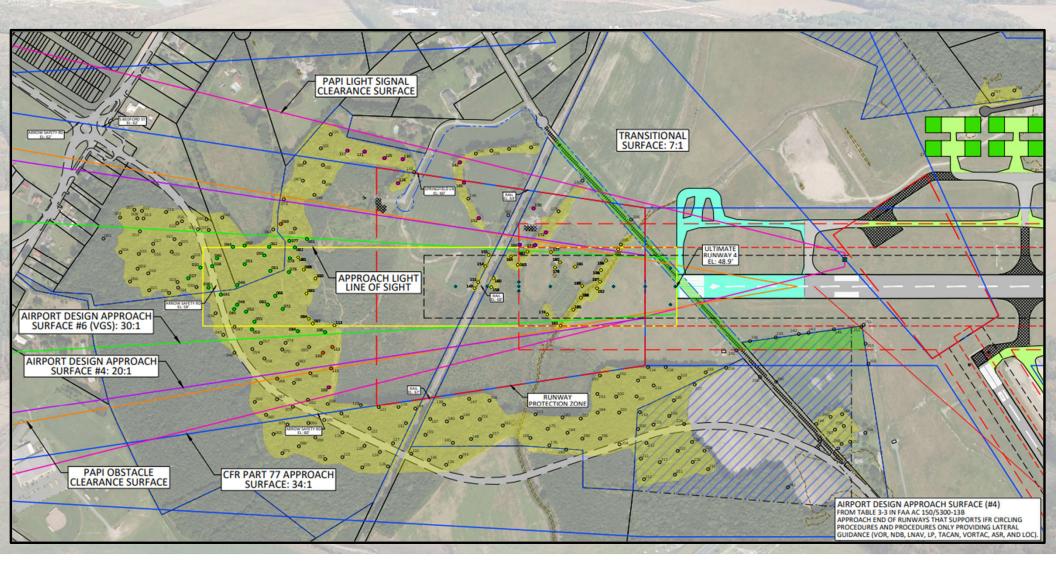


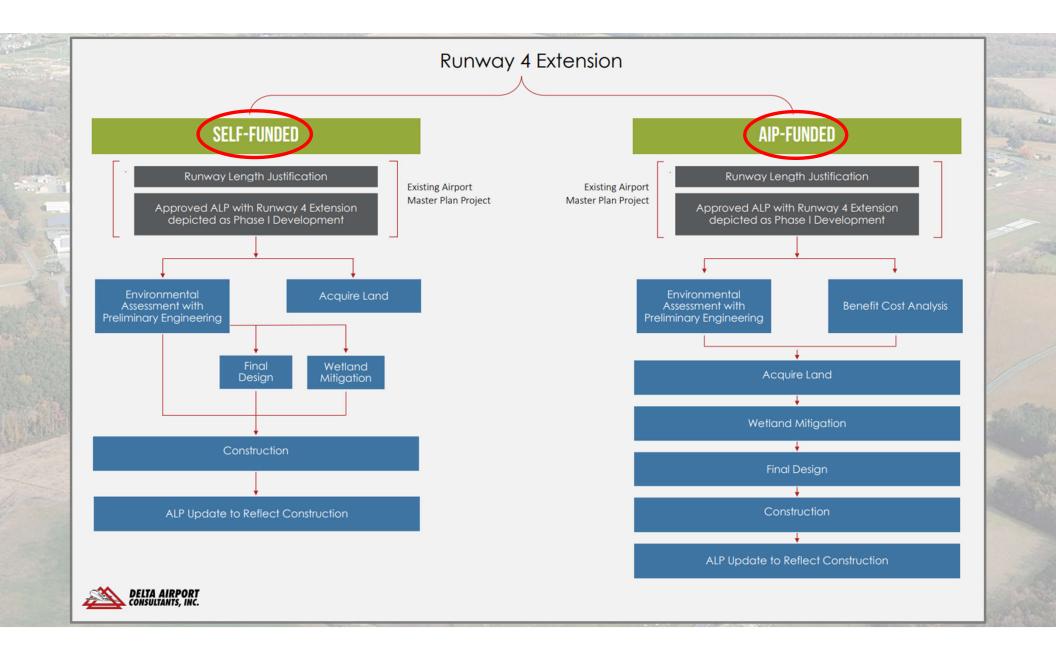


# Long-term = 11-20 years (Phase 3 or Ultimate)

TERMINAL PARKING On RUNWAY 4-22 6,123' X 150' -0 RELOCATED ROAD (BY OTHERS) EUC) Rehabilitate Existing Paved Surfaces 0 Hangar Development Terminal Facility Expansion

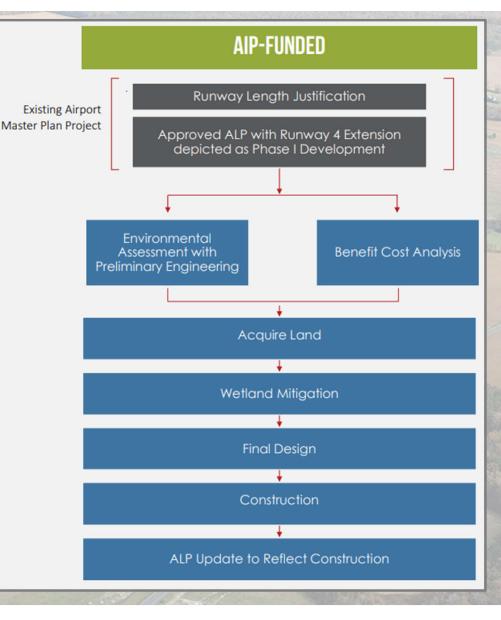
## Runway 4-22 Extension Project and how do we get there?





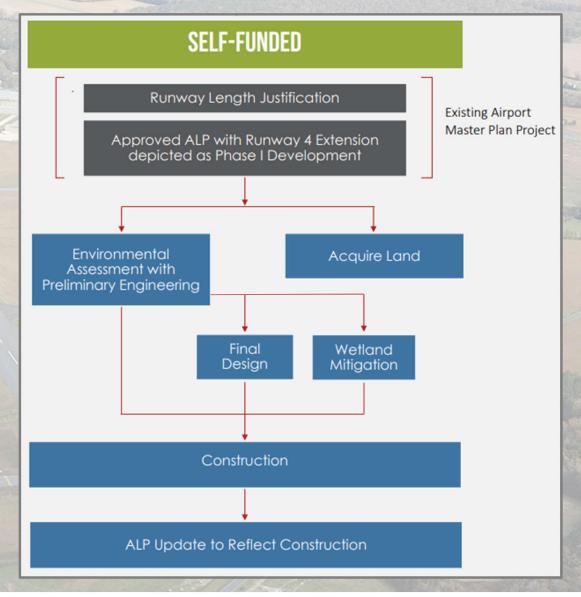
Traditional FAA AIP Funded Project

- Extremely Structured Program
- Subject to available FAA funding.
- Document and Demonstrate regular use (minimum 500 ops) by Aircraft Approach Category C and D.
- Document and Demonstrate regular use (250 ops) by the "largest aircraft" with long-haul stage lengths at 90% Useful Load.
- Prove Benefits exceed Project Cost.



## Self-Funded Project

- Must coordinate with FAA.
- Projects must meet with FAA design and construction standards.
- Project <u>doesn't</u> need to Document and Demonstrate regular use or be subject to an FAA Benefit/Cost Analysis.
- Project can advance at the Airport Sponsor's pace as funding sources become available.



## Self-Funded has been "kick-started"

- \$1.0M CDS earmark Sen. Carper/Coons. Fully approved for costs associated with a project Environmental Assessment and Preliminary Design for a Runway 4-22 Extension.
- \$1.0M earmark from Gov. John Carney. Pending budget approval this summer.
- FAA Reauthorization Bill approved and signed into law By President Joe Biden on May 16, 2024. Funding sources TBD



FISCAL YEAR 2024 CONGRESSIONALLY DIRECTED SPENDING REQUEST APPLICATION

#### In the Senate of the United States,

May 9, 2024.

*Resolved*, That the bill from the House of Representatives (H.R. 3935) entitled "An Act to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.", do pass with the following

#### **AMENDMENT:**

Strike all after the enacting clause and insert the following:

#### 1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "FAA Reauthorization Act of 2024".
- 4 (b) TABLE OF CONTENTS.—The table of contents for
- 5 this Act is as follows:
  - Sec. 1. Short title; table of contents. Sec. 2. Definitions.

#### TITLE I—AUTHORIZATIONS

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Facilities and equipment.
- Sec. 103. Operations.
- Sec. 104. Extension of miscellaneous expiring authorities.

## Self-Funded has been "kick-started"

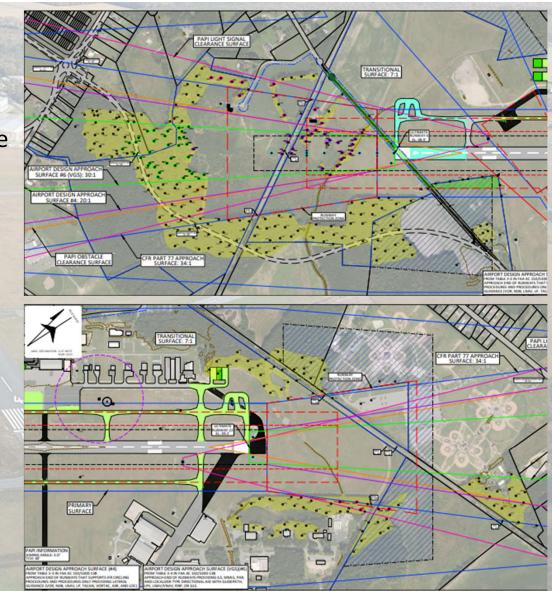
Sussex County Airport Management has initiated discussion with FAA to determine if the \$1.0M CDS earmark can be used to update our FAA required Obstacle Action Plan (OAP) and begin Obstruction Mitigation.

> Overall Development Objective (ODO): Runway 4-22 Extension

Remarks: Relocate Runway 4-22 Thresholds. Remove obstructions found in Approach and Departure Surfaces. Mitigate environmental noncompliance. Extend Runway 4-22 by 805' x 150' at RWY 4 end. Relocated MALS and create new Instrument Approach Procedures. Extend existing parallel taxiway to new RWY end.

### Capitals

1stYR	Update Obstacle Action Plan (OAP)	
2ndYR	Obstruction Mitigation - Phase 1	
$\mathbf{X}$		



The Airport Master Plan Update Final Report and Airport Layout Plan Drawings are available for public view on the Delaware Coastal Airport webpage.

https://delawarecoastalairport.com https://delawarecoastalairport.com/exceed/airport-master-plan

A Public Workshop presenting the Airport Master Plan will be announced.

# Questions?



U.S. Department of Transportation Federal Aviation Administration

Airports Division Eastern Region Delaware, Pennsylvania, New Jersey FAA, Harrisburg Airports District Office 3905 Hartzdale Drive, Suite 508 Camp Hill, PA 17011 717-730-2830 717-730-2838 (Fax)

January 16, 2024

Robert Bryant Manager Delaware Coastal Airport 21553 Rudder Lane Georgetown, DE 19947

RE: Conditional Airport Layout Plan Approval Delaware Coastal Airport (GED) Airport Master Plan Update AIP #3-10-007-035-2019 Airspace Case # 2023-AEA-4419-NRA

Dear Mr. Bryant:

The Airport Layout Plan (ALP) consisting of Sheet 3 of 23, for GED Airport, dated December 20, 2023, is hereby approved.

The FAA Reauthorization Act of 2018, section 163(d), has limited the FAA's review and approval authority for ALPs. The Act limits the FAA's authority to those portions of the ALP that:

- Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
- Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
- Adversely affect the value of prior Federal investments to a significant extent.

FAA's approval of this ALP is limited to existing facilities only (or those specific areas that FAA retains approval authority). The FAA has not made a determination on whether or not it retains review and approval authority for any proposed facilities depicted on the ALP associated with this letter (unless otherwise noted). Under Section 49 USC §47107(a)(16) (as revised per section 163(d) of Pub.L. 115-254), FAA must separately determine whether it retains approval authority for each individual proposed facility depicted on an ALP before construction occurs.

Although section 163(d) has limited the FAA's review and approval authority of proposed projects depicted on an ALP, airport sponsors must continue to maintain an up-to-date ALP in accordance with Federal law, 49 U.S.C. §47107(a)(16).

The contents of the ALP do not necessarily reflect the official views or policies of the FAA. Approval of the ALP by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted therein.

The approval indicated by my signature is given subject to the following conditions:

- FAA's approval of this ALP represents acceptance of the general location of future facilities depicted. During the preliminary design phase, the airport sponsor is required to resubmit for approval final locations, heights and exterior finish of structures. FAA's concerns are obstructions, impact on electronic aids, or adverse effect on controller view of aircraft approaches and ground movement areas, which could adversely affect the safety, efficiency, or utility of the airport. When airport construction, alteration, or deactivation is undertaken, such action requires FAA notification and review in accordance with the provisions of Part 77 and Part 157 of the Federal Aviation Regulations.
- 2. All proposed airport development identified on the ALP should be coordinated with the ADO to determine if environmental processing is required. If environmental processing is required the development shall not be undertaken with or without Federal funds prior to written environmental approval by the FAA.
- 3. The sponsor has a continuing responsibility to keep the ALP current at all times. All revisions must be submitted to this office for prior approval. The sponsor must also maintain an up-to-date Exhibit "A" Property Map for the airport at all times.
- 4. The approval of this ALP does not in any way constitute an approval of a release, modification, reformation or amendment to the Airport Property. The Exhibit "A" Property Map shall identify all proposed and existing non-aeronautical use areas that are currently approved by FAA.
- 5. The sponsor is responsible for ensuring compatible use of land adjacent to or in the vicinity of the airport and agrees to maintain positive control over existing and future runway protections zones.
- 6. The sponsor must take appropriate action to assure that such terminal airspace, as is required to protect instrument and visual operations to the airport, will be adequately cleared and protected by removing, lowering, relocating, marking or lighting existing obstructions and/or airport hazards. Any proposals for mitigation should be reviewed and approved by Flight Standards.
- 7. The sponsor must coordinate with FAA Technical Operations, and ATO Service Area Planning and Requirements (P&R) Offices prior to any proposed visaids projects.
- 8. The sponsor must coordinate with the FAA Flight Procedures Office and the ADO prior to any changes to the runway approach procedures or thresholds. New or amended approach procedures must be coordinated with FAA Flight Procedures a minimum of 24 months prior to the commencement of construction.
- 9. The Runway Data Table on your ALP shows that Runway 4/22 and 10/28 currently exceed FAA design standards for runway width. At the time of any future Runway 4/22 or 10/28 pavement projects, the runway width will need to be evaluated and adjusted to meet FAA standards based on that evaluation. The sponsor will be responsible for any costs that are found not to be eligible for AIP funding for a runway width beyond the standard.
- 10. The Airport Data Table on your ALP shows that the Taxiway Design Group (TDG) for existing, proposed and ultimate is TDG 2. Taxiways A, B, C, G, H, and M currently exceed FAA design standards for TDG 2 width. At the time of any future Taxiway pavement projects at GED, the taxiway width will need to be evaluated and adjusted to meet FAA standards based on that evaluation. The sponsor will be responsible for any costs that are found not to be eligible for AIP funding for a taxiway width beyond the standard.

- 11. The ultimate C-II improvements may be shown on the Airport Layout Plan (ALP) to preserve the land and airspace with the understanding that development related to that RDC may only happen when justified by aeronautical demand. Please refer to the Airport Improvements Program Handbook, FAA Order 5100.38D-Change 1, Section 3-24 regarding development that exceeds FAA Standards.
- 12. Airport development not depicted on the approved ALP should not be initiated until a revision to the drawing is approved by the FAA. This office should be contacted to discuss the appropriate process for revising the ALP.
- 13. Although section 163(d) has limited the FAA's review and approval authority of non-aviation related development, the sponsor must coordinate any proposed development or change in land use in advance with the FAA. Under Section 49 USC §47107(a)(16) (as revised per section 163(d) of Pub.L. 115-254), FAA must separately determine whether it retains approval authority for each individual proposed facility depicted on an ALP before construction occurs.

The digital copy of this letter and ALP will be upload to the Airports Data and Information Portal (ADIP). If you have any questions or require additional information, please contact me or Lori Ledebohm, ADO Lead Planner at (717)730-2839.

Sincerely,

Rick Harner Manager

Enclosure



## SUSSEX COUNTY GOVERNMENT VES. 5/24 GRANT APPLICATION

			(	Green.	
the state of the second s	ECTION 1 APPLI			and the second second	
ORGANIZATION NAME: Greenwood Police Department					
PROJECT NAME: National Night Out 2024					
FEDERAL TAX ID: 5	10107189		NON-PROFIT:	YES NO	
DOES YOUR ORGANIZATIO	ON OR ITS PARENT O	RGANIZATION	HAVE A RELIGIOUS AF	FILIATION?	
	YES 🔳 NO	*IF YES, FILL O	UT SECTION 3B.		
ORGANIZATION'S MISSIO	ORGANIZATION'S MISSION: To protect and serve the citizens of Greenwood Delaware and support other law enforcement agencies within Sussex County as needed. We also engage in strong community policing to foster a partnership between ourselves and the community we serve.				
ADDRESS:	100 West N	Varket St	reet		
	Greenwood	d	DE	19950	
	(CITY)		(STATE)	(ZIP)	
CONTACT PERSON:	Kevin Eicki	man		·.	
TITLE:	Administrat	tive assis	tant		
PHONE:	302-349-4822	EMAIL: kevi	n.eickman@cjis.sta	ate.de.us	
				HWAM MARKEN	
	TOTAL FUNDING R	EQUEST: \$1,5	00.00		
Has your organization received other grant funds from Sussex County Government in YES NO the last year?					
If YES, how much was recei	If YES, how much was received in the last 12 months? \$35,000.00				
If you are asking for funding for building or building improvements, do you own the YES NO building in which the funding will be used for?					
are you seeking other sources of funding other than Sussex County Council? YES NO					
If YES, approximately what percentage of the project's funding does the Council grant represent? 15					

SECT	ION 2: PROGRAM DESCRIPTION		
PRO	GRAM CATEGORY (choose all that ap	ply)	
Fair Housing	Health and Human Services	Cultural	
Infrastructure <sup>1</sup>	Other Community Engagement	Educational	
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income <sup>2</sup> Other	Homeless Youth	
	<b>BENEFICIARY NUMBER</b>		
Approximately the total number of Sussex County Beneficiaries served annually by this program			

#### SECTION 3: PROGRAM SCOPE

ere entropy and the second second

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The 2024 National Night Out is scheduled for August 13th, from 6-8 pm. This years' event will be held at the Greenwood Volunteer Fire House. This provides the community a unique opportunity to interact not only with our agency, but to interact from other law enforcement, environmental, cultural and Public Safety entities throughout Delaware.

This event brings out the best in Greenwood and by extension Sussex County. Attendees are treated to interactive exhibits such as the DUI simulator, K-9 exhibitions and many other events which enhance the communities understanding of the mission of law enforcement in Delaware.

The greatest advantage of this event is the interaction between our local police agency and the community. Officers that our neighbors usually see when acting in an official capacity are afforded the opportunity to develop a greater understanding of each other, in essence humanizing each other. Questions are asked and answered, allowing everyone involved to develop respect for one and other.

17

The Greenwood Police Department provides refreshments and small gifts to attendees, allowing them to feel a greater part of the community.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET	
<b>REVENUE</b> Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,500.00
<b>EXPENDITURES</b> Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	-
Custion T-Shirts	-\$ 2,500.00
Momentos	-\$ 1,100.00
Food	-\$ 1,150.00
Ancilliary items.	-\$ 350.00
TOTAL EXPENDITURES	-\$ 5,100.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 1,600.00

SECTION 5: STATEMENT OF ASSURANCES

4.4.4

We have a set of the set of

If this grant application is awarded funding, the Greenwood Police Department agrees that: (Name of Organization)

1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.

3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

		SECTION 5: STATEMENT OF ASSURANCES (continued)
	4)	All information and statements in this application are accurate and complete to the best of my information and belief.
	5)	All funding will benefit only Sussex County residents.
	6)	All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
	7)	All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
2	8)	In the event that the awarded funding is used in violation of the requirements of this grant.
	-	the awarded funding shall be reimbursed to Sussex County within a timeframe designated
		by Sussex County by written notice.
		Robert 5/11/2024
		Applicant/Authorized Official Signature
		() Allunhall 5/17/2024
z		Witness Signature Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government Attention: Gina Jennings PO Box 589 Georgetown, DE 19947

#### SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Applicant/Authorized Official Signature

Signature

Administrative Assistant

5/17/2024

Date

#### **Casey Hall**

From:

Sent: To: Subject: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com> Tuesday, May 21, 2024 12:13 PM Casey Hall Form submission from: Council Grant Form

Yes. 5/24. Green.

**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.

Council Grant Form	
Legal Name of Agency/Organization	Southern Delaware Therapeutic and Recreational Horseback Riding
Project Name	Summer Program for Children with Disabilities
Federal Tax ID	52-2047294
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 Mission of Southern Delaware Therapeutic Riding (SDTR) is to improve the physical and emotional wellbeing of children and adults living with disabilities through equine assisted services in a supportive environment for riders and their families.
Address	17170 Harbeson Road
City	Milton
State	Delaware

Zip Code	19968	
Contact Person	Jo Allegro-Smith	
Contact Title	Executive Director	
Contact Phone Number	3026432966	
Contact Email Address	jallegrosmith@sdtrhr.com	
Total Funding Request	\$1,100.00	
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?	2380	
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?	19.6	
Program Category (choose all that apply)	Health and Human Services	

Primary Beneficiary Category

#### **Disability & Special Needs**

150

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

Scope

Southern Delaware Therapeutic Riding (SDTR) provides equine-assisted services for children and adults with physical and developmental disabilities. Our program provides activities with horses that contribute to emotional wellbeing, physical health, and that create opportunities for positive social engagement. There are currently 40 children and adults on the waiting list to receive services. More than half of those waitlisted are children with intellectual or developmental disabilities. SDTR is committed to making our program available to all individuals who qualify, regardless of their financial circumstances, but our ability to provide scholarships is dependent on the availability of donated funds. Support from the Sussex County Council Nonprofit Grant Program will allow ten additional children to participate in a summer equine-assisted program at SDTR that is held July 8 – August 24, 2024.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

Personnel (Certified Therapeutic Riding Instructors)

Amount

Description

1,890.00

4,500.00

Description

Operating Costs (Including Horse Care)

Amount	3,730.00
TOTAL EXPENDITURES	5,620.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,120.00
Name of Organization	Southern Delaware Therapeutic Riding
Applicant/Authorized Official	Jo Allegro-Smith
Date	05/21/2024
Affidavit Acknowledgement	Yes

Yes 5/14. Schaeffer

#### **Casey Hall**

From:

Sent: To: Subject: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com> Tuesday, May 14, 2024 6:24 PM Casey Hall Form submission from: Council Grant Form

**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.

### **Council Grant Form**

Legal Name of Agency/Organization	Sussex County Fraternal Order of Police Lodge #2 / SUSSEX COUNTY lodge 2.14C.
Project Name	Charities supported by FOP Lodge #2
Federal Tax ID	51-0255625
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Support: Concerns of Police Survivors (COPS), Share your Christmas (with a needy family, Share your Thanksgiving with a needy family, Home of the Brave (veteran's home), Tunnel to Towers, Lodge #2 scholarship, Retired Officers needing assistance with health issues, Assist the Police Unity Tour (bicycle tour), Camp Barnes (Youth Camp for disadvantaged children run by state police), Burn Camp (Camp for children burned in a fire). As always, with the inflation costs we will try our best to provide a positive image (of police officers) and assist those in need in Sussex County. Our operating cost have also increased due to inflation, however our franchise tax and per capita tax to

the FOP state and national has remained the same. We conduct raffles, sell challange coins and other means to finance our Outreach programs.

Address	36 Autumnwood Way
Address 2	Chapel Green
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	Jerry Gibson (Ret. Postal Inspector)
Contact Title	Lodge #2 Treasurer
Contact Phone Number	302-381-5595
Contact Email Address	jegibson7@aol.com
Total Funding Request	\$3,000.
Has your organization received other grant funds from Sussex County Government in the last year?	No
lf YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding	Yes

other than Sussex **County Council?** 

If YES, approximately what percentage of the project's funding does the Council grant represent?

**Program Category** Educational (choose all that Health and Human Services apply)

650

60

**Primary Beneficiary** Category

**Disability & Special Needs** 

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

Scope

We support programs that aid disadvantaged youth, assist poor families (especially at Christmas and Thanks Giving). It's hard to estimate the number of children attending Camp Barnes and the Burn Camp. Assist the families of Officers who have been killed in the line of duty or terminally ill, the families of Military Veterans, Fire and Police disabled and deceased members families. We draw on our health and welfare fund to aid and assist members when other sources are not available. We have a need in Sussex County for more programs to help the youth in our County, such as a Police Athletic League, however, that goal would almost take a miracle, but we are hoping.

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	Concerns of Police Survivors & Police Unity Tour
Amount	650.00
Description	Share your Christmas and Thanksgiving sharing
Amount	1,850.00
Description	Donation to Middletown PD officer's family who died of cancer
Amount	500.00
Description	Home of the Brave (veteran's home)
Amount	200.00
Description	Tunnel to Towers Foundation to benefit deceased/injured
Amount	200.00
Description	Todd Mumford Family-VP state lodge killed in hunting accident
Amount	500.00
Description	Nana's Kids (Christmas Toys for underprivileged children)
Amount	250.00
TOTAL EXPENDITURES	4,150.00

TOTAL D PROJECT ORGANIZ		-3,650.00	
Name of	Organization	Sussex County Fraternal Order of Police Lodge #2	
Applican Official	t/Authorized	Jerry Gibson	
Date		05/14/2024	
Affidavit Acknowl	edgement	Yes	

#### **Casey Hall**

From:	Jerry Gibson <jegibson7@aol.com></jegibson7@aol.com>
Sent:	Thursday, May 16, 2024 12:16 PM
То:	Casey Hall
Subject:	Re: Form submission from: Council Grant Form

**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.

Good morning,

This is in response to your inquiry regarding our Council Grant form. While we donate to various organizations, Sussex County FOP Lodge #2 makes a determined effort every year to support each of the following organizations with a donation:

Concerns For Police Survivors Home Of The Brave Camp Barnes (Youth Camp) - This Year, Burn Camp at Camp Barnes Tunnel To Towers Police Unity Tour (bicycle tour) Lodge 2 Scholarship

Our largest financial outlays each year involve our Share Your Christmas event when disadvantaged children or children in need are treated to a special fun filled day with a visit from us and local fire departments and police agencies. A large entourage of vehicles and personnel from FOP Lodge #2, local Fire Departments and State and Police agencies deliver Santa on a fire truck to bring them many wrapped presents of new clothes, toys and needed items. It's a day that they and the participants will not likely forget. We choose children from a 2 school districts in Sussex County (last year we chose 3 districts, at a cost of \$3000 covering 9 children).

As a fraternal organization, one of Sussex County FOP Lodge 2's mission is to also provide financial support to law enforcement members in their time of need. This especially includes our fallen members and their survivors. We focus on members within the County but we include law enforcement members within our State and nearby Region based on their particular need, and regardless of lodge membership. This is on a continual and ongoing basis.

Sussex County FOP Lodge 2 tries to be very community involved to show a positive influence and image for lodge and law enforcement in general. To do all of the above, we need to have the financial resources to support this mission.

We conduct several fundraisers each year to support our overall efforts, including raffles and donation requests at storefronts and festivals. We have even hosted several fundraising golf tournaments. FOP Lodge 2 is doing its best to self fund to support our mission and community outreach efforts, and any outside assistance will be put to good use in Sussex County and our surrounding area.

Thank you for the opportunity to answer your questions. Please feel free to contact me directly if you wish to discuss this more or you have any other questions.

Jerry Gibson Treasurer, Sussex FOP Lodge 2

302-381-5595

In a message dated 5/15/2024 7:59:40 AM Eastern Daylight Time, casey.hall@sussexcountyde.gov writes:

Council District 4: Mr. Hudson Tax I.D. No.: 233-2.00-2.01 911 Address: N/A

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS

WHEREAS, on the 29<sup>th</sup> day of February 2024, a Conditional Use application, denominated Conditional Use No. 2515 was filed on behalf of Renewable Redevelopment, 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. 2515 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 XV, Subsections 115-113, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2515 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 northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331), and being more particularly described in the attached legal description prepared by Wendie C. Stabler, Esq. said parcel containing 140.25 acres, more or less.

#### To Be Introduced: 6/4/24

Council District 3: Mr. Schaeffer Tax I.D. No.: 334-13.00-132.00 (P/O) 911 Address: 19068 & 19268 Old Landing Road, Rehoboth

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR LESS

WHEREAS, on the 8<sup>th</sup> day of January 2024, a Conditional Use application, denominated Conditional Use No. 2506 was filed on behalf of NGR Sports, 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. 2506 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 XI, Subsections 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2506 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 north and south side of Rehoboth Mall Blvd., and west side of Old Landing Road (S.C.R. 274), approximately 0.02 mile northwest of the intersection of Old Landing Road (S.C.R. 274) and Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared on July 17, 1984, portion of said parcel containing 0.30 acres, more or less.

To Be Introduced: 6/4/24

Council District 5: Mr. Rieley Tax I.D. No.: 234-32.00-67.00 911 Address: 28375 & 28377 Layton Avenue, Millsboro

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS

WHEREAS, on the 23<sup>rd</sup> day of January 2024, a Conditional Use Application, denominated Conditional Use No. 2510 was filed on behalf of Henry Villegas-Solis 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. 2510 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 X, Subsections 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2510 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 southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06 mile south of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Moore & Rutt, PA, said parcel containing 0.61 acres, more or less.

Council District 1: Mr. Vincent 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 \_\_\_\_\_ 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. 2503 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, 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.

Council District 4: Mr. Schaeffer Tax I.D. No.: 334-12.00-108.00 911 Address: N/A

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION A OF ORDINANCE NO. 2853 TO ALLOW FOR A CONVENIENCE STORE WITH FUELING STATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS

WHEREAS, on the 14t<sup>h</sup> day of February 2024, a Conditional Use application, denominated Conditional Use No. 2518 was filed on behalf of V&M, 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. 2518 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2518 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 southeast side of John J. Williams Highway (Rt.24), on the southwest side of Mulberry Knoll Road (S.C.R. 284), and the southeast corner of the intersection of John J. Williams Highway (Rt. 24) and Mulberry Knoll Road (S.C.R. 284), and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, LLC, said parcel containing 2.98 acres, more or less.

TODD F. LAWSON COUNTY ADMINISTRATOR (302) 855-7742 T (302) 855-7749 F tlawson@sussexcountyde.gov





#### Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson County Administrator

RE: **PROPOSED ORDINANCE – PUBLIC SAFETY UPDATE** 

DATE: May 31, 2024

During Tuesday's meeting, a Public Hearing will be held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE I., § 29-3B.(1) OF THE CODE OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF EMERGENCY MEDICAL SERVICES, AND TO CREATE THE NEW POSITION OF DEPARTMENT HEAD OF PUBLIC SAFETY".

On April 30, 2024, the Proposed Ordinance was discussed and introduced by the County Council.

The Personnel Board Advisory Committee met on Wednesday, May 29, 2024, in a public hearing, and unanimously voted to recommend to the County Administrator to adopt the ordinance without amendment. It is my recommendation today to recommend the ordinance be voted on for adoption to be effective immediately.

A copy of the Ordinance is attached.

Please let me know if you have any questions or concerns.



AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE I., § 29-3B.(1) OF THE CODE OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF EMERGENCY MEDICAL SERVICES, AND TO CREATE THE NEW POSITION OF DEPARTMENT HEAD OF PUBLIC SAFETY. WHEREAS, Sussex County Code, Chapter 29, Article I, § 29-3 of the Personnel Code establishes the service positions for Sussex County employees and officials; and WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 29, Article I, § 29-3B.(1), entitled "Unclassified services" to eliminate the positions of Department Head of Emergency Operations and Department Head of Emergency Medical Services, which shall be replaced with the new position of Department Head of Public Safety. NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS: Section 1. Sussex County Code, Chapter 29, Article I, § 29-3B.(1)., "Unclassified service", is hereby amended by inserting the italicized and underlined language and by deleting the bracketed language as follows: B. Unclassified service. (1) The unclassified service shall include the following: (a) The County Administrator. (b) The Director of Finance. (c) The County Engineer. (d) The Deputy Administrator. (e) The Department Head of Planning and Zoning. (f) The Department Head of Assessment. (q) Chief Deputies of Recorder of Deeds, Marriage Bureau, Register of Wills and Sheriff. (h) The Clerk of the County Council. (i) The Department Head of [Emergency Operations] Public Safety. (j) The Department Head of Human Resources. 

47	(k) The Department Head of Economic Development.
48	
49	(I) The County Librarian.
50	
51	[(m) The Department Head of Emergency Medical Services.]
52	
53	Section 2. Effective Date. This Ordinance shall become effective immediately
54	upon adoption.
55	
56	
57	<u>Synopsis</u>
58	
59	This Ordinance amends Sussex County Code, Chapter 29, Article I, § 29-3B(1),
60	entitled "Unclassified services" by deleting the positions of Department Head of
61	Emergency Operations and Department Head of Emergency Medical Services previously
62	identified in §§ 29-3B(1)(i) and (m), respectively, and replacing both with the new position
63	of Department Head of Public Safety now found in §29-3B.(1)(i).
64	
65	Deleted text is shown in brackets. Additional text is italicized and underlined.
66	

#### ENGINEERING DEPARTMENT

MIKE HARMER, P.E. SUSSEX COUNTY ENGINEER

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





## <u>Memorandum</u>

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable John L. Rieley, Vice President The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, County Engineer, Ret.

RE: Warwick Park Area of Unified Sewer District Introduction of Borrowing Ordinance – Phase 1

DATE: June 4, 2024

In August of 2022, County Council granted Permission to Prepare and Post Notices for an expansion of the Sussex County Unified Sanitary Sewer District (Oak Orchard Area) to include Warwick Cove, and Gull Point considered Phase 1 and Warwick Park moving forward as Phase 2. The Engineering Department distributed polling letters to all residents of the communities. The Public Hearing was held on October 29, 2022, and the vast majority of the property owners present supported the project.

On January 10, 2023, County Council adopted Resolution No. R 004 23 approving the expansion of the Sanitary Sewer District Boundary to include the Warwick Park Area.

On September 12, 2023, County Council approved George, Miles & Buhr, one of the County's five (5) selected consultants for miscellaneous engineering services, to provide design and bid phase services for Warwick Park – Phase 1 in the amount of \$108,495.00.

In June of 2023, the Engineering and Finance Departments submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund and on March 26, 2024, the State issued a binding commitment offer in the amount of \$1,225,000.00 to be repaid within 20-years with 2.0% interest.

In January of 2024, the Engineering Department submitted a Notice of Intent to DNREC for Phase 2 of the Warwick Park Area project in the amount of \$9,474,700.00. The Delaware Water Pollution Control Revolving Loan Fund 2024 Intended Use Plan included the project and therefore DNREC solicited a loan application. Phase 2 is expected to receive significant



#### Warwick Park

•

loan forgiveness, reducing the overall borrowing, and hence making the entire project more affordable.

Pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds financing projects. Acting under said authority, the County must issue general obligation bonds as collateral. On April 30, 2024 Council introduced of the associated Phase 1 Borrowing Ordinance.

The Engineering & Finance Departments are recommending adoption of the Phase 1 Borrowing Ordinance by Council.

### ORDINANCE NO. [\_\_\_\_]

### AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Warwick Park Phase I Project, which will finance the installation of a central sanitary sewer system to serve the existing Gull Point (165 Lots) and Warwick Cove (14 lots) subdivisions as part of phase one of an overall two-phase project, that will additionally serve the Warwick Park community (182 lots) in phase two. During phase one construction, gravity sewer is proposed from Gull Point to the existing Warwick Cove gravity sewer infrastructure and will be extended to a proposed pump station next to Warwick Cove. This new pump station will discharge via a proposed force main to an existing Sussex County manhole in River Road (collectively, the "Project");

WHEREAS, pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

# NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. <u>Amount and Purpose of the Bonds</u>. Acting pursuant to Title 9, <u>Delaware Code</u>, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,225,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. <u>Security for the Bonds</u>. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, <u>Delaware Code</u> Section 8002 (c). Pursuant to Title 9, <u>Delaware Code</u>, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, <u>Delaware Code</u>, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. The Bonds are backed by the County's full faith and credit.

Section 3. <u>Terms of the Bonds</u>. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding twenty (20) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. <u>Sale of the Bonds</u>. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. <u>Details of the Bonds</u>. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. <u>Debt Limit</u>. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. <u>Further Action</u>. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. <u>Effective Date</u>. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the <u>Delaware Code</u>, as amended.

ADOPTED this \_\_\_\_\_ day of April, 2024.

SUSSEX COUNTY, DELAWARE

Tracy Torbert Clerk of the Council <u>SYNOPSIS</u>: This Ordinance provides for the issuance of up to \$1,225,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Warwick Park Phase I Project, which will finance the installation of a central sanitary sewer system to serve the existing Gull Point (165 Lots) and Warwick Cove (14 lots) subdivisions as part of phase one of an overall two-phase project, that will additionally serve the Warwick Park community (182 lots) in phase two. During phase one construction, gravity sewer is proposed from Gull Point to the existing Warwick Cove gravity sewer infrastructure and will be extended to a proposed pump station next to Warwick Cove. This new pump station will discharge via a proposed force main to an existing Sussex County manhole in River Road (collectively, the "Project").

JAMIE WHITEHOUSE, AICP DIRECTOR OF PLANNING & ZONING (302) 855-7878 T pandz@sussexcountyde.gov





DELAWARE sussexcountyde.gov

# Memorandum

To: Sussex County Council The Honorable Michael H. Vincent The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: May 30, 2024

RE: County Council Report for C/U 2439 filed on behalf of Eric Johnson

The Planning and Zoning Department received an application (C/U 2439 filed on behalf of Eric Johnson) for a medical building for outpatient services, to be located at Tax Parcel 331-3.00-186.00. The property is located at 22540 Bridgeville Highway, Seaford. The parcel size is 2.24 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 24, 2024. At the meeting of May 8, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of April 24, 2024, and May 8, 2024.

Minutes of the April 24, 2024, Planning & Zoning Commission Meeting

## C/U 2439 Eric Johnson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS. The property is lying on the west side of Bridgeville Highway (S.C.R. 13), approximately 0.85 mile southwest of Sussex Highway (Rt. 13A). 911 Address: 22540 Bridgeville Highway, Seaford. Tax Map Parcel: 331-3.00-186.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the staff analysis, a copy of the conceptual site plan from the and survey from the applicant, a copy of the



DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division and zero comments.

Doctor Eric Johnson spoke on behalf of Compass Mental Wellness Services in regards to the application; that they serve a underserved area for mental health, as one of the largest practices in Sussex County; that they are ready to expand after buying a family members house; that they intend to be like a residential house like setting as to not feel like a medical facility more of a calming facility; that they do psychotherapy, all mental health services and psychiatric of all ages; that the hours of operation will be around 7:00AM – 7:00PM Monday through Thursday and closed or have a half day on Fridays; that once in a while they may have a session on a weekend, but that is no too frequently; that they would ask that the hours be flexible as sometimes emergencies arise and push appointments past their scheduled time; that there is approximately 4 employees, but they utilize contractors so that may vary up to 10 or more if the expansion of the intensive outpatient program comes into effect; that the services would all be outpatient that would require about 25 parking spaces; that they would ask for a sign to be put up and that all lighting for the parking area be non-disruptive to neighboring properties; that there is a fence around the property on the side of the neighboring dwelling.

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 2439 Eric Johnson. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5 - 0.

### Minutes of the May 8, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 24, 2024.

Mr. Butler requested that Mr. Robertson read his motion.

Mr. Butler moved that the Commission recommend approval of C/U 2439 Eric Johnson for a medical building for outpatient services based upon the record made at the public hearing and for the following reasons:

- 1. The proposed Conditional Use is located along Bridgeville Highway and close to Sussex Highway. There are other commercial zoning districts and uses in this area with a mixture of small businesses and homes. This is an appropriate location for this medical office.
- 2. The use serves a community need in Western Sussex County by creating medical offices and mental health facilities at a convenient location.
- 3. The use as a medical office will benefit the health, safety and welfare of Sussex County residents.
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
- 5. There was no opposition to this Application.
- 6. This recommendation is subject to the following conditions:

- A. As stated by the applicant, the hours of operation shall be between 7:00 am and 7:00 pm Monday through Friday. Additional hours for emergency purposes are permitted.
- B. One lighted sign, not to exceed 32 square feet on each side, shall be permitted.
- C. The use shall comply with the parking requirements set forth in the Zoning Code. There shall not be any parking within the front yard setback.
- D. All entrance, intersection and roadway improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- E. All exterior lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
- F. Any dumpsters shall be screened from view of neighboring properties and roadways.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2439 Eric Johnson for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

#### **PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN HOLLY J. WINGATE, VICE-CHAIRMAN J. BRUCE MEARS GREGORY SCOTT COLLINS BRIAN BUTLER





DELAWARE SUSSEXCOUNTYDE.GOV 302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI PLANNING & ZONING DIRECTOR

# Memorandum

To: Sussex County Planning Commission Members From: Ann Lepore, Planner I CC: Mr. Vince Robertson, Assistant County Attorney and Applicant Date: April 10<sup>th</sup>, 2023 RE: Staff Analysis for C/U 2439 Eric Johnson

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2439 Eric Johnson to be reviewed during the April 24<sup>th</sup>, 2024, 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 Numbers: 331-3.00-186.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 331-3.00-186.00 to allow for a Medical Building for Outpatient Services on a parcel lying on west side of Bridgeville Highway (S.C.R. 13), approximately 0.85 mile southwest of Sussex Highway (Rt. 13). The parcel is comprised of 2.24 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north and south of the subject properties are zoned Agricultural Residential (AR-1) District and parcels across Bridgeville Highway are zoned General Commercial (C-1) District.

## Future Land Use Map Designation w/in Comprehensive Plan: Developing 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 Growth Area and has a land use designation of "Developing Area." The properties surrounding the subject Parcel are also categorized as "Developing Area." Parcels across Bridgeville Highway (S.C.R. 13) are categorized as "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures" (Sussex County Comprehensive Plan, 4-14). The primary uses envisioned in Developing Areas are homes



with commercial, office, and business or industrial park uses in "appropriate" or "selected" areas with "good road access" and "few nearby homes" (Sussex County Comprehensive Plan, 4-14).

### Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- Agricultural Areas: N/A
- Interconnectivity: N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- Forested Areas: N/A
- Wetlands Buffers/Waterways: N/A
- Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.): N/A

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a Medical Building for Outpatient Services, could be considered as being consistent with the land use, area zoning and surrounding uses.

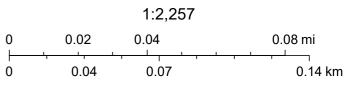
**Existing Conditional Uses within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 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	
2364	331-3.00-138.00	AR-1	Community Solar Facility	8/29/2023	Approved	2949	

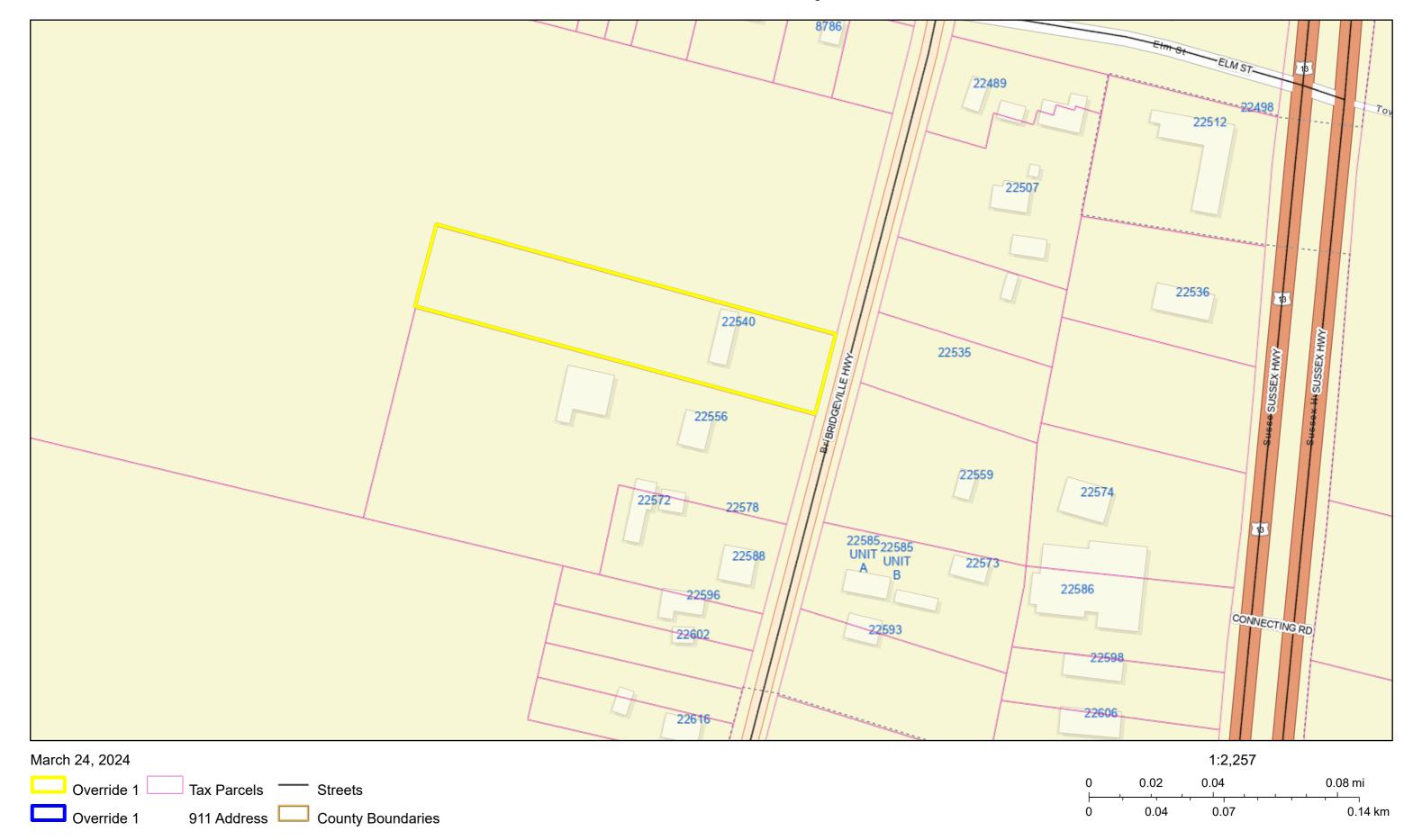
2342	331-1.00-15.01	AR-1	Community Solar Facility	Approved	2/21/2023	2904
2030	331-3.00-164.00	C-1	Propane and oil storage tanks	Approved	11/3/2015	2423
1192	331-4.00-18.00	AR-1	500 ft cell tower	Approved	8/12/1997	1164
1186	331-3.00-31.00	AR-1	450 ft radio tower	Denied	12/30/1997	
601	331-4.00-19.00	AR-1	Broadcast Transmitting Tower	Approved		
384	331-3.00-188.00	AR-1	cocktail lounge addition	Withdrawn		
215	331-5.00-46.00	AR-1	dress shop	Withdrawn		





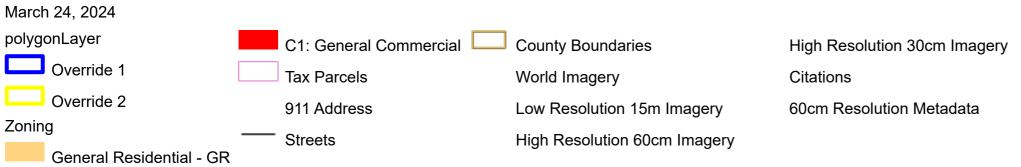


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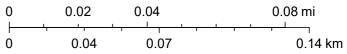


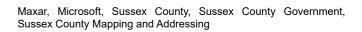
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Council District 1: Mr. Vincent Tax I.D. No.: 331-3.00-186.00 911 Address: 22540 Bridgeville Highway, Seaford

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS

WHEREAS, on the 10<sup>th</sup> day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2439 was filed on behalf of Eric Johnson; 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. 2439 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. 2439 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 Seaford Hundred, Sussex County, Delaware, and lying on the west side of Bridgeville Highway (S.C.R. 13) approximately 0.85 mile southwest of Sussex Highway (Rt. 13) and being more particularly described in the attached legal description prepared by Aleman Echevarria Attorneys at Law, said parcel containing 2.24 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





DELAWARE sussexcountyde.gov

# Memorandum

To: Sussex County Council The Honorable Michael H. Vincent The Honorable Cynthia C. Green The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: May 30, 2024

RE: County Council Report for C/U 2488 filed on behalf of Kelly Benson

The Planning and Zoning Department received an application (C/U 2488 filed on behalf of Kelly Benson) for a watersport recreation facility, to be located at Tax Parcels 134-17.00-15.00 and 15.03. The property is located on the northeast side of Muddy Neck Road (SCR 361) directly across from the intersection of Muddy Neck Road and Double Bridges Road (SCR 363). The parcel size is 3.13 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 24, 2024. At the meeting of May 8, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of April 24, 2024, and May 8, 2024.

Minutes of the April 24, 2024, Planning & Zoning Commission Meeting

## C/U 2488 Kelly Benson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS. The properties are lying on the northeast side of Muddy Neck Road (S.C.R. 361) directly across from the intersection of Muddy Neck Road (S.C.R 361) and Double Bridges Road (S.C.R. 363). 911 Address: N/A. Tax Map Parcels: 134-17.00-15.00 & 15.03.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the staff analysis, a copy of the applicants conceptual site plan, a copy of the DelDOT SLER, a copy of a letter received from DNREC Division of Water, and zero comments.

Mr. Kelly Benson, of 10 N Main St. Northeast Maryland 21901, spoke on behalf of himself in regard to a conditional use permit for an extension of his existing paddle sports business; that they are currently based out of Northeast Maryland, with a business model that is very light in terms of what we actually bring out to any given site; that they are a seasonal business and don't intend to improve the property but are looking to gain access to the Assawoman Bay and Assawoman Wildlife Refuge; that there is currently an existing grassy and gravelly area on the site which they intend to use for parking; that the eventual use would come back and improve those areas with the natural substance of pervious surface or something along those lines in the future; that they would launch the paddle sports equipment onto the McCabe Tax Ditch that would allow access to the water.

Ms. Wingate asked for the record if the CU would be from June through October, that there needs to be certainty from all agencies if they need more than a temporary to get a final and that DENREC has provided responses for the launching area access.

Mr. Benson responded that within his packet there is correspondence between agencies in favor of the temporary permit as long the operation is done within the time frames of June through October as DelDOT's temporary entrance permit is 180 day allowable which is why those months were chosen; that if it was necessary in the future to apply for a full entrance permit then they would do so; that the launching was done along the water's edge at the end of the tree line; that all agencies that regulate the water and the marshes were very favorable of this use because they are not going to be disturbing anything that exists there, but going to be responsibly bringing the public in; that they would ask for a lighted sign for the maximum regulated size that is approved.

Mr. Kenneth Cimino, the Director of Planning, Zoning and Development, the town of Ocean View, spoke on behalf of the Town of Ocean View in favor of the Application in regard to the fact that the Town attempted to do this last year, but couldn't get DNREC to grant access to the tax ditch; that they think it's a wonderful use for the parcel and a great addition to the greater Ocean View area.

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 2488 Kelly Benson. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the May 8, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 24, 2024.

Mr. Mears moved that the Commission recommend approval of C/U 2488 Kelly Benson for a watersport recreational facility based upon the record made at the public hearing and for the following reasons:

- 1. The Applicant seeks approval for a paddleboard and kayak rental and launching area for access to the Assawoman Canal, Assawoman Bay and Assawoman Wildlife Refuge Area.
- 2. The property has both wetlands and uplands upon it, but there will be little if any disturbance of the wetlands and very few improvements required to implement this use.
- 3. A representative of the Town of Ocean View appeared and testified on behalf of the Town in favor of this Application.
- 4. This use will provide a recreational amenity for residents and visitors to Sussex County.
- 5. The use will not adversely impact the neighborhood, area roadways or the environment.
- 6. There was no opposition to this Application.
- 7. This recommendation shall be subject to the following conditions:
  - A. The use shall be limited to the use as a paddleboard, kayak or similar watersports equipment rental and launch facility. No motorized watercraft shall be permitted on the site or accessing waterways from the site.
  - B. The use shall be subject to all necessary state agency approvals including but not limited to DelDOT, DNREC and the Sussex Conservation District and/or the Tax Ditch Commissioners for use of the adjacent Tax Ditch for access to other waterways.
  - C. No retail sales shall be permitted from the site other than paddleboards, kayaks or equipment used in the activity. Any sales shall be limited and incidental to the primary use as a launching facility. No sales of food or drinks shall be permitted from the site.
  - D. All of the parking areas shall be shown on the Final Site Plan and there shall not be any parking within the site's front yard setback.
  - E. One lighted sign shall be permitted. It shall not exceed 32 square feet in size. It shall not be used to advertise retail sales of watersport equipment.
  - F. Any dumpsters shall be screened from the view of roadways and neighboring properties.
  - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2488 Kelly Benson for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

#### **PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN HOLLY J. WINGATE, VICE-CHAIRMAN J. BRUCE MEARS GREGORY SCOTT COLLINS BRIAN BUTLER





DELAWARE SUSSEXCOUNTYDE.GOV 302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI PLANNING & ZONING DIRECTOR

# Memorandum

To: Sussex County Planning Commission Members From: Ann Lepore, Planner I CC: Mr. Vince Robertson, Assistant County Attorney and Applicant Date: April 10<sup>th</sup>, 2023 RE: Staff Analysis for C/U 2488 Kelly Benson

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2488 Kelly Benson to be reviewed during the April 24<sup>th</sup>, 2024, 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 Numbers: 134-17.00-15.00 & 15.03

**Proposal:** The request is for a Conditional Use for Tax Parcel 134-17.00-15.00 & 15.03 to allow for a watersport recreational facility on parcels lying the northeast side of Muddy Neck Road (S.C.R. 361) directly across from the intersection of Muddy Neck Road (S.C.R 361) and Double Bridges Road (S.C.R. 363). The parcels are comprised of 3.13 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the northeast of the subject properties are zoned High Density Residential (HR-1) District and parcels to the northwest and across Muddy Neck Road are zoned Agricultural Residential (AR-1) 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 is designated as a Growth Area and has a land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play (2018 Sussex County Comprehensive Plan, 4-9). The Coastal Area designation is intended to recognize the characteristics of both anticipated growth



and ecologically important and sensitive characteristics (2018 Sussex County Comprehensive Plan, 4-15).

### Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- Agricultural Areas: N/A
- Interconnectivity: N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- Forested Areas: N/A
- Wetlands Buffers/Waterways: Both sites contain areas of Wetlands
- Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.): The properties are located within Flood Zones AE. There is a tax ditch right of way on the property, the applicant should contact DNREC regarding any use within the tax ditch right of way.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a watersport recreational facility, could be considered as being consistent with the land use, area zoning and surrounding uses.

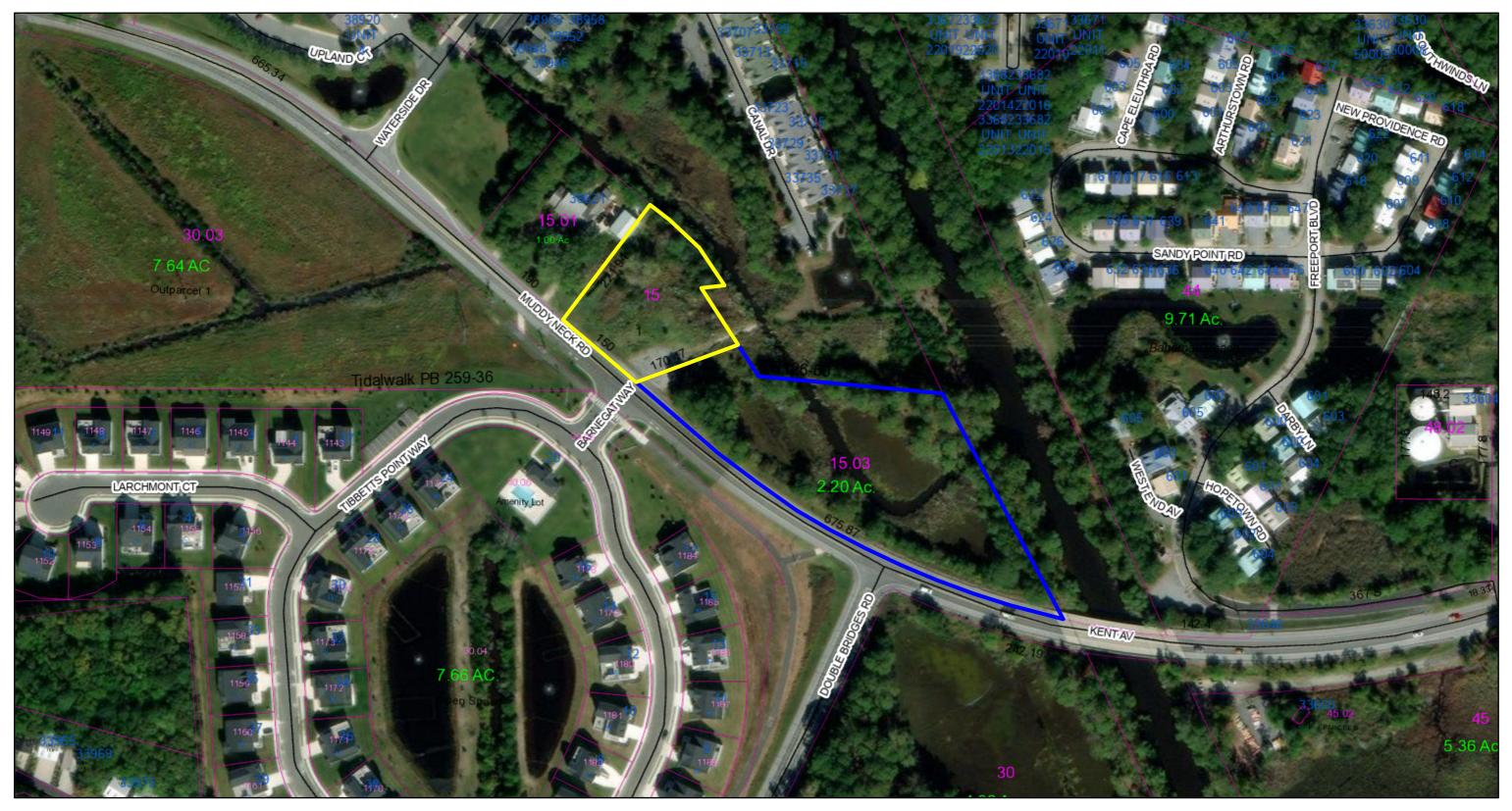
**Existing Conditional Uses within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 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	
1315	Chesapeake Utilities	AR-1	Bulk Propane Storage	Withdrawn			

-						
312	Delmarva Power & Light Co.	MR	Public Utility Substation	Approved	12/22/1975	N/A
947	George M. & Mariam Parrott	AR-1	Retail sale of crafts & antiques	Approved	10/9/1990	725
946	Dennis Everett	AR-1	Borrow Pit	Approved	8/28/1990	714
112	Sea T.V. Co	AR-1	TV reception tower & Headend building	Approved	3/20/1993	N/A
443	Donald & Jean Cooper	AR-1	Poultry Houses on less than 5-acres	Approved	10/11/1977	N/A
117	Hayward Daisey	AR-1	Barber Shop	Approved	4/3/1973	N/A
44	Wilgus Associates	MR	Office Storage & Sample Homes	Approved	2/8/1972	
62	George Knox	MR	Beauty Salon	Approved	6/6/1972	
398	Lloyd J. Cullen	AR-1	Campground	Denied	2/1/1977	N/A
1177	Bertie E. Dawson	MR	Multi-Family	Approved	7/30/1997	1158
1387	Preston L. Dyer	C-1	Miniature Golf & Family Entertainment	Withdrawn		
1494	Buchanan Builders, Inc	MR	Multi-Family	Approved	9/16/22003	1632
1552	NCORB, LLC	AR-1	Paper Recycling Center	Denied	11/30/2004	N/A
1764	Buchanan Developers, Inc	MR	Multi-family	Approved	3/17/2009	2033
1790	Martha's Light, LLC	MR	Care/Retirement Community	Approved	6/3/2008	1972

1802	Mary P. Kelly	MR	Multi-family	Approved	10/5/2010	2151
2107	Galbraith Dev. Group	AR-1	Mini-Storage	Denied	2/27/2018	N/A
2222	Jessica F. Peake	C-1	Mini Golf Course	Approved	6/9/2020	2713
2279	Ron Sutton	MR	Multi-family	Withdrawn	1/28/2022	
2333	Ken Walston	AR- 1/MR	Multi-family	Withdrawn	7/5/2022	
2400	Ken Walston	AR- 1/MR	Multi-family	Approved	8/15/2023	2947
2424	Oceans Six	MR	Multi-family	Pending		



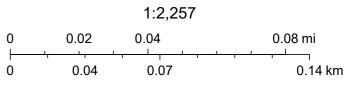


March 24, 2024

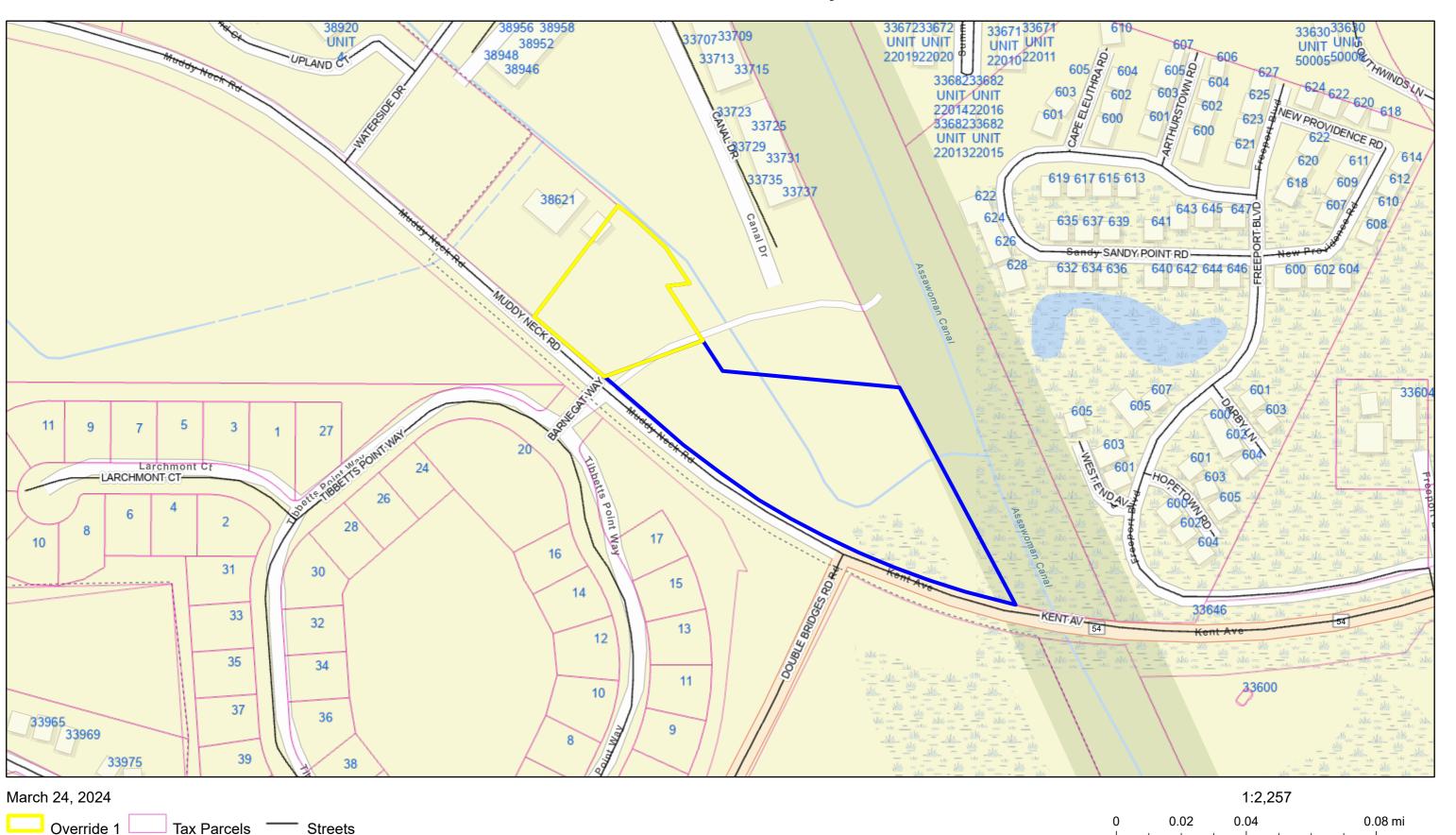
Override 1 Tax Parcels ---- Streets 911 Address

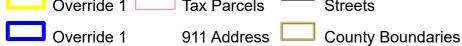
Override 1

County Boundaries



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, U.S. Geological Survey, Maxar, Microsoft, Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program,



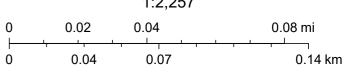


0 0.04 0.07 0.14 km Sussex County, Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap,

Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sussex County Mapping and Addressing







Maxar, Microsoft, Sussex County Government, Sussex County Mapping and Addressing

Council District 4: Mr. Hudson Tax I.D. No.: 134-17.00-15.00 & 15.03 911 Address: N/A

#### ORDINANCE NO.

#### AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS

WHEREAS, on the 23<sup>rd</sup> day of October 2023, a Conditional Use application, denominated Conditional Use No. 2488 was filed on behalf of Kelly Benson; 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. 2488 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2488 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 northeast side of Muddy Neck Road (S.C.R 361), directly across from the intersection of Muddy Neck Road (S.C.R. 361) and Double Bridges Road (S.C.R. 363), and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., said parcel containing 3.13 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.