

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

January 28, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - January 14, 2025

[Draft Minutes 011425](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Discussion related to the County Council's priorities

2. Administrator's Report

Gina Jennings, Finance Director

1. Interview and possible appointment of an Alternate to the Board of Assessment Review
[Interview Alternate Board of Assessment](#)

Jamie Whitehouse, Planning & Zoning Director

1. Presentation and discussion related to development activity and data



Bill Pfaff, Director of Economic Development

1. **Delaware Technical Community College Kitchen Lease Agreement**
[DTCC Kitchen Lease Agreement](#)

Mark Parker, Assistant County Engineer

1. **Paramedic Station 103, Project C21-18**
A. Change Order No. 4
[Paramedic Station 103 CO No. 4](#)

Paul Mauser, Assistant County Engineer

1. **Dump Truck RFP, Project M25-10**
A. Recommendation to Award
[Dump Truck RFP](#)

Hans Medlarz, Project Engineer

1. **SCRWF Treatment Process Upgrade No.3 – Inland Bays Extension**
A. M.F. Ronca – Change Order IB-002, Inland Bays Clarifiers Cont.
B. M.F. Ronca – Change Order IB-003 Mobilization
C. BW Electric – Change Order IB-003 Mobilization
[SCRWF Change Orders](#)
2. **PS 207 Forcemain Interconnect, Project S25-23**
A. Davis, Bowen & Friedel – Amendment 1
[DBF Amendment 1](#)

Grant Requests

1. **Autism Delaware for their 2025 Walk for Autism event**
[Autism Delaware](#)
2. **Reverend Dr. Martin Luther King Jr. Celebration Organization of Sussex County, Inc. for their together we make the dream work program**
[Reverend Dr. Martin Luther King Jr. Celebration Organization of Sussex County, Inc.](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2472 CU2473 CU2478 CZ2019](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. [Conditional Use No. 2455 filed on behalf of James L. Sturgis](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE AND BRAKE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 10.96 ACRES, MORE OR LESS” (property is lying on the east side of Sussex Highway [Rt. 13], approximately 0.36 mile north of Woodyard Road [S.C.R. 612]) (911 Address: 11217 Sussex Highway, Greenwood) (Tax Map Parcel: 530-5.00-3.02)

[Public Hearing CU2455](#)

2. [Conditional Use No. 2520 filed on behalf of Twin Branches, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM WINERY WITH TASTING ROOM AND EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 38.66 ACRES, MORE OR LESS” (property is lying on the west side of Twin Branch Road, approximately 0.89 mile south of the intersection of Saw Mill Road [S.C.R. 238] and Twin Branch Road) (911 Address: 14756 Twin Branch Road, Milton) (Tax Map Parcels: 235-19.00-11.00 & 11.01)

[Public Hearing CU2520](#)

3. [Conditional Use No. 2270 filed on behalf of Gregory Mitchell](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE AN OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS” (properties are lying on the northwest side of the intersection of Hastings Farm Road [S.C.R. 526] and Coverdale Road [S.C.R. 525]) (911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford) (Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01)

[Public Hearing CU2270](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 21, 2025 at 3:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 14, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 14, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 018 25
Approve
Agenda**

Mr. Lawson reported that under Executive Session – Land Acquisition and possible action on Executive Session Items can be removed from today’s agenda. A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda, as amended.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from January 7, 2025 were approved by consensus.

**Corre-
spondence**

Mr. Moore read correspondence received from The Arc of Delaware, Boys and Girls Club of Delaware, Delaware Hospice and Cancer Support Community Delaware all thanking Council for their donation.

**Public
Comments**

Public comments were heard, and the following people spoke:

Mr. Mike Riemann spoke about a proposed moratorium.

Ms. Trish Galu spoke about a proposed moratorium.

Mr. Ed Capodanno spoke about a proposed moratorium.

Ms. Stephanie Moody spoke about a proposed moratorium.

Mr. Ron Ford spoke about a proposed moratorium.

**Public
Comments
(continued)**

Mr. Scott Thomas spoke about a proposed moratorium.

Mr. Joe Conaway spoke about a proposed moratorium.

Dr. David Tam spoke about a proposed moratorium.

Mr. Jack Vassalotti spoke about a proposed moratorium.

Mr. Christopher Duke-Acelde spoke about a proposed moratorium.

Ms. Bailey Thompson spoke about a proposed moratorium.

Ms. Jill Hicks spoke about a proposed moratorium.

Mr. Joe Pika spoke about a proposed moratorium.

Mr. John Timmons spoke about a proposed moratorium.

Mr. John Collier spoke about a proposed moratorium.

Mr. Jamie Burk spoke about a proposed moratorium.

Mr. Ken Christenbury spoke about a proposed moratorium.

Ms. Michelle Williams spoke about a proposed moratorium.

Mr. David Chun spoke about a proposed moratorium.

Mr. Johannes Ayre spoke about a proposed moratorium.

Mr. George Lodato spoke about a proposed moratorium.

Mr. Jack Riddle spoke about a proposed moratorium.

Mr. Dave Gillian spoke about a proposed moratorium.

Ms. Allison White spoke about overdevelopment.

Ms. Lily Weatherby spoke about a proposed moratorium.

Ms. Katie Millard spoke about a proposed moratorium.

Mr. Jonathan Cortant spoke about a proposed moratorium.

Mr. Ring Lardner spoke about a proposed moratorium.

Mr. Steve Fortunato spoke about a proposed moratorium.

Mr. Doug Brown spoke about a proposed moratorium.

**Public
Comments
(continued)**

Mr. Andy Engh spoke about a proposed moratorium.

Mr. R.C. Willin spoke about a proposed moratorium.

Mr. Kevin Bowman spoke about a proposed moratorium.

Ms. Shelly Cecchett spoke about a proposed moratorium.

Mr. Rich Barroso spoke about a proposed moratorium.

Mr. Bruce Wright spoke about a proposed moratorium.

Mr. Richard Garnfi spoke about a proposed moratorium.

Ms. Judy Rose Siebert congratulated the new Council Members and spoke about a proposed moratorium.

A caller, Mickayla spoke about a proposed moratorium.

**Develop-
ment
Initiatives
Discussion**

Councilman Matt Lloyd commented that he mentioned a moratorium on accepting applications on a specific type of development in AR-1 lands, 5 or more homes, major subdivisions for a period of 12 months. He added that jobs would not be lost, and this would not hurt the economy. There is currently a back log of applications that span between 14 to 22 months. He is speaking about the administrative pause on processing new applications. He stated that the current growth practices into our farmlands isn't working. He added that we need to become serious about what changes need to be made. Mr. Lloyd stated that the public has been screaming about this for the better part of 10 years. There are ways to show what is being done is not working. The issue of overdevelopment has dominated the conversation over the last year with things such as loss of natural resources, sprawl, growth in farmland, pressure on the ag industry, lack of workforce housing, rezoning, fees for schools, fire departments and other items. He is not talking about the immediate adoption of a moratorium but entertaining the points around the discussion. He has asked legal counsel to draft this targeted moratorium. His understanding of the process is upon introduction of the proposed Ordinance, it will then be advertised and heard at PZ and then another hearing advertised and then ultimately voted on by the Council for approval or denial.

Mr. Rieley questioned the point of moving this forward if there is no will with Council to pursue or adopt a moratorium. He encouraged people to submit suggestions and ideas of how the problem can be addressed. He understands that the time to work on it is now. He is in opposition of asking the attorneys to put forth an Ordinance for introduction. He would rather focus attention on concrete actions on specific items. He added that the previous Council updated the drainage and buffer Ordinance in 2022, Sussex County Rental Program in 2022, requirements for solar farms, when amenities must be constructed in subdivisions, definition of through lots

**Development
Initiatives
Discussion
(continued)**

and accessory dwelling units have all been updated. In addition, the definition of perimeter buffer and open space has been updated. Just last month, 99C with 17 items for criteria for subdivisions was updated. His mail as he has received it throughout the week, shows a 4 to 1 against a moratorium.

Ms. Gruenebaum commented that the call for affordable housing is clear and urgent. We can't do it the way we have done it in the past and fall back that government is slow and takes time. There has to be time to do research and do it correctly and she understands that. She added that this is an urgent situation, and she is looking for an aggressive effort to solve that problem. She appreciates the timeline that was put in place by some of the speakers. She added that her job is to ensure the best possible process for development that ensures that we take care of our environment. We have to work together to address the issues of affordable housing and not just add more problems to our roads without addressing the issues that are already in place. This is an urgent situation that requires us to get to work now.

Mr. McCarron said that he was going to question but it was confirmed that there is a financial impact on moving forward in asking to have an Ordinance developed. He believes that taxpayer's money should be spent wisely. It was heard many times today that a working group needs to be put together and he believes the time is now to develop a vision for Sussex County. He campaigned on a platform on responsible growth and ensuring infrastructure was in place before development. At no point was a moratorium mentioned. He added that he would appreciate more time to get to do the job he was elected to do. Our efforts must align with the State, and they are currently undergoing new leadership.

Mr. Rieley added that anything that is done here, if the towns do not enact a moratorium, it would be ineffective. He added that government has to be predictable in everything that is done.

Mr. Lloyd commented that if everyone can agree that what we are doing isn't working, why would we continue to accept applications that have consequences. He prefers a timeline and the sense of urgency.

**M 019 25
Recess**

At 12:09 p.m., a Motion was made by Mr. Rieley, seconded by Mr. McCarron to recess for 5 minutes.

Motion Adopted: 5 Yeas

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

**M 020 25
Reconvene**

At 12:15 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to reconvene.

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

1. County Meeting/Holiday Schedule

County offices will be closed on Monday, January 20th for the Martin Luther King Jr. Holiday. Offices will reopen on Tuesday, January 21st at 8:30 a.m. Council will not meet on January 21st. The next regularly scheduled Council meeting will be on Tuesday, January 28th.

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

**Permission
to Prepare
& Post
Notices/
Travalini
Expansion
of SCUSSD**

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Travalini Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area). The Engineering Department has received a request from Louis Travalini owner of parcel 134-11.00-141.00 adjacent to the existing Millville Area of the SCUSSD. Parcel is along Hickory Manor Road and providing an easement for the adjacent Hunters Creek (Salt Air) project for stormwater conveyance. In exchange Hunters Creek will pay to connect the parcels on the Travalini parcel. The project will be responsible for System Connection Charges of \$7,700 per EDU or based on current rates.

**M 021 25
Approve
Permission
to Prepare
& Post
Notices/
Travalini
Expansion**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Travalini Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 134-11.00-141.00 as presented.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices/Love
Creek
Manufact-**

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Love Creek Manufactured Home Community (Angola Neck Area). The Sussex County Engineering Department has received a request from Love Creek MHC, LLC to annex the Love Creek Mobile Home Community, consisting of 168 homes and 10 campers, into the Sussex County Unified Sanitary Sewer District for the purpose of providing County central sewer service to parcel 334-18.00-

ured Home Community 32.00. the community is located directly adjacent to the tidal portion of Love Creek. Under the State of Delaware’s promulgated Pollution Control Strategy for the Inlands Bays the areas within 1,000 feet off water’s edge were to be connected to central sewer under priority one in 2008. The community is served by individual on-site “system” with two homes per system. Most of the disposal areas are very limited in size and possibility not much more than a converted cesspool. If connected, the environmental impact of removing almost three tons of nitrogen per year from the Inland Bays is significant.

M 022 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley that be it
Approve moved by the Sussex County Council that the Sussex County Engineering
Permission Department is authorized to prepare and post notices for the Love Creek
to Prepare Manufactured Home Community of the Sussex County Unified Sanitary
& Post Sewer District to include parcel 334-18.00-32.00 as presented.
Notices/

Love Creek Motion Adopted: 5 Yeas
Manfactu-

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

Cannon Hans Medlarz, Project Engineer presented change order nos. 7 and 8 and
Road CO 7 granting of substantial completion for Cannon Road – Inland Bays Road
& 8/Sub Drainage Improvements and Constructed Wetlands for Council’s
Completion consideration.

M 023 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it
Approve CO moved based up the recommendation of the Sussex County Engineering
No. 7 & 8 & Department that change order nos. 7 and 8 for contract S22-05, Cannon
Substantial Road/Inland Bays Road drainage improvements and constructed wetlands,
Completion/ be approved, adjusting the contract amount by \$453,283.77 and \$(-
Cannon 368,561.85), respectively, and that substantial completion be granted
Road effective November 15, 2024, with any held retainage released in accordance
with the contract documents.

Motion Adopted: 5 Yeas

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

Wolfe Neck Hans Medlarz, Project Engineer presented GHD Amendment 28 for ocean
Amed No. 28 outfall benthic testing and dispersion modeling for Council’s consideration.

M 024 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, be it
Approve moved based upon the recommendation of the Sussex County Engineering
Amendment Department, that amendment no. 28 to the base engineering contract with
No. 28/ GHD, Inc., be approved in the amount not to exceed of \$474,000.00, for

Wolfe Neck **benthic study and dispersion modeling associated with the Rehoboth Beach ocean outfall.**

Motion Adopted: 5 Yeas

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

Introduction of Proposed Ordinances **Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” filed on behalf of Richard H. Bell, III.**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS” filed on behalf of William Melton.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” filed on behalf of Parkada Investments, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS” filed on behalf of Parkada Investments, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

Council Members’ Comments

There were no Council Member comments.

M 025 25 Adjourn

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 12:35 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
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gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Board of Assessment Review Alternate Interview and Possible Appointment**

DATE: January 23, 2025

As you know, in December, Council appointed 5 board members and 3 alternates to the Board of Assessment Review.

Unfortunately, one of the alternates has resigned due to commitments outside the state. Therefore, Council will need to appoint a new alternate to the board per state code. An alternate is one of three individuals who will be called upon when one of the five regular board members are unavailable to meet.

The County did receive one qualified applicant after the applications were sent to Council for the last round of interviews. On Tuesday, we will interview the one applicant. We will interview him publicly just like we did the other applicants. Assuming his interview is successful, you can appoint him at Tuesday's meeting as one of the three alternates.

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

WILLIAM PFAFF
ECONOMIC DEVELOPMENT DIRECTOR

(302) 855-7700 T
(302) 854-5383 F
william.pfaff@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

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

FROM: William Pfaff
Economic Development

RE: *Lease ~ Sussex County Kitchen Incubator*

DATE: January 24, 2025

As we approach the renewal of our lease for the Sussex County Kitchen Incubator, I want to highlight how this facility not only serves as a vital resource for local foodpreneurs but also supports the broader goals outlined in the Sussex County Comprehensive Plan for the Office of Economic Development.

The Kitchen Incubator was created to provide affordable, licensed kitchen space for foodpreneurs, enabling them to produce food products without the heavy financial burden of building their own commercial kitchen. By offering a professional-grade kitchen on a flexible, hourly basis, we help small businesses—including farmers, food processors, caterers, and food truck operators—grow their operations in a cost-effective and sustainable way.

In addition to providing essential kitchen space, the Incubator aligns with the County's goal of developing a Resource Center for local businesses. The facility offers not just workspace but also critical business support, including technical assistance, marketing, branding, financial guidance, and access to distribution resources. These services reduce the barriers to success for foodpreneurs, foster job creation, and strengthen the regional food economy.

The Sussex County Kitchen Incubator has become an essential part of the County's economic development strategy by supporting entrepreneurs, improving access to healthy food, and contributing to job creation.

Feel free to give me a call to schedule a time for a tour of the kitchen.

Attachment: Lease



LEASE AGREEMENT

THIS COMMERCIAL LEASE AGREEMENT ("Lease") is made and entered into this 31st day of December, 2024 (the "Effective Date"), by and between and **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**, an institution of higher education and state agency existing under the laws of the State of Delaware, with an address of 21179 College Drive, Georgetown, Delaware 19947 ("Lessor") and **SUSSEX COUNTY**, a political subdivision of the State of Delaware, with an address of 2 The Circle, P.O. Box 589, Georgetown, DE 19947 ("Lessee"), and it recites and provides as follows.

RECITALS

WHEREAS, Lessor is the owner of certain commercial real property which is improved by the Carter Partnership Center ("the Center") as hereafter described;

WHEREAS, the Center is located on the Lessor's community college Owens campus and the Center includes a commercial kitchen facility ("the Kitchen");

WHEREAS, Lessee has an economic development office which focuses on spurring and facilitating economic development within Sussex County and has identified a need for a shared-used kitchen that is a licensed commercial space certified for food production – also known as a "kitchen incubator"; and

WHEREAS, Lessee desires to lease the Kitchen for use as a kitchen incubator facility for third parties to develop recipes and food-related products that will benefit economic development within Sussex County.

WITNESSETH:

The parties hereto for the considerations hereinafter provided, covenant and agree as follows:

1. **Description of Property.** Lessor does hereby grant, demise, and lease to Sussex County certain designated space identified as Room 584A within the Carter Partnership Center, Georgetown, DE 19947, comprising approximately 1,000 square feet more or less net rentable square feet as further known as "Premises" and as further depicted on the attached Exhibit A which is incorporated by reference herein. It is expressly understood and agreed that Lessee, its licensees, members, agents, representatives, contractors, employees, and officials shall have access to the entrance area to the kitchen and any space within the kitchen area. Members will

have limited access to hallways, bathrooms, foyer areas, parking, and other common space which is generally available to the public, students, and to other tenants and occupants located within the Center and the Lessor's campus during normal operating hours of the campus.

2. **Use.** The Premises is to be used and occupied by Lessee for a shared-used kitchen that is a licensed commercial space certified for food production – also known as a “kitchen incubator.” It is understood and agreed that Lessee intends to offer membership licenses and access to the Premises to third parties and that Lessee shall have the right to charge for said membership and access.
3. **Term.** The basic term of the Lease will be four (4) years beginning January 1, 2025, and shall terminate on December 31, 2028. This Lease is subject, however, to the termination and renewal rights as are hereinafter set forth; and is further subject to the rights of the parties to terminate this lease at any time upon mutual agreement during the initial term and any renewal thereafter.
4. **Renewal.** Lessee shall have one (1) option to renew this Lease for a period of four (4) years, on such the same terms and conditions as set forth in the initial term. Lessee shall provide Lessor ninety (90) days written notice of its intent to renew prior to the termination date of this agreement.
5. **Rental Payment.**
 - a. Lessee shall and does hereby agree to pay Lessor an annual base rental of Nineteen Thousand Two Hundred Ninety-Five Dollars (\$19,295.00). Rent shall be paid in annual installments, the first payment which shall be due and payable upon the commencement of the Lease term. All payments thereafter shall be due and payable annually on the anniversary of the commencement date for the remainder of the Lease term without demand and without setoff or deduction. Checks shall be made payable to the “Delaware Technical and Community College” c/o Jillian Whitney, 21179 College Drive, Georgetown, Delaware 19947.
 - b. Any payment by Lessee or acceptance by Lessor of a lesser amount than shall be due from Lessee to Lessor shall be treated as a payment on account. The acceptance by Lessor of a check for a lesser amount with an endorsement or statement thereon, or upon any letter accompanying such

check, that such lesser amount is payment in full, shall be given no effect, and Lessor may accept such check without prejudice to any other rights or remedies which Lessor may have against Lessee.

6. **Holding Over / Termination.**

- a. At the end of the Term, Lessee shall peaceably surrender and yield to Lessor, its successors or assigns, the Premises; provided, however, that Lessee shall be responsible for any damage to the Premises not covered by Lessor's insurance if such damage is caused by fire or other casualty resulting from the negligence, accidental conduct or tortuous conduct of Lessee or Lessee's employees, licensees, members, or invitees, ordinary wear and tear excepted
- b. If the Lessee shall default in surrendering the Premises upon the expiration or earlier termination of this Lease, the Lessee shall be deemed to be "Holding Over" without Lessor's consent and Lessee shall be liable to Lessor for all costs, losses, claims or liabilities (including attorneys' fees) that Lessor may incur as a result of Lessee's failure to surrender the Premises

7. **Equipment.**

- a. **Use of Equipment.** Lessor and Lessee acknowledge that Lessor owns certain equipment located in the Premises as further identified on Exhibit B (hereinafter "the Equipment"). Annually from the signed date of the lease, an audit of all equipment will be conducted by the Lessee and shared with the Lessor. During the term of this Lease, Lessee shall be responsible for the care and maintenance of the Equipment and, if any part of the Equipment is damaged beyond repair, Lessee agrees to replace the Equipment provided, however, that Lessor will cooperate if the Equipment is under warranty or the manufacturer of the Equipment is liable for any defect to the Equipment.
- b. **Return of Equipment.** At the termination of the Lease, the Equipment shall remain on the Premises and ownership of the Equipment shall remain the sole property of Lessor. The Equipment shall be in the same condition at it was at the beginning of the Lease; reasonable wear and tear excepted.

8. **Notices.** All notices to be given or served hereunder, whether pursuant to the terms of this Lease or any provisions of law, shall be sent by certified mail, return receipt requested to:

LESSOR: Delaware Technical Community College
c/o Jillian Whitney
21179 College Drive
Georgetown, DE 19947

LESSEE: Sussex County
2 The Circle
P.O. Box 589
Georgetown, DE 19947

In the event of change of address by either party, the parties hereto covenant and agree to notify each other in writing of such change. Said notices shall be deemed effective when deposited in the United States mail, postage prepaid.

9. **Assignment.** a. The parties acknowledge and agree that the purpose of this Lease is to provide selected and vetted members of the public the opportunity to use the kitchen incubator for the development of food-related products and that Lessee intends to enter into license agreements with third parties for the use of the Premises for this stated purpose. Accordingly, without having to obtain prior consent from Lessor, Lessee shall have the right to (a) license the use of the Premises or any part thereof; (b) permit third parties the right to use the Equipment; and (c) advertise the same in any newspaper or other place. Notwithstanding the above, Lessee shall not transfer or encumber this Lease or any of the Equipment. Classes offered by the Lessor will have priority over any scheduled member during the time of the Lease. Lessor will collaborate with the Lessee to provide advance notice when feasible.

b. All licenses granted under this provision will have the following terms:

1. The use of the Premises shall at all times comply with all laws, ordinances, orders, regulations and requirements of any governmental authority having jurisdiction. The use of the Premises and common areas shall also be controlled by the rule of Lessor regulating acceptable behavior, safety, hours of operation, etc.

2. Licensees shall not make any unlawful, improper or offensive use of the Premises or make any use thereof contrary to any law or ordinance now or hereafter enacted or to make any use thereof which endangers any person or property, threatens the insurability of the Premises, or otherwise constitutes a nuisance (in Lessor's sole judgment). Further, Licensees agree to operate any business within the guidelines, requirements and regulations of all government and regulatory agencies as these apply to said business and use.

c. Any notices that a Licensee's failure to fully comply, or notices that the Licensee's business violates any regulations or standards contained in the regulations of any agency, shall constitute a material breach of this Lease if not cured within permitted time frames set forth in this Lease.

10. **Access to Premises.** The parties acknowledge and agree that the Premises shall have direct access to the adjacent parking lot through a designated exterior door so that Lessee and its licensees, members, agents, representatives, contractors, employees, and officials can access the Premises without having to enter the Premises through the main entrance of the Center as depicted on Exhibit A. Notwithstanding the foregoing, Lessor shall also provide an interior door so that Lessee and its licensees, members, agents, representatives, contractors, employees, and officials can access the common areas of the Center during normal business hours. Lessee will install an entry system for the Premises that will allow Lessee and its licensees, members, agents, representatives, contractors, employees, and officials to access the Premises. Such system may be an electronic keyfob keyless entry system. To the extent possible, Lessor agrees to cooperate with Lessee's installation of said system. Lessee will install a number of agreed upon cameras to the entrance and kitchen area. Any video of the premises requested by the Lessor will be provided in a timely fashion. At the end of the Lease term or any renewal thereof, Lessee may remove the system or leave it on the Premises at Lessee's sole discretion.

11. **Utilities.** It is hereby agreed by and between parties to assume sole cost and expense for performance of building services hereto as follow:

Service	Responsibility
Electricity	Lessor
Gas	Lessor
Water and Sewer	Lessor

Janitorial Service	Lessee
Repair and maintenance of heating, air conditioning, and ventilation service	Lessor
Plumbing, electrical, and lighting systems	Lessor
Exterior, structural, grounds, parking area repair and maintenance, including ice and snow removal	Lessor
Ordinary repair and maintenance to the interior	Lessor
Ordinary repair and maintenance to the exterior	Lessor
Ordinary repair and maintenance to the Equipment	Lessee

12. **Hours of Operation.** The parties acknowledge that the Premises will be available for use, for the purposes stated in this Lease, 24 hours a day, 7 days a week, as may be adjusted from time-to-time at Lessee's discretion. Access is depicted on Exhibit A.
13. **Improvements.** During the term of this Lease, Lessee shall not, without the prior written consent of Lessor, make any alterations or structural changes to the Premises. Lessee may, however, install any trade fixtures and equipment which Lessee deems reasonably necessary for Lessee's use of the Premises, provided, however, that the Vice President and Campus Director at the Owens Campus provides prior written consent for the installation of any item, the later removal of which may cause damage to the existing improvements. Lessee may remove any item so installed, at its own expense. Lessor hereby approves of any improvements already made by Lessee to the Premises. Lessee is solely responsible for any applicable permits, inspections and testing of installed improvements or equipment at Lessee's sole expense.
14. **Destruction of the Premises.**
- a. If the Premises are partially destroyed or damaged by fire, the elements or other casualty, Lessor shall not be obligated to restore or repair the Premises to the condition in which they were immediately prior to such destruction or damage.
 - b. If the Premises are fifty percent (50%) or more destroyed by fire, explosion in connection therewith, riot, earth-quake, lightning, the elements or other casualty, or such building is less than 50% destroyed by any of such causes but Lessor cannot substantially reconstruct and/or repair within

one hundred and eighty (180) working days from and after the date Lessee indicates its wish that the Premises be reconstructed or repaired, then in either of such events, either party may by written notice immediately cancel this Lease in its entirety. In the event of such cancellation, from and after the date of such destruction, all obligations thereafter of each of the parties hereunder shall cease, except that Lessee shall return all the premises and other property demised hereunder to Lessor in the same condition in which Lessee would have been required to return the same had the term of this Lease been expired, such destruction or damage excepted. A "working day" for the purpose of this Paragraph shall mean a normal working day according to Federal statutes.

15. **Insurance.** Lessee shall secure and maintain, at its own expense, commercial general liability insurance that insures against bodily injury, property damage, and personal injury claims arising from Lessee's occupancy of the Leased Premises or operations incidental thereto, with the combined single limit of \$1,000,000.00 per occurrence and a general aggregate limit of \$3,000,000.00. This insurance shall name Lessor as insured on a primary and non-contributory basis, with respect to liability arising out of or in connection with Lessee's occupancy of the Premises, the use of the Premises by any licensee or member, use by any person, entity, or firm employed by Lessee, or any operations incidental thereto under this Lease Agreement. A copy of the additional insured endorsement(s) that evidence the required additional insured status must accompany any certificate of insurance provided to Lessor. To the fullest extent permitted by law, Lessee's commercial general liability insurer shall not hold any right of subrogation against Lessor, and its trustees, officers, employees, agents, and volunteers. Lessee shall advise its insurer(s) of the foregoing and such waiver shall be permitted under any commercial general liability insurance policies maintained by Lessee.

16. **Default.**

- a. **Events of Default.** Lessee shall be deemed in default under the provisions of this Lease if:
- i. Lessee fails to make timely payment of any monies due under this Lease and such installment remains unpaid for a period of thirty (30) days after the same shall be due and payable, no written notice of such default being required or;

- ii. Lessee violates any of the terms and conditions contained in this Lease or fails to perform any of its other obligations hereunder within thirty (30) days after receipt of notice of such failure from Lessor requiring Lessee to perform such obligations.
 - b. **Lessor's Remedies.** In the event of any default by Lessee, Lessor shall have all of the rights and remedies permitted by law, in equity, by statute and otherwise; and in addition, Lessor may give notice to Lessee at any time after an Event of Default stating that Lessee's right to possession of the Premises shall expire on the date specified in such notice, which date shall be at least thirty (30) days after the giving of such notice; and upon the date specified in such notice, all rights of Lessee to possession of the Premises hereunder shall terminate, but Lessee shall remain liable as hereinafter provided.
17. **Warranty of Title.** Lessor warrants that it is lawfully possessed of the Premises and has good, right, and lawful authority to enter into this Lease, and that in the event Lessor has not the right, title and authority aforesaid, Lessee, at its option, may quit and surrender the Premises without liability for further rent, and hold Lessor liable for any damages resulting therefrom; and that Lessor shall put Lessee into actual possession of the Premises at the beginning of the term of this Lease, and shall insure to Lessee the sole, peaceable and uninterrupted use and occupancy of said Premises during the full term (except to the extent provided elsewhere in the Lease with reference to use of the Premises by Lessor for classes and destruction of Premises.)
18. **Amendments or Modifications to Lease.** This instrument embodies all the agreements between the parties respecting the premises described in this Lease, and no oral agreements or correspondence shall be held to vary the provisions of this Lease. Any subsequent changes and modifications shall become effective only by written instrument duly executed by Lessor and the Lessee.
19. **Lessor's Successors.** The terms and provisions of this Lease and the conditions herein shall bind Lessor, and Lessor's successors, and assigns.
20. **Entry and Inspection.** Given the shared nature of the Premises and Lessor's need to operate all aspects of the Owens Campus, Lessee shall permit Lessor and its duly

authorized agents to enter into and upon the Premises at reasonable times during the normal working hours for Lessor. Lessor shall only enter the Premises after normal working hours for public safety checks, to make repairs specifically requested by Lessee, or for emergency purposes.

21. **Zoning and Building Code Approval.** Lessor is delivering the property to Lessee in its present as-is condition, and makes no representations that the property may be used for Lessee's intended purposes. If the premises should be barred by any zoning or building code from use for Lessee's intended purposes, Lessor agrees to cooperate with Lessee in applying for such zoning approvals as may be necessary for Lessee's intended use. All costs for any applications, fees, permits, approvals, or required improvements shall be borne solely by Lessee. Should Lessee fail to secure such approval for its intended use within six (6) months from the date of the signing of this agreement, the Lease shall become null and void.
22. **Surrender of Premises.** At the expiration of the primary term of this Lease, or any extensions thereof, Lessee shall surrender the Premises in as good a state of repair and condition as they were in at the commencement of this Lease, reasonable use and wear and physical destruction or damage due to fire, explosion in connection therewith, riot, earthquake, lightning, the elements or other casualty excepted, and shall remove any and all personal property belonging to Lessee which is located on the Premises.
23. **Recording of Lease.** Lessor may elect to record this Lease, or a Memorandum of the Lease, at Lessor's expense.
24. **Words of any Gender.** Words of any gender used in this Lease shall be held and construed to include any other gender; and words in the singular shall be held to include the plural, unless the context otherwise requires. The captions or headings of articles in this Lease are inserted for convenience only and shall not be considered in construing the provisions hereof if any question of intent should arise.
25. **Organizational Conflict of Interest Certification.** Lessor is not aware of any information bearing on the existence of any potential organizational conflict of interest. If Lessor is aware of information bearing on whether a potential conflict may exist, Lessor shall provide a disclosure statement describing this information.

26. **Possession.** Subject to the limitations and shared uses contained in this Lease, Lessor agrees that Lessee shall have full and complete possession of the property. In the event that such possession is not received by Lessee, it may terminate this Lease.
27. **Representations and Certifications.** Lessor acknowledges that the foregoing certifications are a material representation of fact upon which Lessee has relied when exercising this Lease. If it is later determined that Lessor knowingly rendered an erroneous certification, in addition to other remedies available to the Lessee, Lessee may terminate the lease, in part or in whole. The parties hereto acknowledge and agree that the above referenced Exhibits are made a part of this Lease for all purposes.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease to be duly executed as of the Effective Date (notwithstanding the actual date of execution and deliver hereof).

LESSEE

DATED: _____

By: _____
Michael H. Vincent, President
Sussex County Council

Attest: _____

LESSOR

Dated: _____

By: _____

Dr. Mark T. Brainard

President

Attest: _____

STATE OF DELAWARE :
: ss.
COUNTY OF _____:

BE IT REMEMBERED, that on this ____ day of _____, A.D. 202__, personally came before me, a Notary Public for the State and County aforesaid, Dr. Mark T. Brainard, President of Delaware Technical and Community College, party to this Indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed and the act and deed of the said Delaware Technical and Community College; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said Delaware Technical Community College, duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by Delaware Technical and Community College.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

NOTARY PUBLIC

Print Name of Notary Public

My Commission Expires: _____

**EXHIBIT A
DESCRIPTION OF PREMISES**

**EXHIBIT B
LIST OF EQUIPMENT**

ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountyde.gov

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

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

RE: *Paramedic Station 103, Project C21-18*
A. Change Order No. 4

DATE: January 28, 2025

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

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

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

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



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

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

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

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

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

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

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

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

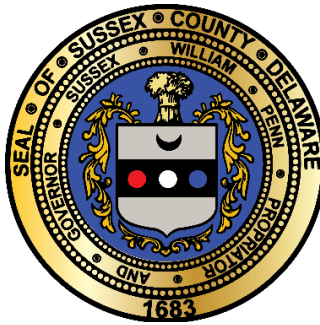
- Addition of level spreader along north edge of driveway (Owner direction) – Charge of \$5,200.00
- Deletion of 6’ white vinyl fence, sod & small river rock along east property line, and addition of large river rock on fabric in same area (Owner direction) – Credit of \$670.00
- Addition of junction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

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

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

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

The items in Change Order No. 4 results in a **net charge of \$4,504.50** and an increase in the overall Contract amount from \$1,828,504.56 to \$1,833,009.06. Change Order No. 4 also adds 4 calendar days to the Contract. **Based on the above, The Engineering Department recommends approval of Change Order No. 4 as submitted.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Millsboro Paramedic Station 103**
2. Sussex County Project No. C21-18
3. Change Order No. 4
4. Date Change Order Initiated - 11/06/24
5.
 - a. Original Contract Sum \$1,812,700.00
 - b. Net Change by Previous Change Orders \$15,804.56
 - c. Contract Sum Prior to Current Change Order \$1,828,504.56
 - d. Requested Change \$4,504.50
 - e. Net Change (No. of days) 4
 - f. New Contract Amount \$1,833,009.06
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

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

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Cost Change:

1. Addition of FRP panels 4'0" high, on all four(4) walls of the Janitors Closet to protect the drywall from splashing water: \$800.00 (cost addition)
2. Relocation of four (4) shore power cord reels in the garage at the direction of Sussex County EMS. The relocation will prevent damage to the cord reels and vehicles once the paramedic vehicles are converted to the new Kussmaul auto eject system: \$3,295.00 (cost addition)

Cost Subtotal	\$4,095.00
GC Overhead & Profit	<u>\$409.50</u>
Total Change Order	\$4,504.50

Time Change:

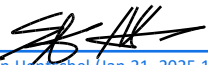
4 days added to contract

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. The Whayland Company, Contractor

	<u>1/21/2025</u>
<small>Steven Hentschel (Jan 21, 2025 15:51 EST)</small>	Date
Signature	

Steve Hentschel, President
Representative's Name in Block Letters

2. Sussex County Assistant Engineer

	<u>1/21/2025</u>
Signature	Date

3. Sussex County Council President

Signature Date

CHANGE ORDER (Owner)

CHANGE ORDER #

4R

DATE: 11/05/24

Owner:
Sussex County Council
PO Box 589
Georgetown, DE 19947

From:
The Whayland Company, LLC
100 West 10th Street
Laurel, DE. 19956

PROJECT: 2024-05 Millsboro Paramedic Station 103

Our Contract dated, 02/16/2024 , is hereby modified in accordance with the below listed changes:

DESCRIPTION OF WORK	AMOUNT	CODE
Install one layer of white .09 thick standard pebble-faced FRP panels from floor to 4' height all (4) sides of Janitors closet around mop sink. Faucet not installed or removed until after FRP installation.	\$800.00	9250

10% Profit and Overhead 1 Day added to substantial completion.	\$	80.00
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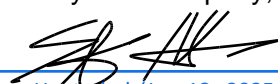
TOTAL THIS CHANGE ORDER \$880.00

NOTE: Unless specifically modified by this Change Order, all other terms and conditions of the "Contract" remain unchanged

Original Contract Amount:	\$1,812,700.00
Net Change by Previous Change Orders	\$15,804.56
Revised Contract Amount Prior to This Change Order:	\$1,828,504.56
Amount of this Change Order:	\$880.00
New Contract Amount:	\$1,829,384.56

OWNER:
Sussex County Council

General Contractor:
The Whayland Company, LLC


Steven Hentschel (Jan 13, 2025 10:43 EST)

By: _____

By: Steve Hentschel, President

Date: _____

Date: 1/13/2025

PLEASE SIGN & RETURN ORIGINAL TO WHAYLAND

Delmarva Acoustics & Drywall, Inc.

***PO Box 881
Salisbury, MD 21803
Phone (410) 742-6120***

***1825 Mt. Hermon Rd.
Salisbury, MD 21804
Fax (410) 749-4316***

BID

Date: November 5, 2024

To: Whayland Company

Attention: Mike Cassell

From: James Hornsby

Email: mike@whayland.com

Re: Paramedic Station 103

Sussex Co.

26929 Dickerson Rd., Millsboro, DE 19966

We acknowledge addendums 1-3.

No wage rate.

Number of pages: 1

E-851 / H- 451

We propose to furnish labor & materials to install as follows:

- 1. Install one layer of white .09 thick standard pebble-faced FRP panels from floor to 4' height all (4) sides of Janitors closet around mop sink. Faucet not installed or removed until after FRP installation.*
- 2. All work performed during normal working hours Monday – Friday 7:00am – 3:30pm.*

Base bid \$800.00

Heat, lights, electric, and dumpster by G.C.

We exclude: all framing, blocking, plywood, cement board, fiberglass insulation, firecaulking, expansion beads, doors, frames, and hardware. All windows and doors trimmed in wood by G.C.

CHANGE ORDER (Owner)

CHANGE ORDER #

5

DATE: 01/07/25

Owner:
Sussex County Council
PO Box 589
Georgetown, DE 19947

From:
The Whayland Company, LLC
100 West 10th Street
Laurel, DE. 19956

PROJECT: 2024-05 Millsboro Paramedic Station 103

Our Contract dated, 02/16/2024 , is hereby modified in accordance with the below listed changes:

DESCRIPTION OF WORK	AMOUNT	CODE
Relocation of cord reel in garage.	\$3,295.00	16010

10% Profit and Overhead 3 Day added to substantial completion.	\$	329.50
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TOTAL THIS CHANGE ORDER \$3,624.50


NOTE: Unless specifically modified by this Change Order, all other terms and conditions of the "Contract" remain unchanged

Original Contract Amount:	\$1,812,700.00
Net Change by Previous Change Orders	\$16,684.56
Revised Contract Amount Prior to This Change Order:	\$1,829,384.56
Amount of this Change Order:	\$3,624.50
New Contract Amount:	\$1,833,009.06

OWNER:
Sussex County Council

General Contractor:
The Whayland Company, LLC

By: _____


Steven Hentschel (Jan 7, 2025 11:38 EST)
By: Steve Hentschel, President

Date: _____

Date: 1/7/2025

PLEASE SIGN & RETURN ORIGINAL TO WHAYLAND

Tri-County Electrical Service

P.O. Box 644

Sharptown, MD 21861

(443) 359-1542 (410) 883-3968 Fax

Change Order Request

TO: THE WHAYLAND COMPANY DATE: 1-3-24

100 WEST 10st.
LAUREL, DELAWARE 19956

ATTENTION: Mike Cassell

PROJECT: Millsboro EMS 103

SUBJECT: Cord reel relocation

Gentlemen,

We propose to increase our contract total in the amount of \$ 3295.00

Three Thousand and Ninety-Five-----00/100

Proposal:

Relocate four cord reels per request:

Take down reel.

Remove twist lock receptacle.

Install 12-2 MC Cable from existing junction box to new junction box above garage ceiling.

Install blocking and support to support cord reel.

Reinstall Cord reel at new location.

Reinstall twist lock receptacle adjacent to new reel location.

Use of lift, drop off and pick up included in proposal.

In order to incorporate this change, we estimate that we will require additional time for completion and have based our proposal upon receiving calendar day's extension. This proposal is form for acceptance within 30 days. We cannot proceed with the work covered by the proposed change until we are so directed in writing approving costs, or until we receive your change authorization, which must be by _____ to prevent additional costs.

This proposal is based upon the usual cost elements necessary to perform the changed work such as labor, material, and normal markups, plus allowances for additional labor, overtime, and inefficiency, special handling and other costs which may be incurred in order that the changed work may be performed.

The foregoing shall not be construed as a release or an accord and satisfaction with respect to claims for delays, schedule impact, or so called ripple effect costs due to the cumulative effect of multiple change orders on the project. Tri-county Electric Company reserves the right to assert a claim for these costs and acknowledges that any such claim must comply with the terms of the contract between the parties.

To substantiate our proposal, we are enclosing one (1) set of our pricing sheets.

C. L. Booze Jr.
PROJECT MANAGER

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Mike Harmer, P.E., County Engineer
Paul Mauser, P.E., Assistant County Engineer

RE: **Dump Truck RFP, Project M25-10**
A. Recommendation to Award

DATE: January 28, 2025

Project Background Information: The Environmental Services (ES) Division currently has a fleet of two (2) dump trucks and is in need of adding another dump truck to the fleet. The existing two (2) dump trucks are utilized for hauling materials at the South Coastal Regional Wastewater Facility (SCRWF) and the Inland Bays Regional Wastewater Facility (IBRWF). These existing dump trucks are in high demand and taking the trucks offline to perform routine preventive maintenance is challenging. If the trucks are taken offline for preventive maintenance or for repairs after breakdowns, the ES staff may be required to work weekends to make up for the lost time in hauling operations. Adding another dump truck to the fleet will provide much needed additional capacity to the fleet, allow more time for routine preventive maintenance, and reduce capacity loss during breakdowns.

Public Bidding Information: The Engineering Department solicited public Bids for dump trucks within three (3) different recent model years with performance-based specifications. The evaluation criteria was based on two (2) factors: Cost and Delivery Time. This project was publicly bid on October 11, 2024 and an Invitation to Bid was directly emailed to eight (8) leading vendors of Dump Trucks in the local area. The public Bid Opening was held on November 6, 2024 and no Bids were received. As such, the project was Re-Bid on December 4, 2024 and an Invitation to Bid was emailed directly to thirteen (13) leading vendors of Dump Trucks. The public Bid Opening for the Re-Bid was held on December 30, 2024 and only one (1) bid was received.

The Bid was received from One Nation Distribution LLC out of New Wilmington, PA 16142. The budgeted amount for the Dump Truck was \$200,000 and the Bid was provided in the



amount of \$259,989.00. The Engineering Department has coordinated with the Environmental Services (ES) Division and ES has sufficient funding to cover the 30% overage on said budgeted amount and would like to proceed with Awarding the project to One Nation Distribution LLC in the amount of \$259,989.00.

Sussex County Engineering Recommendation for County Council: The Engineering Department recommends the Dump Truck Bid being awarded to One Nation Distribution LLC in the amount of \$259,989.00.

ENGINEERING DEPARTMENT

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Sussex County

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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., Project Manager

RE: ***South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension***
A. M.F. Ronca – Change Order IB-002, Inland Bays Clarifiers Cont.
B. M.F. Ronca - Change Order IB-003 Mobilization
C. BW Electric – Change Order IB-003 Mobilization

DATE: January 28, 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. Effluent Forcemain Relocation/Replacement; Completed in fall of 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

After County approval of the findings, GHD issued RFP-052 for replacing air valves on the effluent force main and installing additional air valves at new locations. This work scope was

not known at time of base bid and hence not included. On January 11, 2022, County Council issued Change Order No. 16 to M.F. Ronca & Sons in the amount of \$88,132.23.

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

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

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

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

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

The FY2022 Environmental Services budget included roof repairs of the South Coastal administration building and conversion of an existing pole building to an electrical panel shop. M. F. Ronca & Sons already has subcontractors in their scope of work who perform this type of work. They priced the building modification and selectively investigated the roof conditions. The roof dating to the original construction needs full replacement and has areas of compromised decking. Due to market volatility, long lead times and anticipated

incremental increases in roofing material (membrane & tapered insulation) costs, pricing includes a material escalation allowance.

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

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

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

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

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

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

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

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

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

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

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

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

The original bid contains a walkway from the mechanical building to the equalization tanks. It was in part supported by the original parapet wall. When the wall cap was removed it was determined that the wall was completely compromised and had to be rebuilt. M. F. Ronca & Sons is proposing to complete this task for \$71,547.30.

The original bid only contained trench hot mix restoration resulting in a patchwork of pavement conditions as depicted on the attachment. The Engineering Department requested the contractor to provide an alternate road reclamation based base course proposal combined

with a site wide 2-inch hot mix overlay. M. F. Ronca & Sons agreed to limit the mark up on the cost delta only and is proposing to complete this task for \$149,674.16.

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

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

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

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

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

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

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

The South Coastal project essentially duplicates the almost twenty-year-old gravity filter arrangement. All the actuated control valves in the process are pneumatic due to the high

moisture environment which is not conducive to electrical actuation. The Environmental Services team brought to the Department's attention that the pneumatic control system is nearing the end of its service life which was confirmed by GHD the County's consultants. Therefore, they solicited a proposal from M.F. Ronca & Sons under RFP-112 for the in-kind replacement. On February 20, 2024, Council approved M.F. Ronca & Sons' Change order No. 33 in the amount of \$62,212.29

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

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

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

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

In addition, Michael F. Ronca & Sons, Inc.'s submitted a no cost contract time extension request of Three Hundred Eighty Two (382) Calendar Days, thereby extending the current substantial completion date to from September 13, 2023 to September 30, 2024, and final completion date from December 14, 2023 to December 30, 2024. The Department reviewed the back-up documentation and concurred with the requested number of days.

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

Later on, in June, unit 1 of the two clarifier drives at the Inland Bays RWF failed. With an emergency repair it was made temporarily operational. The permanent replacement of unit 1 with a new identical unit, refurbishment, and reinstallation of refurbished drive for unit 2 was

covered under RFP-117a. M.F. Ronca & Sons performed two similar repairs at the Inland Bays RWF under Changer Order 20 for the influent screens and under a direct purchase order for the dryer unit bearing maintenance. On July 16, 2024, Council approved Change Order No. 35 in the amount of \$121,235.07.

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

The multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal RWF Treatment Process Upgrade No.2. In addition, they both already worked on a couple of critical capital project components at the Inland Bays RWF. The Engineering Department and GHD met with them on two occasions discussing a staged project implementation for the Inland Bays RWF Phase 2 Project. Both contractors have committed to the approach providing constructability input during the design modification process and pricing of the subsequent series of change orders to bring the most critical elements online in sequential order and on July 16, 2024, Council concurred in a staged construction implementation process under a series of change orders based on critical path implementation.

The first one ready for two-stage pricing was the clarifier component under RFP-IB-001&002. The IB-001 is the cost associated with the first stage procuring the precast concrete and the equipment, the second stage will consist of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. With no funds yet expended under Change Order 35 for the Inland Bays existing clarifier refurbishment these costs were incorporated into Change Order IB-001 and approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. has now submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90. In addition, they offered pricing for mobilization to the site per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoicing. Normally the overhead expenses would be included in the mark up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department prefers continuity of Ronca's staff on site instead of a fixed percentage mark up.

In summary, the Engineering Department recommends approval of M.F. Ronca & Sons, Inc. Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following RFPs were requested by Environmental Services:

1. RFP-064 for float-controlled effluent pump backup control panel in the event of a failure in the digital pump control system or level transmitter in the amount of \$29,895.13.
2. RFP-065 for the demolition and replacement of the original 1970s lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building in the amount of \$80,099.11.
3. RFP-066 for additional circuits and conduits associated with a conveyor warning alarm in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building in the amount of \$3,090.30.

4. RFP-068 for the electrical work associated with replacing the compressed gas mixing system with a mechanical mixing system in the amount of \$83,738.84. This is the companion change order to Michael F. Ronca & Sons' Change Order No. 21 for the mechanical work.
5. RFP-069 for a change in the existing 6-way DB-5A allowing for the MH-47 to be eliminated at a credit of (\$7,500.00).

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

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

Provide a credit proposal to remove the Off-Site Manufacturer Course Training specified in the construction documents. This will be conducted as part of the startup process resulting in a credit of \$17,758.13. On October 11, 2022, Council approved Change Order No. 19 in the amount of \$17,758.13.

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

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

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

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

The following RFPs were requested by Environmental Services:

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

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

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

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

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

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

Under M.F. Ronca & Sons’ Change order No. 33 Council approved the pneumatic control system replacement for the existing filter which was at the end of its service. Therefore, GHD

issued RFP-114 to BW Electric, Inc. for five (5) new equipment cabinet power circuits, four (4) existing pole mounted light fixtures circuits and various receptacles all mounted on Effluent Filter No. 2. On June 4, 2024, Council approved BW Electric, Inc's Change Order No. 27 in the aggregate amount of \$20,137.99.


BW Electric, Inc. offered pricing for mobilization to the site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc. has a much smaller on-site overhead team and therefore chose to include it's cost in the fixed percentage markup on a task-by-task basis.

In summary, the Engineering Department recommends approval of BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

- e. Mobile Belt Filter Press; 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. DP&L direct expenses; 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.



Request for Proposal

Project	Inland Bays RWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
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.	IB-002-GC		
RFP Subject	Secondary Clarifier Nos. 3 and 4, Scum Pump Station No. 2, and Clarifier Distribution Box Modifications		
Issued By	S. Clark 	Date	December 17, 2024

Description of Proposed Changes

General Construction for Secondary Clarifier Nos. 3 and 4 generally arranged as shown in the WRA Expansion drawings (Drawing Nos. M06.01 and M06.02), and including:

1. Excavation, subgrade preparation, leak testing, site restoration and any other General Construction activities associated with construction of the precast, post-tensioned, concrete clarifiers included in RFP-001-GC.
2. Installation, testing, and startup for the clarifier equipment, clarifier brush systems and FRP accessories included in RFP-001-GC. This includes the new brush systems being provided for Secondary Clarifier Nos. 1 and 2.
3. Mix C concrete fill in the effluent box to direct flow to the effluent pipe. Concrete fill shall be at least 6" higher than the invert of the effluent pipe at each edge of the effluent box.
4. Construct floor slab with a Type A scratch finish in accordance with Section 03350 and provide a 2" thick Mix C-F grout topping applied using the clarifier equipment (see submittal requirements in Section 11335). Contractor to coordinate with clarifier equipment manufacturer and precast, post-tensioned concrete tank manufacturer.
5. Clarifier equipment shall be shop-primed. Contractor shall prepare, prime and coat in the field in accordance with Section 09900.
6. A safety cable 3" below top of wall elevation on the outer wall of each tank. System shall match that submitted and provided for the South Coastal RWF clarifiers (reference submittal 05500-23).
7. Aluminum grating with 3" bar spacing each direction over each effluent box to generally match what was provided at South Coastal and in accordance with Detail 2.G on Drawing S0007.

General Construction for four new access stairs and platform to allow inspection of the effluent chambers of Secondary Clarifier Nos. 1-4 (four separate stair structures), including:

1. Demolition of the existing wooden stairs and platforms to the effluent chambers of Secondary Clarifier Nos. 1 and 2.
2. Exterior stair foundations in accordance with Detail 24.C on Drawing SC-S0004.

3. Aluminum stairs, handrail and guardrail in accordance with Detail 3 and the Stair Framing Notes on Drawing SC-A6006 and Division 5 specification sections. Each stair will be a single flight with an upper platform (depth to match stair width) and clip connection to the clarifier effluent box.

General Construction for Scum Pump Station No. 2 and the associated access systems including the following. The pump station shall be generally arranged as shown in the WRA Expansion drawings (Drawing No. M06.03), and as clarified and modified herein:

1. The wet well structure shall be precast concrete construction in accordance with Section 03481 and as follows:
 - a. Plan area shall be 5'-0" by 8'-0" (internal dimensions)
 - b. Modify the top of slab elevation for the structure base to EL 20.00 to match the valve vault base slab by increasing overall height of structure. Top of structure to match top of walkway elevation for the access bridge being provided with the clarifier equipment. Top of walkway elevation anticipated to be approximately EL 39.83.
 - c. Include pipe penetrations for two clarifier scum pipes, two pump discharge pipes, one pump out connection and one sump pump discharge pipe.
 - d. In lieu of removable grating, the precast structure shall include a concrete roof slab with access hatches to provide access to the pumps and instrumentation. Provide three adjacent and equal length hatches, with one hatch over each pump to suit pump geometry, and a center hatch which will provide access to the instrumentation to be provided by the EC. Each hatch will be able to be opened independently.
 - e. Provide concrete fill to create benching in accordance with the pump manufacturer's recommendations.
2. The valve vault shall be precast concrete construction in accordance with Section 03481 and as follows:
 - a. Plan area shall be 8'-0" by 8'-0" (internal dimensions)
 - b. Include pipe penetrations for two pump discharge pipes, one scum force main, one sump pump discharge pipe and one vent.
 - c. Include penetration for extended operator for the two plug valves.
 - d. Provide a 3'-0" by 3'-0" access hatch with hatch drain, ladder, and safety post in accordance with Section 03481. Ladder shall be post and rung style to match arrangements provided for South Coastal RWF (not ladder rungs).
 - e. Provide concrete fill to create a 18"x18"x12" deep concrete sump with removable grating and slope to a high point 4" higher than the sump. Coordinate sump and grating with sump pump and sump pump discharge piping. Vary the layout shown in the attached drawings by placing the sump in the northeast corner of the vault to improve access to the sump pump.
3. The 4" vent shall be in accordance with Detail 5 on Drawing SC-M6005.
4. Access stairs from grade to the access bridge in accordance with the Division 5 specifications and Detail 3 and the Stair Framing Notes on Drawing SC-A6006. Stair landing shall be in accordance with Detail 24.C on Drawing SC-S0004. Guardrail shall tie into that being provided by the clarifier equipment manufacturer.
5. Aluminum guardrail around the north, east and south sides of the wet well structure, coordinated with and connected to the guardrail provided by the clarifier equipment manufacturer for the access bridge. Guardrail shall be in accordance with Section 05520.
6. Provide swing gates in the north and south sides of the wet well structure guardrail to facilitate pump removal. Swing gates shall be sized to suit the pumps and cranes and generally in accordance with Detail 2 on SC-A6006.
7. Submersible scum pumps and accessories generally in accordance with Sections 11300 and 11307 except as varied herein:

- a. Manufacturer and model shall be Flygt FP3085.092 with mechanical recirculation valve and all accessories listed in Section 11307.
- b. Test standard shall be HI Grade 3B.
- c. Performance requirements (these apply in lieu of Section 11307-1.04-A). Pumps shall be capable of continuous stable operation throughout the entire specified pumping range as follows:

Parameter	Scum PS No. 2 Pumps
Quantity	2
Tag Numbers	To be advised
Pumped Liquid	Secondary clarifier scum
Primary Design Point Rated Flow Rated Total Dynamic Head	No less than 160 gpm (manufacturer to advise) 25 ft
Minimum Allowable Shutoff Head	40 ft
Minimum Allowable Operating Range	20 – 28 ft TDH

- d. Motor Parameters (these apply in lieu of Section 11307-2.04-C):

Motor Parameter	Scum PS No. 2 Pumps
Maximum Allowable Motor Horsepower	3 hp
Motor Selection Type Special Applications	Submersible None
Motor Speed (Nominal)	1700 rpm
Minimum Allowable Motor Efficiency at Full Load	78 %
NEMA Design	B
Duty	Continuous
Insulation	Class H
Insulation, Temperature Rise	Class B
Voltage, Phase and Hertz	460V, 3 Phase, 60 Hz
Service Factor	1.15
Motor Enclosure	Submersible
Protection	MWTS, Seal Leak Sensor
Minimum Starts Per Hour (Allowable)	10, evenly spaced

- e. Provide Thern Commander Series portable davit cranes in accordance with the enclosed proposed scope of supply.

- 8. Sump pump in accordance with Section 11316.

General Construction for the Clarifier Distribution Box Expansion including the following. The distribution box expansion shall be generally arranged as shown in the WRA Expansion drawings (Drawing No. M05.01), and as clarified and modified herein:

- 9. Cast-in-place concrete construction of the additional clarifier influent boxes in accordance with the attached design drawings and construction of new openings to connection the new clarifier influent boxes to the center chamber.

- a. Construction shall be in accordance with the structural standard details, the Division three specifications and using the general materials and concrete mixes approved for SCRWF.
 - b. Eliminate the mid-height construction joint.
 - c. Openings do not leave sufficient concrete above the open area. Reduce opening height to retain at least 12" of concrete above the opening. Bottom of opening shall match existing openings.
10. Bypass pumping from the lagoons to the influent chambers in the Clarifier Distribution Box for Secondary Clarifier Nos. 1 and 2 while the new openings are being constructed in the wall of the center chamber for the new influent chambers.
 11. Each effluent chamber in the distribution box will have a 24" process piping connection under and to the center effluent chamber. Pipe openings shall be located at the center of each effluent chamber.
 12. Provide aluminum grating over each effluent chamber and provide guardrail additions, removals and modifications to extend the existing guardrail around the entirety of the expanded structure. Grating shall be in accordance with Section 05531. Guardrail shall be in accordance with Section 05520.
 13. Provide slide gates in accordance with Section 11291 and as follows:
 - a. Equipment Schedule (Section 11291 and the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Clarifier Distribution Box
 - iii. Type: Downward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type D
 - vi. Head (ft to gate invert) – Seating: Base on water surface up to 12" above top of gate.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface up to 12" above top of gate.
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: N/A
 - b. Dimensional Information:
 - i. Opening width: 6'-0"
 - ii. Bottom of opening elevation: EL 36.83 +/-
 - iii. Opening height: 1'-8"
 - iv. Operating floor elevation: EL 39.50
 - v. Top of gate fully raised elevation: 38.83 +/-
 - vi. Top of gate fully lowered elevation: 36.83 +/-
 - c. Actuator manufacturer: Beck

Process piping and process valves in accordance with Sections 15060 and 15100, supported in accordance with Section 15140 and the Details on Drawing SC-M6006, and generally as shown in the WRA Expansion drawings (Drawing Nos. M05.01, M06.01, M06.02, M06.03).

14. 24" restrained mechanical joint DIP clarifier influent piping to connect the modified Clarifier Distribution Box with the centers of Secondary Clarifier Nos. 3 and 4. Coordinate pipe fittings and couplings with clarifier equipment manufacturer for connection with center column. Provide concrete encasement at the Clarifier Distribution Box and at Secondary Clarifier Nos. 3 and 4 in accordance with Detail 5.C on Drawing SC-S0002 (including the 5'-0" extension of encasement beyond edge of base slabs). Piping shall have INV EL 11.91.
15. 16" restrained mechanical joint DIP return activated sludge piping from the centers of Secondary Clarifier Nos. 3 and 4 to the first joint outside of the concrete encasement extending beyond the edge of the base

slabs. Provide concrete encasement in accordance with Detail 5.C on Drawing SC-S0002 (including the 5'-0" extension of encasement beyond edge of base slabs). Piping shall have INV EL 15.40 and be arranged as follows:

- a. Secondary Clarifier No. 3: 45 degrees west of plan north
 - b. Secondary Clarifier No. 4: 45 degrees west of plan south
16. 6" flanged DIP scum piping and supports as necessary to connect the scum trough discharge connection with the 6" wall pipes provided in Secondary Clarifier Nos. 3 and 4, and to extend from these wall pipes into Scum Pump Station No. 2.
- a. Coordinate pipe fittings and couplings with clarifier equipment manufacturer for connection with scum trough.
 - b. Bends inside the clarifier shall be 45 degrees.
 - c. Provide clean out tee and wye with gate valve and disconnect fitting on the exposed exterior piping similar to that shown on Drawing SC-M0502.
 - d. Buried piping between structures shall have a nominal 1% fall to the wet well. Wet well penetration shall have CL EL 24.25.
 - e. Provide vertical tee on interior side of wet well with length of pipe on the lower flange that extends to a height 12" above the floor of the structure.
 - f. Paint exposed piping in accordance with Section 09900 (including interior and exterior piping).
17. 4" flanged DIP scum piping and supports as necessary from the scum pump discharge fittings to the first joint downstream of the valve vault.
- a. Piping shall have CL EL 24.31.
 - b. Provide a plug valve and check valve for each discharge pipe in accordance with Section 15100.
 - c. Include a pressure gauge on an inline annular seal upstream of each check valve. Gauges and annular seals shall be in accordance with Section 11300.
 - d. Provide extended operators for the two plug valves to allow actuation from outside of the valve vault.
 - e. Provide temporary cap and marker at end of pipe downstream of valve vault.
 - f. Paint exposed piping in accordance with Section 09900.
18. 3" flanged DIP scum pump-out piping and supports at Scum Pump Station No. 2. Include a gate valve (in lieu of a plug valve) and disconnect fitting as indicated. Wall penetration shall have INV EL 30.00. Paint exposed piping in accordance with Section 09900.
19. 2" PVC sump pump discharge piping from the sump pump in the valve vault to the wet well structure.
- a. Discharge piping configuration in accordance with Detail 9 on Drawing No. M0501. Omit check valve to allow exposed piping to drain back into vault.
 - b. Valve vault penetration at CL EL 25.00.
 - c. Wet well penetration at CL EL 32.00.

The following will be included under separate RFPs

1. Utility water piping, and associated insulation, jackets, hose reels and hose bibs.



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

January 23, 2025

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

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-002 Rev
Clarifiers

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-002-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of Secondary Clarifiers No. 3 & 4, Scum Pump Station No. 2 and Clarifier Distribution Box Modifications, as identified in the RFP, for the Lump Sum Price of Two Million Twenty Three Thousand Five Hundred Five Dollars and 90 Cents.....\$2,023,505.90.

This proposal is based on all information identified in GHD's RFP IB-002-GC, dated December 17, 2024, WRA PH 2 Expansion Drawings (M06.01, M06.02, M06.03, S05.01, S05.02, M05.01, S00.01 & S00.02), and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Secondary Clarifiers Nos. 3 & 4:
 - Excavation, dewatering, subgrade preparation, leak testing, site restoration and all other General Construction activities associated with construction of the PCPT Clarifier Structures.
 - Furnish and install under slab piping, concrete encasement and related.
 - Installation, testing, start-up and commissioning of all clarifier equipment.
 - Installation of all FRP Density Current and Scum Baffles.
 - Placement of fill concrete.
 - Placement of 2" grout topping on floor slab.
 - Shop prime coat and field finish coat painting of clarifier equipment
 - Furnish and install all miscellaneous metals, in accordance with RFP.
- Clarifier Effluent Chamber Inspection Access Stairs and Platforms for Clarifiers 1 – 4:
 - Demolish and disposal of Clarifiers 1 & 2 existing wooden stairs.
 - Construct stair foundations for Clarifiers 1 – 4, per referenced details.
 - Furnish and install 4 Each aluminum stairs, handrails, and guardrails at Clarifiers 1 – 4, per referenced details.

- Scum Pump Station No. 2 and Associated Access Systems:
 - Furnish and install Precast Wet Well with penetrations, hatches, fill concrete, etc., as outlined in RFP.
 - Furnish and install Precast Valve Vault with penetrations, hatch, ladder, sump, etc., as outlined in RFP.
 - Furnish and install access stairs from grade to Ovivo furnished interconnect bridge and guardrail, with swing gates at Wet Well, as outlined RFP.
 - Furnish and install sump pump.
 - Installation only of Scum Pumps and Davit Crane. Furnish of Scum Pumps and Davit is excluded pending revised specification for the pumps, per S. Clarke w/GHD.
- Clarifier Distribution Box Expansion:
 - Construct CIP Clarifier Influent Box addition, per RFP
 - Sawcut openings in ex. concrete for new Influent Boxes.
 - Bypass pumping and related flow maintenance, necessary for saw cutting openings and installation of new Weir Gates (See qualification below).
 - Furnish and install aluminum grating and handrail for new Influent Box additions.
 - Furnish and install new Weir Gates w/Beck EMO Actuators.
- Process Piping
 - Furnish and install all process piping, yard piping and vents, as outlined in the RFP, including valves, concrete encasement.

Listing of Qualifications/Exclusions:

- Furnishing of Scum Pumps and Davit Cranes are specifically excluded, pending revised specification for the pumps.
- Electric for dewatering pumps is specifically excluded. BW Electric to supply power conduit and wiring for our dewatering pumps (Based on correspondence with BW).
- Power and water consumption costs for construction activities is specifically excluded.
- Due to uncertainties, Proposal includes a \$10,000 Allowance for provisions to stop flow from Lagoons to the Clarifier Distribution Box during bypass pumping. The allowance will be respectively adjusted based on actual costs incurred to perform this work.
- Offsite disposal of excess excavated materials is specifically excluded. Based on civil modeling, it is anticipated this phase of the work will generate approximately 4,000 CY of excess materials. The proposal assumes this material will be left stockpiled onsite.
- Blind side and sheet waterproofing (ref. S05.02) is specifically excluded, per S. Clark.
- Proposal includes bond costs for PCOR 554-01-001, PCOR 554-01-002 & PCOR 554-01-003.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.

January 23, 2025
Mr. Steven Clark, PE
Page Three

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,


Scott Wachinski

Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca



Request for Proposal

Project	Inland Bays RWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
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.	IB-003-GC		
RFP Subject	General Construction Contractor Mobilization		
Issued By	H. Ziegler, S. Clark		Date December 19, 2024

Description of Proposed Changes

General Construction Contractor Mobilization at IBRWF to include the following:

1. Provide an initial lump sum cost for Mobilization activities including the items below. Mobilization will be generally in accordance with Section 01019 (Contract Considerations) and Section 01500 (Temporary Facilities):
 - a. Performance of preparatory construction operations, including the movement of personnel and equipment to the Staging Area shown in the attached Staging Area Plan.
 - b. Establishment of Engineer's and Contractor's temporary field offices and other facilities required to begin work on a substantial phase of the work. Field offices shall be equipped with lighting, electrical outlets, permanent heating, cooling and ventilating equipment. Include costs to extend and connect to necessary utilities for the EC, GC and Engineer's field offices (in accordance with the responsibilities defined in Section 01500). Provide sanitary facilities.
 - c. Install erosion and sediment control measures as shown on the attached Staging Area Plan and associated details. Erosion and Sediment Controls shall be provided in accordance with the Inland Bays Regional Wastewater Facility Expansion Sediment and Stormwater Management Plan prepared by Sussex County (attached). Erosion and Sediment Controls will otherwise be generally in accordance with the requirements of Specification Section 02222 (Excavating), Section 02223 (Backfilling) and Section 02980 (Site Rehabilitation) as well as the Delaware Erosion and Sediment Control Handbook Rev 03/2013 or latest Edition. Additional RFPs will be issued for the remaining Erosion and Sediment Controls needed to complete the project.
 - d. Establish staging areas for construction. A shared staging area location has been assigned for different contractors working in the vicinity of the IBRWF. See the attached Staging Area Plan. Install a stabilized construction entrance to the staging areas for the County, GC, EC, and the field office area per the Staging Area Plan and in accordance with the associated details (total of four SCE).
 - e. Engineer's field office shall be generally in accordance with Section 01500-1.27 as specified in the SCRWF Bid documents (this requirement was deleted by Addendum) and shall include separate office and meeting spaces. Engineer's field office shall be equipped with the following:
 - i. One standard size desk, 3-foot x 5-foot, with rolling padded desk chair and three drawers.
 - ii. One plan rack to hold a minimum of six sets of project drawings.

- iii. One standard four-drawer legal-size metal filing cabinet with lock and key.
 - iv. Ten folding chairs.
 - v. One 8-foot x 30-inch folding leg table.
 - vi. One fire extinguisher.
 - vii. One wastebasket.
 - viii. One coat rack.
 - ix. One tackboard, 36 inches x 30 inches.
 - x. One 10-inch outdoor type thermometer.
 - xi. One rain gauge.
 - xii. One water cooler (provide refills as required throughout Project).
 - xiii. One refrigerator, minimum of 4.0 cubic feet, with freezer minimum of 1.0 cubic feet.
 - xiv. One microwave oven, 0.8 cubic feet, 800 watt minimum.
 - xv. Heavy-duty wall shelving 20 sq. ft. minimum.
 - xvi. Minimum field office size: 440 SF.
- f. Provide and maintain sanitary facilities and enclosures for use by all persons employed at the Site.
 - g. Provide temporary gravel surface parking areas to accommodate all GC and EC construction personnel involved with the Project.
2. Provide a monthly variable cost estimate for Mobilization to include rentals, utilities, insurance and bonding. Contractor will propose an initial allowance for the first 30 months of construction based on an estimated project value of \$30M. It is the intent that monthly mobilization payments would draw from this allowance.
 3. Include costs for bonding and insurance as appropriate in the lump sum and monthly variable costs.



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

January 20, 2025

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

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-003
Mobilization & General Conditions (Monthly)

Dear Mr. Clark:

Pursuant to GHD’s RFP-IB-003-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials, equipment and related incidentals to perform all Mobilization activities identified in item 1 of the RFP, for the Lump Sum Amount of One Hundred Ninety Thousand Dollars.....\$208,250.00.

This proposal is based on all information identified in Item 1 of GHD’s RFP IB-003-GC, dated December 19, 2024, and as further clarified in the “Scope of Work” and “Listing of Qualifications/Exclusions” below.

RFP-IB-003-GC Item 1 Scope of Work:

- Mobilization of manpower and heavy equipment, including specialty hauling & related.
- Establish Construction Staging Areas, including but not limited to, strip & stockpiling of topsoil, installation of erosion and sedimentation control measures, construct stabilized construction entrances and gravel surface parking area, etc., all as identified on the GHD Staging Area Plan dated 12.05.24.
- Establish Engineer’s and Contractor’s Temporary Field Offices, including but not limited to, utility connections, sanitary facilities and other related incidentals.
- Engineer’s field office to be provided generally in accordance with 15100;1.27 of the SCRWF bid documents, and to be equipped with furniture and equipment identified in the RFP.

RFP-IB-003-GC Item 1 Listing of Qualifications/Exclusions:

- Demobilization items including removal of E&S Controls, SCEs, stoned parking areas, office trailers, respread of topsoil, permanent yard restoration, etc. are excluded from this item.
- BW Electric to provide power connections to job trailers (pursuant to BW Electric indication of same).

January 20, 2025
Mr. Steven Clark, PE
Page Two

Pursuant to GHD’s RFP-IB-003-GC, Michael F. Ronca & Sons, Inc. hereby proposes to provide Construction General Conditions services as identified in item 2 of the RFP for the monthly sum of One Hundred Sixteen Thousand One Hundred Dollars.....\$116,000.00/Mo.

This proposal is based on all information identified in Item 2 of GHD’s RFP IB-003-GC dated December 19, 2024, and as further clarified in the below “Scope of Work” and “Listing of Qualifications/Exclusions

RFP-IB-003-GC Item 2 Scope of Work:

- Project construction management, labor supervision and related, including but not limited to:
 - Project Manager - 60% Weekly Allotted
 - Project Engineer – Daily
 - General Superintendent - 80% Weekly Allotted
 - Project Superintendent - Daily
 - Safety Officer – Biweekly Allotted
 - Home Office Support Services, Including but not limited to:
 - Administrative Support – i.e. submittal management and related.
 - Project Engineering & Design Support services – i.e. civil modeling, yard & process pipe detailing, and related.
- Insurances and related (excluding performance and payment bonds)
- Field Survey, data collection and related.
- Independent safety audits and task consultation & evaluation.
- Contractor and Engineer temporary field office furnishings, rental, cleaning, maintenance, consumables and related.
- Rental, cleaning and maintenance of sanitary facilities.
- General site and project maintenance, including erosion & sedimentation.
- Employee travel, lodging and per diem expenses.
- Waste container rental and disposal fees.
- Construction storage trailer delivery, set-up, rental, maintenance & removals.
- This monthly mobilization invoicing would begin at the time of our first invoice for the project for actual physical work completed onsite.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.


Regards,

Scott Wachinski
Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca



Request for Proposal

Project	Inland Bays RWF Expansion		
Owner	Sussex County		
Contract No.	C19-17: Electrical Construction	GHD Project no.	12645844
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.	IB-003-EC		
RFP Subject	Electrical Construction Contractor Mobilization		
Issued By	H. Ziegler, S. Clark		Date December 19, 2024

Description of Proposed Changes

Electrical Construction Contractor Mobilization at IBRWF to include the following:

1. Provide an initial lump sum cost for Mobilization activities including the items below. Mobilization will be generally in accordance with Section 01019 (Contract Considerations) and Section 01500 (Temporary Facilities):
 - a. Performance of preparatory construction operations, including the movement of personnel and equipment to the Staging Area shown in the attached Staging Area Plan.
 - b. Establishment of Contractor's temporary field offices and other facilities required to begin work on a substantial phase of the work. Field offices shall be equipped with lighting, electrical outlets, permanent heating, cooling and ventilating equipment. Include costs to extend and connect to necessary utilities for the EC, GC and Engineer's field offices (in accordance with the responsibilities defined in Section 01500).
2. Provide a monthly variable cost estimate for Mobilization to include rentals, utilities, insurance and bonding. Contractor will propose an initial allowance for the first 30 months of construction based on an estimated project value of \$15M. It is the intent that monthly mobilization payments would draw from this allowance.
3. Include costs for bonding and insurance as appropriate in the lump sum and monthly variable costs.



15342 S. DuPont Hwy
 Harrington DE 19952
 302-566-6248

January 23, 2025
 Jason R. Walters

IB-003-EC

PART #1	LUMP SUM	
a.	Mobilizing equipment & trailers to site	\$18,500.00
	Temporary electrical service and power to the field offices. Install a main distribution panel adjacent the DP&L transformer. Install conduit and wire from DP&L transformer to	
b.	Temp MDP and to a temp 120/208 transformer and equipment. Install 120/208 volt panel to feed the contractors trailers and other power needs.	\$30,000.00
	Sub-Total	\$48,500.00
	Overhead 10%	\$4,850.00
	Sub-Total	\$53,350.00
	Profit 5%	\$2,667.50
	Sub-Total	\$56,017.50
	Bond 2.5%	\$1,400.44
	Total	\$57,417.94

PART #2	MONTHLY RATE	Monthly Expenses
	40' Storage Containers (Quantity 6)	\$750.00
	Insurance Rate	\$1,000.00
	Office Trailer	\$250.00
	Wifi in Office Trailer	\$200.00
	Dumpster	\$500.00
	Port A Potty	\$190.00
	Sub-Total	\$2,890.00
	Overhead 10%	\$289.00
	Sub-Total	\$3,179.00
	Profit 5%	\$158.95
	Sub-Total	\$3,337.95
	Bond 2.5%	\$83.45
	Total	\$3,421.40



35085 Sussex Highway
Delmar, DE 19940
Phone: (302) 877-0613
Cell: (302) 381-1651
Fax: (302) 877-0616

BRAKE & WHEEL, INC.
www.haletrailer.com

Sales – Rentals - Parts

TRAILER QUOTE FROM: Scott Lee

DATE: 1/23/2025 **UNIT #** TBD

NAME: BW Electric
Millsboro, DE 19966

ATTN: Jason Walters

PHONE #: 302.222.8734 **Email:**

RE: 40' Container

SIZE: 40' **TERM:** TBD

MONTHLY RENT: \$125.00 Per Unit

RENTAL TAX: 1.99%

DELIVERY (ROUND TRIP): \$500.00 Includes delivery & pick up

FUEL SURCHARGE:

SET-UP FEE:

ANCHORS:

ANCHORS REMOVAL:

OSHA PLATFORM STEP:

UNIT TEAR DOWN:

COMMENTS:



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Sales – Rentals - Parts

TRAILER QUOTE FROM: Scott Lee

DATE: 1/23/2025 **UNIT #** TBD

NAME: BW Electric
Millsboro, DE 19966

ATTN: Jason Walters

PHONE #: 302.222.8734 **Email:**

RE: 20' Office Container

SIZE: 20' **TERM:** TBD

MONTHLY RENT: \$250.00

RENTAL TAX: 1.99%

DELIVERY (ROUND TRIP): \$500.00 Includes delivery & pick up

FUEL SURCHARGE:

SET-UP FEE:

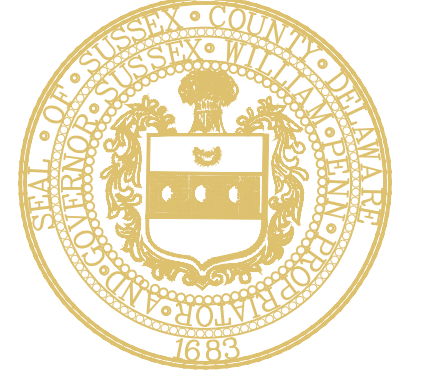
ANCHORS:

ANCHORS REMOVAL:

OSHA PLATFORM STEP:

UNIT TEAR DOWN:

COMMENTS: Electric connection responsibility of Lessee.



Sussex County
Engineering Department
2 The Circle, P.O. Box 589
Georgetown, DE 19947
Ph: 302-855-7718
Fax: 302-855-7799

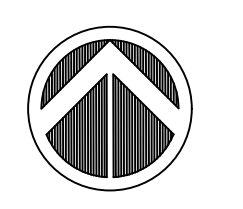
Staging Area Plan

Rev	
Rev	
Rev	
Rev	

IBRWF (Multiple Projects)

Tax Map # 234-21.00-151.00, 234-21.00-151.03,
234-22.00-10.00, 234-22.00-8.00
Indian River Hundred, Sussex County, DE

Professional Seal



Drawn By: VT Date: 12/05/2024
Project No: S25-17 Scale: 1" = 50'
Sheet:

NOTES

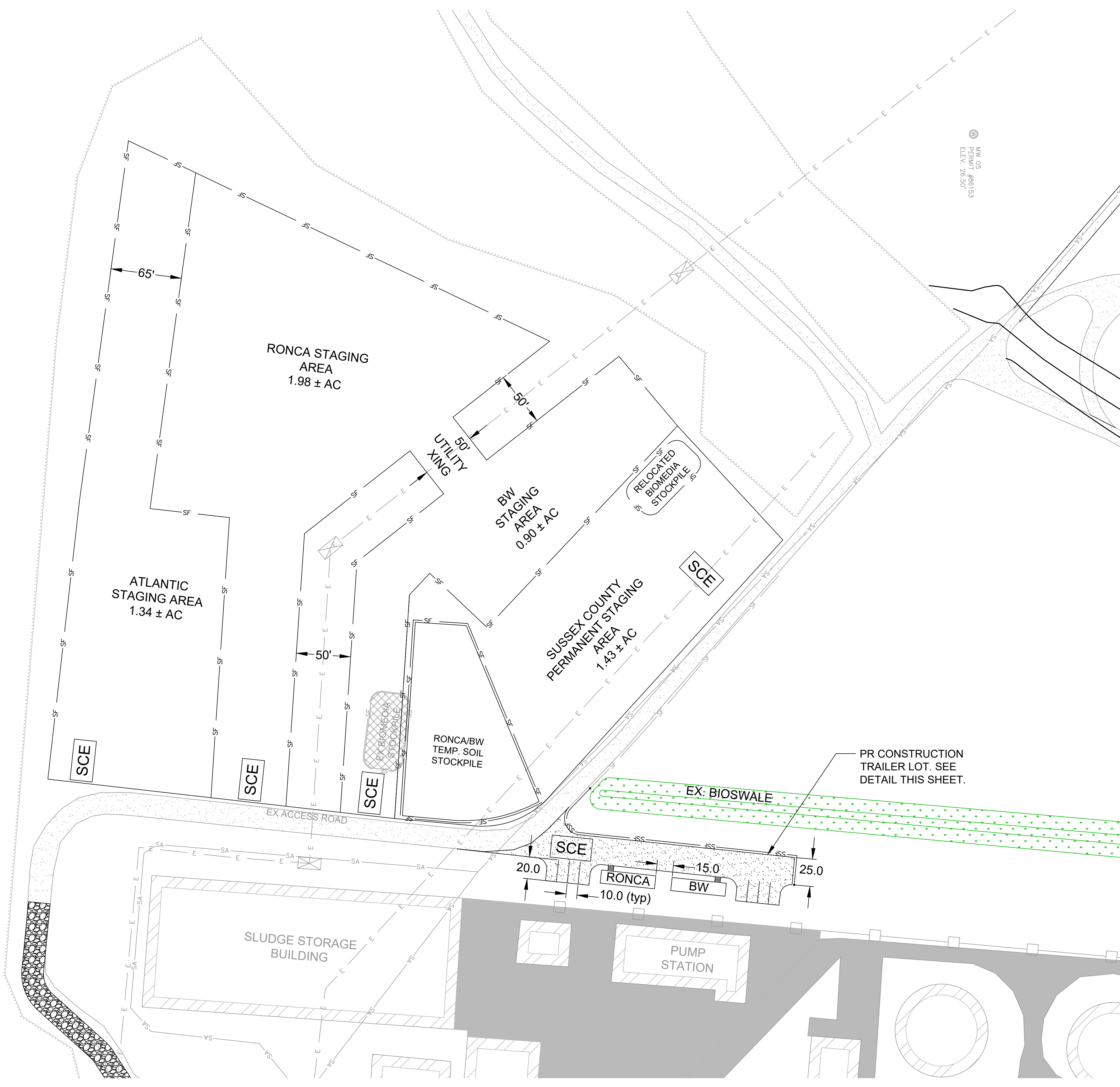
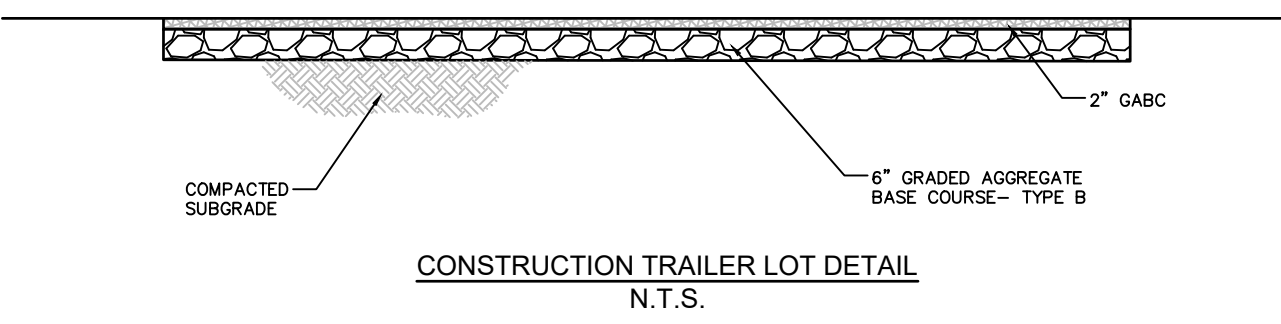
- A shared staging area location has been assigned for multiple projects under contract at the Inland Bays Regional Wastewater Facility.
- Contractors should be courteous to each other with regards to staging area access and good housekeeping.
- The access road along the front of the three staging areas shall remain open and passable for Sussex County employees.
- All materials, equipment and personal vehicles are to be located within the staging areas as shown on this plan.
- Per this plan, a 50 foot restricted area is provided over the existing electrical line to North field. No equipment or materials shall be permanently located within this area.
- Each contractor shall install a stabilized construction entrance to their staging area.
- Each contractor shall install silt fence for their staging area per this plan.
- Dumpsters shall be covered at all times.
- Site disturbance & stabilization: Once site work is complete and the staging area and construction trailer area are no longer need, the contractor shall return all disturbed to existing grade and grass condition.
- 9.1. Temporary seeding of disturbed areas shall comply with Temporary Seed Mix No. 4 from ENS detail 3.4.3, as shown on sheet 2.
- 9.2. Permanent seeding of disturbed areas shall comply with Permanent Seed Mix No. 9 from ENS detail 3.4.3, as shown on sheet 2.
- 9.2.1. An application rate of 20 lbs per acre or 1/2 lb per 1,000 sf shall be followed.
- 9.2.2. All areas not covered by buildings or pavement shall be seeded with the permanent seeding mixture listed above.
- 9.2.3. A minimum of 4" of topsoil shall be applied to all disturbed areas.
- 9.2.4. Mulch disturbed areas immediately after seeding. Use small grain straw mulch with a minimum application rate of 2 tons/acre. Mulch is to be anchored by hand punching or crimper punching.
- 9.2.5. Application Rate
 - 9.2.5.2. 1 Jan to 31 Jul: 28 lbs/acre with 14 lbs/acre of grain oats cover crop.
 - 9.2.5.3. 1 Aug to 31 Dec: 11 lbs/acre with 30 lbs/acre of grain rye cover crop.
- It is the responsibility of each contractor to maintain and repair all erosion and sediment control practices within their staging areas during construction and utility installation. It is the responsibility of RONCA to maintain and repair all erosion and sediment control practices around the construction trailer lot and the RONCA/BW temporary soil stockpile.
- A Third Party CCR is required for this project.
- Any questions or concerns about the staging areas shall be directed to the Sussex County Site Coordination Engineer, Helen Naylor at 302-381-8181.

STAGING AREA SEQUENCE OF CONSTRUCTION

- Notify the Sussex Conservation District in writing at least five (5) days prior to the start of construction. Failure to do so constitutes a violation of the approved Sediment and Stormwater Management Plan.
- Prior to any clearing, installation of sediment control measures or grading, a pre-construction meeting shall be scheduled and conducted with the Agency Construction Site Reviewer. The landowner/developer, contractor, and third-party Certified Construction Reviewer are required to be in attendance at the pre-construction meeting; the designer is recommended to attend.
- Conduct the Pre-Construction meeting. See note 2 above.
- Relocate the existing biomed stockpile as shown on this plan. Permanently stabilize the relocated stockpile. See permanent seeding notes this sheet.
- Establish the RONCA and BW staging areas for construction. See this sheet for staging area locations.
- Install the stabilized construction entrances for the RONCA & BW staging areas as well as the construction trailer lot.
- Clear and grub areas necessary to install the silt fence and super silt fence.
- Install the silt fence and super silt fence as shown on this sheet. Contact the Agency Construction Site Reviewer for an inspection of the sediment & erosion controls. All perimeter controls are to be reviewed by the Agency Construction Site Reviewer and approved prior to proceeding with further site disturbance or construction.
- Construct the construction trailer lot and place construction trailers. Any disturbance required for utility installation shall be stabilized per the seeding notes on this sheet.
- The contractor should at all times protect against sediment or debris laden runoff or wind from leaving the site. Perimeter controls should be checked daily and adjusted and/or repaired to fully contain and control sedimentation on the site. Accumulated sediment should be removed when it has reached half of the effective capacity of the control. In addition, the contractor may need, to adjust or repair measures in times of adverse weather conditions or as directed by the Agency Construction Site Reviewer.
- Once construction and demobilization is complete, all disturbed staging areas shall be stabilized with permanent seed mix per the above seeding notes.
- Erosion and sediment control devices to be removed only after work in an area has been completed and stabilized, with written approval from the Agency Construction Site Reviewer.
- Prior to commencing a new phase of construction, the contractor shall receive approval from the Agency Construction Site Reviewer that the previous phase has been sufficiently stabilized.

LEGEND

- SCE** STABILIZED CONSTRUCTION ENTRANCE
- SF PR. SILT FENCE
- SSF PR. SUPER SILT FENCE



MAN 05
TUBES 153
ELEV. 26.50'



Sussex County
Engineering Department
2 The Circle, P.O. Box 589
Georgetown, DE 19947
Ph: 302-855-7718
Fax: 302-855-7799

Staging Area Plan

Rev
Rev
Rev
Rev

IBRWF (Multiple Projects)
Tax Map # 234-21.00-151.00, 234-21.00-151.03,
234-22.00-10.00, 234-22.00-8.00
Indian River Hundred, Sussex County, DE

Professional Seal

Drawn By: Date:
VT 12/05/2024
Project No: Scale:
S25-17 N/A
Sheet:

Standard Detail & Specifications
Construction Site Pollution Prevention

Notes:
The Construction Site Pollution Prevention Plan includes the following elements:
1. Material Inventory
Document the storage and use of the following materials:
a. Concrete
b. Debris
c. Paints (enamel and latex)
d. Cleaning solvents
e. Pesticides
f. Wood scraps
g. Fertilizers
h. Petroleum based products
2. Good housekeeping practices
a. Store only enough product required to do the job.
b. Store all materials in a neat, orderly manner in their original labeled containers and covered.
c. Do not mix different substances.
d. When possible, use all of a product prior to disposal of the container.
e. Manufacturers' instructions for disposal should be strictly adhered to.
f. Designate someone to inspect all BMPs daily.
3. Waste management practices
a. Collect and store all waste materials in securely lidded dumpsters in a location that does not drain to a waterbody.
b. Salvage and/or recycle waste materials whenever possible.
c. The dumpsters shall be emptied a minimum of once per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.
Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: Detail No: DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023

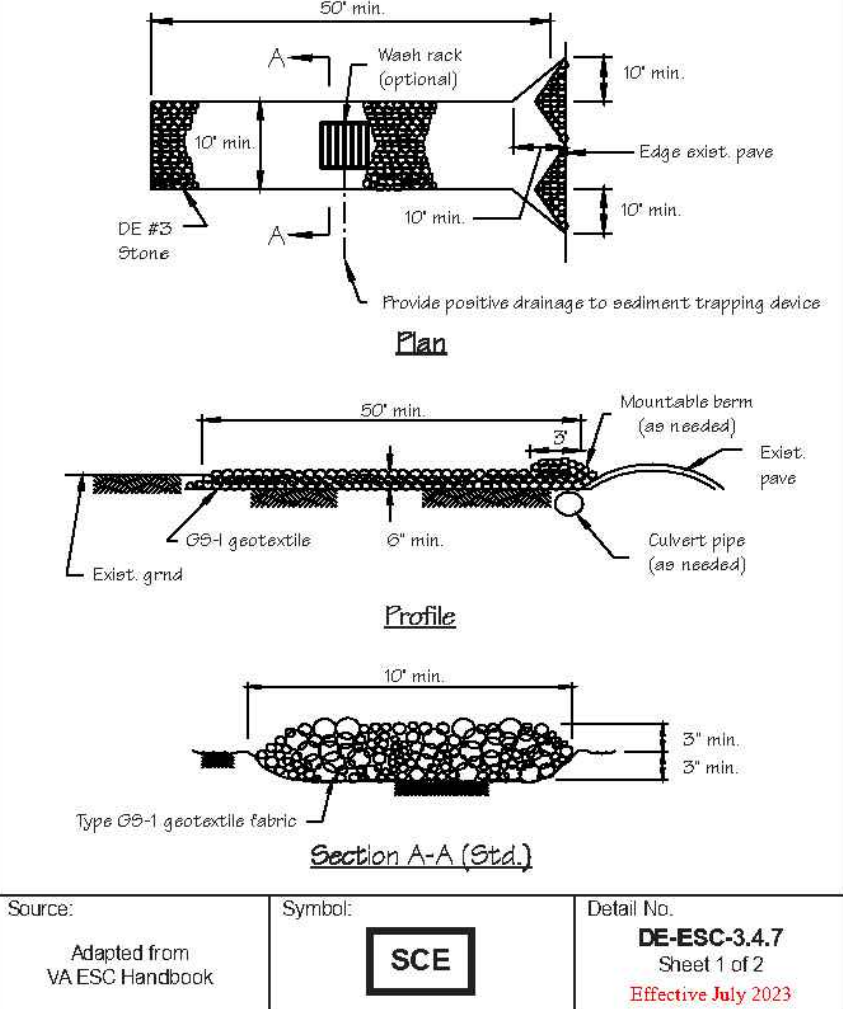
Standard Detail & Specifications
Construction Site Pollution Prevention

Notes (cont.)
d. Dispose of all trash in accordance with all applicable Delaware laws.
e. Littering is strictly prohibited. Trash cans should be placed at all lunch spots and recycle bins should be placed near the construction trailer.
f. If fuel or oil bags can not be stored in a weather-proof location, they should be kept on a pallet and covered with plastic sheathing which is overlapped and anchored.
4. Equipment maintenance practices
a. If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
b. If performed on-site, wash vehicles with high-pressure water spray without detergents in an area contained by an impervious berm.
c. Use drip pans for all equipment maintenance.
d. Inspect equipment for leaks on a daily basis.
e. Direct washout from concrete trucks into a temporary pit for hardening and proper disposal.
f. Equip fuel nozzles with automatic shut-off valves.
g. Dispose of all used products such as oil, antifreeze, solvents and acids in accordance with manufacturers' recommendations and local, state and federal laws and regulations.
5. Spill prevention practices
a. Identify potential spill areas and contain them in covered areas with no connection to the storm drain system.
b. Post warning signs in hazardous material storage areas.
c. Perform preventative maintenance on all tanks, valves, pumps, pipes and other equipment as necessary.
d. Prioritize low or non-toxic substances for use.
Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: Detail No: DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023

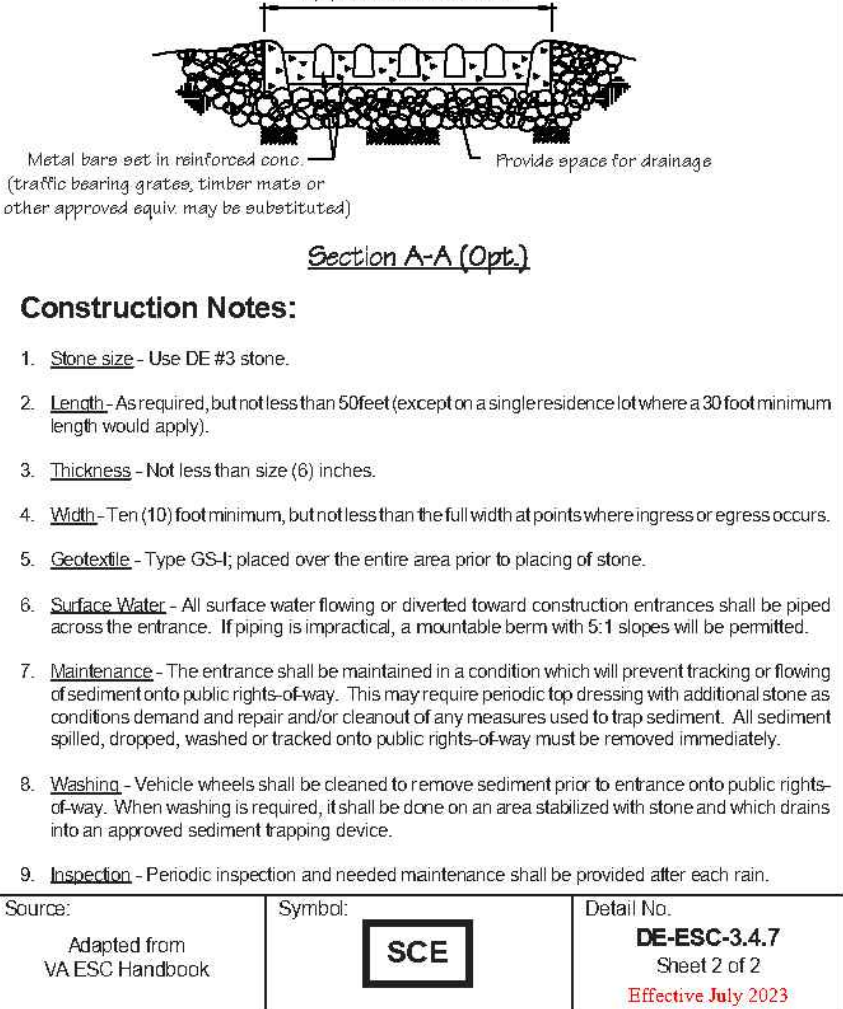
Standard Detail & Specifications
Construction Site Pollution Prevention

Notes (cont.)
e. Prominently post contact information for reporting spills through the DNREC 24-Hour Toll Free Number:
6. Education
a. Include Best Management Practices (BMPs) for construction site pollution control as part of regular progress meetings.
b. Information regarding waste management, equipment maintenance and spill prevention should be prominently posted in the construction trailer.
CONTACT INFORMATION
DNREC 24-Hour Toll Free Number: 800-662-8802
DNREC Solid & Hazardous Waste Management Section: 302-739-9403
Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: Detail No: DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023

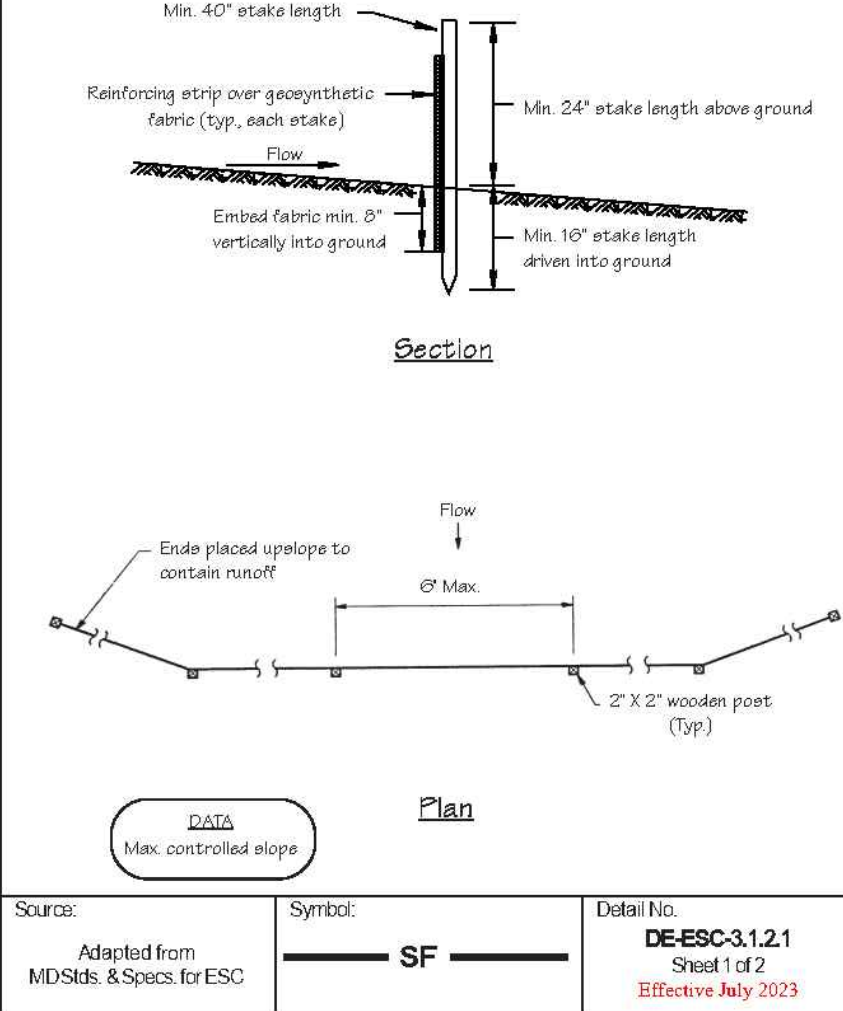
Standard Detail & Specifications
Stabilized Construction Entrance



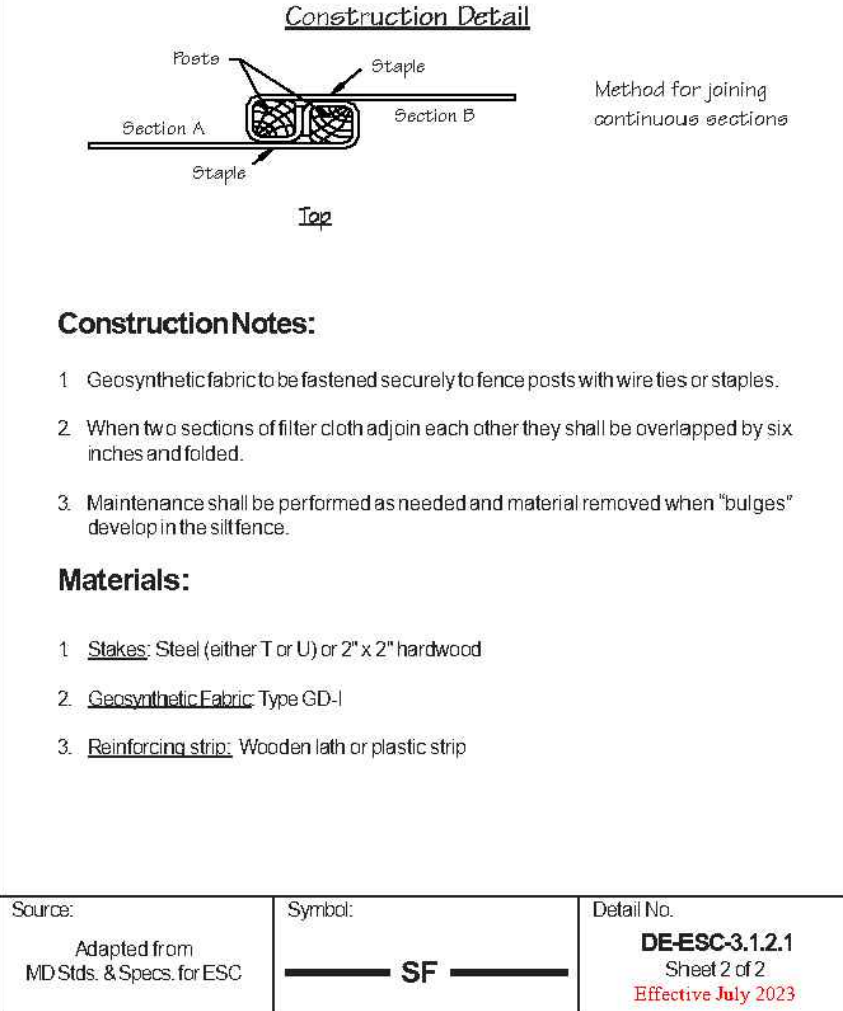
Standard Detail & Specifications
Stabilized Construction Entrance



Standard Detail & Specifications
Silt Fence



Standard Detail & Specifications
Silt Fence



Standard Detail & Specifications
Vegetative Stabilization

TEMPORARY SEEDING BY RATES, DEPTHS AND DATES

Mix #	Species*	Seeding Rate	Optimum Seeding Dates*	Planting Depth†	Remarks
			Optimum Seeding Dates: A = 4/15-5/15, B = 5/15-6/15, C = 6/15-7/15, D = 7/15-8/15, E = 8/15-9/15, F = 9/15-10/15, G = 10/15-11/15, H = 11/15-12/15		
1	Bahiya	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
2	Grass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
3	Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
4	Perennial Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
5	Annual Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
6	Winter Wheat	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
7	Foxtail Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.
8	Pasture Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.

NOTE: Alternative seed mixes may be used with prior approval from the Department or Delegated Agency.

Source: Delaware ESC Handbook
Symbol: Detail No: DE-ESC-3.4.3 Sheet 1 of 2 Effective July 2023

Standard Detail & Specifications
Vegetative Stabilization

PERMANENT SEEDING AND SEEDING DATES

Mix No.	Seeding Mixtures	Seeding Rate	Optimum Seeding Dates*	Planting Depth	Remarks
			Optimum Seeding Dates: A = 4/15-5/15, B = 5/15-6/15, C = 6/15-7/15, D = 7/15-8/15, E = 8/15-9/15, F = 9/15-10/15, G = 10/15-11/15, H = 11/15-12/15		
1	Perennial Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
2	Grass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
3	Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
4	Perennial Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
5	Annual Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
6	Winter Wheat	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
7	Foxtail Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.
8	Pasture Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.

NOTE: Alternative seed mixes may be used with prior approval from the Department or Delegated Agency.

Source: Delaware ESC Handbook
Symbol: Detail No: DE-ESC-3.4.3 Sheet 2 of 2 Effective July 2023

Standard Detail & Specifications
Vegetative Stabilization

PERMANENT SEEDING AND SEEDING DATES (cont.)

Mix No.	Seeding Mixtures	Seeding Rate	Optimum Seeding Dates*	Planting Depth	Remarks
			Optimum Seeding Dates: A = 4/15-5/15, B = 5/15-6/15, C = 6/15-7/15, D = 7/15-8/15, E = 8/15-9/15, F = 9/15-10/15, G = 10/15-11/15, H = 11/15-12/15		
9	Perennial Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
10	Grass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
11	Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
12	Perennial Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
13	Annual Ryegrass	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
14	Winter Wheat	125	A, D, G	0.5-1.0 inches	Good erosion control and soil stabilization. Good for rough sites.
15	Foxtail Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.
16	Pasture Millet	30 PLS	D, F	1/2" sandy soils	Good erosion control and soil stabilization. Good for rough sites.

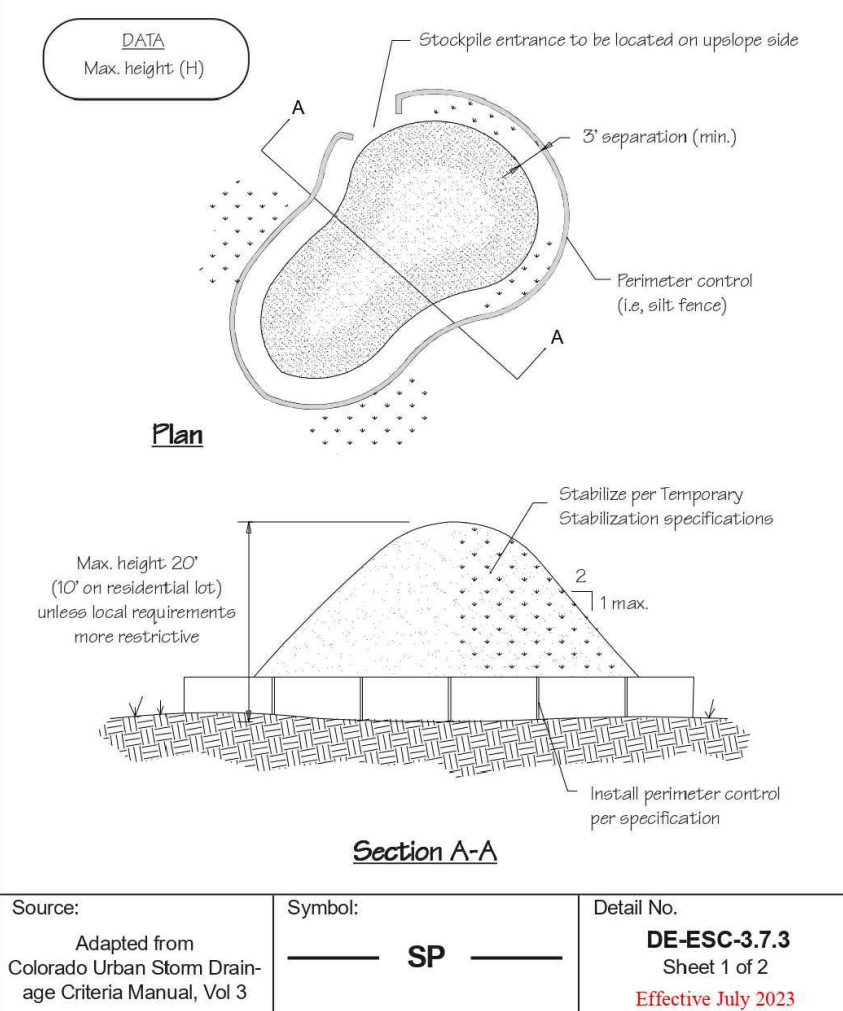
NOTE: Alternative seed mixes may be used with prior approval from the Department or Delegated Agency.

Source: Delaware ESC Handbook
Symbol: Detail No: DE-ESC-3.4.3 Sheet 2 of 4 Effective July 2023

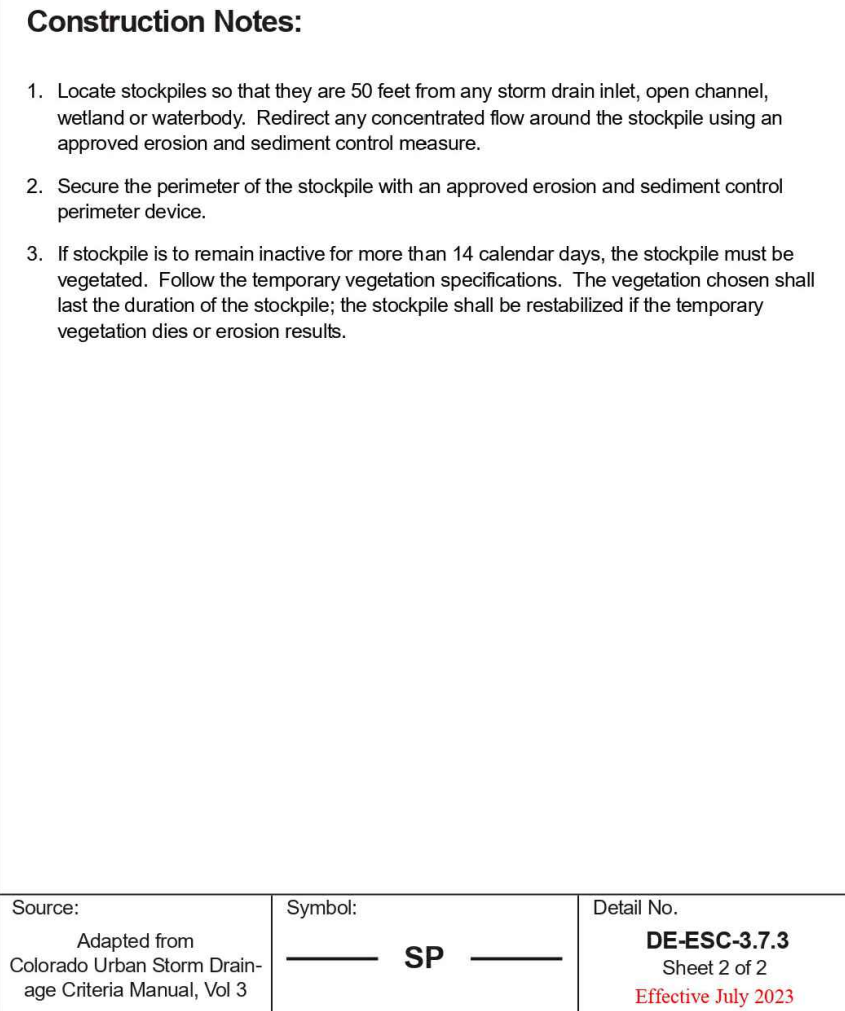
Standard Detail & Specifications
Vegetative Stabilization

Construction Notes:
1. Site Preparation
a. Prior to seeding, install needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, graded waterways, and sediment basins.
b. Final grading and shaping is not necessary for temporary seedings.
2. Seeded Preparation
It is important to prepare a good seedbed to ensure the success of establishing vegetation. The seedbed should be well prepared, loose, uniform, and free of large clods, rocks, and other objectionable material. The soil surface should not be compacted or crusted.
3. Soil Amendments
a. Lime - Apply liming materials based on the recommendations of a soil test in accordance with the approved nutrient management plan. If a nutrient management plan is not required, apply calcium limestone at the rate of 1 to 2 tons per acre. Apply lime uniformly and incorporate into the top 4 to 6 inches of soil.
b. Fertilizer - Apply fertilizer based on the recommendations of a soil test in accordance with the approved nutrient management plan. If a nutrient management plan is not required, apply a formulation of 10-10-10 at the rate of 600 pounds per acre. Apply fertilizer uniformly and incorporate into the top 4 to 6 inches of soil.
4. Seeding
a. For temporary stabilization, select a mixture from Sheet 1. For a permanent stabilization, select a mixture from Sheet 2 or Sheet 3 depending on the conditions. Alternative seed mixes may be used with prior approval from the Department or Delegated Agency.
b. Apply seed uniformly with a broadcast seeder, drill, cultipacker seeder or hydroseeder. All seed will be applied at the recommended rate and planting depth.
c. Seed that has been broadcast should be covered by raking or dragging and then lightly tamped into place using a roller or cultipacker. If hydroseeding is used and the seed and fertilizer is mixed, they will be mixed on site and the seeding shall be done immediately and without interruption.
5. Mulching
All mulching shall be done in accordance with detail DE-ESC-3.4.5.
Source: Delaware ESC Handbook
Symbol: Detail No: DE-ESC-3.4.3 Sheet 4 of 4 Effective July 2023

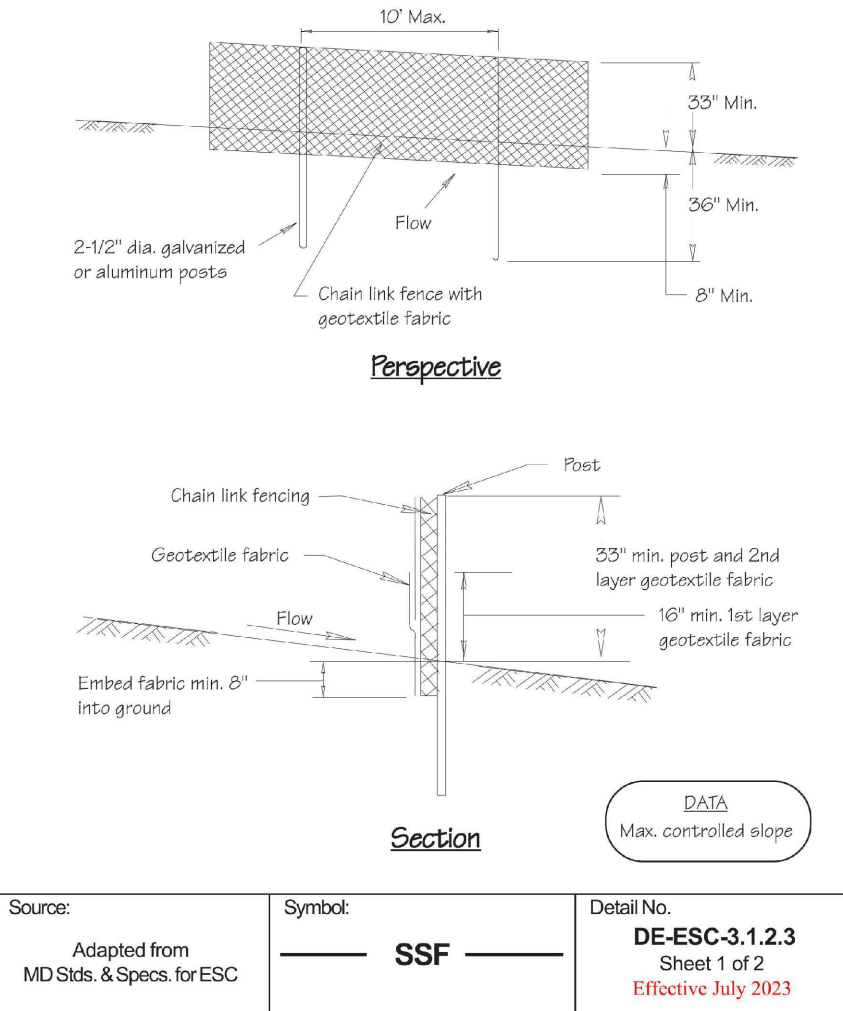
Standard Detail & Specifications
Soil Stockpile



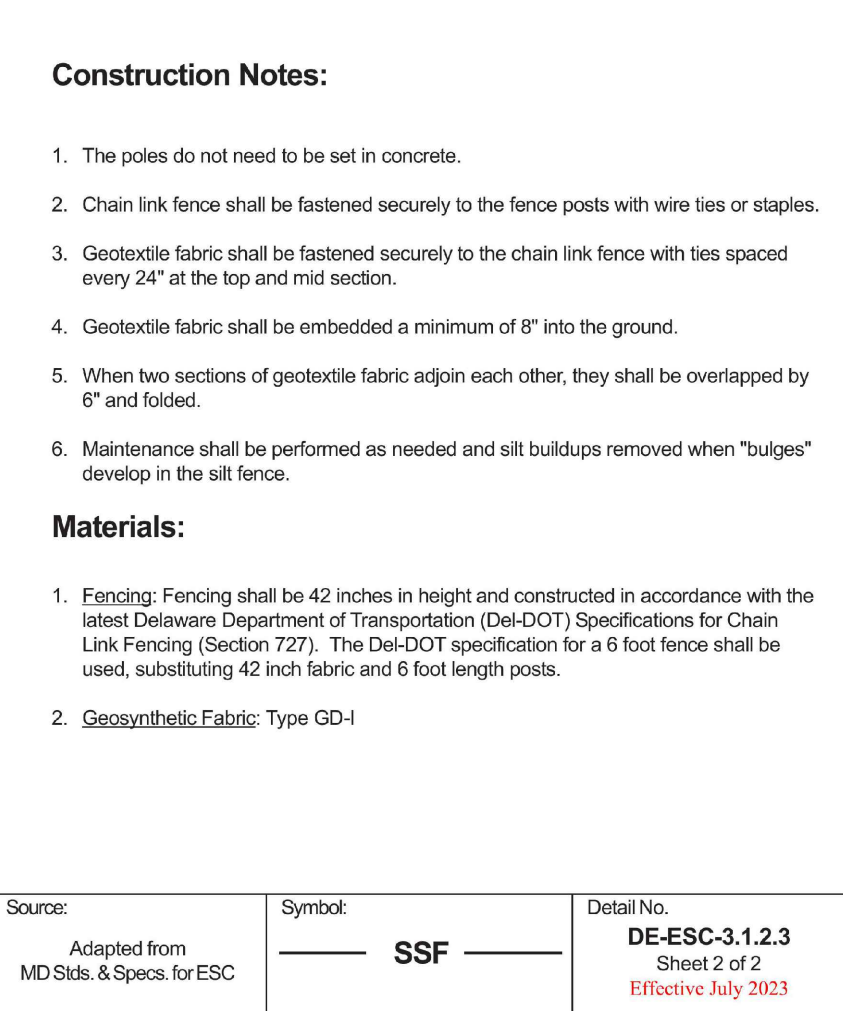
Standard Detail & Specifications
Soil Stockpile

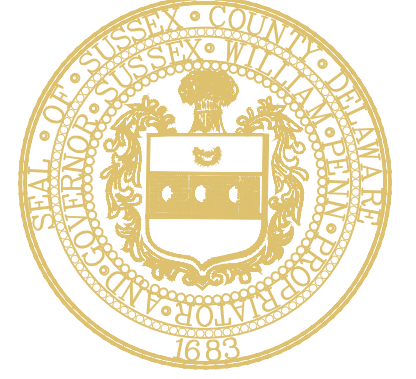


Standard Detail & Specifications
Super Silt Fence



Standard Detail & Specifications
Super Silt Fence





Sussex County
Engineering Department
2 The Circle, P.O. Box 589
Georgetown, DE 19947
Ph: 302-855-7718
Fax: 302-855-7799

Staging Area Plan

Rev
Rev
Rev
Rev

IBRWF (Multiple Projects)

Tax Map # 234-21.00-151.00, 234-21.00-151.03,
234-22.00-10.00, 234-22.00-8.00
Indian River Hundred, Sussex County, DE

Professional Seal



0 50 100 Feet

Drawn By: VT Date: 12/05/2024
Project No: S25-17 Scale: 1" = 50'
Sheet:

NOTES

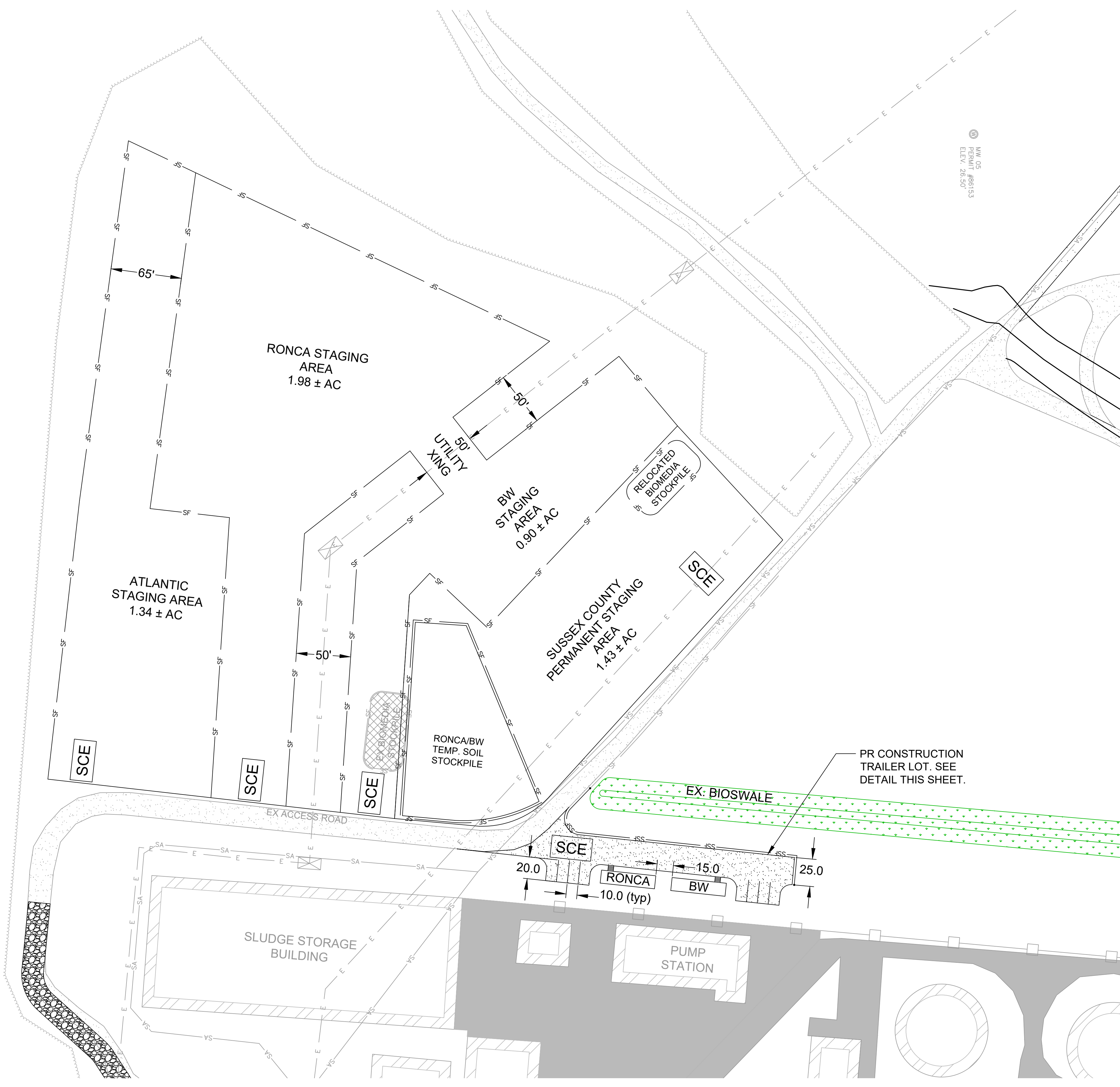
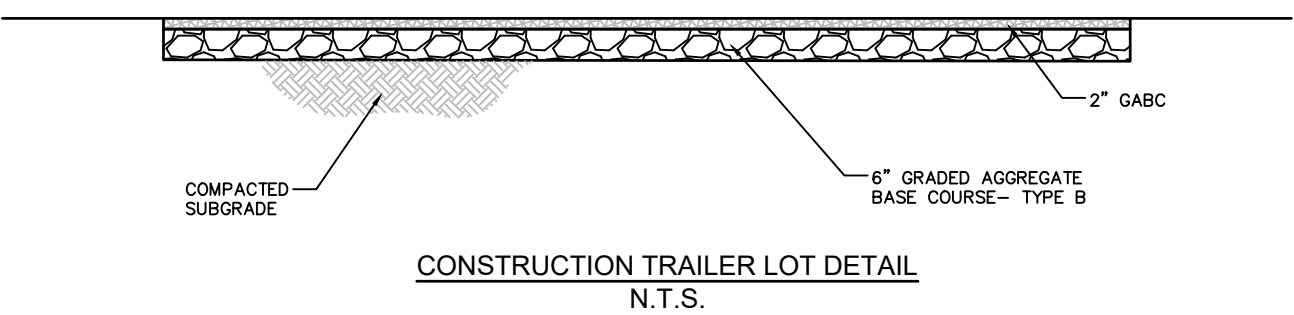
- A shared staging area location has been assigned for multiple projects under contract at the Inland Bays Regional Wastewater Facility.
- Contractors should be courteous to each other with regards to staging area access and good housekeeping.
- The access road along the front of the three staging areas shall remain open and passable for Sussex County employees.
- All materials, equipment and personal vehicles are to be located within the staging areas as shown on this plan.
- Per this plan, a 50 foot restricted area is provided over the existing electrical line to North field. No equipment or materials shall be permanently located within this area.
- Each contractor shall install a stabilized construction entrance to their staging area.
- Each contractor shall install silt fence for their staging area per this plan.
- Dumpsters shall be covered at all times.
- Site disturbance & stabilization: Once site work is complete and the staging area and construction trailer area are no longer need, the contractor shall return all disturbed to existing grade and grass condition.
- 9.1. Temporary seeding of disturbed areas shall comply with Temporary Seed Mix No. 4 from ENS detail 3.4.3, as shown on sheet 2.
- 9.2. Permanent seeding of disturbed areas shall comply with Permanent Seed Mix No. 9 from ENS detail 3.4.3, as shown on sheet 2.
- 9.2.1. An application rate of 20 lbs per acre or 1/2 lb per 1,000 sf shall be followed.
- 9.2.2. All areas not covered by buildings or pavement shall be seeded with the permanent seeding mixture listed above.
- 9.2.3. A minimum of 4" of topsoil shall be applied to all disturbed areas.
- 9.2.4. Mulch disturbed areas immediately after seeding. Use small grain straw mulch with a minimum application rate of 2 tons/acre. Mulch is to be anchored by hand punching or crimper punching.
- 9.2.5. Application Rate
 - 9.2.5.2. 1 Jan to 31 Jul: 28 lbs/acre with 14 lbs/acre of grain oats cover crop.
 - 9.2.5.3. 1 Aug to 31 Dec: 11 lbs/acre with 30 lbs/acre of grain rye cover crop.
- It is the responsibility of each contractor to maintain and repair all erosion and sediment control practices within their staging areas during construction and utility installation. It is the responsibility of RONCA to maintain and repair all erosion and sediment control practices around the construction trailer lot and the RONCA/BW temporary soil stockpile.
- A Third Party CCR is required for this project.
- Any questions or concerns about the staging areas shall be directed to the Sussex County Site Coordination Engineer, Helen Naylor at 302-381-8181.

STAGING AREA SEQUENCE OF CONSTRUCTION

- Notify the Sussex Conservation District in writing at least five (5) days prior to the start of construction. Failure to do so constitutes a violation of the approved Sediment and Stormwater Management Plan.
- Prior to any clearing, installation of sediment control measures or grading, a pre-construction meeting shall be scheduled and conducted with the Agency Construction Site Reviewer. The landowner/developer, contractor, and third-party Certified Construction Reviewer are required to be in attendance at the pre-construction meeting; the designer is recommended to attend.
- Conduct the Pre-Construction meeting. See note 2 above.
- Relocate the existing biomed stockpile as shown on this plan. Permanently stabilize the relocated stockpile. See permanent seeding notes this sheet.
- Establish the RONCA and BW staging areas for construction. See this sheet for staging area locations.
- Install the stabilized construction entrances for the RONCA & BW staging areas as well as the construction trailer lot.
- Clear and grub areas necessary to install the silt fence and super silt fence.
- Install the silt fence and super silt fence as shown on this sheet. Contact the Agency Construction Site Reviewer for an inspection of the sediment & erosion controls. All perimeter controls are to be reviewed by the Agency Construction Site Reviewer and approved prior to proceeding with further site disturbance or construction.
- Construct the construction trailer lot and place construction trailers. Any disturbance required for utility installation shall be stabilized per the seeding notes on this sheet.
- The contractor should at all times protect against sediment or debris laden runoff or wind from leaving the site. Perimeter controls should be checked daily and adjusted and/or repaired to fully contain and control sedimentation on the site. Accumulated sediment should be removed when it has reached half of the effective capacity of the control. In addition, the contractor may need, to adjust or repair measures in times of adverse weather conditions or as directed by the Agency Construction Site Reviewer.
- Once construction and demobilization is complete, all disturbed staging areas shall be stabilized with permanent seed mix per the above seeding notes.
- Erosion and sediment control devices to be removed only after work in an area has been completed and stabilized, with written approval from the Agency Construction Site Reviewer.
- Prior to commencing a new phase of construction, the contractor shall receive approval from the Agency Construction Site Reviewer that the previous phase has been sufficiently stabilized.

LEGEND

- SCE STABILIZED CONSTRUCTION ENTRANCE
- SF PR. SILT FENCE
- SSF PR. SUPER SILT FENCE



Standard Detail & Specifications
Construction Site Pollution Prevention

Notes:
The Construction Site Pollution Prevention Plan includes the following elements:

- Material Inventory**
 - Document the storage and use of the following materials:
 - Concrete
 - Delegants
 - Paints (enamel and latex)
 - Cleaning solvents
 - Pesticides
 - Wood spangs
 - Fertilizers
 - Polyclear based products
- Good housekeeping practices**
 - Store only enough product required to do the job.
 - Store all materials in a neat, orderly manner in their original labeled containers and covered.
 - Do not mix different substances.
 - When possible, use all of a product prior to disposal of the container.
 - Manufacturers' instructions for disposal should be strictly adhered to.
 - Designate someone to inspect all BMPs daily.
- Waste management practices**
 - Collect and store all waste materials in securely lidded dumpsters in a location that does not drain to a waterbody.
 - Salvage and/or recycle waste materials whenever possible.
 - The dumpsters shall be emptied a minimum of once per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Source: Adapted from USEPA Pub. 840-B-92-002	Symbol: CS	Detail No. DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023
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Standard Detail & Specifications
Construction Site Pollution Prevention

Notes (cont.)

- Dispose of all trash in accordance with all applicable Delaware laws.
 - Littering is strictly prohibited. Trash cans should be placed at all lunch spots and recycle bins should be placed near the construction trailer.
 - If fuel or oil bags can not be stored in a weather-proof location, they should be kept on a pallet and covered with plastic sheathing which is overlapped and anchored.
- Equipment maintenance practices**
 - If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
 - If performed on-site, wash vehicles with high-pressure water spray without detergents in an area contained by an impervious berm.
 - Use drip pans for all equipment maintenance.
 - Inspect equipment for leaks on a daily basis.
 - Direct washout from concrete trucks into a temporary pit for hardening and proper disposal.
 - Equip fuel nozzles with automatic shut-off valves.
 - Dispose of all used products such as oil, antifreeze, solvents and acids in accordance with manufacturers' recommendations and local, state and federal laws and regulations.
 - Spill prevention practices**
 - Identify potential spill areas and contain them in covered areas with no connection to the storm drain system.
 - Post warning signs in hazardous material storage areas.
 - Perform preventative maintenance on all tanks, valves, pumps, pipes and other equipment as necessary.
 - Prioritize low or non-toxic substances for use.

Source: Adapted from USEPA Pub. 840-B-92-002	Symbol: CS	Detail No. DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023
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Standard Detail & Specifications
Construction Site Pollution Prevention

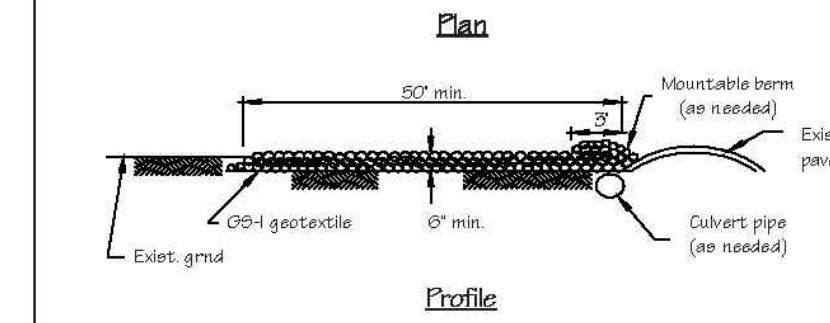
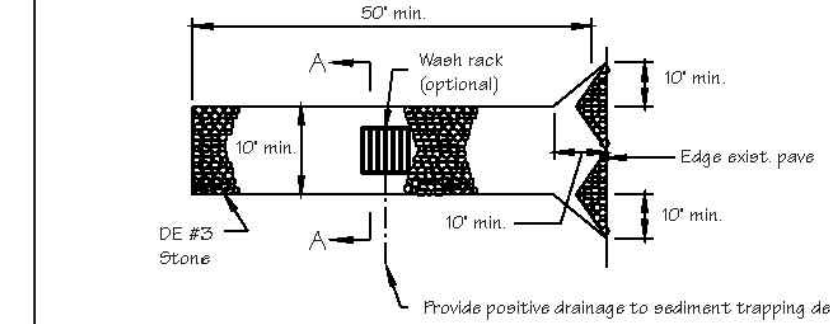
Notes (cont.)

- Prominently post contact information for reporting spills through the DNREC 24-Hour Toll Free Number.
- Education**
 - Include Best Management Practices (BMPs) for construction site pollution control as part of regular progress meetings.
 - Information regarding waste management, equipment maintenance and spill prevention should be prominently posted in the construction trailer.

CONTACT INFORMATION
DNREC 24-Hour Toll Free Number: **800-662-8802**
DNREC Solid & Hazardous Waste Management Section: **302-739-9403**

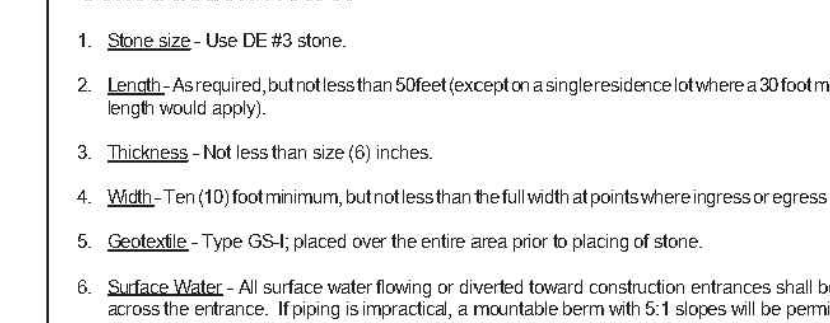
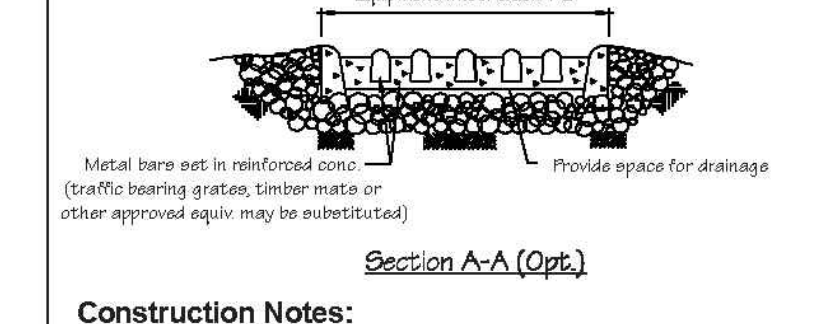
Source: Adapted from USEPA Pub. 840-B-92-002	Symbol: CS	Detail No. DE-ESC-3.6.1 Sheet 2 of 4 Effective July 2023
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Standard Detail & Specifications
Stabilized Construction Entrance



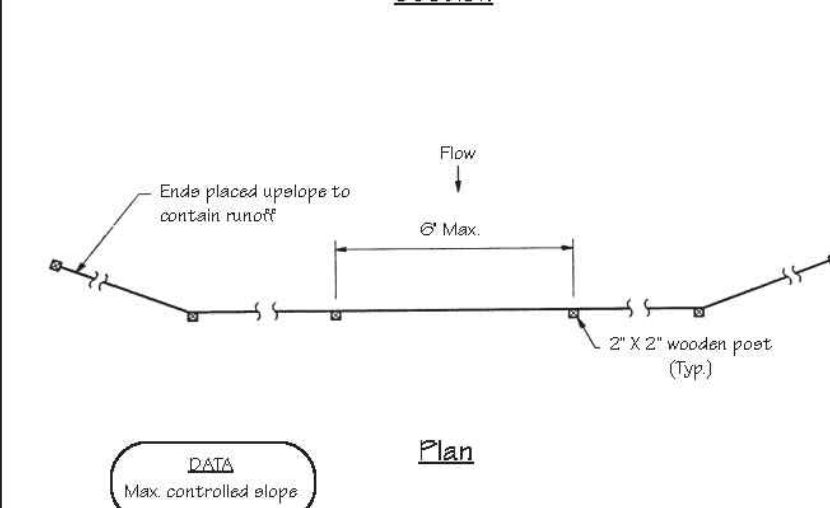
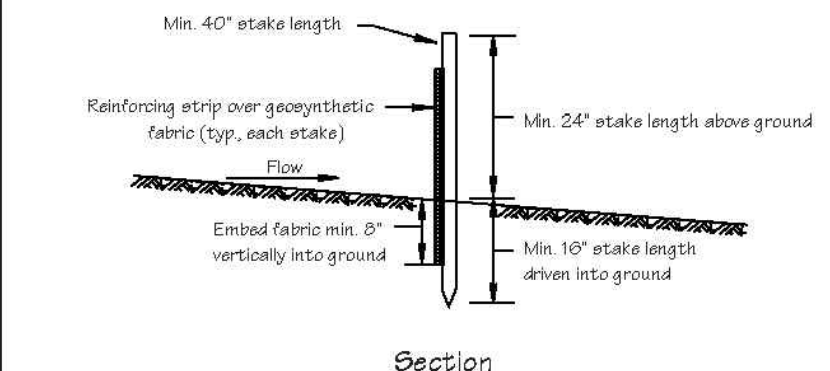
Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 1 of 2 Effective July 2023
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Standard Detail & Specifications
Stabilized Construction Entrance



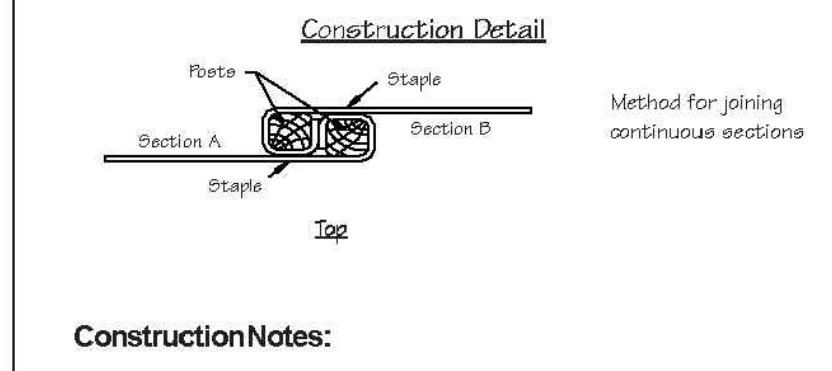
Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 2 of 2 Effective July 2023
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Standard Detail & Specifications
Silt Fence



Source: Adapted from MD S&S & Specs for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 1 of 2 Effective July 2023
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Standard Detail & Specifications
Silt Fence



- Construction Notes:**
- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
 - When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
 - Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.
- Materials:**
- Stakes: Steel (either 1" or 2" x 2" hardwood)
 - Geosynthetic Fabric: Type GD-1
 - Reinforcing strip: Wooden lath or plastic strip

Source: Adapted from MD S&S & Specs for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 2 of 2 Effective July 2023
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Standard Detail & Specifications
Vegetative Stabilization

Mix #	Species*	Seeding Rate	Optimum Seeding Dates*	Planting Depth†	Remarks
TEMPORARY SEEDING BY RATES, DEPTHS AND DATES					
			Optimum Seeding Dates: A = April, B = May, C = June, D = July, E = August, F = September, G = October, H = November, I = December		
1	Bahiya	125	4	A, D, G	12 inches 1/2" sandy soil
2	Grass	125	4	A, D, G	12 inches 1/2" sandy soil
3	Rye	125	4	A, D, G	12 inches 1/2" sandy soil
4	Perennial Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
5	Annual Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
6	Winter Wheat	125	4	A, D, G	12 inches 1/2" sandy soil
7	Foxtail Millet	30 PLS	0.7	D	1/2" sandy soil
8	Pasture Millet	30 PLS	0.5	D	1/2" sandy soil

Source: Delaware ESC Handbook	Symbol: VEG	Detail No. DE-ESC-3.4.3 Sheet 1 of 2 Effective July 2023
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Standard Detail & Specifications
Vegetative Stabilization

Mix #	Species*	Seeding Rate	Optimum Seeding Dates*	Planting Depth†	Remarks
PERMANENT SEEDING AND SEEDING DATES (cont.)					
1	Perennial Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
2	Annual Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
3	Winter Wheat	125	4	A, D, G	12 inches 1/2" sandy soil
4	Foxtail Millet	30 PLS	0.7	D	1/2" sandy soil
5	Pasture Millet	30 PLS	0.5	D	1/2" sandy soil

Source: Delaware ESC Handbook	Symbol: VEG	Detail No. DE-ESC-3.4.3 Sheet 2 of 2 Effective July 2023
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Standard Detail & Specifications
Vegetative Stabilization

Mix #	Species*	Seeding Rate	Optimum Seeding Dates*	Planting Depth†	Remarks
PERMANENT SEEDING AND SEEDING DATES (cont.)					
6	Perennial Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
7	Annual Ryegrass	125	4	A, D, G	12 inches 1/2" sandy soil
8	Winter Wheat	125	4	A, D, G	12 inches 1/2" sandy soil
9	Foxtail Millet	30 PLS	0.7	D	1/2" sandy soil
10	Pasture Millet	30 PLS	0.5	D	1/2" sandy soil

Source: Delaware ESC Handbook	Symbol: VEG	Detail No. DE-ESC-3.4.3 Sheet 2 of 4 Effective July 2023
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Standard Detail & Specifications
Vegetative Stabilization

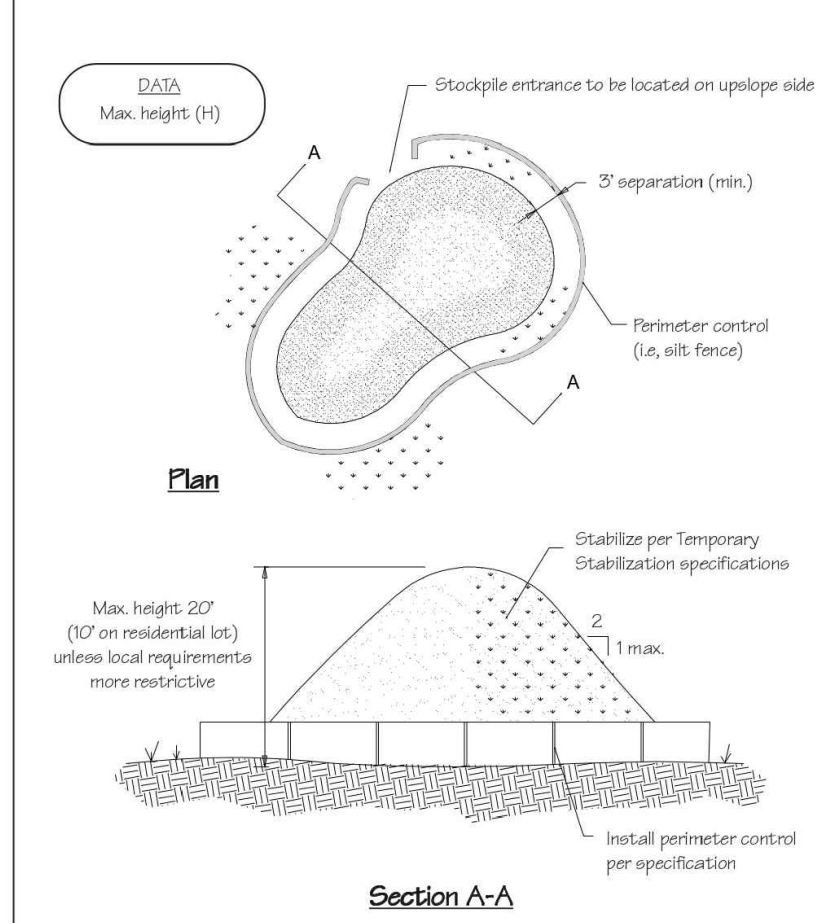
- Construction Notes:**
- Site Preparation**
 - Prior to seeding, install needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, graded waterways, and sediment basins.
 - Final grading and shaping is not necessary for temporary seedings.
 - Seeded Preparation**

It is important to prepare a good seedbed to ensure the success of establishing vegetation. The seedbed should be well prepared, loose, uniform, and free of large clods, rocks, and other objectionable material. The soil surface should not be compacted or crusted.
 - Soil Amendments**
 - Lime - Apply liming materials based on the recommendations of a soil test in accordance with the approved nutrient management plan. If a nutrient management plan is not required, apply calcium limestone at the rate of 1 to 2 tons per acre. Apply lime uniformly and incorporate into the top 4 to 6 inches of soil.
 - Fertilizer - Apply fertilizer based on the recommendations of a soil test in accordance with the approved nutrient management plan. If a nutrient management plan is not required, apply a formulation of 10-10-10 at the rate of 600 pounds per acre. Apply fertilizer uniformly and incorporate into the top 4 to 6 inches of soil.
 - Seeding**
 - For temporary stabilization, select a mixture from Sheet 1. For a permanent stabilization, select a mixture from Sheet 2 or Sheet 3 depending on the conditions. Alternative seed mixes may be used with prior approval from the Department or Delegation Agency.
 - Apply seed uniformly with a broadcast seeder, drill, cultipacker seeder or handseeder. All seed will be applied at the recommended rate and planting depth.
 - Seed that has been broadcast should be covered by raking or dragging and then lightly tamped into place using a roller or cultipacker. If hydroseeding is used and the seed and fertilizer is mixed, they will be mixed on site and the seeding shall be done immediately and without interruption.
 - Mulching**

All mulching shall be done in accordance with detail DE-ESC-3.4.5.

Source: Delaware ESC Handbook	Symbol: VEG	Detail No. DE-ESC-3.4.3 Sheet 4 of 4 Effective July 2023
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Standard Detail & Specifications
Soil Stockpile



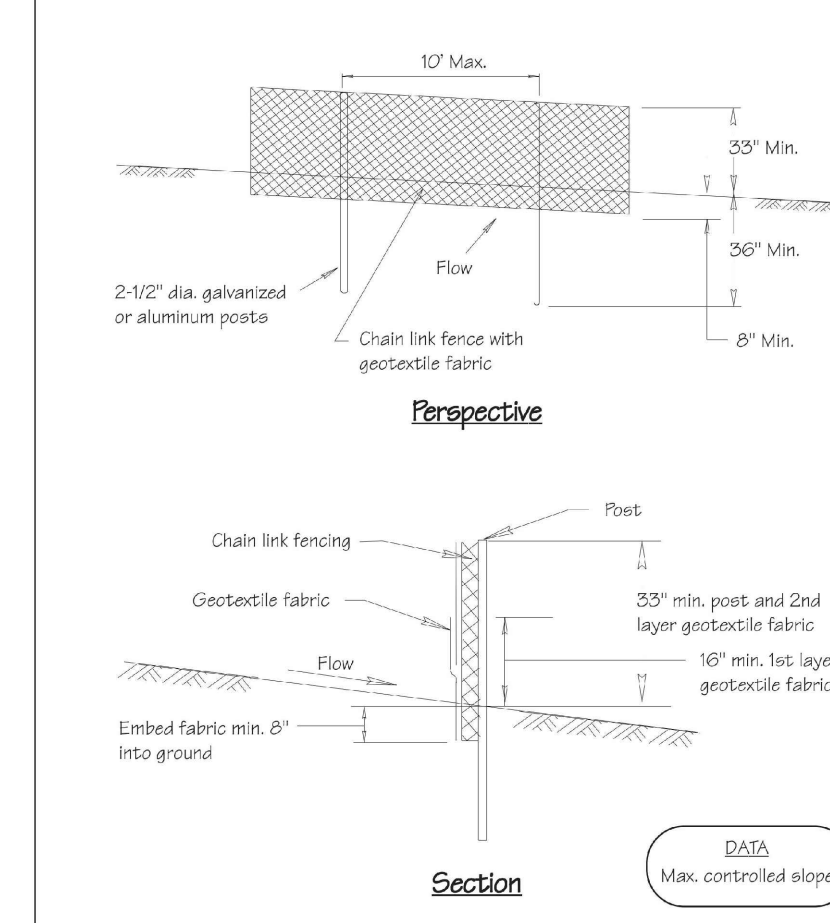
Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 1 of 2 Effective July 2023
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Standard Detail & Specifications
Soil Stockpile

- Construction Notes:**
- Locate stockpiles so that they are 50 feet from any storm drain inlet, open channel, wetland or waterbody. Redirect any concentrated flow around the stockpile using an approved erosion and sediment control measure.
 - Secure the perimeter of the stockpile with an approved erosion and sediment control perimeter device.
 - If stockpile is to remain inactive for more than 14 calendar days, the stockpile must be vegetated. Follow the temporary vegetation specifications. The vegetation chosen shall last the duration of the stockpile; the stockpile shall be restabilized if the temporary vegetation dies or erodes results.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 2 of 2 Effective July 2023
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Standard Detail & Specifications
Super Silt Fence



Source: Adapted from MD S&S & Specs for ESC	Symbol: SSF	Detail No. DE-ESC-3.1.2.3 Sheet 1 of 2 Effective July 2023
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Standard Detail & Specifications
Super Silt Fence

- Construction Notes:**
- The poles do not need to be set in concrete.
 - Chain link fence shall be fastened securely to the fence posts with wire ties or staples.
 - Geotextile fabric shall be fastened securely to the chain link fence with ties spaced every 24" at the top and mid section.
 - Geotextile fabric shall be embedded a minimum of 8" into the ground.
 - When two sections of geotextile fabric adjoin each other, they shall be overlapped by 6" and folded.
 - Maintenance shall be performed as needed and silt buildups removed when "bulges" develop in the silt fence.
- Materials:**
- Fencing: Fencing shall be 42 inches in height and constructed in accordance with the latest Delaware Department of Transportation (DelDOT) Specifications for Chain Link Fencing (Section 727). The DelDOT specification for a 6 foot fence shall be used, substituting 42 inch fabric and 6 foot length posts.
 - Geosynthetic Fabric: Type GD-1

Source: Adapted from MD S&S & Specs for ESC	Symbol: SSF	Detail No. DE-ESC-3.1.2.3 Sheet 2 of 2 Effective July 2023
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Sussex County
Engineering Department
2 The Circle, P.O. Box 589
Georgetown, DE 19947
Ph: 302-855-7718
Fax: 302-855-7799

Staging Area Plan

Rev	Rev	Rev	Rev
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IBRWF (Multiple Projects)
Tax Map # 234-21.00-151.00, 234-21.00-151.03,
234-22.00-10.00, 234-22.00-8.00
Indian River Hundred, Sussex County, DE

Professional Seal

Drawn By: VT	Date: 12/05/2024
Project No: S25-17	Scale: N/A

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountystate.gov



Sussex County

DELAWARE
sussexcountystate.gov

Memorandum

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

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

RE: ***PS 207 to Artesian Forcemain Interconnect, Project S25-23
A. Davis, Bowen & Friedel, Inc. – Amendment 1***

DATE: January 28, 2025

On May 14, 2024, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF), George, Miles & Buhr (GMB), Johnson, Mirmiran & Thompson, Inc. (JMT) and Arcadis U.S., Inc. following a publicly advertised, competitive Request for Proposal process in accordance the County's professional services procurement requirements.

In 2016, Sussex County Council started a proactive wastewater infrastructure interconnection process in the service area north of the Indian River Inlet with the goal of "best practice" utility coordination between wastewater service providers avoiding duplication of capital expenditures by utilizing existing sewer transmission and available already permitted treatment capacity resulting in several agreements with other wastewater service providers.

The approach of allowing the most cost-effective transmission and treatment of wastewater, represented by the tier style service system has been incorporated by ordinance in the County Code, Chapter 110 and the 2018 Sussex County Comprehensive Plan.

The initial base agreement with Artesian Wastewater Management, Inc. was approved by Council on August 30, 2016, and amended via addenda eight (8) times since then as per the following summary sheet. For better tracking of the agreement status both the Engineering and Finance Departments as well as Artesian Wastewater Management, Inc. agreed to create one consolidated document incorporating all previous addenda which was approved by Council on December 10, 2024.



The County has a short-term need of treatment capacity in the greater Lewes area while Artesian Wastewater Resources has available capacity in their Sussex Regional Recharge Facility located off RT-30 west of Milton. Currently the County's and Artesian's systems in that area are not connected but representatives of both utilities developed a concept plan to tie them together along Log Cabin Hill Road. Subsequently the Engineering Department requested Amendment 1 from DBF under their 2024 base agreement in the amount of \$111,000.00 for professional design and permitting services. Once permitted, the project would be installed later this year as part of the General Labor and Equipment Contract under the FY 2026 Budget.

The Engineering Department requests Council's concurrence to assign Amendment 1 to DBF's 2024 Base Agreement in the not to exceed amount of \$111,000.00.

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

January 14, 2025

Sussex County Engineering
Sussex County Administrative Office
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Hans Medlarz, P.E.

RE: **Engineering Base Contract
Professional Engineering Services
Artesian – PS 207 FM Interconnect**
Sussex County, Delaware
DBF #P1897B25.093

Dear Mr. Medlarz:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this proposal for providing basic services for the above-referenced project. Basic Services include survey, force main design, easement exhibit preparation, and agency approvals and permitting. The project will re-route the force main from PS 207 to interconnect with Artesian at the intersection of Log Cabin Road and Hudson Road (approximately 12,500 linear feet).

A description of our proposed scope of services and associated fees for each portion of the work is as follows.

A. SURVEY SERVICES

Our office will perform right-of way verification along Lewes-Georgetown Highway (SR-9), Old Log Cabin Road, and Log Cabin Road along the proposed force main route. Our office will also perform a topographic survey on the north side of Lewes – Georgetown Highway (SR-9) and both sides of Old Log Cabin Road and Log Cabin Road. The survey will include deed research (unless a title search is provided), location of property corners, and road cross sections every 50 feet (as are visible from the surface, including roadway, swales, drainage structures, utilities, manholes, cleanouts, valves, fences, landscaping, mailboxes, signs). We will determine the inverts of all storm drain piping and inverts of valves or other items that might be affected by the force main installation. Utility locations will be surveyed by the field markings from a Miss Utility Design Ticket or shown based upon provided information from a Miss Utility Design Ticket.

B. DESIGN AND PERMITTING

Utilizing the survey information completed in Item A, our office will design the force main and will prepare a preliminary plan for initial review and comments from County staff, Artesian (connection point), and DelDOT (Utility Permit). Upon concurrence of the County Staff, Artesian and DelDOT, we will prepare construction documents meeting Sussex County Code, DNREC and DelDOT regulations. The documents will be prepared in a format to obtain approval from the respective agency having jurisdiction. Our office will also assist in obtaining the DelDOT Utility Permit.

This work shall include:

- Preparation of plans, profiles, and details for the proposed force main.
- Preparation of pre-final design documents consisting of construction drawings including a meeting with the County to review prior to sending out for construction permitting.
- Preparation of submittals to Sussex County, Sussex Conservation District (standard plan), Delaware Department of Natural Resources and Environmental Control (DNREC) for the Notice of Intent, DelDOT for the utility permit, and other agencies as necessary to obtain construction permits. *(Please note the County will be responsible for any fees associated with agency submittals.)*
- Address agency comments and resubmit for obtaining final plan approval and approval.

C. EASEMENT ASSISTANCE

Our office will assist with easement exhibits and provide legal descriptions should they be needed for this project.

D. FEES

We propose to complete the basic scope of services as described above for the following fees for a total not to exceed fee of:

A. Survey Services:	\$30,000.00
B. Design and Permitting:	\$75,000.00
C. Easement Preparation (4 at \$1,500 each)	\$6,000.00

The total estimated engineering services is \$111,000.00. For proposal purposes, we estimate four (4) easements will be needed on the project.

E. EXCLUDED SERVICES

Excluded from our above scope of services is work associated with the following services. If required, this work can be performed on a unit price basis or under a separate proposal to the County.

- Phase 1 or 2 Environmental Assessments or Permitting
- Easement Acquisition Services (Appraisal / Solicitation)
- Historic or Cultural Reviews
- DNREC WWCP
- Construction Administration/Inspection Services
- Construction Survey Services
- As-Built Surveys
- Application and Permit Fees
- Financial Administration Services

We propose to complete the basic scope of services as described above on an hourly basis in accordance with our Master 2024 On-Call Engineering Contract.

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we are fully committed to providing a product that will meet or exceed your expectations. We look forward to completing this project with you and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

Enclosures

\\Proposals\Sussex...\P1897B25.093—HM Artesian – PS 207 Interconnection

ACCEPTED BY:

Signature

Printed Name

Date

From: notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, December 6, 2024 3:15 PM
To: Casey Hall
Subject: 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 Autism Delaware ✓

Project Name Walk for Autism 2025

Federal Tax ID 20-2110190 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission Autism Delaware's mission is to help people and families affected by autism.

Address 924 Old Harmony Road, Suite 201

City Newark

State DE

Zip Code 19713

Contact Person Dan Getman

Contact Title	Director of Development
Contact Phone Number	3022246020
Contact Email Address	dan.getman@autismdelaware.org
Total Funding Request	2500
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1000
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?	1
Program Category (choose all that apply)	Cultural Health and Human Services
Primary Beneficiary Category	Disability & Special Needs

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

1500

Scope

Funds raised from the annual Walk for Autism support all the programs and services provided by Autism Delaware. Autism Delaware supports individuals and families affected by autism through a broad range of programs and support services. The two major service areas are: Family Support and POW&R. Family Support services encompass all the support programs, events, and services for families and individuals. Social and recreations programs, sensory friendly events, parent support groups, IEP support, parent mentoring, referral services, and general support. POW&R is a workforce development program specifically for adults with autism. This is a nationally recognized program that connects individuals with autism to their own jobs and empowers them to be productive and growing members of our community.

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

18,000.00

Description

Venue

Amount

20,000.00

Description

Marketing

Amount

10,000.00

Description

Food

Amount	1,000.00
Description	Entertainment Rentals
Amount	10,000.00
Description	Walk shirts
Amount	7,500.00
Description	Miscellaneous
Amount	1,500.00
TOTAL EXPENDITURES	50,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-32,000.00

Name of Organization Autism Delaware

**Applicant/Authorized
Official** Dan Getman

Date 12/06/2024

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: Dan Getman, CFRE <Dan.Getman@autismdelaware.org>
Sent: Wednesday, January 8, 2025 11:29 AM
To: 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.

Hi Casey,

Our Walk will take place at the Dover Motor Speedway in Dover. Our participants come from all three counties though. Traditionally, this was hosted at Hudson Fields in Milton, so the teams that went there will be joining us in Dover.

That said, our programs and services that this event fundraises for, take place out of Lewes. That's where our local office to you is. Anything raised by Sussex County will support the programs and resources located at the Lewes location.

Hope that helps. Let me know if you need any further info.



Dan Getman, CFRE

Director of Development

Office: (302) 224-6020, extension 206

Cell: (609) 504-9312

924 Old Harmony Road, Suite 201, Newark, DE 19713

www.autismdelaware.org

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From: Casey Hall <casey.hall@sussexcountyde.gov>
Sent: Wednesday, January 8, 2025 10:35 AM
To: Dan Getman, CFRE <Dan.Getman@autismdelaware.org>
Subject: RE: Form submission from: Council Grant Form

You don't often get email from casey.hall@sussexcountyde.gov. [Learn why this is important](#)

This message originated from outside the organization

Good morning.

In processing your application, the County would like to know where the Walk for Autism is being held? This will help establish which district to send the request to.

Thank you,

Casey Hall

Casey Hall, Administrative Secretary
Sussex County Government
P.O. Box 589 | 2 The Circle | Georgetown, DE 19947

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
 <notifications@d3forms.com>
Sent: Saturday, November 9, 2024 11:42 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization *Reverend*
 The Dr. Martin Luther King Jr. Celebration Organization of
 Sussex County Inc

Project Name Together We Make The Dream Work: Love + Unity = Power

Federal Tax ID (EIN #51-0344645) * *81 - 5014043*
provided via telephone.

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 Dr. Martin Luther King Jr. Celebration Organization of Sussex County is a non-profit multi-racial group dedicated to nurturing the legacy, vision and dream of Dr. Martin Luther King, Jr. The organization wishes to expose all people to positive role personalities, (particularly those of color). The organization also provides educational scholarships for graduating youth in Sussex County and organizes an annual weekend celebration for the Dr. Martin Luther King, Jr. Holiday.

Address P.O. Box 781 Rehoboth Beach, DE 19971

City Rehoboth Beach
State Delaware
Zip Code 19971
Contact Person Manuel R. Davis
Contact Title Chair, Grant Writing Committee
Contact Phone Number 302-684-8567
Contact Email Address m302davis@yahoo.com

Total Funding Request \$1,500 is the requested amount and we are asking each council member to offer \$300 each. This project is countywide.

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? No

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

**Program Category
(choose all that
apply)** Cultural
Educational

**Primary Beneficiary
Category** Youth

**Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program** 500

Scope The celebration organization is attempting to expand its outreach and positive influence in the community by sharing Dr. King's magnificent dream with Sussex County youth and families. Our goal is to participate in community events like festivals, expos, parades, and library programs. Our book giveaway is a key component of this particular mini project and the featured titles include Dr. King's final work, "Community or Chaos: Where Do We Go From Here?". Children's books exploring the lives of activists like Dr. King and others will also be available. Dr. King dreamed of a world free of racism, poverty and war. It is our mission to help make his vision of the beloved community a reality and we are seeking \$300 from each council member to assist us in this endeavor.

**Please enter the
current support your
organization receives
for this project (not
entire organization
revenue if not
applicable to request)** 0.00

Description MLK Parade Car Magnets

Amount 50.00

Description	MLK Banner and tablecloth
Amount	200.00
Description	posters, flyers, calendars, stickers, printing, etc.
Amount	250.00
Description	books for preteens, teens and adults
Amount	700.00
Description	T-shirts, pins, bags, swag,
Amount	200.00
Description	event registration fees and travel expenses
Amount	100.00
TOTAL EXPENDITURES	1,500.00 <i>promotional expense.</i>
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,500.00
Name of Organization	Dr. Martin Luther King Jr. Celebration Organization of Sussex County Inc.
Applicant/Authorized Official	Manuel R. Davis
Date	11/09/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 1/28/25

Council District 1: Mr. Lloyd
Tax I.D. No.: 532-20.00-14.00 (p/o)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE DEVELOPMENT, CONSTRUCTION, AND OPERATION OF A COMMERCIAL BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITY, AND ASSOCIATED SUBSTATION TO BE LOCATED ON A 6.22 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING, AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 52.34 ACRES, MORE OR LESS

WHEREAS, on the 26th day of July 2023, a conditional use application, denominated Conditional Use No. 2472 was filed on behalf of Blue Hen Storage, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2472 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2472 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 Little Creek Hundred, Sussex County, Delaware, and lying the south side of Old Racetrack Road (S.C.R. 502) approximately 0.36 mile southwest of BiState Boulevard (Rt. 13A) and being more particularly described in the attached legal description prepared by Encompass Services, LLC said parcel containing 6.22 acres, more or less.

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

To Be Introduced: 1/28/25

Council District 4: Mr. Hudson
Tax I.D. No.: 533-9.00-58.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.76 ACRES, MORE OR LESS

WHEREAS, on the 29th day of July 2023, a conditional use application, denominated Conditional Use No. 2473 was filed on behalf of David A. & Sandra W. Blank; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2473 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2473 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying the north side of Jay Patch Road (S.C.R. 376A) approximately 0.46 mile southeast of Pepper Road (S.C.R. 376) and being more particularly described in the attached legal description prepared by Elzufon Austin Tarlov & Mondell, PA., said parcel containing 30.76 acres, more or less.

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

To Be Introduced: 1/28/25

Council District 5: Mr. Rieley
Tax I.D. No.: 135-10.00-6.01
911 Address: 19460 Savannah Road, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 20 ACRES, MORE OR LESS

WHEREAS, on the 17th day of August 2023, a conditional use application, denominated Conditional Use No. 2478 was filed on behalf of George Bailey.; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2478 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2478 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying the west side of Savannah Road (S.C.R. 246), approximately 0.35 mile southeast of Wilson Road (S.C.R. 244) and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 20 acres, more or less.

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

To Be Introduced: 1/28/25

Council District 5: Mr. Rieley

Tax I.D. No.: 133-6.00-39.00, 41.00 (p/o), & 42.00

911 Address: 26062 and 26072 DuPont Boulevard, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of August 2023, a Zoning Application, denominated Change of Zone No. 2019 was filed on behalf of Citation Rentals, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2019 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the southwest side of DuPont Boulevard (Rt. 113), approximately 0.33 mile southeast of Governor Stockley Road (S.C.R. 432) and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 9.99 acres, more or less.

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: January 21, 2025

RE: County Council Report for C/U 2455 filed on behalf of James L. Sturgis

The Planning and Zoning Department received an application (C/U 2455 filed on behalf of James L. Sturgis) for a Tire and Brake Shop, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 530-5.00-3.02. The property is located at 11217 Sussex Highway, Greenwood. The parcel size is 10.96 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on November 20, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended **denial** of the application for the 7 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on November 20, 2024, and December 11, 2024.

Minutes of the November 20, 2024, Planning & Zoning Commission Meeting

C/U 2455 James L. Sturgis

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE AND BRAKE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 10.96 ACRES, MORE OR LESS. The property is lying on the east side of Sussex Highway (Rt. 13), approximately 0.36 mile north of Woodyard Road (S.C.R. 612). 911 Address: 11217 Sussex Highway, Greenwood. Tax Map Parcel: 530-5.00-3.02.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's survey, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the DelDOT SLER, a copy of the staff analysis and zero comments.

Mr. James L. Sturgis spoke on behalf of himself that he just wants to use his garage to work on cars; that he's not building anything, there's not going to be any significant amount of traffic coming in and out of the property; that there will only be work on three or four cars a month; that the shop has not been operating because he's been waiting to get approval, so nothing is going on other than working on his own vehicles.

Mr. Butler asked Director Whitehouse if there were any violations on the property because he went by and it was not in a neat condition; that the property is not neat in terms of the consideration that Commission takes for the storage of oil or engines and the cleanliness of the property and making sure everything's stored properly.

Mr. Whitehouse stated that there is an active constables case on this property and staff were notified back in March of 2023, in relation to the accumulation of construction debris outside of dumpsters, more than 20 tires near a house and in the rear of the property; that after it was investigated it appears that that's what triggered the submittal of the application; that the trash and construction debris are what initially caught our attention.

Mr. Sturgis stated that the property had been cleaned up and there had been three dumpsters that were out there.

Chairman Wheatley stated that based on what Mr. Butler has stated that there is still outdoor storage of items on the property that has not been dealt with and everybody can still see things like the tires and automotive parts; that no car for parts are allowed to be on a property without a proper registration and title.

Mr. Butler stated that he has photos from today that show there are multiple vehicles untagged on the property and that this appears to be a residential structure that has been turned into commercial, does this property fall under that in this conditional use?

Mr. Whitehouse stated that turning residential into commercial requires a building, but it changes the building permit; that there's three, there's an ag process, a residential process and Commercial Plan review process; that the commercial plan review process, if you have employees or customers entering the building is much more comprehensive and involves back and forth with the fire Marshall, there's Commercial Code requirements which are different to residential requirement; that sometimes we can't process a commercial building permit until the land use decision is made, so a building permit might be pending or being explored, but normally the land use decision would go first and then the permitting follow; that the building permit is completely independent of the conditional use of the building; that the use of the land and the building permit is given the safety in an occupancy and means of evacuation from buildings; that I can look to see if there's been any building permit applications for the conversion of structures, but what they're looking for is employees or are customers coming into the building and the answer to those questions can affect the permit process.

Mr. Sturgis stated that he would like hours of operation be 8:00AM-9:00PM, seven days a week, he doesn't want a sign and that the garage is actually connected to his home by a deck and that all work will be done inside the garage, and nothing will be done outside.

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 2455 James Sturgis. Motion by Mr. Butler, to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the December 11, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since November 20, 2024.

Mr. Collins moved the Commission to recommend a DENIAL of C/U 2455 JAMES L. STURGIS for a tire and brake shop based upon the lack of a sufficient record and for the following reasons:

1. During the public hearing, the Applicant did not make an adequate record to support this Application. He did not address the factors that the Commission must consider when acting upon a conditional use such as this.
2. The Applicant has also not presented sufficient evidence to show that this conditional use application is consistent with the AR-1 Zoning of this property, the Zoning Code or the County's Comprehensive Land Use Plan.
3. The Applicant has proposed to operate a tire and brake shop in an existing residential garage that is in close proximity to his home and attached to the home by a deck. This is not a safe situation for working on vehicles as part of a commercial operation and the fire and safety hazards that must be accounted for as part of such a business.
4. It is unclear from the record whether this conditional use is compatible with the properties and land uses in the immediate vicinity of this based upon the underlying AR-1 zoning of the area. Without more detail it is impossible to determine whether this proposed use will have an impact on the neighborhood.
5. There was evidence in the record that vehicle parts and tires are located outside all around the site and that this was the subject of a violation issued by the Sussex County Constable. It does not appear that these issues have been corrected, and approving this Conditional Use would likely only make this bad situation worse.
6. There is simply not enough information in the record to justify an approval of this Application or impose reasonable conditions upon it to protect the neighboring properties and roadways.
7. For all of these reasons, I move that we recommend a denial of this application.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend denial of C/U 2455 James L. Sturgis for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 20, 2024

Application: CU 2455 James L. Sturgis

Applicant: James L. Sturgis
11217 Sussex Highway
Greenwood, DE 19950

Owner: James L. Sturgis
11217 Sussex Highway
Greenwood, DE 19950

Site Location: Located on the east side of Sussex Highway (Rt. 13), approximately 0.36 mile north of Woodyard Road (S.C.R. 612).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Tire & Brake Shop

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 2 – Mr. McCarron

School District: Woodbridge School District

Fire District: Greenwood Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 10.96-acre(s) +/-

Tax Map ID.: 530-5.00-3.02



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: November 20, 2024
RE: Staff Analysis for CU 2455 James L. Sturgis

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2455 (James L. Sturgis) to be reviewed at the November 20, 2024, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 530-5.00-3.02 to allow for a tire & brake auto shop. The property is lying on the east side of Sussex Highway (Rt. 13), approximately 0.52-mile(s) north of the intersection of Sussex Highway and Woodyard Road (S.C.R. 612). The applicant is applying for 10.96-acres +/- to be included in the Conditional Use area.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of “Low Density.” The adjoining parcels to the south, east, and west across Sussex Highway also have a Future Land Use Map designation of “Low Density.” The adjoining lands to north are located within the jurisdiction of Kent County and are not included in the Sussex County Comprehensive Plan.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the south, east, and west across Sussex Highway are also zoned Agricultural Residential (AR-1) District.

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District is an applicable Zoning District within the “Low Density” Future Land Use Map Designation.



Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been multiple applications in this area, since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the Application Site.

Conditional Use No.	Applicant	Proposed Use	CC Decision Date	Ordinance No.
2104	Grace-n-Ministries, Inc.	Cemetery	12/5/2017	2357

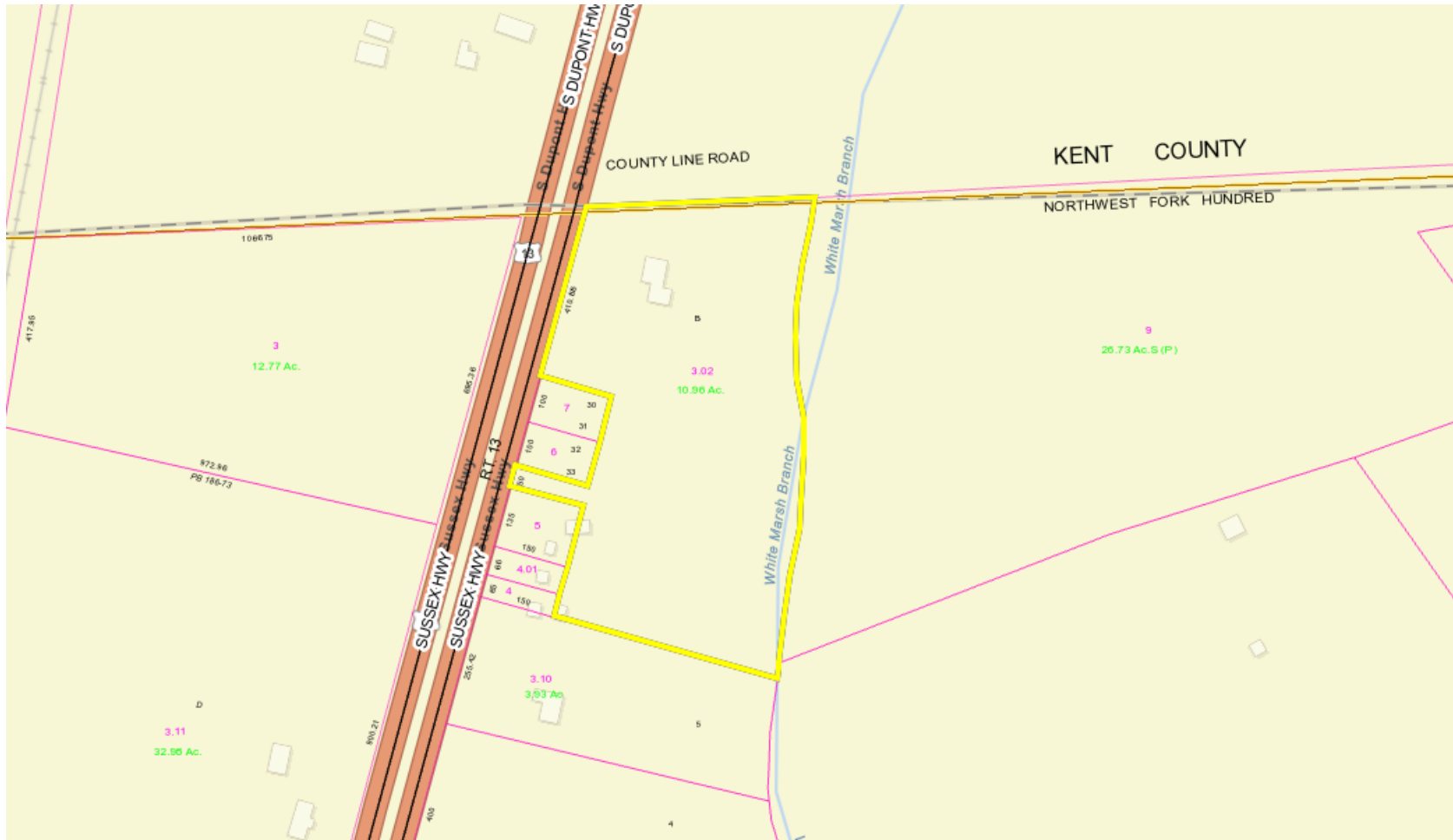


Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** This parcel adjoins lands actively used for agricultural purposes.

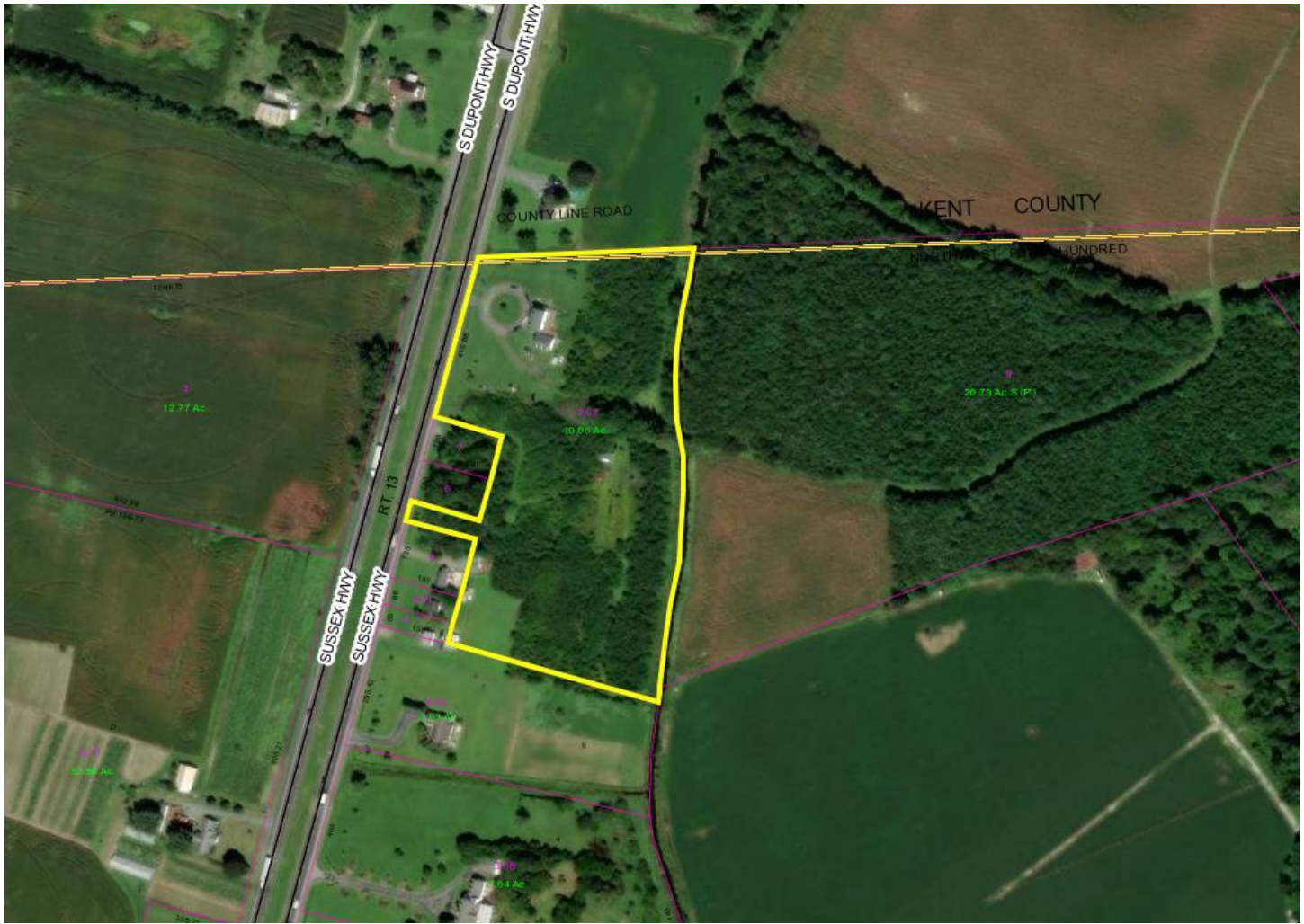
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Majority of the parcel is forested. Plans do not indicate any tree clearing is to take place.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “AE” Flood Zone as well as the 0.2% Annual Flood Hazard Zone. The parcel is located within an area of excellent groundwater recharge. There is a tax ditch located on the property, the center line of the tax ditch acts as the rear property line and runs the entire length of the rear property line. The tax ditch ROW has a width of 120-feet from the centerline of ditch.

Based on the analysis provided, the Conditional Use to allow for a tire & brake auto shop in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



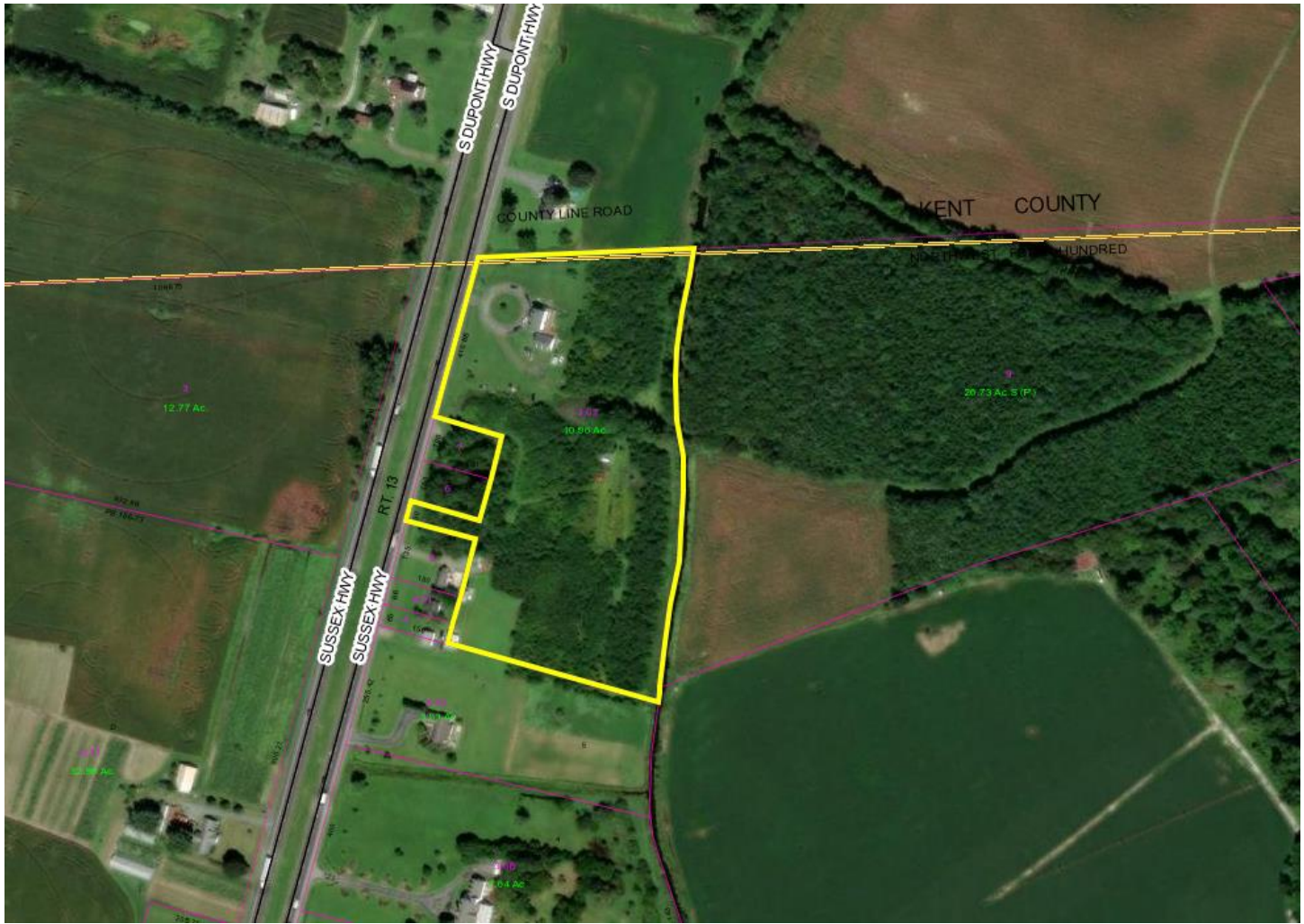
CU 2455 – James L. Sturgis – Street Map

TM#: 530-5.00-3.02



CU 2455 – James L. Sturgis – Zoning Map

TM#: 530-5.00-3.02



CU 2455 – James L. Sturgis – Aerial Map

TM#: 530-5.00-3.02

Introduced: 5/7/24

Council District 2: Mr. McCarron
Tax I.D. No.: 530-5.00-3.02
911 Address: 11217 Sussex Highway, Greenwood

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TIRE AND BRAKE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 10.96 ACRES, MORE OR LESS

WHEREAS, on the 31st day of May 2023, a Conditional Use Application, denominated Conditional Use No. 2455 was filed on behalf of James L. Sturgis; 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. 2455 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. 2455 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the east side of Sussex Highway (Rt. 13), approximately 0.36 mile north of Woodyard Road (S.C.R. 612) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 10.96 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: January 21, 2025

RE: County Council Report for C/U 2520 filed on behalf of Twin Branches, LLC

The Planning and Zoning Department received an application (C/U 2520 filed on behalf of Twin Branches, LLC) for a farm winery with a tasting room and events venue, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 235-19.00-11.00 and 11.01. The property is located at 14756 Twin Branches Road, Milton. The parcel size is 38.66 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on November 20, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and 7 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on November 20, 2024 and December 11, 2024.

Minutes of the November 20, 2024, Planning & Zoning Commission Meeting

C/U 2520 Twin Branches, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM WINERY WITH TASTING ROOM AND EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 38.66 ACRES, MORE OR LESS. The property is lying on the west side of Twin Branch Road, approximately 0.89 mile south of the intersection of Saw Mill Road (S.C.R. 238) and Twin Branch Road. 911 Address: 14756 Twin Branch Road, Milton. Tax Map Parcels: 235-19.00-11.00 & 11.01.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibits, which included a conceptual site plan, a copy of the DelDOT SLER, a copy of the staff Report Analysis, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division and 24 responses, including a petition with a total of 548 signatures; that for the record the Conditional Use came about when a building permit was pulled for the conversion of the property, which generated a back and forth with staff during that permits review; that prior to the building permit process being completed, the question arose as to whether the activities allowing customers and events on the property associated with the wine tasting was allowed; that it was identified that it was not a permitted use in AR-1, and we asked the applicant to go through the Conditional Use process; that there is a building permit application associated with this Conditional Use, but there's a chicken and the egg scenario that they must go through the Conditional Use process first and then circle back on the building permit.

Mr. Tim Willard, Esq., of Willard, Fuqua & Schab, spoke on behalf of the applicant Shauna Thompson and Wayne Hawkins, owners of Twin Branches; that they got their license for the business and they own the land it is on and then they got their liquor license and a farm winery license in 2020; that they were operating and the building permit issue kind of drove things that they needed a commercial permit; that the farm winery license gives them the opportunity to manufacture, sell and do other stuff and have a tasting room; the ABC Commissioner has jurisdiction over alcohol and the Commission has jurisdiction over land use; that they want to continue the farm winery, which means manufacturing, selling, tasting and have food and sell merchandise; that they want to do more, maybe have some weddings, or private parties; that in terms of the property itself, it is located on a 25 foot road located on the West side of Twin Branch Rd. approximately .89 miles South of the intersection of Sawmill Road and Twin Branch Rd.; that there is a 10 acre meadow in the middle of the property that comes into a culvert and a pond on the right with the building that was built where they'd have guests in that parking lot right next to it and to the look to the left, there's 10 acres of vineyards, which at least six or eight acres are planted; that if you bear off to the left of the road there is a farm warehouse, but all the way down to the left is where the winery building is, and there are six big cylinder tanks; that if you are in the vineyards looking back towards the tasting room there's a patio out front and they've used much of the hardwood surrounding the forest to make the bar and the tables; that that building has Fire Marshall approval for 90-92 people and it's on 2,700 square feet; that they got their plan approved from the Fire Marshall on April 1, 2024; that they were going to do the fire prevention out of the pond but needed to beef that up so they put a pump station on the other side with a large tank; that they put in the sprinkler system and that they got final approval from the Fire Marshall for what they did; that the parking area has space with designated parking that can handle about 25 cars along the outside of the road and another space for about 25 where that horseshoe and another 25 in the grass; that DelDOT stated that the traffic impact is negligible and the engineering report that there is no county infrastructure for sewer water as it has septic and well; that the proposed findings are as follows:

1. The Farm Winery shall be permitted by the Delaware Alcohol Beverage Control Commission.
2. The events permitted by this conditional use shall include private events such as weddings, birthdays, anniversaries or retreats, as well as community events such as art or craft shows or musical entertainment.
3. Events may include food trucks.

4. Vehicle parking location shall be designated as submitted on the site plan and there shall be designated parking spaces of at least 75 spaces.
5. Hours of operation for the Farm Winery shall be Monday, Thursday, Friday and Saturday from 12:00PM to 9:00PM, and Sunday 12:00PM to 6:00PM.
6. They want to keep the signage that they already have out front and the signs leading down the dirt road.
7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Mrs. Thompson stated that as the owner of Twin Branches, she is a Sussex County native and has worked very hard to maintain the preservation of the property and has tried to keep the heritage of the vineyard itself, that road and promote our history as well as Sussex County's history.

Ms. Shanna Mayo, a resident of Ellendale, spoke in favor of the application that she can confidently speak for myself, my household and my neighbors that we are all desperately missing having the ability to continue supporting our local neighborhood winery; that allowing Twin Branch a family owned and operated local business to continue providing a gathering place for neighbors including children, dogs and tourists alike as it will only increase the financial health of our community; that if we have a continued allowance of large developments to be built over farm lands, trees and additional wildlife habitats, then why not a local business with a pre-existing location, which contains a farm by nature and supports nature; that as a County homeowner and employee of Delaware's Department of Natural Resources and Environmental Control and a former small business owner, I implore you, the Commission grant the permits that will allow Twin Branch Winery to reopen.

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 2520 Twin Branches, LLC. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the December 11, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since November 20, 2024.

Mr. Collins moved the Commission to recommend APPROVAL of C/U 2520 TWIN BRANCHES, LLC for a farm winery, tasting room, and events venue based upon the record made during the public hearing and for the following reasons:

1. The use will occur within a 38.66-acre parcel that is used to grow grapes for making wine. The Applicant also owns most of the land that surrounds the parcel that is the subject of this Conditional Use.
2. This use is an extension of ongoing agricultural use of the property and agricultural uses that occur on the surrounding farmland. The use can also be considered as “agritourism” that promotes the agricultural industry in Sussex County. This type of use is appropriate in the Low-Density Area according to the Sussex County Comprehensive Plan.

3. The Applicant intends to hold events that include weddings, birthdays, parties, craft shows, and similar functions with limited hours.
4. The site will have sufficient areas for parking. According to the site plan there are at least 75 parking spaces available.
5. No parties appeared in opposition to this Application.
6. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.
7. This recommendation is subject to the following conditions:
 - A. The area shall be used as a farm winery, tasting room, and events venue.
 - B. The area set aside for conditional use, including all areas to be used for parking, shall be clearly shown on the Final Site Plan.
 - C. The consumption of alcoholic beverages shall be permitted subject to the approval from the Delaware Office of the Alcoholic Beverage Control Commissioner.
 - D. The hours of operation for the tasting room and events venue shall be 7 days a week, with hours of operation from noon until 9:00 p.m., with the exception of Sundays which shall be from noon until 6:00 p.m.
 - E. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. The interior driveways and parking areas shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
 - F. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/U 2520 Twin Branches, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 20, 2024

Application: CU 2520 Twin Branches, LLC

Applicant: Twin Branches, LLC
14756 Twin Branch Road
Milton, De 19968

Owner: Twin Branches, LLC
14756 Twin Branch Road
Milton, De 19968

Site Location: 14756 Twin Branch Road, Milton, DE 19968

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Farm Winery with Tasting Room and Events Venue

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. McCarron

School District: Cape Henlopen School District

Fire District: Milton Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 38.66 acres +/-

Tax Map ID.: 235-19.00-11.00 & 11.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney, and applicant
Date: November 13, 2024
RE: Staff Analysis for C/U 2520 Twin Branches, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 250 Twin Branches, LLC to be reviewed during the November 20th, 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 ID: 235-19.00-11.00 & 11.01

Proposal: The request is for Tax Parcels 235-19.00-11.00 & 11.01 to allow for a farm winery with tasting room and events venue. The property is lying on the west side of Twin Branch Road, approximately 0.89 mile south of the intersection of Sawmill Road (S.C.R. 238) and Twin Branch Road. The parcels consist of 38.66 acres +/-.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of “Low Density.” The properties to the north, south, east, and west all have a land use designation of “Low Density.”

As outlined within the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas zoned Agricultural Residential (AR-1). The Plan notes that retail and office use in Low Density Areas should be focused on providing “convenience goods and services to nearby residents” as well as indicating that the commercial uses “should be limited in their location, size, and hours of operation.” (Sussex County Comprehensive Plan, 4-19) The Plan notes that these policy guidelines are provided to “maintain the rural landscape” in Low Density Areas (Sussex County Comprehensive Plan, 4-18).

Zoning Information: The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, south, east, and west of the subject property are zoned Agricultural Residential (AR-1) District.



Site Considerations:

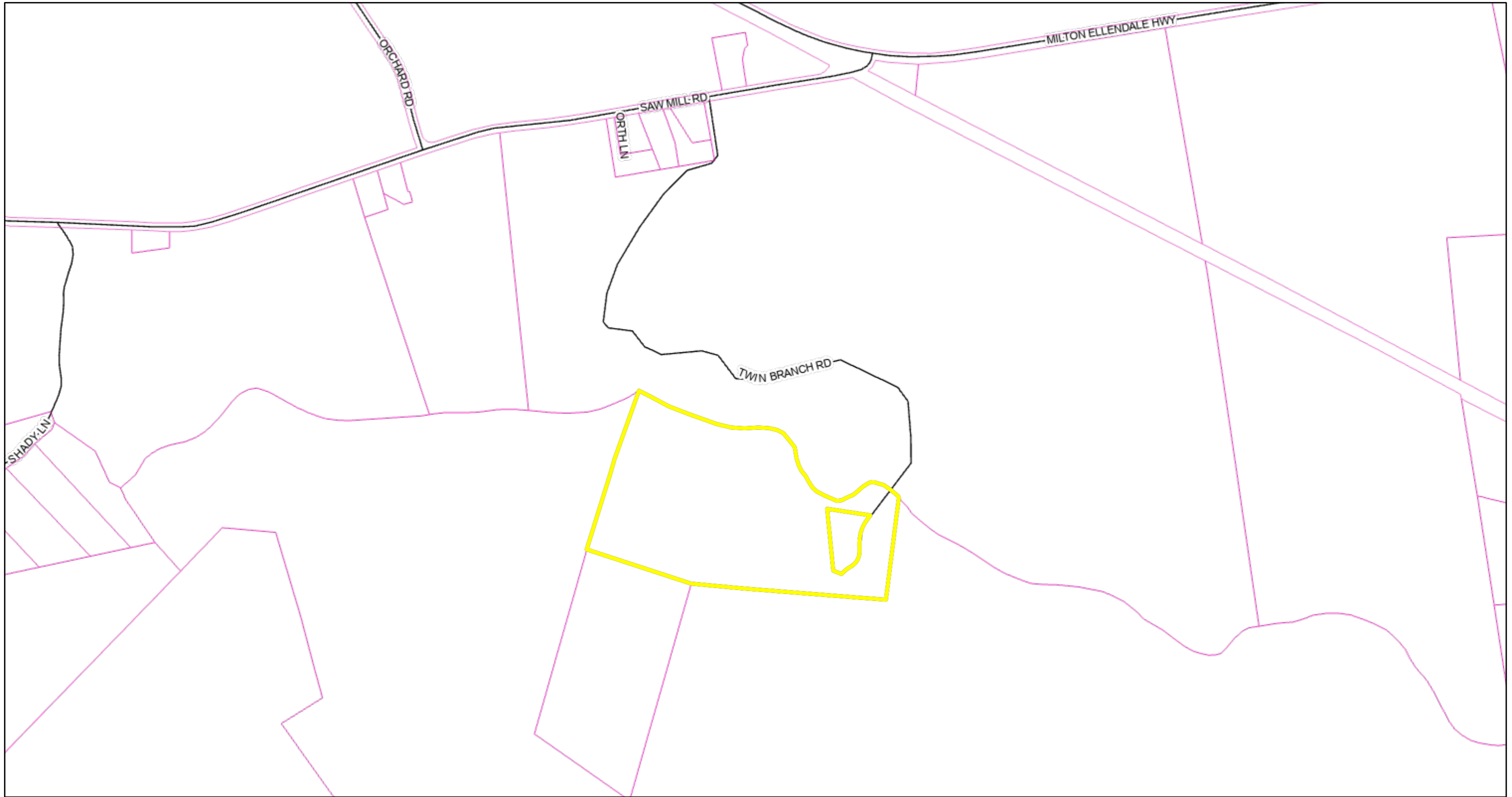
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** There are agricultural uses in the vicinity of these properties including the properties themselves.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** The property is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** The Brittingham Branch borders the north side of the property
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Small portions of the properties are located within an “A” flood zone.

Based on this analysis, a Conditional Use for an outdoor racetrack could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Change of Zones within the Vicinity of the Subject Property:

Since 2011, there have been zero (0) Conditional Use applications within a one (1) mile radius of the application site.

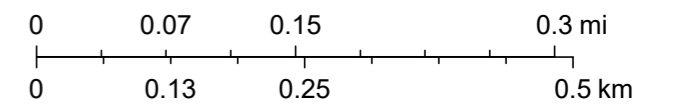
Sussex County



October 15, 2024

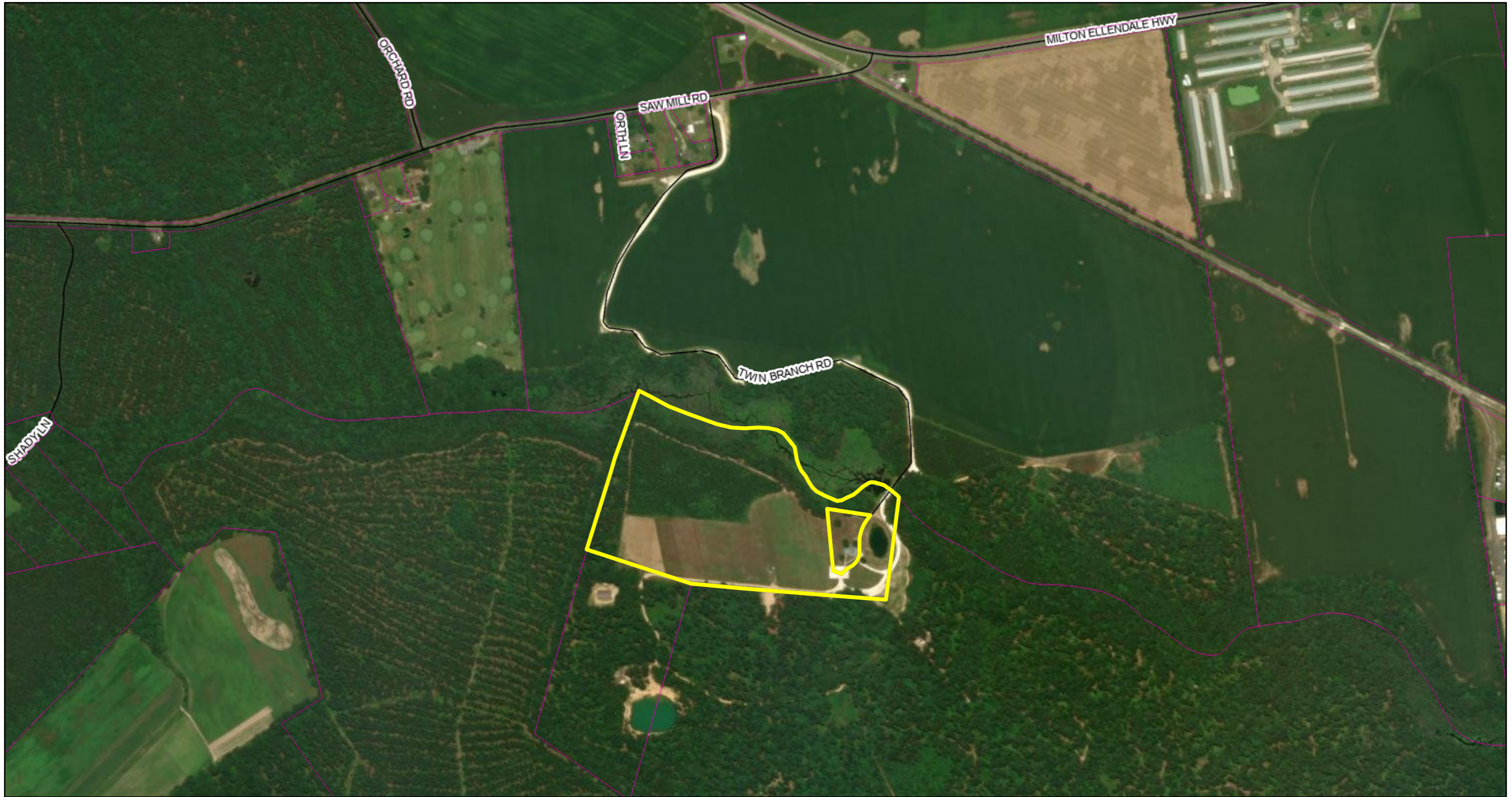
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| Override 1 | Streets | layer44 | Blue: Band_3 |
| Override 2 | Red: Band_1 | | |

1:9,028



DNREC, Division of Watershed Stewardship, Drainage Program,
john.inkster@state.de.us, Sussex County, Sussex County
Government, Delaware Department of Natural Resources and
Environmental Control

Sussex County



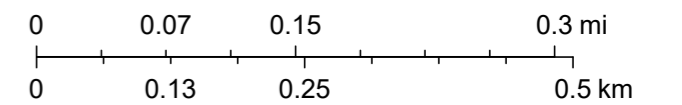
October 15, 2024

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| Streets |
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| High Resolution 60cm Imagery |
| High Resolution 30cm Imagery |
| Citations |
| 2.4m Resolution Metadata |

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DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Delaware Department of Natural Resources and Environmental Control, Maxar

Sussex County



October 15, 2024

layer46

Red: Band_1

Green: Band_2

Blue: Band_3

polygonLayer

Override 1

Override 2

Tax Parcels

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

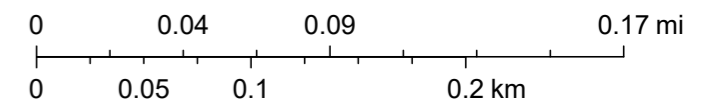
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

1.2m Resolution Metadata

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DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Delaware Department of Natural Resources and Environmental Control, Maxar

Introduced: 10/29/24

**Council District 2: Mr. McCarron
Tax I.D. No.: 235-19.00-11.00 & 11.01
911 Address: 14756 Twin Branch Road, Milton**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM WINERY WITH TASTING ROOM AND EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 38.66 ACRES, MORE OR LESS

WHEREAS, on the 21st day of March 2024, a Conditional Use application, denominated Conditional Use No. 2520 was filed on behalf of Twin Branches, 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. 2520 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2520 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Broad Kill Hundred, Sussex County, Delaware, and lying on the west side of Twin Branch Road, approximately 0.89 mile south of the intersection of Saw Mill Road (S.C.R. 238) and Twin Branch Road, and being more particularly described in the attached legal description prepared by Young Conaway Stargatt & Taylor, LLP said parcel containing 38.66 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: January 21, 2025

RE: County Council Report for C/U 2270 filed on behalf of Gregory Mitchell

The Planning and Zoning Department received an application (C/U 2270 filed on behalf of Gregory Mitchell) for an outdoor racetrack, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 231-9.00-4.00, 5.00 and 5.01. The property is located at 22372, 22378 and 22382 Coverdale Road, Seaford. The parcel size is 35.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on November 20, 2024. At the meeting of December 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 4 reasons and subject to the 10 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on November 20, 2024, and December 11, 2024.

Minutes of the November 20, 2024, Planning & Zoning Commission Meeting

C/U 2270 Gregory Mitchell

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE AN OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS. The properties are lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 525). 911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford. Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the applicant's exhibit booklet, a copy of the DelDOT SLER, a copy of the letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis and we have in total 32 written comments.

Mr. David Hutt, Esq., of Morris James, spoke on behalf of the applicant Greg Mitchell; that this application is for conditional use to allow other racing classes to race at the outdoor racetrack situated at the northwest corner of Coverdale Rd. and Hastings Farm Road; that there is a pre-existing non-conforming outdoor race track, that exists on this property and as long as the pre-existing non-conforming use hasn't been suspended and it's actively going on regardless of what happens tonight, there will be racing that continues at the Middleford Speedway based upon the pre-existing non-conforming use; that Lawrence Lank sent a letter to two owners that preceded Mr. Mitchell in his purchase of the track with concerns about the types of vehicles that were racing there in 2010; that the raceway is non-conforming and was limited to go-kart and motorcycle racing and micro-midget racing was permitted since the engines were of a motorcycle type; that Mr. Lank's letter also talks about, in addition to identifying what the non-conforming use was, it said that the owner at that time should consider filing a conditional use for other types of racing if that was their goal; that the ownership of the track has changed twice in order for us to reach this hearing; that when the survey was being prepared, two things were noted, that the entrance to the racetrack was not on my client's property, it has been off of Coverdale Road on an adjacent property and parking that exists is not on Mr. Mitchell's property; that when things like ownership of property and rights of way have not been fully investigated and determined prior to coming to a public hearing it makes it difficult to bring the application before the Commission; that earlier this year Mr. Mitchell was able to acquire this property and own the property with the entrance and parking on it; that the property timeline shows that it went from agricultural and wooded in 1937, then burrow activity showed up between 1954 and 1961 and then racing on the burrows around 1968; that in 1992 there are motorcross tracks and then a full racetrack beginning in 2000; that the property is zoned AR-1, as are the properties to the North, West and the South of it; that this is a very large GR General Residential zone property and almost everything on the opposite side of Coverdale Rd. is zoned GR General Residential; that water is provided through onsite well and porta potties are used as sanitary sewer services; that this is a gated site and can only gain access when it is open for race events/practice; that the track itself is an oval ¼ mile lighted dirt track that has events on Friday and Saturday (sometimes Sunday if weather pushes them over) between the months of April and November; that when a race event is scheduled the track is open for practice runs during the week with only one car permitted at a time; that the track employs approximately 20 people, there is no sale of alcohol at the races, the race events normally start around 6:00PM-7:00PM and conclude around 11:00PM; that some events can go past the 11:00PM time due to weather or other difficulties with the track; that outdoor race tracks as a conditional use, in the AR1 District are permitted and the historic use of this racetrack since 1970 is certainly a public or semipublic use for the convenience of those in the County; that it supports local businesses, and individuals who participate in the events are employed at those events, and the vendors sell things at those events to folks here in Sussex County; that unlike many of the applications before the Commission, typically the primary concerns are things like density and traffic for land use development applications; that as an outdoor race track that is not the primary concern, DelDOT referred to the traffic impact as negligible so one of the primary considerations for an outdoor racetrack is the sound or noise generated by the racing activity at the site; that an expert was retained to conduct a sound study, analyzing the sound, by the name of Vince Daliessio, a certified industrial hygienist and senior industrial hygienist with Penonni; that the sound that was attributed to the vehicles that fall into the category of things that our pre-existing non-conforming uses.

Mr. Vincent Daliessio, a Certified Industrial Engineer, spoke on behalf of the applicant that his job is to anticipate, recognize, evaluate, control and confirm protection from environmental stressors; that the profession emerges from workplace safety, but we've since really kind of expanded it to environmental health and community health or public health discipline; that he is certified in community noise enforcement and in using the equipment, sound level meters to evaluate noise appropriately against noise codes where they exist; that we came out to the site to collect sound level readings during a racing exhibition which ran all the classes that are currently running at the site, as well as a couple of additional classes that he would like to run; that we did baseline noise during each of the two heats for each class and we did noise level measurements during the races; that the locations we used were a close location to the track, the perimeter fence and the perimeter of the property; that that location is the approach to the finish line where cars would be in full throttle and the second location was a little bit further away so we were hoping to pick up direct noise from the racetrack, but also from the pit area; that we would collect that noise and L Max readings because it's basically the short term measurements that are collected continuously over a short period, usually a second, the highest noise pressures the sound pressures at that location; that for the types that are currently running, the L Max numbers are the junior slingshots at 72DB, the mod lights at 82DB and the 600 sprints at 84DB and the new classes of engines being proposed are the Super Trucks at 79DB, the Little Lincoln at 81DB, the Modified 5.7 liter Chevy V8 engine at 85DB and Late Model 5.7.Liter Chevy V8 autotype engine at 87DB; that the first two categories, the Super trucks and the Little Lincoln's both have mufflers and their sound level was lower than the remaining two, which we're not running mufflers, they were straight exhaust; that if all vehicles had mufflers it would be expected that there would be a 50% decrease in the sound pressure level; that it has been noted that Sussex County does not have a noise ordinance, but there is a section in DNREC's code that limits the noise levels with an exemption for recreational sports and musical activities; that during any race there are between 5-10 cars and that's where the noise levels were taken from.

Mr. Hutt stated that the application is to allow outdoor racing and additional classes of racing to occur on a ¼ mile dirt track and the proposed conditions that they provided are as follows:

1. Racing is allowed for automobiles and trucks on this racetrack.
2. Concessions and the sale of items are allowed with the prohibition on the sale of alcohol.
3. Race events may only occur on Fridays, Saturdays and Sundays, April 1st through November 30th. Racing itself can only occur between the hours of 6:00 PM and 11:00 PM on Fridays and Saturdays and 9:00 PM on Sunday, if they have a rain makeup.
4. Practice can occur whenever there's not a race event going on, but that is limited to only the hours of 12:00 PM to 9:00 PM. and is limited to one automobile on the track at a time.
5. All automobiles and trucks on the outdoor racetrack shall use a muffler.
6. The property will be surrounded by a fence and will have a gate at the entrance.
7. A safety crew requirement with EMTs will be on site.
8. The Final Site Plan shall show parking areas, crew areas and all improvements including any grandstands or other improvements.
9. Overnight camping is prohibited.
10. A sign will be placed on Coverdale Rd. and one on Hastings Farm Rd.
11. The lighting for turn three and turn four, which is the portion of the track that's parallel to Coverdale Rd. shall be moved from the interior of the racetrack to the exterior of the race

track so that the light is directed onto the racetrack for the racers instead of out as it presently is which will greatly reduce the light towards Coverdale Rd. In addition, the lighting shall only be used during racing or practice. At all other times that lighting shall be turned off, and then if there is any other security lighting at the facility that would be down screened so as not to shine light on neighboring properties.

12. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Commission discussed the application and asked questions of Mr. Hutt.

Mr. Hutt stated that the racetrack has participated in charity events over the past few years and has raised over \$30,000 for breast cancer awareness, employs up to 25 people during the racing events and there are two food trucks who come during the races to sell food.

Mr. Wayne Lee spoke in favor of the application that he has watched the track change over the years that Mr. Mitchell has had it and is happy to see the racing track is still being utilized like it was 50 years ago.

Mr. James Dean and Austin Dean spoke in favor of the application that they live near the track and that the tracks built down in a hole, and don't see where there's a problem with the dust; that they do a good job to keep the dust down, he runs the truck all night to make sure that the dust is not blowing; that the noise is not an issue, but the addition of mufflers on the larger cars, that will make a difference; that in Bridgeville, we've got a feed mill, a dog food plant, a scrapple plant and a train so you're going to hear things; that this racetrack is in a depressed economic area and it brings people to town.

Mr. Nathan Reed spoke in favor of the application that by changing the racing classes it will allow for more people to travel to Middleford Speedway, because last year the Georgetown Raceway ran a special event with these higher-class races and the stands were packed; that this will be a benefit to the community by increasing people to an otherwise desolate area.

There were four local drivers, Howard Mullins, Philip Andrews, James Hill and Calvin Musser who spoke in favor of the racetrack and how important it is to the people of the area and the economic benefit to the area.

Ms. Whitney Pogwist, spoke in opposition to the application that when the races are happening the noise level is overwhelming and can be heard not only in her yard/patio, but also when sitting inside her home; that the application may have a petition of 500 signatures from people that enjoy the track, but they don't have to live next to it; that she would ask that there be some restrictions put on the times they are allowed to run the cars.

Mr. William Russell and Shannon Russell spoke in opposition to the application that they live $\frac{3}{4}$ mile away from the track and the noise level all weekend long is unbearable; that in order to be "comfortable" in their home they must blast their tv's and give their dog anxiety medications because the cars are so loud; that they have lived next to the track for 4 years and they were ok with the smaller engine cars racing, but recently the V8's are running and that is when the noise levels increased significantly.

Doctor Joe, who lives ¼ mile from the track and was opposed to the hours of the races ending with the noise associated and asked that a stipulation be added that if there are to be Sunday races they do not start until after church services are over as there are three churches on Coverdale Rd. and that's a lot of traffic coming and going.

Mr. Mark Allen, spoke in opposition to the application that he has resided in his home approximately 6,000ft away from the track for 40 years and when he first moved in there was no “circular” track; that the argument that the track is a legal non-conforming property makes no sense as, how did no one in the community take notice that the evolution of this land use was taking place; that there are approximately 50 houses and two churches within 2000ft of the track and the noise level for those people must be unbearable; that after meeting with Mr. Whitehouse it was stated that this Commission is the only authority that can establish any nonconforming use based on available documents; that no approvals have ever been granted to this day; that two letters by Mr. Lank, dated June 7, 2010 and May 14, 2011 identified a non-conforming use with associated conditions.

Mr. Robertson stated that the non-conforming use has already been determined and no one has appealed it, and that was established by the Zoning Administrator at the time of those letters; that that's one of the ways that it's done and nobody appealed that to the Board of Adjustment, which would have been the right of review that somebody could have had when those letters were issued.

Mr. Allen stated that according to the Sussex County Code, the casual, intermittent, temporary illegal use of land or buildings shall not be significant to establish existence of non-conforming use; that history should have no bearing on the future use or decisions of the Commission; that following the purchase of the property a small Go Kart track was built and no evidence has ever surfaced as any county approvals or permits for the initial track or any much larger track built since with a scrambled history of land acquisition use, change of multiple owners, intermittent use, debated property lines and potential trespass, it appears that solid evidence is lacking to justify its nonconformity as of this date; that the 35 acre conditional use request is unacceptable and expansion of its more than questionable beginnings; that many of the neighbors he spoke with stated that their windows are covered for bright lights and sound, dust flying into their yards and in their homes, amplified PA systems overnight, RV parking, rock bands, fireworks and 26 scheduled events last year alone, with dozens of racing test runs day and night.

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 2270 Gregory Mitchell. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the December 11, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since November 20, 2024.

Mr. Collins moved the Commission to recommend APPROVAL of C/U 2270 GREGORY MITCHELL for an Outdoor Racetrack based upon the record made during the public hearing and for the following reasons:

1. This is a use that has existed at this location for many years. It was recognized as an existing, legal nonconforming use by a prior Director of Planning & Zoning in 2010 with limitations.
2. This Conditional use further confirms the legal, nonconformity of the use and establishes appropriate conditions upon the use.
3. Dirt-track racing has a long history in Sussex County on this site and at other locations. Several people testified that they have enjoyed the racing events that occur at this site for years if not decades and that it is a family sport. As a result, it has a benefit for Sussex County residents and visitors.
4. With the conditions imposed by this recommendation of approval, any adverse impacts upon traffic, area roadways or the community will be substantially reduced from what currently exists at the location since there are basically no conditions associated with its legal nonconforming status other than engine size.
5. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the existing outdoor dirt racetrack and related facilities as shown on the Preliminary Site Plan.
 - B. All pit areas and parking areas shall be clearly marked on the Final Site Plan and the site itself.
 - C. The applicant shall comply with all DeDOT entrance and roadway improvement requirements.
 - D. One lighted sign shall be permitted along the perimeter of the property. It shall not exceed 32 square feet in size. The location of the sign shall be shown on the Final Site Plan. This prohibition shall not apply to sponsor signs on the interior of the racetrack itself.
 - E. The racetrack shall only be used until 8:00 pm on Mondays through Thursdays for practice. No racing shall occur on these days and no more than two cars shall be on the track for practice laps at any one time. Practice and racing shall be ending no later than 11:00 pm on Friday and Saturday evenings. The racetrack shall not be used on Sundays.
 - F. The property and racetrack may be lighted for nighttime use. All of the lighting shall be screened so that it does not shine onto neighboring properties or roadways.
 - G. All of the racecars using the racetrack shall be operated with mufflers.
 - H. The racetrack shall be operated with appropriate safety and EMS measures in place while racing is underway.
 - I. Any violation of these conditions shall be grounds for termination of the conditional use.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend APPROVAL of C/U 2270 Gregory Mitchell for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 20, 2024

Application: CU 2270 Gregory Mitchell

Applicant: Gregory Mitchell
18288 Phillips Hill Road
Laurel, DE 19956

Owner: MATR, LLC
18288 Phillips Hill Road
Laurel, DE 19956

Site Location: 22382 Coverdale Rd, Seaford

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Operate 4-cylinder race car track

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: District 2 - Mr. McCarron

School District: Seaford School District

Fire District: Seaford Fire Department

Sewer: None

Water: None

Site Area: 27.81 acres +/-

Tax Map ID.: 231-9.00-5.00 & 5.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney, and applicant
Date: November 13, 2024
RE: Staff Analysis for C/U 2270 Gregory Mitchell

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2270 Gregory Mitchell to be reviewed during the November 20th, 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 ID: 231-9.00-5.00, 5.01, & 4.00 (p/o)

Proposal: The request is for Tax Parcels 231-9.00-5.00, 5.01, & 4.00 (p/o) to allow for an outdoor racetrack. The property is lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 525). The parcels consist of 35.00 acres +/-.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of “Low Density.” The properties to the north and west all have a land use designation of “Low Density” with properties to the south and east, across Hastings Farm Road and Coverdale Road, having a land use designation of “Existing Development Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas zoned Agricultural Residential (AR-1). The Plan notes that retail and office use in Low Density Areas should be focused on providing “convenience goods and services to nearby residents” as well as indicating that the commercial uses “should be limited in their location, size, and hours of operation.” (Sussex County Comprehensive Plan, 4-19) The Plan notes that these policy guidelines are provided to “maintain the rural landscape” in Low Density Areas (Sussex County Comprehensive Plan, 4-18).

Zoning Information: The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north and west of the subject property are zoned Agricultural Residential



(AR-1) District. The properties located to the south and west of the subject site, across Hastings Farm Road and Coverdale Road, are zoned General Residential (GR) Zoning District.

Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** There are agricultural uses in the vicinity of this property.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** The property is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

Based on this analysis, a Conditional Use for an outdoor racetrack could be considered as being consistent with the land use, area zoning and surrounding uses.

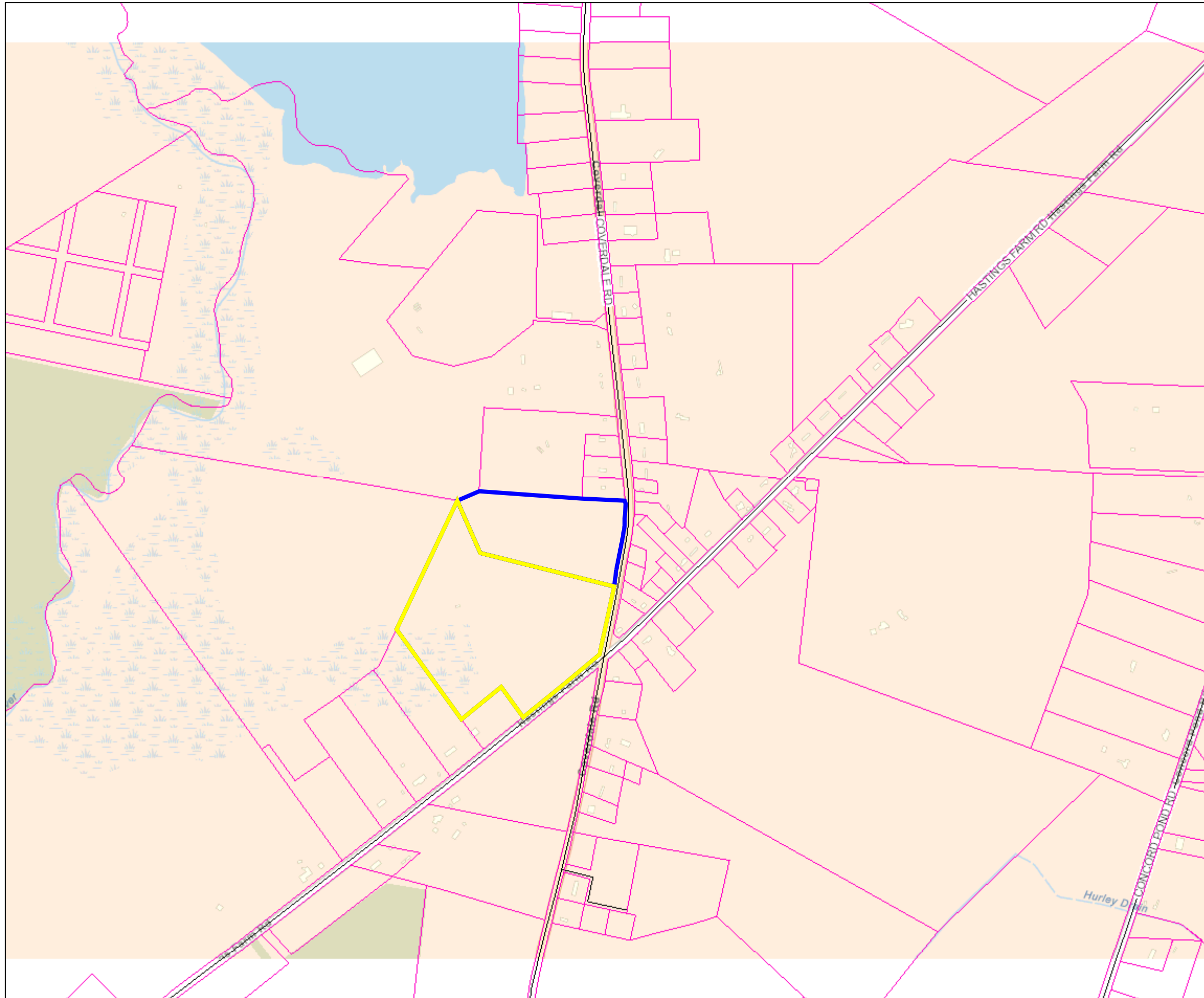
Existing Change of Zones within the Vicinity of the Subject Property:

Since 2011, there has been one (1) Conditional Use application within a one (1) mile radius of the application site. A data table has been provided below.

Conditional Use Number	Tax Parcel #	APPLICANT	Proposed Use	CC Decision Date	CC Decision	Ordinance No.
2043	331-4.00-49.00	Edward J. Kaye	Amend condition of CU 1431	5/17/2016	Approved	2448



Sussex County



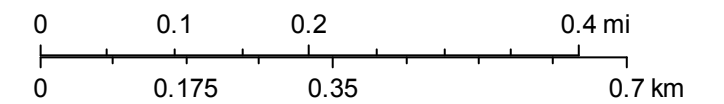
PIN:	231-9.00-5.00
Owner Name	MATR LLC
Book	4657
Mailing Address	18288 PHILLIPS HILL RD
City	LAUREL
State	DE
Description	NW/COR RDS 525 526
Description 2	
Description 3	
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

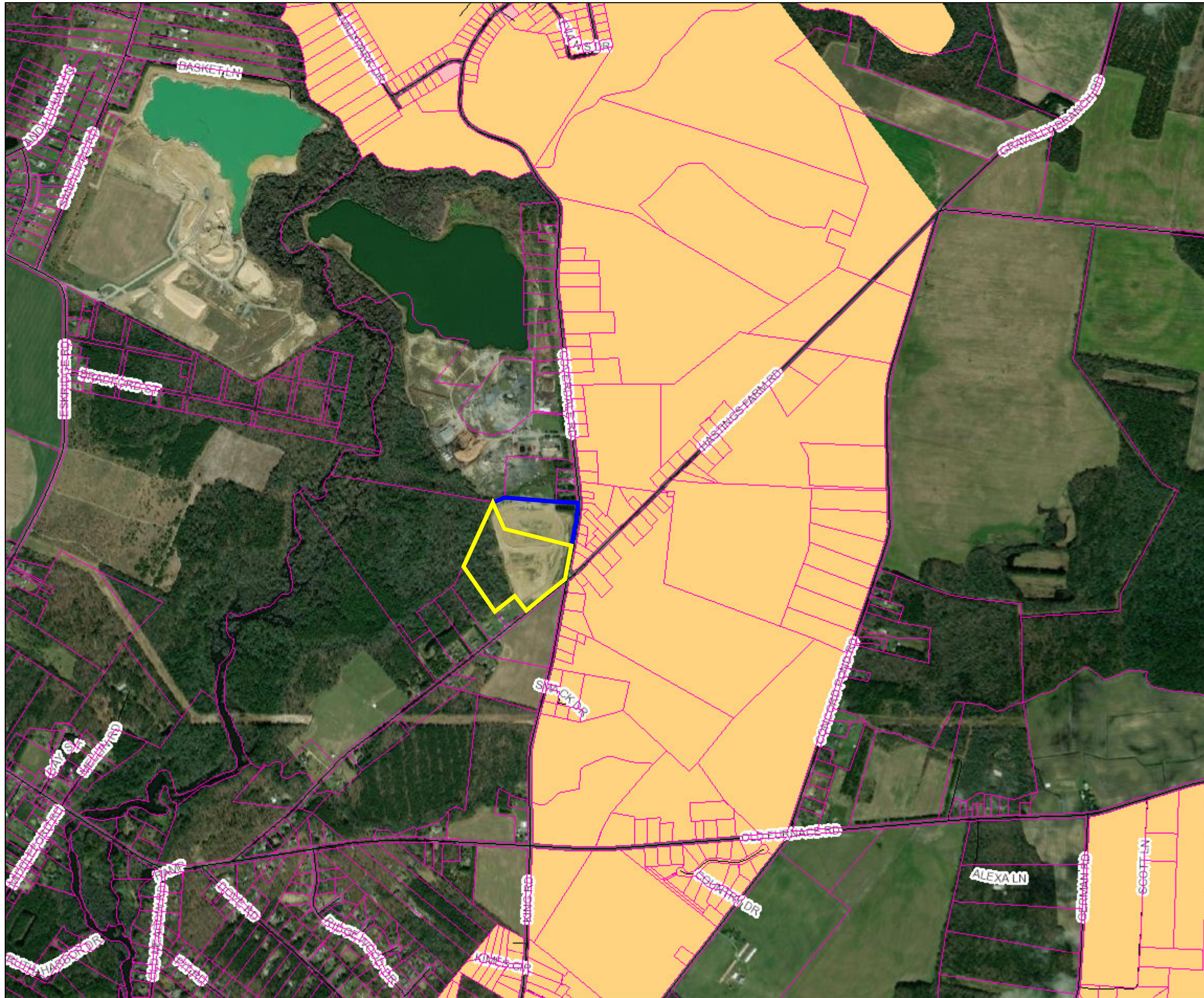
Override 1
- Tax Parcels
- Streets
- County Boundaries

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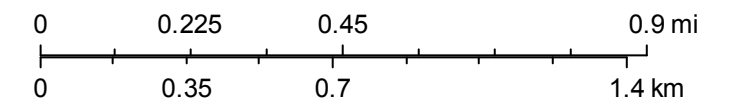
Sussex County



PIN:	231-9.00-5.00
Owner Name	MATR LLC
Book	4657
Mailing Address	18288 PHILLIPS HILL RD
City	LAUREL
State	DE
Description	NW/COR RDS 525 526
Description 2	
Description 3	
Land Code	

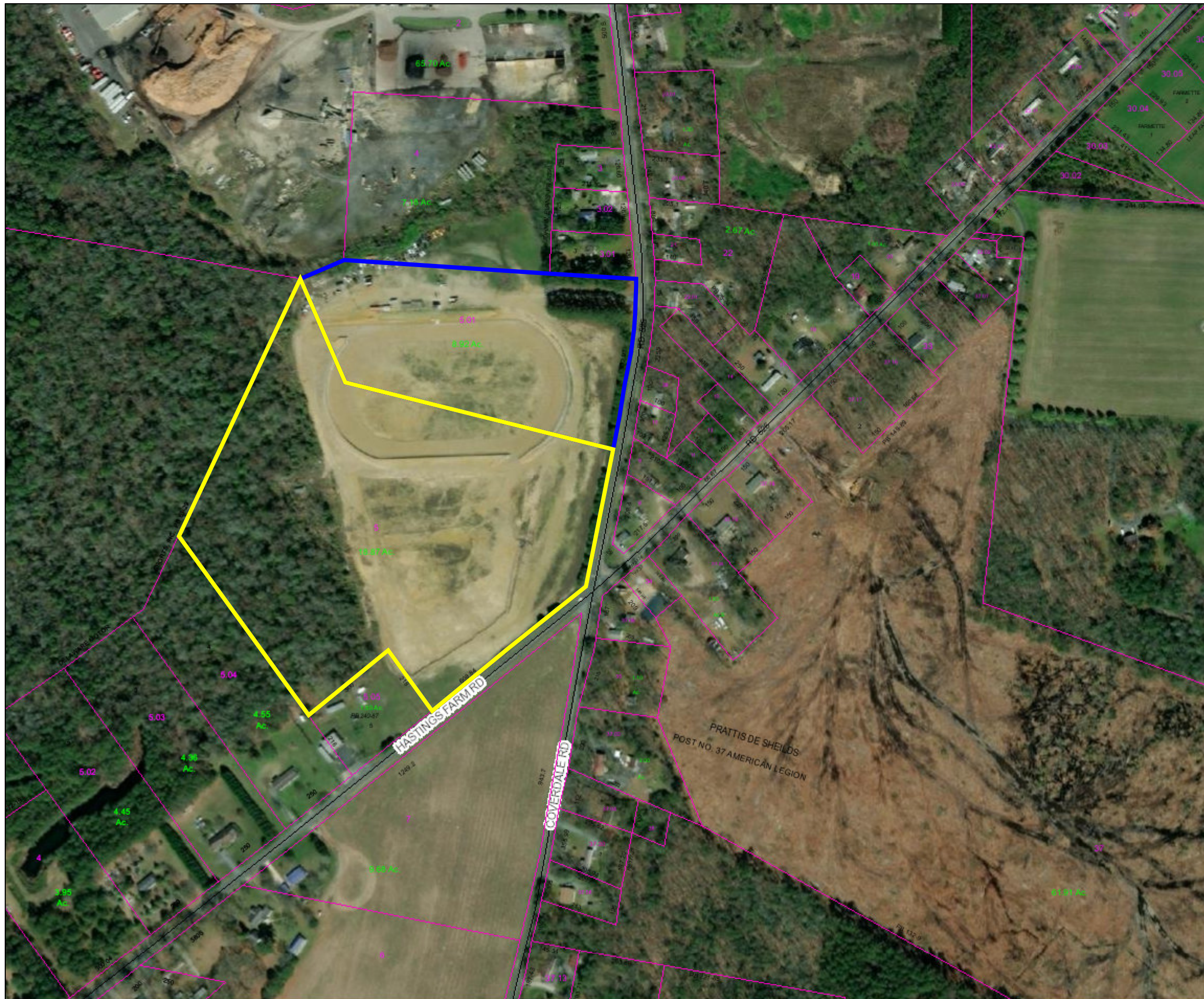
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- Override 1
- ⋯ Tax Parcels
- Streets

1:18,056





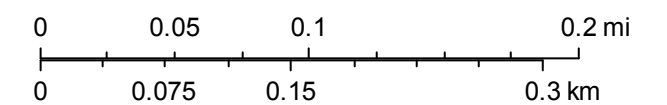
Sussex County



PIN:	231-9.00-5.00
Owner Name	MATR LLC
Book	4657
Mailing Address	18288 PHILLIPS HILL RD
City	LAUREL
State	DE
Description	NW/COR RDS 525 526
Description 2	
Description 3	
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



Introduced 04/20/21

Council District 2 – Mr. McCarron
Tax I.D. No. 231-9.00-5.00 & 5.01
911 Address 22382 Coverdale Road, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE AN OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 27.81 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of February 2021, a conditional use application, denominated Conditional Use No. 2270 was filed on behalf of Gregory P. Mitchell.; and

WHEREAS, on the ____ day of _____ 2021, 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. 2270 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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. 2270 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the northwest side of the intersection of Hasting Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 525) and being more particularly described in the attached legal description prepared by D. Stephen Parsons P.A., said parcel containing 27.81 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.