



Sussex County Council Public/Media Packet

**MEETING:
February 16, 2021**

****DISCLAIMER****

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

FEBRUARY 16, 2021

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – February 9, 2021

Reading of Correspondence

Public Comments

Presentation – David Baird, District Coordinator, and Joel Wharton, Board Chairman, Sussex Conservation District

Todd Lawson, County Administrator

1. Administrator's Report

Kathy Graybeal, Sussex County Librarian

1. Proclamation – Sussex County Libraries Random Acts of Kindness Week

Karen Brewington, Human Resources Director

1. Shining Star Employee Recognition Awards



Hans Medlarz, County Engineer

1. Herring Creek Sanitary Sewer District
 - A. Whitman, Requardt & Associates – Amendment No. 3 Construction Administration for Contracts 2, 3 and 4
2. Weston Solutions, Inc. – Landfill Professional Services Firm
 - A. Increase FY 21 Scope and Fee for Task Order LF-2021-3

Mark Parker, Assistant County Engineer

1. Geotechnical Engineering On-Call Services
 - A. Amendment No. 1

Jamie Whitehouse, Planning and Zoning Director

1. Discussion related to Master Planning

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 9, 2021 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide 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>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, February 15, 2021.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 9, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 9, 2021, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	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. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 046 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend the Agenda by deleting "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Approve
Minutes**

The minutes of February 2, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore read correspondence from the U.S. Census Bureau and the Delaware Agricultural Museum and Village.

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Peninsula Lakes, Phase 12B (Construction Record) received Substantial Completion effective February 4th.

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

**Proposed
Budget
Amendment
Ordinance**

Mrs. Jennings presented for consideration a Proposed Ordinance to amend the Annual Operating Budget Ordinance for Fiscal Year 2021 to incorporate additional Sussex County Realty Transfer Tax revenue and

**Proposed
Budget
Amendment
Ordinance
(continued)**

allowable expenditures by amending the Anticipated General Fund Revenues, the Anticipated General Fund Appropriations and the Anticipated Capital Project Fund Revenues and Expenditures in the Annual Operating Budget for the Fiscal Year Ending June 30, 2021.

Mrs. Jennings noted that the Fiscal 2021 Budget was conservative due to the uncertainty of COVID-19 impacts; a baseline budget was adopted with eight supplemental budgets that could be enacted when certain revenue milestones are reached. Also, Realty Transfer Tax was budgeted at 65 percent of what was expected to be collected. Mrs. Jennings reported that, after seven months into the Fiscal Year, it can be determined how revenues have been impacted by COVID and there is opportunity to amend the Budget by increasing Realty Transfer Tax eligible expenditures. As of January 31, 2021, there was a Year-to-Date Budget of \$13,125,000; the County actually has \$32,540,000 collected through January 31, 2021, a difference of \$19,415,000; supplementals were enacted in the amount of \$8,000,000, leaving \$11,415,000 of Realty Transfer Tax that was brought in but not anticipated.

Mrs. Jennings presented and explained her recommendation to adjust expenditures for the Realty Transfer Tax, as follows: land acquisition for future EMS stations (\$1,000,000), ambulance service (\$5,375,000), Economic Development Loan Program (\$3,000,000).

**Introduction
of Proposed
Ordinance**

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2021 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND ALLOWABLE EXPENDITURES".

The Proposed Ordinance will be advertised for Public Hearing.

**DE Coastal
Airport/
Ground
Lease and
Hangar
Develop-
ment**

Hans Medlarz, County Engineer, and Bob Bryant, Airport Manager, presented an update on the Authorization to Issue a Request for Proposals (RFP) for the redevelopment of Lots A and B at the Delaware Coastal Airport. No proposals were received on the first RFP that was issued. Thereafter, the original RFP was revised and advertised; one single proposal was received from Schell Aviation LLC.

**M 047 21
Accept
Schell
Aviation,
LLC
Proposal**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council accepts the proposal submitted by Schell Aviation, LLC, contingent upon FAA approval of changes to the Airport Layout Plan.

Motion Adopted: 4 Yeas, 1 Absent.

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

**SCRWF &
Rehoboth
Beach WTP/
Electrical
Construc-
tion Project**

Hans Medlarz, County Engineer, presented Change Order No. 9 to the South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Process Capital Improvement Program, Phase 2, Electrical Construction, Project C19-17. The Change Order, is in the aggregate amount (two RFPs) of \$30,554.00.

**M 048 21
Approve
Change
Order/
Contract
C19-17**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 9, for Contract C19-17, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Process Capital Improvement Program, Phase 2, Electrical Construction, be approved, increasing the Contract by \$30,554.00 for a new contract total of \$21,815,875.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Ellendale
Water
District/
Bid Award
and
Contract
Amendment**

Hans Medlarz, County Engineer, presented the bid results for Project W20-17, Greater Ellendale Water District. Six bids were received; the lowest three bids received were from Pact One, LLC, JOAO & Bradley and George & Lynch. The Engineering Department reviewed all bids received and Davis, Bowen & Friedel (DBF) provided a recommendation based on their bid evaluation. Mr. Medlarz reported that the Engineering Department agrees with DBF's review and recommendation to award the bid to the lowest responsible bidder, Pact One, LLC, in the amount of \$4,779,550.00, contingent upon concurrence by the funding agency.

As Engineer of Record, the Department requested DBF to provide a scope and fee for construction phase services to support administration, management, and inspection of the Project. The Department has reviewed DBF's proposal and recommends that Council award Amendment No. 2 of the Professional Services Agreement with DBF dated November 5, 2019, for additional construction phase services related to the Greater Ellendale Water District, Sussex County Project W20-17, in the amount of \$388,000.00.

**M 049 21
Greater
Ellendale
Water
District/
Award
Contract
W20-17**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract W20-17, Greater Ellendale Water District, be awarded to PACT One, LLC for their total amount of \$4,779,550.00, contingent upon concurrence by the State Funding Agency.

Motion Adopted: 4 Yeas, 1 Absent.

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

- M 050 21**
Approve
Contract
Amendment
No. 2/
Ellendale
Water
District
- A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 2 to the Base Engineering Contract for the Ellendale Water District with Davis Bowen & Friedel be approved in the amount not to exceed \$388,000.00 for additional construction phase and inspection services.
- Motion Adopted: 4 Yeas, 1 Absent.
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Blackwater**
Village
Area of the
SCUSSD
- John Ashman, Director of Utility Planning and Design, reported on the Proposed Blackwater Village Area of the Sussex County Unified Sanitary Sewer District. The Council approved the final boundary of the Proposed Blackwater Village Area on December 1, 2020. A referendum was held on January 22, 2021 and the results of the referendum was as follows: 91 in favor and 61 opposed.
- M 051 21**
Adopt
R 005 21
- A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Resolution No. R 005 21 entitled "BLACKWATER VILLAGE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE".
- Motion Adopted: 4 Yeas, 1 Absent.
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Grant**
Request
- Mrs. Jennings presented a grant request for the Council's consideration.
- M 052 21**
Council-
manic
Grant
- A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$2,300.00 (\$460.00 from each Councilmanic Grant Account) to Race4Warriors for fundraiser event expenses.
- Motion Adopted: 4 Yeas, 1 Absent.
- Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 053 21**
Go Into
Executive
Session
- At 10:43 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Green, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to potential litigation and land acquisition.
- Motion Adopted: 4 Yeas, 1 Absent.

- M 053 21**
(continued)
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Executive Session**
- At 10:50 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to potential litigation and land acquisition. The Executive Session concluded at 11:55 a.m.
- M 054 21**
Reconvene
- At 12:01 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- E/S Action**
- There was no action on Executive Session matters.
- M 055 21**
Recess
- At 12:03 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to recess until 1:30 p.m.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 056 21**
Reconvene
- At 1:31 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene the Regular Session.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Rules**
- Mr. Moore read the rules of procedure for public hearings on zoning matters.
- Public Hearings/
Brickyard
Apartments
LLC**
- A combined Public Hearing was held on the following three (3) Proposed Ordinances: "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)"; "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS" (Change of

**Public
Hearings/
Brickyard
Apartments
LLC/
Proposed
Land Use
Ordinance/
CZ 1910/
CU 2212
(continued)**

Zone No. 1910); and “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS” (Conditional Use No. 2212) filed on behalf of Brickyard Apartments, LLC (Tax I.D. No. 132-2.00-264.00) (911 Address: 9329 Brickyard Road, Seaford).

The Planning and Zoning Commission held a combined Public Hearing on these three matters on January 7, 2021 at which time action was deferred. On January 21, 2021, the Commission recommended approval of the three (3) Proposed Ordinances. The Commission’s recommendation of approval of Conditional Use No. 2212 was subject to the following conditions:

- a) There shall be no more than 48 units within this apartment development consisting of six buildings containing four, one-bedroom apartments, and six buildings with four, two-bedroom apartments.**
- b) All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
- c) The Conditional Use shall be served by central sewer.**
- d) The Conditional Use shall be served by central water.**
- e) Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
- f) Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be sidewalks on at least one side of all streets within the Conditional Use and the sidewalk design shall take into account the location of a school bus stop.**
- g) The developer shall coordinate with the Seaford School District about the location of a centralized school bus stop within the development. If requested by the Seaford School District, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- h) Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
- i) Construction activities, including sitework and deliveries, shall only occur between 7:30 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. through 5:00 p.m. on Saturdays.**
- j) There shall be an on-site management office within the community.**
- k) The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- l) The Applicant on its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, amenities and all open space.**

**Public
Hearings/
Brickyard
Apartments
LLC/
Proposed
Land Use
Ordinance/
CZ 1910/
CU 2212
(continued)**

- m) This recommendation is contingent on Sussex County Council approving the amendment of the Future Land Use Map so that this entire parcel is identified as being within the Development Area.
- n) The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated January 7 and 21, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the applications.

Mr. Whitehouse noted that one letter of support has been received.

The Council found that John Paradee, Attorney, was present on behalf of the Applicant with Sherry Hockstedler of George Miles & Buhr. He stated that the revised designation of this property under the Comprehensive Plan and the proposed rezoning are consistent with the Comprehensive Plan; that approving this application would resolve a split-zoning of the property that currently exists; that approval of this project would help meet the County's affordable housing objectives; that all requisite infrastructure is already in place and the area is appropriate for the use; the Applicant is agreeable to all of the conditions recommended by the Commission, except they ask that Condition "j" on Conditional Use No. 2212 be amended to read as follows: *"There shall be an on-site management office within the Community, provided that, so long as the owner of the adjoining property presently approved by a Manufactured Housing Community (MHC) shall approve and permit such an arrangement. The management office for the community may be located on the site of the adjoining MHC property, otherwise the management office must be located on-site within the community."*; that this property is already approved by a Manufactured Housing Community on an adjacent property owned by the same ownership group; that they already have an office of sufficient size on the adjoining property and they would like to coordinate and have all of their management in the same office; that if the ownership separates at some point in time and that condition could no longer be satisfied, then they would have to place a management office on-site, which they agree to; that the Office of State Planning Coordination supports the application; that the Planning and Zoning Commission recommended approval; and that a letter of support was received from a neighbor and there has been no community opposition.

Mr. Vincent questioned if the Applicant has obtained approval from DNREC and obtained a CPCN (Certificate of Public Convenience and Necessity) from the Public Service Commission for water and sewer service.

Mr. Paradee and Ms. Hockstedler stated that they were unsure if these approvals have been received. Ms. Hockstedler noted that they have a permit through Mobile Gardens Manufactured Home Community.

**Public
Hearings/
Brickyard
Apartments
LLC
(continued)**

Mr. Vincent stated that he would like to see DNREC's authorization for Mobile Gardens to provide wastewater services for this property and documentation that the Public Service Commission has granted a CPCN for Mobile Gardens to provide drinking water.

There were no public comments.

The Public Hearing was closed.

**M 057 21
Defer
Action on
Proposed
Ordinance
Amending
Future
Land Use
Map**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)" and to leave the record open for the purpose of obtaining information from DNREC and the Public Service Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 058 21
Defer
Action on
CZ 1910**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.093 ACRES, MORE OR LESS" (Change of Zone No. 1910) filed on behalf of Brickyard Apartments, LLC, and to leave the record open for the purpose of obtaining information from DNREC and the Public Service Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 059 21
Defer
Action on
CU 2212**

A Motion was made by Mr. Vincent, seconded by Mrs. Green, to defer action on "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (48 APARTMENTS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.05 ACRES, MORE OR LESS" (Conditional Use No. 2212) filed on behalf of Brickyard Apartments, LLC, and to leave the record open for the purpose of obtaining information from DNREC and the Public Service Commission.

**M 059 21
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 060 21
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mrs. Green, to adjourn at
1:55 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

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

The Sussex County Library Kindness Project

Milton Public Library - Milton, Delaware
Published by Rachel Studie • February 4 at 10:00 AM •

Grab and go kindness bracelet craft kits available now in our lobby! Pick one up today and share your creations with us through Facebook messenger or send us an email at milton.library@lib.de.us 🥰 #mpldeggc

Grab and Go Kindness Bracelet Kit!

Ages 12 and up

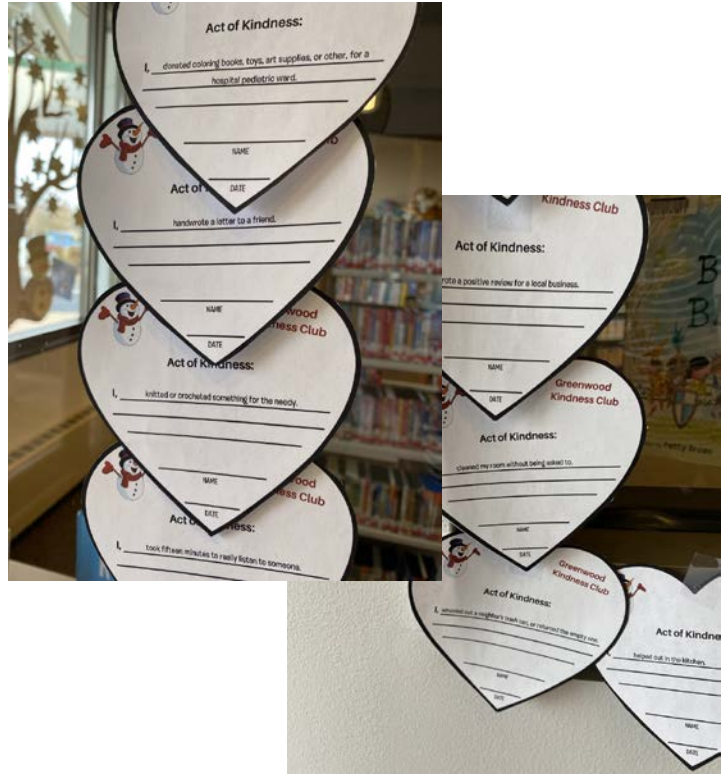
Free!

Available in our lobby! Share your creations with us on Facebook or email us at milton.library@lib.de.us

Milton Public Library - Milton, Delaware
Published by Rachel Studie • February 5 at 1:00 PM •

Grab and go coloring pages available in our lobby! We also have crafts and a kindness bracelet kit. Pick yours up today and don't forget to share your creations with us on Facebook or send us an email at milton.library@lib.de.us 🥰 #mpldeggc

Milton's FaceBook posts




South Coastal's Kindness Rocks kits



Prepping for what comes next...


Home About Us ▾ My Account Teens Children's Corner Bestsellers eMedia Library Forms ▾ Resources Friends Contact Us




[Catalog](#)
[Delaware Collections](#)
[Site](#)

Books To Go


Starting June 15th
(Contactless pick up of Holds)



Visit the DLC to place items on hold. Or give us a call at (302) 539-5231



When your items are available, call the library to schedule an appointment for pickup of materials.




Drive to the library and come into our front lobby to pick up your holds. Please remember to socially distance and wear your mask.

Featured:

Current Library Services

Current Library Hours (for lobby pickup of holds with a scheduled appointment & phone service): Monday-Friday: 10 am to 4:30 pm Saturday: 10 am to 3 pm Sunday: Closed Effective immediately: due to the increase in COVID-19, we are no [...]



Phone Service & Lobby Pickup Hours:

Lobby Pickup: By Appointment
Monday - Friday: 10:00am - 4:30pm
Saturday: 10:00am - 3:00pm
Sunday: Closed

What's Happening

View our full calendar of events

iPad Users Group
Tuesday, December 15, 2020
11:00am - 12:00pm

Holiday Favorites with David Zipse
Tuesday, December 15, 2020
3:00pm - 4:00pm
Online Meeting

Highlights

Winter Bingo Challenge
Earn a free t-shirt!

Friends of the South Coastal Library Fall 2020 Newsletter

November & December Events
Register now!

Dolly Parton's Imagination Library
Register today!

Visit. Get. Download. Connect.

Subject: Comments re: our Grab & Go Craft Kits that make it so worthwhile to do!

*Last Monday a regular patron with a four-year-old son came in for her appointment to pick up books she had put on hold along with whatever kids crafts we had available. She told me these kits were such a big hit because her son could do them with his grandparents while she and her husband went out for a much-needed date night and she didn't need to come up with any ideas herself!

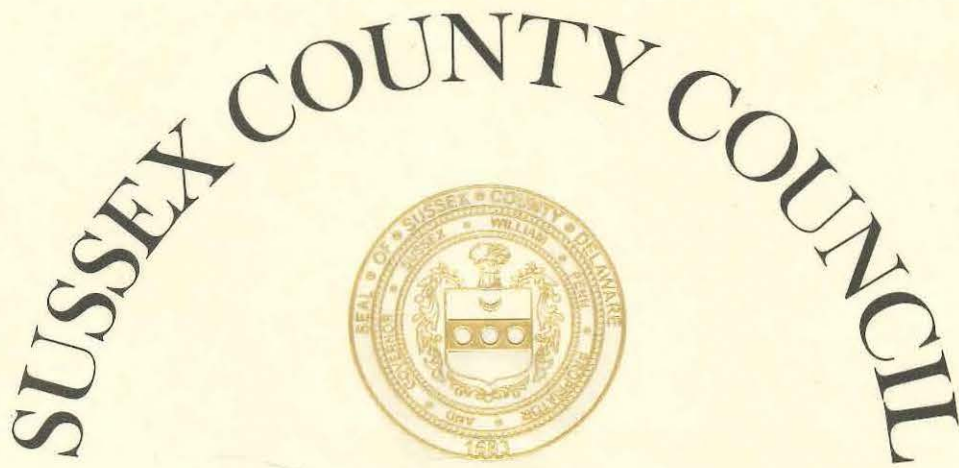
*A grandmother, who is raising her four-year-old grandson, has me personal shop for fifteen kids' books every other week. She also loves having the Grab & Go Craft Kits available to supplement his education.

From: Sharon Palmer sharon.palmer@sussexcountyde.gov RE: safe patron service

I have very close friends, Charlie and Colette, who are senior citizens. Since the pandemic began, they have completely quarantined except for walks around their community. They have missed in-person family birthday and anniversary celebrations, had their food delivered by Giant and BJ's and had friends drop off any other needed items on their front porch. They both love to read. I described to them our Books-to-Go program. Charlie had a book on hold from March and decided to make an appointment and see if he felt safe enough to come into the lobby to check the book out.

Well, he was so impressed with our operation! He checked out the book, went home and explained how Books to Go worked to his wife. She texted me that night that she now felt safe enough to place a book on hold and make an appointment to pick it up. This is the first place they have gone to since March 16th. Thank you, County!

Sharon Palmer
Children's Coordinator
South Coastal Library
sharon.palmer@sussexcountyde.gov



PROCLAMATION

**PROCLAIMING FEBRUARY 14 THROUGH 20, 2021 AS
“SUSSEX COUNTY LIBRARIES
RANDOM ACTS OF KINDNESS WEEK”**

WHEREAS, acts of caring during the COVID-19 pandemic have highlighted our compassion and strengthened our mental health and that of others; and

WHEREAS, our seniors have been isolated from normal social activities; and

WHEREAS, children need to understand and grow empathy to be fully-engaged citizens; and

WHEREAS, libraries have been the heart of Delaware communities for 120 years; and

WHEREAS, libraries are able to affect positive change, promote civil discourse and support partners in the 2021 Sussex County Library Kindness Project;

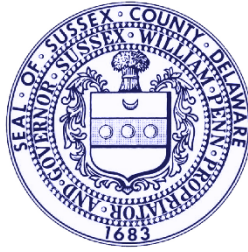
NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council proclaims February 14 through 20, 2021 as *Sussex County Libraries Random Acts of Kindness Week*.

Michael H. Vincent, President

Dated: February 16, 2021

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

FROM: Hans Medlarz, P.E. County Engineer

RE: *Herring Creek Sanitary Sewer District*
A. Whitman, Requardt & Associates – Amendment No. 3
Construction Administration and Project Inspection

DATE: February 16, 2021

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). On November 1, 2016, the first scope of work for the EJCDC Herring Creek Sanitary Sewer District Agreement was approved, in the amount of \$102,649.00, for aerial mapping and environmental assessment issues.

On August 2, 2016, County Council approved the addition of the Herring Creek area to the Unified Sewer District. On March 20, 2017, the Finance 7 Engineering Departments filed a \$20,500,000 overall funding application with USDA/Rural Development. Due to the size of the project, USDA approached the County with a three-part funding plan. Part 1 encompasses the pump stations and pressure mains in conjunction with the necessary the right-of-way acquisitions. Part 2 provides the sewer collection system for all subdivisions off Sloan Road while Part 3 provides the collection system for all minor and major subdivisions off Banks Road.

On June 21, 2017, the County accepted the letter of conditions and the obligating document associated with the first partial funding in the amount of \$4,287,000 of loan and \$990,000 of grant funding. On January 30, 2018, Council approved the USDA Loan Resolution and introduced the associated ordinance which was approved by Council on March 13, 2018.

On June 8, 2018, the County accepted the letter of conditions and the obligating document associated with the second partial funding in the amount of \$5,600,000 of loan and



\$1,899,000 of grant funding. On June 19, 2018 Council approved the USDA Loan Resolution and the associated ordinance was approved on July 17, 2018.

On August 2, 2018, the County accepted the letter of conditions and the obligating document associated with the third partial funding in the amount of \$5,601,000 of loan and \$1,900,000 of grant funding. On September 11, 2018, Council approved the USDA Loan Resolution and the associated borrowing ordinance.

With funding for all three phases in place, WRA's Amendment No. 1 covering final design of the Herring Creek Sanitary Sewer District Pump Station, Force Main and Sewers was subsequently approved by Council on October 2, 2018.

On October 8, 2019, Council awarded the construction contract for Herring Creek Project S20-06 consisting of the pump stations to Chesapeake Turf, LLC in the amount of \$4,256,760.00. On November 19, 2019, Council approved WRA's Amendment No.2 to the EJCDC Base Agreement in a "not to exceed" amount of \$307,304.00 for construction administration and project inspection of said project.

On June 25, 2020, bids for the North Gravity Sewer and Force Main, Project S20-07 were publicly advertised and on July 23, 2020, eight (8) bids were received. JJID, Inc, of Bear, Delaware submitted the low base bid. On August 11, 2020 County Council awarded Project S20-07 to JJID, Inc. in the amount of \$5,091,000. The overall project cost numbers have been adjusted accordingly and despite built in contingencies, most likely some supplemental federal funding will be required. The next project to be bid is the South Gravity Sewer and Force Main with the blast one being the gravity sewers in Winding Creek Village.

The Department is now requesting approval of WRA's Amendment No. 3 to the EJCDC Base Agreement in the not to exceed amount of \$448,676.00 for construction administration and inspection services associated with all three gravity sewer construction contracts contingent upon USDA concurrence.

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Project Order:

Owner: Sussex County

Engineer: Whitman, Requardt & Associates

Project: Herring Creek Sanitary Sewer District

Nature of Amendment:

- ☒ Additional Services to be performed by Engineer
- ☐ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☐ Modifications of payment to Engineer
- ☐ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Additional Services See Attachment A – Scope of Services for details.

Modifications to other terms and conditions of the Agreement:

Add the following after 8.05 D – Federal Requirements

8.05 E - CONSULTING ENGINEER RESPONSIBILITIES REGARDING AMERICAN IRON & STEEL:

In order to comply with American Iron & Steel (AIS) requirements, the Consulting Engineer must ensure the following actions are taken:

- (1) Include costs of compliance with AIS in engineering fees (if appropriate) and in engineer's opinions of probable cost and associated revisions.

(2) Agreements for engineering services: Include AIS language (see Section 16).

(3) Plans, specifications, bidding documents and bid addenda: Include required AIS language (see Section 16 of Bulletin 1780-35). For any AIS products specified by brand names, obtain a manufacturer's certification letter (see Exhibit D of Bulletin 1780-35) from the manufacturer to verify the products comply with AIS.

(4) Certify that plans, specifications, and bidding documents comply with AIS and commit that bid addenda, executed contracts and change orders will comply with AIS and submit a letter to the Agency prior to authorization to advertise for bids (see Exhibit B of Bulletin 1780-35).

(5) Award: Provide copies of manufacturers' certification letters to the general contractor on any specified brand name AIS products in the plans, specifications and bidding documents including any bid addenda. RUS Bulletin 1780-35 Page 14.

(6) Shop drawing submittal: Review shop drawings and change orders to ensure compliance with AIS. For shops drawings under consideration for any brand name, equal and/or substitute, and any iron and steel products subject to AIS, obtain a manufacturers' certification letter (see Exhibit D of Bulletin 1780-35) from the general contractor to verify the products comply with AIS.

(7) Keep all certification letters (including those from the engineer, contractor and any manufacturer providing AIS products) in the engineer's project file.

(8) Change Order: For any change order under consideration for any AIS products, obtain a manufacturer's certification letter (see Exhibit D of Bulletin 1780-35) from parties submitting the change proposal to ensure compliance with AIS.

(9) Acknowledge responsibility for compliance with AIS requirements by signing change orders (i.e. C-941 of EJCDC) and partial payment estimates (i.e. C-620 of EJCDC).

(10) Substantial completion of project: Obtain the contractors' certification letter (see Exhibit C of Bulletin 1780-35) and copies of manufacturers' certification letters for all AIS products used in the project. Provide copies of engineer's, contractors', and manufacturers' certification letters to the owner and copy of contractor's certification letter to the Agency. Provide a list of manufacturers to the RD State Engineer for AIS products used in the project (including manufacturer name and location, product(s)).

Project Order Summary:

Original Project Order amount:	\$ <u>102,649.00</u>
Net change for prior amendments:	\$ <u>1,050,838.00</u>
This amendment amount:	\$ <u>448,676.00</u>
Adjusted Project Order amount:	\$ <u>1,602,163.00</u>

Change in time for services (days or date, as applicable): _____

The foregoing Project Order Summary is for reference only and does not alter the terms of the Agreement or the Project Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County Council

By: _____
Print
name: _____

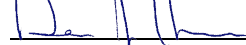
Title: President, Sussex County Council

Date Signed: _____

(SEAL)

ENGINEER:

Whitman, Requardt and Associates, LLP

By: 
Print
name: Dennis J. Hasson, PE, BCEE

Title: Partner

Date Signed: November 24, 2020

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith
Clerk of the County



SCOPE OF SERVICES

HERRING CREEK SANITARY SEWER DISTRICT (HCSSD) CONTRACTS S20-07 AND S20-08

CONSTRUCTION ADMINISTRATION AND PROJECT INSPECTION

This attachment outlines the required Scope of Services for **HCSSD Contracts S20-07 and S20-08 Construction Administration and Project Inspection**. This work effort will generally include services during the Construction Phases of the Project for Contract Administration, Submittal Reviews, Observation of the Work, and Project Inspection. The Derivation of Man-hours and Estimated Fee for these tasks are provided in the summary spreadsheets included with this document. This proposal assumes the two (2) contracts will require inspection based on the following:

HCSSD Contract S20-07 North Gravity Sewer and Force Main: Assumed 13-month project duration from November 2020 through December 2021, inclusive of 12-month contract duration with one month for closeout.

HCSSD Contract S20-08 South Gravity Sewer and Force Main: Assumed 13-month project duration from February 2021 through March 2022, inclusive of 12-month contract duration with one month for closeout.

It is assumed that WRA will provide one full time inspector from November 2020 through March 2022, with inspection supplemented by the County as needed.

PART A - CONSTRUCTION ADMINISTRATION

- 1. General Construction Administration.** WRA will consult with Sussex County and act as the County's representative during the duration of all construction projects. This effort involves the day to day coordination of in-house and field personnel during the construction phase. This proposal assumes approximately 3 hours/week per contract for general construction administration by the Construction Manager.
- 2. Preconstruction and Monthly Progress Meetings.** WRA will prepare meeting agendas, conduct monthly progress meetings and issue meeting minutes. It is assumed that there will be one progress meeting day per month for each contract during the durations noted above, which will be attended by the construction manager and resident project representative.
- 3. Specialized Site Visits by Specialized Inspectors.** WRA will make visits to the site by specialized inspectors (geotechnical) when requested by Sussex County. WRA will produce a project completion list for use by the County. It is assumed that the Contractor will be responsible for all soils testing.

4. ***Requests for Information (Clarifications).*** When requested by Sussex County, respond to Requests for Information (RFIs) relating to the contract documents. This proposal assumes a total of six (6) RFIs total will be required per Contract.
5. ***Change Orders and Work Change Directives.*** Upon the request of Sussex County, WRA will review the Contractor's change order requests. WRA will document its findings in a memorandum to Sussex County. It is assumed that no more than Three (3) change order requests in total (including the final balancing change order submitted by the Contractor for each contract) will be required per contract.
6. ***Shop Drawings and Samples.*** It is assumed all shop drawing review will be performed by the County.
7. ***Operation and Maintenance Manuals.*** It is assumed that no O&M manuals will be required.
8. ***Applications for Payment.*** Based on WRA's observations and on a review of the Contractor's Monthly Applications for Payment and accompanying supporting documentation, determine the amounts that WRA recommends the Contractor be paid by Sussex County. Such observations and review, mean that, to the best of WRA's knowledge, information and belief, the Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, and the conditions precedent to the Contractor being entitled to such payment appear to have been fulfilled insofar as it is WRA's responsibility to observe the Contractor's Work. In the case of unit price work, WRA's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).
9. ***Substantial Completion.*** At the request of the County, WRA will assist the County in conducting an inspection for each contract to determine if the Work is Substantially Complete.
10. ***Contractor's Completion Documents.*** At the completion of the Construction Phase, WRA will coordinate with the Contractors to obtain as-built information and will provide the County with final electronic CADD files from the original contracts, as well as the Contractors electronic as-builts. The County will generate final as-builts from the information provided.

PART B - PROJECT INSPECTION

WRA shall furnish one Resident Project Inspector who will observe the work done by the Contractor and promptly inform the County of deviations from the Contract Documents. The Resident Project Inspector will serve as WRA's representatives in the field, providing information on the daily progress of the job to WRA technical personnel. It is assumed that the Resident Project Inspector will provide inspection for 40 hours per week from November 2020 through March 2022, with inspection supplemented by the County as needed.

PROJECT NAME: Herring Creek Construction Administration and Inspection																		REVISION	Attachment A		
MANHOUR ESTIMATE AND PROPOSAL																		DATE	111323/2020		
CLIENT: Sussex County Engineering Department																		BY	DJH/WFH		
TASK	PROJECT DESCRIPTION: Construction Administration and Resident Project Representation	Project Manager	Civil Engineer	Civil Designer / CADD	Geotech Engineer	Struct. Engineer	Struct. Designer / CADD	Mech. Assoc. / Proj. Engr.	Mech. Engineer	Mech. Designer / CADD	Elect. Engineer	Electrical CAD	SCADA Engineer	Resident Inspector	Project Inspector	Construction Manager	WRA TOTALS	WRA EXPENSES	Subcontractor hours	Subcontractor Payroll	Subcontractor Expenses
Phase A -	Construction Administration	Use Labor Cost Rates for year: 2021																T, R, E S, or L (See Legend)	T, R, E S, or L (See Legend)		
A1	General construction administration	312															312	T			- \$
A2	Pre-construction and monthly progress meetings	256															256	T, E	\$3,136		- \$
A3	Specialized site visits by specialized inspectors	8			16												24	T	\$1,000		
A4	Request for information (clarifications)	28	22		4												54	-	\$		- \$
A5	Change orders and work change directives	22	12														34	-	\$		- \$
A6	Shop drawings and samples																0	-	\$		- \$
A7	Operation and Maintenance Manuals																0	-	\$		- \$
A8	Application for Payment	48															48				- \$
A9	Substantial Completion	16															16	-			- \$
A10	Contractors Completion Documents	2		16													18				- \$
PHASE A SUBTOTALS =		692	34	16	20	0	0	0	0	0	0	0	0	0	0	32	794	\$4,136	Subcontractor Total \$0		
PHASE A SUB-TOTAL DOLLARS =		\$126,693	\$4,754	\$1,631	\$2,882	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,626	\$140,586		Profit on Sub 0.0%		
			Civil	\$6,385	Geotech	Structural	\$0	0	Mech.	\$0	0	Electrical	\$0	0	\$0	32			WRA Total \$144,722		
																			PHASE A TOTAL \$144,722		
Phase B -	Resident Project Representation	Use Labor Cost Rates for year: 2021																T, R, E S, or L (See Legend)	T, R, E S, or L (See Legend)		
B1	Resident Project Representation													2960			2960	T	\$2,300		- \$
																	0				- \$
																	0				- \$
																	0	-	\$		- \$
																	0	-	\$		- \$
																	0	-	\$		- \$
PHASE B SUBTOTALS =		0	0	0	0	0	0	0	0	0	0	0	0	2960	0	0	2960	\$2,300	Subcontractor Total \$0		
PHASE B SUB-TOTAL DOLLARS =		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$301,654	\$0	\$0	\$301,654		Profit on Sub 0.0%		
			Civil	\$0	Geotech	Structural	\$0	0	Mech.	\$0	0	Electrical	\$0	2,960	\$301,654	0			WRA Total \$303,954		
																			PHASE B TOTAL \$303,954		

TOTAL \$448,676

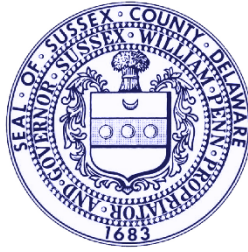
		Project Manager	Civil Engineer	Civil Designer / CADD	Geotech Engineer	Struct. Engineer	Struct. Designer / CADD	Mech. Assoc. / Proj. Engr.	Mech. Engineer	Mech. Designer / CADD	Elect. Eng.	Electrical CADD	SCADA Engineer	Resident Inspector	Project Inspector	Construction Manager
Bare Labor Cost rates for year	2021	\$77.25	\$59.00	\$43.00	\$60.80	\$65.00	\$42.80	\$74.50	\$59.85	\$50.00	\$60.75	\$44.35	\$71.75	\$43.00	\$32.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.37	\$183.08	\$139.83	\$101.91	\$144.10	\$154.05	\$101.44	\$176.57	\$141.84	\$118.50	\$143.98	\$105.11	\$170.05	\$101.91	\$75.84	\$144.57
Bare Labor Cost rates for year																
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bare Labor Cost rates for year																
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

WRA EXPENSES
T = Travel @ 48 mile
R = Reproduction
E = Equipment Rental
S = Subcontractor
L = Laboratory Cost



ENGINEERING DEPARTMENT

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FAX	(302) 855-7799



Sussex County

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sussexcountycle.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***Weston Solutions, Inc. - Landfill Professional Services Firm***
A. Increase FY 21 Scope & Fee for Task Order LF-2021-3

DATE: February 16, 2021

Sussex County operated up to six (6) municipal landfills from 1968 to 1984. Over time each site was converted to a transfer station upon reaching its original landfill capacity. Gradually the transfer stations were closed concluding in 1994. The landfill sites were later identified pursuant to Delaware Code, Title 7, Chapter 91 under the Delaware Hazardous Substance Cleanup Act (HSCA). They are regulated by the Department of Natural Resources and Environmental Control (DNREC). The Division of Waste & Hazardous Substances, along with the Division of Water, administer and oversee the regulatory site management.

The State and the County mutually agreed on an Operations & Maintenance (O&M) plan, as well as, a formally recorded Environmental Covenant document for each site. In addition, Sussex County Landfill No.5 in Laurel is a delisted USEPA Federal Superfund Program site. It is governed by supplementary regulatory directives, as specified in a Notice of Conciliation agreement (NOC) made between the EPA, DNREC and Sussex County.

As part of the approved O&M plans, and the agreed upon NOC, a groundwater monitoring program was established, and groundwater sampling is conducted annually. All six Sussex County Landfill sites have monitoring requirements established by the Site Investigation and Restoration Branch (SIRB) of DNREC's Division of Waste & Hazardous Substances.

The present-day monitoring regimen is mainly a result of the inclusion of Laurel landfill on the USEPA Superfund Site listing in 1988, and subsequent inclusion of the other five Sussex County Landfill sites, LF1-Bridgeville, LF2-Stockley, LF 3-Angola, LF 4-Anderson Crossroads, and LF 6-Omar, on the Hazardous Substance Control Act (HSCA) site listing in 1994.



Weston Solutions, Inc. has negotiated regulatory matters on behalf of Sussex County throughout the years, reducing landfill monitoring needs and assisting the County in maintaining regulatory compliance. Weston's staff performs the annual landfill groundwater monitoring outlined in the legal agreements between the State and County. Agreements include two Memorandums of Understanding (MOU), 1988 and 2000; a Landfill Closure Plan from 2003; a Landfill Operations and Maintenance Plan from 2005; a Notice of Conciliation for the Laurel landfill from 1996; and Environmental Covenants for the six landfill sites defined in 2015. Weston also compiles and submits to DNREC the mandatory annual reports for both the NOC and the O&M agreements.

In a Memorandum dated June 25, 1990, the Sussex County Administrator at that time, stated the original selection of Weston for the County's landfill consulting work met all requirements of State law. A Basic Ordering Agreement for services by Weston was subsequently compiled, reviewed by the County Attorney, and approved by Sussex County Council on April 16, 1991. The Engineering Department has continued to utilize Weston Solutions, Inc. under this Basic Operating Agreement for landfill consulting, monitoring, and reporting. On March 14, 2017 County Council reaffirmed Weston Solutions, Inc. as the Landfill Professional Services Consultant for a five (5) year period starting July 1, 2017, based on their expertise and past performance. A total not to exceed budget of \$96,900.00 was approved for FY 18 task orders.

Each year Weston provides a scope of work with cost estimate in a task order format; the total estimate is included in the Engineering Department's annual budget. With monitoring and reporting needs uniform over recent years, the scope and fee has been consistent. This trend prompted the Engineering Department to recommend Council approve services for the budget years remaining under the affirmation. On June 18, 2019, Council approved Weston's FY 20, 21 and 22 budget amounts for services not to exceed \$96,900.00 and authorized the County Engineer to execute the annual task orders based on acceptable consultant performance.

Consistency in reporting requirements changed however, as DNREC provided a condition when approving the recent landfill Annual Report. DNREC requested a Remedy Evaluation Report (RER) be developed and submitted, noting the RER is a mandatory report which should be provided every 5-years in accordance with our Agreements. It was recognized a RER had never been developed and submitted to DNREC. After discussion with the Engineering Department Weston provided a task to complete the RER in the FY 21 scope of work. Initially it was believed this new task could be completed under our approved budget amount. However, DNREC's review of draft information resulted in a requirement to increase the evaluation and reporting period from 5-years to almost 30 years. Since RER reports were not developed in prior years, we are required to evaluate and report on data since the 1987 start of landfill monitoring. This along with other minor requirements yielded a scope more significant than originally expected, however it will establish a baseline for future 5-year RER reports to be more efficiently developed.

Weston provided a scope and fee estimate to complete this initial RER report. An additional \$23,000.00 is requested for the RER task order under the FY 21 budget, resulting in a new not to exceed total task order value of \$48,000.00. The Engineering Department recommends Council increase the FY 21 scope and fee for Weston's Task Order LF-2021-3 as requested and authorize the County Engineer to execute the task order amendment.



Weston Solutions, Inc.
1400 Weston Way
West Chester, PA 19380
610-701-3000
WestonSolutions.com



February 4, 2021

Mr. Patrick Brown
Sussex County Engineering Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Re: Updated Scope of Work (SOW) and Cost Estimate to Complete Remedy Evaluation Report (RER)
for Sussex County Landfills

Dear Mr. Brown:

Weston Solutions, Inc. (WESTON) is submitting this updated SOW and cost estimate to Sussex County for completion of the Remedy Evaluation Report (RER) for the five Sussex County landfills (excludes Laurel Landfill).

On March 9, 2020, WESTON provided Sussex County the original SOW and cost estimate letter for fiscal year 2021 (FY21) activities related to the Sussex County landfills. The March 2020 letter contained the original SOW and cost estimate to prepare a RER, which the Delaware Department of Natural Resources and Environmental Control (DNREC) had requested in their approval of the previous Annual Report. As you know, this is the first RER being completed for the five County landfills and several DNREC requirements were undefined.

After the submission of our March 9, 2020 letter to Sussex County, we prepared a draft expanded outline for the RER, which the County provided to DNREC. Based in part on the agency's review of this outline, DNREC required that this first RER for the five landfills contain several additional elements, which were not included in our original SOW for the RER. We had initially planned to evaluate concentration trends for only a limited number of parameters that exceeded DNREC Uniform-Risk Based Standard (URS) values in the last five years; however, DNREC required that the first RER include an evaluation of all parameters that exceeded URS values from 1987 to present (over 30 years of groundwater data). This requirement results in a significant increase in parameter evaluations. Furthermore, additional effort has been incurred by WESTON manipulating the much larger database to accommodate the trend plots/statistical evaluations. At DNREC's request, we are also adding water level data to the trend plots and incorporating TDS and chloride concentration trend analyses to the RER evaluation as general indicators of groundwater quality conditions at the five County landfills. Finally, at DNREC's request,



Mr. Patrick Brown
Sussex County

- 2 -

February 4, 2021

analytes that currently exceed URS values will be evaluated to estimate, if possible, the time required for URS values in groundwater to be met.

WESTON's March 9, 2020 letter provided an estimated cost of \$25,000 to complete the original SOW relative to RER preparation. Sussex County issued Task Order #LF-2021-3 with a budget of \$25,000 to WESTON for the RER. Based on the additional work activities required to complete the RER as described herein, WESTON has developed an updated cost estimate and requests an additional \$23,000 to complete the RER under a total Task Order #LF-2021-3 value of \$48,000.

Based on our discussion, WESTON will prepare the draft RER for the County's review. The RER will be finalized based on comments received from Sussex County and submitted to DNREC. As we agreed, any review comments received from DNREC on the RER will be addressed in the County's FY22.

If you have any questions concerning the information in this letter, please contact me.

Very truly yours,

Weston Solutions, Inc.

Thomas A. Drew

Thomas A. Drew, P.G.
Project Manager

c: Dave Cairns, WESTON

TASK ORDER # LF-2021-3
(AMENDED)

FROM: SUSSEX COUNTY COUNCIL (CLIENT)
TO: WESTON SOLUTIONS, INC. (WESTON)

In accordance with the Terms and Conditions of the Basic Ordering Agreement dated April 16, 1991, and Sussex County Council reaffirmation approval on March 14, 2017, CLIENT hereby authorized WESTON to perform the following work:

Task Order No.: LF-2021-3 (Weston Work Order 01631.151.001)

Sussex County Contract No.: _____

Job Title: TECHNICAL SUPPORT FOR REMEDY EVALUATION REPORT (RER)

Effective Date of Task Order: July 1, 2020

Scope of Work: Kick-off meeting, tabulation of groundwater data (last 5 years), statistical trend analysis, evaluation of remedy performance and effectiveness and preparation of a Remedy Evaluation Report (RER) for five landfills in general accordance with DNREC's Operation and Maintenance Guidance.

Estimated Cost: \$ 25,000

**Schedule: Commence July 01, 2020
 Complete June 30, 2021**

Deliverables: Remedy Evaluation Report for five landfills.

Additional Provisions: Provide additional scope of work to complete RER in accordance with DNREC requirements, as more fully described in Weston's Updated Scope of Work (SOW) and Cost Estimate to Complete Remedy Evaluation Report (RER) for Sussex County Landfills letter dated February 4, 2021.

New Estimate Cost: \$ 48,000

AUTHORIZED BY:

BY: _____
Hans M. Medlarz, P.E., Sussex County Engineer

Date

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
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UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 853-5881



Sussex County

DELAWARE

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

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

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

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

RE: ***Professional Environmental Services Project 19-23
Geotechnical Engineering Services
Approval for Increase of FY 21 Not-to-Exceed Cost***

DATE: February 16, 2021

In support of a variety of improvement projects undertaken by the Engineering Department associated with operation and maintenance activities of County assets, a professional services contract for Geotechnical Engineering Services was established in 2019. Council authorized the Engineering Department on April 16, 2019 to negotiate and execute a Professional Services Agreement with Hillis-Carnes Engineering (HCA) to support department initiatives over a five (5) year period. The annual Not-to-Exceed (NTE) cost based on fiscal year was established at fifty thousand dollars (\$50,000.00).

We are currently in year two (2) of the contract (FY 21) and to date we have expended a total of forty-nine thousand one hundred thirty-four dollars (\$49,134.00). During the first contract year a total of twenty-one thousand nine hundred thirty-two dollars (\$21,932.00) was expended. A summary of all contract tasks broken down by fiscal year is attached for reference.

At this point with over four (4) months left in this fiscal year we anticipate needing additional geotechnical engineering services to support miscellaneous department initiatives and activities. As a result, the Engineering Department is requesting that the NTE cost for the current fiscal year (FY 21) be increased by twenty thousand dollars (\$20,000.00) for a total annual NTE amount of seventy thousand dollars (\$70,000.00). Based on services provided this year and anticipated upcoming initiatives, the Engineering Department will consider increasing the contract NTE cost for the next fiscal year.



HILLIS-CARNES ENGINEERING ASSOCIATES, INC.
GEOTECHNICAL ENGINEERING ON-CALL SERVICES TASKS

CONTRACT EFFECTIVE THROUGH APRIL 16, 2024 *

TASK ORDER NO.	TASK ORDER DESCRIPTION	AMOUNT	REMAINING ON CONTRACT
FY 20			
1	DE Coastal Business Park (Soil Investigations)	\$10,252.00	\$39,748.00
	Supplemental Task Order 1	\$5,080.00	\$44,920.00
2	Vibration Monitoring PS 412 WCV	\$2,950.00	\$41,970.00
3	Bridgeville WWTP Soil Borings	\$3,650.00	\$38,320.00
Total Spent		\$21,932.00	
FY 21			
4	Bridgeville WWTP Subsurface Investigation	\$2,920.00	\$47,080.00
2 (Amendment)	Vibration Monitoring w/ add'l sites	\$8,850.00	\$38,230.00
5	DE Coastal Business Park Geotech	\$14,599.00	\$23,631.00
6	Bunting Farm	\$22,765.00	\$866.00
Total Spent		\$49,134.00	

*Costs not to exceed 50k/yr.

**Council District 5: Rieley
Tax I.D. No. 533-5.00-86.00
911 Address: 32252 Frankford School Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HARDSCAPING, OUTDOOR LIVING CONSTRUCTION AND A COMMERCIAL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.65 ACRES, MORE OR LESS

WHEREAS, on the 16th day of December 2020, a conditional use application, denominated Conditional Use No. 2256 was filed on behalf of Jerry Meiklejohn LLC, 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. 2256 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, Subsections 115-22, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2256 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on south side of Frankford School Road (S.C.R. 92) approximately 0.37 mile east of McCary Road (S.C.R. 385) and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 6.65 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.