

# Sussex County Council Public/Media Packet

# **MEETING: April 21, 2015**

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Sussex County Council

The Circle | PO Box 589
Georgetown, DE 19947
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MICHAEL H. VINCENT, PRESIDENT SAMUEL R. WILSON JR., VICE PRESIDENT ROBERT B. ARLETT GEORGE B. COLE JOAN R. DEAVER



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# Sussex County Council

## AGENDA

#### **APRIL 21, 2015**

## 10:00 A.M.

#### Call to Order

**Approval of Agenda** 

**Approval of Minutes** 

**Reading of Correspondence** 

### **Public Comments**

### **Todd Lawson, County Administrator**

- 1. Tribute Presentation C. Shane Abbott
- 2. Proclamation Soil & Water Stewardship Week
- 3. Administrator's Report

### Hal Godwin, Deputy County Administrator

1. Legislative Update

## Anthony DiGiuseppe, Jr., Planning Technician

- 1. EMS Station 105 Project
  - A. Change Orders

#### Juel Gibbons, Project Engineer

- 1. Pump Station 207 and Force Main
  - A. Change Order No. 1



### **Old Business:**

Conditional Use No. 2008 filed on behalf of John Martin

## **Grant Request**

- 1. Milton Fire Department for Ladies Auxiliary's 50th Anniversary Celebration
- 2. West Side New Beginnings for the West Rehoboth Community Youth Program
- 3. Delaware Technical & Community College for Kids on Campus Program
- 4. Delaware Community Foundation for the Georgetown-Millsboro Rotary Club's Flags for Heroes Project
- 5. Children of the Delaware National Guard Youth Camp for Camp Operations

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

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

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

## **Possible Action on Executive Session Items**

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

#### Conditional Use No. 2013 filed on behalf of TBHM, LLC

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEADERY MICROBREWERY FOR THE MANUFACTURING OF HONEY WINE AND TASTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED AND BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS" (land lying north of Route 9 (Lewes Georgetown Highway) 600 feet east of Coolspring Road and south of Railroad) (911 Address – None Available) (Tax Map I.D. 334-4.00 34.00 (Part of) and 235-31.00-15.00)

#### Change of Zone No. 1765 filed on behalf of Red Mill Pointe, LLC

"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS" (land lying northeast of Route One (Coastal Highway) across from Red Mill Pond) (911 Address: None Available) (Tax Map I.D. No. 334-1.00-5.00)

#### Adjourn

Sussex County Council Agenda April 21, 2015 Page **3** of **3** 

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Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

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In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on April 14, 2015 at 5:20 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 listed may be considered out of sequence.

####

#### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 14, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 14, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent
Samuel R. Wilson, Jr.
George B. Cole
Joan R. Deaver
Robert B. Arlett

President
Councilman
Councilman
Councilman

Todd F. Lawson
Gina A. Jennings

County Administrator
Finance Director

David N. Rutt Assistant County Attorney

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

Call to

Order Mr. Vincent called the meeting to order.

M 134 15 Approve Agenda A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to approve the Agenda, as posted.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Minutes The minutes of March 31, 2015 were approved by consent.

Correspondence **Correspondence** 

Mrs. Deaver reported that she receives correspondence regarding the need for a better transportation system in the County, especially in District 3.

Mrs. Deaver announced that the Rehoboth Art League is moving to its new location on Route 9 a few miles outside of Lewes.

Public Public Comments
Comments

There were no public comments.

Consent

Agenda Consent Agenda

M 135 15 A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to approve the

following items listed under the Consent Agenda:

M 135 15 Wastewater Agreement No. 927 Approve Sussex County Project No. 81-04

Consent Swann Cove – Phase 6 (Swann Cove Limited Partnership)

Agenda Fenwick Island Sanitary Sewer District (continued)

Wastewater Agreement No. 378-6 Sussex County Project No. 81-04

Warrington Creek - Phase 10 (AKA Sawgrass South)

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

The Freeman Stage at Bayside Patti Grimes, Executive Director of the Joshua M. Freeman Foundation, presented an update on The Freeman Stage at Bayside and the progress that they have made in bringing the arts to Sussex County. As part of the Joshua M. Freeman Foundation, they are a public charity that partners to present memorable performances and provide inspired arts education for all. Ms. Grimes reported on the 2014 season, the upcoming events planned for the 2015 season, and plans for expansion. Ms. Grimes stated that The Freeman Foundation could not promote the arts without volunteers and funding support. Ms. Grimes thanked the Council for its past partnership and asked for the Council's continued financial support for transportation costs for children.

Fair Housing Month The Council presented to representatives of the Sussex County Association of Realtors a Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS *FAIR HOUSING MONTH* IN SUSSEX COUNTY".

Service Recognition Day The Council presented to representatives of and volunteers for Habitat for Humanity a Proclamation entitled "PROCLAIMING APRIL 14, 2015 AS NATIONAL SERVICE RECOGNITION DAY IN SUSSEX COUNTY".

Draft
Ordinance/
Temporary
Removable
Vendor
Stands

Mr. Lawson and Vince Robertson, Assistant County Attorney, presented a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, §69 AND §72; ARTICLE XI, §77 AND §80; AND ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS" for the Council's consideration.

Synopsis: There have been several proposed temporary removable vendor stands (including "food trucks") that have sought approval in Sussex County, and until now there was no clear path under the Zoning Code governing the approval process. Instead, approvals have been sought by default under the Conditional Use "catch-all" category of "residential, business, commercial or industrial uses when the purpose of this chapter are more fully met by issuing a conditional use permit." As a result of this, existing stands run the risk of violation, and those seeking approval face uncertainty about how to proceed under the Code. With this amendment, such stands in the B-1, C-1 and CR-1 districts can receive over-the-counter approval if certain specific requirements are satisfied. In those districts, if the Director still has concerns about the proposal, the owner of the stand

Draft Ordinance/ Temporary Removable Vendor Stands (continued) can seek a Special Use Exception from the Sussex County Board of Adjustment. This amendment will not affect temporary removable farm stands that are permitted uses in the AR-1 District under Section 115-20.A.(3).

The Council previously discussed a draft ordinance on March 31st at which time staff was directed to amend the draft ordinance to include the B-1 District. The draft ordinance presented on this date is a result of that direction from Council.

# Introduction of Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, §69 AND §72; ARTICLE XI, §77 AND §80; AND ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS".

The Proposed Ordinance will be advertised for Public Hearing.

# Administrator's Report

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

#### 1. County Government Day – Thursday, April 16th

We are pleased to once again sponsor the annual County Government Day on Thursday, April 16<sup>th</sup>. At 9:30 a.m., high school juniors from Sussex County Girls and Boys State will meet in the County Council Chambers. A mock County Council session will occur, with the representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle County issues as presented by County department heads. This program can be seen and heard on the County's website.

## 2. Bobby Prillhart

It is with sadness that we note the passing of County pensioner Bobby Prillhart on Tuesday, March 17<sup>th</sup>. Mr. Prillhart began his career with Sussex County in July 1989 and retired from the Security Department in July 1997 with eight years of service. We would like to express our condolences to the Prillhart family.

Paramedic Station 105 Lease Amendment Robert Stuart, Director of EMS, and Robert Schoonover, Paramedic Division Manager, presented a proposed extension to the County's lease agreement for Paramedic Station 105 on Roxana Road in Frankford. He noted that a new station is under construction; however, due to winter weather conditions and other issues that have happened on the site, construction has been delayed. Mr. Stuart stated that the landlords have agreed to an extension on a month to month basis until the new station is completed.

M 136 15 Approve Lease Amendment/ Paramedic Station 105 A Motion was made by Mr. Wilson, seconded that Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council approves the Second Amendment to the Lease Agreement extending the current Lease between Lawrence C. Kelly and Sussex County, Delaware, for the use of a portion of the building owned by them, as described therein by Sussex County EMS as Paramedic Station 105.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Grant

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

M 137 15 Countywide Youth Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Countywide Youth Grant Account to Ducks Unlimited for the Annual Greenwing Event.

Motion Adopted: 3 Yeas, 2 Nays.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Nay; Mr. Wilson, Nay;

Mr. Vincent, Yea

M 138 15 Countywide Youth Grant A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 from Countywide Youth Grant Account to Trap Pond Partners for the Healthy Kids Day Event.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 139 15 Councilmanic Grant A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$750.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Historical Society for the Annual Chautauqua Tent Show Event.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 140 15 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$750.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00 from Mr. Arlett's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest event.

M 140 15

**Motion Adopted:** 5 Yeas.

(continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Council Comments **Council Comments** 

Mrs. Deaver reported that a community informed her that they were not notified about a new development that is going to be built. Mrs. Deaver stated that there will be more of these complaints as this is one of many developments that was approved years ago and extended by an action of Council.

Mr. Arlett extended condolences to the family of Pat Dundas, who passed away on April 13, 2015. Mrs. Dundas and her husband, Pastor Dundas, started the Geneva Academy in Greenwood.

Mr. Cole referenced a letter from the Board of Adjustment to the Sussex County Council, dated April 6, 2015 regarding off-premise signs. Mr. Cole asked that this issue be included as a future agenda item or workshop item.

M 141 15 Recess At 11:07 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

**Executive Session** 

At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to land acquisition and personnel. The Executive Session concluded at 12:14 p.m.

M 142 15 Reconvene Regular Session At 12:16 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

E/S

**Action** There was no action on Executive Session matters.

M 143 15 At 12:18 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess until 1:30 p.m.

M 143 15

**Motion Adopted:** 5 Yeas.

(continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 144 15 Reconvene At 1:30 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to

reconvene.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Absent; Mr. Wilson, Absent;

Mr. Vincent, Yea

Mr. Arlett and Mr. Wilson joined the meeting.

Rules

Mr. Rutt read the Rules of Procedure for Public Hearings.

Public Hearing/ CU 2010 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHRISTIAN ACADEMY/PRIVATE SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.55 ACRES, MORE OR LESS" (Conditional Use No. 2010) filed on behalf of The Cross Christian Academy, Inc. (Tax Map I.D. No. 230-26.00-6.03) (911 Address – None Available).

The Planning and Zoning Commission held a Public Hearing on this application on February 26, 2015 at which the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated February 26, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Mr. Lank distributed an Exhibit Booklet provided by the Applicant.

The Council found that Donald Porter, Director of the Academy, was present with Gene Bayard, Esquire with Morris, James, Wilson, Halbrook & Bayard, LLP, and Roger Gross, Project Manager from Merestone Consultants, Inc. They stated that the Academy has been in existence for four years and is a private Christian school; that they serve students from Kindergarten through 12th grade; that they are currently operating just outside of Ellendale; that they currently have 40 students and 12 faculty/staff; that the Hudson family donated this land for the purpose of

Public Hearing/ CU 2010 (continued) the academy/school; that they have outgrown their current location; that they are proposing a maximum student population of 75 - 100; that no adverse impact on the neighborhood or community is anticipated; that the site is wooded along its western boundary; that there are no regulated wetlands on the site; that they have no intent to disturb the wooded area; that to the east is Prong 9 of Maple Marsh Tax Ditch; that they are working with the State to correct the tax ditch easement; that the area is primarily agricultural; that there are some residential properties in close proximity; that the site is located in a Level 4 Area according to the State Strategies; that the site is in or on the edge of the Ellendale Growth Area according to the Comprehensive Plan; that they do not anticipate any drainage issues; that on-site well water will be provided; that sewer service will be provided by an on-site wastewater disposal system (LPP System); that the system design has been approved by DNREC; that stormwater will be subject to the new stormwater regulations passed in 2014; that water will be provided by a well on-site, subject to DNREC's approval; that DelDOT is permitting a single access onto Spruce Road; that the Academy will be paying for an Area-Wide Study fee in lieu of doing a Traffic Impact Study; that currently, three (3) buildings are proposed: two (2) just less than 10,000 square feet for administration and classrooms, and a gym; and a maintenance building; that the septic system has been approved; that there is room on the site for future expansion; that the use is consistent with the Comprehensive Plan and the Conditional Use section of the Zoning Ordinance; that they have provided suggested proposed Findings of Fact and Conditions of Approval for consideration in the Exhibit Booklet; that the use is of a public/semipublic character and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County; that the use is for the general convenience and welfare of the inhabitants of the County; that they are proposing to reduce the tax ditch easement to 30-feet of width with approval from the State DNREC and a Court Order; that there is ample space on the site to expand parking, if necessary; and that letters of support are in the file from friends, family and students of the Academy.

Public comments were heard.

Pastor Nicole Kessler, a high school teacher at the Academy, spoke in support of the application. Lee Ferguson and Rebecca Masten, students at the Academy, spoke in support of the application.

There were no comments in opposition to the application.

The Public Hearing was closed.

M 145 15 Adopt Ordinance No. 2393/ CU 2010 A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2393 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CHRISTIAN ACADEMY/PRIVATE SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND

M 145 15 Adopt Ordinance No. 2393/ CU 2010 (continued) LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.55 ACRES, MORE OR LESS" (Conditional Use No. 2010) filed on behalf of The Cross Christian Academy, Inc., with the following conditions:

- A. The stormwater management system shall meet or exceed the requirements of the State and County. To the extent possible, its design and location shall minimize tree removal on the site. It shall be constructed and maintained using Best Management Practices.
- B. All entrances and roadway improvements shall comply with all of DelDOT's requirements.
- C. Addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- D. 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.
- E. The Final Site Plan shall also contain a landscape plan for all of the buffer areas shown on the preliminary site plan, showing all of the landscaping and vegetation to be included in the buffer areas.
- F. The developer shall maintain as many existing trees as possible.
- G. The site shall be served by an on-site wastewater disposal system. All improvements for collection, treatment and disposal of sanitary waste shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control.
- H. The site shall be served by an on-site well. All improvements for central water distribution, including wells, pumps and storage facilities shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control and the Department of Public Health.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2011 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (Conditional Use No. 2011) filed on behalf of Douglas Hitchens, T/A Hitchens Auto Sales, LLC. (Tax I.D. No. 231-5.00-7.06) (911 Address: 12769 Seashore Highway, Georgetown).

Public Hearing/ CU 2011 (continued) The Planning and Zoning Commission held a Public Hearing on this application on February 26, 2015 at which the Commission deferred action. On March 12, 2015, the Commission recommended approval with an amendment to Condition No. 2 of Conditional Use No. 1667, as follows: The maximum number of vehicles to be displayed shall not exceed thirty (30)." (All of the other conditions of Conditional Use No. 1667 shall remain in effect.)

(See the minutes of the Planning and Zoning Commission dated February 26 and March 12, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Mr. Lank announced that Mr. Hitchens was unable to attend the Public Hearing on this date due to a death in the family.

The Council found that Gene Bayard, Esquire with Morris, James, Wilson, Halbrook & Bayard, LLP, was present on behalf of the Applicant. Mr. Bayard referenced the record of the Planning and Zoning Commission. Mr. Bayard stated that the Conditional Use has been in existence for four years without violation and appears to be a clean, well run business and that the only change requested to what was previously approved by Council is the number of vehicles that may be displayed.

There were no public comments and the Public Hearing was closed.

M 146 15 Adopt Ordinance No. 2394/ CU 2011

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2394 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (Conditional Use No. 2011) filed on behalf of Douglas Hitchens, T/A Hitchens Auto Sales, LLC, with the following condition:

1. Condition #2 of Conditional Use #1667 shall be amended to state "The maximum number of vehicles to be displayed shall not exceed thirty (30)." All of the other conditions of Conditional Use #1667 shall remain in effect.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

M 147 15 A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 2:07 p.m.

**Motion Adopted:** 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;

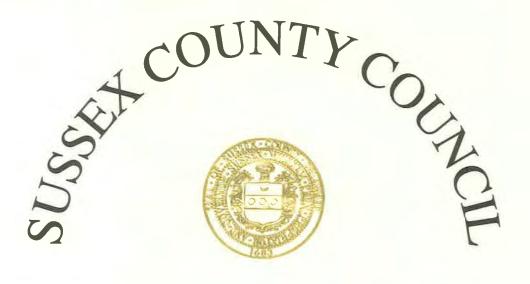
Mr. Arlett, Yea; Mr. Wilson, Yea;

Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith Clerk of the Council





# TRIBUTE

Be it hereby known to all that the Sussex County Council commends

# C. SHANE ABBOTT

for devotion, loyalty, and excellence in serving Sussex County from April 9, 1984 to April 30, 2015

# 31 YEARS

The Sussex County Council extends its thanks and congratulations and directs this Tribute to be presented to C. Shane Abbott with wishes of happiness, good health, and joy today and always!



Michael H. Vincent President



# PROCLAMATION

# PROCLAIMING APRIL 26 THROUGH MAY 3, 2015 AS "SOIL & WATER STEWARDSHIP WEEK"

WHEREAS, fertile soil and clean water provide us with our daily sustenance, and

WHEREAS, effective conservation practices have helped provide us a rich standard of living, and

WHEREAS, our security depends upon healthy soil and clean water, and WHEREAS, stewardship calls for each person to help conserve these precious resources;

NOW, THEREFORE, the Sussex County Council does hereby proclaim April 26 through May 3, 2015 as "Soil & Water Stewardship Week".

Michael H. Vincent, President

**Dated: April 21, 2015** 



# **Sussex County Council**

Delaware General Assembly Legislative Report

Prepared by:
Hal Godwin, Deputy County Administrator
April 21, 2015

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BIII NO.	Description and Purpose	Action
	2015-2016 BILLS	
HB 9	This bill eliminates an existing conflict between the Delaware Code statute regulating licensed water system operators and the regulations governing licensed water system operators. This bill corrects the conflict by allowing the creation of an Advisory Council to assist the Secretary in implementing the regulations. In addition this bill allows for the waiver in the water system operator law and will provide clearer guidance to owners of public water systems.	1/20/15 – Introduced and Assigned to Health & Human Development Committee in House 1/27/15 – Amendment HA 1 - Passed in House by Voice Vote 1/27/15 – Passed by House – Votes: Passed 38 Yes, 2 No, 0 Not Voting, 1 Absent, 0 Vacant 1/27/15 – Assigned to Health & Social Services Committee in Senate
HA 1 to HB 9	This technical amendment makes three clarifications to House Bill No. 9. First, clarification is added to a cross-reference to make clear the scope of the role of the Advisory Council. Second, it changes the word "waiver" to "variance" to match already existing language in the Administrative Code. This will avoid proliferation of different names referring to the same process. Finally, paragraph C. is amended to make clear that it is the applicant for the variance who may appeal a decision, rather than the holder of a water system operator license, since operator license requirements and procedures are addressed in a separate portion of the Code.	3/26/15 – Passed the Senate
HB 25	This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.	3/17/15 – Passed the House Senate is rewriting the bill

Bill No.	Description and Purpose	Action
		.l.
HB 33	This bill clarifies the types of signs that are permitted to be erected in the State's right-of-way by an outside entity, with department approval. The legislation provides consistency with federal regulations for outdoor advertising.	Use and Infrastructure Committee in House
SB 29	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.	House Health & Human Development Committee
HB 68	As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30-day waiting period.	3/26/15 – Introduced in the House with four Sussex County sponsors 4/1/15 – Reported out of Committee
HB 85	This bill allows school taxes and property taxes to be collected by tax intercept.	Representative Short introduced this bill again on 4/1/15. Similar legislation has passed the House on three separate occasions previously; however, the Senate has never addressed this legislation, and the bill has died in the three past General Assemblies. I am encouraged with this new draft for the following reasons: (1) the list of sponsors is much longer and broader, and includes three State senators who could be helpful with Senate consideration; and (2) this draft of the tax intercept bill details all of the delinquent school taxes per school district statewide. I have spoken with Representative Short and we are optimistic for this bill's improved chances of adoption.

Bill No.	Description and Purpose	Action						
SB 5	This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act, a dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.	Affairs Committee						
HB 74	This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.  3/31/15 — Introduced and assigned to Housing and Community Affairs Committee							
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	4/2/15 – Introduced and assigned to Labor and Industrial Relations Committee						
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/2/15 – Introduced and assigned to Natural Resources Committee						
HB 86	This bill allows counties and municipalities to elect not to be subject to the State's Public Employment Relations Act.	4/16/15 – Introduced and assigned to House Labor Committee						
HB 87	This Act allows each municipality and each county to create right-to-work zones.	4/16/15 – Introduced and assigned to House Labor Committee						



SPONSOR: Sen. Lawson & Rep. Carson

Sens. Cloutier, Ennis, Hocker, Lavelle, Lopez, Pettyjohn, Pichardson, Simpson, Pens, Briggs King, Kenton

Richardson, Simpson, Reps. Briggs King, Kenton,

Paradee, Spiegelman, Wilson

#### DELAWARE STATE SENATE 148th GENERAL ASSEMBLY

#### SENATE BILL NO. 5

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT.

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

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Section 1. Amend § 81-119, Title 25, Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 81-119 Applicability to preexisting common interest communities and approved common interest communities.

Except as provided in § 81-120 (Exception for small preexisting cooperatives and planned communities), and § 81-124 and except as limited by § 81-122 of this title hereof, §§ 81-105, 81-106, 81-107, 81-127, 81-203, 81-204, 81-221, 81-301, 81-302(a)(1) through (6) and (11) through (17), 81-302(f), 81-302(g), 81-303, 81-307(a), 81-309(a), 81-311, 81-315, 81-316, 81-318, 81-321, 81-322 [repealed], 81-323, 81-324, 81-409, and 81-417 of this title, and § 81-103 of this title to the extent any definitions are necessary in construing any of the foregoing sections to the extent the definitions do not conflict with the declaration, apply to all common interest communities and approved common interest communities created in this State before the effective date; but those sections apply only with respect to events and circumstances occurring after the effective date, and do not invalidate existing provisions of the declaration, bylaws, code of regulations, declaration plan, or plats or plans of those preexisting common interest communities and approved common interest communities that do not conflict with this chapter. With respect to condominiums and cooperatives, such existing provisions of those declarations, bylaws, codes of regulations, declaration plans, plats or plans, and subsequent amendments thereto adopted subsequent to the effective date of this chapter in strict accordance with those existing provisions, and not in conflict with the Unit Property Act [Chapter 22 of this title], shall be controlling in the event of any express conflict between those existing provisions (as duly amended) and the provisions of this chapter. In matters and as to issues where neither such existing provisions of the declaration, bylaws, code of regulations, declaration plan, or plats or plans (as duly amended) of preexisting common interest communities or approved common interest communities nor the Unit Property Act [Chapter 22 of this title] expressly addresses the matter or issue, the provisions of this chapter shall control. As to any such preexisting common interest community or approved common interest community prior to the effective date: (i) this

chapter shall not operate to terminate or allow the termination of existing contractual obligations created prior to the effective date, including, but not limited to contracts for units for preexisting common interest communities or approved common interest community projects; (ii) this chapter shall not invalidate the declaration, code of regulations, bylaws, declaration plan, or plats or plans of such common interest community that do not conflict with this chapter; (iii) the Unit Property Act (Chapter 22 of this title), and not this chapter shall govern all obligations of a declarant created under the Unit Property Act (Chapter 22 of this title); (iv) unless the declarant or other person with the right to do so elects to conform the requirements of this chapter in exercising any development right or special declarant rights, this chapter is not applicable to the procedures for the exercise of any such development rights or special declarant rights; (v) this chapter does not require that the preexisting declaration, code of regulations, bylaws, declaration plans, or plats or plans or other governing documents, including, but not limited to certificates or articles of incorporation, formation or otherwise of any preexisting common interest community or approved common interest community be amended to, or otherwise to comply with, the requirements of this chapter; and (vi) except for §§ 81-409 and 81-417 of this title, subchapter IV of this chapter is not applicable to any such preexisting common interest community or approved common interest community. Without limiting the generality of any other provision of this chapter, and notwithstanding any other provision of this chapter, any condominium created under the Unit Property Act for which future expansions are provided under its declaration made pursuant to the Unit Property Act shall remain governed by the Unit Property Act and not this chapter with respect to all of such future sections, phases or other expansion rights.

Any preexisting common interest community or approved common interest community has the right to amend its declaration, code of regulations, bylaws, declaration plans, or plats or plans or other governing documents, including, but not limited to certificates or articles of incorporation, formation or otherwise to comply with any or all of the requirements of this chapter, or a preexisting common interest community or approved common interest community may select particular additional sections of this Chapter to apply to that community without adopting the entire chapter, or a preexisting common interest community may select particular additional sections of this Chapter to apply to that community without adopting the entire chapter.

Section 2. This Act may be cited as the Benjamin Kuntz Act.

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#### SYNOPSIS

This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act. A dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.

AUTHOR: Sen. Lawson



SPONSOR: Rep. Bolden & Rep. Schwartzkopf & Sen. Townsend Reps. Dukes, Gray, Heffernan, Jaques, J. Johnson, Lynn, Matthews, Miro, Osienski; Sens. Ennis, Henry,

#### HOUSE OF REPRESENTATIVES 148th GENERAL ASSEMBLY

#### HOUSE BILL NO. 74

#### AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES.

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- 1 Section 1. Amend § 117(b), Title 26 of the Delaware Code by making deletions as shown by strike through and 2
- 3 § 117 Termination of service or sale.

insertions as shown by underline as follows:

- 4 (b) No person who engages in the distribution and sale of gas, water, wastewater, or electricity for use or consumption
- 5 in any dwelling unit shall discontinue service or sale thereof due to nonpayment of past charges for such service or sale to
- 6 the occupants of that dwelling unit and owed by the occupants thereof without at least 72 hours' notice to said occupants of
- 7 intention to so terminate, except as otherwise provided by this section. If the dwelling unit is part of a condominium or
- cooperative, the person shall also be required to provide at least 72 hours' notice to the dwelling unit's unit owners' 8
- association of the intention to so terminate. For purposes of this subsection, "condominium", "cooperative" and "unit 9
- 10 owners' association" are as defined in §81-103 of Title 25.
- Section 2. This Act shall take effect upon its enactment. 11

#### **SYNOPSIS**

This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.



SPONSOR: Sen. Lavelle & Rep. D. Short

Sens. Bonini, Hocker, Lawson, Lopez, Pettyjohn, Richardson, Simpson; Reps. Collins, Dukes, Kenton,

Miro, Wilson, Yearick

#### DELAWARE STATE SENATE 148th GENERAL ASSEMBLY

#### SENATE BILL NO. 54

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES AND THE GROSS RECEIPTS TAX.

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 50, Title 29, Delaware Code by making deletions as shown by strike through and 2 insertions as shown by underline as follows: 3 § 5011 Right to Work Zones and Manufacturers Gross Receipts Tax Exemption 4 (a) As part of the powers given to the Delaware Economic Development Office in order to attract new investors and businesses to the State, the Director is hereby authorized to create right-to-work zones. 5 (b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to: 6 7 become or remain a member of a labor organization; (1) pay any dues, fees, assessments, or other similar charges, however denominated, of any kind or 8 (2) 9 amount to a labor organization; or 10 pay to any charity or other third party, in lieu of such payments, any amount equivalent to or pro 11 rata portion of dues, fees, assessments, or other charges required of members of a labor organization. 12 (c) A right-to-work zone shall be offered to be created by the Director when at least 20 new employees are to be hired by a manufacturing business. The manufacturers' gross receipts tax otherwise imposed upon that business pursuant to 13 14 Chapter 27 of Title 30 shall not be so imposed for the first five years that the business is licensed in Delaware and operates 15 in that right-to-work zone.

#### **SYNOPSIS**

This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.

AUTHOR: Sen. Lavelle



SPONSOR: Rep. Carson & Sen. McBride

Reps. Hudson, Jaques, J. Johnson, Mitchell, Paradee, D. Short; Sens. Ennis, Lawson, McDowell, Simpson

#### HOUSE OF REPRESENTATIVES 148th GENERAL ASSEMBLY

#### HOUSE BILL NO. 79

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STRIPED BASS.

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- Section 1. Amend Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as
- 2 shown by underline as follows:
- 3 § 943 Tagging striped bass.
- The affixing of a tag on a striped bass by a commercial fisherman shall be required before landing or putting on
- 5 shore.

#### **SYNOPSIS**

This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.



SPONSOR: Rep. Dukes & Sen. Hocker; Reps. D. Short, Hudson

#### HOUSE OF REPRESENTATIVES 148th GENERAL ASSEMBLY

#### HOUSE BILL NO. 86

# AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO PUBLIC EMPLOYMENT. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

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Section 1.	Amend §	1302, Title	19 of th	e Delaware	Code	by making	deletions	as show	ı by st	rike	through	and
insertions as shown	by underlin	ne as follov	/S:									

- (p) "Public employer" or "employer" means the State, any county of the State or any agency thereof, and/or any municipal corporation, municipality, city or town located within the State or any agency thereof, which upon the affirmative legislative act of its common council or other governing body has elected to come within the former Chapter 13 of this title or which hereafter elects to come within this chapter, or which employs 100 or more full-time employees.; provided, however, any county of the state or any agency thereof, and any municipal corporation, municipality, city, or town located within the state or any agency thereof, upon the affirmative legislative act of its common council or other governing body, may elect to not be subject to the provisions of this chapter.
- (q) "Rebate" means that portion of a nonmember's pro rata share of the expenditures of the exclusive representative which are not made for purposes pertaining to the collective bargaining process, contract administration or pursuit of matters affecting wages, hours and other conditions of employment.
- (r) "Strike" means a public employee's failure, in concerted action with others, to report for duty, or a public employee's wilful absence from a public employee's position, or a public employee's stoppage or deliberate slowing down of work, or a public employee's withholding in whole or in part from the full, faithful and proper performance of a public employee's duties of employment, or a public employee's involvement in a concerted interruption of operations of a public employer for the purpose of inducing, influencing or coercing a change in the conditions, compensation rights, privileges or obligations of public employment; however, nothing shall limit or impair the right of any public employee to lawfully express or communicate a complaint or opinion on any matter related to terms and conditions of employment.
- Section 2. This act shall not apply to any employment contract entered into before the enactment of this act. However, the act shall apply to any renewal or extension of an existing contract.

#### **SYNOPSIS**

This bill allows counties and municipalities to elect not to be subject to the State's Public Employment Relations Act.



SPONSOR: Rep. Dukes & Sen. Hocker;

Reps. D. Short, Hudson, Gray, Kenton, Outten, Wilson,

Yearick; Sen. Lavelle

# HOUSE OF REPRESENTATIVES 148th GENERAL ASSEMBLY

#### HOUSE BILL NO. 87

AN ACT TO AMEND TITLES 22 AND 9 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1	Section 1. Amend Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike through and
2	insertions as shown by underline as follows:
3	§ 116. Right-to-Work Zones
4	(a) Any municipality within this state, by act of its governing body, may designate and create right-to-work zones
5	within its boundaries.
6	(b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:
7	(1) become or remain a member of a labor organization;
8	(2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount
9	to a labor organization, or;
10	(3) pay any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata
11	portion of dues, fees, assessments, or other charges required of members of a labor organization.
12	(c) This section shall not apply:
13	(1) to employers and employees covered by the Federal Railway Labor Act;
14	(2) to federal employers and employees;
15	(3) to employers and employees on exclusive federal enclaves;
16	(4) where they would otherwise conflict with, or be pre-empted by, federal law; or
17	(5) to public employees as defined in Title 13, § 1302 of this code;
18	(6) to public school employees as defined in Title 14, § 4002 of this code; or
19	(7) to any employment contract entered into before the effective date of this Chapter. However, the
20	provisions of this Chapter shall apply to any renewal or extension of any existing contract.
21	Section 2. Amend Chapter 3, Title 9 of the Delaware Code by making deletions as shown by strike through and
22	insertions as shown by underline as follows:

23	§ 350. Right-to-Work Zones
24	(a) The county government of each county, by act of its governing body, may designate and create right-to-work
25	zones within its boundaries.
26	(b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:
27	(1) become or remain a member of a labor organization;
28	(2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount
29	to a labor organization, or;
30	(3) pay any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata
31	portion of dues, fees, assessments, or other charges required of members of a labor organization.
32	(c) This section shall not apply:
33	(1) to employers and employees covered by the Federal Railway Labor Act;
34	(2) to federal employers and employees;
35	(3) to employers and employees on exclusive federal enclaves;
36	(4) where they would otherwise conflict with, or be pre-empted by, federal law; or
37	(5) to public employees as defined in Title 13, § 1302 of this code;
38	(6) to public school employees as defined in Title 14, § 4002 of this code; or
39	(7) to any employment contract entered into before the effective date of this Chapter. However, the
10	provisions of this Chapter shall apply to any renewal or extension of any existing contract.

## **SYNOPSIS**

This act allows each municipality and each county to create right-to-work zones.

#### **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 (302) 855-1299 **UTILITY PLANNING** FAX (302) 855-7799

# Sussex County

DELAWARE sussexcountyde.gov

MICHAEL A. IZZO, P.E. COUNTY ENGINEER

JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

# SUSSEX COUNTY CHANGE ORDER REQUEST

## A. ADMINISTRATIVE:

1.	Proj	ect Name:	EMS STATION #105					
2.	Sus	Sussex County Contract No1						
3.	Cha	nge Order N	0.	1				
4.	Date	Change Or	der Initiated -	3/17/15				
5.	a.	Original C	ontract Sum	_\$497,660_				
	b.	Net Chang Change C	ge by Previous Orders	\$0				
	C.	Contract S Change C	Sum Prior to Order	\$497,660				
	d.	Requeste	d Change	\$10,000				
	e.	Net Chan	ge (No. of days)	16				
	f.	New Cont	ract Amount	\$507,660				
6.	Contact Person: Anthony Digiuseppe Jr. Telephone No. (302) 855-1299							

# B. REASON FOR CHANGE ORDER (CHECK ONE)

-	1.	Differing Site Conditions
_	2.	Errors and Omissions in Construction Drawings and Specifications
<u> </u>	3.	Changes Instituted by Regulatory Requirements



COUNTY ADMINISTRATIVE OFFICES 2 THE CIRCLE | PO BOX 589 GEORGETOWN, DELAWARE 19947

			5.	Overrun/Und	errun in Qua	antity	
		_	6.	Factors Affect	cting Time of	f Completion	
		<u>X</u>	7.	Other (explain	n below):		
C.	BRIE	F DES	CRIPTI	ON OF CHAN	IGE ORDER	₹:	
•	of sixt weath Subgr which for bo remed Only f	een (1) er log. ade so is a ge th the o diate th four (4) d the c	oils were eotechr drivewa e soils of the ompleti	e evaluated of nical company ay and garage in both areas requested sevion date.	due to differ n March 11, . Existing so areas. This based off Hi /en (7) days	of scheduled work. Four (4) our rences with on-site inspector's 2015 by Hillis-Carnes Associated bills were deemed unacceptable change order covers the cost to illis-Carnes recommendations. It will be added to the contract to DER INCLUDED?:	tes 10
	υ.	JUS 1					
			Yes _	X	_ No		
	E.	APPR	ROVAL	<u>S</u>			
		1.	RBCI			Date	
		2.	Count	ty Engineer		Date	

Design Change

4.

FILE: ADM-2.31-I



# Change Order Request

29520 Canvasback Drive Building # 100 Easton, MD 21601 Ph: 410-763-9681

To:

**Anthony Diguiseppe** 

Number:

1

Sussex County Engineering

Date:

3/17/2015 EMS #105

2 The Circle

Job:

Georgetown, DE

Phone:

302-855-1299

**Description: Weather Delays** 

We are pleased to offer the following specifications and pricing to make the following changes:							
Weather days pre	venting the com	pletion	of work:				
Date:	Temp. Low	//High:	Conditions:	Scheduled Task:			
2/13/2015	18	25		Foundation			
2/14/2015	20	37	<b>Light Snow</b>	Foundation			
2/15/2015	5	20		Foundation			
2/16/2015	18	25	Snow	Foundation			
2/17/2015	14	32	Snow	Foundation			
2/18/2015	19	27		Foundation			
2/19/2015	15	25	35 MPH wind	Foundation			
2/20/2015	4	15		Foundation			
2/21/2015	3	36	32+ after 5pm	Foundation			
2/26/2015	18	32	Snow	Foundation			
3/1/2015	19	33	Freezing Rain	Foundation			
3/2/2015	21	40	Freezing Rain	Foundation			
3/5/2015	25	43	Sleet	Foundation			
3/6/2015	13	29	Snow	Foundation			
3/14/2015	41	58	30 MPH wind	Roof			
3/15/2015	39	54	30 MPH wind	Roof			
Note: This Change Order if approved will extend the project completion by approximately <b>16</b> working days.							
				Sub Total		\$0.00	
			15% overhead 8	k profit	\$	-	
The total amount to provide this work is							
If you have any questions please contact me at: 410-763-9681							

Submitted by:	Lon

Approved by:	2.2-12	 
Date:		

Cc:

From:

John J. Ashman

Sent:

Thursday, April 16, 2015 2:16 PM

To:

Anthony Digiuseppe Jr.

Subject:

FW: RBCI Change Order

From: Robert Rogers III

Sent: Friday, March 20, 2015 9:18 AM To: John J. Ashman; Anthony Digiuseppe Jr.

**Subject:** RBCI Change Order

John; I have a difference of opinion on the following dates.

1. 2-14-15 No snow

2. 2-16-15 No snow

3. 3-2-15. Worked on foundation.

4. 3-4-15. Finished foundation.

5. 3-5-15 Snow Foundation done

6. 3-6-15. No snow Foundation done

Hope this helps.

Any questions feel free to contact me.

Thanks. Bobby

2-14-15 No snow.

Sent from my Verizon Wireless 4G LTE DROID

From:

John J. Ashman

Sent:

Thursday, April 16, 2015 2:16 PM

To:

Anthony Digiuseppe Jr.

Subject:

FW: change order request

From: Rob Pedersen [mailto:rpedersen@rbci.biz]

Sent: Thursday, April 02, 2015 7:53 PM

To: John J. Ashman

Subject: Re: change order request

John,

I apologize for the delay getting this back to you.

2/14/15 Temperature was the limiting factor.

2/16/15 Temperature was the limiting factor

3/2/15 Freezing rain on Sunday night everything was covered in ice Monday morning

3/4/15 This date was not on the change request

3/5/15 Crawl space grading not accomplished due to frozen ground this was to be accomplished prior to decking being installed

3/6/15 Crawl space grading not accomplished due to frozen ground this was to be accomplished prior to decking being installed

On Mon, Mar 23, 2015 at 3:59 PM, John J. Ashman < jashman@sussexcountyde.gov > wrote:

Bobby has a few discrepancies from your request and I need some clarification for the following.

- 1. 2-14-15 No snow
- 2. 2-16-15 No snow
- 3. 3-2-15. Worked on foundation.
- 4. 3-4-15. Finished foundation.
- 5. 3-5-15 Snow Foundation done
- 6. 3-6-15. No snow Foundation done

Rob Pedersen RBCI 410-763-9681 (office) 973-222-2299 (cell)

From:

John J. Ashman

Sent:

Thursday, April 16, 2015 2:16 PM

To:

Anthony Digiuseppe Jr.

Subject:

FW: change order request

From: Robert Rogers III

Sent: Monday, April 06, 2015 2:16 PM

To: John J. Ashman

Subject: Re: change order request

2-14 & 16 temperature was low.

3-2-15. Worked all day on foundation under tent. Did south wall of garage and west wall of house.

3-5,6-15 .Temperature was low both days . Temperature was low on 3-9-15 also but they graded in side the foundation .

Let me know if you need anything else.

Thanks Bobby

Sent from my Verizon Wireless 4G LTE DROID

"John J. Ashman" < jashman@sussexcountyde.gov> wrote:

See Rob's explanations below

From: Rob Pedersen [mailto:rpedersen@rbci.biz]

Sent: Thursday, April 02, 2015 7:53 PM

To: John J. Ashman

Subject: Re: change order request

John,

I apologize for the delay getting this back to you.

2/14/15 Temperature was the limiting factor.

2/16/15 Temperature was the limiting factor

3/2/15 Freezing rain on Sunday night everything was covered in ice Monday morning

3/4/15 This date was not on the change request

3/5/15 Crawl space grading not accomplished due to frozen ground this was to be accomplished prior to decking being installed

3/6/15 Crawl space grading not accomplished due to frozen ground this was to be accomplished prior to decking being installed

From:

John J. Ashman

Sent:

Thursday, April 16, 2015 12:26 PM

To:

Rick Beavers (rbeavers@rbci.biz); Rob Pedersen (rpedersen@rbci.biz)

Cc:

Anthony Digiuseppe Jr.; Michael Izzo

Subject:

Change Order #1 & 3

Anthony and I discussed with Mr. Izzo yesterday, supplied him with your requests and the report from our inspector, We came to the following agreement;

## Change Order #1 Weather days

2/13 full day

2/14 half day

2/15 full day

2/16 half day

2/17 full day

2/18 full day

2/19 full day

2/20 full day

2/21 full day

2/26 full day

3/1 full day

3/5 half day

3/6 half day

3/14 half day

3/15 half day for a total of 12 days

#### Change Order #3 time extension

Mike is willing to add (4) days not the (7) requested



# Change Order Request

29520 Canvasback Drive Building # 100 Easton, MD 21601 Ph: 410-763-9681

То:	Anthony Diguiseppe Sussex County Engineering 2 The Circle	Number: Date: Job:	2 3/26/2015 EMS #105		
	Georgetown, DE	Phone:	302-8551299		
Description	on:				
We are plea	sed to offer the following specifications an	d pricing to make the fo	llowing changes:		
Blend 10"	- 12" of un suitable soil under gara	ge slab with portlan	d cement.	\$ 2,480.00	
	ance with Hillis Carnes recommend			Ç 2,100.00	
Bearing and a second a second and a second a					
4					
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ł					
Note: This	Change Order if approved will exte	and the project com	plation		
Note: III.	by approximately 0 working days		pietion		
		100/	Sub Total	\$2,480.00	
		10% overhead & p		\$ 248.00 \$ (228.00)	
The total	amount to provide this work is		Total	\$2,500.00	
If you hav	e any questions please contact me	at:		410-763-9681	

Submitted by:

Approved by:

Date:

Cc:



# Change Order Request

29520 Canvasback Drive Building # 100 Easton, MD 21601 Ph: 410-763-9681

To:	Anthony Diguiseppe	Number:	3R
	Sussex County Engineering	Date:	4/13/2015
	2 The Circle	Job:	EMS #105
	Georgetown, DE	Phone:	302-8551299

Description: Subgrade remediation of drive way area

We are pleased to offer the following specifications and pricing to m	ake the following changes:		
Mix soil cement in the top 10" -12" at a rate of 98lbs pe Stone placement pending 7 days or proof roll Total drive area 5200 square feet	r 30 square feet.	\$	7,179.00
Note: This Change Order if approved will extend the probability by approximately 7 working days.	oject completion		
	oject completion Sub Total	\$	7,179.00
by approximately 7 working days.		•	<b>7,179.00</b> 717.90
by approximately 7 working days.  10% over	Sub Total	\$	
10% ove	Sub Total rhead & profit	\$	717.90
by approximately 7 working days. 10% over Courtesy	Sub Total rhead & profit Discount	\$ \$ <b>\$</b>	717.90 (396.90)
by approximately 7 working days.  10% over Courtesy The total amount to provide this work is	Sub Total rhead & profit Discount	\$ \$ <b>\$</b>	717.90 (396.90) <b>7,500.00</b>

## HILLIS-CARNES

March 12, 2015

Mr. Anthony Digiuseppe Sussex County Engineering Administration PO Box 589 Georgetown, DE 19947 503 Maryland Avenue, Unit 106
Delmar, MD 21875
Local 410-749-0940
Fax 410-896-3478
www.hcea.com

Reference:

Sussex County EMS Building

Frankford, DE

Sussex County, Delaware

HCEA Project Number - S15057

Dear Mr. Digiuseppe:

Pursuant to the request by a Sussex County Engineering Administration representative, Hillis-Carnes Engineering Associates, Inc. (HCEA) has observed the present conditions of the subgrade of the proposed interior slab as well as the proposed access driveway and parking area for the Sussex County EMS Building project located in Frankford, Delaware; as shown in the Project Location Map (Figure 1).

On March 11, 2015, an HCEA Geotechnical Engineer visited the project to evaluate the subgrade soils for the garage bay (interior slab) area and the proposed access road and parking area. Five (5) hand auger borings were performed to depths of 4 feet below existing grades as shown in the Boring Location Plan (Figure 2). A Dynamic Cone Penetrometer (DCP) was utilized to test the subgrade soils of both the building pad and proposed pavement for an estimation of bearing capacity. The results of DCP testing generally indicated that the subgrade soils are firm beneath the surface, but visual and physical inspection of the soils indicated that the top 2.0 to 4.0 feet of soil are composed of soft, moisture sensitive materials; primarily silty sand and some clay.

To improve the conditions of the soil subgrade for the garage bay slab on grade, HCEA recommends the following:

- Blend the upper 10 to 12 inches of the in-situ soil with 3% (by weight) of Portland cement Type I/II;
- To achieve the proper ratio for the soil cement mix, the contractor should use one 94 pound bag of Portland cement every thirty (30) square feet. This was determined by multiplying the total square footage of the slab (40 feet x 50 feet, a total of 2000 square feet) by a depth of 1 foot to arrive at a total of 2000 cubic feet requiring amendment. Alternatively, this equates to 3.13 pounds of cement per square foot.
- To blend the mix properly, the contractor should use a roto-tiller to mix the cement with the soil thoroughly. Due to the size of the area, uniform mixing is not possible if performed by hand. After blending, the amended soil should be compacted using a hand push roller or vibratory plate tamper.

# Sussex County EMS Building Subgrade Inspection

Page 2 HCEA Project No. S15057

- After compaction and a quarantine period of 7 days, the contractor should continue as specified in the original project plans to include the pouring of concrete

To improve the soft behavior of the wet soils, HCEA recommends the following to address the soil concerns in the driveway/parking lot area;

- Over-excavate six (6) inches below the stripped finish subgrade elevation from the entire driveway section.
- Place two (2) individual three (3) inch lifts of # 2 stone or equivalent recycled concrete, set in place using a tracked machine or smooth drum roller between each lift.
- Place pavement structure in accordance with the project documents.

#### --OR--

- Alternatively, the contractor may use the same soil cement mix approach to improve the driveway/parking lot area;
- If selected as the preferred method, contractor should blend the upper 10 to 12 inches of in-situ soil with 3% (by weight) of Portland cement Type I/II using a roto-tiller; as mentioned previously. The same amount (by weight) of cement should be used to formulate the mixture in the driveway, i.e., one 94 pound bag for every thirty (30) square feet;

It is HCEA's professional opinion that the blended soils will result in reduced moisture content that will make it possible to achieve an acceptable compaction rate. If desired, HCEA offers monitoring and onsite consultation during the soil cementing operation in order to ensure proper mixing and placement.

HCEA's work was performed in accordance with generally accepted engineering practice. Should there be any questions or additional information required, please call the HCEA Salisbury office at 410-749-0940.

Sincerely.

HILLIS-CARNES ENGINEERING ASSOCIATES, INC.

William White

Laboratory Manager

HILLIS-CARNES ENGINEERING ASSOCIATES, INC.

Pernando Garc

Chief Engineer

#### **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 (302) 855-7799 FAX





DELAWARE sussexcountyde.gov

MICHAEL A. IZZO, P.E. COUNTY ENGINEER

# Contract 12-23 Pump Station 207 and Force Main Change Order No. 1

- Request that Council approve a change order that results in a <u>credit</u> to the contract in the amount of \$4,062.10.
- The original contract amount was \$4, 123,810.90.
- This change order request arises from:
  - o The addition of a flow meter at the pump station.
  - o Cost savings due to improved forcemain alignment.
- With this change order, the new contract total is \$4,119,748.80.





Change	Order	No.
--------	-------	-----

Date of Issuance: March 26, 2015

**Effective Date:** 

March 26, 2015

Owner:

Project:

Sussex County

Owner's Contract No.:

12-23

Engineer:

Contractor: Kuhn Construction Company George, Miles & Buhr, LLC

Pump Station No. 207 and Force Main

Contractor's Project No.: K14030 Engineer's Project No.:

120223.A Pump Station No. 207

**Contract Name:** 

and Force Main

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

Description: Addition of flow meter and vault @ PS 207 (\$64,088.00 add to the contract), alignment and installation changes along Shady Road and the intersection at Plantation Road (\$68,150.10 deduct to the contract).

Attachments: [List documents supporting change]

- 1. GMB letter dated January 14, 2015 requesting addition of a flow meter.
- 2. Kuhn Construction Company PCO No. 00001 dated January 20, 2015
- 3. Plantation Road and Shady Road Revised Scope of Work Quantity Adjustment Spreadsheet dated March 26, 2015.
- 4. Revised Sheet Nos. C3.7R, C3.8R, and C4.2R.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Briss.	[note changes in Milestones if applicable]
Original Contract Price:	Original Contract Times:
¢ 4 122 010 00	Substantial Completion: 270 days
\$ <u>4,123,810.90</u>	Ready for Final Payment: 60 days
	days or dates
[Increase] [Decrease] from previously approved Change	[Increase] [Decrease] from previously approved Change
Orders No to No:	Orders No to No:
	Substantial Completion: N/A
\$ <u>N/A</u>	Ready for Final Payment: N/A
	days
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
	Substantial Completion: 270 days
\$ <u>4,123,810.90</u>	Ready for Final Payment: 60 days
	days or dates
[Increase] [Decrease] of this Change Order:	[Increase] [Decrease] of this Change Order:
	Substantial Completion: 0
\$_4,062.10	Ready for Final Payment: 0
	days or dates
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
	Substantial Completion: 270 days
\$ <u>4,119,748.80</u>	Ready for Final Payment: 60 days
	days or dates
RECOMMENDED: ACCE	PTED: ACCEPTED: //
By: By:	By: Millian to Nato IN
Engineer (if required) Owner (Aut	thorized Contractor (Authorized Signature)
Title: PROJECT MANAGER Title	Title PRESIDENT
Date: 4-6-15 Date	Date 4/9/15
Approved by Funding Agency (if	777
applicable)	
	D .
By:	Date:
FICDC* C-941	L, Change Order.



ARCHITECTS ENGINEERS

206 WEST MAIN STREET SAUSBURY, MD 21801 PH: 410.742,3115 PH: 800.789.4462 FAX: 410.548.5790

> SALISBURY BALTIMORE SEAFORD

www.gmbnet.com

....

JAMES H. WILLEY JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
MICHAEL D. MCARTHUR, AIA
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE

JOHN E. BURNSWORTH, PE MICHAEL G. KOBIN, PE CHRIS B. DERBYSHIRE, PE W. MARK GARDOCKY, PE MORGAN H. HELFRICH, AIA VINCENT A. LUCIANI, PE JERRY KOTRA ANDREW J. LYONS, JR., PE KATHERINE J. MCALLISTER, PE January 14, 2015

Kuhn Construction P.O. Box 1419 Hockessin, DE 19707

Attn: Bill Kuhn

Re: Pump Station No. 207 and Force Main

Flowmeter Addition GMB File No. 120223.A

Dear Mr. Kuhn:

Please prepare change order pricing to incorporate the work below for adding a flowmeter to PS 207. The below is a summary of the changes:

- Remove air release manhole.
- Add flowmeter vault per sketches, to include dismantling joint, hatches, ladder, etc.
- Install and commission flowmeter in meter pit and digital recorder in SCADA panel.
- Install buried conduit and wiring between vault and panels in building for receptacle and flowmeter per sketches.
- Run flowmeter signal from flowmeter to PLC via recorder in SCADA panel
- Modify valve vault to include air release valves without odor control canisters.

Please refer to the enclosed sketches and specifications for more detail.

Please confirm that there is adequate room in the SCADA panel to accommodate the digital chart recorder.

Please identify if there are any material availability issues or if additional information is required.

If you have any questions, please do not hesitate to contact Jim Hoageson.

Thank you.

Sincerely,

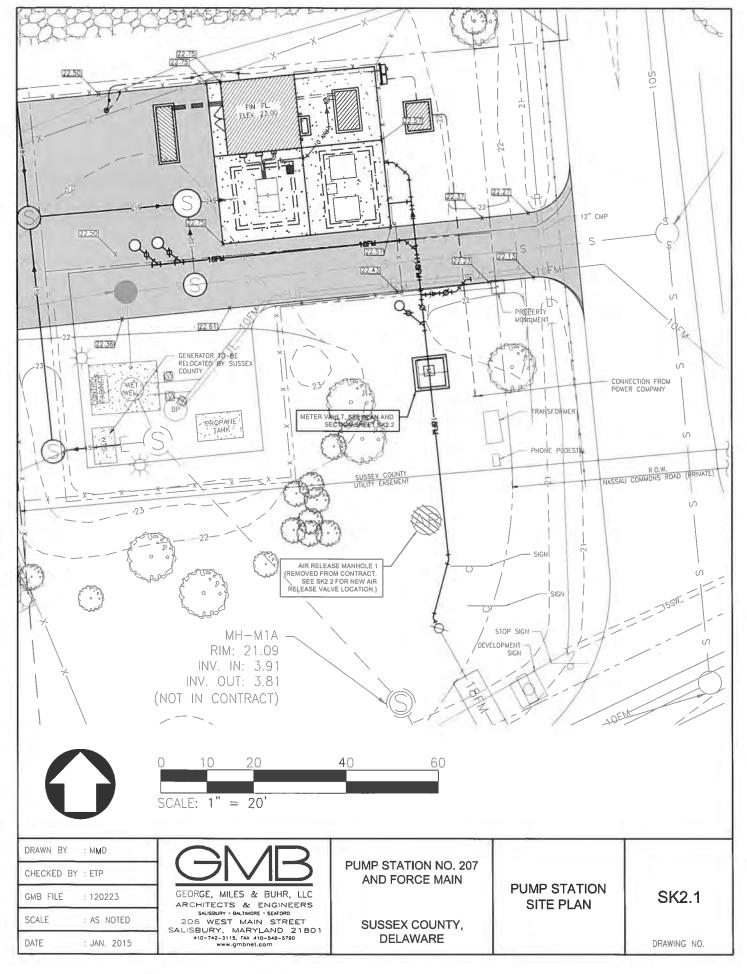
Eric T. Prince Jr., P.E. Senior Project Engineer

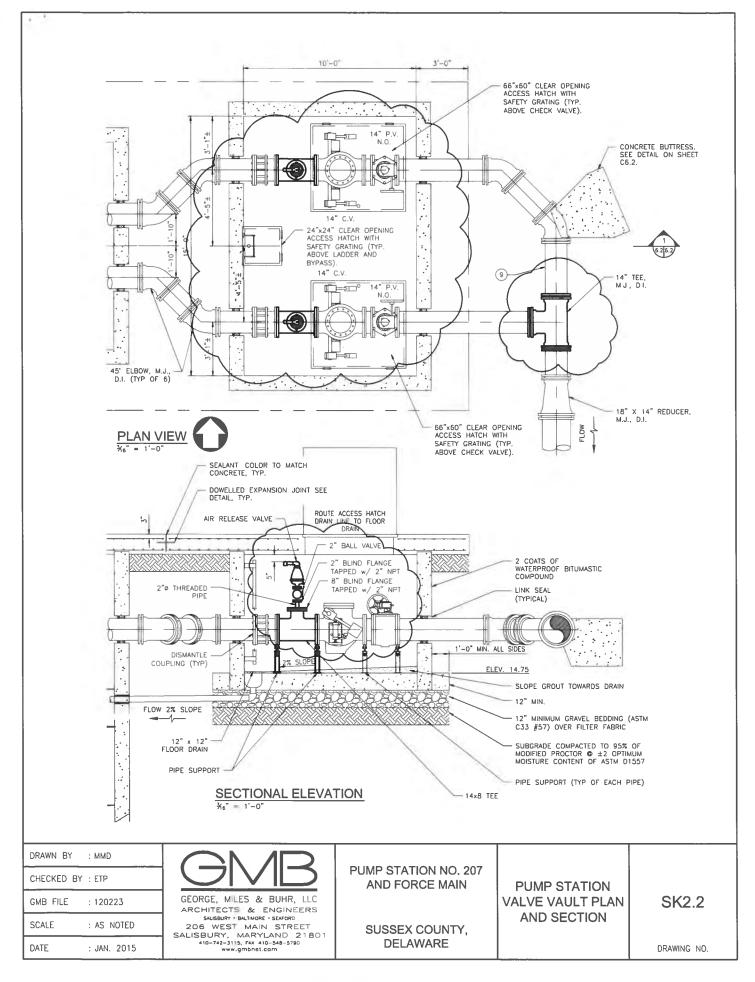
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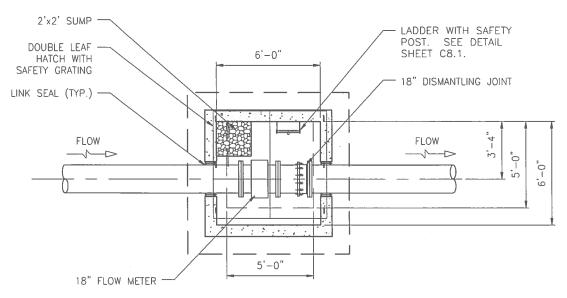
ETP/cs Enclosures:

Sketches SK2.1, SK2.2, SK2.3, SK2.4, SK2.5, and SK2.6 Specification Section 13400

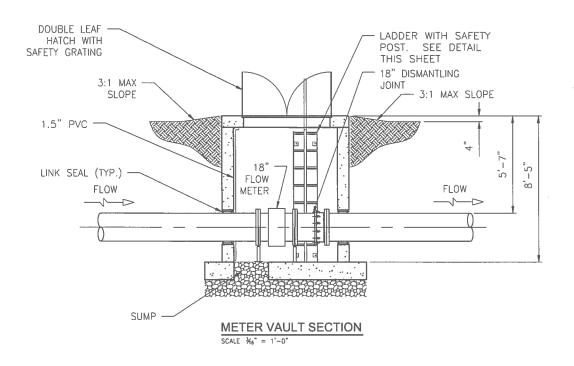
cc: Sussex County Engineering Department Attn: Juel Gibbons (w/encls.)













DRAWN BY	: MMD
CHECKED BY	: ETP
GMB FILE	: 120223
SCALE	: AS NOTED
DATE	: JAN. 2015

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SAUSDRY - BALTMORE - SLAFORD

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SAUSBURY BAITMORE SELFORD
206 WEST MAIN STREET
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410-742-3115, FAX 410-548-5790
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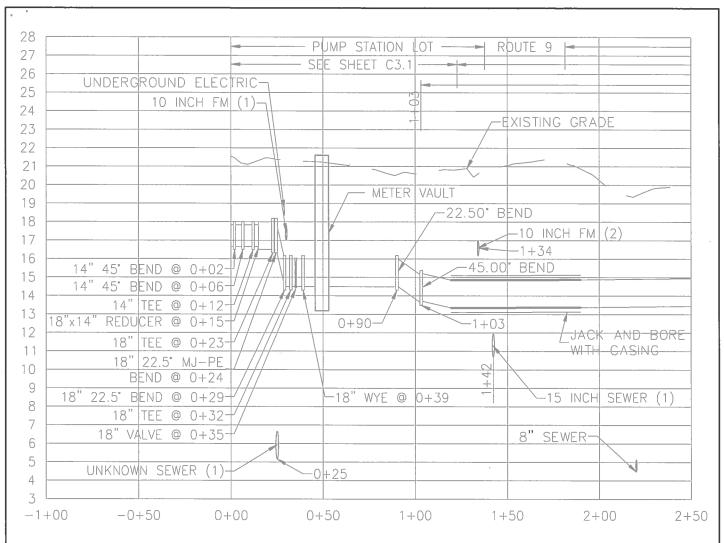
PUMP STATION NO. 207 AND FORCE MAIN

> SUSSEX COUNTY, DELAWARE

METER VAULT PLAN AND SECTION

SK2.3

DRAWING NO.



### PROFILE OF FORCEMAIN STA 0+00 TO 2+50

VERTICAL SCALE: 1"=5'
HORIZONTAL SCALE: 1"=50'

DRAWN BY	: MMD
CHECKED BY	: ETP
GMB FILE	: 120223
SCALE	: AS NOTED
DATE	: JAN. 2015

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
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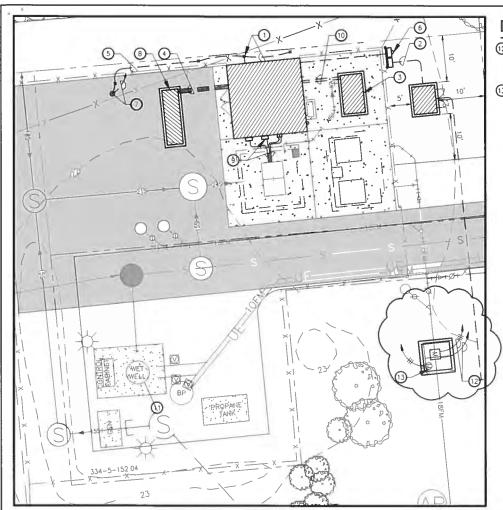
PUMP STATION NO. 207 AND FORCE MAIN

> SUSSEX COUNTY, DELAWARE

FORCE MAIN PROFILE

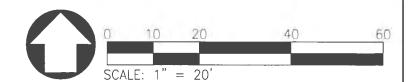
SK2.4

DRAWING NO.



### **DRAWING NOTES**

- (2) FLOW METER: 3 # 12 ¾" CONDUIT TO PANEL L4 AND (1) 2/C #14 TSP ¾" CONDUIT TO PLC VIA DIGITAL CHART IN RECORDER STATION CONTROL PANEL. SEE SHEET E1.2 FOR CONDUIT MATERIAL.
- (3) VAULT RECEPTACLE: MOUNT 1-FOOT BELOW CEILING HEIGHT. CONNECT TO CIRCUIT L15.



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CHECKED BY	: ETP
GMB FILE	: 120223
SCALE	: AS NOTED
DATE	: JAN. 2015

GEORGE, MILES & BUHR, LLC
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PUMP STATION NO. 207 AND FORCE MAIN

SUSSEX COUNTY, DELAWARE

ELECTRICAL SITE PLAN AND DETAILS

SK2.5

DRAWING NO.

CIRC		BREAKERS					CIRC.	1	I BDE/	BREAKERS		
NO.		FOF	?		POLE	CALIB.	KVA	NO.	FOR	POLE	CALIB.	KVA
1	ELEC	TRICAL R	OOM LIGH	TS	1	20	0.3	2,	OUTDOOR EICHTS		20-	-83
3	•ELE	CTRICAL F	ROOM REC	EPTACLES	1	20	0.8	(4	FLOW METER	1	20	0,5
5	GENE	ERATOR B	ATTERY CI	HARGER	1	20	1.0	8	EXTERIOR RECEPTACLE	7	$\sim_{20}$	0.6
7	GENE	RATOR B	LOCK HEA	TER	1	20	1.5	В	STATION CONTROL PANEL	1	20	1.0
9	GENE	RATOR C	ONTROL P	ANEL	1	20	1.0	10	A/C UNIT (SS-1)	2	20	1.5
11	DUC.	FAN			1	20	0.1	12		-	-	1.5
~3ذر	VNO	NOVE FAN	<b>^</b>	~~~		20	V0.	14	VFD NO.2 FAN	1	20	0.1
15	METE	R VAULT	RECEPTAC	LE	1	20	1.0	16	SPARE	1	20	1.0
$\langle$	SPA				7~	$\sim_{20}$	4.0	18	SPARE	1	20	1.0
19	SPAC	E AND B	US		1		_	20	SPACE AND BUS	1	_	_
_ 21	SPAC	E AND B	US		1	_	-	22	SPACE AND BUS	1	_	_
23	SPAC	CE AND B	US		1	_	_	24	SPACE AND BUS	1	_	_
25	SPAC	CE AND B	US		1	_	-	26	SPACE AND BUS	1	-	_
27	SPAC	E AND B	US		1		-	28	SPACE AND BUS	1	-	_
29	SPAC	CE AND B	US		1 1		_	30	SPACE AND BUS	1	_	_
MAIN	BRE	EAKER 2	P. 150A	. TOP								
LOA	D	CONN.	7.	DEM'D	LOCATION							
LIGHTS	_	0.7	100	0.7	L/VA	1000						
RECE		1.4	100	1.4	$A = \frac{KVA \times VOL}{VOL}$	TS.	= 44.2 A	MPS				
мото	_	0.3	80	0.2	• _ (	DENOTES (	GFCI BREA	KED				
SPARE	S	4.0	50	2.0		VEHICIES I	STOI BREA	IVER				
HEAT		1.5	100	1.5								
MISC		6	80	4.8								
TOTA	٩L	14.9		10.6								

DRAWN BY : MMD PUMP STATION NO. 207 CHECKED BY : ETP AND FORCE MAIN GEORGE, MILES & BUHR, LLC SK2.6 PANEL SCHEDULE GMB FILE : 120223 GEURGE, MILES & BURK, LLC
ARCHITECTS & ENGINEERS
SALISBURY BATIMORY - SELFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, Fax 410-548-5790
www.gmbnel.com SCALE : AS NOTED SUSSEX COUNTY, **DELAWARE** DATE : JAN. 2015 DRAWING NO.

#### **SECTION 13400**

#### FLOW METER

#### PART 1 – GENERAL

#### 1.01 DESCRIPTION

A. Description of Work: Scope of work under this section shall include all piping, wiring, accessories, and appurtenant equipment necessary for a complete instrumentation system in accordance with these Specifications.

#### 1.02 SUBMITTALS

- A. Submit complete Shop Drawings and product data for all equipment in accordance with Section 1300.
- B. Submit operation and maintenance manuals for all equipment in accordance with Section 1300.
- C. Submit manufacturer's certificates for all equipment in accordance with Section 1300.

#### 1.03 QUALITY ASSURANCE

- A. All work shall be certified to be in accordance with ISO 9001.
- B. Instrumentation systems shall be the responsibility of one manufacturer who must deliver a fully functioning, complete, integrated system.
- C. If the instrumentation fails to function properly under specified conditions within a 2-year guaranty period, it shall be responsibility of the system manufacturer to correct at no additional cost.

#### 1.04 ACCEPTABLE MANUFACTURERS

- A. Endress+Hauser, Inc.
- B. Instrumentation equipment listed under Section 2.02–Flow Meter Product Data are products of Endress+Hauser, Inc.

#### **PART 2 - PRODUCTS**

#### 2.01 GENERAL

- A. Provide instrumentation of manufacturer's latest and proven design. These Specifications and Drawings direct attention to certain features but do not purport to cover all details entering into the total design of the instrumentation and control system. The completed system must be compatible with the wastewater treatment equipment functions required.
- B. Provide controls complete, including all necessary auxiliary relays so as to require only wiring and connections to electrically operated equipment.
- C. Motor operated or electrically operated equipment shall have a separate 120-volt control circuit protected by a circuit breaker.
- D. Control wiring for externally operated motors shall be Number 12 AWG minimum.
- E. All fuses or switches required by the instrumentation manufacturer for his equipment shall be provided with the equipment. All instruments provided with an external power supply shall have an internal "ON-OFF" switch.
- F. The drawings and specifications indicate the primary energy sources that will be provided. Any additional devices required to obtain proper operation of the instrumentation system from these energy sources shall be furnished with the instrumentation.

#### 2.02 FLOW METER AND RECORDER PRODUCT DATA

A. Flowmeter Data:

Quantity: One (1)
 Type: Magnetic

3. Model: 50W4F-HLGA1RC5BAAA

4. Diameter: 18 Inches
 5. Flow Range: 250 - 7500

6. Meter Location: Valve Vault

7. Signal Converter/Local

Readout Location: Electrical Room

8. Remote Readout: Digital Recorder and PLC

B. Recoder Data:

Quantity: One (1)
 Type: Digital

3. Model: RSG35-B1A/AAC1G1

4. Recorder Location: SCADA Panel

#### 2.04 MAGNETIC FLOWMETERS

A. Provide magnetic type flowmeters suitable for mounting between two flanges as

- shown on the Contract Drawings.
- B. Flowmeters shall be furnished in accordance with the schedule under Section 2.02 above.
- C. The electromagnetic induction flowmeter shall generate a voltage linearly proportional to flow for full-scale velocity settings from one to 33 feet per second. Standard accuracy of the pulse output shall be  $\pm$  0.01% of full scale (33 ft/sec) for all meters. Optional accuracy shall be  $\pm$  0.2% of rate  $\pm$  0.02% of full scale (33 ft/sec).
- D. The meter shall incorporate a high impedance amplifier of 1012 ohms or greater, eliminating the need for electrode cleaning systems. The meter shall utilize bipolar pulsed DC coil excitation with auto-integrated zeroing each half-cycle. Manual zero adjustments shall not be required even at start-up. Power consumption shall be no more than 15 VA, independent of meter size. Input power required will be from 85 to 260 VAC, 46-65 Hz, with DC input option available.
- E. The magnetic flowmeter shall be microprocessor based with integral electronics. The electronics shall be interchangeable for all sizes from 1/12" to 78". Remotemounted electronics up to 650 feet shall be available where specified. The housing is to be powder coated cast aluminum with a NEMA 4X rating.
- F. The meter's analog and pulse outputs shall be independently selected by push buttons. The analog output shall be an isolated 0/4-20 mA DC into 700 ohms load. The pulse output shall be an open collector output with a maximum frequency of 1000 Hz with configurable pulse width (0.05 to 2 sec). An open collector status output shall indicate either system or process error, or flow direction. An auxiliary input shall be available for positive zero return. A low flow cutoff will be standard, which can be turned on or off by push buttons.
- G. A 2-line, 16-digit LCD backlit display shall indicate flow rate and/or total flow. The totalizer value is protected by EEPROM during power outages, and utilizes an overflow counter. The display shall also be capable of indicating error messages such as empty pipe condition, error condition, and low flow cutoff. The flowmeter shall have the capability of being programmed remotely using HART or Profibus PA protocol.
- H. The meter body shall be available for submersion where specified. The meter body shall include grounding and empty pipe electrodes of the same material as the measuring electrodes. Ground probes, rings or straps will not be acceptable, except on sanitary meters or meter sizes ≤1".
- I. The meter body shall be available in flanged or with custom connectors (NPT fittings, Tri-Clamps, hose fittings, adhesive couplings, or butt-weld connectors) as

120223

- specified in the data sheets.
- J. Liner and electrodes shall be chosen to be compatible with the process fluid. All fluids require a minimum conductivity of  $5\mu$ S/cm ( $20\mu$ S/cm for deionized water).
- K. The standard meter will be FM approved non-incendive Class I, Div. 2 Groups A-D, with units available that have FM Class I, Div. 1 approval.
- L. The magnetic flowmeter shall be of the Endress+Hauser PROline Promag 50 Series.
- M. The Contractor shall furnish one (1) flanged ductile iron blank fitting of each size flowmeter for use in removing meter from service. Blank fittings shall be of the same length as the meter and shall be constructed in accordance with Section 15060.
- N. Contractor shall install grounding discs/protection discs for flowmeter per manufacturer recommendations.

### 2.05 DIGITAL CHART RECORDERS

- A. Recorders shall be suitable for mounting in control cabinet or with housing for wall mounting.
- B. The unit shall have 4 universal inputs.
- C. Unit shall be provided with 1 GB sd card provided by manufacturer.
- D. Input power required will be from 100 to 230 VAC.
- E. Units shall be Endress and Hauser Model RSG35.

#### **PART 3 - EXECUTION**

#### 3.01 INSTALLATION AND FIELD QUALITY CONTROL

- A. The Contractor shall install all equipment in strict accordance with the manufacturer's recommendations and the requirements of Section 11310. The Contractor shall make all necessary adjustments to equipment in order to provide complete and satisfactory operation upon completion of the Contract. Start-up: Check-out of final installation, start-up, calibration, and instruction of operating personnel shall be performed by authorized representative of the manufacturer.
- B. No form of energy shall be turned on to any part of the instrumentation system prior to receipt by the Engineer of a certified statement of approval of the

120223

installation from the manufacturer. The manufacturer's service engineer, however, may turn on the energy, for the purpose of checkout as described above.

#### 3.02 EQUIPMENT MANUFACTURER'S SERVICE REPRESENTATIVE

- A. Equipment Manufacturer's service representative shall be furnished in accordance with the following:
  - 1. 2 Trips (2-Hour Day Per Trip Exclusive of Travel Time): The purpose of the trips shall be to check out the installation and calibration of the equipment, for the purpose of issuing a manufacturer's certificate and to provide training of the operator.
  - 2. These trips are in addition to any other trips requested by the Contractor or required by the Equipment Manufacturer during the installation of the equipment.

**END OF SECTION** 

120223

### **Kuhn Construction Company**

### PROPOSED CHANGE ORDER No. 00001

P.O. Box 1419 Hockessin, DE 19707

Phone: (302) 239-4344 Fax: (302) 239-2816

TITLE:

Flow Meter

**DATE: 1/20/2015** 

PROJECT: Pump Station 207 & Force Main

**JOB:** K14030

TO:

Attn: Michael A. Izzo, P.E.

**CONTRACT NO:** 

17

P.O. Box 589

Georgetown, DE 19947

Phone: 302-855-7717 Fax: 302-855-7799

Sussex County Engineering Department

RE:

To:

From:

Number:

**DESCRIPTION OF PROPOSAL** 

Subcontractors  $30,326 \times 10\% = 33,359$ KCC work  $35,721 \times 15\% = 41,079$ 

Total

\$74,438

Stock#

Item 00001

Description

Quantity Units

**Unit Price** 

Tax Rate Tax Amount Net Amount

1.000

\$74,438.00

0.00%

\$0.00 \$74,438.00

piping in valve vault in accordance with GMB sketches SK2.2 and SK 2.3 dated

Furnish and install 18" flow

meter with vault and additional

January 2105

**Unit Cost:** 

\$74,438.00

Unit Tax:

\$0.00

Total:

\$74,438.00

AR1 Credit:

\$10,350.00

**Total Change Order Amount:** 

\$64,088.00

APPROVAL:	
By:	By: Willia
Michael A. Izzo, P.E.	Ton M. Lav
Date:	Date: 3/24/15
Primavera ®	REUSES 7

K14030

Pump Station 207 & Force main

Direct Cost Report

03/24/2015

Page 1 11:57

Resource	Desc	Pcs	Quantity Uni	t	Unit Cost	Labor	Perm Material	Constr Matl/Exp	Equip- Ment	Sub- Contract	Total	
BID ITEM • Description =	= 9910 Add Air Releases & Flo	u Meter			Unit = LS	Takeofi	· Ouser	1.000	Enor	Quan:	1.000	
Versammenten								an and the same of the			1.000	
910-10	Add Air Releases to V				5250 19 19 1	IS H			OUTBOOK IT	: DE601		524
AAPSMP	Pump Station Mechanic			4.00	CH Pro	d: 0.:	5000 S	Lab Pcs:	4.00	Eqp Pcs		
2PTPE	PS Pipe For Teal	1.00	1.00 LS		11,023.360		11,023				11,023	
310001	3/4 TON PICK-UP	00.1	4.00 HR		8.000				32		32	
326002	SKY 8042 4 TON	1.00	4.00 HR		27.390				110		110	
L02FOR	FOREMAN	1.00	4.00 MH		40.000	213					213	
L03OP7	TRACTOR OPERATO		4.00 MH		30.000	163					163	
L07CAR	CARPENTER	2.00	8.00 MH		35.000	376					376	
\$11,916.17	16.0000 M		16.00 MH		[ 560 ]	751			142		11,916	
0.5000 Sh	ifts * . 2.0000 U	n/Shilt	0.0625 Uni	MM		751.25	11,023.36		141.56		11,916.17	
910-20	Flow Meter Vault				Quan 1.0	ILS H	s/Shft:	8.00	WC	DE601		
AASPV	Set Precast MH, Vault			8.00	CH Pro	d: 1.0	0000 S	Lab Pcs:	5.00	Eqp Pcs		
PIPEFM	Flow Meter Pipe & Acc	ess. 1.00	1.00 LS	8.00	10,078.340	d: 1.0	10,078	Lab Pcs:	5.00	Eqp Pcs	1 0,078	
PIPEFM PRECAST	Flow Meter Pipe & Acc Precast Vault	ess. 1.00 1.00	1.00 LS	8.00	10,078.340 11,453.220	d: 1.0		Lab Pcs:	5.00		1 0,078 1 1,453	
PIPEFM PRECAST VELEC	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor	1.00 1.00 1.00	1.00 LS 1.00 LS	8.00	10,078.340 11,453.220 24,446.000	d: 1.0	10,078	Lab Pcs:	5.00	24,446	1 0,078 1 1,453 24,446	4
PIPEFM PRECAST VELEC VPAINT	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor	1.00 1.00 1.00 1.00	1.00 LS 1.00 LS 1.00 LS	8.00	10,078.340 11,453.220 24,446.000 5,880.000	d: 1.0	10,078	Lab Pcs:			1 0,078 1 1,453 24,446 5,880	ě.
PPIPEFM PPRECAST FELEC PAINT 806003	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1,85 C	1.00 1.00 r 1.00 r 1.00 Y 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR	8.00	10,078.340 11,453.220 24,446.000 5,880.000 79.250	d: 1.6	10,078	Lab Pcs:	634	24,446	1 0,078 1 1,453 24,446	4
PPIPEFM PPRECAST PELEC PAINT 806003 810001	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1,85 C 3/4 TON PICK-UP	ess. 1.00 1.00 r 1.00 r 1.00 Y 1.00 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR	8.00	10,078.340 11,453.220 24,446.000 5,880.000	d: 1.0	10,078	Lab Pcs:	634 64	24,446	1 0,078 1 1,453 24,446 5,880	4
PPIPEFM PRECAST HELEC HPAINT 806003 810001 816002	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1,85 C 3/4 TON PICK-UP WAK. 86-110 ROLLER	1.00 1.00 1.00 1.00 Y 1.00 1.00 R 33 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 HR		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420		10,078 11,453	Lab Pcs:	634	24,446	1 0,078 1 1,453 24,446 5,880 634	4
PIPEFM 2PRECAST 4ELEC 4PAINT 806003 810001 816002 L02FOR	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1,85 C 3/4 TON PICK-UP WAK. 86-110 ROLLER FOREMAN	ess. 1.00 1.00 r 1.00 r 1.00 Y 1.00 1.00 R 33 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 HR 8.00 MH		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000	426	10,078 11,453	Lab Pcs:	634 64	24,446	1 0,078 1 1,453 24,446 5,880 634 64 99	4
APIPEFM APRECAST AELEC APAINT 806003 810001 816002 L02FOR L03OP1	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1,85 C 3/4 TON PICK-UP WAK. 86-110 ROLLER FOREMAN CRANE OPERATOR	r 1.00 1.00 r 1.00 r 1.00 1.00 Y 1.00 1.00 R 33 1.00 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 HR 8.00 MH 8.00 MH		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000	426 376	10,078 11,453	Lab Pcs:	634 64	24,446	10,078 11,453 24,446 5,880 634 64 99 426 376	4
PIPEFM 2PRECAST 4ELEC 4PAINT 806003 8160001 8160002 L02FOR L03OP1 L05LUN	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-110 ROLLER FOREMAN CRANE OPERATOR LABORER UNSKILLE	ess. 1.00 1.00 1.00 1.00 1.00 Y 1.00 1.00 R 33 1.00 1.00 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 8.00 MH 24.00 MH		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000	426 376 675	10,078 11,453	Lab Pcs:	634 64 99	24,446 5,880	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675	4
PPIPEFM 2PRECAST 4ELEC 4PAINT 806003 810001 816002 L02FOR L03OP1 L05LUN \$54,131.18	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-110 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M	ess. 1.00 1.00 1.00 1.00 1.00 Y 1.00 1.00 1.00 1.00 1.00 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 24.00 MH		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000	426 376 675 1,476	10,078 11,453	Lab Pcs:	634 64 99	24,446 5,880 30,326	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675 54,131	4
PIPEFM 2PRECAST 4ELEC 4PAINT 806003 8160001 8160002 L02FOR L03OP1 L05LUN	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-110 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M	ess. 1.00 1.00 1.00 1.00 1.00 Y 1.00 1.00 1.00 1.00 1.00 1.00	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 8.00 MH 24.00 MH		10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000	426 376 675 1,476	10,078 11,453	Lab Pcs:	634 64 99	24,446 5,880 30,326	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675	4
2PIPEFM 2PRECAST 4ELEC 4PAINT 806003 810001 816002 L02FOR L03OPI L03OPI L05LUN 354,131.18 1.0000 Sh	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-I 10 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M ifts * 1.0000 Un Totals: 9910	200 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 24.00 MH 40.00 MH 0.0250 Unit	/MH	10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000 [1080]	426 376 675 1,476 1,476.26	10,078 11,453 21,532 21,531.56	Lab Pcs:	634 64 99 797 797.36	24,446 5,880 30,326	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675 54,131	4
PIPEFM PRECAST FELEC PAINT 806003 810001 816002 L02FOR L03OP1 L03OP1 L05LUN 554,131.18 1.0000 Sh	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-I 10 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M ifts * 1.0000 Ui  Totals: 9910 56.0000 MH/LS	200 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 HH 8.00 MH 24.00 MH 40.00 MH 0.0250 Unit	/MH	10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000 [ 1080 ]	426 376 675 1,476 1,476.26	10,078 11,453 21,532 21,531.56	Lab Pcs:	634 64 99 797 797.36	24,446 5,880 30,326 30,326.00	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675 54,131 54,131.18	4
2PIPEFM 2PRECAST 4ELEC 4PAINT 806003 810001 816002 L02FOR L03OP1 L03OP1 L05LUN \$54,131.18 1.0000 Sh	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-I 10 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M ifts * 1.0000 Un Totals: 9910	200 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 24.00 MH 40.00 MH 0.0250 Unit	/MH	10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000 [1080]	426 376 675 1,476 1,476.26	10,078 11,453 21,532 21,531.56	Lab Pcs:	634 64 99 797 797.36	24,446 5,880 30,326 30,326.00	1 0,078 1 1,453 2 4,446 5,880 634 64 99 426 376 675 5 4,131 54,1 31.18	
2PIPEFM 2PRECAST 4ELEC 4PAINT 806003 810001 816002 L02FOR L03OPI L03CPI L05LUN \$54,131.18 1.0000 Sh	Flow Meter Pipe & Acc Precast Vault Electrical Subcontractor Painting Subcontractor HIT 300 EXC. 1.85 C 3/4 TON PICK-UP WAK. 86-I 10 ROLLEF FOREMAN CRANE OPERATOR LABORER UNSKILLE 40.0000 M ifts * 1.0000 Ui  Totals: 9910 56.0000 MH/LS	200 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1	1.00 LS 1.00 LS 1.00 LS 8.00 HR 8.00 HR 8.00 MH 8.00 MH 24.00 MH 40.00 MH 0.0250 Unit	/MH	10,078.340 11,453.220 24,446.000 5,880.000 79.250 8.000 12.420 40.000 35.000 20.000 [1080]	426 376 675 1,476 1,476.26	10,078 11,453 21,532 21,531.56	Lab Pcs:	634 64 99 797 797.36	24,446 5,880 30,326 30,326.00	1 0,078 1 1,453 24,446 5,880 634 64 99 426 376 675 54,131 54,131.18	

-----Report Notes:-----

The estimate was prepared with TAKEOFF Quantities.

This report shows TAKEOFF Quantities with the resources.

Bid Date: Owner: Engineering Firm: Estimator-In-Charge: 5083 30,326 x 10% = 33,359 KCC 35,721 x 15% = 41,079 \$ 74,438

#### JOB DOES NOT HAVE NOTES

<sup>\*</sup> on units of MH indicate average labor unit cost was used rather than base rate.

<sup>[ ]</sup> in the Unit Cost Column = Labor Unit Cost Without Labor Burdens

In equipment resources, rent % and EOE % not = 100% are represented as XXX\$YYY where XXX=Rent% and YYY=EOE% -----Calendar Codes--

<sup>001</sup> 40HRS-8HRS X 5 DAYS/WK

<sup>002</sup> 50HRS-10 HRS X 5 DAYS/WK

<sup>003</sup> 6 days 8 hrs each

PHONE: (410)228-5262 FAX (410) 228-3900 736 WOODS ROAD P.O. Box 653

# JOHN W. TIEDER, INC.

## ELECTRICAL CONTRACTORS CAMBRIDGE, MARYLAND 21613

March 24, 2015

Kuhn Construction, Inc.

Attn: Bill Kuhn

Re: Sussex PS 207 flow meter addition REVISED

We are pleased to offer the following per request dated 2/19/15:

c 9	1. Lot E & H flowmeter, Panel mount totalizer, site service	\$ 13,223.00
	2. Serial communication module for M340 PLC	\$ 610.00
	3. GFI receptacle w/ in use cover@ vault	\$ 125.00
	4. Trencher	\$ 350.00
	5. ¾ PVC conduits from control room to vault	\$ 125.00
	6. GRD conduit in building	\$ 50.00
	7. Conduit fittings LB's, sealtite etc.	\$ 25.00
	8. Copper wire from panel to vault	\$ 90.00
	9. Freight for flow meter	\$ 400.00
	10. 2 – New breakers installed in panel	\$ 150.00
	11. Labor	\$ 4,525.00
	12. 35% Labor overhead	\$ 1,584.00
То	otal cost	\$ 21,257.00
15	% combined OH and profit	\$ 3,189.00
_		
To	otal change order	\$ 24,446.00

Exclusions: Flowmeter vault, Flowmeter mechanical installation, Pavement replacement, seeding or sodding

Delivery 5-6 weeks after approval. Let us know if this is accepted, and if you need a submittal for approval. We are quoting the numbers on the request. Should you have any questions let me know.

Regards

Wayne Messick

## Maccari Companies, Inc. DE WBE#13102077

P. O. Box 6468 Stanton, DE 19804 Phone (302) 998-5528 Fax (302) 998-3977

March 3, 2015

Kuhn Construction 787 Valley Road Hockessin, DE 19707

Attn: Don Leo

REF: Pump Station 207

Sussex County, DE

Dear Don:

We are pleased to submit our add price on the above referenced project as follows.

Flow Meter – We will coat with Sherwin Williams Duraplate 235.

Please Add

\$5,880.00

Thank you for the opportunity of submitting our add price, we hope to be of service to you on this project.

Very truly yours,

MACCARI COMPANIES, INC.

Joseph Romano Project Manager



PS Bid #: KR2735552

Job Name: PS 207 ARV/VAULT 1-30-15

Location:

**Customer: KUHN CONSTRUCTION CO** 

Engineer:

Bid date: 1/16/15

Mincron #: 4074308

Salesman: KEVIN REICHHOLD

**Branch: HD SUPPLY WATERWORKS** 

Phone: (302) 684-3054 Fax: (302) 684-3586

Mobile: (302) 270-2399

Seq#	Qty	Description	Units	Price	Ext. Price
	******************	AIR RELEASE:		W	
20	2	14X8 FLG TEE(I) C/L PRIMED DI C110	EA	2,456.52	4,913.04
30	2	8X2 TAPT BLIND FLG (I) DI C110	EA	143.88	287.76
40	4	2X4 304SS NIPPLE	EA	12.52	50.08
50	2	2 SS BALL VALVE	EA	107.52	215.04
60	2	2 SS THRD FLANGE 150#	EA	60.79	121.58
70	2	2X1/8 FLG ACC RR FF 304SS B&N	EA	13.85	27.70
80	2	ARI 2" D025 NYLON FLANGED	EA	1,309.16	2,618.32
90	4	14X1/8 FLG FF RR ACC 304SS	EA	115.93	463.72
100	4	14 S92 STANDON PIPE SUPPORT	EA	606.53	2,426.12
		FLOW METER:			
130	2	18 FLGXPE DI PIPE 5'6" C/L	EA	1,103.50	2,207.00
140	1	18 S/B #975 REST DISMNTL JOINT	EA	2,252.63	2,252.63
150	3	18X1/8 FLG ACC RR FF 304SS	EA	231.45	694.35
160	2	18 S92 STANDON SADDLE SUPPORT	EA	845.52	1,691.04
170	20	2" 304SS PIPE	FT	15.85	317.00
180	2	18 MJ L/P SLEEVE(I) CP DI C153	EA	959.96	1,919.92
190	2	18 UFR1400-DA-18I RET DI W/ACC IMPORT	EA	249.10	498.20
200	2	UFR1500-18A-I 18 RETAINER W/A 19.50 OD IMPORT 2" SS PIPE IS CHEAPER IN 20' THAN BUYING CUT PIECES	EA	249.10	498.20
Bid	Totals		Sub To	tai	\$21,201.70
			Bid To	tal	\$21,201.70



Gillespie Precast PO Box 450

Chestertown, MD 21620 Phone: (800) 638-6884 Fax: (410) 778-5998 Job Number: 17088

Order Date: 7/15/2014

Bill to:

KUHN CONSTRUCTION CO

WILLIAM J. KUHN, III.

PO BOX 1419

HOCKESSIN, DE 19707

SUSSEX COUNTY, DE

Contact:

Phone :

(302) 239-4344

Fax:

(302) 239-2816

Phone:

Project Manager:

Project:

Fax:

Customer ID:

KUHC01

PO:

ShipVia:

Terms:

**NET 30** 

Bid Date:

Sales Rep: GREG DADDS

PS 207 & FM SUSSEX COUNTY 12-23

Struc	ture	Station i	P Description			Height	Extension
METE	METER VAULT		Valve Vault 72" x 72"	METER VAU	LT	8.42	\$11,453,22
1	S72X72X81	AH242	72X72X8 SLAB	1	872X72X0	BASE 72° X 72° x 4'	
1	R72)(72)(0		RISER 72" X 72" x 3.84"	2	LS18D1	LINK SEAL FOR 18" PIPE (18)	
36	LS-400-C		LINK SEAL LS-400-C LINK / EACH	1	HATCH	HATCH - 60X60 WITH GRATING	
1	LADDER		LADDER - WITH SAPETY POST	8	CS1	CONSEAL CS 102 1" X 14 57 ROLL	
1	ENG		ENGINEERING / DRAWINGS	1	BCUSTOM	EXTENDED BASE	
2	CS-24		CS-24 CENTURY-LINE WALL SLEEVE	1	DELIVERY	DELIVERY	
8.42	COAT72X7	2	EPOXY EXTERIOR COATING - 6' X 6'	•			

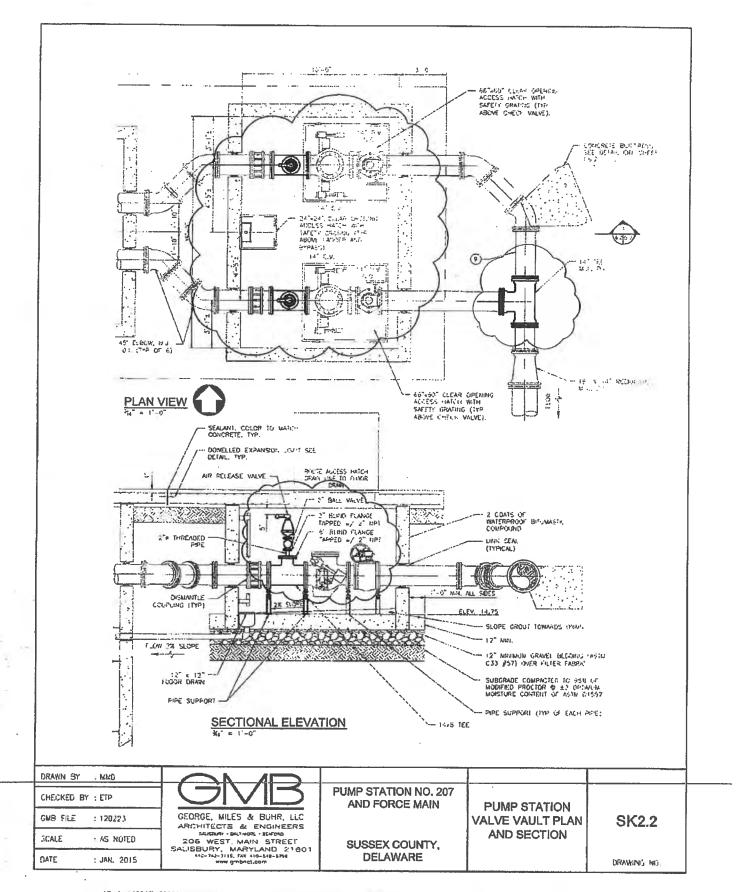
\$0.00		
\$11,453.23		
\$11,453.22		
\$0,00		
\$11,453.22		

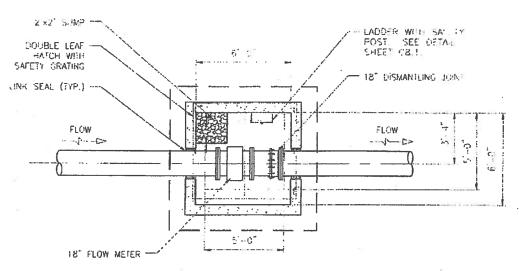
Prices include delivery on flatbed trailer, contractor to unload.

Accepted by:

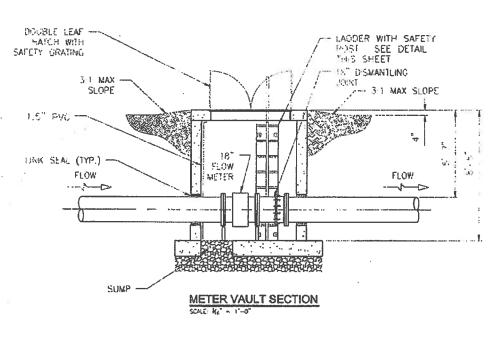


<sup>\*\*</sup> QUOTE VALID FOR 30 DAYS \*\*











	ORAWN BY : MMD  CHECKED BY : ETP	GMB	PUMP STATION NO. 207 AND FORCE MAIN	METER VAULT	
200	GMB FILE ± 120223	GEORGE, MILES & BUHR, LLC	Ø.	PLAN AND	SK2.3
	SCALE : AS NOTED	206 WEST MAIN STREET SALISBURY, MARYLAND 21801	SUSSEX COUNTY.	SECTION	
•	DATE : JAN. 2015	410-742-3415, Set 440-548-5790 www.gmbnet.com	DELAWARE		ORAWING NO.

#### Plantations Rd and Shady Rd Revised Scope of Work (revised unit prices) **Quantity Adjustment**

Item No.	Bid Item Description	Size	Units	U	nit Price	Original Quantity	Revised Quantity	Quantity Add/Deduct	Add/Deduct Total Price
SCHEDULE	A								
A7	Furnish and Install PVC Force Main (Inside pavement)	24" w/3" Base Course	LF	\$	305.00	2150.00	1000.00	-1150.00	\$ (350,750.00)
A14	Mill 2"		SY	\$	4.90	8257.00	6724.00	-1533.00	\$ (7,511.70)
A15	Furnish and Install Type C Hot Mix Overlay 2"		SY	\$	14.80	8257.00	6724.00	-1533.00	\$ (22,688.40)
A17	Furnish and Install PVC Force Main (outside pavement - Shady Road)	24"	LF	\$	272.00	0.00	1150.00	1150.00	\$ 312,800.00

Deduct \$ (68,150.10)

A7:	24" FM Original Contract Limits (PVMT)		A14	Milling Original Contract Quantity	8257.00
	Stat 62+00 - 83+50	2150.00 lf		Shady Mill Removed (sta 74+25- sta 62+75)	1533.00
	Revised Limits			(*assumes 12ft. Lane)	
	Sta 62+00 - 62+75	75.00		Revised Quantity	6724.00
	Sta 74+25 - 83+50	925.00			
		1000.00 If			
			A15	Overlay Original Contract Quantity	8257.00
	Revised Quantity	1000.00		Shady Overlay Removed (sta 74+25- sta 62+75)	1533.00
				Revised Quantity	6724.00
A17:	24" FM Original Contract Limits (O.S. PVMT)				
	Sen 62175 74125	1150.00 16			

Sta 62+75 - 74+25

1150.00 If

**New Pay Item Quantity** 

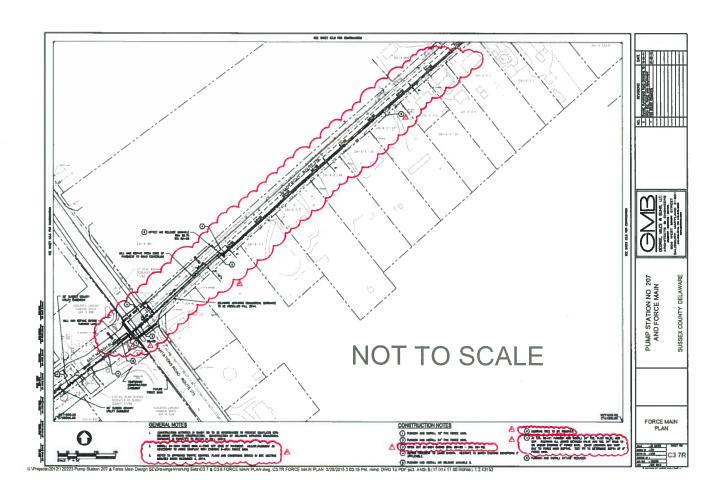
1150.00

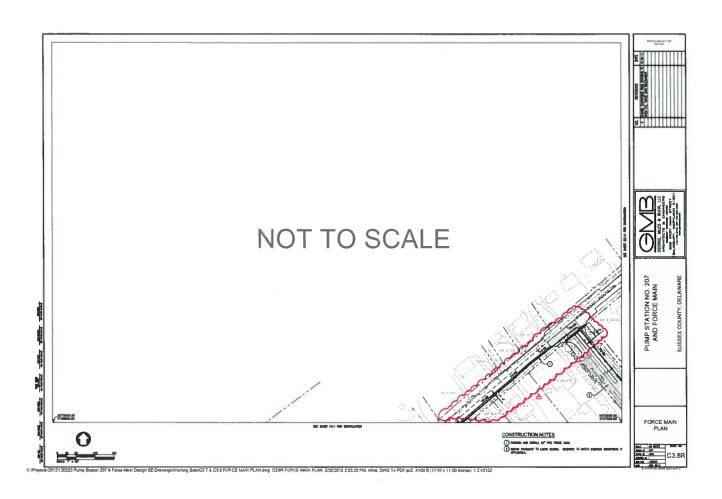
The force main installation along Shady Road is proposed to be relocated from within the pavement to outside of the pavement between the station of 62+75 thru 75+25 which results in an approximate savings of \$68,150.10.

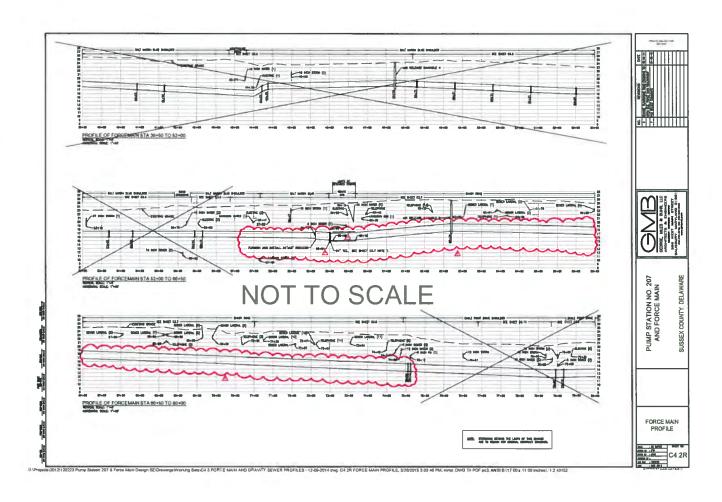
Force main installation from station 58+92 thru 62+00 shall be at the establish Bid Item No. A09 and shall include all requirements as stated by DelDOT (refer to onsite meeting minutes dated 12-3-14) for open cutting and restoring the intersection at Plantation Road.

The scope of work is as defined on Revised Sheet Nos. C3.7R, 3.8R, and 4.2R as last commented on by DelDOT dated 1-23-15.

GMB File No. 120223.A March 26, 2015







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#### **OLD BUSINESS**

April 21, 2015

This is to certify that the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that the application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

#### Conditional Use #2008 – John Martin

Application of **JOHN MARTIN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a trucking business and parking of vehicles to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 35,011 square feet, more or less, land lying northwest of Millsboro Highway (Route 24) 300 feet northeast of Lewis Road (Road 409) (911 Address: 30102 Millsboro Highway, Millsboro, DE) (Tax Map I.D. 133-20.00-17.17).

The Commission found that DelDOT provided comments on July 10, 2013 in the form of a Support Facilities Report which references that a Traffic Impact Study was not recommended and that the current Level of Service "E" of Millsboro Highway will not change as a result of this application.

The Commission found that the Sussex Conservation District submitted comments on February 4, 2015 in the form of a memorandum referencing that there is one (1) soil type on the property; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that it is possible that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on February 9, 2015 in the form of a memorandum referencing that

the site is located in the Western Sussex Planning Area #5; that use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use in not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that three (3) letters of opposition were received from Brenda Shockley Cantrell, Robert B. Truitt, Sr., and Joseph and Joyce Lofland. It was noted that Ms. Cantrell's letter had photographs of the site attached.

The Commission found that Ellouise Martin was present with Donald Brown, tenant, and that they stated in their presentation and in response to questions raised by the Commission that John Martin was in the hospital and could not attend; that Mr. Brown lives on the property and operates a trucking business on the site; that he has had as many as three (3) trucks on the site; that he now has one (1) truck; that he no longer parks trailers on the site; that he parks the trailers at another location; that most of his haul loads are within Delaware for Coastal Materials; that he has talked to some of his neighbors and heard no complaints; that he is aware that he cannot park his tractor and trailer on Route 24; that on occasion he starts his truck at 5:00 a.m.; that he does some minor maintenance on his truck periodically; that he has his own service pickup truck; that he does tinker with cars and has a race vehicle in a box trailer on site; that no signage is necessary; that he is not sure if the neighbor to the west is still operating an auto repair business; that Parker Block is just west of the intersection on the south side of Route 24; that he does not now cross the property line with his vehicles; that the driveway is stoned; that he realizes that the area is primarily residential with small lots; and that he has been selling vehicles, but they were his personal vehicles.

The Commission found that there were no parties present in support of or in opposition to this application.

The record was closed on this application.

At the conclusion of the public hearings, the Commission discussed this application.

On February 12, 2015 there was a motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4-0.

On February 26, 2015 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend denial of C/U #2008 for John Martin for the operation of a trucking business and parking vehicles based upon the record made during the public hearing and for the following reasons:

- 1) The use is not a public or semi-public use. Instead, it appears to be for the sole benefit and convenience of the Applicant so that he can park and operate a trucking business from his residence
- 2) There is information in the record that nearby neighbors oppose the application. There is also evidence in the record that the use has previously existed without approval and has not been operated in an orderly or neat fashion. For example, information in the record

- states that the applicant has allowed his trucking equipment or other vehicles to trespass onto neighboring properties without permission.
- 3) Although the applicant has applied for a Conditional Use to operate his trucking business, during the public hearing he indicated that various other operations apparently occur on the site, with all sorts of vehicles stored there. This includes race cars for personal use and automobiles for sale. Although these vehicles may be permitted, I do not feel it is appropriate to add additional vehicles associated with a Conditional Use trucking operation to the already crowded and small lot.
- 4) This is not a safe location for this use. As stated by the applicant, he is required to back his truck from the County roadway onto the property, blocking traffic.
- 5) The applicant stated that sometimes he starts his truck at 5:00 a.m. The operation of this equipment at such as early hour is not compatible with the nearby residential uses.
- 6) The applicant has stated that he parks his trailers off-site and there is no apparent reason why he could not also park the tractor in the same location away from his property and the surrounding residential uses.
- 7) In summary, the proposed Conditional Use is not compatible with the neighboring and adjacent properties or roadways. As a result, it should be denied.

Motion by Mr. Ross, seconded by Mr. Burton, and carried with three (3) votes to forward this application to the Sussex County Council with the recommendation that this application be denied for the reasons stated. Motion carried 3 - 0, with Mr. Johnson not voting.

### Introduced 12/09/14

Council District – District No. 5 Tax I.D. No. 133-20.00-17.17

911 Address: 30102 Millsboro Highway, Millsboro

### ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE A TRUCKING BUSINESS AND PARKING OF VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 35,011 SQUARE FEET, MORE OR LESS

WHEREAS, on the 27th day of October 2014, a conditional use application,

denominated Conditional Use No. 2008 was filed on behalf of John Martin; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2014, 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. 2008 be \_\_\_\_\_\_; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_\_ 2014, 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.

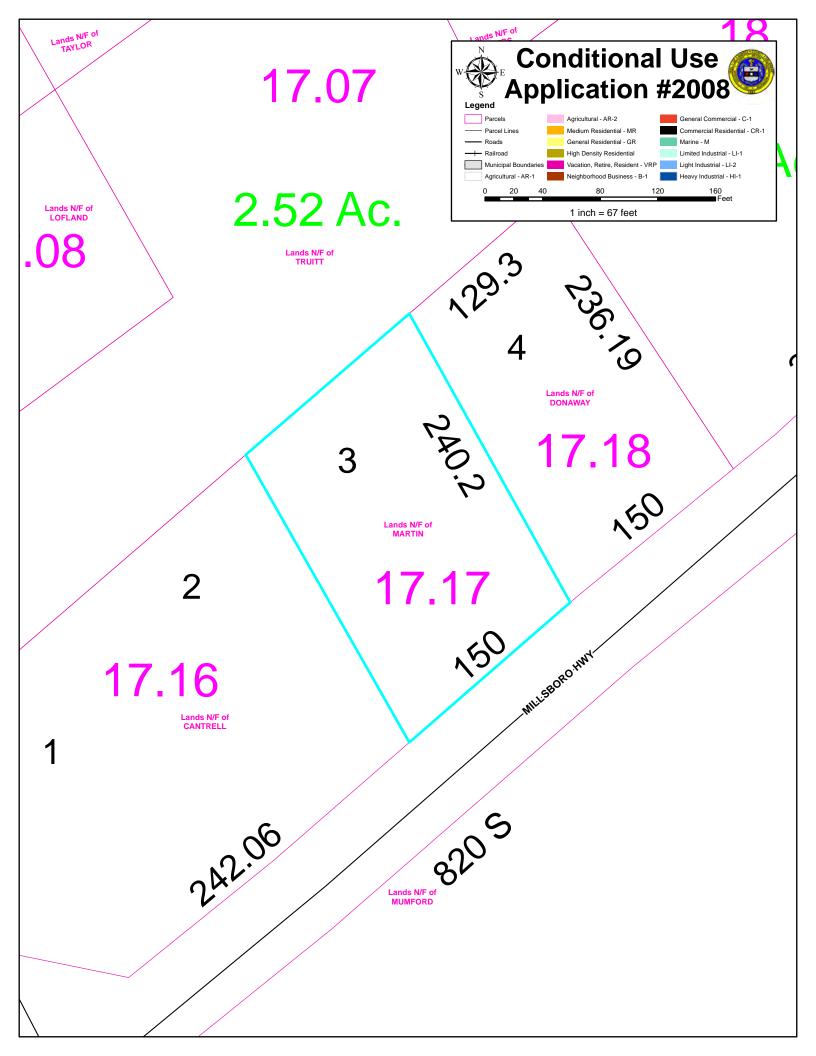
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

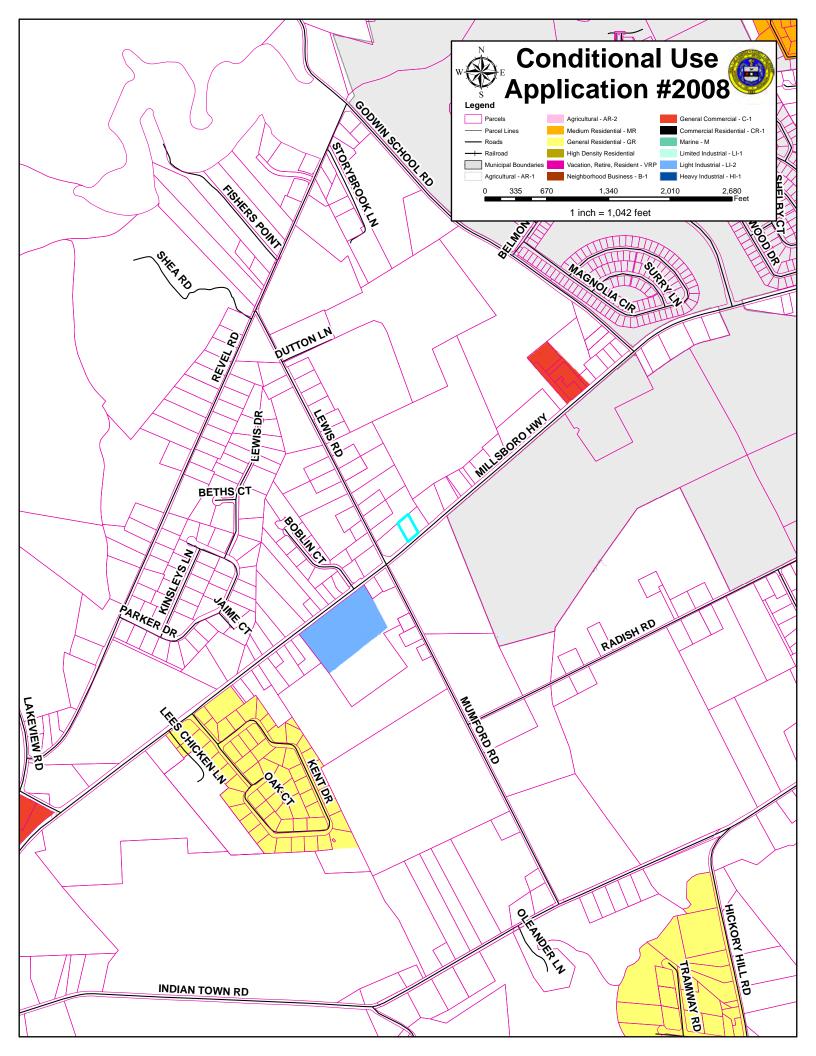
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2008 as it applies to the property hereinafter described.

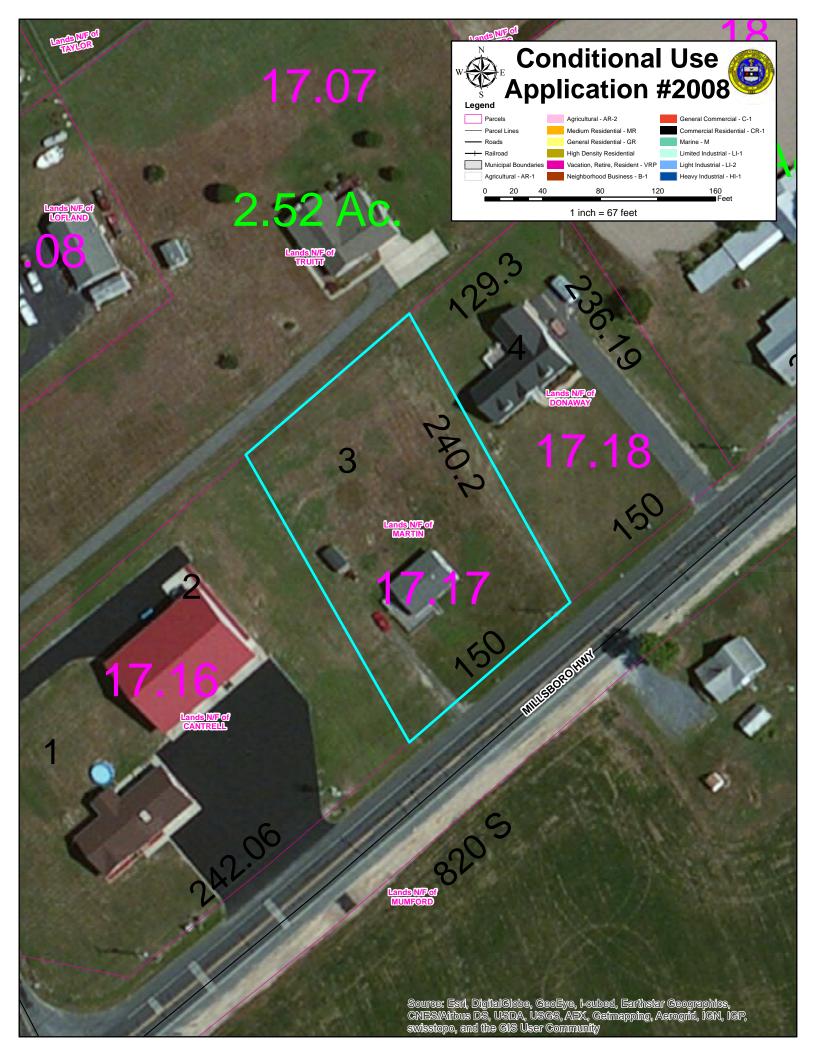
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying northwest of Millsboro Highway (Route 24) 300 feet northeast of Lewis Road (Road 409) and being more particularly described in Deed Book 3230, Page 229, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 35,011 square feet, 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.









## MILTON FIRE DEPT., INC

STATION 85

116 Front Street Milton, Delaware 19968

Emergency 911

Business 684-8500

Fax 684-0202

March 23, 2015

Sussex County Council The Circle Georgetown, DE 19947

RE: Council Grants

Dear Council Members:

In August of 1965, the Milton Fire Department Ladies Auxiliary was re-organized by a small group of ladies after being dormant for some time. In August of 2015, we plan to celebrate our 50<sup>th</sup> anniversary and reflect on the past 50 years of supporting the Milton Fire Department, a vital part of our community.

Preliminary plans are starting to take shape and we are hoping to have an event filled weekend. Our kick-off event will be held Friday evening, August 7<sup>th</sup> with a street dance and activities at the fire house which will be open to the public. On Saturday, August 8<sup>th</sup> we plan to host a luncheon and presentation ceremony. Our hope is to unveil a memorial plaque honoring our deceased members. Finishing off the weekend, we plan to have a BBQ and photo session for firefighters and auxiliary members to capture this celebration for the history books. We are asking that you "save the date" for Saturday, August 8<sup>th</sup> to attend our luncheon and ceremony. Formal invitations will be mailed at a later date.

At this time, we are asking your consideration of a one-time grant for \$1,000 to help with expenses for the memorial plaque and street dance for the community. If approved, please send check to Milton Fire Department, Attn: Jeany Argo , 116 Front Street, Milton, DE 19968. We are looking forward to a great weekend in August and hope to be able to give our community a glimpse into the past and honor those who have served! We hope that you will be able to participate and enjoy celebrating our 50<sup>th</sup> anniversary with us!!!

Thank you,

Mary Ann Warrington President, Vadies Auxiliary



### Greeting Councilman Cole and Councilwoman Deaver,

I would like to thank you for being so gracious at the last county Council meeting. I am writing to request discretionary funds for WRCYP per Councilman Coles direction. So far over 10k has been raised towards a used van for transporting low income children to and from a community center located in our county, in West Rehoboth. This is the means of transport for kids to and from the center in the Rehoboth, Lewes, and Millsboro areas including children in *your* district. WRCYP mission is to promote literacy, learning and health via these enrichment programs.

We are in need of 6k more to be able to make the proper purchase. For some of these children, this is an only safe and nurturing option after school and some summer days. We are in need of 6k more to be able to make the proper purchase.

The tax id for non –profit confirmation is 51 0350410.

Anything you can do will be greatly appreciated.

Thanks again for all you do,

Kathy McGuiness Spencer Brittingham On behalf of WRCYP



March 26, 2015

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

The Honorable Michael H. Vincent The Honorable Samuel R. Wilson, Jr. The Honorable Joan R. Deaver The Honorable George B. Cole The Honorable Robert B. Arlett

Dear Council,

Re: Community Grant Request for Kids on Campus Scholarship at Delaware Tech

Kids on Campus offers a wide variety of courses for ages 2-16 years old. With lots of new topics to choose from, children can improve their art skills, explore career options, whip up a tasty dish, participate in theatrical performances, learn how to be a better environmental steward, blast off a rocket, show off their sports abilities or have fun with iPads. We also have Brain Builder sessions to help improve their English, Reading and Math skills.

The Kids on Campus program at Delaware Tech, Owens Campus provides educational, enriching and cultural experiences for youth in our county. The campus is a centralized location to bring students from all surrounding towns together to prevent the summer "slide effect" in education and expose them to opportunities to grow their futures. The money we receive towards our scholarship program goes directly to the kids attending camps from our county. Previous years have proven a direct correlation of participation in our camps to the amount of funds available and thanks to the support of your organization, we have served over 1,000 children last year.

We request a grant of \$1,000 to allow approximately 10 more children to attend a week-long summer camp.

Our goals are (1) provide a high quality camp experience, (2) offer scholarships to allow more low to moderate income students to experience the benefits of a summer camp and (3) increase the number of children that have a positive summer camp experience and connecting them to Delaware Tech as a future provider of post-secondary education.

Thank you for considering our grant request.

Sincerely,

C. Moody

Chris Moody

Director, Workforce Development and Community Education

#### Georgetown Millsboro Rotary Club

Post Office Box 164

Georgetown, DE 19947

April 6, 2015

Sussex County Council

Post Office Box 589

Georgetown, DE 19947

Dear Council:

We would like to again say thank you for supporting our inaugural year of the Flags for Heroes project. We think you will agree that it was a great first year as those 500 flags flew in honor and memory of our military, first responder and community heroes. This project is gaining momentum across the State and the Nation and there will be many such displays of patriotism during 2015.

We have kicked off our 2<sup>nd</sup> year of this great project and are looking forward to a magnificent display on The Circle, at Delaware Tech and at the entrances to downtown Millsboro for the Memorial Day holiday. We look forward to your participation in this effort and have enclosed a sample form for your use. Last year, you purchased 10 flags and we hope that you will consider an equal or greater support for this year's effort. The monies raised are returned to the community to support local nonprofits and those in need.

If you have any questions, please call Helen at 745-0078 or Marlene at 302-270-1078. Thank you for your consideration of this exciting project.

Helen Kruger and Marlene Elliott Brown

HELEN Malue

On Behalf of the

Georgetown Millsboro Rotary Club



## Georgetown-Millsboro Rotary Club

# Flags for Heroes 2015





## Sponsor a Flag for \$50.

Honor a military, first responder, or other hero (past or present), by sponsoring a flag. Over 500 flags will be proudly displayed around the Circle in Georgetown, along Rt. 404 at Delaware Technical Community College, across from the Millsboro Post Office and the Rt. 24 east entrance to Millsboro the week before and the week after Memorial Day 2015 and in several of the locations on Flag Day and July 4<sup>th</sup>. Proceeds support local youth programs, scholarships, and Rotary's community projects.

### To help assure accuracy, please list only one Hero per form

Sponsor NameAddress	State Zip		
Phone Email Addres			
Sold by (Rotarian)	Cash Check #		
Make your \$50* check payable to: Delaware Commudeductible). Please write G-M Rotary Flags for Heroe Georgetown-Millsboro Rotary Club, P.O. Box 164, Go *One check may be written for multiple flag sponsors	es on the memo line. Give to a Rotarian or mail to: eorgetown, DE 19947.		



## Receipt

The Georgetown-Millsboro Rotary Club Thanks:

Sponsor			
	Cook	Chapte #	

Cash \_\_ Check # \_\_\_\_

Sold by (Rotarian) \_\_\_\_\_ Date \_\_\_/\_\_\_



## Children of the Delaware National Guard Youth Camp

A 503(c)3 non-profit organization EIN # 27-1126085

1 March 2015

Ernie Colwell Camp Director

Veronica Rich Chief Administrator

Gerry WillemsendeBock Asst. to Camp Administrator

Chris Slicer Chief Counselor

Kim King Secretary

Shirley Shellton Treasurer Charitable Contribution Request in Support of The Children of the Delaware National Guard 14<sup>th</sup> Annual Youth Camp to be held 19-26 July 2015.

We respectfully request your consideration to help sponsor/support our annual fund drive. 2015 marks the 15<sup>th</sup> anniversary of the Children of the Delaware National Guard Youth Camp. This annual youth camp provides an opportunity for 130 children of National Guard personnel to experience a quality summer camp at minimum/no cost. Our goal is to raise \$40,000.00. Camp Colwell is a 503 c 3, non-profit organization EIN# 27-1126085. Checks payable to Camp Colwell can be sent to; Children of the DNG Youth Camp c/o Ernie Colwell, Camp Director 7 Weatherford Court New Castle, DE 19720.

Sixty current and/or former members of our Delaware National Guard volunteer over 10,000 hours in support of camp operations. Operations that include: medical, food service, laundry, administration, transportation, arts & crafts and supervision in the form of senior counselors. It's important to note that all volunteers and the Executive Council are unpaid.

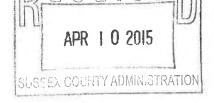
The success of our youth camp is measured by the leadership of our Executive Council, the dedication of our support staff and the generosity of individual, organization and corporate sponsors. We would like to add your organization to our list of noteworthy supporters. Please contact me at the number below should you require additional information or documentation.

Sincerely,

Ernie Colwell

Ernie Colwell

Executive Director 302-322-3283



#### To Be Introduced 4/21/15

Council District No. 2 - Wilson Tax Map I.D. No. 430-3.00-11.01 911 Address: 10862 Shawnee Road, Harrington

#### ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of February 2015, a zoning application, denominated

Change of Zone No. 1776 was filed on behalf of Larry Yoder; and

WHEREAS, on the \_\_\_\_\_\_ day of \_\_\_\_\_\_ 2015, 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. 1776 be \_\_\_\_\_\_; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2015, 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 COUNTY 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 of LI-2 Light Industrial District as it applies to the property hereinafter described.

### Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying northwest of Shawnee Road (Road #36) 3,439 feet northeast of Road 628 (Coon Den Road) and being more particularly described as follows:

BEGINNING at point on the northwesterly right-of-way of Road 36 (Shawnee Road), a corner for these lands and other lands of Larry L. and Jeanette H. Yoder; thence North 31°18′05″ west 448.56 feet along said lands to a point; thence north 58°53′36″ east 80.00 feet and north 31°06′24″ west 80.00 feet around a tower enclosure to a point; thence north 58°53′36″ east 125.21 feet along said lands to a point; thence south 59°34′20″ east 158.45 feet along lands of William J. Wagenhoffer to a point; thence crossing Yoder lands south 58°43′46″ west 230.43 feet and south 31°18′05″east 388.56 feet to a point on the northwesterly right-of-way of Road 36; thence south 58°49′33″ west 50.09 feet along the northwesterly right-of-way of Road 36 to the point and place of beginning, and containing 1.079 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.

#### PUBLIC HEARINGS

April 21, 2015

This is to certify that on March 12, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change in Zoning. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

#### Conditional Use #2013 – TBHM, LLC

Application of **TBHM**, **LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a meadery microbrewery for the manufacturing of honey wine and tasting to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.99 acres, more or less, land lying north of Route 9 (Lewes Georgetown Highway) 600 feet east of Coolspring Road and South of the Railroad (911 Address: None Available) (Tax Map I.D. #334-4.00-34.00 (Part of) and 235-31.00-15.00).

The Commission found that the Applicant provided surveys of the property with their application submitted on December 2, 2014, and that they submitted an Exhibit Booklet for consideration on February 27, 2015.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on October 7, 2014 referencing that a Traffic Impact Study was not recommended, and that the current Level of Service of Route 9 will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on March 9, 2015 referencing that the site contains four (4) soil types; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that the necessity for off-site drainage improvements is not likely; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 10, 2015 referencing that the property is in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that John Talkington and Robert Walker were present on behalf of their application with Wayne Hawkins, builder, and stated in their presentation and in response to questions raised by the Commission that the landowner and the proposed builder were also present; that the Exhibit Booklet describes their intent to establish a meadery; that mead is a honey wine, similar to cider; that the process is similar to a winery; that the honey is mixed with water into a fermentation vessel or mixing tank; that the amount of honey and water varies depending on the batch size and recipe; that some of the meads will have fruit and spices added for flavoring; that once the honey and water are mixed the specific gravity, PH and temperature will be taken; that yeast, yeast nutrients, and oxygen will be added to the mixture to start the fermentation process which takes approximately 3 to 4 weeks; that after that process has ended, the mead will be left to clear and age; that the aging process takes 3 to 6 months; that some of the mead will be aged in oak barrels like wine; that the mead is then filtered before packaging into bottles or kegs; that the process uses less water than the processing of beer; that they hope to have approximately 800 cases processed in the first year; that they hope to be the first meadery in Delaware; that the closest meadery is in Baltimore; that they referenced Delaware Title for a microbrewery to show their intent to sell mead manufactured at this location in labeled barrels, bottles or other closed containers to importers licensed for delivery by them to persons inside and outside of Delaware, and to sell mead at this location for consumption on or off the premises; that the mead sold for off-premises consumption shall be limited to a maximum of 5 cases per day to each retail customer; that a tasting area will be provided on the premise; that they plan on selling mead by the glass, growler, keg, pint, or case; that the tasting room would be in the mead hall; that mead is similar to a hard cider; that they are hoping to hire 5 to 10 employees; that business hours would be longer during summer months; that manufacturing, including bottling, hours are planned to be Monday through Saturday from 8:00 am to 10:00 pm; that retail hours are planned to be Monday through Saturday from 12:00 Noon to 10:00 pm, and Sundays from 12:00 Noon to 5:00 pm; that they will observe all major State holidays; that all bottling will be done by hand, not machinery; that if the business grows, as anticipated, they may be moving to a larger site at another location; that they plan on selling related merchandise such as t-shirts, sweatshirts, posters, mugs, glasses, signs and other knickknacks; that tours/tastings may operate one time per hour from 1:00 pm to 6:00 pm; that they anticipate approximately 15 visitors weekdays to 40 visitors on weekends; that septic and water will be on-site; that processing waste will be properly disposed of; that they may have private parties on premises, which will be limited to 25 to 30 people; that they do not anticipate any impact on the community due to the size of the facility; that it is reported that they will create less wastewater than a family of two; that deliveries will be from UPS types of trucks, not 18 wheelers; that they would like to be able to erect signage consistent with a commercial or business use; that they hope to be able to reconstruct buildings on the existing foundations; that two building exists, one of which was a

Southern States building, and the other was a storage building; that they are proposing to provide customer parking on the easterly side of Coolspring Branch, with a pedestrian bridge for access to the site across Coolspring Branch; that a new building could be built on the easterly side of Coolspring Branch; that a church exists across Route 9 from the site; that the State ABC laws have changes and do not require a specific distance from churches; that there are no wetlands issues; and that their concern in remodeling or rebuilding the buildings are the setbacks.

The Commission found that Catherine Bronson was present in support and stated that the proposed use will increase revenue from tourism; that the use will be a benefit to the culinary and winery touring industry; that Delaware has a fast growing winery type tourist industry with four (4) wineries; that Maryland has 13 wineries; that there are approximately 150 meadery sites nationwide; that the site is in the tourism area of Sussex County; and that the use should be good for the economy.

In response to a question raised by the Commission, Mr. Walker stated that they will be leasing the property.

The Commission found that Shaune Thompson, one of the landowners, confirmed that the owners approve of the use; that it is the applicant's intent to try to use the existing structures; and that she is present to show the owners support.

At the conclusion of the public hearings, the Commission discussed this application. Some concerns were expressed about the reconstruction of the existing buildings due to their condition, and that the applicant should consider construction of a new building on the easterly side of Coolspring Branch.

On March 12, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action and to leave the record open for ten (10) days for receipt of a revised preliminary site plan from the applicants, and then ten (10) days for public review. Motion carried 4-0.

On April 9, 2015 the Commission again discussed this application.

Mr. Johnson stated that the revised site plan indicating the intent to use the easterly portion of the site for the use will be beneficial to visitors and guest and makes more sense than trying to rebuild the original buildings on the westerly portion of the site.

Mr. Ross suggested that the Commission announce that the revised site plans have been received to allow for public review and comments.

There was a consensus of the Commission to leave the record open for 10 days to allow any interested parties to review the revised site plan and provide written comments on the application.

#### Change of Zone #1765 – Red Mill Point, LLC

Application of **RED MILL POINT, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 29,289 square feet, more or less, land lying northeast of Route One (Coastal Highway) across from Red Mill Pond (911 Address: None Available) (Tax Map I.D. 334-1.00-5.00).

The Commission found that the Applicant provided surveys of the property with their application submitted on December 2, 2014, and that they submitted an Exhibit Booklet for consideration on February 27, 2015.

The Commission found that the Applicants provided a survey of the property with the application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on November 3, 2014 referencing that a Traffic Impact Study was not required, and that the current Level of Service "E" of Route One will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on March 9, 2015 referencing that the site contains one (1) soil type; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that on-site and off-site drainage improvements will not be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 12, 2015 referencing that the site is located in the Northern West Rehoboth Expansion Planning Area; that central sewer service is not available to the parcel at this time; that use of an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the parcel is in a future service area of the West Rehoboth Expansion Area and does not have sewer service available at this time; that the County does not have a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Hal Dukes, Esquire with Tunnel & Raysor, P.A., was present on behalf of the Applicants and stated that the Applicants are the owners of the adjacent commercial property that is improved with professional offices; that DelDOT has taken 100 foot of the frontage on the adjacent parcel; that they are intending to add this parcel to their adjacent parcel; that the front 100 foot of the adjacent parcel contains the septic system, and that they will be utilizing this site for a new septic system and some possible additional parking; that some of the buildings on this site have already been removed or will be removed shortly; and that the CR-1 Commercial Residential zoning classification has been requested so that the parcels can be combined into one parcel with one zoning classification.

The Commission found that Nancy Beluchi, a nearby resident, was present in support and voiced no objections.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

On March 12, 2015 there was a motion by Mr. Burton, seconded by Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 - 0.

On April 9, 2015 the Commission discussed this application under Old Business.

Mr. Burton asked for some discussion on this application prior to making a motion, and added that the record may have been inadequate.

Mr. Johnson stated that he has no problem with the application since the applicant intends to combine this property with the adjacent property; since commercial areas adjoin the property; that the concept is acceptable; and that he was also concerned that the presentation could have been more informative.

Mr. Ross stated that combining the parcels makes sense; that he has no objection; and that the applicant may have assumed that since the parcels are being combined that there should be no problem.

Mr. Smith stated that the record could have been stronger and more supportive.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 - 0.

#### **Introduced 01/27/15**

Council District No. 3 - Deaver Tax Map I.D. 334-4.00 34.00 (Part of) and 235-31.00-15.00 911 Address - None Available

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEADERY MICROBREWERY FOR THE MANUFACTURING OF HONEY WINE AND TASTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED AND BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of December 2014, a conditional use application, denominated Conditional Use No. 2013 was filed on behalf of TBHM, LLC; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, 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. 2013 be \_\_\_\_\_\_;

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, 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, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2013 as it applies to the property hereinafter described.

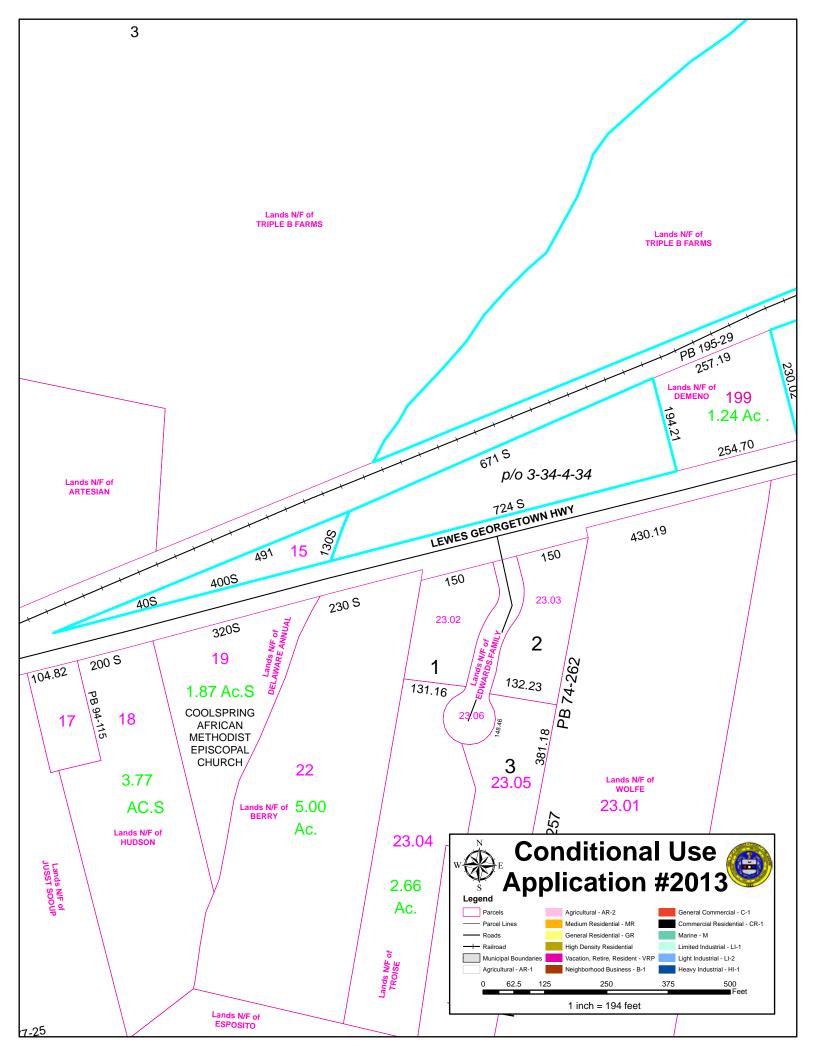
Section 2. The subject property is described as:

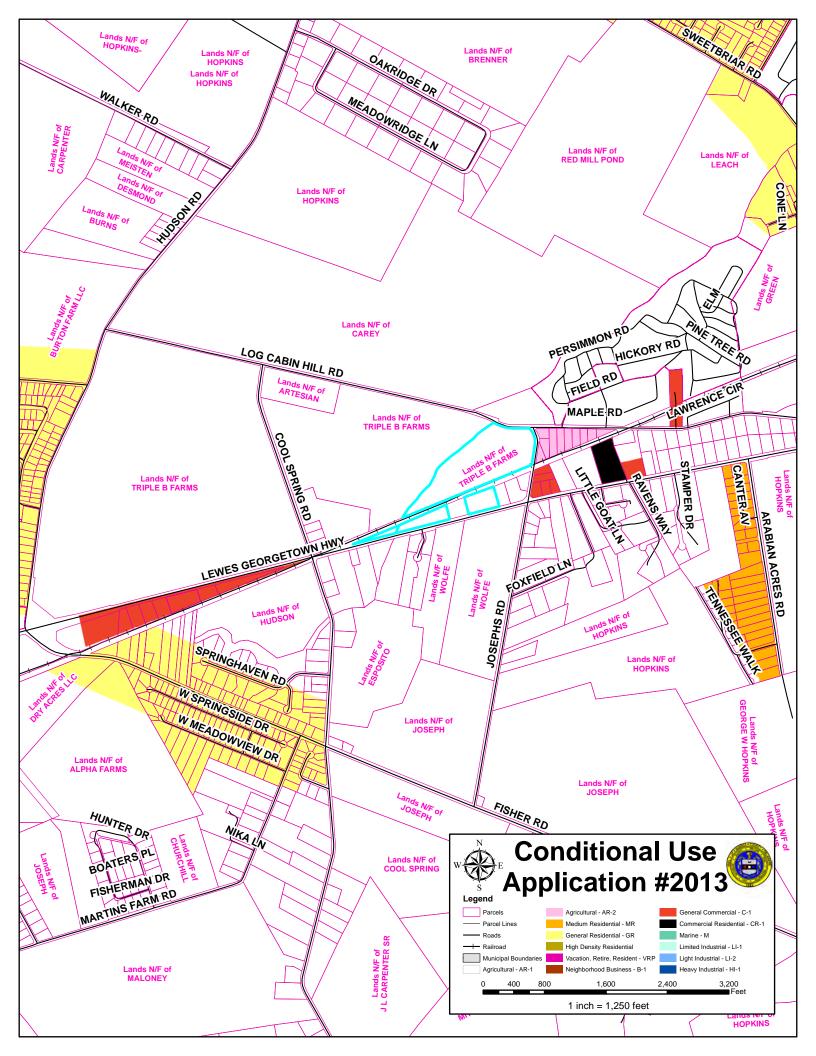
All that certain tract, piece or parcel of land, lying and being in Lewes and Rehoboth Hundred and Broadkill Hundred, Sussex County, Delaware, and lying north of Route 9 (Lewes Georgetown Highway) 600 feet east of Coolspring Road and south of Railroad and being more particularly described as follows:

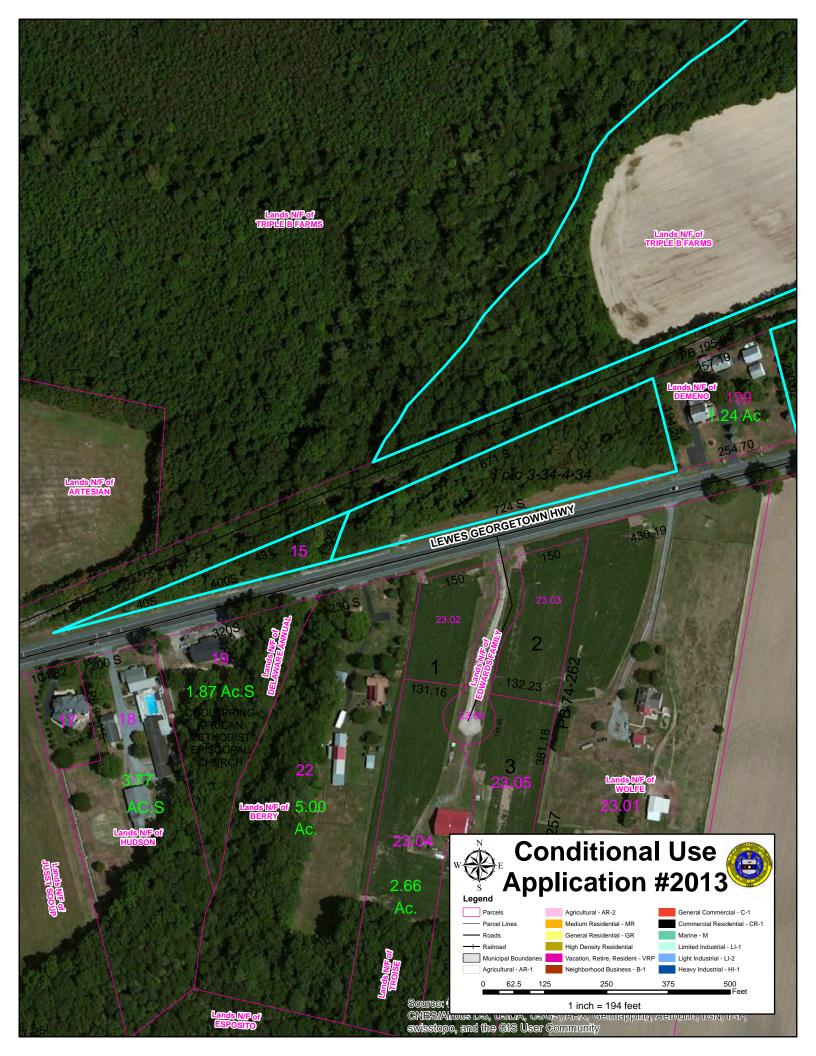
Beginning at an iron pipe on the northerly right-of-way of Route 9 (Lewes Georgetown Highway), a corner for these subject lands and lands, now or formerly, of Harlan Gilbert York, Jr.; thence South 83° 11′ 54″ West 1,115.88 feet along the northerly right-of-way of Route 9 to a point; thence North 14°53′00″ 38.70 feet along lands, reportedly, now or formerly, of Penn Central Railroad to a point; thence North 75°17′00″ East 1,132.12 feet along said railroad to an iron pipe; thence South 06°47′51″ East 194.21 feet along lands, now or formerly, of Harlan Gilbert York, Jr. to the point and place of beginning, and containing 2.99 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.









#### Introduced 1/6/15

Council District 3 - Deaver Tax Map I.D. No. 334-1.00-5.00 911 Address: Not Available

ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS.

WHEREAS, on the 17<sup>th</sup> day of November 2014, a zoning application, denominated Change of Zone No. 1765 was filed on behalf of Red Mill Pointe, LLC; and

WHEREAS, on the \_\_\_\_\_\_ day of \_\_\_\_\_ 2015, 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. 1765 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 COUNTY 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 CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northeast of Route One (Coastal Highway) across from Red Mill Pond and being more particularly described in Deed Book 4263 Page 60 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, and containing 29,289 square feet, 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.

