

**MINUTES OF THE KENT COUNTY LEVY COURT
COMBINED BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, MARCH 11, 2025**

Call to Order

The Business meeting of the Kent County Levy Court was called to order at 7:00 p.m. by President Masten.

Invocation

The Invocation was led by Commissioner Pepper.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Angel.

Moment of Silence for our Troops

A moment of silence was observed for our Troops and led by Commissioner Sweeney.

Roll Call

Allan F. Angel	Commissioner
Jeffrey W. Hall	Commissioner
Paul Hertz	Commissioner
Terry L. Pepper	Commissioner
Robert Scott	Vice President
George W. Sweeney, Sr.	Commissioner
Joanne Masten	President

There are seven (7) Commissioners present at Roll Call.

ADOPTION OF AGENDA

- M-25-058** **Motion** to adopt agenda as presented made by Mr. Angel; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Public Comments on Agenda Items other than Public Hearing Items

Note: Public Comments for Public Hearing Item(s) will be during their public hearings. - None

Approval of Levy Court Business Meeting Minutes of Tuesday, March 11, 2025

- M-25-059** **Motion** to approve March 11, 2025, Levy Court Business meeting minutes made by Mr. Angel; seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Resolution 4095, Declaring March as “Irish American Heritage Month” in Kent County Delaware

The following was read into the record by Ms. Lorri Tanaka.

Whereas Irish Americans have played a pivotal role in shaping the fabric of our nation, bringing resilience, creativity, and a deep sense of community and,

Whereas Irish Americans have left an indelible mark on every facet of American society from arts to politics, science to labor movements and,

Whereas hardworking Irish immigrants helped build America's and Delaware's infrastructure including canals, railroads, and cities.

Now, therefore be it resolved that the Kent County Levy Court hereby declares the Month of March 2025 as Irish American Heritage Month in Kent County, Delaware.

Be it further resolved that this resolution be and hereby is incorporated into the official minutes of the March 11, 2025, meeting of the Kent County Levy Court.

No one was available this evening for this presentation.

- M-25-060** **Motion** to approve Resolution 4095 made by Mr. Scott; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

Resolution 4097, Proclaiming the Month of March as “Procurement Month” in Kent County Delaware

Ms. Tanaka read the following into the record:

Whereas public procurement plays a vital role in enhancing the efficiency of government and business operations. Beyond purchasing, procurement professionals bring value through contract management, strategic planning, and fostering collaborations and,

Whereas procurement professionals wield significant economic influence, managing billions in purchasing power; they also promote public trust by ensuring fair bidding practices, transparency, and ethical conduct in government contracting and,

Whereas the Delaware Public Purchasing Association aligns with the Public Procurement Values established by the National Institute of Governmental Purchasing and acknowledges March as Procurement Month to highlight the pivotal role of procurement professionals in various sectors.

Now, therefore, be it resolved that the Kent County Levy Court does hereby proclaim the month of March 2025 as Procurement Month in Kent County, Delaware and urge our fellow citizens to recognize the importance of public procurement values, such as accountability, transparency; and ethics, and to appreciate the role of procurement professionals in fostering these principles.

Be it further resolved that this resolution be incorporated into the official minutes of the March 11, 2025, meeting of the Kent County Levy Court.

M-25-061 **Motion** to approve Resolution 4097 made by Mr. Sweeney; seconded by Mr. Scott.

Mrs. Masten: Well, this is quite an education here for me and since Mr. Sweeney seems to know all about this organization, I'm going to turn the mic over to him.

Mr. Sweeney: Well, it's a national thing, so what you see up here are all people who work for the county or state police, you're procurement, there you go. You guys are the meat and bones of the organizations you work for. We appreciate that. We appreciate your diligence because we know that you guys are going to be the ones that are stopping us from overspending, and when you see something that's really out of whack, you're there to stop us and protect us. And we appreciate very much.

Mr. Angel: It's great having backup.

Mr. Scott: I'd just like to say thank you for everything that all of you do on a daily basis. So, we appreciate the support.

Mrs. Masten: Since I now know what this is about, I can tell you when you don't know you don't know. Seriously, having listened to Commissioner Sweeney and Commissioner Scott, it is quite a privilege to be up here with all of you, and especially with procurement and as tight as money is and the size products are. We really appreciate the diligence that you do in your job and keeping us *Inaudible with money.

Mr. Pepper: Yeah, government can't exist without our watchdogs, so we appreciate you and you know, we need you. So, don't think you're under appreciated because you definitely are. Thank you.

Mr. Hertz: I'm going to keep this simple. Thank you for what you do.

Mr. Hall: Having spent a little bit of time in procurement and supply, I understand everything that's involved and it's a key part of, you know, keeping us going. Thanks so much.

Mr. Sipple: Congratulations on your recognition tonight.

Kimberly Cuffee, 2nd Vice President, DPPA: So, actually, this is just a small portion of our association. We actually have like 40 members throughout the whole state of Delaware from city, counties, state, municipalities. And since this was kind of like a last-minute thing, we were able to grab a few members that live locally to, you know, make sure that we're here to accept this prestigious honor from you. Thank you very much.

*Inaudible

Ms. Cuffee: Yes, we are. We're actually having our next chapter meeting here on the 27th. Yeah. So, it's about 40 members throughout the whole state, all the way down to Bethany Beach, all the way up to New Castle County, Delaware River and Bay. Yeah, we're all over the place.

INTRODUCTIONS - None

PUBLIC HEARINGS

Mr. Sweeney:

Ordinance LC25-04, Department of Community Services Fees Update; Brecknock County Park Multipurpose Sports Fields - An Ordinance

amending The Code of Kent County, Volume I, Chapter 128 Fees, Part 2. Fee Schedule, Article XI. Fees Enumerated, to restrict league play on Brecknock County Park Multipurpose Sports Fields

Jeremy Sheppard, Director of Community Services: Good evening, Levy Court Commissioners and staff. I've never done a public hearing like this before, so I'll just give a brief overview of what we're talking about here. Staff was requesting that we update our fee structure to not include or to restrict league play at Brecknock County Park multi-purpose fields. Currently, we restrict that league play on the youth softball fields in an effort to protect the ongoing historical identity and family park values that Brecknock Park is well known for. We just want to avoid large scale, you know, not for profit or even for-profit leagues which are running rampant these days. We do have Kesselring County Park, a half a mile down the road...a mile down the road, so we have places for that to happen. Brecknock Park should be left to families and walkers and joggers and playgrounds and historical interpretation. Any questions?

Public Hearing Opened on Ordinance LC25-04

IN FAVOR - None

WebEx participants in favor of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

IN OPPOSITION – None

WebEx participants in opposition of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

Public Hearing Closed on Ordinance LC25-04

Mr. Sweeney: So, the public hearing is now closed. I want to proselytize for a few seconds here. The weather's getting better. I did have an opportunity to take my dog for a walk through Brecknock Park and one thing I noticed that was really disturbing; good in one way bad in another is the people who take their dogs...the dogs do their business in the park, they pick it up with a bag and then throw the bag over in the woods. There's at least three places in the woods that there were bags hanging in the briars and I know what was in the bags. And I just want people to understand that what they're doing is impacting everybody's enjoyment of those parks. Given that, **Move** to approve Ordinance LC25-04, an ordinance amending the Code of Kent County, Volume 1, Chapter 128 Fees, Part2, Fee Schedule, Article XI. Fees enumerated to restrict league

M-25-062

play on Brecknock County Park Multipurpose Sports Fields; seconded by Mr. Angel

Roll Call

Mr. Angel: Yes.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes.

Mr. Scott: Yes.

Mr. Sweeney: Yes.

Mrs. Masten: Yes.

Roll Call vote reveals seven (7) yeas. Ordinance LC25-04 has been approved.

Mr. Hertz:

Resolution 4090, A Resolution upon a Proposal to Extend Kent County Sewage Disposal District No. 1 pursuant to Section 4606, Chapter 46, Title 9 of the Delaware Code, as Amended - Various Areas (Burtonwood Village Area, Bowers Beach, Double Run Area, Frederica West Area & Magnolia North Area)

Diana Golt, Public Works: Good evening commissioners. This hearing tonight for Resolution 4090 is being conducted for the purpose of giving the citizens of the county the opportunity to present testimony before Levy Court. All statements shall be made from the podiums at the front of the room or virtually. For the record, please state your name and address after which you'll be given an oath of affirmation. After everyone has had the opportunity to speak, the hearing will be closed, and Levy Court will take the action it deems appropriate. Levy Court's decision will be based on the public hearing testimony, recommendations of staff, and the recommendations of the Kent County Regional Sewer Advisory Board.

This resolution is an extension of Kent County's Sewage Disposal District No. 1 for twelve parcels in various sewer areas, known as Burtonwood Village, Double Run, Frederica West area, and Magnolia North. The resolution will formally add the properties to Kent County Disposal District No. 1. There are five maps showing the properties, and if Mark will help me out, we'll try and scroll through them. We need to go back a

little bit. Start out with Hedgerow Hollow, which is number 52. Hedgerow Hollow Mobile Home Park is in Smyrna Delaware, and the extension will involve 50 equivalent dwelling units. The next map I hope is the Bowers Beach area. It's the Hanae property on Bowers Beach Road in Frederica. It's proposing one EDU, one equivalent dwelling unit. The next should be Double Run area. It's the Westar property owned by the Kellers' on South DuPont Highway in Felton. It's a six-lot minor subdivision and the Dover Interfaith on that same map, if you could go back, please...is for six equivalent dwelling units. Next map should be Frederica West area. I have that this is, excuse me, I misspoke, the Westar property was a six-lot minor subdivision, but it was not owned by the Kellers'. This is the Keller properties. It is for two parcels on Mid-State Road. It's three equivalent dwelling units. The last map is Magnolia North area. It's Creekside Reserve. It's involving five parcels on Locust Grove Road, one parcel on Cyprus Branch Road, and it's for a 301-lot subdivision and adjacent parcels. There's adequate sewer capacity in the system to accommodate the proposals and staff recommends the extension. The Sewer Advisory Board supported the proposal at its meeting on February 5, 2025. And that concludes staff's recommendation.

Mr. Sweeney: So, Diana, on the map for South DuPont Highway and Barney Jenkins Road, can you back up to that one Mark? That one. So, the green property just to the bottom of that. Is that that new apartment complex?

Ms. Golt: I'm sorry, commissioner I don't know the answer to that. The green areas are areas inside the Kent County Sewage Disposal...

Mr. Sweeney: They are already... Okay, that's all I wanted to make sure of.

Ms. Golt: *Inaudible the contract user.

Mr. Sweeney: Okay, got it.

Ms. Golt: So, the green areas and the orange area are currently receiving sewer services from Kent County.

Mr. Sweeney: Okay, thank you.

Public Hearing Opened on Resolution 4090

IN FAVOR - None

WebEx participants in favor of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

IN OPPOSITION – None

WebEx participants in opposition of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

Public Hearing Closed on Resolution 4090

M-25-063 I make a **Motion** to approve Resolution 4090, a Resolution upon a proposal to extend Kent County Sewage Disposal District No. 1 pursuant to Section 4606, Chapter 46, Title 9 of the Delaware Code as amended for various areas to include Burtonwood Village Area, Bowers Beach, Double Run Area, Frederica West Area, and Magnolia North Area; seconded by Mr. Sweeney.

Roll call.

Mr. Angel: Yes, reasons stated and no opposition.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes, reasons stated by Commissioner Angel.

Mr. Scott: Yes, reasons stated.

Mr. Sweeney: Yes, reasons stated.

Mrs. Masten: Yes, reasons stated.

Roll Call reveals seven (7) yeas. Resolution 4090 has been approved.

Mr. Scott:

1. **Resolution 4088**, A Resolution establishing Chaselynd Garbage Collection District (GCD) No. 194

Ms. Golt: Chaselynd Subdivision is interested in forming a Garbage Collection District. It's a 206-lot subdivision and there are currently two developers and petitions were received from both developers. Staff is in support of this district formation.

Public Hearing Opened on Resolution 4088

IN FAVOR - None

WebEx participants in favor of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

IN OPPOSITION – None

WebEx participants in opposition of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

Public Hearing Closed on Resolution 4088

M-25-064 I make a **Motion** for Resolution 4088, a Resolution establishing Chaselynd Garbage Collection District GCD No. 194; seconded by Mr. Sweeney.

Roll call

Mr. Angel: Yes, as presented in resolution, no opposition and reasons stated. Yes.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes.

Mr. Scott: Yes, reasons stated.

Mr. Sweeney: Yes.

Mrs. Masten: Yes.

Roll Call reveals seven (7) yeas. Resolution 4088 has been approved.

2. **Resolution 4091**, A Resolution establishing Chaselynd Streetlight District (SLD) No. 194

Ms. Golt: Mark, this was the map that was later on, that we...you had up initially. It's the same subdivision that we just previously talked about for the Garbage Collection District. This is forming the Streetlight District for Chaselynd Subdivision. It's a 206-lot subdivision, the petitions were

signed by the two developers and staff is in support of this district formation.

Public Hearing Opened on Resolution 4091

IN FAVOR - None

WebEx participants in favor of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

IN OPPOSITION – None

WebEx participants in opposition of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

Public Hearing Closed on Resolution 4091

M-25-065 I make a **Motion** for Resolution 4091, a Resolution establishing Chaselynd Streetlight District SLD No. 194; seconded by Mr. Sweeney.

Roll Call

Mr. Angel: Yes, as per resolution, no opposition, and reasons stated.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes.

Mr. Scott: Yes.

Mr. Sweeney: Yes.

Mrs. Masten: Yes.

Roll Call vote reveals seven (7) yeas. Resolution 4091 has been approved.

CLOSE PUBLIC HEARINGS

OLD BUSINESS

Mr. Hertz:

1. Residential Trash Collection Services Contracts – Change Orders – 1 Year Extension & Unit Price Increases

M-25-066 Yeah, I've got two motions tonight. I'll start with number one; I **Move** to approve Change Order No. 1 with BFI Waste Services LLC Republic Services Incorporated to extend FY2022 to FY25 Kent County Residential Trash Collection Services contract through May 31, 2026, with a 10% increase to the current unit prices; seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas*.

* Mr. Sweeney: Ms. Golt, can you...so, it says that they're going up 10% and that for each vendor the one-year extensions estimated to be 2.7 million. That's an increase, the 2.7 million?

Ms. Golt: Yes.

Mr. Sweeney: What is the up charge to our customers?

Ms. Golt: I did not bring that with us, when we had discussed that previously. I can make sure that I get that memo back out to you all.

Mr. Sweeney: Please.

M-25-067 I **Move** to approve Change Order No. 1 with Waste Industries of Delaware LLC, (dba Casella Waste Systems, Inc.) to extend FY2022 to FY2025 Kent County Residential Trash Collection Services Contract through May 31, 2026, with a 5% increase to the current unit prices; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

2. Commercial Trash Contract Extension – Change Order #3 - 1 Year Extension

M-25-068 **Move** to approve Change Order No. 3 to the Commercial Trash Collection Services Contract with BFI Waste Services, LLC (dba Republic Services) in the estimated amount of \$73,906.20 with a unit price increase of 3% and a one-year contract extension until June 30, 2026. Funds for services are budgeted in the annual budgets of the General Fund and Sewer Fund and Move to authorize the President of Levy Court to sign Change Order No. 3; seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas.

Mr. Scott:

Commercial Trash Contract Extension – Change Order No. 3 - 1 Year Extension

John Tinger, Acting Director Public Safety: Good evening, commissioners, thank you. This is the last step in the process to convert

the four (4) Tahoes that we acquired under State contract into emergency vehicles. We had advertised as per the county guidelines and it was opened, the one bid that we received was opened officially on February 24th. It was reviewed by the staff and found to be compliant with our bid package and full scope of work and we are recommending awarding the bid to Bam's Hook and Hose Fire Company for a total of \$126,926.80, to convert the four (4) Tahoes.

M-25-069 I make a **Motion** to approve the bid award to Bam's Hook and Hose Fire Equipment to convert four (4) Chevrolet Tahoe's into emergency response vehicle as specified in the Invitation to Bid Package for a total cost of \$126,926. 80; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

NEW BUSINESS

Mr. Hall:

1. Introduction of **Ordinance LC25-02** Impervious Cover – Non-Residential, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article VII Area and Bulk Requirements, § 205-83 Nonresidential structure requirements in order to eliminate the maximum impervious coverage limit. For Public Hearing on Tuesday, April 22, 2025, at 7:00 p.m.
2. Introduction of **Ordinance LC25-03** Area & Bulk Regulations Outside the Growth Zone, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article VII Area and Bulk Requirements, § 205-82 Residential maximum impervious coverage limit. For Public Hearing on Tuesday, April 22, 2025, at 7:00 p.m.

OTHER BUSINESS

Mr. Scott:

Move to go into Executive Session immediately following the Business Meeting, for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del. C. 10004(b)(2), (4), and (9).

Mr. Sweeney: Madam President, do we have Executive Session tonight?

Mrs. Masten: Not this evening.

Mr. Sweeney: Than you have to read number two.

M-25-069 Mr. Scott: **Move** to go into Executive Session immediately following the Workshop on Tuesday, March 18, 2025, for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del. C. 10004(b)(2), (4), and (9); seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

INFORMATIONAL ITEMS

Mr. Angel reminded all the City of Dover Police 100th Anniversary is tomorrow at 1:00 p.m.

Mr. Angel: Also, I have a detailed report, I'll wait for the DAC meeting in April to give you all one. I was up on the hill last week when I was in Washington. It was very informative.

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS

Ms. Golt: Yes, I have a quick answer to Commissioner Sweeney's question. So, the proposed blended rate for FY26 for trash service with yard waste is \$390.00. That's a 6.8% increase over the FY25 rate. For trash service without yard waste, the proposed rate, blended rate is \$357.50. It's a 7% increase over FY25 rate.

*Inaudible

Ms. Golt: They've not been adopted. I have emailed it to all and included the County Administrator Kevin Sipple on it.

Mr. Sweeney: Okay.

Ms. Golt: So, those will need to be adopted as part of the budget.

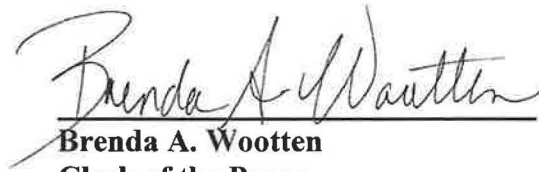
Mr. Sweeney: Thanks.

Ms. Golt: You're welcome.

Mr. Pepper: Reached...well way back, when we were doing the ARPA funding, one of the things we did to be able to fund the volunteer fireman was to consider them part of our Kent County infrastructure. And I've recently learned that one of the...a couple of the fire companies are doing additions and the county is in the process of charging them fees for those additions, and it doesn't make sense to me that we give them money annually and then we turn around whenever they do something to improve

recruitment and retention or service to their communities, we turn around and take that money back from them. So, in order to be consistent, and I think we need to consider them as part of our county infrastructure since we don't have a paid fire system and service and be able to waive those fees. And those fees can be absorbed throughout the community wherever these fire companies are located. I think it's the right thing to do and I've talked to Commissioner Scott about this, and I believe we're going to be talking about it in the future and so, I think it's the fair thing to do is to consider them as part of our infrastructure. If we're going to do it, let's be consistent. And I don't believe we would be charging ourselves if we're building something so let's not charge the fire companies either.

M-25-070 **Motion** to Adjourn made by Mr. Angel; seconded by Mr. Pepper; carried by seven (7) ayes. **7:47 p.m.**


Brenda A. Wootten
Clerk of the Peace
Kent County