

**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, AUGUST 12, 2025**

Call to Order

The Business meeting of the Kent County Levy Court was called to order at 7:01 p.m. by President Masten.

Invocation

The Invocation was led by Commissioner Pepper.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hertz.

Moment of Silence for our Troops

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

Roll Call

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

There are five (5) Commissioners present; two (2) absent at Roll Call.

ADOPTION OF AGENDA

- M-25-177** Mr. Hertz made a **Motion** to amend the agenda to remove from New Business item number one, which is to Award of the 2025 UV Gates and Actuators Project; seconded by Mr. Scott; carried by Roll Call vote five (5) yeas; two (2) absent.
- M-25-178** **Motion** to adopt agenda as amended made by Mr. Scott; seconded by Mr. Pepper; carried by Roll Call vote five (5) yeas; two (2) absent.

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

Consent Agenda 25-12

Approval of Levy Court Business Meeting Minutes of Tuesday, July 29, 2025

- M-25-179** **Motion** to approve Consent Agenda 25-12 made by Mr. Pepper; seconded by Mr. Scott; carried by Roll Call vote five (5) yeas; two (2) absent.

PRESENTATIONS - None

PUBLIC HEARINGS – None

OLD BUSINESS – None

NEW BUSINESS

Mr. Hertz:

Conciliatory Agreement with DNREC

Mike Parkowski, Levy Court Special Counsel: Thank you, Madame President, members of the Levy Court. I've been serving as special counsel to the Levy Court to deal with a DNREC citation of violations that accumulated over a long period of time regarding the wastewater treatment plant and the pumping stations located within the county. During the course of that, those discussions with DNREC, we attempted and were successful in negotiating a conciliation order which you have before you. What that conciliation order does is address some long-term problems that have existed with the overall sewage system, the treatment plant and the distribution system leading to it. What it did is it focused too, on something that few people appreciate or understand, and that is that about 75% of the flow that comes into the sewer system comes from outside the county, from the cities and municipalities. A major problem has occurred over time with the failing of some of those systems in terms

of infiltration of water from rain fall events and also from ground water intrusion. That in turn has on numerous occasions overwhelmed the hydraulic capacity at the treatment plant. As a result, DNREC had accumulated over a period of eight years numerous violations which were self-reported and at the time had come really to address that. DNREC came up with, and this was with the assistance of the of the County Engineering Department, come up with a series of commitments that the county has agreed to in terms of improving the overall system. It's a very, very comprehensive settlement. It's not something that snap your fingers happens lickety split, but rather something that will take place over a number of years. The county engineer has we understand developed a plan going forward and DNREC has basically bought into the approach of trying to fix something that's been a long-term problem. So, with that, that's the essence of it. One thing that DNREC did insist on is the imposition of a civil penalty. The civil penalty was for \$400,000, but \$200,000 has been deferred if the county adopts a grant program to assist the towns and cities in dealing with the infiltration problems within their jurisdiction. So, this was the essence of the settlement. I can say that it was appreciative that the Secretary of Natural Resources saw fit to work with the county, and I think there's a commitment going forward that if we stay the course, the county stays the course and continues progress in terms of improving things and many of these measures, by the way are underway, it's not just we're starting from scratch. I think it poses a very, very positive future. It's not to say there won't be violations in the future. I think along the way there probably will be. But I think there's a different mood in effect with DNREC in terms of working with the county to deal with this problem as I think it is gradually corrected over time. With that Sam, do you have anything?

Sam Bautista, Public Works Director: Good evening commissioners. As Mike Parkowski just stated, that the \$200,000 grant program, we will be bringing that to our Sewer Advisory Board to get input on how to use that money amongst all the different jurisdictions. So, we'll be bringing that up in the next meeting and we'll be collaborating with those municipalities.

The following was read into the record by Mr. Hertz.

Whereas, the Delaware Department of Natural Resources (DNREC) has provided to Kent County a listing of self-reported historical violations of the County's NPDES Permit related to the operations of Kent County's Regional Wastewater Treatment Plant and the sewer line system located in the County; and

Whereas, DNREC has proposed to resolve the violations, and provide for long term comprehensive improvements to the Treatment Plant and sewer system, recognizing that some improvements are under currently

underway, through a Conciliation Order by Consent, a copy of which is attached hereto as Exhibit "A";

Whereas, the Levy Court Commissioners have been briefed on the terms and conditions of the proposed Conciliation Order by Consent; and

Whereas, the County has engaged in good faith discussions with DNREC and it has been recommended by the County Administrator and legal counsel that the proposed Conciliation Order By Consent be accepted by the County; and

Now, therefore, it is moved that the County Administrator is authorized by the Levy Court to execute, on behalf of Kent County, the proposed Conciliation Order by Consent, as it appears in Exhibit "A" hereto."

M-25-180 I **Move** to approve the Conciliation Order by Consent; seconded by Mr. Scott; carried by Roll Call vote five (5) yeas; two (2) absent.

Mr. Angel:

Network Server Farm Replacement for Administration and Department of Public Safety

Donna Barnes, IT Director: Good evening. We need to replace the network server farm. It was purchased from Sussex County a few years ago during our intrusion. It replaced our equipment which was very old, but the equipment we bought was already decommissioned by Sussex County. So, there were already plans to replace that server farm and it's been budgeted since FY20, and the price using the Dell contract with the state is a \$110,949.30.

M-25-181 I **Move** to approve the use of FY20 Virtual Machine Server Farm Replacement Capital project funds to replace the network server farm. Total cost \$110,949.30; seconded by Mr. Hertz; carried by Roll Call vote five (5) yeas; two (2) absent.

Mr. Scott: (For Mr. Sweeney)

Introduction of **Ordinance LC25-18**, Register of Wills Fee Schedule Update, An Ordinance to Add New Fees to Kent County Code, Chapter 128 Fees, Part 2 Fee Schedule, Article XI Fees Enumerated, §128-46 Register of Wills. – for public hearing on Tuesday, September 16, 2025, at 7:00 p.m.

Mr. Scott:

1. Introduction of **Resolution 4128**, A Resolution to extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4E(10), Chapter 187 of the

Kent County Code – Otter Run - for public hearing on Tuesday,
September 23, 2025, at 7:00 p.m.

2. Appointment to the Library Advisory Committee (For Mr. Hall)

M-25-182 **Motion:** At this time, I am recommending that the Levy Court appoint the below named individual to serve on the Kent County Library Board. The term will continue until either Mr. Hall, or his successor makes another appointment. This appointment will be confirmed by levy Court at this meeting tonight. The name of the nominee is Debbie Magnin and Ms. Magnin has a master's degree from the University of Delaware, bachelor's degree from Rowan University of Vocation she was a teacher for Caesar Rodney School District and volunteers at Bayhealth. Qualifications related to the appointment was teacher for 40 years (3rd grade, 1st grade, 3rd grade, reading specialist, Wilmington College, Delaware Tech). So, I think she would be a great, great fit and I think we have Miss Hillary in the audience tonight. I don't know if she wants to add anything or reference to it or not; seconded by Mr. Hertz; carried by Roll Call vote five (5) yeas; two (2) absent.

OTHER BUSINESS

*Please note the next meeting August 16th is a Combined Business Meeting so there will be an opportunity to vote to go into Executive Session that night if needed.

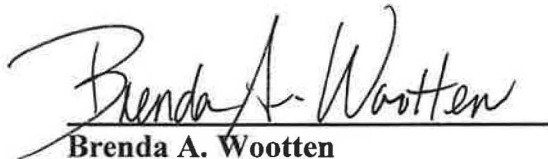
INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS

Mr. Scott: I'd just like to acknowledge Mr. Hovis from Fire Service as well as past chief Eddie Welch, who is not only from the Fire Service, but he's also on the Sewer Advisory Board, like to recognize both of them gentlemen for taking their time and come down tonight as well as Hilary from our library, so thank you.

M-25-183 **Motion** to Adjourn made by Mr. Pepper; seconded by Mr. Scott; carried by five (5) ayes; two (2) absent. **7:22 p.m.**



Brenda A. Wootten
Clerk of the Peace
Kent County