



**MINUTES**  
**SUSSEX CONSERVATION DISTRICT**  
**Board of Supervisors Meeting**  
**February 27, 2024**

**CALLED TO ORDER BY:** Joel Wharton, Board Chair  
**TIME:** 6:05 P.M.

**IN ATTENDANCE:**

<b>BOARD MEMBERS</b>	
Roland Hill	Vice Chair
Mark Nardi	Supervisor
Joe Booth	Supervisor
John Rieley	Sussex County Council Rep
Will Carlisle	Supervisor
<b>STAFF</b>	
David Baird	District Coordinator
Dan Lee	District Accountant
Jessica Watson	Sediment and Stormwater Program Manager
Stephen Gissy	Equipment Program Manager
Holly Givens (via phone)	Administrative Coordinator
Tyler Brown	DNREC
Jen Nelson	DACD
Ziggy Savage	NRCS

**APPROVAL OF AGENDA**

Moved by Roland Hill and seconded by Will Carlisle to approve the February 27, 2024, agenda. Motion passed unanimously.

**APPROVAL OF MINUTES**

Moved by Mark Nardi and seconded by Roland Hill to approve the December 20, 2023, meeting minutes. Motion passed unanimously.

**VISITORS:** None

**REPORTS:**

District Account’s Report	Agriculture Program Report
Equipment Program Manager’s Report	District Coordinator’s Report
District Conservationist’s Report	
Sediment and Stormwater Report	
DNREC Conservation Program’s Report	
DACD Executive Directors Report	

## ACTION ITEMS

### 1a. Cost Share Payments- Large Animal Mortality

Received the following request for cost share payment to John Kohout for Large Animal Mortality pickup:

#### *December*

Total Cost \$4,490	Cows: 12
SCD Cost \$4,490	Horses: 3
SCD Admin \$ 840	

#### *January*

Total Cost \$9,210	Cows: 12
SCD Cost \$9,210	Horses: 7
SCD Admin \$1,860	

Moved by Will Carlisle and seconded by Roland Hill to approve the cost share payments to John Kohout for large animal mortality pick-up. Motion passed unanimously.

### 1b. Tax Ditch Emergency Repairs

Received request to authorize using Conservation Cost Share Funding for Emergency Repairs to the following Tax Ditches:

#### **1. Bridgeville Branch Prong 2 Pipe Replacement**

Repair failed pipe crossing on Prong 2 of Bridgeville Branch Tax Ditch. The pipe is undersized, clogged, and is rusted galvanized. Remove the current pipe, dig crossing to grade, install the 60" x 40' pipe, backfill it with clean fill, and install rip-rap protection with correct underlayment fabric upstream and downstream.

Total Cost: \$17,660  
**Cost Share (60%): \$10,596**  
Tax Ditch Cost: \$7,064

#### **2. Dukes Jobs Tax Ditch Prong 1**

Repair failed pipe crossing on Prong 1 of Dukes Jobs Tax Ditch. The pipe is undersized and clogged. Remove the current pipe, dig crossing to grade, install the 60" x 40' pipe, backfill it with clean fill, and install rip-rap protection with correct underlayment fabric upstream and downstream. Dip out Prong 1 below the crossing to remove the sediment deposited by the failed crossing.

Total Cost: \$17,260  
**Cost Share (60%): \$10,356**  
Tax Ditch Cost: \$6,904

### **3. Bucks Branch Prong 2 Pipe Replacement**

Repair failed pipe crossing on Prong 2 of Bucks Branch Tax Ditch. The pipe is undersized and clogged. Remove the current pipe, dig crossing to grade, install 42" x 40' pipe, backfill with clean fill, and install rip-rap protection with correct underlayment fabric upstream and downstream.

Total Cost: \$9,838.40

**Cost Share (60%): \$5,903.04**

Tax Ditch Cost: \$3,935.36

### **4. Wharton's Branch Tax Ditch Prong 24**

Replace two (2) failed crossing pipes on Prong 24 at Sub 1 Prong 24 and Prong 24/Main. Remove the failed crossing pipe at Sub 1 Prong 24, install a new 18" x 30' ADS pipe, backfill with clean fill, and stabilize. Remove the failed crossing pipe at Prong 24 and the Main, Install new 24" x 40' ADS pipe, backfill with clean fill, and stabilize the upstream/downstream ends with riprap and the proper underlayment fabric.

Total Cost: \$9,200

**Cost Share (60%): \$5,520**

Tax Ditch Cost: \$3,680

### **5. Holly Branch Tax Ditch #1**

Replace the failing crossing on the main near 34306 Horsey Church Road. Remove existing concrete pipe. Grade the ditch to the correct elevation. Install the 40' x 24" ADS pipe, backfill it with clean fill, and install riprap to protect the inlet and outlet end of the pipe. The 40' will allow for equipment and the irrigation to cross.

Total Cost: \$8,448

**Cost Share (60%): \$5,068.80**

Tax Ditch Cost: \$3,379.20

### **6. Jones Mill Branch Tax Ditch**

Replace three (3) blown-out 12" CI pipes on the main that are blocking access for maintenance and potentially a driveway. Remove failed galvanized pipe, re-grade, and install 12" ADS pipe. The area will be backfilled and stabilized correctly. Bank erosion caused by the pipe failures will be backfilled and stabilized with matting. Stone will be installed over the pipes in the driveway areas. The remaining funds are to be used to spread spoil on the ditch.

Total Cost: \$9,452.60

**Cost Share (60%): \$5,671.56**

Tax Ditch Cost: \$3,781.04

Motion made by Mark Nardi and seconded by Will Carlisle to approve the Emergency Cost Share Funding for the aforementioned listed tax ditches and stated amounts totaling \$43,115.40. Motion passed unanimously.

### **1c. Conservation Cost Share Design- O’Boyle**

Received request for the use of allocated design funds within the Conservation Cost Share account to complete the survey and design for approximately 1/3<sup>rd</sup> acre wildlife/water quality enhancement pond for property owner Jordan O’Boyle in the amount of \$6,625.

After discussion, the Board of Supervisors decided to table the motion in order for staff to review the landowner's portion of the conservation cost share. The board believes that the landowner should share in the cost of the survey and design if the landowner decides not to go through with the completion of the project.

### **2. Stormwater Committee Recommendations**

Received requests to approve the recommendations from the Stormwater Advisory Committee:

- The Stormwater fee schedule was last updated in 2020. A 10 percent increase is recommended and approved by the committee.
- The District developed an Expedited Review Policy to address draft HB101. The policy allows the District to determine project eligibility and the reviewing agency or consultant.

The updated fee schedule and Expedited Review Policy are attached at the end of the minutes and on the SCD website.

Moved by Joe Booth and seconded by Roland Hill to approve the Sediment and Stormwater Program fee schedules and updated Expedited Review Policy and Procedures as presented. Motion passed unanimously.

### **3. Stormwater Bonding Agreement Revisions**

Received requests to approve the updated Stormwater Bonding Agreements. The original bonds, policy, and agreement were developed in 2014. SCD felt that it was time to re-review and update documents. Our attorney proposed all changes—copies of the agreements are available on the SCD website. The following agreements were updated:

- Performance Cash Bond
- Performance Surety Bond
- SCD Financial Guarantee Policy
- Irrevocable Commercial Letter (Performance LOC)
- Warranty Surety Bond
- SCD Base Agreement
- Irrevocable Commercial Letter (Warranty LOC)

Moved by Joe Booth and seconded by John Rieley to approve the Stormwater Bonding Agreement Revisions. Motion passed unanimously.

### **4. Capital Purchase for Equipment Program**

Received a request for the equipment program to purchase a new dump truck that was included in the 2024 budget. SCD owns a 2003 Mack Tandem Axle Dump Truck and a 2012 Freightliner Tri-Axle. The goal is to replace both dump trucks with a single truck with more reliability and less downtime due to repairs and maintenance.

**2025 Peterbilt Tri Axle Dump Truck w/ Steel Body, Pintle Hitch, and Trailer Air Hook-Up \$252,661.00**

Priced from the Pete Store in Seaford with an approx. Delivery of 5-7 Weeks

**2025 Mack Tri Axle Dump Truck w/ Steel Body, Pintle Hitch, and Trailer Air Hook-Up \$233,455.00**

Priced from Bergey's Truck Center in Delmar with an approx. Delivery of Fall of 2025 with no guarantee on the quoted price or delivery until build slots are available and model year pricing is released.

**2024 Mack Tri Axle Dump Truck w/ Steel Body, Pintle Hitch, and Trailer Air Hook-Up \$250,643.92**

Priced from McMahon Truck Centers in Nashville with an immediate delivery date.

SCD Equipment Program also recommends declaring the 2003 Mack Tandem Axle Dump Truck and the 2012 Freightliner Triaxle dump truck as surplus equipment available to sell.

Moved by Mark Nardi and seconded by John Rieley to approve the purchase of the 2024 Mack Tri Axle Dump Truck w/ Steel Body, Pintle Hitch, and Trailer Air Hook-Up \$250,643.92 and to declare the 2003 Mack Tandem Axle Dump Truck and the 2012 Freightliner Triaxle dump truck as surplus equipment available to sell. Motion passed unanimously.

## **5. Holly Oak-Dorman Rd Bid Award**

Received request to award a bid to Common Sense Solutions in the amount of \$179,484.70 for a project known as Holly Oak-Dorman Road located near Dorman Road and Holly Oaks subdivision, Lewes, DE.

The work under this project will consist of clearing and grubbing to the limits of disturbance necessary to replace crossing pipes. All debris associated with clearing and grubbing shall be removed by the contractor and disposed of in accordance with DNREC guidelines.

SCD received one bid for the project from Common Sense Solutions.

Moved by Joe Booth and seconded by John Rieley to award the bid for the project known as Holly Oak-Dorman Road to Common Sense Solutions in the amount of \$179,484.70. Motion passed unanimously.

## **6. Authorized Account Signers**

Received request to adopt a resolution authorizing Dale Ockels and David Baird to be account signers opening three new Certificate of Deposits at the following banks:

- \$250,000 at WSFS, earning 4.6% for 18 months.
- \$250,000 at M&T, earning 4% for 12 months.
- \$250,000 at Shore United Bank, earning 2.96% for 15 months.

Moved by Will Carlisle and seconded by Mark Nardi to adopt a resolution authorizing Dale Ockels and David Baird to be account signers. Motion passed unanimously.

**Motion to adjourn was made at 7:20 p.m. and was passed unanimously.**

**The next board meeting is scheduled for March 19, 2024, at 11:00 a.m.**



<b>Standard Plan Review Fee Schedule</b>	
<b>Residential Standard Plan</b>	<b>\$125/<del>\$135</del></b>
<b>Non-Residential Standard Plan</b>	<b>\$575/<del>\$630</del> up to ½ acre/<del>\$1,000</del> /<del>\$1,100</del> ½-1 acre</b>
<b>Agriculture Standard Plan</b>	<b>\$115/<del>\$130</del> less than or equal to 1 acre of disturbance</b> <b>\$230/<del>\$260</del> 1.1-2 acres disturbance</b> <b>\$345/<del>\$380</del> 2.1 – 3 acres disturbance</b> <b>\$460/<del>\$510</del> 3.1 – 4 acres disturbance</b> <b>\$575/<del>\$630</del> 4.1 – 5 acres disturbance</b>
<b>Minor Linear Disturbance</b>	<b>\$575/<del>\$630</del></b>
<b>BMP and Retrofit</b>	<b>\$575/<del>\$630</del></b>
<b>Tax Ditch</b>	<b>\$575/<del>\$630</del></b>
<b>Sidewalk Trail Linear Impervious</b>	<b>\$575/<del>\$630</del></b>
<b>Stormwater Facility Maintenance</b>	<b>\$575/<del>\$630</del></b>
<b>Demolition</b>	<b>\$150/<del>\$165</del></b>



# Poultry Plan Fee Schedule

## STANDARDIZED APPROACH

Review Fee	
1-3 Poultry Houses	\$600/ <del>\$660</del>
4-6 Poultry Houses	\$850/ <del>\$935</del>
7-10 Poultry Houses	\$1,150/ <del>\$1,265</del>
11-15 Poultry Houses	\$1,750/ <del>\$1,925</del>
16+ Poultry Houses	\$2,300 <del>\$2,530</del>

Inspection Fee	
1 Poultry House	\$600/ <del>\$660</del>
2 Poultry Houses	\$1,150/ <del>\$1,265</del>
3 Poultry Houses	\$1,750/ <del>\$1,925</del>
4 Poultry Houses	\$2,300/ <del>\$2,530</del>
5 Poultry Houses	\$2,875/ <del>\$3,160</del>
6 Poultry Houses	\$3,450/ <del>\$3,795</del>
Each Additional House	\$600/ <del>\$660</del>

Maintenance Inspection Fee
\$500// <del>\$550</del> per pond



# SEDIMENT AND STORMWATER Detailed Plan Fee Schedule

## DETAILED PLAN

Review Fee	
30-day review timeframe for up to three reviews	
Less than or equal to 1.0 acres	\$1,150 <del>\$1,265</del>
1.1 – 2.0 acres	\$1,300 <del>\$1,430</del>
2.1 – 5.0 acres	\$1,725 <del>\$1,900</del>
5.1 – 8.0 acres	\$2,150 <del>\$2,365</del>
8.1 – 11.0 acres	\$2,300 <del>\$2,530</del>
11.1 – 15.0 acres	\$2,600 <del>\$2,860</del>
15.1 – 20.0 acres	\$2,875 <del>\$3,165</del>
Each additional 10 acres	\$460 • (\$46 per acre) <del>\$510 (\$51 per acre)</del>
Re-Review	
<p><b>Re-Review Fees are half the original Review Fee</b></p> <p>SCD may assess another review fee for the following:</p> <ol style="list-style-type: none"> <li>1. A project is reviewed three times and continues to not comply with State Regulations, checklist and/or District comment letters.</li> <li>2. A significant change in the manner runoff is managed or the site grading is re-configured to change how quantity/quality treatment is provided.</li> <li>3. Any revision to an approved project that constitutes the District re-reviewing the stormwater calculations.</li> </ol>	
Expedited Review	
<p>Three times the review fee above (limit of two reviews)</p> <ul style="list-style-type: none"> <li>• Plan Review within 10 Business Days of Detailed Plan/As-built Submission               <ul style="list-style-type: none"> <li>• Limit of two reviews before additional fees assessed.</li> <li>• Third Party review fees are separate.</li> </ul> </li> </ul>	



Inspection Fee	
Less than or equal to 1.0 acres	\$2,150 <del>\$2,365</del>
1.1 – 2.0 acres	\$2,600 <del>\$2,860</del>
2.1 – 5 acres	\$3,450 <del>\$3,795</del>
5.1 – 8.0 acres	\$4,300 <del>\$4,730</del>
8.1 – 11.0 acres	\$4,850 <del>\$5,335</del>
11.1 – 15.0 acres	\$5,750 <del>\$6,325</del>
15.1 – 20.0 acres	\$6,900 <del>\$7,600</del>
Each additional 10 acres	\$3,450 • (or \$345 per acre) <del>\$3,800 (380 per acre)</del>

Maintenance Inspection Fee	
SCD is responsible for inspection of the stormwater facilities for perpetuity.	
Stormwater facilities such as ponds, underground systems, bioretention and structural water quality facilities. ( <i>Interconnected ponds will <b>not</b> be considered as one facility.</i> )	\$850 per facility <del>\$935</del>
Filtering Practices (Bioswales, filter strips, etc.)	\$275 <del>\$300</del> per practice not to exceed \$1,000

As-Built Review Fee	
All projects are required to submit an as-built survey 60 days after initial construction.	
As-Built Review	\$575 <del>\$625</del>

- Projects that will disturb less than 5,000 square feet are exempt from the Delaware’s Sediment and Stormwater Regulations.
- Standard Plans can be used for minimal earth disturbance projects for Sediment and Erosion Control where stormwater management is not required. Projects not eligible for a Standard Plan must submit a Detailed Plan for District review and approval.
- The review, inspection, and maintenance fees are to be paid prior to receiving District approval. Please note that the review fee is to be paid at the initial plan submittal and the remaining fees can be collected later, however, they must be received prior to receiving District approval.
- A Sediment and Stormwater Approval is valid for 5 years from the date that is stamped on the approved plans. If construction does not begin within five years, the approved plan will be considered to have expired and must be resubmitted to the District for a new review.

- If an approved project has never initiated constructed and the developer does not intend to proceed, then a refund of the maintenance and inspection fee prior to the project expiring can be requested. Please note under no circumstance will a refund be granted for a project that was initiated but never completed.
- The District charges \$500 ~~\$600~~ to extend the Sediment and Stormwater Approval. Please reference the Permit Extension Memorandum located on the District website at [Sussexconservation.org](http://Sussexconservation.org).

DRAFT



# Memo

**To:** Design Consultants/Developers

**From:** Jessica Watson, Program Manager

**Effective Date:** January 1, 2024

**RE:** Policy and Procedures for Expedited Review of Sediment and Stormwater Plans

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A formal request for expedited review must be submitted to the Sussex Conservation District (SCD) along with an explanation of the need and clarification that it does not meet the exclusions referenced below.

- Only initial Eligible Project submittals will qualify. Resubmittals on the standard 30-day calendar cycle cannot opt into Expedited Review. In addition, projects that are in Expedited Review cannot opt out.

## **ELIGIBLE PROJECTS:**

- Detailed Sediment and Stormwater Plan Review
- As-built Plan Review

## **EXCLUDED PROJECTS:**

- DNREC Identified Contaminated Sites that require remediation.
- Site designs where the construction of the stormwater BMP will require permits for wetland impacts.
- Sump/no outfall condition with no infiltration.
- Sites having downstream conditions that require additional study including inadequate pipe or channel capacity; or documented historical drainage/flooding.

## **REVIEW AGENCY:**

- The Sussex Conservation District (SCD) will provide the review within 10 business days. If SCD is unable to complete the review, the project will be reviewed by:
  - Kent Conservation District (KCD)
    - or
  - Third Party Consultant

**REVIEW FEE:**

- For expedited reviews by SCD, the fee is three times the regular review fee charged by SCD for a maximum of two reviews.
- For expedited reviews by KCD, or a third-party consultant, the fee is the regular SCD fee plus the fees charged for review by KCD or third-party consultant.

**REVIEW PROCEDURES/TIME:**

1. All projects must have a pre-application meeting upon receipt of the Step 1: Stormwater Assessment Study (SAS) Checklist.  
[https://www.sussexconservation.org/images/pdfs/Stormwater\\_pdf/Step\\_1\\_SAS\\_Checklist\\_Revision\\_2021-01-01.pdf](https://www.sussexconservation.org/images/pdfs/Stormwater_pdf/Step_1_SAS_Checklist_Revision_2021-01-01.pdf)
2. Meeting minutes are submitted within a week following the pre-application meeting.
3. Submittal and approval of the "Request for Expedited Sediment and Stormwater Review"
4. Project will be reviewed within 10 business days upon receipt of a complete plan submittal:
  - I. Copy of approved SAS meeting minutes
  - II. Completed SCD Application  
[https://www.sussexconservation.org/images/pdfs/Stormwater\\_pdf/Sediment\\_and\\_Stormwater\\_Plan\\_App.pdf](https://www.sussexconservation.org/images/pdfs/Stormwater_pdf/Sediment_and_Stormwater_Plan_App.pdf)
  - III. Applicable Review Fee
  - IV. One set of plans and report along with an electronic copy of each
  - V. Completed Checklist

*Exemptions to these guidelines require the approval of the District Coordinator.*



**REQUEST FOR EXPEDITED SEDIMENT AND STORMWATER REVIEW**

**Project Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Consultant Name:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Date of Preapplication Meeting:** \_\_\_\_\_ **Meeting minutes approved:** Yes /No

**Project Type:**

- Detailed Plan
- As built

**Explanation for the Request**

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1. Project will be reviewed within 10 business days upon receipt of a complete plan submittal, including:
  - I. Copy of approved SAS meeting minutes
  - II. Completed SCD Application  
[https://www.sussexconservation.org/images/pdfs/Stormwater\\_pdf/Sediment and Stormwater Plan App.pdf](https://www.sussexconservation.org/images/pdfs/Stormwater_pdf/Sediment_and_Stormwater_Plan_App.pdf)
  - III. Applicable Review Fee
  - IV. One set of plans and report along with an electronic copy of each
  - V. Completed Checklist

**I have reviewed the Policy and Procedures for Expedited Review.**

**Developer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Consultant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

The Sussex Conservation District will provide the review within 10 business days. If SCD is unable to complete the review, the project will be reviewed by the Kent Conservation District or a third-party consultant.

**THIS PORTION TO BE COMPLETED BY SCD**

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Project to be reviewed by:

- SCD
- KCD
- THIRD PARTY CONSULTANT

***PROJECTS BEING REVIEWED BY THIRD PARTY CONSULTANT WILL RECEIVE A SEPARATE CONTRACT OF UNDERSTANDING FOR THE REVIEW FEE.***

Approved Application: \_\_\_\_\_ Date: \_\_\_\_\_