

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, April 12th, 2017
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 PM – Public Hearing
Regular Meeting Immediately Following Public Hearing

6:45 PM – Public Hearing

- A. Ordinance: Amend Chapter 230: §230-200 Planning Commission and §230-179 Board of Adjustment Procedures.
 - B. Case #2017-01: Xergy Inc., Conditional Use Application
1. Pledge of Allegiance
 2. Invocation
 3. Adoption of Agenda
 4. Approval of March 22, 2017 Town Council Minutes
 5. Arbor Day Proclamation
 6. Board of Elections Appointments
 7. G.R.E.A.T Fund Request – Georgetown Elementary
 8. 2nd Presentation & Adoption of FY18 Budget
 - A. Resolution #2017-4 Adoption of FY18 Budget
 9. Departmental Reports
 - A. Town Manager – Gene Dvornick
 - B. Superintendent of the Wastewater Reclamation Facility – Eric Rust
 10. Public Comment
 11. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



ORDINANCE 2017- 01

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,
CHAPTER 230 THEREOF, ENTITLED ZONING

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND
HEREBY ORDAINS:

Section 1. Chapter 230, Article XXVI Administration, § 230-200 of the Code of the
Town of Georgetown is hereby amended by adding the following:

§ 230-200. Planning Commission.

- A. Establishment. There is hereby established a commission to be known as the "Planning Commission," hereinafter referred to as the "Commission."
- B. Membership; appointment; terms of office; removal from office.
 1. The Commission shall be comprised of five members, appointed by the Mayor, subject to the approval of the Town Council. Each of the members shall be at least 21 years of age, **and** property owners and residents in the Town of Georgetown, with an interest in urban and rural planning and development, **except that no more than one (1) non-resident of the Town may be a member of the Commission, and this non-resident member must be an owner or employee of a business, public institution, or industry operating in the Town.**
 2. Members of the Planning Commission shall be appointed for a term of three years; provided, however, that upon the original appointments, all members of the previously constituted Planning Commission shall be appointed for the remainder of their current terms. All members shall be eligible for reappointment.
 3. Any member of the Planning Commission may be removed from office for inefficiency, neglect of duty or malfeasance in office after a hearing and by a majority vote of all the elected members of the Town Council, or as provided in Subsection B(4).
 4. Any member of the Commission who fails to attend 75% of the scheduled meetings of the Commission in any twelve-month period, without an excuse acceptable to the Chairman, shall be deemed to have resigned and the vacancy shall be filled as herein provided for original appointments. Any vacancy

occurring other than by expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

Section 2. Chapter 230, Article XXIII Board of Adjustment, § 230-179 of the Code of the Town of Georgetown is hereby amended by adding the following:

§ 230-179. Procedures.

The following shall be the procedures of the Board of Adjustment:

- A. Applications for special exceptions, interpretations and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Town Manager in accordance with rules adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the Chairman of the Board who shall place the matter on the docket and instruct the Town Manager to advertise a public hearing thereon, and give written notice of such hearing to the parties in interest. ~~The Town Manager shall also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.~~
- B. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Town Manager. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Town Manager a notice of appeal specifying the grounds thereof. The Town Manager shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Town Manager certifies to the Board that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Town Manager and on due cause shown.
- C. The Chairman shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 30 days following the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. Public notice of hearing shall consist of publication at least 15 days prior to the hearing in a newspaper of general circulation in the Town of Georgetown, specifying the time, place and nature of the hearing. In addition, the Board may cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Town Manager.
- D. The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such

fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Town Office of Georgetown and shall be a public record. The Chairman of the Board, or in his or her absence the Vice Chairman, may administer oaths and compel the attendance of witnesses.

Section 3. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2017.

William E West, Mayor

Steve M Hartstein, Secretary

PC Public Hearing: March 15, 2017

TC Public Hearing: April 12, 2017

1st Reading: April 12, 2017

2nd Reading: April 26, 2017

Adoption: April 26, 2017

DRAFT



Town of Georgetown Review Application



Check Type of Review Requested	Copies
<input type="checkbox"/> Category II Plan Review	5
<input type="checkbox"/> Category I Site Plan - Preliminary	11
<input type="checkbox"/> Category I Site Plan - Final	8
<input checked="" type="checkbox"/> Conditional Use	18
<input type="checkbox"/> Historic Review	8
<input type="checkbox"/> Subdivision/RPC Review - Conceptual	11
<input type="checkbox"/> Subdivision/RPC Review - Preliminary	18
<input type="checkbox"/> Subdivision/RPC Review - Final	18
<input type="checkbox"/> Utility Review	2
<input type="checkbox"/> Zoning Amendment	18
<input type="checkbox"/> Other:	

All packages to include number of copies shown:

- Review Application
- Plans / Prints
- Supportive Materials
- One PDF of Site Plan

Note: One 11 x 17 copy of complete site plan to be provided with application packages.

Property Information	
Sussex County Tax Map/Parcel:	135 14.2 110.00
Project Location:	310 N RACE ST
Property Size/Dimension:	
Project Title/Name:	Xerey
Current Zoning District:	DB1
Proposed Zoning (if applicable):	N/A
Current Property Use:	OFFICE / GARAGE STORAGE
Proposed Property Use:	XEREY, INC

Current Property Owner Information	
Current Owner Name:	BAMAD BAHAR Xerey/INC
Phone Number:	302 218 4279
Fax Number:	
Email Address:	BAMDAB@AOL.COM
Mailing Address:	120 N RACE ST
City, State, Zip Code:	Georgetown DE 19147

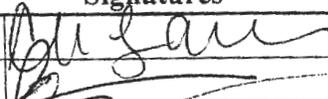
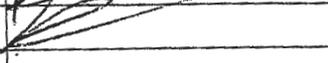
Engineer / Surveyor Information	
Company Name:	Don E Taylor PE
Contact Name:	Don Taylor
Phone Number:	610-637-9236
Fax Number:	
Email Address:	DTAYLOR PE @ AOL.COM
Mailing Address:	20296 BUNDICKS BRANCH LN
City, State, Zip Code:	Milton DE 19968

Developer Information	
Company Name:	
Contact Name:	
Phone Number:	
Fax Number:	
Email Address:	
Mailing Address:	
City, State, Zip Code:	

Designated Primary Contact	
Contact Name:	Christine Atkins
Phone Number:	302 245 3223
Fax Number:	
Email Address:	Christine.Atkins@servicegeneral.net
Mailing Address:	120 N Race St
City, State, Zip Code:	Georgetown DE 19947

Please read and certify the following:

1. I have supplied all the information listed on this form and that statements contained in any papers or plans submitted as part of this application are true and correct.
2. This project was designed in accordance with the plan requirements in the Comprehensive Plan, Zoning Code, Design Standards as well as the Construction Standards for the Town of Georgetown.
3. I, or an agent on my behalf, will attend all public hearings/meetings necessary for this project in order to answer any questions to the best of my ability in respect to the present and future needs, health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of Georgetown.
4. I understand that any incomplete applications will not move forward in the review process and I will be notified in writing after a thorough review has been completed by the Planning Department.
5. It is understood that the Planning Department processes all applications in the order in which they were received. Each application will continue in the process once eligibility and the appropriate reviews have been completed.
6. I understand that only the designated primary contact listed on this application will receive any and all review comments, meeting information and correspondence to and from the Town of Georgetown.
7. I understand that the Engineer will be billed for the professional services rendered from the Town Engineer and/or the Town Solicitor, as required for my application, unless I notify the Town Planning Department in writing advising otherwise.

Signatures	
Designated Primary Contact	
Developer	
All Current Property Owners	
Parcel -	
Parcel -	
Parcel -	

OFFICE USE ONLY			
Date Received: _____	Received by: _____	Amount: \$ _____	Cash/Check #: _____



Town of Georgetown

The Circle

Georgetown, DE 19947

01/17/2017

I am writing to confirm that Xergy Inc. would like the town of Georgetown's approval to locate back at 310 North Race Street, Georgetown, DE 19947.

For your information, Xergy Inc. is primarily an engineering services company conducting research and development on advanced components for home appliances.

Under the terms of our research contracts, we are tasked with building prototype appliances or components for appliances. This effort involves tasks such as plumbing, appliance repair or modification, general services such as electrical connections and materials processing like for example what a hobby shop might undertake to make a model airplane. There are no noxious odors, gases, noise or vibration from our activities.

Beyond professional offices, unit operations at our current plant are as follows:

Membrane and Electrode Assembly Area: Hot pressing of catalyst media with ion exchange membranes.

Machine Shop: CNC machine tools (metal cutting)

Plate Shop: Robotic gaskets adhered to metal plates. Graphite compression molding.

Wood Shop: Packaging boxes (for shipping) and general hardware for plant needs

General Laboratories: Testing of components for home appliances. Refrigerators, hot water heaters, window air conditioners with our devices in them.

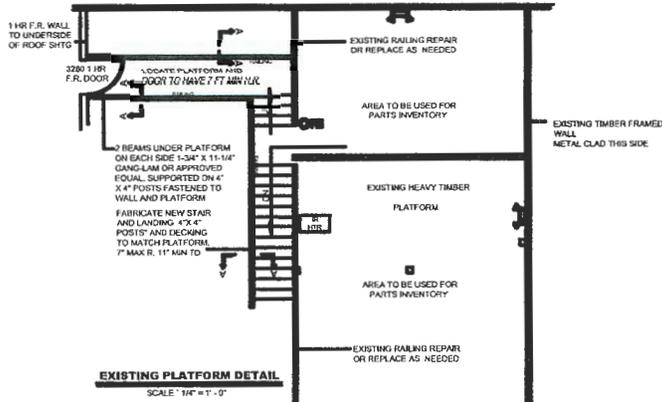
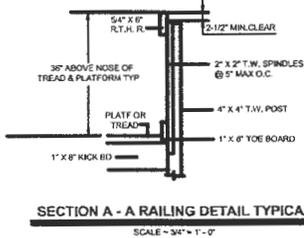
I look forward to the Town's favorable response to our relocation request.

Sincerely,

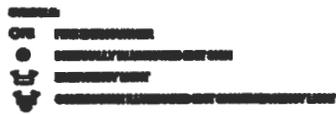
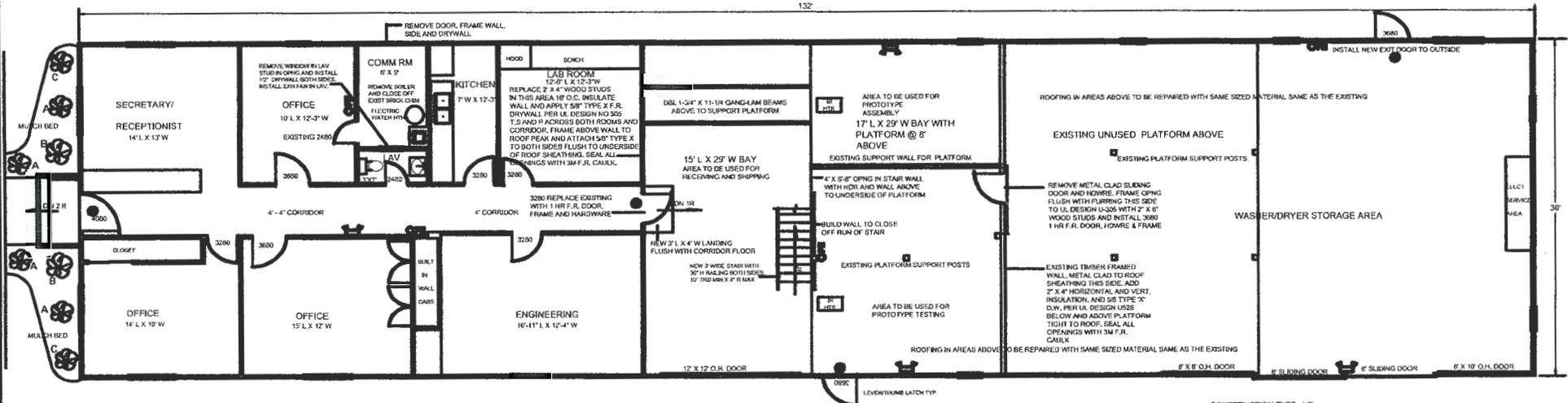
Bamdad

Bamdad Bahar

JAN 31 2017



- GENERAL NOTES:
- CONTRACTOR SHALL VERIFY ALL LOCATIONS AND DIMENSIONS IN THE FIELD AND NOTIFY THE OWNER IMMEDIATELY OF ANY DISCREPANCY.
 - THIS CONSTRUCTION IS TO COMPLY WITH THE 2006 ICC INTERNATIONAL BUILDING CODE AS ADOPTED BY SUSSEX COUNTY, THE BUILDING CODE AS ADOPTED BY THE TOWN OF GEORGETOWN, THE DELAWARE STATE FIRE PREVENTION REGULATIONS OF 2009, THE 2009 NFPA 101 LIFE SAFETY CODE AND ALL OTHER APPLICABLE GOVERNMENT AND UTILITY CODES AND REGULATIONS.
 - WOOD MEMBERS AS SHOWN ON THE PLAN ARE #2 CONSTRUCTION GRADE HEMFIR OR SPF.
 - INSTALL SIMPSON OR EQUAL HURRICANE CLIPS AT ALL REPLACEMENT RAFTER ATTACHMENT POINTS.
 - INSTALL 2\"/>
- LANDSCAPE FRONT OF BUILDING AS SHOWN: A JUNIPER BUSH
 B FLOWERING SPIREA
 C YUCCA PLANT



CONSTRUCTION TYPE: VB
 BUILDING LOCATION: 310 NORTH RACE STREET
 GEORGETOWN, DE 19947
 TAX PARCEL NO.: 11-08-1420-11000
 BUILDING OWNER: WILLIAM C. PEPPER, INC. UNDER AGREEMENT TO: SERVICE GENERAL CORPORATION
 24867 DUPONT BLVD GEORGETOWN, DE 19947
 120 N. RACE STREET GEORGETOWN, DE 19947
 DE STATE FIRE MARSHALL PLAN NUMBER: 2010-04-8135-170-02

DATE	DESCRIPTION	BY
3/19/2010	ADDED SPRINKLER HEAD, VALVE AND FIRE DOOR TO HEATER ROOM	D.F.T.
5/16/2010	ADDED NOTES AND LANDSCAPING TO PLAN	D.F.T.
11/11/2010	REMOVED BOILER & F.R. DOOR, COMMUNICATIONS WAS BLR RM. CLOSED DR	D.F.T.
01/07/2012	ADDED 2ND FLOOR ACCESS PLATFORM, REVISED 1 HR WALL @	
01/07/2012	REVISED NOTE 10	

ENGINEERING FACILITY FOR:
XERGY, INC
 13 E. LAUREL STREET
 GEORGETOWN, DE
 19947

DONALD F. TAYLOR, P. E., CONSULTING ENGINEER
 20296 BUNDICKS BRANCH LANE, MILTON, DE 19968
 PHONED 302 947 4472 FAX 302 947 4474

PROJECT NUMBER 10201	DATE FEBRUARY 23, 2010	SCALE AS NOTED	SHEET 1 OF 1
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THIS IS THE SAME LAYOUT APPROVED BY SFMO 2013-01-403740

[Signature]
 11/4/16

JAN 31 2017



LAND N/F SAW, INC
UB-1

LAND N/F SAW, INC
UB-1

LAND N/F SAW, INC
UB-1

108.53'
N 58° 45' 52" E
S 29° 45' 16" E
44.08'
S 58° 41' 22" W
108.39'
N 58° 41' 22" E
11.84'

PARCEL C
4,787 SQ. FT.

180.14'
40.3'
13.9'

2 SPACES
@ 10' X 22'

1 STORY
FRAME
STRUCTURE

3,977 SQ. FT.

PARCEL B 30,132 SQ. FT.

FUTURE 15' BUFFER ZONE
8' CHAIN LINK FENCE WITH GATE

142.07'

2 STY
DWELLING

LAND N/F ROSCOE G. SNEAD
RESIDENTIAL USE

142.01'

PARCEL A

8,717 SQ. FT.

141.96'

SITE PLAN

SCALE ~ 1" = 40'

GENERAL NOTES:

1. DATA FROM A SURVEY DATED APRIL 22, 2010 AS SHOWN ON DWG NO. 1-34-14.20-108 BY MILLER LEWIS, INC. 1560 MIDDLEFORD RD, SEAFORD DE 19973.
2. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
3. PARKING REQUIREMENT: 1510 SQ. FT. OF OFFICE SPACE @ 1 SPACE/200 SQ. FT. = 8 SPACES. PROTOTYPE AND STORAGE AREA WILL HAVE 2 EMPLOYEES REQUIRING 1 SPACE FOR A TOTAL OF TOTAL NUMBER OF PARKING SPACES OF 8. A TOTAL OF 9 HAVE BEEN PROVIDED.
4. PARCEL B HAS BEEN CERTIFIED BY DENREC AS A BROWNFIELD SITE AND WILL BE RESTORED. THE EXISTING STONE DRIVEWAY AND PARKING AREAS WILL BE PAVED AFTER EXCAVATION OF THE BROWNFIELD AS PART OF RESTORING THE SITE. STORM DRAINAGE IS TO THE SOUTH ALONG THE CURBLINE OF N. RACE ST. NO DRAINAGE FEATURES WERE NOTICED ADJACENT TO THE SITE.

SITE DATA:

ZONING - UB-1
 LOT AREA OF PARCELS A,B & C = 43,636 SQ. FT.
 LOT DEPTH = 180.14'
 LOT WIDTH = 137.80'
 DEED REF: 864 - 156
 MAX BLDG HEIGHT = 3 STORIES/35'
 ZONING OF ADJACENT PROPERTIES = UB-1
 TAX MAP # 1 - 35 - 14.20 - 00110
 WATER SUPPLY = TOWN OF GEORGETOWN
 SEWER SUPPLY = TOWN OF GEORGETOWN
 SETBACKS: FRONT, EXISTING BLDG. SIDES AND REAR, NONE

PREVIOUS OCCUPANCY: OFFICE AND STORAGE
 OCCUPANCY SOUGHT: ENGINEERING RESEARCH
 AND DEVELOPMENT OFFICE AND STORAGE

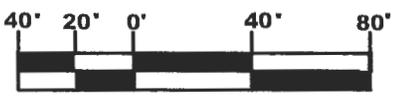
PROPERTY LOCATION: 310 N. RACE STREET
 GEORGETOWN, DE 19947

PROPERTY OWNER: WILLIAM C. PEPPER, INC.
 24987 DUPONT BLVD
 GEORGETOWN, DE 19947

UNDER AGREEMENT TO:
 SERVICE GENERAL CORPORATION
 120 N. RACE STREET
 GEORGETOWN, DE 19947

LESSEE:
 XERGY, INC.
 13 E. LAUREL STREET
 GEORGETOWN, DE 19947
 302 856 3500

USE GROUP: B
 CONSTRUCTION TYPE: VB



DATE	DESCRIPTION	BY
8/16/10	REV NOTES & ADDED DETAIL PER PLAN REVIEW	D.E.T.

CHANGE OF OCCUPANCY FOR:
 XERGY, INC.
 13 E. LAUREL STREET
 GEORGETOWN, DE 19947

DONALD F. TAYLOR, P. E., CONSULTING ENGINEER
 20296 BUNDICKS BRANCH LANE, MILTON, DE 19968
 PHONE: 302 847 4474 FAX: 302 847 4474

PROJECT NUMBER 110408	DATE 4/24/2010	SCALE AS NOTED	SHEET 1 OF 1
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JAN 31 2011

TOWN OF GEORGETOWN PLAN REVIEW

DUFFIELD ASSOCIATES, INC. Project Review Comments	Submittal Phase: <u>Conditional Use</u>	Project No.: <u>2017-01</u>
	Date Submitted: <u>2/3/17</u>	Project Title: <u>Xergy Conditional Use</u>
	Submittal No.: <u>1</u>	Project A/E: <u>Pennoni Associates, Inc.</u>
	Duffield Project No.: <u>00.10730.BB Phase 08</u>	
	Date Returned: <u>2-17-16</u>	

Distribution: P & Z _____ Town Manager _____ DPW Town Engineer Other _____

Name of Reviewer: Scott C. Hoffman, P.E. Office: Dover, DE 302-674-9280

Documents Reviewed: Site Plan, Sheet 1 of 1 dated 4-24-10

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
1	1	Provide responses to these comments <u>on this form</u> with the submission of the revised plans.	Provided
	2	Line work on this drawing is difficult to read because all lines are the same line type and width. For example the extents of future paving are not clear and the extents of the existing fence are not clear. Consider providing a larger sheet or larger scale plan.	Done
	3	Verify subject parcel area	Done changes made
	4	Property line dimension missing on lands NOF R.G. Snead	Done
	5	Verify subject parcel depth based on code definition	Done
	6	Revise "Occupancy" to "Use"	Done changes made
	7	Verify if deed reference is correct	Done changes made
	8	Verify if property owner is correct	Done changes made
	9	Applicant should provide a statement describing how the proposed project meets the Town's four criteria for a conditional use.	Done attached

DUFFIELD ASSOCIATES, INC. Project Review Comments	Submittal Phase:	Conditional Use	Submittal No.:	2
	Reviewer:	Scott C. Hoffman, P.E.	Project Title:	Xergy Conditional Use

	10	No information has been provided describing the applicant's intentions to install signs or landscaping. A buffer zone is shown, is this intended to be a landscaped Bufferyard?	Sign Shown Buffer
	11	The site is located in a Zone 2 Wellhead Protection Area (WHPA). The proposed use includes a machine shop which is a conditional use in a Zone 2 WHPA. Other requirements are applicable to sites in Zone 2 WHPAs. Applicant should provide a statement describing how the proposed use will conform the Town's code requirements for projects in a WHPA.	Done
	12	Applicant shall provide appropriate documentation which demonstrates that a site remediation plan has been approved by DNREC and is or will be completed as part of this project. Site restrictions associated with the remediation plan should be included on the site plan.	Done
	13	Does the applicant intend to provide common open space on this site?	Done
	14	Does the applicant intend to maintain the North Race Street entrance?	Yes

Reviewer Signature: _____
Scott C. Hoffman, P.E.

34603

BK: 4044 PG: 337

Tax Parcel No(s): 135-14.20-108
135-14.20-110
135-14.20-111

Prepared By: Department of Natural Resources
and Environmental Control

Return To: Timothy T. Ratsep
Environmental Program
Administrator
DNREC-SIRS
391 Lukens Drive
New Castle, DE 19720

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by Xergy, Inc. ("Owner") and the Delaware Department of Natural Resources and Environmental Control ("DNREC") pursuant to 7 Del. C. Chapter 79, Subchapter II, Uniform Environmental Covenants Act, for the purpose of subjecting the Property to the activity and use limitations as set forth herein.

WITNESSETH

WHEREAS, Xergy, Inc. is the Owner of certain real estate located at 310 N. Race Street in Sussex County, Delaware, as described below ("Property"); and

WHEREAS, DNREC has investigated a release of hazardous substances on the Property pursuant to the Hazardous Substance Cleanup Act, 7 Del. C. Chapter 91 ("HSCA"); and

WHEREAS, on May 24, 2012, DNREC issued a Final Plan of Remedial Action ("Final Plan") for the Former Pep Up Site, OU-1 (DE #1491) ("Site"), pursuant to HSCA, which includes the Property; and

WHEREAS, the Final Plan for the Site requires that certain activity and use limitations be placed on the Property; and

WHEREAS, Owner is willing to establish this Environmental Covenant on the Property as required by the Final Plan.

Now therefore, Owner, Xergy, Inc. and DNREC agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to 7 Del. C. Chapter 79, Subchapter II, Uniform Environmental Covenants Act.

as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

7. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to 7 Del. C. Section 7916. Failure to timely enforce compliance with this Environmental Covenant or the use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Secretary of DNREC from exercising any authority under applicable law.

8. Rights of Access. Owner hereby grants to DNREC, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant.

9. Remedial Decision Record. The Remedial Decision Record containing all documents which support the issuance of the Amended Final Plan is located at the offices of DNREC-SIRS, 391 Lukens Drive, New Castle, Delaware, 19720.

10. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO THE ENVIRONMENTAL COVENANT, DATED AND RECORDED IN THE OFFICIAL RECORDS OF THE SUSSEX COUNTY RECORDER OF DEEDS ON THE DATE OF THIS DOCUMENT AND NOTED AS THE INSTRUMENT NUMBER AT THE TOP LEFT CORNER OF THE FIRST PAGE OF THIS ENVIRONMENTAL COVENANT. THIS ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

b. Use Restriction. Use of the Property shall be restricted solely to those non-residential type uses permitted within Commercial, Manufacturing, or Industrial Districts, respectively, as such district types and uses (including, without limitation, ancillary or accessory uses) are described and permitted, respectively, pursuant to the Town of Georgetown Code in effect as of the date of this Declaration;

b. Interference with Remedy. There shall be no digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activities on the Property including any repair, renovation or demolition of the existing structures on the on the Property without the prior written approval of DNREC-SIRS. In the event that an emergency

Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining; an Amendment shall also include an assignment of the Environmental Covenant, as specified in 7 Del. C. Section 7915. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

b. This Environmental Covenant may be amended or terminated only by a written instrument duly executed by DNREC and the Owner or Transferee of the Property or portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any Amendment or Termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Sussex County Recorder of Deeds Office, and shall provide a file-and date-stamped copy of the recorded instrument to DNREC.

13. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

14. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Delaware.

15. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Sussex County Recorder of Deeds Office. This environmental covenant must be indexed in the grantor's index in the name of the Owner, and in the grantee's index in the name of the Holder, DNREC.

16. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Sussex County Recorder of Deeds.

17. Distribution of Environmental Covenant. The Owner shall distribute a file-and date-stamped copy of the recorded Environmental Covenant to: DNREC; the Town of Georgetown; [*any "Holder," any lessee, each person who signed the Environmental Covenant, each person holding a recorded interest in the Property, and any other person designated by DNREC; see 7 Del. C. Section 7912*].

18. Notice. Any document or communication required by this Environmental Covenant shall be submitted to:

Environmental Program Administrator
DNREC-SIRS
391 Lukens Drive
New Castle, DE 19720

IT IS SO AGREED:

Xergy, Inc.

[Signature]
Signature of Owner

Bamdad Bahar, President
Printed Name and Title

Sept. 19, 2012
Date

State of Delaware)
County of Sussex)

ss:

Before me, a notary public, in and for said county and state, personally appeared Bamdad Bahar, a duly authorized representative of Xergy, Inc., who acknowledged to me that he did execute the foregoing instrument on behalf of Xergy, Inc.

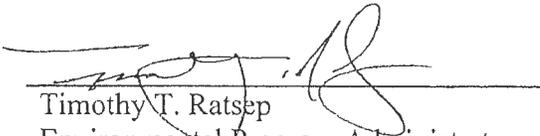
IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 19th day of Sept., 2012.

[Signature]
Notary Public

PAMELA S. CLOWSER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on: 09-20-2013

IT IS SO AGREED:

Delaware Department of Natural Resources and Environmental Control



Timothy T. Ratsep
Environmental Program Administrator
Site Investigation and
Restoration Section,
Division of Waste and
Hazardous Substances

State of Delaware)
County of New Castle) ss:

Before me, a notary public, in and for said county and state, personally appeared, Timothy Ratsep, Administrator who acknowledged to me that he did execute the foregoing instrument on behalf of DNREC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 29th day of August, 2012.



Notary Public
Commission Expires Upon Office.

ELIZABETH M. LASORTE
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires
upon office



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
391 LUKENS DRIVE
NEW CASTLE, DELAWARE 19720-2774

3/15/2013 4:00

SITE INVESTIGATION &
RESTORATION SECTION

TELEPHONE: (302) 395 - 2600
FAX No.: (302) 395 - 2601

March 11, 2013

Mr. Bob Kondelin, P.G.
Environmental Alliance, Inc.
5341 Limestone Road
Wilmington, DE 19808

RE: Certification of Completion of Remedy for the Former Pep Up-OU-1 Site (DE#1491)

Dear Bob:

Enclosed please find the original, executed Certification of Completion of Remedy regarding the above referenced Site. Pursuant to 7 Del. C. § 9115 (b), the owner is required to promptly file this COCR with the Sussex County Recorder of Deeds. Please note that this COCR is **double-sided**.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me @ (302) 395-2670

Sincerely,

Elizabeth LaSorte
Paralegal

EML:tlw
EML13044
DE 1491 I-4

pc: Rick Galloway, Project Officer
Keith Brady, Deputy Attorney General

Delaware's good nature depends on you!

Tax Parcel Number: 135-14.20-
108, 135-14.20-110, and 135-14.20-111

Prepared By: Department of Natural Resources
and Environmental Control

Return To: Administrator
DNREC-SIRS
391 Lukens Drive
New Castle, DE 19720

CERTIFICATION OF COMPLETION OF REMEDY

The Department of Natural Resources and Environmental Control (DNREC) has reviewed the request made by Environmental Alliance, Inc. on October 5, 2012 for a Certification of Completion of Remedy for Operable Unit-1 of the Former Pep Up Site (DE-1491) (Site) located at 310 North Race Street in Georgetown, Delaware. DNREC has reviewed all of the relevant documents necessary to make a determination.

The approximate 1.0 acre Site is identified by Sussex County as including tax parcels 135-14.20-108, 135-14.20-110, and 135-14.20-111. Gasoline, kerosene and heating oil aboveground storage tanks (ASTs) were located on the Site. They were situated within a concrete berm containment area and used for fuel storage and distribution. The Site also included a former pump area and truck fueling area. The concrete structures have been removed. Petroleum releases have occurred at the Site in the past likely as a result of historic operations. These releases impacted the soil and groundwater beneath the Site.

Currently, the Site consists of an office/warehouse building and open gravel parking area and is zoned for commercial use. Xergy, Inc. intends to use the Site for office space and manufacturing activities.

For the purposes of remediation, DNREC divided the Site into two operable units. Operable Unit-1 (OU-1) consists of the soil and soil gas contamination beneath the Site and Operable Unit-2 addresses groundwater contamination from petroleum products at the Site. ***This COCR is for the OU-1 portion of the Site only.***

In 2010, a Brownfield Investigation was performed at the Site. The investigation revealed that the subsurface soil near the area where the ASTs had been located contained petroleum contamination which exceeded DNREC's soil standards for commercial use. Specifically, the Site was contaminated with volatile organic compounds (VOCs) including benzene, as well as semi-volatile organic compounds (SVOCs) including 2-methyl naphthalene and naphthalene.

In August 2011, over 3,000 tons of petroleum-contaminated soils were excavated from the Site and properly disposed of offsite. Clean fill was added to the excavated area as were chemicals which helped breakdown the petroleum contamination. Following the completion of the remedial activities, the indoor air and air under the onsite building slab were tested and found not to pose a health risk.

On April 20, 2012, DNREC issued the Proposed Plan of Remedial Action (Proposed Plan) for the OU-1 portion of the Site based on the results of the Brownfield Investigation. The Proposed Plan recommended that the following remedial actions be undertaken:

- 1) An Environmental Covenant be placed on the Site, restricting the Site to commercial use, prohibiting any land disturbing activities without prior written approval by DNREC, and prohibiting any interference with the remedy; and
- 2) Development of a Contaminated Materials Management Plan (CMMP) to be approved by DNREC that would allow construction workers to safely handle any potential contaminated soil and groundwater at the Site.

DNREC advertised the Proposed Plan for public comment in the News Journal and Delaware State News beginning April 25, 2012 through May 15, 2012. DNREC did not receive any public comments or requests for a hearing on the Proposed Plan.

On May 24, 2012, DNREC issued the Final Plan of Remedial Action (Final Plan) which contained DNREC's final determination of the remedial action necessary for OU-1 of the Site. The Final Plan consisted of the same remedial action as was contained in the Proposed Plan. The remedial action required by DNREC has been completed, as follows:

- The Environmental Covenant, as described above, was recorded in the Office of the Sussex County Recorder of Deeds on September 26, 2012 in Deed Book 4044, Pages 337-347.
- DNREC approved the CMMP on October 5, 2012.

Therefore, based on its review, DNREC certifies that a remedy consistent with HSCA and the Regulations has been completed for OU-1 of the Site, and that it may be used in any manner consistent with the above-described Environmental Covenant and CMMP. The activities required by the approved or modified CMMP shall continue to be performed at the Site. Non-compliance with the CMMP or the above-described Environmental Covenant, which may result in a potential risk to public health, welfare or

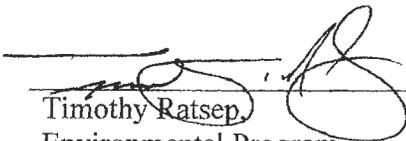
the environment, shall, at DNREC's discretion, render this Certification of Completion of Remedy null and void and require that additional remedies be performed at the Site.

If circumstances change, or any new information becomes available that relates to the release of a hazardous substance at the Site, DNREC reserves the right to require additional measures to be taken in order to ensure the protection of both human health and the environment.

Furthermore, pursuant to 7 Del. C. Section 9105(e), any person who owns, operates or otherwise controls activities at the Site after the date of issuance of this Certification shall not, by virtue of that later ownership, operation or control, be liable for the release or imminent threat of release addressed in this Certification, or for any future release or imminent threat of release attributable to environmental conditions existing prior to the issuance of this Certification.

Finally, pursuant to 7 Del. C. § 9115(b), the Owner is required to promptly record this Certification of Completion of Remedy with the Office of the Sussex County Recorder of Deeds.

3/8/2013
Date of Issuance



Timothy Ratsep
Environmental Program
Administrator
DNREC, Site Investigation
and Restoration Section

SWORN TO AND SUBSCRIBED before me this 8th day of March, 2013.



NOTARY PUBLIC

Commission Expires
Upon Office.

**ELIZABETH M. LASORTE
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires
upon office.**

EML120128
DE 1491- I-4



March 15, 2013

Mr. Bamdad Bahar
Property Manager
Service General Corporation
13 East Laurel Street
Georgetown, DE 19947

- *Engineering*
- *Remediation*
- *Consulting*

**RE: Transmittal of COCR – Completion of Brownfield Process for
DE-1491, OU-1 (Soil and Soil Gas)
Xergy, Inc. Property (former Pep-Up)
310 North Race Street, Georgetown, DE**

Dear Bamdad:

Environmental Alliance, Inc. (“Alliance”) is transmitting the attached Certificate of Completion of Remedy (COCR) for the subject brownfield site. As instructed in the DNREC letter, this original document (double-sided) must be filed at the Sussex County Recorder of Deeds. Please complete the filing as instructed by DNREC. This is the last task to complete the brownfield project for OU-1. Congratulations.

Contact me with any questions.

Sincerely,
ENVIRONMENTAL ALLIANCE, INC.

A handwritten signature in black ink, appearing to read 'Robert J. Kondelin'.

Robert J. Kondelin, P.G.
Senior Geologist

Attachments

c: Bryan Pepper w/o attachments

J:\EAI_files\3055_Xergy_Georgetown\CORR 2012\Transmittal of COCR and DNREC letter for 310 N. Race St 3-15-13.doc

Official Receipt for Recording in:

Sussex County Recorder of Deeds
PO Box 827
GEORGETOWN, DE 19947

Issued To:
DEPT OF NATURAL RESOURCES
XERGY INC
WINDOW 302-218-4279

Recording Fees

Filing Type	Number	Volm	Page	Time	Recording Amount
Agreement	13132	04111	00212	03:16:19p	58.00
	DR-DELAWARE STATE OF DEPT NATL RES & ENV CO				
	IN-DELAWARE STATE OF DEPT NATL RES & ENV CO				
Non Compliance Fee				03:16:19p	30.00

					88.00

Collected Amounts

Payment Type	Amount
1-Cash	100.00

	100.00

Total Received : 100.00
Less Total Recordings: 88.00

Change Due : 12.00

Thank You
SCOTT DAILEY - Recorder of Deeds

By - Sue D

Receipt# Date Time
0223224 04/04/2013 03:16p



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
391 LUKENS DRIVE
NEW CASTLE, DELAWARE 19720-2774

SITE INVESTIGATION &
RESTORATION SECTION

TELEPHONE: (302) 395 - 2600
FAX No.: (302) 395 - 2601

October 5, 2016

Mr. Robert Kondelin
Environmental Alliance, Inc.
5341 Limestone Road
Wilmington, Delaware 19808

**RE: Approval Letter- Revised September 22, 2016 Two Year Remedy Evaluation Report
Former Pep Up OU-2 (DE-1571)
Georgetown, DE 19947**

Dear Mr. Kondelin:

The Department of Natural Resources and Environmental Control-Site Investigation and Restoration Section (DNREC-SIRS) has reviewed the above referenced document for the Former Pep-Up OU-2 site (Site) in Georgetown, Delaware. DNREC-SIRS approves the report.

Please don't hesitate to contact me with any questions or concerns at (302) 395-2600.

Sincerely,

A handwritten signature in blue ink that reads "Richard M. Galloway, P.G.".

Richard M. Galloway, P.G.
Project Manager

RMG:tlw
RMG16046.doc
DE 1571 II E 2

pc: Qazi Salahuddin, Environmental Program Manager II
Bryan Pepper, Pep-Up-bpepper@pepupinc.com

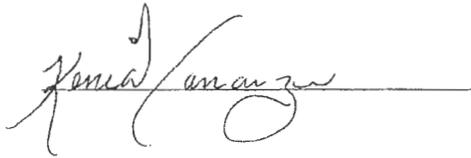
Delaware's good nature depends on you!

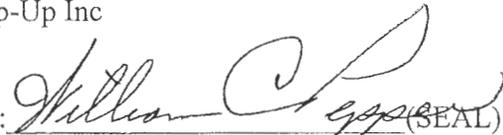
EXHIBIT "B"

Pep-Up Inc., , as the holder of a mortgage and other collateral security related agreements as amended (collectively the "Security Documents") currently of record with respect to the Property, hereby joins in the execution of this Declaration Acknowledging Environmental Covenant (the "Declaration") solely for the purposes of acknowledging and documenting that, coincident with the recordation of the Declaration in the Office of the Recorder of Deeds, New Castle County, Delaware, the liens of such Security Documents shall be subordinate to the Declaration. In the event Pep-Up Inc or its successors and/or assignees acquire title to the Property by foreclosure, deed in lieu of foreclosure or other means, Pep-Up Inc and its successors and/or assignees shall take title to the property subject to the Environmental Covenant and all of its terms. The enforcement of the Environmental Covenant shall not impose any financial obligations or liability on Pep-Up Inc or its successors and/or assignees beyond the financial obligations and liability contained in Paragraph 5 of the Environmental Covenant; however, all parties reserve their rights and remedies under the Delaware Hazardous Substance Cleanup Act (7 Del. C. Ch. 91). In addition, Pep-Up Inc expressly acknowledges and agrees that the terms of the Environmental Covenant shall survive any foreclosure proceeding pertaining to the Security Documents with respect to the Property and that the enforcement of the Declaration and this acknowledgement does not constitute an express or implied condemnation or taking or other exercise of eminent domain authorized under either the United States or Delaware Constitutions.

Witness:

Pep-Up Inc



By:  (SEAL)
Name: William C Pepper
Title: PRES

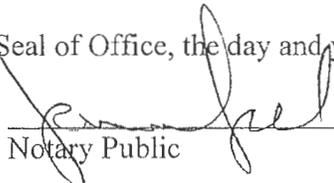
STATE OF Delaware :
: ss.
COUNTY OF Sussex :

Recorder of Deeds
Scott Dailes
Sep 26, 2012 02:05P
Sussex County
Doc. Surcharge Paid

THIS INSTRUMENT was acknowledged before me on this 24 day of Aug., 2012, by William C. Pepper, President of PEP-UP, INC., and being personally known to me he/she did aver that he/she is a duly authorized officer of such corporation and that his/her act in executing this Declaration Acknowledging Environmental Covenant constitutes the act and deed of such corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

JANINE M. EZELL
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires on Nov. 30, 2014



Notary Public

PRINT NAME: Janina M. Ezell

Exhibit A

Tax Map #1-35 14.20 108; 110 & 111
 Prepared by and return to:
 Wilson, Halbrook & Bayard, P.A.
 107 West Market Street
 Georgetown, DE 19947
 File No.2010157ECH

BK: 4044 PG: 345

THIS DEED, made this 30th day of December, 2010,

BETWEEN

Pep-Land, Inc., a Delaware Corporation, and **Pep-Up, Inc.**, a Delaware Corporation, of P.O. Box 556, Georgetown, Delaware 19947, parties of the first part, Grantors,

AND

Xergy Inc., a Delaware Corporation, of 13 East Laurel Street, Georgetown, Delaware 19947, party of the second part, Grantee,

WITNESSETH that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, its successors and/or assign, in fee simple the following described lands, situate, lying and being Sussex County, State of Delaware;

Tax Map # 1-35 14.20 108.00

ALL THAT CERTAIN lot, piece or parcel of land with the buildings erected thereon, situate, in the Town of Georgetown, Sussex County, State of Delaware, more particularly bounded and described according to a survey by J.J. McCann, Inc., Registered Land Surveyor, dated April 17, 1986, as follows, to wit:

BEGINNING at a point, said point being the intersection of the northwesterly right of way of North Race Street; thence from said point of Beginning with the said northwesterly side of New Street, North 60° 03' 42" East, 140.00 feet to a point in line of lands now or formerly of William C. Pepper, Inc.; thence thereby, North 29° 56' 18" West, 60.00 feet to a point in line of lands now or formerly of Reuben Dale Bryan, et ux.; thence thereby, South 60° 03' 42" West, 140.00 feet to a point on the said northeasterly right of way of North Race Street; and thence thereby, South 29° 56' 18" East, 60.00 feet to the point and place of Beginning, containing within said metes and bounds, 8,400 square feet of land, be the same more or less.

BEING the same lands conveyed unto Pep-Land, Inc., a Delaware Corporation, by Deed dated October 22, 2002 from Luzvimin C. Corpus and Isabelita A. Corpus, husband and wife, as recorded October 22, 2002 in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2764, Page 67.

rw

The Town of Georgetown

The Circle, Georgetown, DE 19947

3/5/17

Ref: 310 North Race Street – Plan Review

To whom it may concern:

With respect to your request to explain how the proposed plan addresses the 4 criteria in conditional use applications, our response is as follows:

Criteria - Adjoining Properties: 310 North Race street is adjoined by other properties that have been historically used for industrial purposes. Townsend (Vegetable) processing plant is next door to the north side of the property; Georgetown Coal and Gas facility resided to the east (which is now a vacant lot), and Georgetown Optical Glass (which is now a vacant lot) is to the south side. Across the New Street, we have an old U.S. Cold Storage site (now also a vacant lot). Thus, the property is situated in what has been historically in an industrial region of Georgetown. Xergy is currently a research and development company, the intended use of the property is less industrially intensive than the historical uses of adjacent properties.

Criteria - Need for use: Xergy Inc. resided at this property for several years, and made its core inventions on this site, before moving to Seaford's Industrial Park to assist a sister company in managing several operation issues where Xergy engineers had expertise. That project is now complete, and Xergy would like to return to its original site. Xergy would prefer to use its own facility at 310 North Race Street, and save on paying rent to other parties.

Criteria - Minimal effect: Xergy Inc. has occupied this site before, and had no impact at all on any adjacent properties or uses. In fact, Xergy Inc. undertook a major environmental clean-up of this site and removed over 100 truckloads of contaminated dirt (with gasoline), helping clean up Georgetown's water table, and improving the overall environmental condition of not only its properties but also adjacent lots impacted. The jobs created by Xergy Inc. would be high tech, high pay, quality jobs that would only improve the economic wellbeing of the town of Georgetown.

Criteria - Need for safeguards: The property is fenced, and secured. The research and development programs undertaken by Xergy Inc. are to develop clean-energy solutions for many appliance applications i.e. providing sustainable, eco-friendly engineering solutions to help improve energy efficiency for home appliances. This work itself is not a hazard or detrimental to any adjacent properties or the Georgetown community.

I trust that this application will be reviewed favorably by the Town of Georgetown, and we look forward to your response.

Sincerely,

Bamdad Bahar

Xergy inc.



- *Engineering*
- *Remediation*
- *Consulting*

DRAFT

February 28, 2017

Bamdad Bahar
Service General
15 Laurel Street
Georgetown, DE 19947

**RE: Environmental Update
Former Pep-Up Site (DE-1491)
310 N. Race St.
Georgetown, Delaware**

Dear Mr. Bahar:

Environmental Alliance, Inc. (Alliance), is responding to your request for information regarding the environmental status and conditions at the referenced property (“the Site”), which is owned by Xergy, Inc. (Xergy). Under the DNREC Hazardous Substance Cleanup Act (HSCA) program, environmental media have been administratively categorized as Operable Unit 1 (OU-1) (soil and soil gas) and OU-2 (groundwater). The Site consists of the following Sussex County tax parcels: 135-14.20-108, 135-14.20-110, and 135-14.20-111.

Alliance previously performed and completed environmental services for Xergy, Inc. under the Department of Natural Resources and Environmental Control (DNREC) Site Investigation and Environmental Restoration (SIRS) Brownfield program. The work done for Xergy resulted in a Certificate of Completion of Remedy (COCR) by DNREC for OU-1 (Attachment A). An Environmental Covenant (Attachment B) was prepared and signed by DNREC and Xergy, and filed with the property deed at the Sussex County Recorder of Deeds office. The Environmental Covenant contains several requirements including restriction to commercial use, notification to DNREC SIRS in advance of soil-disturbing activities, non-use of onsite groundwater for drinking water, and compliance with an approved Contaminated Materials Management Plan (CMMP).

Alliance also performed environmental services for Pep-Up, Inc. (Pep-Up) (the previous property owner) under DNREC SIRS’ Voluntary Cleanup Program (VCP). The work done for Pep-Up addresses groundwater at the site which contains residual petroleum contamination. Alliance performed groundwater monitoring for eight quarters under a DNREC-approved Long-Term Stewardship (LTS) Plan. At the completion of the eighth quarter, Alliance prepare a Two-Year Remedy Evaluation Report (“Two-Year Report”) as required by the LTS Plan. The Two-

877.234.1141 • www.envalliance.com

5341 Limestone Road
Wilmington, DE 19808
302.234.4400

150 Blades Lane, Ste R
Glen Burnie, MD 21060
410.729.9000

515 Plainfield Avenue, Ste 202
Edison, NJ 08817
732.537.0250

8215 Hermitage Road
Henrico, VA 23228
804.658.5550

Year Report demonstrated the reduction of groundwater contaminants over the monitoring period. In response to the draft Two-Year Report, DNREC responded with a requirement to monitor three particular wells for Volatile Organic Compounds (VOCs) semi-annually during the year 2018. The purpose of the requirement is to demonstrate continued reduction of the contaminant concentrations. This requirement was incorporated into the final Two-Year Report. DNREC issued an approval letter for the Two-Year Report on October 6, 2016. A copy of the DNREC letter is attached. Therefore, no actions in regard to groundwater are required by Pep-Up at this time, except for preservation of the existing monitoring wells. During the year 2018 select wells will be sampled as required, and based on the results additional actions or closure will be recommended. It should also be noted that with regard to groundwater at the site, impacts from solvent compounds associated with the nearby Georgetown Cleaners site (DE-113) were identified and are being monitored by DNREC.

Should you have questions, contact me at (302) 234-4400.

Sincerely,
ENVIRONMENTAL ALLIANCE, INC.

Robert J. Kondelin, P.G.
Associate Geologist

c: Bryan Pepper (electronic copy)

Attachments

J:\EAI_files\3056_Bast_Parking_Lot\correspondence 2017\310 N. Race St\Environmental Update - 310 N. Race. St..docx

TOWN OF GEORGETOWN - PLANNING COMMISSION

Draft Meeting Minutes March 15, 2017

ATTENDANCE

Commissioners

Gary Tonge
Linda Dennis
John Painter
Penuel Barrett
Michael Barlow

Staff

Jocelyn Godwin, Planning
Tim Willard, Solicitor
Jamie Craddock, Planning

1. CALL MEETING TO ORDER

Commission Chairman Tonge called the meeting to order in the Town Hall at 6:00 p.m.

2. Introduction of new Commissioners

Penuel Barrett and Mike Barlow were introduced as the newest members.

3. Election of Commission Chair

Commissioner Dennis moved, seconded by Commissioner Barlow, to nominate Commissioner Tonge as Chairman. APPROVED (UNANIMOUS)

4. Election of Commission Vice Chair

Commissioner Dennis moved, seconded by Commissioner Barlow, to nominate Commissioner Painter as Vice Chairman. APPROVED (UNANIMOUS)

5. APPROVAL OF FEBRUARY 15, 2017 MEETING MINUTES

Commissioner Dennis moved, seconded by Commissioner Painter, to approve the February 15, 2017 regular meeting minutes as presented. APPROVED (UNANIMOUS)

6. PUBLIC HEARING ORDINANCE -

Revision to §230-200 Planning Commission

~~Revision to §230-178 Creation;membership;hearings (removed 3/2/2017)~~

Revision to §230-179 Procedures

Mrs. Godwin presented the proposed ordinance revisions as provided to §230-200.B.1. allowing one member of the Planning Commission to be a non-resident should they meet the conditions listed and to §230-179.A. regarding Board of Adjustment procedures removing the last sentence of the paragraph, which offered the transmitting of a copy of an application to the Planning Commission for recommendation.

Revision to §230-200

The Commission discussed the reasoning for the changes. Comments for the revision included the need to open up the recruitment process to allow a larger pool of potential applicants for open positions and the option of a different perspective from a broader spectrum. Concerns were expressed that the Town should step up recruitment efforts and maintain the level of interest and commitment of resident members with input regarding the future of the town. Lewes was offered as an example of another municipality who allows out of town members.

Chairman Tonge opened up the public hearing. No one in attendance provided comment either for or against the ordinance revision. Mrs. Godwin confirmed that no correspondence had been received either for or against the revision.

Commissioner Painter moved, seconded by Commissioner Barrett, to recommend Town Council APPROVE the revision. APPROVED (Yeas – 3, Nay - 2)

Roll call vote:

Commissioner Barlow – No, business interest does not correspond with citizen interest in the Town

Commissioner Painter – Yes, for the reasons previously articulated

Commissioner Dennis – No, the Town has not done enough to get interested and qualified people from the Town to become part of these various committees, revision is not necessary

Commissioner Barrett – Yes, it will create more interest in the positions and Mayor and Council will make the final selection

Chairman Tonge – Yes for the reasons previously stated, yet he hopes they never have to go outside of the Town.

Revision to §230-179

The revision was due to potential conflict between recommendations by the Commission based on planning principles versus the guidelines of how the Board of Adjustment bases their decision on the information presented at their hearing by the applicant. Current process requires an extra meeting for an applicant. No other Towns are known to have the same process.

No one in attendance provided comment either for or against the proposed change to the code. Mrs. Godwin confirmed that no correspondence had been received either for or against.

Commissioner Barlow moved, seconded by Commissioner Dennis, to recommend Town Council APPROVE the revision. APPROVED (UNANIMOUS)

Roll call vote:

Commissioner Barlow – Yes, makes sense to rationalize our policies with other jurisdictions

Commissioner Painter – Yes, for the reasons stated previously

Commissioner Dennis – Yes, for simplification and it makes more sense

Commissioner Barrett - Yes

Chairman Tonge – Yes, for the reasons stated

**7. PUBLIC HEARING: Conditional Use Application
CASE #2017-01 Xergy Inc.**

An application by Bamdad Bahar with Xergy Inc., for a conditional use to allow an engineering services company to conduct research and development on advanced components for home appliances. The property is located at 310 North Race Street, identified as Sussex County Tax Map ID 135-14.20-110.00, zoned Urban Business (UB1).

Mr. Willard informed the Commission of the considerations with a Conditional Use application.

The application was presented by Christine Adkins, General Manager of Service General, in the absence of Bamdad Bahar as he was unable to attend. The applicant had a previous approval for conditional use on the property, which expired at the time his business vacated the use on the property. Xergy would like to return to the location. A letter was presented to the Commission from Bamdad Bahar.

Two engineers, Jacob Zerby and Ron Mills, were in attendance for technical questions. Xergy receives grants for research and development, from GE and the Department of Energy. Xergy makes compressors for refrigerators that utilize green technology. The work has been over the past 8 or 9 years.

There are 18 employees, 15 full-time and 3 part-time. The front of the building will be reception and offices, the machine shop will be in the back. Initial improvements to the building will be repairs to the metal roof and siding (approx. \$5,000).

The business was moved thinking they would be progressing to manufacture sooner and would need more space. The space is not needed.

Concerns were expressed by the Commission on the disrepair of the property.

Chairman Tonge asked for public comment. No one spoke either for or against the application. Mrs. Godwin confirmed that no correspondence had been received either for or against.

Commissioner Barlow moved, seconded by Commissioner Painter, to recommend the Town Council APPROVE the application contingent upon the following conditions:

- 1. Hours of operation will be limited to Monday through Friday from 7 am until 7 pm.**
- 2. No discharge of any manufacturing processes into the sewer system.**
- 3. Sign will be limited to 12 sq. ft.**
- 4. No noxious fumes or toxic chemicals.**
- 5. No offensive noise, vibration, dust, heat, smoke, odor, glare or other offensive influence created from the use.**
- 6. Water usage will be limited to one EDU, must renegotiate with the Town if beyond that usage.**
- 7. Outside storage must be screened from the street and adjacent properties limited to 500 sq. ft.**
- 8. The exterior appearance of the main structure and the shack on the corner need to be brought up to code within 90 days.**
- 9. Drainage issues are to be resolved.**
- 10. Landscaping is to be upgraded.**

APPROVED (Yeas – 4, Nays - 1)

Roll call vote:

Commissioner Barlow – Yes, based on applicants fulfillment of conditions that have been specified

Commissioner Painter – Yes, based on what was presented

Commissioner Dennis – Yes, contingent upon the compliance with the conditions that will be attached to the approval

Commissioner Barrett – No, not enough information was provided

Chairman Tonge - Yes, contingent on the conditions being met, seeing the building and property be cleaned up and used and some good jobs coming to Georgetown

8. DISCUSSION: Proposed Parking Ordinance

Mrs. Godwin highlighted the proposed changes and requested input from the Commission in order to move forward with an official ordinance. Commissioners expressed concern with not requiring enough visitor parking for residential communities, especially where there is no off street parking. May want to consider reviewing parking requirements for each site plan to ensure adequate parking is addressed. Existing parking issues through Town were discussed including the lack of parking for an existing nursing home.

Mrs. Godwin stated a review of the subdivision code and street width requirements would be done.

Commissioner Dennis expressed concern with the need for more parking for group/transitional homes in order to accommodate parking for staff. Mrs. Godwin will provide additional documentation to support existing requirements. A legal review of the proposed changes has not been completed.

Mrs. Godwin explained the new "in lieu of parking fee". Intent is for Downtown businesses with little parking available. Goal is to one day have a parking facility to alleviate parking issues.

Parking space size reductions were discussed. Sussex County, local municipalities and the National requirements have also been reduced. Alternative paving solutions, compact car spaces, and bicycle parking have also been added. All parking spaces are required to be paved. Pictures have also been added to help clarify requirements. The Town Manager will be authorized to reduce up to (1) loading space. More detail for ADA parking standards (according to State updates). Definitions have been added and cleaned up.

Discussion was held regarding signage along the Circle for 30 minute parking. Signage should be provided with time frame of 30 minute parking. Discussion was also held regarding required handicap spaces in front of Town Hall.

9. Planning Department Report

Mrs. Godwin informed the Commission of Planning training being offered by the University of Delaware IPA to be held on March 24th. Boulevard Ford has submitted plans for a storage lot on Bridgeville Road and North Bedford Street. Village of College Park has submitted for approval of the conversion from 22 duplex units to 11 single family dwelling units. The Shops at College Park Outpads have been submitted for final site plan review. The Sun Behavioral Health building permit has been issued.

10. ADJOURNMENT

Commissioner Dennis moved, seconded by Commissioner Painter, to adjourn the meeting at 7:47 p.m. **APPROVED (UNANIMOUS)**

APPROVED: _____
Gary Tonge, Chairperson

ATTEST: _____
Jocelyn Godwin, Planning



IN RECOGNITION OF THE OBSERVANCE OF GEORGETOWN ARBOR DAY

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, the holiday called Arbor Day was first observed with the planting of more than a millions trees in Nebraska; and

Whereas, Arbor Day is now observed at various times of the year throughout the nation and the world; and

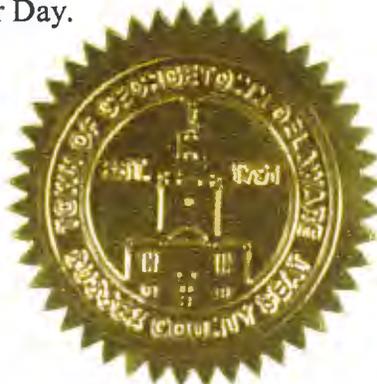
Whereas, trees can reduce the erosion of our precious topsoil due to wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, reduce greenhouse gas emissions, and provide for wildlife; and

Whereas, trees are a renewable resource giving us paper products and wood for homes and businesses; and

Whereas, trees beautify our community, increase property values, enhance the economic vitality of the business areas; and

Whereas, trees, where properly planted, are a source of joy and spiritual renewal.

Now, Therefore, Be It Resolved That I, William E. West, Mayor, on behalf of the Town of Georgetown, do hereby proclaim the week beginning Sunday, April 23, 2017 through Saturday, April 29, 2017, Georgetown Arbor Week, and Friday, April 28, 2017 Georgetown Arbor Day.



In Witness Whereof, I have hereunto set my hand and caused
The Seal of this Town to be affixed this 12th day of April, 2017.

William E. West, Mayor

G.R.E.A.T Fund Application for Funding

Requestor: Georgetown Elementary Robotics Club

Total Request: \$1,600

Breakdown:

<u>Line</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total</u>
1.	Hotel Rooms Springhill Suites Downtown Louisville	2	\$800	\$1,600

The Georgetown Elementary Robotics Club will be traveling to Kentucky to compete in the Vex IQ Worlds Championship April 23-25. We are taking 3 students and are asking help in funding 2 rooms. Any funds that can be contributed to the Georgetown Elementary Robotics Club for the trip will be greatly appreciated.

Attached also find the Georgetown Elementary Robotics Club donation letter with updated amounts.

Thank you for your consideration.

03/14/17

To our local Businesses/Sponsors:

The Georgetown Elementary School Robotics Club has had a very successful year, and have recently won accolades at the first SuperBot Saturday, as well as the first Delaware VEX IQ State Championship. As a result, we have earned a bid to compete at the VEX IQ World Championship held in Louisville, Kentucky in April.

As we are an extra-curricular club, we do not have an operating budget. In order to make it possible to attend these tournaments, we would greatly appreciate your support. Any donation you could make to help defray our tournament and travel costs would be helpful. **Your tax-deductible donations** will help us to continue to challenge and recognize these creative and dedicated students. **Our tax ID # is 516-000279XG**. We greatly appreciate any donation you would be willing to give.

**Thank you for helping to support the
GE Robotics Club!**

For more information, please contact Travis Bower at
(302) 856-1940 or travis.bower@irsd.k12.de.us.

Donations are made payable to:
Georgetown Elementary School
301-A W. Market Street
Georgetown, DE 19947

If paying by check, please include
a license number and phone number.

To go on the trip, we are looking to fundraise roughly \$4,600 for expenses. Below is an itemized list to show how the funds break down.

	VEX IQ World Tournament, KY	Qty	Price
Registration	850	1	850
Hotel	803.22	2	1606.44
Airfare	300.9	5	1504.5
Number of students		3	
Number of coaches		3	0
Shipping Robot	0	0	0
Food/Beverages	100	6	600
Total			4560.94

Currently, we have raised roughly \$2,000 dollars. We're asking that if possible, a donation could be made to help us cover the cost of hotel rooms.



RESOLUTION NO. 2017-4

**A RESOLUTION APPROVING THE TOWN OF GEORGETOWN, DELAWARE
BUDGET FOR THE FISCAL YEAR 2018 AND ESTABLISHING BUDGET
AMENDMENT AUTHORITY**

WHEREAS, The Town of Georgetown has adopted the provisions of the Town of Georgetown Charter, Article V, Financial Affairs, Powers, and Procedures, Section 5.2 Annual Budget; and

WHEREAS, The Town Manager has prepared a budget for the fiscal year ending April 30, 2018 (FY18) consistent with the Charter; and

WHEREAS, The Town Council does hereby authorize the Town Manager/Town Administrator to transfer any unexpended and unencumbered appropriations, at any time throughout FY2018, from one line item to another, one object category to another within a department, or one department to another within a fund, without further approval by the Town Council.

WHEREAS, The Budget for the Town of Georgetown for the fiscal year ending April 30, 2018 as submitted by the Town Manager and as amended and adopted by the Town Council on the 12th day of April, 2017 is hereby ratified; and

WHEREAS, The Town Council recommends adoption of the FY2018 budget totaling \$6,421,339; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF GEORGETOWN:**

SECTION 1. The Town Council of the Town of Georgetown does hereby adopt the FY 2018 Budget on the 12th day of April, 2016 with total resources available in the amount of \$6,421,339 are hereby established as follows:

Department	Appropriation Amount
Administration	\$1,865,568
Council	\$ 0
Police	\$ 300,246
Streets	\$ 355,000
Water	\$1,279,025
Sewer	\$1,896,500
Planning & Zoning	\$ 250,000
Trash	\$ 475,000
Total	\$6,421,339

SECTION 2. The Town of Georgetown will no longer accept out of town requests for sanitary sewer service. All requests lawfully in place prior to the date of this Resolution shall be grandfathered.

SECTION 3. For FY18, 100% of the anticipated revenues have been fully appropriated with no funds set aside as promulgated under Resolution #2010-6.

SECTION 4. This Resolution shall become effective immediately upon its approval by Council.

BE IT ENACTED by a majority vote of the Town Council of The Town of Georgetown, Delaware on this _____ day of _____, A.D., 2017.

William E West, Mayor

Steve Hartstein, Secretary