

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

October 27, 2026

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - October 20, 2026

[Draft Minutes 10 20 26](#)

Reading of Correspondence

Public Comments

Presentation – James Adkins, Director, Carvel Research and Education Center

Todd Lawson, County Administrator

1. Comprehensive Land Use Plan Update & Discussion
2. Implementation of Senate Bill 23 & House Bill 450 Update & Discussion
3. Administrator's Report



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

Mike Harmer, County Engineer

1. **Lewes Board of Public Works (LBPW) - Sussex County Partnership Wolfe Neck RWF Upgrade & Expansion**

A. **Electrical Construction, Project S24-09 – Change Order No. 4**
[LBPW Wolfe Neck RWF CO No 4](#)
2. **Administration Building MEP Renovations, Project C26-21**

A. **DEDC Additional Services Proposal**
[Admin Bldg Reno](#)
3. **SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension**

A. **M.F. Ronca & Sons, Inc. Change Order No. IB-014**

B. **BW Electric, Inc. Change Order No. IB-005**
[SCWRF CO No IB-014 & CO No IB-005](#)

Mark Parker, Assistant County Engineer

1. **Sugar Maple Farms Road Improvements, Chapter 96 SCI - Project T25-40**

A. **Project Closeout**
[Sugar Maple Farms Closeout](#)

Paul Mauser, Assistant County Engineer

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,892,000 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH PHASE 2 SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
[Joy Beach Phase 2 Proposed Ord](#)
2. **Sussex County Pole Buildings, Project G25-08**

A. **Change Order No. 1**
[Pole Buildings CO No 1](#)
3. **Davis, Bowen & Friedel, Inc. 2024 Miscellaneous Engineering Base Contract**

A. **Amendment No. 4 – Slaughter Beach Sewer Extension Construction Administration & Inspection**
[Slaughter Beach Sewer Amend No 4](#)

Grant Request

1. **Town of Georgetown for their Mayor’s Reception on Return Day**
[Town of Georgetown](#)

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session - Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **Briarstone Annexation into the Sussex County Unified Sanitary Sewer District, Western Sussex (Greenwood Area)**

[Public Hearing Briarstone Annexation SCUSSD](#)

2. [**Conditional Use No. 2616 filed on behalf of TPE DE SU519, LLC**](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 31.3 ACRES, MORE OR LESS” (parcel is lying on the west side of North Old State Road [S.C.R. 213] and the south side of Haflinger Road [S.C.R. 625], approximately 0.25 mile east of DuPont Boulevard [Rt. 113]) (911 Address: 9074 North Old State Road & 18126 Haflinger Road, Lincoln) (Tax Map Parcel: 230-12.00-22.00)

[Public Hearing CU2616](#)

3. [**Change of Zone No. 2061 filed on behalf of Sandie, LLC**](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR C/Z 673 (ORDINANCE NO. 294) IN RELATION TO THE ADDITION AND USE OF RECREATIONAL AMENITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS” (property is lying on the south side of Plantations Boulevard, approximately 0.46 mile north of Cedar Grove Road [S.C.R. 283] and 0.14 mile west of Plantation Road [Route 1D & S.C.R. 275]) (911 Addresses: 18462, 18464 & 18466 Plantation Boulevard, Lewes) (Tax Map Parcel: 334-6.00-553.02)

[Public Hearing CZ2061](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 20, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountysde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountysde.gov/agendas-minutes/county-council>.

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to councilpackets@sussexcountysde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 20, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 20, 2026, at 1:00 p.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 474 26 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda, as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from October 13, 2026, were approved by consensus.
Corresp.	There was no correspondence.
Public Comments	Mr. David Stein spoke about SB23.
Adminis- trator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Delaware State Police Activity Report</u> The Delaware State Police year-to-date activity report for September 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 196 troopers assigned to Sussex County for the month of September.

**Adminis-
trator's
Report
(continued)**

2. Joseph "Joe" King

It is with great sadness that we inform you that pensioner, Joseph "Joe" King, passed away on Saturday, October 10, 2026. Mr. King began his career with Sussex County in July 1988 where he worked until February 2016 for a total of 17 years of service. His last position with the County was Maintenance Worker II. We would like to extend our condolences to the King family.

3. David Brannon

It is with great sadness that we inform you that pensioner, David Brannon, passed away on Wednesday, October 14, 2026. Mr. Brannon began his career with Sussex County in December 2001 where he worked until December 2010 for a total of 9 years of service. His last position with the County was Wastewater Operator III. We would like to extend our condolences to the Brannon family.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Proposed
Ordinance
Introduc-
tions**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR VEHICLE STORAGE AND MAINTENANCE YARD TO INCLUDE LEASABLE AREAS FOR VEHICLES, MACHINERY, AND MATERIALS STORAGE, CONTRACTORS OFFICES, AND VEHICLE MAINTENANCE TO BE LOCATED ON A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 10.63 ACRES, MORE OR LESS" filed on behalf of Preston & Mason Dyer.

Mr. Lloyd introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL (AR-1) DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.944 ACRES, MORE OR LESS" filed on behalf of Marc Aurel Jean.

**CM
Comments**

Mr. Lloyd commented about balancing solar energy and farmland in Sussex County.

**M 475 26
Go Into**

At 1:09 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session to discuss matters related to land acquisition.

Executive Session	Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Executive Session	At 1:10 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session ended at 1:44 p.m.
M 476 26 Reconvene	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to reconvene. Motion Adopted: 4 Yeas, 1 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
E/S Action	There was no action related to Executive Session matters.
Rules	Mr. Moore read the rules of procedure for zoning matters.
Public Hearing/ CU2639	A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 47.20 ACRES, MORE OR LESS” (parcel is lying on the north side of Sycamore Road [S.C.R. 466], approximately 0.27 miles east of Sussex Highway [Route 13]) (911 Address: 11279 Sycamore Road, Laurel) (Tax Map Parcel: 232-12.00-100.00) filed on behalf of Sunrise Solar, Inc. Jamie Whitehouse, Planning & Zoning Director, presented the application. The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 9 recommended conditions as outlined. The Council found that Ms. Denna Corio, a consultant for Sunrise Solar spoke on behalf of the Applicant, Sunrise Solar, Inc.; that also present was the Applicant, Mr. Dan Baugher with Sunrise Solar, Inc. Ms. Corio stated that the application proposed a four megawatt community solar facility, to be located along County Seat Highway, in Laurel; that the existing condition of the site was a farm field; that the site was generally flat; that the site layout consisted of an interconnection and

**Public
Hearing/
CU2639**

driveway curb cut along County Seat Highway; that the interconnection would consist of approximately six utility poles, going down the proposed driveway, and would contain various electrical equipment to be able to interconnect the solar array into the power grid; that the driveway would be gravel, providing 20 feet of width and approximately 2,000 feet in length; that the panels would be single axis tracker panels, which would rotate with the sun throughout the day; that they would be fully enclosed within a seven foot high, agricultural style fence; that the fence would enclose an area of about 22.5 acres; that the fence would have a 20 foot wide, double swing gate, for access into the solar array; that the driveway would provide access to the two equipment pads and inverters on the site; that the project would provide 30 foot wide landscape buffers in any area that would be visible to the public roads or any adjacent neighbors; that the driveway provides emergency vehicle turn around access; that the sound barrier was discussed further.

There were no public comments.

The Public Hearing and public record were closed.

**M 477 26
Adopt
Ordinance
No. 4096/
CU2639**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4096 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 47.20 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on a portion of a larger 47.20-acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be "Diminutive". There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.

**M 477 26
Adopt
Ordinance
No. 4096/
CU2639
(continued)**

- 6. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 7. There was no opposition to this Application.**
- 8. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:**
 - a. The use shall be for a ground-mounted solar array with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be relocated to a more centralized location within the site as shown on the Final Site Plan and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.**
 - d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.**
 - e. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - f. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable**

**M 477 26
Adopt
Ordinance
No. 4096/
CU2639
(continued)**

State and County requirements. These facilities shall be operated using Best Management Practices.

- h. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2652**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 52.34 ACRES, MORE OR LESS” (parcel is lying the south side of Old Racetrack Road [S.C.R. 502], approximately 0.25 mile west of the intersection of Old Racetrack Road [S.C.R. 502] and North Second Street) (911 Address: N/A) (Tax Map Parcel: 532-20.00-14.00) filed on behalf of Sussex CSG3, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions as outlined.

The Council found that Ms. Mackenzie Sindelar, Esq. with Fox Rothschild, LLP spoke on behalf of the Applicant, Sussex CSG3, LLC; that also present were Ms. Tulpen Hansen-Schwoebel, Dimension Energy Project Manager, and representative of the Applicant, and Mr. Eric Wahal, Professional Engineer with Pennoni.

The Council found that Ms. Tulpen Hansen-Schwoebel, Dimension Energy Project Manager, spoke on behalf of the Applicant; that Dimension Energy prided themselves on being the owner and operator; that meant that they took ownership of their sites from their origination through the permitting process, through construction, and were the long-term owners and operators of their sites for the life of the project; that this allowed them a very streamlined practice of enforcing conditions that they suggest or that are imposed on them by Sussex County; that this allows them to avoid the hurdle of handoffs like many other developers do; that they had developed over one gigawatt of distributed energy; that she wanted to

**Public
Hearing/
CU2652
(continued)**

emphasize that these distribution was not in their pipeline; that it was the actual number of facilities they had either begun construction or construction was completed; that they had larger than one gigawatt in their pipeline; that they had four projects located within Sussex County, being Chaberton Solar Blue Hen, LLC, being four megawatts, Chaberton Solar Biggins Creek, LLC, being four megawatts, Sussex CSG2, LLC being 3.25 megawatts and Sussex CSG1, LLC; that they have a substation across the street.

Ms. Sindelar stated that the site was located on the south side of Old Racetrack Road, approximately 0.25 mile west of the intersection of Old Racetrack Road and North 2nd Street, just outside, but entirely surrounded on the one side by the Town of Delmar; that the property was zoned AR-1 (Agricultural Residential), however it was designated Heavy Industrial; that this is in an Industrial Area; that this is in the Level 3 area; that traffic is limited here; that the project complied with all of the Zoning requirements; that there are some wetlands on site that will be left undisturbed; that Findings of Fact have been previously submitted; that a letter was submitted requesting changes to some of the conditions placed by the Commission; that the first condition relating to timber noise barrier; that they have centrally located the inventors; that they are requesting approval to eliminate the timber noise barrier due to the location of the property; that the condition regarding interwoven privacy screening is being requesting to be removed; that there is existing vegetation on the property; that the request is to restore the applicants original requested buffer language.

There were no public comments.

The Public Hearing and public record were closed.

**M 478 26
Defer
Action/
CU2652**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 52.34 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2597**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND

**Public
Hearing/
CU2597
(continued)**

BEING IN SUSSEX COUNTY, CONTAINING 28.64 ACRES, MORE OR LESS” (parcel is lying on the east side of Lonesome Road [S.C.R. 541], approximately 800 feet south of Woodpecker Road [S.C.R. 80]) (911 Address: N/A) (Tax Map Parcel: 531-12.00-92.02) filed on behalf of Lonesome Road Community Energy Initiative, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 11 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Lonesome Road Community Energy Initiative, LLC; that also present were Mr. Michael Redding, Vice President and Civil Engineer with ECA Solar, Ms. Martha Channell, Senior Development Manager for ECA, Mr. Nick Heven, Engineer with ECA, and Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc.

Mr. Hutt stated that in 2021, Governor Carney signed into law a requirement that raised Delaware’s renewable portfolio standard to 40% by 2035; that meant that 40% of Delaware’s energy must come from renewable sources by 2035, being less than 10 years away; that as part of those actions taken in 2021, a process was established for the creation of community energy facilities; that specifically in Chapter 10, Title 26 of the Delaware Code, there was a process for community energy facilities laid out; that community energy facilities provide the opportunity for individuals in the area to sign up for reduced electrical rates; that the practice was that individuals in the local community have the first opportunity or option to elect to have those reduced electrical rates; that the first two current applications before the Planning Commission are from affiliates of ECA Solar; that ECA Solar is an employee-owned company that had been in existence for about 12 years, since 2014; that ECA Solar had developed a number of solar projects in several states, including Delaware, as well as neighboring states of Maryland and Pennsylvania; that with respect to Delaware specifically, ECA Solar had 16 projects in various stages of approval or construction; that eight of the 16 projects were presently under construction or their construction had been completed, and within Sussex County, ECA currently had two projects completed, with one being off DuPond Boulevard, just outside of Frankford, and the other being off Helens Lane, just outside of Seaford.

Mr. Hutt stated that the current application was for a solar array facility to create a clean, renewable supply of electricity on approximately 13.45-acre portion of a larger 28.64-acre site; that a little less than half of the property

**Public
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CU2597
(continued)**

would be part of the proposed Conditional Use and requested that Mr. Michael Riemann with Becker Morgan Group, Inc. review the Site Plan, project details, and the various studies and analysis for the Council.

Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant. Mr. Riemann presented the Council with a presentation regarding the project, stating that on the rendering, the subject parcel was outline in yellow; that the project area was outlined in green; that the Conditional Use area was outlined in magenta; that the facility would not utilize the entire property, and was completely contained within the agricultural portion of the field; that the woods within the back area of the site were located outside of the development area; that the project proposed buffers on two sides of the site, as there was existing mature forest around the other two sides of the facility; that the site would have a 16 foot wide, gravel access to Lonesome Road; that the drive would allow access to the inverters; that the plan provided additional landscaping beyond the standard buffers, which resulted from conversations with some of the neighboring property owners; that the plan allowed for the typical 30 foot wide buffer, providing three rows of staggered trees; that there would be a fourth row of staggered trees to provide additional landscaping; that the proposed fence would be a knot wire fence, which were very common with solar facilities because of the way the openings work; that the openings allow smaller animals to migrate through the facility, as they want the facility to be integrated into the habitat; that the fencing mesh had previously been discussed; that the proposed a slightly different mesh than what had been seen in the past; that their proposed fence meshing provided some openings, which allowed for better airflow, while still remaining opaque; that this avoid issues with the mesh blowing off the fence; that within their proposed conditions, they had specified the type of metal ties they would use; there had been previous conversations regarding the five year time frame for the mesh, as the mesh was really only placed for the initial stage, while landscaping was taking root and maturing; that after about five years, the mesh could become a potential maintenance issue over time; that because of this, they had proposed as a condition that the mesh would remain for a period of five years and then be removed; that this was a condition that the County Council recently approved on multiple solar applications within the last few months; that the idea was, as the landscaping grows, it would look like a forest and the project would not be visible; that the access drive would be from Lonesome Road; that the inverters were located back off the roadway; that inverters do produce some sound, which was the reason why they push them back into the facility; that they performed a Sound Study for the project; that the project would include a vertical sound barrier, which generates the sound up rather than out, and would reduce the sound; that the Sound Study demonstrated that at the nearest residence, the sound would be about 40 decibels, being equivalent to a refrigerator; that the inverters produce most sound during the day when the sun is shining and they are producing energy; that the inverters quietest period, would be

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Hearing/
CU2597
(continued)**

during the night, when they would not be running; that a Glare Study was performed, which evaluated the potential for glare on nearby roadways and homes; that the study concluded that there was no glare issue associated with the project; that there was an industry standard for how Glare Studies were performed; that the panels have a anti-reflective coating, which was engineered to minimize glare by design; that there were 16 points reviewed around the property, and it was concluded that there would not be a glare concern from the project; that at times, it had been stated that solar projects could reduce property values; that this simply was not the case; that there had been numerous studies performed, concluding that solar projects do not adversely impact property values of nearby areas; that the project would benefit local residents through subscriptions for lower power costs; that the project would not increase traffic other than weekly to bi-weekly maintenance; that the project was for renewable energy source, therefore would not create odor, dust, gas, smoke or fumes; that the project would create low to no noise, being less than a refrigerator; that the project would reduce stormwater runoff because it would be changing from a tilled agricultural field, to a field of pollinator mixes, which reduces runoff from its current condition, and being much more environmentally friendly; that the project provides a 30 foot landscape screening buffer; that previously discussed by the Council was the switching of the percentages for the required deciduous and evergreen trees; that the 30% evergreen and 70% deciduous would not be as effective in the wintertime for screening; that with newer solar applications, as well as the current three applications they represent, proposed a higher percentage of evergreen trees, which would provide a much more effective screening in the wintertime; that they had been working with the State Fire Marshal, who would be required to review and approve their plans; that the Fire Marshal had standards, one of them being the requirement for a knox box, so that they would have access, should they need it; that the project would be decommissioned at the end of its operation life; that the facility would be removed to restore the property to its original state; that a Decommission Bond would be required as per the Ordinance, and was consistent with industry standards; that there was a community meeting held on January 22, 2026, where feedback was obtained; that the feedback resulted in the additional enhanced landscaping on the one side of the property; that the interconnection process can be lengthy; that for the current project, an application had been submitted to DP&L (Delmarva Power & Light) in November 2024; that an Interconnection Study was completed in March 2025; that the Completion Cost Estimate was received March 2026; that the first payment, being 25% of the interconnection payment is planned for September 2026; that the project was fairly along in the process; that the facility was a public utility use under and as defined within the Sussex County Code; that the project met the purpose of a Conditional Use, as it was a public or semi- public character, being essential and desirable for the general convenience and welfare of Sussex County residents; that the proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options, such as solar; that

**Public
Hearing/
CU2597
(continued)**

the proposed use would not have any adverse impact on the neighboring and adjacent properties; that the project would provide adequate landscape buffering and perimeter fencing, with some provided landscaping being above what was typically required; that the facility would not result in any noticeable increase in traffic on adjacent neighboring roadways; that there would be no regular employees at the site; that there would be no significant noise, dust, or odor generated by the facility; that the project was compliant with Ordinance No. 2920, relating to all applicable buffers and setbacks; that interconnection studies had been completed; that the construction cost had been identified, and therefore, the project's status was significantly de-risked.

Mr. Hutt stated that the proposed conditions were comprised in an attempt to mirror the standardized conditions that the Planning Commission and County Council had previously recommended; that the purposed of a Conditional Use as defined in §115-171 of the Sussex County Code was met for all of their current solar applications; that the applications promoted Goal 7.3 of the Comprehensive Plan; that the projects would not increase traffic; that the DelDOT Service Level Evaluation Response stated that the traffic impact would be diminutive; that the projects complied with the Special Requirements found in §115-172 of the Zoning Code; that a solar array application is one that had a list of special requirements for a Conditional Use; that the applications meet those requirements; that it was proposed to amend Condition D; that it relates to the perimeter buffer; that

Public comments were heard.

Mr. Matt Marine spoke in opposition of the application.

The Public Hearing and public record were closed.

**M 479 26
Amend
Condition D/
CU2597**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to Amend Condition D to read as follows "The entire area of the solar array shall be surrounded by a buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines and it shall extend from the entrance to the array to the property's frontage with Lonesome Road on its northern boundary line. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be installed along the northwestern and southwestern side of the solar array as shown on the Preliminary Conditional Use Site Plan and shall be at least 30 feet wide except along the first 160 feet from Lonesome Road which shall be 10 feet wide and taper to 30 feet wide as shown on the Preliminary Conditional Site Use Plan. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan along the northeastern and southeastern sides of the solar array

the existing woods shall be preserved as the buffer for the solar array facility as shown on the Preliminary Conditional Use Site Plan”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 480 26
Adopt
Ordinance
No. 4097/
CU2597**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4097 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 28.64 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission and as amended by this Council as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 13.45 fenced-in acres of a larger 28.64-acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is to be located on the tilled portion of a larger tract owned by the Applicant’s holding company leaving the wooded portions of the property undisturbed.**
- 5. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.**
- 6. The Applicant has obtained expert reports regarding potential noise, glare, and impacts on property values. This evidence in the record confirms that the nearby properties will not be adversely affected by noise, glare, or the solar use in general.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 9. This recommendation is subject to the conditions set forth in Section**

**M 480 26
Adopt
Ordinance
No. 4097/
CU2597
(continued)**

115-172.I of the Zoning Code and the following additional conditions:

- a. The use shall be for a ground-mounted solar array with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be relocated to a more centralized location within the site on the Final Site Plan and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.**
- b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
- c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.**
- d. The entire area of the solar array shall be surrounded by a buffer strip of open space a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines and it shall extend from the entrance to the array to the property's frontage with Lonesome Road on its northern boundary line. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be installed along the northwestern and southwestern side of the solar array as shown on the Preliminary Conditional Use Site Plan and shall be at least 30 feet wide except along the first 160 feet from Lonesome Road which shall be 10 feet wide and taper to 30 feet wide as shown on the Preliminary Conditional Site Use Plan. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan along the northeastern and southeastern sides of the solar array the existing woods shall be preserved as the buffer for the solar array facility as shown on the Preliminary Conditional Use Site Plan.**
- e. As proffered by the Applicant, if the Applicant is granted permission to access the neighbor's property, the Applicant will plant a single, supplemental row of trees along the rear boundary line of Sussex County Tax Parcel No. 531-12.00-92.07 to provide**

**M 480 26
Adopt
Ordinance
No. 4097/
CU2597
(continued)**

- an additional row of trees for screening as requested by the property owner.
- f. As proffered by the Applicant, two pollinator gardens shall be planted outside of the fenced area for the solar array in the southwestern and eastern parts of the site as shown on the Preliminary Conditional Use Plan.
 - g. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - h. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - i. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - j. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CU2601**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.281 ACRES, MORE OR LESS” (parcel is lying on the northwest side of Woodpecker Road [S.C.R. 80], approximately 0.29 mile south of West Stein Highway [Rt. 20]) (911 Address: N/A) (Tax Map Parcel: 531-12.00-84.01) filed on behalf of Woodpecker Road Energy Initiative, LLC.

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on September 16, 2026. On October 7, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP spoke

**Public
Hearing/
CU2601
(continued)**

on behalf of the Applicant, Woodpecker Road Community Energy Initiative, LLC. Mr. Hutt requested that his previous background information, provided for the previous application, that were not site specific, be included into the current record by reference.

Mr. Hutt stated that the site was located on Woodpecker Road, down the road from the intersection of Lonesome Road and Woodpecker Road, and with his previously provided introductory comments being included into the current record, he requested that Mr. Riemann reviewed the site features for the Woodpecker Road facility.

Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant. Mr. Riemann stated that the site was located on the intersection of Woodpecker Road and West Stein Highway; that the parcel consisted of 39.2 acres; that the total project area was consisted of roughly 31.59 acres; that the Conditional Use area consisted of approximately 27.8 acres; that the property was zoned AR-1 (Agricultural Residential); that the project provided a 30 foot wide landscape buffer around the entirety of the parcel; that site access was located from Woodpecker Road and would lead to the inverters; that this project would also include sound barriers as presented and shown within the previous application's hearing; that this project proposed the same buffer design as the previous application, being a 70% evergreen tree and 30% deciduous tree mix; that the Code required a 200 foot dwelling setback, which the project complied with; that the proposed fencing was the same as that proposed in the previous application's hearing, being a knot wire fence, with mesh fabric, metal ties and openings for wildlife; that with the landscape buffer, fence and meshing, the solar arrays would not be visible, which was their goal; that as the trees grow, the solar arrays would not be seen; that they make friendly neighbors; that there was a Noise Study provided for the project; that the inverters would create noise at 40 decibels, which was equivalent to a refrigerator; that the noise would only be generated during the day, and would not function at night; that there was a Glare Study performed for different points throughout the site; that the project did not create an glare concerns; that a study regarding property values was included in the record; that the project would benefit local residents with lower power costs, no increase in traffic, renewable energy, noise, low to no noise from inverters using 40 decibels; that the project proposed a sound barrier; that the project would produce reduced stormwater runoff, as compared to the agricultural operation currently existing; that a 30 foot landscape buffer would be provided around the entire property; that the buffer would consist of 70% evergreen trees and 30% deciduous trees; that perimeter fencing would be provided with emergency access; that a decommissioning would occur at the end of the project's life; that there was a community outreach meeting held on June 23, 2026; that it was explained how many homes would benefit from this facility.

Mr. Hutt distributed a site plan and a request for a proposed change to

Condition A; that it was discussed further how the property will be maintained and kept free of weeds.

Public comments were heard.

Mr. Richard O'Bier spoke in favor of the application.

The Public Hearing and public record were closed.

**M 481 26
Amend
Condition A/
CU2601** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Amend Condition A to now read “The use shall be for a ground-mounted solar array with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be located in a centralized location within the site as shown on the Preliminary Conditional Use Site Plan no less than 400 feet from any dwellings on properties of other ownership and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 482 26
Amend
Condition
H/CU2601** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to amend Condition H to now read “All grasses and ground cover shall be monitored to prevent any noxious grasses or weeds. If any are detected, the applicant shall follow guidelines and recommendations of the Delaware Department of Agriculture”.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 483 26
Adopt
Ordinance
No. 4098/
CU2601** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4098 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.281 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**

**M 483 26
Adopt
Ordinance
No. 4098/
CU2601
(continued)**

2. The solar array will be located on approximately 31.59 fenced-in acres of a larger 39.28-acre tract. The array area complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. This Application generally complies with Section 115-172.I of the Sussex County Zoning Code regarding solar arrays.
5. The Applicant has obtained expert reports regarding potential noise, glare, and impacts on property values. This evidence in the record confirms that the nearby properties will not be adversely affected by noise, glare, or the solar use in general.
6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
7. The current owner of the property testified about the family’s generational ownership of the farm, and the exploration that they did about various potential uses of the property. Ultimately, the family determined that a solar facility avoided a more intensive development of the property that benefited them, since they still live nearby, as well as the other neighboring property owners.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Section 115-172.I of the Zoning Code and the following additional conditions:
 - a. The use shall be for a ground-mounted solar array with inverters. No other types of electric generation shall be permitted at the site. The inverters shall be located in a centralized location within the site as shown on the Preliminary Conditional Use Site Plan no less than 400 feet from any dwellings on properties of other ownership and they shall be surrounded by a ten-foot-tall timber noise barrier also depicted on the Final Site Plan.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - c. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall be a knot-wire agricultural style fencing including an interwoven privacy screening. The privacy screening shall be attached to the fencing with metal fasteners and a tension wire to reduce maintenance. The fence location and type of screening shall be shown on the Final Site Plan. The property screening may be removed after the earliest of ten years from the

M 483 26
Adopt
Ordinance
No. 4098/
CU2601
(continued)

installation of the solar array or when the surrounding vegetation is uniformly taller than the height of the fence as determined by the Director of Planning and Zoning. The fencing shall remain.

- d. The entire area of the solar array shall be surrounded by a buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. It shall also be no closer than 200 feet from a dwelling on adjacent property. The landscaped buffer shall be at least 30 feet wide along the perimeter of the Property adjacent to lands of other ownership. This landscaped buffer shall use existing vegetation or shall be planted with 70% evergreen vegetation and 30% deciduous vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan.
- e. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- f. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- h. All grasses and ground cover shall be monitored to prevent any noxious grasses or weeds. If any are detected, the applicant shall follow guidelines and recommendations of the Delaware Department of Agriculture.
- i. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 484 26
Adjourn

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 3:36 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County
DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: ***Lewes Board of Public Works (LBPW)- Sussex County Partnership
Wolfe Neck RWF Upgrade & Expansion***

A. Electrical Construction, Project S24-09 – Change Order No. 4

DATE: October 27, 2026

GHD, Inc., held the County's engineering services contract associated with the South Coastal RWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant. On July 16, 2024 County Council expanded GHD, Inc.'s reaffirmation as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029.

In July of 2016, County Council authorized negotiations with other wastewater providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up to 300,000 gallons per day during the fall/winter season at an initial rate of \$2.40/1,000 gallons.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.

On September 26, 2018, the County presented a request for a 25% increase in both the base and seasonal flow contributions in exchange of payment of the associated impact fees at a



board meeting. Subsequently, LBPW instructed their Counsel to draw up Amendment No. 2 outlining the details, which was accepted by County Council on January 8, 2018.

As early as 2020, LBPW was pursuing a long-range plan for their wastewater treatment plant's future needs. This presented a possible cooperation opportunity to significantly reduce LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, LBPW held a workshop for public discussion and input on March 31, 2022. As a result of the input, a proposal from GHD, Inc., the consultant already representing both entities, was requested to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

On May 24, 2022, County Council approved to fund 50% of GHD's long-range study cost in the amount of \$124,250.00. The results of the study were presented to County Council on December 6, 2022 and on January 23, 2023 to LBPW. Subsequently the LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th of 2023 to continue the open decision-making process.

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. The impact has created uncertainty for biological polishing under option 3b as well as the proposed spray facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests. While subsequent negotiations were ongoing the County was able to conclude a multi-year effort to exchange land with the State of Delaware at Wolfe Neck. Hereby obtaining land right to >20 acres immediately adjacent to the effluent storage lagoon. Control over this land does keep the option of wetland polishing prior to final effluent discharge into Wolfe Glade open if it can be cleared in a phase II archeological study.

During the BPW workshop on August 9th, 2023 the concept of an ocean outfall from the Wolfe Neck RWF emerged as Option 3c. Under this scenario the County would construct a new 5.00 MGD treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. Council approved GHD's Amendment 23 on August 15, 2023 for the expansion of LBPW's long-range study to include Option 3c in the amount of \$95,000.00. However, since the City of Rehoboth Beach and Sussex County had a long-standing successful wastewater partnership, the County jointly with LBPW approached the City in the spring of 2024 with a proposal to purchase 5.0 MGD of unused ocean outfall capacity for \$20 million in lieu of constructing another outfall off Wolfe

Neck. The offer was ultimately rejected by the City's Commissioners effectively shutting down the three-party regional approach.

However, under any outfall scenario the County and the Lewes BPW had to expeditiously either update previous ocean studies, initiate new ones off Wolfe Neck into the ocean or the Canal. To accomplish this task, the Engineering Department requested and Council approved GHD's Amendment 28 in the not to exceed amount of \$474,000.00 to initiate up to four (4) sampling events and reports of the near field benthic zone.

During their March 18th, 2025 Public Workshop the LBPW reduced their options to (i) continue operation at a "hardened" facility while discharging to the Lewes-Rehoboth Canal at existing location or (ii) transmit flow to a future joint facility with a relocated discharge to the Lewes-Rehoboth Canal at the Wolfe Neck RWF. Following the March 2025 workshop a series of joint staff meetings were conducted which allowed the LBPW to tentatively select the latter option during their October 28th, Public Workshop. However, they continued to solicit public input, kept the topic on the agenda of the monthly board meetings and posted draft agreements on their website.

The first Agreement addressed the future joint facility while the second Agreement, replaced the current agreement for services facilitating the implementation of the first one by maximizing the County's flow contribution to the LBPW's facility without payment of impact fees but with an adjusted rate based on actual treatment cost escalation. December 10, 2025 LBPW approved both agreements followed by County Council's approval January 6, 2026.

With County Council's approval of both LBPW's agreements, the Engineering Department solicited Amendment 31 from GHD for the following scope:

1. Expanded baseline benthic and water quality testing for the Lewes-Rehoboth Canal.
2. Archeological investigation of the area obtained via the land exchange with the State of Delaware for potential construction of wetland prior to discharge.
3. Management and Permitting for USACE of the Lewes – Rehoboth Canal dredge spoil material for potential beneficial reuse.
4. Assessment of Lewes-Rehoboth Canal's hydrodynamic behavior at the two potential discharge locations.
5. Wolfe Neck RWF treatment process evaluation envisioned in the Agreement.

Scope item 1 reduces Amendment 28's budget by more than \$200,000.00. Given the timing of the scientific subconsultant's report, GHD will keep Amendment 28 open, until such time when the report and the associated invoice is finalized before closing out Amendment 28. On February 3, 2026 Council approved Amendment 31 in the not to exceed amount of \$1,050,000.00. On April 14, 2026 Council approved the modification to Amendment 31, increasing the not to exceed amount to \$1,810,000.00 for an expanded scope of services.

Any Wolfe Neck treatment expansion can only occur in one of the existing treatment lagoons requiring complete removal of all the legacy biosolids. As a precursor of the removal, all incoming flows had to be transferred to treatment lagoons 2 & 3. For the support of the

biosolids removal and dewatering equipment a new electrical service and power distribution center had to be installed to accommodate both the immediate power needs as well as the future plant expansion. Therefore, Council approved GHD's Amendment 22 on August 15, 2023 for the Advanced Electrical Design in the amount of \$427,138.72.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work and Invitations to Bid were advertised. Five (5) contractors attended the pre-bid meeting but only two (2) bids were received for Electrical Construction, and one (1) bid for General Construction. On April 30, 2024, Council approved award of Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00. The same day Council rejected the sole General Construction bid and authorized soliciting three proposals under an alternate delivery method which resulted in Council's issuance of Change Order No. 1 to Bancroft Construction's James Farm contract for \$1,376,000.00 on June 11, 2024.

The Engineering Department requested GHD to submit Amendment 25 for construction phase engineering services for both contracts at the Wolfe Neck Facility which Council approved on June 11, 2024 in the not to exceed amount of \$736,342.23.

The electrical and the building contract experienced unforeseen site and weather conditions resulting in several change orders. Both contracts are expected to conclude in 2026. However, the electrical contract has an unresolved issue with the electrical switchgear which requires further short circuit analysis and subsequent mitigating modifications to comply with the National Electric Code.

During execution of the electrical project, the Engineering Department identified a legacy issue stemming from overloaded power distribution equipment in the existing administration building. While the issue is not related to the electrical project, GHD was requested to design a solution and obtain a proposal from BW Electric, Inc. to complete the work as a change order to the electrical project and to determine short circuit current ratings for the new administration building power distribution equipment as an expansion to the scope of the power study already being completed for the project. BW Electric, Inc. submitted a proposal for \$24,910.74.

The Engineering Department has reviewed the proposal and recommends approval of Change Order No. 4 in the amount of \$24,910.74.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Wolfe Neck Regional RWF – Electrical Construction**
2. Sussex County Project No. 24-09
3. Change Order No. 4
4. Date Change Order Initiated - 10/27/26
5.
 - a. Original Contract Sum \$5,000,000.00
 - b. Net Change by Previous Change Orders \$ 429,545.36
 - c. Contract Sum Prior to Change Order \$5,429,545.36
 - d. Requested Change \$ 24,910.74
 - e. Net Change (No. of days)
 - f. New Contract Amount \$5,454,456.10
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- ☐ 6. Factors Affecting Time of Completion
- ☐ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Electrical modifications for the Administration Building Electrical Room.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. B.W. Electric, Contractor

Signature	Date
Jason R. Walters	
Representative's Name in Block Letters	

2. Sussex County Engineer

Signature	Date

3. Sussex County Council President

Signature	Date



15342 S. DuPont Hwy
Harrington DE 19952

Bryon Warren
President
302-270-5719

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Email(s):
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estimates@bwelectricinc.com

October 16, 2026

Subject: WNRWF Electrical Service and Switchgear Replacement RFP No. 008 **REVISED**

Dear Mr. Steven Clark,

Our price to perform the electrical work associated with the above project is based on RFP No. 008. Our price does not include the use of Prevailing Wages. Our price is **\$24,910.74** and includes the following:

Description of Proposed Changes – It is intended that all new work and modifications located in existing Administration Building Electrical Room.

1. Replace existing 208VAC, single phase lighting panelboard LPA with a new 208 VAC, 3 phase, 4 wire power panelboard, henceforth to be nameplated as “PP2 (Former LPA),” henceforth referred to as “PP2” PP2 shall be rated 208/120 VAC, 3 phase, 4 wire with an isolated neutral bus and a ground bus. PP2 shall have a minimum current of rating of 225A at 208 VAC, 3 phase and shall be provided with a surface mounted NEMA 1 enclosure with a minimum short circuit interrupting capacity and withstand rating of 35kAIC RMS at 208 VAC, 3 phase. PP2 shall be provided with a main circuit breaker rated 200AT/225AF. PP2 shall be provided with 42 poles, with branch and feeder breakers described below. Provide integral surge protection with panelboard.
2. Provide PP2 to re-feed all existing LPA loads (branch and feeder circuits), with the addition of re-feeding the 208 VAC, 3 phase feeder circuit to one (1) Roof Top Unit (RTU No. 2) which currently serves the Admin Building the Lab, and is currently fed from existing panel PP with a 100A, 3 pole CB. Provide a new 100A, 3P feeder circuit breaker in PP2 to re-feed RTU No. 2. Existing LPA circuits shall be intercepted at LPA (and PP for RTU No. 2) and fed from PP2 using same branch and feeder circuit breaker sizes/poles as existing circuit

breakers located in LPA (with the addition of 1-100A, 3P circuit breaker to feed RTU No. 2 feeder". Provide in PP2 one (1) spare 15A circuit breaker, two (2) spare 20A circuit breakers, and 1P blank spaces for the remainder of the PP2 poles. All feeder and branch circuit breakers in PP2 shall have a minimum interrupting capacity of 22 kRMS at 208 VAC, 3 phase. PP2 shall be manufactured by Eaton, Schneider Electric, or equal. An updated panelboard directory (typed) shall be provided for PP2 after review of draft directory by the County. Provide a new nameplate reading "PP2 (Former LPA) in white lettering on black with lettering similar in size to other nameplates on existing panelboards in Electrical Room, and affix to front of panel. Mount PP2 in same location as LPA.

3. Provide conduit, wiring and wiring terminations as required to re-feed existing LPA circuits. Conduit and conductor sizes for re-feeding of feeder and branch circuits shall be the same size as existing. All wiring shall be THWN-2 or equal as approved by the engineer. All conduit shall be EMT, IMC or GRS indoors, and GRS for any conduit required outdoors. It is assumed that existing conduit and wiring shall be re-used for all circuits, except within the Electrical Room, where some new conduit and conductors are required.
4. PP2 shall be fed from the existing 70AT/3P pole circuit breaker located in MCC-AB compartment 6D. Provide a new nameplate (white lettering on black) for the MCC compartment reading-"GT3-AB & PP2" and affix to front of MCC compartment. The new nameplate shall replace existing nameplate that is entitled "Panel 'PCL' Breaker."
5. Provide a new 45 kVA transformer, GT3-AB, and mount on the wall above the existing 75kVA transformer GT2-AB. The new transformer shall be named GT3-AB. Provide nameplate (black with white lettering) and affix to transformer enclosure front. The new transformer shall be 45 kVA 480-208/120VAC, 3 phase, delta-wye. Provide grounding of GT3-AB secondary to the existing building ground using #2 AWG bare copper grounding grid connecting conductor in a fashion similar to existing 75 kVA transformer. Provide rigid galvanized steel or aluminum mounting struts with concrete anchors for mounting of transformer. Hardware shall be stainless steel. Provide a minimum of 6" of space between top of existing transformer and GT3-AB.
6. Provide new primary feeder PF-GT3-AB from the spare existing 70A/3P MCC circuit breaker to GT3-AB primary, and provide new PF-PP2 from GT3-AB to new PP2. Provide new portion of power feeder PF-RTU-2 between new 100A circuit breaker in PP2 to interception of existing circuit. . Feeders shall be provided as follows:
 - PF-GT3-AB: 1-1" C w/3-#4, 1-#8G
 - PF-PP2: 1-2" C w/4-#2/0, 1-#4G
 - PF-RTU-2: 1-1" C with 3-#4, 1-#8G (Note: Contractor shall confirm in the existing circuit that a neutral conductor is not required for this circuit).
7. Demolish existing panelboard LPA and associated conduit and conductors as required to re-feed existing LPA circuits. Demolish LPA feeder and conduit back to power panel PP and update power panel PP's panelboard directory.. Coordinate with the county to temporarily maintain service to all critical circuits in LPA during work. Turn over LPA to County.

8. Testing Requirements – In addition to Contract Document requirements for testing, perform the following:
 - a. Perform functional testing of all new and re-fed circuits and associated equipment once installation is completed.
 - b. Perform insulation resistance testing of both primary and secondary feeders associated with GT3-AB, and for new and existing conductors that form the PF-RTU-2 circuit to RTU-2. No other circuits are required to be megger tested.

If this RFP is accepted, we are requesting 10 days be added to the contract.

Exclusions

1. No permit fees.
2. No cutting.
3. No patching or painting.
4. No liquidated damages.

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
Superintendent
JRW/

ENGINEERING DEPARTMENT

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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt R. Lloyd
The Honorable Steve C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: **Administration Building MEP Renovations, Project C26-21**
A. DEDC Additional Services Proposal

DATE: October 27, 2026

Construction of the existing Sussex County Administration Building was completed in December of 1996. Since then, limited renovations and upgrades have occurred, but a majority of the Mechanical, Electrical and Plumbing (MEP) systems are original to the facility and beginning to fail at an increasing rate.

In coordination with the Facilities Management Division, the Engineering Department developed a scope of work based upon identified needs and initiated a proposal request from DEDC, LLC.

The scope of work includes:

- Replacement of Council Chambers heating & ventilation systems (AC-1 and VAV)
- Replacement of the outside air units (CHPU-1 and 2)
- Boiler replacement.
- Replacement of all R-22 Freon water source heat pumps throughout the building.
- Condenser water loop pump replacement and efficiency upgrade.
- Building Automation System (BAS) upgrade/replacement.
- Domestic water/sewer piping evaluation and replacement.
- Renovation of public toilet rooms on each floor and P&Z toilet room for a total of 5 men's and 5 women's.

On May 12, 2026, County Council approved the DEDC, LLC, Administration Building Systems Modification and Renovations proposal in the amount of \$253,860.00.



Since approval of the proposal in May, DEDC performed several site visits at the Administration Building, evaluating the equipment and systems. A 35% Schematic Design was developed and submitted to the Engineering Department for review on July 31 and a meeting was held to discuss Engineering Department comments. The design was progressed to 65% and submitted for review on September 18.

In order to obtain a sufficient understanding of the condition of the Administration Building's water/sewer piping, DEDC sought pricing from plumbing contractors for a thorough investigation. However, the funds that were allotted in the base proposal were not enough to cover the cost of the investigation due to the extent of the investigation and progress meetings with the County. Because of the nature of this project, and age of the systems in the building the Engineering Department believes it is prudent to perform more investigation services than originally anticipated of problem areas recently identified by Facilities Management to develop the proper bid documents.

Two other items of concern were discovered during DEDC's investigation include:

1. The sewer lift pumps in the basement mechanical room are nearing end of life and need to be replaced. DEDC is including the pump replacement design in the base scope of work at no additional cost.
2. The cooling tower on the roof is showing signs of deterioration, and has been plagued by water treatment issues, with water treatment and maintenance on the cooling tower becoming both intensive and costly. The cooling tower also represents a single point of failure for the building's cooling system with only one spray pump to dissipate the heat. For these reasons the Engineering Department believes replacement of the cooling tower with an air-cooled chiller should be included in this project. The air-cooled chiller will operate more efficiently than the cooling tower, while eliminating the costly water treatment required on the open loop side of the existing cooling tower. By default, it also provides several layers of redundancy with multiple compressors and condenser fans to reject the heat during the cooling season.

Therefore, the Engineering Department requests County Council's approval of the Additional Services proposal from DEDC, LLC in the amount of \$43,300.00 which will allow for the additional work regarding the plumbing investigation to take place, and replacement of the cooling tower with an air cooled chiller to be included in the scope of work.



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September 25, 2026

Mr. Mike Harmer, P.E.
County Engineer
Sussex County Government
2 The Circle – PO Box 589
Georgetown, Delaware 19947

Reference: Sussex County Administration Building
 Building Systems Modifications and Toilet Room Renovation
 Additional Services Proposal
 State of Delaware OMB/DFM Major Cap Contract: OMB242422-SW_MJCAP

Dear Mr. Harmer;

We are pleased to offer our professional services to the Sussex County for your upcoming project. The overall project objective is to provide facilities in support of Sussex County government operations at the Sussex County Administration Building located in Georgetown, Delaware.

The general project scope, scope of our services and proposed fees are summarized in this proposal.

Additional Service Description:

- Replace the existing cooling tower on the roof with a new air-cooled chiller. This will include piping, steel dunnage as required, wiring, controls, and power.
- Additional plumbing investigation scope based on conversation between Sussex County and DEDC dated September 22, 2026.

The scope of our services was developed in our recent project review meetings. What follows is a summary of the scope of our services and our proposed fee.

Scope of Services:

Revised Construction Documents:

- Meet with project team to review project and system design criteria.
- Perform field survey of the building to understand existing conditions.
- Coordinate with architect, structural, and trade contractors.
- Specify new equipment.

- Complete mechanical, electrical, structural drawings for permit and construction. The drawings will include:

Mechanical

Mechanical Notes, Legends, and Abbreviations
 Mechanical Demolition Plans
 Mechanical New Plans
 Mechanical Diagrams
 Mechanical Details and Schedules

Electrical

Electrical Notes, Legends, and Abbreviations
 Electrical Demolition Plans
 Electrical New Plans
 Electrical Details
 Electrical Diagrams and Schedules

Structural

Structural Notes, Legends, and Abbreviations
 Mechanical Demolition Plans
 Mechanical New Plans
 Mechanical Diagrams
 Mechanical Details and Schedules

- Provide drawings for permitting and construction.
- Participate in project and design review meetings.

Construction Administration:

- Review of shop drawings for compliance with project design criteria.
- Provide response to contractor requests for information.
- Provide record drawings of M/E/P drawings based on red lines provided by construction contractors.
- Attend construction meetings.

Assumptions:

For estimating the time required to complete the above scope the following assumptions have been made:

1. BAS and fire alarm modification will be designed for expansion into the future annex renovation.
2. Mechanical and electrical upgrades will include modification to administration building. Consideration of future annex renovation will not be included in this effort.
3. Mechanical and electrical design will be based upon an approved space plan provided by architect.
4. The existing electrical infrastructure including building service, electrical room equipment, MCC space and panel space is adequate to support the proposed modifications. The existing electrical panels will serve space modifications.

5. If required owner to provide electrician to assist in circuit tracing to verify availability of electrical feeds to be used for this project.
6. Fire protection and life safety modifications will be provided based on performance specifications.
7. Redesign to meet budget constraints will be considered an additional service. All estimating will be provided by others.
8. LEED accreditation services are not included in our proposed fee.
9. Design of UPS or back-up power systems are not included in our proposed fee.
10. Field survey will develop existing conditions drawings that directly impact to proposed renovations.

Engineering and Design Fee:

Our fees for this effort based upon our understanding of the project scope and the scope of services are as follows:

Additional Services	Price
Structural Engineering	\$ 8,000.00
Structural Subconsultant Management	\$ 2,000.00
MEP Documents	\$ 8,400.00
Additional Plumbing Investigation	\$ 20,500.00
Construction Assistance	\$ 4,400.00
Total	\$ 43,300.00

This proposed fee will be invoiced on a lump sum percent complete basis. We have not included an allowance in our proposed fee for reimbursable costs such as printing and overnight. We can begin work upon receipt of a purchase order.

We appreciate the opportunity to submit this proposal and look forward to working with you on this project. If you have any questions or need additional information do not hesitate to contact us.

Very Truly Yours,

DEDC, LLC
Engineering/Design/Consulting

Andrew Lindley

Andrew Lindley
Project Engineer
CC: Ryan Malin
Project Manager

ENGINEERING DEPARTMENT

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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: ***SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension***
A. M.F. Ronca Change Order No. IB-014
B. BW Electric, Inc. Change Order No. IB-005

DATE: October 27, 2026

The multi prime South Coastal RWF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2.

General Construction Project C19-11 was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. County Council authorized a series of change orders since then and granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022, and similarly on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with balancing change orders 36.1 & 36.2.

DNREC issued construction and operation permits for the Inland Bay RWF Phase 2 Project and Facility on June 17, 2024, after a seven (7) year process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. These circumstances in combination required an innovative project implementation approach to establish a critical path, with construction of individual components out of sequence, as necessary for best possible permit compliance.

The South Coastal multi-prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. effectively executed the complex South Coastal RWF Treatment Process Upgrade No. 3. Both expressed their willingness to continue the working relationship with the County, providing constructability input in the design modification process with pricing of a



subsequent series of change orders to bring the Inland Bay RWF Project elements online in the critical path format.

On July 16, 2024, Council concurred in the staged construction implementation process under a series of sequential change orders based on critical path. To financially separate the South Coastal RWF Treatment Process Upgrade No.3 Project from the Inland Bay RWF Phase 2 Project the Finance Department requested a transfer of retainage via change order process. This was issued on July 15, 2025, when Council approved Change Orders No. 37 & No. IB-007-GC to facilitate a transfer of \$500,000.00 in M.F. Ronca retainage.

On July 16, 2024, County Council also reaffirmed GHD, Inc. as “Engineer of Record” for Sussex County wastewater treatment process related projects at all facilities through June 30, 2029. The Engineering Department had met with GHD on several occasions and GHD committed to transition their cohesive South Coastal Project design team to Inland Bay RWF efforts; a scope of services matching the Inland Bay RWF Phase 2 Project implementation method was developed. GHD’s scope included eight subcategories grouped in five cost centers with individual cost centers fluid to permit funds being exchanged between them should project priorities or needs shift. On July 16, 2024, Council approved GHD’s Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the scope of services associated with Inland Bays RWF Phase 2 Project implementation format.

The first item of the Inland Bay RWF Phase 2 project was the two-stage clarifier component. RFP-IB-001 included costs associated with procuring precast concrete and the clarifier equipment, while RFP-IB-002 addressed full assembly and tie-in of the two (2) new clarifiers and scum pump station. Council approved Change Order IB-001 on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for clarifier construction, comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90. Ronca also priced site mobilization per RFP-IB-003 in an upfront, one-time expense of \$208,250.00 with a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoice. Normally overhead expenses are included in the mark-up time and material work on a task basis, but due to the project complexity and accelerated project implementation the Engineering Department recommended Ronca’s staff be on site on a continuous basis.

On January 25, 2025, Council approved Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the one-time and monthly values stated.

GHD issued RFP IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the currently unused original lagoons 3 & 4 conversion to aeration basins utilizing the Bioworks equipment package under a direct procurement contract approved by County Council on March 25, 2025, and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. On May 13, 2025, County Council approved Change Orders IB-004, -005, and -006 in the amount values stated.

Change Order IB-005 included a sludge removal allowance of \$100,000 based on the assumption the lagoon was NOT used for biosolids storage. Upon removal of the supernatant water, a significant layer of old sludge was discovered, increasing the costs to date to a documented amount of \$158,325.62. The remaining work was estimated at approximately \$40,000. On September 23, 2025, Council approved Change Order No. IB-010, amending the IB-005 allowance in the amount of \$100,000.00.

In December 2025 GHD issued the Revision C update to yard piping construction plans in accordance with the applicable details and specifications from the South Coastal project for pricing by M.F. Ronca & Sons, Inc. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. On December 16, 2025, Council approved to increase M.F. Ronca & Sons' Change Order IB-006 by \$2,277,600.00.

The Engineering Department designed and submitted permitting for site improvements, E&SC measures, drainage piping and storage building concrete pad under RFP-IB-008-GC. M.F. Ronca & Sons, Inc. submitted pricing for Site Work, E&SC, Storage Building Pad, etc. in the total amount of \$1,434,000.00 with unit pricing of column supports. As the final structural design was not yet available the number of storage building column supports was conservatively estimated with anticipation of adjusting costs downward using the unit price. On July 29, 2025, Council approved Change Order No. IB-008-GC to M.F. Ronca & Sons, Inc. in the not to exceed amount of \$1,434,000.00 with column numbers anticipated to be adjusted and costs reduced per a final structural design.

Upgrades to Effluent Pump Station No.1 were designed and issued under RFP-IB-009. It comprised complete rehabilitation of mechanical components in the station including temporary pump rentals. M.F. Ronca & Sons offered to complete the scope for \$841,000.00 and Change Order No. IB-009 to M.F. Ronca & Sons was approved on September 23, 2025.

Construction of the proposed Pump & Blower Building No. 2 was issued under RFP-IB-010 in accordance with applicable details and specifications from the South Coastal projects, including all mechanical equipment but excluding the electrical components. On December 16, 2025, Council approved Change Order IB-011 to M.F. Ronca & Sons, Inc. in the amount of \$1,880,000.00

Filter equipment, UV disinfection technology and intermediate pumping systems were procured directly and the receipt of those equipment submittals allowed GHD to finalize the design for converting the former disinfection tank to a tertiary treatment system. RFP-IB-012 was issued, however the complexity of this component required GHD, Ronca and the Engineering Department to conduct two debriefings. With a best approach determined, M.F. Ronca & Sons offered to complete the scope for \$2,971,120.00. This amount included an addition to a previously issued purchase order for grit removal equipment at South Coastal with that cost to capitalized accordingly. On April 14, 2026, Council approved Change Order IB-012 to M.F. Ronca & Sons, Inc. in the amount of \$2,971,120.00.

On July 28, 2026, Council approved Change Order IB-013 in the amount of \$1,135,600.00, providing general construction of the Headworks Electrical Building pursuant to RFP-IB-013.

Along with the building, the scope included a new generator pad adjacent to proposed Pump and Blower Building 2, miscellaneous upgrade-project items, and an equipment allowance for Transpactor Controls and Control Panels (i.e. headworks screen spiral conveyor and compactor). Final costs of this equipment will adjust the actual amount of allowance used.

In early August, GHD issued RFP IB-014-GC covering the Process Air System and modifications to existing Pump & Blower Building No. 1. Several design discussions occurred between the County, GHD and contractors, resulting in revisions and changes determined as more efficient and cost-effective to project construction, and preferred by County end-user operators. M.F. Ronca & Sons, Inc. submitted pricing for construction of the Process Air System and Pump & Blower Building No. 1 Modifications, pursuant to RFP IB-014-GC Revision 2, and supplemental correspondence, in the amount of \$1,654,000.00.

GHD also issued RFPs IB-006-GC Package 3 for additional Yard Piping installation / modification, and IB-015-GC covering ancillary piping and equipment in the Elevated Storage Tank. M.F. Ronca & Sons, Inc. submitted pricing for construction of this work in amounts of \$1,058,000.00 and \$99,800.00, respectively. These three recent proposals are important next steps in the project schedule and were reviewed and recommended by GHD and the Department. Change Order No. IB-014 provides authorization of these proposals.

The Engineering Department recommends issuance of Change Order No. IB-014 to M.F. Ronca & Sons, Inc., in the proposed amount of \$2,811,800.00.

Electrical Construction Project C19-17 was awarded to BW Electric Inc., by County Council on December 17, 2019. Since then, County Council authorized a series of change orders and granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022, and similarly on March 21, 2025, for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

As previously noted, County Council concurred in a staged construction implementation process for the Inland Bay RWF Project using the multi-prime team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. BW Electric, Inc. offered pricing to mobilize to the Inland Bays site per RFP-IB-003 with an upfront, one-time expense amount of \$57,417.94, and a \$3,421.40 monthly component to cover ongoing overhead. BW Electric, Inc., has a much smaller on-site overhead team and chose to include its cost in the fixed percentage markup on a task-by-task basis. On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003.

The first electrical project component proposed for pricing was Pump & Blower Building No. 2 issued under RFP-IB-10-EC. BW Electric and the Engineering Department provided value engineering input resulting in two revisions. BW Electric, Inc. submitted interim pricing and on February 3, 2026, Council approved change order No. IB-001 to BW Electric, Inc. in the amount of \$2,400,000.00. The amount is to be modified when the blower VFD control cabinets are priced in a subsequent change order.

The first general construction scope item was the two-stage clarifier package component under RFPs IB-001 & 002. IB-002 consisted of the full assembly of clarifier parts as well as hydraulic tie-in of the new clarifiers and the scum pump station. In February of 2026, GHD issued RFP-IB-001 for the electrical service at new Clarifiers No. 3 and No. 4, the Scum Pump Station No. 2, and the distribution box. After the Engineering Department provided input, BW Electric, Inc. submitted pricing consistent with expectations. On March 10, 2026, Council approved Change Order No. IB-002 to BW Electric, Inc. in the amount of \$463,500.00.

Electrical construction of the proposed Headworks Electrical Building was issued by GHD under RFP-IB-013-EC. Included with the RFP scope of work are significant power components at both the new Headworks & Distribution Structure and Aeration Lagoons areas. Additionally, GHD provided necessary amendments to RFP-IB-010-EC for design and construction to comply with NFPA820 electrical code requirements. These adjustments primarily affect proposed Pump and Blower Building 2 work and were confirmed necessary after issuance of RFP-010. BW Electric, Inc. submitted the amount of \$1,999,500.00 to complete the scope of work. Additionally, the Department discussed with BW Electric, Inc. implementation of service and control needs at treated effluent meter and control vault locations; BW agreed a time & material basis for as-needed support is appropriate. On July 28, 2026 County Council approved Change Order No. IB-004 to BW Electric, Inc., in the amount of \$2,099,500.00, inclusive of a \$100,000.00 not-to-exceed amount for electrical work as needed at meter and control vaults.

GHD issued RFP IB-014-EC covering electrical construction and modification in existing Pump and Blower Building No. 1. Design discussions occurred between the County, GHD and contractors, resulting in revisions that benefited general construction design and cost, provided additional improvements to existing equipment, and addressed various temporary power needs. BW Electric, Inc. submitted pricing pursuant to the RFP in the amount of \$1,350,420.79. The Engineering Department and GHD consider the cost consistent with expectations.

The Engineering Department recommends issuance of Change Order No. IB-005 to BW Electric, Inc., in the amount of \$1,350,420.79.

Direct Equipment Procurements and Additional Highlights

The Inland Bays RWF Phase 2 Project includes conversion of an unused original treatment lagoon into two new Aeration Basins (3 & 4) along with upgrade of the aeration system at the two existing aeration basins (1 & 2), which were converted over ten years ago. GHD developed and distributed an RFP to the only two (2) companies in the field, Bioworks and Parkson. After a two-stage competitive selection process both companies submitted cost and payment proposals. Based on GHD and Department review and recommendation, County Council approved issuance of a purchase order to Bioworks in the amount of \$1,397,640.00 on March 25, 2025.

The Inland Bays RWF Phase 2 Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. Three (3) filter manufacturers were considered. Evoqua was the most expensive due to the stainless-steel filter media, while Aqua Aerobics and Nexom both offered cloth filter media at pricing comparably lower. The Nexom purchase price is slightly more expensive than Aqua Aerobics' but the Nexom equipment fits into the existing tank structure with less structural modification and easier accessibility for maintenance. Therefore, the overall capital and lifetime maintenance costs to the County are lowest using the Nexom equipment. Of the three (3) UV manufacturers considered, Nuvonic was the most expensive and the closed vessel design was not conducive to installation in the existing contact chamber. Trojan Technologies, in line, and Glasco, vertically, were priced comparably, with Glasco slightly cheaper. On July 15, 2025, Council approved issuance of two purchase orders: (i) Nexom for filtration equipment in the amount of \$798,300.00 and (ii) Glasco in the amount \$415,000.00 for UV equipment. To provide sufficient air for the conversion of the currently unused lagoon into two aeration basins (3&4), GHD solicited firm proposals for process aeration blowers from the two manufacturers the County currently uses requiring similar warranty periods and payment schedules. GHD and the Department recommend the slightly lower cost Kaeser proposal. In addition to the slightly lower costs, the Kaeser blowers match the existing process aeration blowers at Inland Bays RWF. The existing blowers will be kept in service to supply air to aeration basins 1 & 2. Using identical blower models across all six units will simplify maintenance for the operations team and allow spare parts to be used interchangeably. A direct equipment purchase order in the amount of \$298,000.00 to Riordan Materials Corporation, the exclusive area representative of Kaeser, was approved on September 23, 2025.

As previously mentioned, the Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. The existing three (3) intermediate lift pumps date to the original 1990s construction and do not meet the new hydraulic duty points. Therefore, GHD prepared an RFP and distributed it to five (5) manufacturers. After review of proposals, GHD recommended Pentair for the intermediate pumps due to the best hydraulic fit and long-term O&M expense, even though they are not the lowest capital cost. On January 13, 2026, Council approved the purchase order for intermediate and recirculation pumping equipment to Sydnor Hydro, Inc., the exclusive representative for Pentair in the amount of \$466,700.00.

The County's 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF) including **the Treated Effluent Loop Project**. After completion of the Inland Bays RWF Phase 2 Project, the Loop will distribute effluent to County agricultural partners and forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property. The Loop consists of nearly 7 miles of mostly 18" – 24" diameter ductile iron pipeline with actuated meter vaults at twelve (12) distribution locations. Contract documents were publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor via Change Order No. 1, using current unit pricing and new not-to-exceed costs, related only to additional tree clearing by ACM and labor associated with the atypical pipe assemblies where future distribution and diffuser piping will connect to spray-field headers. On October 15, 2024, Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00. Council also approved Change Order No.2 in the amount \$136,460.00, addressing tree clearing and survey necessary to shift pipeline alignment per DP&L right-of-way coordination. Subsequently on September 9, 2025, Council approved Change Order No. 3 for the first of three forested spray field diffuser piping packages in the amount of \$909,915.98.

With installation of Loop pipeline and vaults significantly complete, the Department began efforts to incorporate power, metering and valving / control at vault locations. Environmental Services utilizes hundreds of actuated valves in their facilities. Due to the critical nature of these valves in the treatment process, the Division went through standardization documentation and selected Beck Electric Actuators as vendor for actuators. The Engineering Department and Beck competitively selected the lowest cost companion valve manufacturer for each of the twelve vaults locations. Equipment will be installed by ACM under the previously issued change order and as noted, BW Electric will provide services to support electrical power and control work. On February 3, 2026, Council approved the purchase order for actuated valves to Harold Beck & Sons, Inc. in the amount of \$159,565.00. On June 16, 2026, Council approved Change Order 4 to ACM in the amount of \$227,215.40 to furnish and install metering equipment and related valves and piping at meter vault locations.

The 100,000-gallon treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both could house the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025, County Council approved a purchase order to Pittsburg Tank & Tower Group in the amount of \$1,903,250.00.

To meet future more stringent permit compliance regarding bacteria and dissolved solids, a cover for Storage Lagoon 1 will be required. It contains the water to be distributed to agricultural partners and is intended for unrestricted public access. GHD requested detailed proposals from three (3) vendors to furnish and install a HDPE floating cover. GHD also discussed with vendors the proposed pumping configuration of rainwater as well as the construction constraints regarding existing road along the north side of Lagoon 1. Two Contractors (JH Waters and R.T.D. Enterprises) submitted competitive proposals (\$613,769.00 and \$617,314.00, respectively) with equivalent 20-years manufacturer material warranties. After analyzing the constraints on the North side of Lagoon 1, GHD considered R.T.D. Enterprises as understanding of existing conditions and most able to complete the project effectively. On April 14, 2026, County Council approved a purchase order to R.T.D. Enterprises in the amount of \$617,314.00.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-11A
3. Change Order No. IB-014
4. Date Change Order Initiated - 10/27/26
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$24,116,617.47
 - c. Contract Sum Prior to Change Order \$24,116,617.47
 - d. Requested Change \$2,811,800.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$26,928,417.47
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

☐ 6. Factors Affecting Time of Completion

☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

General construction of Yard Piping pursuant to RFP IB-006-GC (Package 3) and supplemental GHD drawings having proposed value of \$1,058,000.00;

General construction of the Process Air System and Pump & Blower Building No. 1 Modifications pursuant to RFP IB-014-GC Rev. 2 and supplemental GHD drawings and correspondence having proposed value of \$1,654,000.00;

General construction of Elevated Storage Tank ancillaries pursuant to RFP IB-015-GC and supplemental GHD correspondence having proposed value of \$99,800.00.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. M.F. Ronca & Sons, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

October 22, 2026

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-015
Inland Bays Process Air System and Pump & Blower Bldg. No. 1 Mods

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-014-GC Rev 2, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of the Process Air System and Pump & Blower Building No. 1 Modifications as identified in the RFP for the Lump Sum Price of One Million Six Hundred Fifty-Four Thousand Dollars and 00 Cents.....\$1,654,000.00

This proposal is based on all information identified in GHD's RFP IB-014-GC Rev 2 dated October 6, 2026, and Draft Drawings C0602, C0614, M1811, M1831, M1852, M1311, M1351, M1352, M1353 all dated of August 20, 2026, GHD 10.19.26 support clarification email and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Furnish all labor, equipment and materials for modifications to the Yard Piping Work as Follows:
 - Installation, testing, and startup of three positive displacement blowers. Blowers to be furnished by the County through a direct procurement contract with Blower Manufacturer.
 - Place CIP Equipment Pads for new Blowers to include:
 - Equipment pads to be in accordance with Detail 31.C on Drawing SC-S0004 for the two blowers to be located under the existing canopy.
 - Frost-protected equipment pad to be in accordance with Detail 23.C on Drawing SC-S0004 for the blower that will be adjacent to the existing canopy.
 - Equipment pads to match general arrangement shown in the RFP.

Scope of Work (cont):

- Furnish and installation of process air discharge manifold modifications including piping, insulation, valves, and supports to match arrangement shown in the RFP and in accordance with Specification Sections 15060, 15100, 15140, and 15260. Piping to specifically include the following:
 - Stainless steel piping to be Schedule 10, Type 304 and suitable for discharge pressures up to 10 psi.
 - Proposal includes piping for the new blowers up to and including the 18" isolation valve adjacent to the existing blowers, as noted on the drawing.
- Furnish and installation of process air piping between Pump and Blower Building 1 and Lagoons 3 and 4. Piping to specifically include the following:
 - Above grade stainless steel piping to be Schedule 10, Type 304 and suitable for discharge pressures up to 10 psi.
 - Below grade stainless steel piping shall be Schedule 40, Type 304 and suitable for discharge pressures up to 10 psi.
 - Proposal includes support types and quantities for the lagoon header and flow meter sections are noted on the mechanical drawings. Proposal includes 3 EA concrete foundation supports as outlined in GHD 10.19.26 email and 2 EA supports on existing concrete for the Pump & Blower Building No. 1 header.
 - Proposal is based on pipe lengths shown on profile drawings.
 - Proposal assumes 8-ft lengths of 4" stainless steel piping to each of the process aeration system connections in Lagoons 3 and 4 (26 in total). It is understood that control valves will be installed in the middle of these runs and flange connections for these valves is included.
 - Condensate drains are included at all low points in accordance with SCRWF details.
 - Proposal includes threaded connections for the proposed Air flow meters. Flow Meters as to be provided by the EC and are excluded from this proposal.
 - Two 14" motor operated Air flow control valves are included and are generally be in accordance with Section 15100. Proposal is based on DeZURIK High Performance Butterfly Valves with Beck actuators. The valves are included as lug style (2-4 weeks) in lieu of wafer style (30 weeks) due to lead time issues with the wafer style.
- Proposal includes an allowance for 20 square feet of electrical room equipment pads. Ronca will coordinate with EC to determine final dimensions to suit new equipment.
- Proposal includes an allowance to extend exterior utility transformer pad by up to 10 square feet. GC shall coordinate with EC to determine final dimensions to suit new equipment.

Oct. 22, 2026
Mr. Steven Clark, PE
Page Three

Listing of Qualifications/Exclusions:

- Work is limited to items specifically listed above.
- Electrical and controls work is specifically excluded
- Furnish of Instrumentation is excluded. Proposal assumes instrumentation to be furnished by Electrical Contractor and installed by Ronca.
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manager

cc: HO File 554-01
Patrick Brown – Sussex Co.
David A. Ronca – M.F. Ronca



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

October 22, 2026

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-014
Inland Bays Yard Piping Package 3

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-006-GC Package 3, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of Yard Piping modifications as identified in the RFP for the Lump Sum Price of One Million Fifty-Eight Thousand Dollars and 00 Cents.....\$1,058,000.00

This proposal is based on all information identified in GHD's RFP IB-006-GC: Package 3, dated August 25, 2026, and Civil Drawings C0103, C0301, C0302, C0303, C0304, C0305, C0601, C0602, C0603, C0604, C0605, C0606, C0607, C0608, C0609, C0610, C0611, C0612 & C0613 all with a last revision date of August 20, 2026 and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Furnish all labor, equipment and materials for modifications to the Yard Piping Work as follows:
 - Profile 3 (8" DIP, PR) – Shift connection to the north face of the Headworks & Distribution Structure to avoid conflict with stairway.
 - Profile 17 (30"/24" TEF) – Provide test pitting assistance to verify conditions at the manhole shown at STA 6+13 to determine tie-in details. If additional demolition or connection fittings are required, they will be included in a future RFP.
 - Profile 19 (24" DIP, TEF) – Add (1) 90° fitting, (2) 24"/16" reducers (1) flow meter (furnished by EC installed by Ronca), flow meter vault (1) 45° fitting.

Oct. 22, 2026
Mr. Steven Clark, PE
Page Two

Scope of Work (cont):

- Profile 22 (24" DIP, MLSS) – Furnish and Installation of all pipe, fittings, and accessories from the new Headworks & Distribution Structure to the tie in location for Aeration Lagoon No. 1 as shown on the drawings.
- Profile 23 (24" DIP, MLSS) – Furnish and Installation of all pipe, fittings, and accessories from the new Headworks & Distribution Structure to the tie in location for Aeration Lagoon No. 2 as shown on the drawings.
- Profile 24 (4", DFB) – Furnish and Installation of all pipe, fittings, and accessories from the Tertiary Treatment Tank to the Recycle Pump Station as shown on the drawings

Listing of Qualifications/Exclusions:

- Work is limited to items specifically noted above and does not include Air Piping, Utility Water Piping, Grinder Pumps and Sanitary Piping nor Chemical Feed Piping.
- Isolation valves for the new proposed flow meters/vaults on the TEF piping (profiles 17 & 19) are not shown and are specifically excluded.
- Electrical and controls work is specifically excluded
- Furnish of Instrumentation is excluded. Proposal assumes instrumentation to be furnished by Electrical Contractor and installed by Ronca.
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,
Scott Wachinski
Project Manager

cc: HO File 554-01
Patrick Brown – Sussex Co.
David A. Ronca – M.F. Ronca



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

October 22, 2026

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-016
Elevated Storage Tank Ancillaries

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-015-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for construction of elevates storage tank ancillaries as identified in the RFP and the additional 8" flanged plug valves/fittings requested in GHD's 09.15.26 email for the Lump Sum Price of Ninety Nine Thousand Eight Hundred Dollars and 00 Cents.....\$99,800.00

This proposal is based on all information identified in GHD's RFP IB-015-GC, dated August 28, 2026, "Draft" Elevated Storage Tank Lower Level Plan M311, Sydnor Hydro Proposal Dated Feb. 6, 2026 and GHD's 09.15.26 email for inclusion of additional valves and blind flanges and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Proposal based on pipe, fittings, valves and accessories as shown on Drawing M3111.
- Proposal includes an allowance for 15 SF of electrical room equipment pads. Ronca to coordinate locations and final dimensions with EC to ensure they are suitable for new equipment.
- Installation, testing, and startup of one recirculation pump furnished by the County through a direct procurement contract.
- Proposal Includes flanged DIP piping and includes flange isolation kits for connections to the two 8" tee connections provided by tank contractor. Ronca will verify slab and tee elevations prior to ordering materials. Pipe supports in accordance with Section 15140 and the standard details are included.

October 22, 2026
Mr. Steven Clark, PE
Page Two

Scope of Work (cont):

- Proposal includes a 1" NPT tapping saddle and a three-device multi-instrument pressure assembly using the manufacturer's standard low volume fitting. The assembly includes a pressure gauge by Ronca and provisions for two pressure transducers to be furnished by the EC. The device is to be located between the 8" branch from the 16" outlet pipe (already installed by tank contractor) and the adjacent 8" butterfly valve to be provided by Ronca in this proposal. It is assumed the assembly will be similar to the devices shown on the SCRWF EPS drawings and Section 11300 for component requirements and note that the assembly will be similar to the devices shown on the SCRWF EPS drawings. Proposal assumes use of a diaphragm seal on an arrangement similar to that shown in the standard details.
- Proposal Includes a 1" NPT tap in the dip for a future chemical injector assembly. Chemical injector is not included and assumed to be added in future RFP.

Listing of Qualifications/Exclusions:

- Work is limited to items specifically noted above and does not include Chemical Feed Piping nor Yard Piping (being constructed by the loop contractor)
- Electrical and controls work is specifically excluded
- Furnish of Instrumentation is excluded. Proposal assumes instrumentation to be furnished by Electrical Contractor and installed by Ronca.
- Power and water consumption costs for construction activities is specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

Thank you for the opportunity to provide this proposal, should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,
Scott Wachinski
Project Manager

cc: HO File 554-01
Patrick Brown – Sussex Co.
David A. Ronca – M.F. Ronca



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – Electrical Construction**
2. Sussex County Project No. C19-17B
3. Change Order No. IB-005
4. Date Change Order Initiated - 10/27/26
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$ 5,102,531.54
 - c. Contract Sum Prior to Change Order \$ 5,102,531.54
 - d. Requested Change \$ 1,350,420.79
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$ 6,452,952.33
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

☐ 6. Factors Affecting Time of Completion

☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Construction of electrical modifications in existing Pump & Blower Building No.1 pursuant to RFP IB-014-EC, along with testing and power coordination work, and installation of temporary power to Elevated Storage Tank and Sussex County pole building project.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. B.W. Electric, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



15342 S. DuPont Hwy
Harrington DE 19952

Bryon Warren
President
302-270-5719

Office: 302.566.6248
Fax: 302.566.6251

Email(s):
office@bwelectricinc.com
estimates@bwelectricinc.com

October 21, 2026

Subject: RFP-IB-014-EC - REVISED

Dear Mr. Steven Clark,

Our price to perform the electrical work associated with the above project is based on RFP-IB-014-EC issued by GHD. Our price **does not** include the use of Prevailing Wages. Our pricing is **\$1,350,420.79 and includes the following:**

1. Supply and install electrical conduit, wire, and equipment to meet the drawings and specifications.
2. Supply and install PCS controls cabinet as shown in the drawings.
3. Supply and install controllers & VFDs as illustrated on the drawings.
4. Supply and install Schedule 80 PVC with deflection/expansion fittings for the ductbank risers on the buildings.
5. Supply and install custom aluminum 4X pull boxes as described in the contract documents.
6. Supply and install concrete and rebar encased ductbank.
7. Supply and install the building and ductbank grounding.
8. Supply and install manholes/handholes as indicated in the drawings.
9. Supply and install disconnects and methods to connect to the connected loads.
10. Supply and install a temporary 480 volt 100 amp service from the Dryer Building to the pole barn and EST.
11. Perform test pitting around the Dryer building to confirm ductbank and generator locations.
12. Included in this scope of work is the RFP-IB-014-EC attached.
13. Power Coordination & Arc Flash Studies.
14. Provide IR testing and report for the new electrical equipment to date.
15. See CSI scope of work below.
16. Electrical Inspection.

SCOPE OF SUPPLY

<u>ITEM</u>	<u>QTY.</u>	<u>DESCRIPTION</u>
1	5	Air Flow Meters with Remote Mounted Transmitters <u>TAGS:</u> FE/FIT-1211, 1212, 1311, 1312, Spare <u>NOTE:</u> None of the manufacturers contacted have Transmitters that are available with specified two (2) Relay Outputs; they are therefore, excluded from our offering.
2	5	VFD Control Panels (Blower 1831, 1832, 1833, 1834, 1835 and fully assembled, wired and tested
3	1	Process Control System Cabinet (PCS-PBB1; fully assembled, wired and tested <u>NOTE:</u> Includes enough PLC Modules to cover all the I/O listed on Specification Page 17101-19.
4	4	Instrument Enclosures; fully assembled, wired and tested
5	LOT	Spare Parts (PCS Cabinet Spares)
6	LOT	Technical Services to include: a) Jobsite Meetings b) Panel Drawings b) Shop Drawings Submittals c) PLC and OIT Testing Programming for FAT d) FAT e) PLC and OIT Testing Programming for Field Checkout f) Training on TRIJAY Supplied Equipment only; System Training by Others g) O&M Manuals h) Start-Up and Commissioning of TRIJAY Supplied Equipment i) Assistance to System Start-Up Programmer (10 Days)

Exclusions

1. No permit fees.
2. No cutting, patching or painting.
3. No liquidated damages.
4. B.W. Electric Inc will restore site conditions to rough grade only.
5. No HVAC equipment(power and control wiring only).
6. No concrete equipment pads(provided by GC.
7. No Power Coordination & Arc Fault Studies

This price is good for thirty (30) days only.

Sincerely,

Jason R. Walters
B. W. Electric, Inc.
JRW/

B. W. Electric, Inc. shall not be liable for damages for delays in performance due to circumstances beyond its reasonable control, including without limitation, fire, floods, storms, or other acts of God, accidents, shortage of materials, and lack of transportation for similar reasons such as COVID-19 etc.

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt R. Lloyd
The Honorable Steve C. McCarron

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: Sugar Maple Farms Road Improvements – Chapter 96 Sussex Community
Improvements, Project T25-40
A. Project Closeout

DATE: October 27, 2026

Sugar Maple Farms is a community consisting of sixty-six (66) assessable parcels located off Coastal Highway (SR 1), just south of the Town of Milford. The community by letter dated August 7, 2023, requested assistance from the County to repair and improve their existing roads through the Sussex Community Improvements (SCI) program as defined in Chapter 96 of Sussex County Code. Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code;
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implementation

Resolution R 010 24 was subsequently presented and approved by Council on June 4, 2024. The resolution accepted the subdivision into the Chapter 96 program and outlined an Election process to determine if the proposed project and estimated cost was or was not favorable to the Sugar Maple Farms property owners. The Election was held in accordance with County Code and Resolution R 010 24 on July 11, 2024 at the Engineering Administration office, with the Election results certified shortly thereafter.



There were a total of thirty-five (35) votes cast in the Election, with a total of twenty (20) YES votes and fifteen (15) NO votes. The vote total of thirty-five (35) indicates a fifty-three (53) percent owner participation in the Election.

Based on the affirmative results of the Election and at the Engineering Department's recommendation, Council approved **Resolution R 014 25** on June 24, 2025 authorizing the Engineering Department to proceed with the next implementation step of the project. The Engineering Department subsequently developed a set of Bidding Documents for the proposed road improvements and publicly advertised the project on July 2, 2025. On August 13, 2025, a total of seven (7) bids were received and opened publicly in Council Chambers. The low bidder was Jerrys, Inc. in the amount of \$374,224.86 which include two (2) contingency items. On September 9th at the recommendation of the Engineering Department, Council awarded the contract to Jerry's Inc.

Construction activities commenced shortly thereafter and the project reached a Substantial Completion stage on December 24, 2025 when full functional use of the improved roads within the community was established. A punch list was subsequently developed by the County, however it could not be addressed until the springtime due to adverse weather conditions. In conjunction with completing the punch list items, the community had raised some questions and expressed dissatisfaction with some of the finished areas of the roads. The County participated in several meetings with community representatives to discuss their concerns and this ultimately led to several more rounds of remedial repairs in different areas of the finished roads.

With the last remedial repairs having been completed on September 17th, the Engineering Department is now in a position to recommend official project closeout. The warranty for the paving work extends to December 24, 2026, one year after substantial completion. Staff is prepared to conduct another physical inspection of the roads in advance of warranty expiration to identify any issues that are tied to workmanship or material defects and have them corrected prior to the expiration date.

In conjunction with project closeout, Change Order No. 1 is included which reflects a final accounting of quantities associated with unit bid items used during construction. Change Order No. 1 results in a decrease of \$17,474.99 from the original contract award amount of \$374,224.86.

Based on the above, the Engineering Department recommends approval of Change Order No. 1 and official closeout of the project. Adoption of Assessment Roll and the associated Public Hearing will be scheduled for a future date.

Enclosures: Final Cost Summary
Change Order Request



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Sugar Maple Farms Road Improvements**
2. Sussex County Project No. T25-40
3. Change Order No. 1 (Final Balancing)
4. Date Change Order Initiated - 10/27/26
5.
 - a. Original Contract Sum \$374,224.86
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$374,224.86
 - d. Requested Change (\$17,474.99)
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$356,749.87
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-8381

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

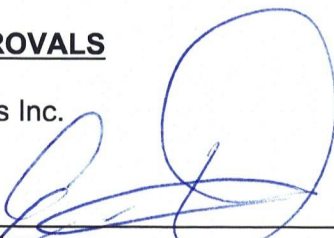
Change Order No. 1 is a result of final balancing of unit item quantities used during construction of the project.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. Jerry's Inc.


Signature _____ Date 10/22/20

ERIC PARKS
Representative's Name in Block Letters

2. Sussex County Assistant Engineer

Signature Date

3. Sussex County Council President

Signature Date

**SUGAR MAPLE FARMS ROAD IMPROVEMENTS
PROJECT T25-40**

Jerry's inc. Low Bid

Final As-Constructed Quantities

Increase/Decrease

Bid Item		Description of Work	Quantity	Unit	Unit Price	Total Price	Quantity	Unit	Unit Price	Total Price		
Part A - Base Bid Items												
A.1	Mobilization (Max 5% of Total Bid)		1	LS	\$14,050.00	\$14,050.00	1.00	LS	\$14,050.00	\$14,050.00	\$0.00	
A.2	Pavement Milling, Variable Depth		158	SY	\$15.00	\$2,370.00	0.00	SY	\$15.00	\$0.00	-\$2,370.00	
A.3	Pavement Milling, 2" Depth		300	SY	\$15.00	\$4,500.00	300.00	SY	\$15.00	\$4,500.00	\$0.00	
A.4	Pavement Milling, 4" Depth		12,420	SY	\$2.35	\$29,187.00	12,420.00	SY	\$2.35	\$29,187.00	\$0.00	
A.5	Graded Aggregate Base Course, Type B		485	TON	\$50.00	\$24,250.00	405.22	TON	\$50.00	\$20,261.00	-\$3,989.00	
A.6	Superpave Type C, PG 64-22 Hot-Mix Pavement		2,100	TON	\$114.76	\$240,996.00	2,175.07	TON	\$114.76	\$249,611.03	\$8,615.03	
A.7	Pavement Patch, Type 2		120	CY	\$100.00	\$12,000.00	92.00	DY	\$100.00	\$9,200.00	-\$2,800.00	
A.8	Driveway Tie-In - Hot Mix		51	EA	\$155.17	\$7,913.67	51.00	EA	\$155.17	\$7,913.67	\$0.00	
A.9	Driveway Tie-In - Concrete		7	EA	\$155.17	\$1,086.19	1.00	EA	\$155.17	\$155.17	-\$931.02	
A.10	Drainage Pipe Repair		1	LS	\$2,000.00	\$2,000.00	1.00	LS	\$2,000.00	\$2,000.00	\$0.00	
A.11	Topseed, Seed & Mulch		2,150	SY	\$3.84	\$8,256.00	2,150.00	SY	\$3.84	\$8,256.00	\$0.00	
A.12	Pavement Striping		1	LS	\$2,000.00	\$2,000.00	1.00	LS	\$2,000.00	\$2,000.00	\$0.00	
A.13	Maintenance of Traffic		1	LS	\$9,616.00	\$9,616.00	1.00	LS	\$9,616.00	\$9,616.00	\$0.00	
TOTAL FOR PART A						\$358,224.86			\$356,749.87		-\$1,474.99	
Part B - Contingent Bid Items												
B.1	Pavement Patch, Type 1		140	CY	\$100.00	\$14,000.00	0	CY	\$100.00	\$0.00	-\$14,000.00	
B-3	Independent Testing		20	HR	\$100.00	\$2,000.00	0	HR	\$100.00	\$0.00	-\$2,000.00	
TOTAL FOR PART B						\$16,000.00			\$0.00		-\$16,000.00	
TOTAL PROJECT BID (Base Bid + Contingent Bid)						\$374,224.86			\$356,749.87		-\$17,474.99	CREDIT

ENGINEERING DEPARTMENT

PAUL B. MAUSER, P.E.
ASSISTANT COUNTY ENGINEER

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Sussex County

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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steve C. McCarron

FROM: Mike Harmer, P.E., County Engineer
Paul B. Mauser, P.E., Assistant County Engineer

RE: Joy Beach Sewer Expansion Phase II, Project 25-03
A. Introduction of Debt Ordinance

DATE: October 27, 2026

Project Background Information:

August 2017: County Council authorized the posting of notices for an October 20th Public Hearing regarding the expansion of the Sussex County Unified Sanitary Sewer District (SCUSSD) for the Joy Beach Community and properties along Bookhammer Landing Road and Waterview Road. As part of the Public Hearing process, the Happy Go Lucky Campground on Camp Arrowhead Road was added and County Council approved the expansion on November 7, 2017 via Sussex County Resolution R 030 17.

August 13, 2019: During the August 13, 2019 Council Meeting, the Engineering Department explained the terms of State Revolving Fund (SRF) financing offer associated with the Joy Beach Phase I Sewer Expansion Project. Following the Public Hearing, County Council adopted Ordinance No. 2671 providing for issuance of Sussex County General Obligation Bonds of up to \$5,691,821 to finance or reimburse the County for a portion of costs for design and construction, with an expectation of principal forgiveness up to \$3,396,000 to reduce the principal amount to \$2,295,821 upon project completion.

Late 2019: Sewer service requests along Camp Arrowhead Road were received by Sussex County Engineering, prompting the Engineering Department to distribute polling letters. Based on the results of the polling letters, another Public Hearing was held on February 18, 2020 for an expansion boundary which included the Cherry Creek Valley Mobile Home Park. The Cherry Creek Valley Mobile Home Park has multiple mobile homes connected to failing on-site septic systems. County Council approved this area expansion on the same day, via Sussex County Resolution R 003 20.



2020: A number of properties along Cherry Walk Drive, Pierce's Lane, and David Drive (all located off of Camp Arrowhead Road), expressed interest in joining the SCUSSD which resulted in a 3rd round of polling letters. Based on the favorable results of the polling letters, another Public Hearing was held on July 30, 2020 and County Council approved this area expansion on August 11, 2020, via Sussex County Resolution R 009 20, thereby creating the Joy Beach Phase II project, collectively with the previously approved Cherry Creek Valley Mobile Home Park.

2022 to 2025: Engineering Design Services for the Joy Beach Phase I and Phase II project were completed by KCI and the Joy Beach Phase 1 project was publicly bid in 2023 with the low bidder being Chesapeake Turf, LLC.

June 10, 2025: At the June 10, 2025 County Council Meeting, Council approved the Balancing Change Order of the S20-12 Joy Beach Phase I construction contract and granted Substantial Completion to Chesapeake Turk, LLC. This allowed for the compilation of all expenses, including the S25-03 Phase II Design work by KCI, revealing a shortfall of \$239,058.97.

January 7, 2026: The Engineering Department requested DNREC Clean Water State Revolving Fund (CWSRF) supplemental funding in the amount of \$239,059.00 to cover the additional engineering services and Phase I construction budget shortfall. DNREC responded by providing a Binding Commitment Offer Letter on February 17, 2026 in the amount of \$239,059.00 and Sussex County staff acknowledged and accepted the Binding Commitment Offer Letter that same day.

April 14, 2026: The Engineering Department recommended introduction of the associated Debt Ordinance, authorizing \$239,059.00 of general obligation bonds of Sussex County to cover the additional engineering services and Phase 1 construction budget shortfall.

May 12, 2026: A Public Hearing was held at the May 12, 2026 Council Meeting and the Engineering Department recommended approval of \$239,059.00 of general obligation bonds of Sussex County to cover the additional engineering services and Phase I construction budget shortfall and this was approved by County Council.

Proposed S25-03 Joy Beach Phase II Septic Elimination Project: The connection of the Joy Beach Phase II Septic Elimination project to the County's sewer system will result in significant nutrient reduction to the Inland Bays (specifically the Rehoboth Bay). The entire Joy Beach Phase II project consists of a total of 133 recorded lots with approximately 101 improved lots. The County proposes to install a gravity collection system that will flow to a new pump station to be constructed as part of this project. The pump station will then convey the wastewater flow to existing County sewer infrastructure at the intersection of Camp Arrowhead Road and Waterview Road. From this connection point, the wastewater will ultimately flow to the Inland Bays Regional Wastewater Facility (IBRWF) for treatment and disposal.

The Joy Beach Phase II sewer expansion area is located directly adjacent to the tidally influenced Cherry Walk Creek, which is a tributary of Love Creek, which in turn is a tributary of the Rehoboth Bay. Under the State of Delaware's promulgated Pollution Control Strategy

for the Inlands Bays, areas within 1,000 feet of water's edge are to be connected to central sewer under priority I, making this a high-priority expansion of the SCUSSD. Furthermore, the Joy Beach Phase II expansion area is comprised of older modest homes part of 1960's subdivisions with dirt roads as well as the Cherry Creek Valley Mobile Home Park.

The County will provide each Property Owner with a sewer connection at the property line. The Property Owner will be responsible for engaging the services of a licensed plumber to install the piping from the County owned lateral cleanout to the house.

Initial Public Bidding of Phase II Construction Work & Rejection of Bids: The Engineering Department advertised the Public Bid for the Joy Beach Phase II Septic Elimination project on October 6, 2025. At the time of Bid Opening on November 5, 2025 a total of eight (8) bids were received with the lowest bid submitted by Pact One, LLC in the amount of \$2,929,600.00. Although the bids were competitive, the County was unable to obtain State Revolving Funds under favorable terms without a supporting median household income survey. In accordance with the Specifications manual of the Bid Documents (Section 00200 Instructions to Bidders, Article 19, 19.01) and upon recommendation from the Engineering Department, County Council exercised the right to reject all bids.

Delaware Water Pollution Control Revolving Loan Fund (WPCRF): Sussex County Engineering Department Staff completed the Environmental Information Document (EID) and Preliminary Engineering Report (PER) in November 2025 and June 2026, respectively. The EID and PER documents are required for submittal of the funding application to Delaware State Revolving Fund (SRF). On September 22, 2026, the County received a Binding Commitment Letter (BCL) from DNREC Environmental Finance for the Joy Beach Phase II Septic Elimination project. County Staff acknowledged and accepted the DNREC BCL the same day, September 22, 2026. The BCL identifies a loan amount of \$4,892,000.00 for a term of thirty (30) years. Upon completion of the project, up to \$2,890,000 of principal balance will be forgiven and the remaining balance will be amortized over 30 years at 2% interest and will require semi-annual principal and interest payments.

Sussex County Engineering Department Recommendation for County Council: The Engineering Department recommends introduction of the associated Debt Ordinance authorizing the issuance of up to \$4,892,000.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Joy Beach Phase II Septic Elimination project.

ENGINEERING DEPARTMENT

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Memorandum

TO: Sussex County Council:
The Honorable Douglas B. Hudson, Council President
The Honorable John L. Rieley, Council Vice President
The Honorable Matt Lloyd
The Honorable Steve C. McCarron
The Honorable Jane Gruenebaum

FROM: Paul B. Mauser, P.E., Assistant County Engineer

DATE: October 27, 2026

RE: Sussex County Pole Buildings, Project G25-08
A. Change Order No. 1

Project Background Information (Planning, Design, & Permitting):

September 2024: Sussex County Engineering Admin. Staff met with Environmental Services Staff to review the need for a storage building at the South Coastal Regional Wastewater Facility (SCRWF) and to review potential locations at this Wastewater Treatment Plant (WWTP) site. Environmental Services Staff also expressed the need for a similar storage building at the Inland Bays Regional Wastewater Facility (IBRWF) site.

December 2024: Engineering Admin. Staff met with Utility Construction Staff to review the need for the Utility Construction Vac Truck operators to store their Vac Truck at a more strategic location in the County rather than the existing building which is located in Seaford, granted that most of their work is near the coast and the operators are required to drive from Seaford to the coastal regions of the County and then back to Seaford on a daily basis. Finally, Facilities Management Staff had already planned to construct a storage building and granted that several other pole buildings were being planned for construction, Sussex County Admin. Staff saw the opportunity for economies of scale and coordinated to publicly bid all of the pole buildings as one large project.

May 2025 through March 2026: Engineering Admin. Staff completed a significant amount of planning and design work with the end goal of constructing basic but high-quality structures to accommodate the needs of all of the End Users noted above. Davis, Bowen & Friedel, Inc. (DBF) was selected as the engineering consultant for this project granted that they were familiar with and had some existing survey data of the three (3) project sites. Engineering Admin. Staff coordinated numerous meetings with DBF and the noted End Users to ensure that the completed design would satisfy the needs of the County. Additionally, seven (7) permits/ approvals are required by this project: Office of the State Fire Marshal, DNREC Notice of Intent (NOI),



Sussex Conservation District (SCD), Department of Health & Social Services (DHSS) Office of Drinking Water (ODW), DNREC Drainage Section, Tidewater Utilities, and Army Corps of Engineers (ACE).

The results of the Planning, Design, and Permitting efforts are to construct two (2) standalone structures at the separate WWTP sites as well as one (1) combined structure at Rudder Lane as summarized below:

Pole Building Location:	End User(s):	Building Size:	Purpose/ Notes:
Rudder Lane (between Joint Services Complex and DTCC building)	Facilities Maintenance (FM) & Utility Construction (UC)	60' x 160' (9,600 Sq.Ft.)	Storage building for FM maintenance equipment and supplies. Storage for UC vac truck and UC office space.
South Coastal Regional Wastewater Facility (SCRWF)	Environmental Services (ES)	60' x 80' (4,800 Sq.Ft.)	Storage building for ES vac trucks, tanker trucks, and equipment.
Inland Bays Regional Wastewater Facility (IBRWF)	Environmental Services (ES)	60' x 80' (4,800 Sq.Ft.)	Storage building for ES vac trucks, tanker trucks, and equipment.

*All of the structures include insulation, minimal gas heating, 16' tall ceilings, garage bay doors, and concrete apron.

Public Bidding of Construction Contract: The completed Design was advertised for Public Bid on March 18, 2026 with the ensuing public Bid Opening being held on April 29th, 2026 at 1:00PM in the Sussex County Council Chambers. A total of two (2) bids were received for the project with Delmarva Buildings being the Low Bidder in the amount of \$1,871,668.00, which was below the Total Budgeted Amount noted below. The Engineering Department recommended award of the G25-08 Sussex County Pole Buildings project to Delmarva Buildings in the bid amount of \$1,871,668.00 at the May 12, 2026 County Council Meeting and County Council approved the Award.

End User:	Account:	Budgeted Amount:
Facilities Maintenance (FM)	CIP Project	\$635,000
Utility Construction (UC)	6290300-573004	\$425,000
Environmental Services (ES)	6290300-573004	\$1,100,000 (Buildings at IB & SCRWF)
Total Budgeted Amount:		\$2,160,000.00

Sussex County Pole Buildings Construction Contract: Sussex County Engineering staff issued the Notice to Proceed (NTP) to Delmarva Buildings on July 23, 2026 specific to the Rudder Lane pole building location only and the construction of the Rudder Lane building is underway. During the construction activities at Rudder Lane, several items were discovered as Deducts and Additions to the Contract, with those items being documented in Change Order No. 1. Change Order No. 1 results in a total increase of \$40,398.00 to the Contract and adds 14 Calendar Days to the Contract Duration.

Sussex County Engineering Recommendation of Change Order #1: Sussex County Engineering recommends approval of Change Order No. 1 to Delmarva Buildings in the amount of \$40,398.00 and an increase of 14 Calendar Days to the Construction Duration.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **SUSSEX COUNTY POLE BUILDINGS**
2. Sussex County Project No. G25-08
3. Change Order No. 1
4. Date Change Order Initiated - 10/26/26
5.
 - a. Original Contract Sum \$1,871,668.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$1,871,668.00
 - d. Requested Change \$ 40,398.00
 - e. Net Change (No. of days) 14
 - f. New Contract Amount \$1,912,066.00
6. Contact Person: Paul Mauser, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- ☐ 6. Factors Affecting Time of Completion
- ☐ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Additional site work, removal of buried concrete foundation, adjustments to windows and interior roll-up door, removal of fixtures, interior electrical conduit and partitions, resulting in a contract time extension.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. Delmarva Pole Building Supply, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



317 N. Layton Ave., Wyoming, DE 19381, 2026
Phone # 302-698-3636 | Fax # 302-698-5036

CHANGE ORDER REQUEST

COR Number:	COR-001 (Rev. 1)	Date:	October 20, 2026
Project Name:	Sussex County Pole Buildings	Project No.:	G25-08
Facility:	Rudder Lane	Engineer Proj. No.:	1897B048.005
Location:	Georgetown, Delaware	Response Requested By:	October 21, 2026
Contractor:	Delmarva Buildings	Architect / Engineer:	Davis, Bowen & Friedel, Inc.

DESCRIPTION OF CHANGE

This Change Order Request revises and replaces COR-001 dated August 31, 2026. It responds to the County's comments of September 1, 2026 and September 24, 2026.

ITEM 1 — DEDUCT: Interior Electrical Conduit, Rudder Lane (Bid Item #14)

Delete the interior electrical conduit only. Delmarva Buildings remains responsible for furnishing and setting the electrical panel, including mounting, grounding and bonding. Reference: County comment of September 1, 2026, Item #1; Bid Form Item #14; Addendum #2, Item 11.

Credit: (\$14,141)

ITEMS 2 & 3 — ADD: Fiber, Electrical and Spare Conduit from Quazite Box, Rudder Lane

Furnish and install 3" Schedule 40 PVC fiber conduit from the existing Quazite box to the revised panel location (PP-1), together with electrical conduit and spare conduit from the Quazite box to the electrical panel, per revised Sheets C-501 and E-102 dated July 30, 2026. These conduits share a single common trench and are therefore combined into one price. Quazite box (30" x 30" x 24") furnished and installed by George & Lynch under the County's on-call contract. Fiber optic cable, terminations and communications wiring are excluded.

Add: \$14,273

ITEM 4 — ADD: Motorized Operators, Overhead Doors, Rudder Lane

Furnish and install LiftMaster Maxum commercial trolley operators on the seven (7) 12'-0" x 14'-0" overhead doors and the one (1) 16'-0" x 14'-0" overhead door, eight (8) units total. A wall-mount (jackshaft) operator is not recommended for doors of this size and height; trolley operators are proposed at all eight openings.

Power, controls and the fused disconnects noted on Sheet E-102 are NOT included. Electrical wiring at Rudder Lane was Alternate Bid Item #15 and is not part of the Contract. The County is furnishing power and controls to each operator.

Add: \$19,201

ITEM 5 — DEDUCT: Fastener Change, Nails in Lieu of Screws

Credit for labor savings associated with the fastener change. Reference: RFI 001 and County comment of September 1, 2026, Item #5.

Credit: (\$2,100)

ITEM 6 — DEDUCT: Room 103 Fixtures and Partition, Rudder Lane

Remove the sink fixture, toilet fixture, Door 112 and 7'-2" of interior wall framing from Room 103. Reference: Sheet A-101 and County comment of September 1, 2026, Item #6.

Credit: (\$1,798)

ITEM 7 — ADD: Additional Site Work, Rudder Lane

Import, place and compact approximately 340 CY of structural fill to raise the building pad and apron footprint 6" above the elevations shown on the Contract Documents, and taper the raised grade out to the existing pavement area. Performed at the Owner's request. Contractor has reviewed the change and confirms no impact to building construction. Excludes any redesign, drawing revision or permit modification by others.

Add: \$21,763

ITEM 8 — ADD: Removal of Buried Concrete Foundation, Rudder Lane

Excavation, removal and off-site disposal of a buried reinforced concrete foundation encountered during topsoil stripping on September 21, 2026, approximately 15'-0" x 6'-0" x 3'-0" and weighing approximately 30,000 lbs. Two such foundations were encountered; one (1) will be removed and one (1) will remain in place outside of the building envelope. This condition was not shown or indicated in the Contract Documents and is of an unusual nature per General Conditions 5.04.A. Requested by the County on September 29, 2026. Photograph dated September 21, 2026 attached.

Add: \$3,200

ITEM 9 — NO COST: Window Substitution and Interior Roll-Up Door Upsize, Rudder Lane

Substitute Pella Encompass vinyl windows in lieu of the aluminum windows shown on the Contract Documents, and upsize the interior roll-up door from 8'-0" W x 7'-0" H to 10'-0" W x 9'-0" H with chain hoist, including modification of the rough opening and associated framing. Accepted as an even trade at the County's request of October 1, 2026. Acceptance of this Change Order constitutes approval of the vinyl window substitution and supersedes submittal RLPB 08 23 13-134, previously rejected.

No change to Contract Sum.

SUMMARY OF CONTRACT ADJUSTMENT

Item 1 — Deduct: Interior Electrical Conduit, Rudder Lane	(\$14,141)
Items 2 & 3 — Add: Fiber, Electrical and Spare Conduit, Rudder Lane	\$14,273
Item 4 — Add: Motorized Operators, (8) Overhead Doors, Rudder Lane	\$19,201
Item 5 — Deduct: Fastener Change, Nails in Lieu of Screws	(\$2,100)
Item 6 — Deduct: Room 103 Fixtures and Partition, Rudder Lane	(\$1,798)
Item 7 — Add: Additional Site Work, Rudder Lane	\$21,763
Item 8 — Add: Removal of Buried Concrete Foundation, Rudder Lane	\$3,200
Item 9 — Window Substitution and Roll-Up Door Upsize	\$0
Net Change to Contract Sum	\$40,398
Original Contract Sum	\$1,871,668
Net Change by Previously Authorized Change Orders	\$0
Contract Sum Including This Change Order Request	\$1,912,066
Change in Contract Time	14 calendar days

Basis of Contract Time: The Notice to Proceed for Rudder Lane is dated July 19, 2026, establishing a Contract completion date of December 23, 2026. Contract Time is extended fourteen (14) calendar days for the work added under Items 7 and 8, to a revised Contract completion date of January 6, 2027.

Pricing is lump sum and includes all labor, material, equipment, permits and inspections where applicable, and Contractor's overhead and profit. Quantities for imported fill and conduit are approximate and subject to field verification. If the above is acceptable, please issue a Change Order on AIA Document G701 per Section 01 26 00, 1.4.A for execution.

Thank you,

Stephan Beachy

Delmarva Buildings

302-482-4826

Stephan.Beachy@ilovepolebuildings.com

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
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Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Matt Lloyd
The Honorable Steve C. McCarron
The Honorable Jane Gruenebaum

FROM: Mike Harmer, P.E., County Engineer
Paul B. Mauser, P.E., Assistant County Engineer

RE: Slaughter Beach Septic Elimination Project, S22-26
North Ellendale Sewer Diversion Project, S23-08
A. Amendment No. 4 – Davis, Bowen & Friedel, Inc. 2024 Miscellaneous
Engineering Base Contract

DATE: October 27, 2026

Project Background Information:

October 2016: The Engineering Department met with Slaughter Beach officials laying out a path forward to become part of the Sussex County Unified Sanitary Sewer District (SCUSSD) and in December of 2016, the Town passed a Resolution to have the County review the area for sewer service. The Engineering Department began an attempt to identify a suitable location for the treatment and disposal of flow from Slaughter Beach. First thoughts were to send flow to the City of Milford.

June 2021: The County Engineer presented an option to the Town Commissioners during a regularly scheduled meeting on a path toward joining the SCUSSD. It involved passing an ordinance requesting the County to form a district pursuant to Title 9 Del. Code § 6501, thus allowing the County Council to establish Slaughter Beach as an area of the SCUSSD under an initial boundary matching that of the municipal Town Boundary.

August 2021: Slaughter Beach Town Council voted 5-0 to approve an ordinance requesting Sussex County to form a sewer district for Slaughter Beach. The County received a copy of the Town of Slaughter Beach Ordinance No. 2021-05 authorizing Sussex County to provide sewer services within the municipal boundaries of the Town of Slaughter Beach. The Engineering Department made a presentation to County Council on September 21, 2021 acknowledging the receipt of the ordinance from the town and requesting Council to adopt a resolution creating the sanitary sewer district area. County Council voted in favor of passing Resolution R 023 21



establishing the Slaughter Beach Area of the SCUSSD consisting of the municipal limits of the Town of Slaughter Beach.

January 2022: The Engineering Department finalized the Preliminary Engineering Report (PER) and the Environmental Information Documents (EID) required for submittal of the funding application to Delaware State Revolving Fund (SRF). The referenced PER specifically identified vacuum sewer as the specific method of sewer collection. On February 21, 2022, the documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC for a \$21,629,688.00 project. Prior to presenting to the Water Infrastructure Advisory Council (WIAC) for approval, the County was asked to update the cost estimate to show additional EDUs in the area, this brought the total to \$21,682,488.00.

October 1, 2022: The County received the Binding Commitment Letter (BCL) from DNREC Environmental Finance. October 3, 2022, the County Administrator accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$21,682,488.00 containing \$9,450,000.00 of principal forgiveness. Upon project completion, up to \$9,450,000.00 of the principal balance will be forgiven (\$4,281,620.00 will be provided by CWSRF and the remaining \$5,168,380.00 will be from State Bond Bill Funds). The remaining balance of \$12,232,488.00 (approximately) will be amortized and will require semi-annual principal and interest payments in an amount sufficient to amortize the outstanding balance over the remaining term, not to exceed 30 years.

November 15, 2022: County Council approved the associated debt ordinance authorizing the issuance of up to \$21,682,488.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Slaughter Beach Area of the Unified Sanitary Sewer District. The flow from the Slaughter Beach District Area will be directed to the Artesian Wastewater Management Inc. facility on RT-30 for treatment and disposal under the Bulk Wastewater Services Agreement approved by Council on August 30, 2016.

December 6, 2022: County Council approved Amendment No. 7 of DBF's Engineering Base Contract providing survey and engineering services for the Slaughter Beach Sewer Extension & North Ellendale Sewer Diversion Projects in the aggregate amount of \$1,475,500.00, contingent on DNREC concurrence.

December 2022 through March 2026: DBF completed the necessary Design and Permitting work for this large-scale project. The S22-26 Slaughter Beach project is comprised of three (3) separate Contracts due to the unique aspects of each of the separate Scopes of Work. The three (3) Contracts are:

- Contract A: Construct Sewer Collection System in Slaughter Beach Corporate Limits.
- Contract B: Construct Sewer Vacuum Station / Pump Station.
- Contract C:
 - C1A: Construct 10 Miles of Sewer Force Main from Vacuum Station / Pump Station to intersection of Reynolds Pond Road & Isaacs Road (Route 30).
 - C2A: Construct 3.5 Miles of Sewer Force Main from existing Pump Station #91 in Ellendale to the Artesian Sussex Regional Reclamation Facility (SRRF).

June 23, 2026: The Engineering Department recommended Award of S22-26 Slaughter Beach Septic Elimination – Contract A to Atlantic Contracting & Material Co. Inc. (ACM) in the bid amount of \$6,466,158.00 and Award of S22-26 Slaughter Beach Septic Elimination – Contract B to Delmarva Veteran Builders (DVB) in the bid amount of \$2,614,990.00 and Council approved the Award of the referenced Contracts.

July 14, 2026: The Engineering Department recommended Award of S22-26 Slaughter Beach Septic Elimination – Contract C1A to Atlantic Contracting & Material Co. Inc. (ACM) in the bid amount of \$5,152,051.00. The Engineering Department also recommended a separate Award of S23-08 North Ellendale Sewer Diversion – Contract C2A to Allan Myers in the bid amount of \$4,250,000.00 + \$150,000.00 (Contract Allowance for PS #91) for a total of \$4,400,000.00. The July 14, 2026 Council Memo provides a thorough breakdown of the results of the public Bid Openings of Contracts C1A and C2A.

Contracts C1A and Contract C2A were bid as separate Contracts due to the projects having separate funding arrangements as noted below:

- Contract C1A is funded through the DNREC Environmental Finance State Revolving Fund (SRF) in the amount of \$21,682,488.00 and is specifically for the Slaughter Beach Collection System (Contract A), the Slaughter Beach Vacuum Station / Pump Station (Contract B), and the 10 Miles of Sewer Force Main from the referenced Slaughter Beach Vacuum Station / Pump Station to the intersection of Reynolds Pond Road & Isaacs Road (Route 30). This funding arrangement is memorialized in a Binding Commitment Letter from DNREC, dated October 3, 2022.
- Contract C2A is also funded through the DNREC Environmental Finance State Revolving Fund (SRF). The amount of the funding is \$9,236,846.00 and is specifically for the 3.5 Miles of Sewer Force Main from existing Pump Station #91 in Ellendale to the Artesian Sussex Regional Reclamation Facility (SRRF). This funding also includes upgrades and improvements to the existing Pump Stations #91 and #92 in Ellendale. This funding arrangement is memorialized in a Binding Commitment Letter from DNREC, dated July 3, 2024.

Slaughter Beach Construction Contracts: Sussex County Engineering has completed Award & executed Agreements on all (4) of the Construction Contracts:

- Contract A (Collection System): Atlantic Contracting & Materials (ACM) – Award fully executed on July 6, 2026 and Agreement fully executed on July 28, 2026.
- Contract B (Vacuum Station): Delmarva Veteran Builders (DVB) – Amended Award fully executed on July 28, 2026 and Agreement fully executed on July 14, 2026.
- Contract C1A (Slaughter Beach Force Main): Atlantic Contracting & Materials (ACM) – Award fully executed on July 20, 2026 and Agreement fully executed on August 11, 2026.
- Contract C2A (North Ellendale Force Main): Allan Myers – Award fully executed on August 3, 2026 and Agreement fully executed on August 25, 2026.

DBF Amendment No. 4 – CA & Inspection Services: On December 6, 2022, the Engineering Department recommended Amendment No. 7 to the 2019 Miscellaneous Engineering Base Contract to Davis, Bowen & Friedel, Inc. in the amount of \$1,475,500.00 for Design Services for the Slaughter Beach & North Ellendale projects. The Design Services included Surveying, Design, Permitting (including Wetlands), limited Geotechnical work, Bid Assistance, Easement Assistance, and Assistance with PER & EID documents. As of the most recent DBF Invoicing for the referenced Design Services, there is over \$600,000 remaining on the Contract which will be closed out upon approval of the CA/CM & Inspection Services Amendment.

The Engineering Department's Procurement process for the 5-year Professional Service Contracts began in March 2024 with the issuance of RFP 24-17, Miscellaneous Engineering Services. An explanation of the selection process and a Selection Committee recommendation were presented to Council at the May 14, 2024 Council Session. Council approved a motion selecting four (4) consulting firms to provide professional services: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); Johnson, Mirmiran & Thompson, Inc. (JMT); and Arcadis U.S., Inc. Additionally, the motion authorized the Engineering Department to negotiate Base Professional Service Agreements for a 5-year period of July 1, 2024, through June 30, 2029. Project-based Contract Amendments under the Base Agreements or individual project-specific agreements, if required by a funding source, are to be brought to Council for authorization.

The Engineering Department coordinates with the consulting engineering firms to discuss various capital projects, including staffing, schedules and expertise to efficiently utilize the professional services available. For this specific project, DBF was asked to develop and submit a Scope of Work & Fee for Construction Administration (CA) & Inspection Services for both the Slaughter Beach & North Ellendale projects. The Construction Administration work includes Submittal Review, RFI's, Bi-Weekly Progress Meetings, Site Visits, review of Payment Applications, Project Close-Out, and more. Installation of vacuum sewer is a highly specialized niche and DBF is the only firm from the 5-year Professional Service Contracts that has current experience working in this application. DBF provided a Base Owner-Engineer Professional Services agreement for the noted Professional Services, in the total Not-To-Exceed Amounts of:

- \$625,395.00 for Slaughter Beach CA & Inspection Services.
- \$300,615.00 for North Ellendale Sewer Diversion CA & Inspection Services.

Sussex County Engineering Recommendation for County Council: The Engineering Department has reviewed the Agreement, Scope of Work, and Fee and recommends authorization of Amendment No. 4 with DBF at the Not-To-Exceed values of \$625,395.00 for the S22-26 Slaughter Beach Septic Elimination project CA & Inspection Services and \$300,615.00 for S23-08 North Ellendale Sewer Diversion project CA & Inspection Services.

This is **EXHIBIT K**, consisting of 16 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 07/01/24.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 4**

The Effective Date of this Amendment is: October 26, 2026

Background Data

Effective Date of Owner-Engineer Agreement: 07/01/24

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

Project: Slaughter Beach Septic Elimination & North Ellendale Sewer Diversion
Project CA & Inspection Services

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Engineer
- ☐ ~~Modifications to services of Engineer~~
- ☐ ~~Modifications to responsibilities of Owner~~
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services and selection and use of Exhibit C, Compensation Packet AS-1.

Agreement Summary:

Original Agreement Amount:	\$ 0
Net Change for prior amendments:	\$ 521,175.00
This amendment amount:	\$ 926,010.00
Adjusted Agreement amount:	\$ 1,447,185.00

Exhibit C – Compensation Packet RPR-2: Resident Project Representative Services—
Standard Hourly Rates Method of Payment.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.
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and American Society of Civil Engineers. All rights reserved.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____
Print
name: _____

Title: _____

Date Signed: _____

By: _____
Print
name: _____

Title: _____

Date Signed: _____

September 22, 2026

Revised: October 20, 2026

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Sussex County Engineering
Sussex County Administrative Office
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Paul Mauser, P.E.
Assistant County Engineer

RE: Construction Administration and RPR Services for Slaughter Beach Sewer Expansion and North Ellendale Diversion Projects
Slaughter Beach and Ellendale, Delaware
DBF # P1897B26.116

Dear Paul:

Davis, Bowen & Friedel, Inc. (DBF) is pleased to submit this proposal for providing construction administration and resident project representative services for the Slaughter Beach Sewer Extension and North Ellendale Diversion Projects. Below is our scope of work:

A. Slaughter Beach Sewer Extension (Contract A – Collection System) – Construction Administration

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to complete all construction administration items necessary for the completion of the contract during the 485-day contract duration.

- 1) Pre-construction meeting: Our office will schedule a pre-construction meeting with all stakeholders of the project included but not limited to contractors, engineering staff, and town representatives. An agenda for the meeting will be prepared and DBF will conduct the meeting outlining all key aspects of the project. Upon completion of the meeting, our office will prepare meeting minutes and distribute them to all attendees.
- 2) Submittal review: Our office will review all submittals needed for completion of the project which we estimate to be approximately fifty submittals. Our fee includes review of the first submittal and review of a revised submittal, if necessary. All additional reviews will be the responsibility of the contractor. All submittals will be reviewed and approved against the contract documents. A submittal log will be maintained and reviewed during the bi-weekly progress meeting.

- 3) Responding to contractor requests for information: During the completion of the project various requests for information are anticipated to be submitted by the contractor. We will review the requests against the contract documents and best engineering or construction practices and provide a written response. A request for information log will be maintained and reviewed during the bi-weekly progress meetings. We anticipate approximately one hundred RFIs will be submitted by the contractor.
- 4) Bi-weekly progress meetings: Our office will prepare an agenda for each bi-weekly progress meeting. We will conduct the meetings in accordance with the agenda and new discussion items. Upon completion of the meeting, we will prepare minutes and distribute them to all attendees. We anticipate approximately thirty-five progress meetings during the project.
- 5) Site visits as requested by county project representative: In addition to the normally scheduled progress meetings our office will conduct periodic site visits as requested by the county project representative. We anticipate completing twenty-five additional site visits.
- 6) Review of contractor payment applications: Upon receipt of a payment application for the project from the contractor we will coordinate with the county project representative for confirmation of items completed. Upon confirmation, our office will review the payment application in relation to the previously approved payment application and approve the payment application or request revisions as appropriate. The approved payment application will be sent to SCE for processing. We anticipate receiving seventeen monthly payment applications.
- 7) Review of DNREC quarterly funding summaries: Our office will review the DNREC quarterly funding summaries as prepared by the county's finance office. We will review the summary for accuracy and sign the summaries as appropriate.
- 8) Project Close-Out: At the appropriate time, our office will perform a substantial completion inspection of the project and prepare a punch list. Upon completion of all punch list items by the contractor, we will complete another inspection to verify all work that has been completed. Additional work required to close-out the project includes review of as-built drawings, review of project close-out documents, review of final balancing change order, and review of final DNREC funding summary.

Estimated Fee: \$125,315.00

B. Slaughter Beach Sewer Extension (Contract B – Vacuum Building) – Construction Administration

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to complete all construction administration items necessary for the completion of the contract during the 485-day contract duration.

- 1) Pre-construction meeting: Our office will schedule a pre-construction meeting with all stakeholders of the project included but not limited to contractors, engineering staff, and town representatives. An agenda for the meeting will be prepared and DBF will conduct the meeting outlining all key aspects of the project. Upon completion of the meeting, our office will prepare meeting minutes and distribute them to all attendees.
- 2) Submittal review: Our office will review all submittals needed for completion of the project which we estimate to be approximately one hundred submittals. Our fee includes review of the first submittal and review of a revised submittal, if necessary. All additional reviews will be the responsibility of the contractor. All submittals will be reviewed and approved against the contract documents. A submittal log will be maintained and reviewed during the bi-weekly progress meeting.
- 3) Responding to contractor requests for information: During the completion of the project various requests for information are anticipated to be submitted by the contractor. We will review the requests against the contract documents and best engineering or construction practices and provide a written response. A request for information log will be maintained and reviewed during the bi-weekly progress meetings. We anticipate approximately one hundred RFIs will be submitted by the contractor.
- 4) Bi-weekly progress meetings: Our office will prepare an agenda for each bi-weekly progress meeting. We will conduct the meetings in accordance with the agenda and new discussion items. Upon completion of the meeting, we will prepare minutes and distribute them to all attendees. We anticipate approximately thirty-five progress meetings during the project.
- 5) Site visits as requested by county project representative: In addition to the normally scheduled progress meetings our office will conduct periodic site visits as requested by the county project representative. We anticipate completing fifty additional site visits.
- 6) Review of contractor payment applications: Upon receipt of a payment application for the project from the contractor we will coordinate with the county project representative for confirmation of items completed. Upon confirmation, our office will review the payment application in relation to the previously approved payment application and approve the payment application or request revisions as appropriate. The approved payment application will be sent to SCE for processing. We anticipate receiving seventeen monthly payment applications.
- 7) Review of DNREC quarterly funding summaries: Our office will review the DNREC

quarterly funding summaries as prepared by the county's finance office. We will review the summary for accuracy and sign the summaries as appropriate.

- 8) Project Close-Out: At the appropriate time, our office will perform a substantial completion inspection of the project and prepare a punch list. Upon completion of all punch list items by the contractor, we will complete another inspection to verify all work that has been completed. Additional work required to close-out the project includes review of as-built drawings, review of project close-out documents, review of final balancing change order, and review of final DNREC funding summary.

Estimated Fee: \$199,465.00

C. Slaughter Beach Sewer Extension (Contract C1A – Transmission System) – Construction Administration

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to complete all construction administration items necessary for the completion of the contract during the 485-day contract duration.

- 1) Pre-construction meeting: Our office will schedule a pre-construction meeting with all stakeholders of the project included but not limited to contractors and engineering staff. An agenda for the meeting will be prepared and DBF will conduct the meeting outlining all key aspects of the project. Upon completion of the meeting, our office will prepare meeting minutes and distribute them to all attendees.
- 2) Submittal review: Our office will review all submittals needed for completion of the project which we estimate to be approximately fifty submittals. Our fee includes review of the first submittal and review of a revised submittal, if necessary. All additional reviews will be the responsibility of the contractor. All submittals will be reviewed and approved against the contract documents. A submittal log will be maintained and reviewed during the bi-weekly progress meeting.
- 3) Responding to contractor requests for information: During the completion of the project various requests for information are anticipated to be submitted by the contractor. We will review the requests against the contract documents and best engineering or construction practices and provide a written response. A request for information log will be maintained and reviewed during the bi-weekly progress meetings. We anticipate approximately fifty RFIs will be submitted by the contractor.
- 4) Bi-weekly progress meetings: Our office will prepare an agenda for each bi-weekly progress meeting. We will conduct the meetings in accordance with the agenda and new discussion items. Upon completion of the meeting, we will prepare minutes and distribute them to all attendees. We anticipate approximately thirty-five progress meetings during the project.

- 5) Site visits as requested by county project representative: In addition to the normally scheduled progress meetings our office will conduct periodic site visits as requested by the project representative. We anticipate completing twenty-five additional site visits.
- 6) Review of contractor payment applications: Upon receipt of a payment application for the project from the contractor we will coordinate with the project representative for confirmation of items completed. Upon confirmation, our office will review the payment application in relation to the previously approved payment application and approve the payment application or request revisions as appropriate. The approved payment application will be sent to SCE for processing. We anticipate receiving seventeen monthly payment applications.
- 7) Review of DNREC quarterly funding summaries: Our office will review the DNREC quarterly funding summaries as prepared by the county's finance office. We will review the summary for accuracy and sign the summaries as appropriate.
- 8) Project Close-Out: At the appropriate time, our office will perform a substantial completion inspection of the project and prepare a punch list. Upon completion of all punch list items by the contractor, we will complete another inspection to verify all work that has been completed. Additional work required to close-out the project includes review of as-built drawings, review of project close-out documents, review of final balancing change order, and review of final DNREC funding summary.

Estimated Fee: \$125,315.00

D. Slaughter Beach Sewer Extension (Contract C1A) – Resident Project Representative

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to perform resident project representative services during the completion of the 485-day contract duration.

- 1) Daily inspections: Our representative will perform inspection services to ensure that all work has been completed in accordance with the contract documents and other rules and regulations. A daily field report will be prepared and reviewed by DBF's project manager. The field reports will be submitted weekly to the county, and any discrepancies will be immediately communicated for correction.
- 2) Material verification: Our representative will review all materials delivered to the site are compliant with all approved submittals and contract documents. Any material not meeting these requirements will be rejected and not allowed to be used on the project.
- 3) Quantity Verification and Red-Line As-Built: Our representative will complete a separate set of red-line as-builts to be used during project close-out and verifying all quantities installed for payment applications.

- 4) Additional Responsibilities: Our responsibilities to be completed include answering contractor questions, being a liaison between contractor and design engineer, being a liaison between contractor and county representative, comparing final as-builts before submission, attending substantial completion inspection, verifying punch list completion, and assisting with project close-out.

Estimated Fee: \$175,300.00

E. North Ellendale Sewer Diversion (Contract C2A – Transmission System) – Construction Administration

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to complete all construction administration items necessary for the completion of the contract during the 485-day contract duration.

- 1) Pre-construction meeting: Our office will schedule a pre-construction meeting with all stakeholders of the project included but not limited to contractors and engineering staff. An agenda for the meeting will be prepared and DBF will conduct the meeting outlining all key aspects of the project. Upon completion of the meeting, our office will prepare meeting minutes and distribute them to all attendees.
- 2) Submittal review: Our office will review all submittals needed for completion of the project which we estimate to be approximately fifty submittals. Our fee includes review of the first submittal and review of a revised submittal, if necessary. All additional reviews will be the responsibility of the contractor. All submittals will be reviewed and approved against the contract documents. A submittal log will be maintained and reviewed during the bi-weekly progress meeting.
- 3) Responding to contractor requests for information: During the completion of the project various requests for information are anticipated to be submitted by the contractor. We will review the requests against the contract documents and best engineering or construction practices and provide a written response. A request for information log will be maintained and reviewed during the bi-weekly progress meetings. We anticipate approximately 50 RFIs will be submitted by the contractor.
- 4) Bi-weekly progress meetings: Our office will prepare an agenda for each bi-weekly progress meeting. We will conduct the meetings in accordance with the agenda and new discussion items. Upon completion of the meeting, we will prepare minutes and distribute them to all attendees. We anticipate approximately 35 progress meetings during the project.
- 5) Site visits as requested by county project representative: In addition to the normally scheduled progress meetings our office will conduct periodic site visits as requested by the project representative. We anticipate completing twenty-five additional site visits.
- 6) Review of contractor payment applications: Upon receipt of a payment application for the

project from the contractor we will coordinate with the project representative for confirmation of items completed. Upon confirmation, our office will review the payment application in relation to the previously approved payment application and approve the payment application or request revisions as appropriate. The approved payment application will be sent to SCE for processing. We anticipate receiving seventeen monthly payment applications.

- 7) Review of DNREC quarterly funding summaries: Our office will review the DNREC quarterly funding summaries as prepared by the county's finance office. We will review the summary for accuracy and sign the summaries as appropriate.
- 8) Project Close-Out: At the appropriate time, our office will perform a substantial completion inspection of the project and prepare a punch list. Upon completion of all punch list items by the contractor, we will complete another inspection to verify all work that has been completed. Additional work required to close-out the project includes review of as-built drawings, review of project close-out documents, review of final balancing change order, and review of final DNREC funding summary.

Estimated Fee: \$125,315.00

F. North Ellendale Sewer Diversion (Contract C2A) – Resident Project Representative

Davis, Bowen & Friedel, Inc. was requested by Sussex County Engineering to perform resident project representative services during the completion of the 485-day contract duration.

- 1) Daily inspections: Our representative will perform inspection services to ensure that all work has been completed in accordance with the contract documents and other rules and regulations. A daily field report will be prepared and reviewed by DBF's project manager. The field reports will be submitted weekly to the county, and any discrepancies will be immediately communicated for correction.
- 2) Material verification: Our representative will review all materials delivered to the site are compliant with all approved submittals and contract documents. Any material not meeting these requirements will be rejected and not allowed to be used on the project.
- 3) Quantity Verification and Red-Line As-Built: Our representative will complete a separate set of red-line as-builts to be used during project close-out and verifying all quantities installed for payment applications.
- 4) Additional Responsibilities: Our responsibilities to be completed include answering contractor questions, being a liaison between contractor and design engineer, being a liaison between contractor and county representative, comparing final as-builts before submission, attending substantial completion inspection, verifying punch list completion, and assisting with project close-out.

Letter: Mr. Paul Mauser
September 22, 2026
Revised: October 20, 2026
Page 8

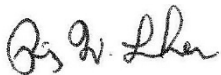
Estimated Fee: \$175,300.00

We propose completing the scope of services as described above on an hourly basis with a not-to-exceed fee of \$625,395.00 for construction administration and construction inspection for Slaughter Beach Sewer Extension and \$300,615.00 for construction administration and construction inspection for North Ellendale Sewer Diversion, in accordance with our Master 2024 On-Call Engineering Contract.

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

We look forward to working with you on this project and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

ACCEPTED BY:

Signature

Printed Name

Date

Slaughter Beach Sewer Extension (Contract A) - Construction Administration							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Pre-Construction Meeting	4						
Submittal Review	50		200				
Requests for Information	30		100				
Bi-Weekly Progress Meetings	105						
Site Visits	75						
Review Payment Applications	8.5		17				
Review DNREC Quarterly Summary	8						
Project Closeout	25		50				
Total Hours	305.5	0	367	0	0	0	672.5
Total Cost by Labor Category	\$ 70,265.00	\$ -	\$ 55,050.00	\$ -	\$ -	\$ -	\$ 125,315.00

Slaughter Beach Sewer Extension (Contract B) - Construction Administration							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Pre-Construction Meeting	4						
Submittal Review	100		300				
Requests for Information	60		200				
Bi-Weekly Progress Meetings	105						
Site Visits	100						
Review Payment Applications	8.5		17				
Review DNREC Quarterly Summary	8						
Project Closeout	25		50				
Total Hours	410.5	0	567	0	0	0	977.5
Total Cost by Labor Category	\$ 94,415.00	\$ -	\$ 85,050.00	\$ -	\$ -	\$ -	\$ 179,465.00

Note: Subconsulting Fees Expected to be Approximately \$20,000.00

Slaughter Beach Sewer Extension (Contract C1A) - Construction Administration							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Pre-Construction Meeting	4						
Submittal Review	50		200				
Requests for Information	30		100				
Bi-Weekly Progress Meetings	105						
Site Visits	75						
Review Payment Applications	8.5		17				
Review DNREC Quarterly Summary	8						
Project Closeout	25		50				
Total Hours	305.5	0	367	0	0	0	672.5
Total Cost by Labor Category	\$ 70,265.00	\$ -	\$ 55,050.00	\$ -	\$ -	\$ -	\$ 125,315.00

Slaughter Beach Sewer Extension (Contract C1A) - Construction Inspection							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Daily Inspections	150				1200		
Material Verification							
Quantity Verification / Red-Line As-Builts							
Additional Responsibilities					80		
Total Hours	150	0	0	0	1280	0	1430
Total Cost by Labor Category	\$ 34,500.00	\$ -	\$ -	\$ -	\$ 140,800.00	\$ -	\$ 175,300.00

Slaughter Beach Sewer Extension (Contract C2A) - Construction Administration							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Pre-Construction Meeting	4						
Submittal Review	50		200				
Requests for Information	30		100				
Bi-Weekly Progress Meetings	105						
Site Visits	75						
Review Payment Applications	8.5		17				
Review DNREC Quarterly Summary	8						
Project Closeout	25		50				
Total Hours	305.5	0	367	0	0	0	672.5
Total Cost by Labor Category	\$ 70,265.00	\$ -	\$ 55,050.00	\$ -	\$ -	\$ -	\$ 125,315.00

Slaughter Beach Sewer Extension (Contract C2A) - Construction Inspection							
Estimated Fee Breakdown							
Labor Category	Principal	Senior Engineer	Senior Designer	Construction Administrator	Resident Project Representative	Administrative Support	
Hourly Rate (\$/Hour) Per County Agreement	\$ 230.00	\$ 195.00	\$ 150.00	\$ 145.00	\$ 110.00	\$ 90.00	
Daily Inspections	150				1200		
Material Verification							
Quantity Verification / Red-Line As-Builts							
Additional Responsibilities					80		
Total Hours	150	0	0	0	1280	0	1430
Total Cost by Labor Category	\$ 34,500.00	\$ -	\$ -	\$ -	\$ 140,800.00	\$ -	\$ 175,300.00

Morgan C. Stokes

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, October 15, 2026 10:33 AM
To: Morgan C. Stokes
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

**Legal Name of
Agency/Organization** Town of Georgetown

Project Name 2026 Mayor's Reception - Return Day Event

Federal Tax ID 51-6000120

Non-Profit Yes

**Does your
organization or its
parent organization
have a religious
affiliation? (If yes, fill
out Section 3B.)** No

**Organization's
Mission** Bi-annual event to bring together constituents, local,
County, State and Federal leaders together as a "Thank you"

Address 37 The Circle

City Georgetown

State DE

Zip Code 19947

Contact Person Angela Townsend

Contact Title	Mayor
Contact Phone Number	3025425128
Contact Email Address	actii1052@yahoo.com
Total Funding Request	3000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	30
Program Category (choose all that apply)	Cultural
Primary Beneficiary Category	Other

Beneficiary Category Other	Local Municipality
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	300
Scope	The request is for Sussex County's support for the bi-annual Mayor's Reception to be held following the Return Day parade and ceremonies on The Circle. This is the 214th Return Day celebration. The Mayor's reception is for the most part open to constituents, local, State, County, Federal dignitaries from all political parties as a way of saying Thank You.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Food and Beverage
Amount	5,000.00
Description	Decorations
Amount	1,000.00
Description	Entertainment
Amount	1,000.00
Description	Other

Amount	500.00
TOTAL EXPENDITURES	7,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-7,500.00
Name of Organization	Town of Georgetown
Applicant/Authorized Official	Angela Townsed
Date	10/15/2026
I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding	Yes
I understand that, if awarded grant funding, I will be required to provide receipts and/or supporting documentation showing how the funds were spent. Failure to provide the required documentation may result in ineligibility for future grant funding from Sussex County.	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountye.gov



Sussex County

DELAWARE
sussexcountye.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Proposed Briarstone Expansion of the Sussex County Unified Sanitary Sewer District

PUBLIC HEARING FACT SHEET

- County Council granted permission on September 29th 2026 for the proposed Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area)
- The Engineering Department had received a request from Pennoni Associates on behalf of their client Greenwood Developers, LLC the owners/developers of a project known as Briarstone for parcel 530-10.00-45.00 to annex into the sewer district.
- The project submitted a letter of no objection from the town Greenwood for the parcel to be annexed.
- The project will be responsible for System Connection Charges based on the rate at the time of connection.
- The Engineering Department posted notices on October 13, 2026, advertised the weeks of October 14th and the 21st and added to the County website.
- To date we have received no correspondence in support or opposition to this annexation.

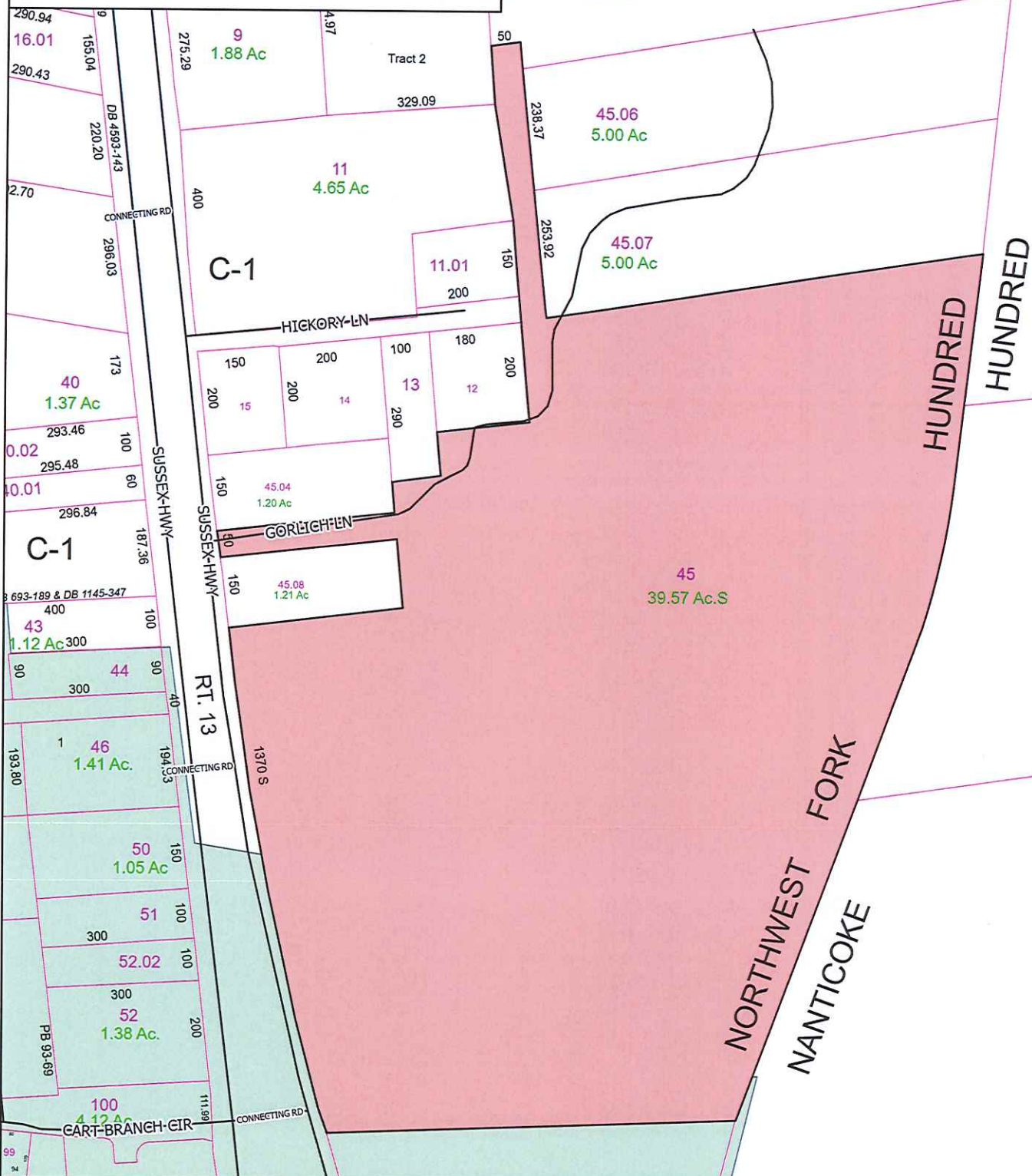


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

PROPOSED ANNEXATION

Briarstone

Existing SSD TMP 530-10.00-45.00



The proposed annexation is scheduled to be discussed October 27, 2026 at 1:30 PM
in the Sussex County Council Chambers

For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

Or call Sussex County Utility Planning at 302-855-7370

PUBLIC NOTICE

PROPOSED BRIARSTONE EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WESTERN SUSSEX AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **September 29, 2026**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Western Sussex Area, to include one parcel on the east side of Sussex Highway (Rt. 13), being situate in Northwest Fork Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being the southeasternmost property corner of lands Now or Formerly (N/F) of Charles Whitmore, Gladys Schweikert, Brandon Whitmore, Patrick Teed; thence proceeding by and with said SCUSSD boundary and Whitmore lands in a southwesterly direction a distance of 800'± to a point, said point being on the easterly Right-of-Way (ROW) of Sussex Highway (Rt. 13); thence leaving said SCUSSD boundary and proceeding with said ROW and Whitmore lands in a generally northwesterly direction a distance of 1370'± to a point, said point being the southwesternmost property corner of lands N/F of William F. & Elizabeth A. Jiron, thence leaving said ROW and continuing with said Whitmore lands in a northeasterly, northwesterly and southwesterly direction respectively a total distance of 826'± to a point, said point being on the easterly ROW of Sussex Highway; thence proceeding with said ROW in a northwesterly direction a distance of 50'± to a point, said point being the southwesternmost property corner of lands N/F of Vladimir & Alisha Guschina; thence leaving said ROW and continuing with said Whitmore lands in a northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, southeasterly, northeasterly direction respectively a total distance of 2,985'± to a point, said point being the southeasternmost property corner of lands N/F of Richard Paul & Gerri L. Gorlich, Trustees, said point also being the centerline of Nanticoke Branch; thence proceeding with said Whitmore lands in a southwesterly direction a distance of 1,783'± to a point; said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 530-10.00 and Sussex County property assessment records. The annexation contains 39.57 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 p.m. on October 27, 2026, at the regularly scheduled Sussex County Council meeting. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370 (option 1).

Mike Harmer, P.E.
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED BRIARSTONE ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

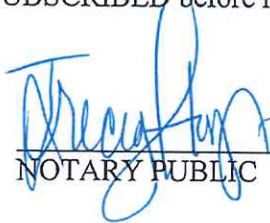
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On October 13, 2026, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On October 13, 2026, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On a post in the southerly ROW of Cart Branch Circle in front of a YIELD sign at the intersection with Sussex Highway (Rt. 13),
 2. On a post in the southerly ROW of Beach Highway (Rt. 16) in front of a YIELD sign at the intersection with Schulze Road,
 3. On a noticeboard at the Greenwood Library, 100 Mill Street, Greenwood, DE 19950,
 4. On a bulletin board at Greenwood Municipal building, 100 W. Market Street, Greenwood, Delaware 19950,
 5. On a post in front of Delmarva Power pole 47381/09353 in the Easterly Right-of-Way (ROW) of Sussex Highway (Rt. 13), 1,694' ± north of Beach Highway (Rt. 16/36),
 6. On a post in front of Delmarva Power pole 47378/09384 in the Easterly ROW of Sussex Highway (Rt. 13), 2,008' ± north of Beach Highway (Rt. 13/36), 2,317' ± north of Beach Highway (Rt. 16/39)
 7. On a post in front of Delmarva Power pole 47373/09415 in the Easterly ROW of Sussex Highway (Rt. 13),
 8. On a post in front of the Gorlich Lane sign in the Easterly ROW of Sussex Highway (Rt. 13).

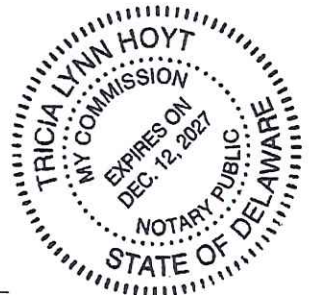

PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 15th day of October A.D., 2026


NOTARY PUBLIC

My Commission Expires

December 12, 2027



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE ONE PARCEL 530-10.00-45.00, ON THE EAST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Sussex Highway (Rt. 13), the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the east side of Sussex Highway, within the boundary of the Town of Greenwood, as follows:

Beginning at a point, said point being on the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), said point also being the southeasternmost property corner of lands Now or Formerly (N/F) of Charles Whitmore, Gladys Schweikert, Brandon Whitmore, Patrick Teed; thence proceeding by and with said SCUSSD boundary and Whitmore lands in a southwesterly direction a distance of 800'± to a point, said point being on the easterly Right-of-Way (ROW) of Sussex Highway (Rt. 13); thence leaving said SCUSSD boundary and proceeding with said ROW and Whitmore lands in a generally northwesterly direction a distance of 1370'± to a point, said point being the southwesternmost property corner of lands N/F of William F. & Elizabeth A. Jiron, thence leaving said ROW and continuing with said Whitmore lands in a northeasterly, northwesterly and southwesterly direction respectively a total distance of 826'± to a point, said point being on the easterly ROW of Sussex Highway; thence proceeding with said ROW in a northwesterly direction a distance of 50'± to a point, said point being the southwesternmost property corner of lands N/F of Vladimir & Alisha Guschina; thence leaving said ROW and continuing with said Whitmore lands in a northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, southeasterly, northeasterly direction respectively a total distance of 2,985'± to a point, said point being the southeasternmost property corner of lands N/F of Richard Paul & Gerri L. Gorlich, Trustees, said point also being the centerline of Nanticoke Branch; thence proceeding with said Whitmore lands in a southwesterly direction a distance of 1,783'± to a point; said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 530-10.00 and Sussex County property assessment records

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 22, 2026

RE: County Council Report for C/U 2616 filed on behalf of TPE DE SU519, LLC

The Planning and Zoning Department received an application (C/U 2616 filed on behalf of TPE DE SU519, LLC) for a Conditional Use for solar arrays within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 230-12.00-22.00. The property is located at 9074 North Old State Road and 18126 Haflinger Road, Lincoln. The parcel size is 31.3 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 14, 2026. On October 14, 2026, the Commission deferred action on the application for further consideration. Once a recommendation is received, it will be forwarded to the County Council for consideration.

Below are the minutes from the Planning & Zoning Commission meeting on October 14, 2026.

Minutes of the October 14, 2026, Planning & Zoning Commission Meeting

C/U 2616 TPE DE SU519, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 31.3 ACRES, MORE OR LESS. The parcel is lying on the west side of North Old State Road (S.C.R. 213) and the south side of Haflinger Road (S.C.R. 625), approximately 0.25 mile east of DuPont Boulevard (Rt. 113). 911 Address: 9074 North Old State Road & 18126 Haflinger Road, Lincoln. Tax Map Parcel: 230-12.00-22.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book, the Applicant's presentation, the Applicant's Conditional Use Site Plan, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service



Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that one public comment letter had been received for the application.

The Commission found that Mr. Michael Riemann, Principal and Civil Engineer with Becker Morgan Group, Inc. spoke on behalf of the Applicant, TPE DE SU519, LLC; that also present were Mr. Abe Bennett, Project Developer with Turning Point Energy, and Mr. Edward (Ted) Hastings, PMP with Becker Morgan Group, Inc. Mr. Riemann requested to submit into the record, additional information regarding Turning Point Energy, the benefits of solar, and a Glare Study, rather than regurgitate information the Commission had heard numerous times.

Mr. Riemann stated that the site was located near Lincoln along Haflinger Road and N Old State Road; that the property consisted of approximately 31 acres, with the solar arrays consisting of approximately 18.5 acres of the total 31-acre parcel; that the current zoning was Agricultural Residential (AR-1); that the existing use was for agriculture and residential; that the proposed use was for a community solar facility; that the total fenced area was approximately 21.9 acres; that access was located from Haflinger Road; that the inverters were centrally located, as required by Code; that the access was provided by an approximately 20 foot wide graveled road; that all the facilities that currently existed on the site would be removed from the parcel; that they proposed a 30 foot wide landscape buffer around the entire perimeter of the property, which would be consistent with the Code and past imposed conditions; that there was not a 30 foot wide landscape buffer proposed for the location of the access road; that they proposed 70% Evergreen trees and 30% deciduous, which was reversed from the landscape ratio requested in the past; that they felt their proposed landscape mixture would provide a more effective screening approach as compared to some past applications; that the fence around the property would have mesh on it; that they have requested a five year time frame requirement on the mesh, so that once the trees had matured, the mesh could be removed; that a previously imposed condition, which they had previously agreed to, was that the trees would have to be above the fence; that within five years, the trees should be taller than the fence; that they had proposed enhanced landscaping along one portion of the property, which would include all of the same landscaping, but would add an additional 15 large scrubs per 100 linear feet, as a result of feedback provided by one adjacent neighbor; that the proposed fence would be a knot wire fence, which was designed in a way to allow small animals to continue to migrate across the property; that there were some larger openings, located every so many linear feet, which would allow larger animals, such as foxes and rabbits to be able to migrate through the property; that previously, there had been fencing mesh issues caused from wind damage; that due to this, they chose to modify the mesh design; that they chose a mesh with a slight opening; that the mesh would still visibly block, but will allow more wind to flow through it; that they changed up the tie design to a metal tie system versus the previous plastic tie system; that the ground cover would include a pollinator mix, which had become very standard with solar projects; that the landscaping would be installed at approximately six feet in height, which was a typical installation height; that the landscape would continue to grow over time; that the goal was to ultimately screen the arrays; that they had performed a Sound Analysis, which indicated that the project would produce no more than 40 decibels at the property line; that 40 decibels was equivalent to a running refrigerator; that the inverters run during the day, and would not run at night; that at the quietest part of the day, there would be no noise; that the facility would benefit local residential, business and municipal subscribers with lower power costs; that there would be no traffic

increase; that there would one to two maintenance vehicles visiting the site per month; that the project would provide a renewable energy source, which would not create odor, dust, gas, smoke or fumes; that the project would create little to no noise from power inverters, being 40 decibels at the nearest property line; that there would be reduced stormwater runoff; that the pollinator mix would create a reduction in runoff from the agricultural operation currently existing on the site, with row crops; that the project would provide a 30 foot wide landscape buffer around the perimeter of the site; that perimeter fencing would be provided to secure the property in accordance with the Electrical Code; that there would be a decommissioning performed at the end of the project's life cycle; that there would be a Decommissioning Bond put in place to ensure for decommissioning of the project; that there was a community outreach meeting held on May 18, 2026; that currently, the Interconnection Study had been completed for the project; that the Interconnection Study notifies the Applicant of any upgrades in the electrical grid that may be required for the facility to connect; that requirements could look like poles being replaced or improved or improving gauge wiring; that when solar facilities come online, they essentially upgrade and harden the transmission grid, which is valuable; that they are currently proceeding through the process, and had paid 50% of the required interconnection cost, which was paid on June 8, 2026; that they are moving quickly through the process; that the facility is a public utility use under the Sussex County Zoning Code, meeting the purpose of a Conditional Use, as the project is of a public or semi-public character, being essential and desirable for the general convenience and welfare of County residents; that the proposed facility promoted Goal 7.9 of the Sussex County Comprehensive Plan, which encourages the use of renewable energy options, such as solar arrays; that the proposed use would not have any adverse impact on the neighboring and adjacent properties; that the project provided adequate landscape buffering and perimeter fencing, while adding additional landscape in certain areas, beyond what was required; that the facility would not result in any noticeable increase in traffic on adjacent and neighboring roadways; that there would not be any regular employees at the site, only periodic visitors for inspections and maintenance; that no significant noise, dust or odor would be produced; that the project was compliant with Ordinance No. 2920, regarding solar facilities relating to all applicable buffers and setbacks, and the Interconnection Study had been completed, and the status was significantly de-risked.

Madam Chair Wingate questioned how many solar projects the Applicant currently had applied for with Sussex County, and how many of those projects had already been approved.

Mr. Riemann stated that he did not current have the exact number.

Mr. Passwaters stated that the Applicant's presentation slide stated that five solar projects had been approved and had obtained building permits with Sussex County.

Madam Chair Wingate questioned how many of the five projects had been completed.

The Commission found that Mr. Abe Bennett, Project Developer with Turning Point Energy, spoke on behalf of the application. Mr. Bennett stated that they had a total of eight solar projects submitted to Sussex County; that five had currently been approved with building permits, with the remaining three having been completed.

Madam Chair Wingate stated that she believed the presented slide showed that the current application was at the DP&L design phase.

Mr. Bennett stated Madam Chair Wingate was correct.

Mr. Passwaters stated that he appreciated the Applicant's willingness to provide the 70% Evergreen and 30% deciduous trees; that considering the proposed seed mixture, Mr. Passwaters questioned whether there was a set amount of mowings to be constructed; that he understood the majority would be located within the fence and within the landscape buffer; that within the presentation it stated that there would be 7,000 square feet located outside of the landscape buffer, and he questioned whether that area was proposed to be seeded with the same seed mixture as well.

Mr. Riemann stated that in the particular case, he did not believe that they would have the pollinator mix all the way past the landscaping; that they would not typically provide that, and they typically would provide the pollinator mix inside the fenced area, moving to a more traditional seed outside that area.

The Commission found that there was no one present who wished to speak in support of the application, and that two people were present who wished to speak in opposition to the application.

Ms. Janet Sabine and Mr. Thomas Redhing, adjacent residents, presented together in opposition of the application. Ms. Sabine stated that although it was presented that there would be no sound at night, they do not want the sound during the day, while they are outside enjoying their yard; that they were understood renewable energy, were not opposed to it, and understood the community's responsibility to consider it; that she requested the Commission carefully consider the placement of the proposed project and the impact it would have on the immediately adjacent neighbors.

Madam Chair Wingate requested that Ms. Sabine point out to the Commission where he property was located on the screen in referenced to the proposed project.

Mr. Collins questioned whether it was at Ms. Sabine and Mr. Redhing's request that the Applicant proposed to add additional vegetation along their shared boundary line.

Mr. Sabine stated that yes, that was part of it; that the currently the farmer was nice enough to mow the area, keeping the landscaping controlled; that if the Applicant plants vegetation, but do not mow the area, they will have huge weeds located along their property line; that this issue would be very different than what they currently experience; that she believed the plantings would create issues; that within approximately 0.5 mile of their home, more than 100 acres of solar development had been approved between North Old State Road; that the proposed project would not be an abstract concern; that the project would be located within their backyard; that their concerns were straightforward with some having been addressed, but remained important to them; that they were concerned about their well water, the potential effect on their property values, impacting the ability for them to sell their home; that they had concern regarding the wildlife in the existing natural environment, stormwater drainage and soil disturbances, the visual impacts, the loss of the rural character, construction noise, traffic dust and disruption; that they questioned whether the benefits of placing the project in the proposed site would outweigh the burden being placed directly on the neighboring properties; that

they relied on their well water; that during construction, there would be potential for accidental releases of diesel fuel, gasoline, and hydraulic fluids; that construction would also create excavation, grading and disturbance; that once the facility would operate, they had additional questions regarding what would happen if the panels or other equipment became damaged; that they requested, should the project be approved, that the Commission require baseline testing be performed on their well before construction, and require continued testing afterward at the responsibility of the Developer, and for the cost of any required remediation from contamination; that they felt their request was no unreasonable, as their drinking water depends on the groundwater immediately next to the project; that they had spoken to the project manager regarding the water; that they were told that the company would gladly purchase a water filtration system for them, provided that they signed a Good Neighbor document, which stated that they would not present before the Commission regarding the project; that from their perspective, they felt like they had been asked to accept a benefit in exchange for giving up their right to speak publicly about the project; that they requested the Commission consider whether their proposal was an appropriate way to address their concerns; that if the Developer believed the project was safe, and appropriate for the community, then the neighbors should not need to surrender their voice in order to be heard; that they are concerned for the value of their home; that they had found published research examining the relationship between solar development and nearby residential property; that the results were not identical from study to study; that there was legitimate research showing that proximity to solar facilities can affect nearby residential property values; that the study was taken from Science Direct; that she questioned whether the homeowners directly adjacent should bear the potential loss in property values, while the Developer and broader communities receive the benefits; that they had concern regarding the immediate area connected to their property; that should be become weeds, which she felt would happen because it was currently fertilized farmland, they would be stuck with huge weeds growing right along their property line; that currently, the farmer takes care of the weeds, and it is kept well-manicured; that the weeds will engulf the house, the property, and everywhere around it; that at the informational community meeting, they were told that it would lower their electric cost, however, they would be required to sign up; that discounts would be based upon income; that with their current income, the discount may equate to 5%, which would only be approximately \$5.00; that they believed that renewable energy and responsible land use planning could coexist; that the burden should not fall primarily on those who border the project; that the Developer will build and move on; that the company representatives do not live in Sussex County; that they will have to live with the Commission's decision every day; that they requested that the Commission look beyond the panels themselves, and consider the people, property, water, wildlife, and quality of their life immediately surrounding the propose project; that instead of making the farmland industrial parks, she questioned why solar fields were not being constructed within industrial parks, over shopping centers or parking lots; that they had approached Mr. Morgan regarding buying the property; that the solar companies offer a lot of money, and they could not compete with that; that she received an email notice regarding the current public hearing, and they had received the two postcards for the previously scheduled public hearings, but did not receive the postcard for the current public hearing.

Mr. Redhing stated that one of the property posting signs was not updated, that another property sign was lying flat on the ground where no one could see it, and that the property sign with the correct public hearing date was located on the corner of the property, at the location of an abandoned trailer with overgrown grass.

Madam Chair Wingate stated that she believed that the State of Delaware would perform water testing for free, and the Commission had never heard anyone testify to having issues with their water due to a solar farm.

Ms. Sabine stated that the company had told her that there was a low risk for water contamination, however it was still a risk.

Mr. Riemann spoke as part of his permitted five-minute rebuttal period.

Mr. Riemann stated that a Noise Study was included in the record; that the Noise Study was performed without perimeter landscaping; that the proposed perimeter landscaping would decrease the noise potential; that as part of the final approval process, they would provide a Vegetative Maintenance Plan, which would address any sort of noxious weeds or plantings, as well as mowing; that the Vegetative Maintenance Plan has been a newer condition that they recently have been proposing; that he was not aware of any issues with solar facilities having impacts on water; that solar arrays do not leak into the ground, as they are not that kind of component; that the construction activity required, would be no different than farming equipment and machines; that as part of the application, there would be Erosion and Sediment Control Plans, which would be reviewed and approved by the Sussex Conservation District to control drainage and to control dust; that there would be weekly CCR (Certified Construction Reviewer) inspections performed, to ensure the contractor is following the approved plans for pollution prevention as well as other things.

Madam Chair Wingate questioned how farming and tilling operations were similar to the equipment required for constructing the solar project.

Mr. Riemann stated that their construction equipment would be similar that the equipment used for farming and tilling, but their construction equipment would not be spreading any type of chemicals.

Mr. Riemann stated that they had provided a Property Value Study in their Project Book, which show that community solar project do not have a negative impact on property values; that the Sussex County taxes required for the property will increase with the development of the project, and the project would pay property taxes at a commercial rate as compared to an agricultural farm.

Mr. Allen questioned whether Delaware Electric Cooperative or DP&L (Delmarva Power & Light) served the area.

Mr. Riemann stated that DP&L (Delmarva Power & Light served the area.

Mr. Collins questioned why community solar was not being proposed to be constructed over parking lots, or within brownfields, as the Commission had never seen it proposed.

Mr. Bennett stated that they do not have anything such proposal within Sussex County; that it was difficult for a number of reasons; that they, as a company, would also prefer to have more environmentally responsible construction by building things on or above industrial parks; that it tends to be that the purpose of these projects was to save residents money; that recent State legislation passed mandates that everyone who subscribed would get a minimum of a 10% discount on their bill; that should a resident qualify as a low to moderate income residence, which is defined as 120% of the median income for the area, would automatically receive a 20% discount on the bill total; that there

would be no messing with distribution charges or transmission charges; that they were trying; that they need to build these facilities for a low cost; that trying to build them with commercial leases, they run into triple net lease issues with building owners versus building operators; that when taking about placing something on a roof, one then would need to consider would the roof need to be removed should there be required waterproofing or a replacement scheduled; that the entire array would be required to be removed; that other issues would be if the tenant did not own the building or the building owner did not own the property; that these issues run into all sorts of technical and legal issues, which are the reasons it had become so difficult; that they are also required to go where the DP&L grid had hosting capacity, without required million dollar upgrade charges, which would sing the financials of the project, and they continue to look for opportunities, however, viable ones are few and far between.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the application.

In relation to C/U 2616 TPE DE SU519, LLC. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Allen, and carried unanimously. Motion carried 5-0.

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: June 17, 2026

Sussex County Council Public Hearing Date: July 28, 2026

Application: CU 2616 TPE DE SU519, LLC

Applicant: CU 2616 TPE DE SU519, LLC
7272 E. Indian School Road, Suite 540
Scottsdale, AZ 85251

Owner: Deborah and Ronald Morgan
517 Blackbird Greenspring Road
Smyrna, DE 19977

Site Location: Located on the west side of North Old State Road (S.C.R. 213) and the south side of Haflinger Road (S.C.R. 625), approximately 0.25 mile east of DuPont Boulevard (Rt. 113).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Solar Facility

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmanic
District: District 2 – Mr. McCarron

School District: Milford School District

Fire District: Ellendale Fire Company

Sewer: N/A

Water: N/A

Site Area: 31.3 Acres

Tax Map ID.: 230-12.00-22.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 8, 2026
RE: Staff Analysis for C/U 2616 TPE DE SU 519, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2616 TPE DE SU 519, LLC to be reviewed at the September 16th, 2026, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 230-12.00-22.00

Proposal: The request is for Conditional Use for a Tax Parcel #230-12.00-22.00 to allow for a solar array facility on a portion of the Parcel. The Parcel is located on the west side of North Old State Road (S.C.R. 213) and the south side of Haflinger Road (S.C.R. 625), approximately 0.25 mile east of DuPont Boulevard (Rt. 113) and the improvements are proposed on (31.3) +/- acres.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District.

The parcels immediately adjacent surrounding the site are also within the Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of "Low Density Area." All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands and several Agricultural Preservation Districts.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A** - There are no existing forested areas on the site
- **Wetlands Buffers/Waterways:** County data indicates that no wetlands or waterways are present on the site.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”. Staff note that the Parcel is not within a Wellhead Protection Area. The Parcel’s area is classified as within an area of “Fair” in terms of Groundwater Recharge Potential per data from the State of Delaware.

Based on the analysis provided, a Conditional Use to allow for a solar array facility could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of (39) Conditional Use applications within a one (1) mile radius of the application site. A Data Table has been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.

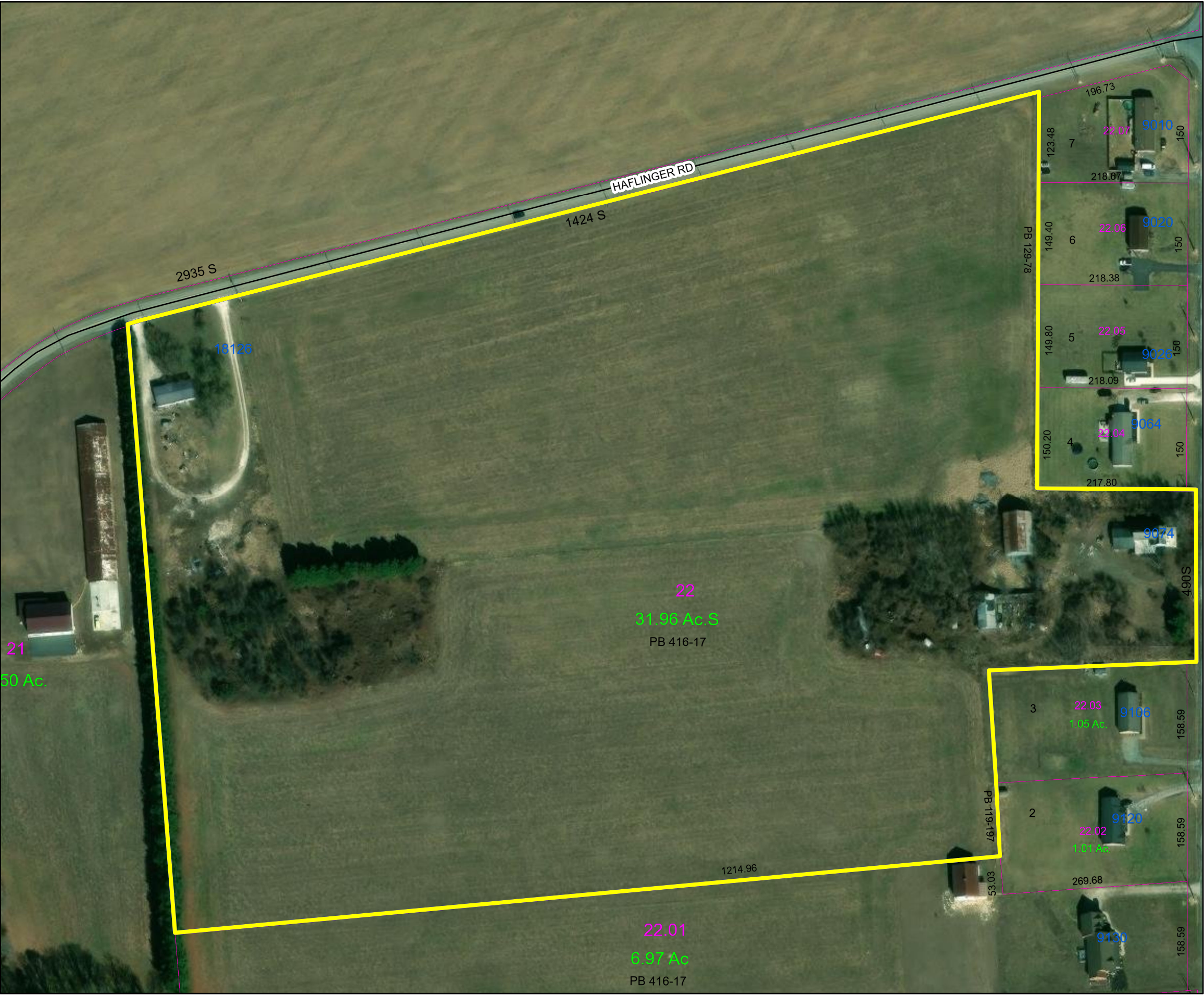
CU #	Zoning	Proposed Use	CC Decision Date	CC Decision
158	AR-1	Farm Equipment Sales	N/A	Withdrawn
166	AR-1	sales of farm equipment, snack bar, auction sales	N/A	Approved
252	AR-1	clothing factory	N/A	Approved
296	AR-1	Enlarge Auction Barn	10/14/1975	Approved

397	AR-1	guitar repair, arts & crafts & refinish furniture	2/1/1977	Approved
492	AR-1	Borrow Pit	10/3/1978	Approved
517	AR-1	enlarge existing auction barn	N/A	Approved
669	<Null>	oil bulk plant	N/A	Denied
672	AR-1	furniture sales /car sales	N/A	Approved
680	AR-1	clerical office	N/A	Approved
682	AR-1	flea market	N/A	Approved
687	AR-1	Farmers Market/Auction	6/29/1982	Approved
703	AR-1	expand petroleum sales storage	1/17/1984	Approved
779	AR-1	architect office	2/14/1984	Approved
929	AR-1	woodworking shop	3/27/1990	Approved
1014	AR-1	Expnsion to Existing Public School Facility	7/14/1992	Approved
1133	AR-1	expand CU 687 sale of carriages/etc	10/17/1995	Approved
1133	AR-1	expand CU 687 sale of carriages/etc	10/17/1995	Approved
1154	AR-1	office/apartment	N/A	Withdrawn
1205	AR-1	expand CU 1014 for play & recreation	10/14/1997	Approved
1211	AR-1	Expansion of CU 1014 for Play & Recreation Area	12/30/1997	Approved
1288	AR-1	amend CU 1205 public school	6/15/1999	Approved
1419	AR-1	retail sales (flea market)	10/30/2001	Approved
1576	AR-1	store clam shells in borrow pit	10/25/2005	Denied
1649	AR-1	garage & parking of trucks & trailers	9/12/2006	Denied
1809	AR-1	produce/meats/butcher	2/2/2010	Approved
1876	AR-1	Auto repair	1/4/2011	Approved
1880	AR-1	fire company substation	1/4/2011	Approved
1892	AR-1	Investment/Insurance Office	6/7/2011	Approved

2032	AR-1	Construction company office, equipment parking and shop/yard	12/8/2015	Denied
2144	AR-1	tree company operation	10/30/2018	Approved
2205	AR-1	auto-motorcycle repair	2/18/2020	Approved
2250	AR-1	Construction Business (Office w/equipment storage)	8/10/2021	Approved
2347	AR-1	Community Solar Facility	6/20/2023	Approved
2498	AR-1	Retail Sales, Professional office, food service	N/A	Withdrawn
2538	AR-1	Professional Office	4/21/2026	Approved
2565	AR-1/GR	Concrete, Masonary, Construction Businesss with Retail Sales	7/15/2025	Approved
2633	AR-1	Solar Facility	N/A	N/A
2642	AR-1	Solar Facility	N/A	N/A

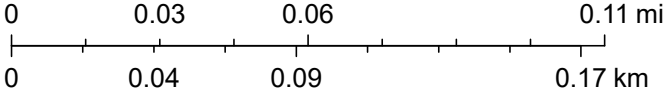


A3 Landscape Parcel Details



PIN:	230-12.00-22.00	
Owner Name	MORGAN REED	DEBORAH REED
Book	4457	
Mailing Address	517 BLACKBIRD GREENSP	
City	SMYRNA	
State	DE	
Description		
Description 2		
Description 3		
Land Code		

- Municipal Boundaries
- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



Introduced: 8/25/26

Council District 2: Mr. McCarron

Tax I.D. No.: 230-12.00-22.00

911 Address: 9074 North Old State Road & 18126 Haflinger Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 31.3 ACRES, MORE OR LESS

WHEREAS, on the 16th day of October 2025, a Conditional Use application, denominated Conditional Use No. 2616, was filed on behalf of TPE DE SU519, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2616 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2616 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of North Old State Road (S.C.R. 213) and the south side of Haflinger Road (S.C.R. 625), approximately 0.25 mile east of DuPont Boulevard (Rt. 113), and being more particularly described in the attached legal description prepared by David D. Finocchiaro, LLC said parcel containing 31.3 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 23, 2026

RE: County Council Report for C/Z 2061 filed on behalf of Sandie, LLC

The Planning and Zoning Department received an application (C/Z 2061 filed on behalf of Sandie, LLC) for MR-RPC Medium Density Residential - Residential Planned Community District to an MR-RPC Medium Density Residential - Residential Planned Community District to amend Conditions of Approval for C/Z 673 (Ordinance No. 294) in relation to the addition and use of recreational amenities. The Tax Parcel ID is 334-6.00-553.02. The property is located at 18462, 18464 & 18466 Plantation Boulevard, Lewes. The parcel size is 4.29 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 22, 2026. On August 19, 2026, the Commission recommended approval of the application for the 15 reasons and subject to the 20 recommended conditions of approval as outlined within the motion (copied below)

Below are the minutes from the Planning & Zoning Commission meeting on July 22, 2026 and August 19, 2026.

Minutes of the July 22, 2026, Planning & Zoning Commission Meeting

C/Z 2061 Sandie, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR C/Z 673 (ORDINANCE NO. 294) IN RELATION TO THE ADDITION AND USE OF RECREATIONAL AMENITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29



ACRES, MORE OR LESS. The property is lying on the south side of Plantations Boulevard, approximately 0.46 mile north of Cedar Grove Road (S.C.R. 283) and 0.14 mile west of Plantation Road (Route 1D & S.C.R. 275). 911 Addresses: 18462, 18464 & 18466 Plantation Boulevard, Lewes. Tax Map Parcel: 334-6.00-553.02.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Presentation materials and exhibits, a Revised Site Plan, a survey, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, the DelDOT Service Level Evaluation Response Letter, a letter received from the State Fire Marshal's Office, and copies of past Ordinances and meeting minutes, including Ordinance No. 294. Mr. Whitehouse advised the Commission that a total of 211 public comments had been received regarding the application, which included multiple pages, multiple documents and a petition.

The Commission found that Ms. Mackenzie Sindelar, Esq. with Saul Ewing, LLP spoke on behalf of the Applicant, Sandie, LLC and the owner and operator of Dave Marshall Tennis & Pickleball; that also present were Mr. Dave Marshall, member of Sandie, LLC and the owner and operator of Dave Marshall Tennis and Pickleball, Mr. Carlton Savage, Civil Engineer with Scaled Engineering, Inc., Mr. Dennis James (D.J.) Hughes, II, P.E., Traffic Engineer with For Sure Hughes, LLC; and Ms. Kim Hoey Stevenson, former Planning & Zoning Commissioner for District 3 and Public Relations Professional with Hoey Communications Group; that other members of the team who were not present for the hearing included, Mr. Jeffrey Wolf, Architect with Jeffrey Wolf Architecture, and Ms. Amy Reese, Landscape Architect with Love Dirt, LLC.

Ms. Sindelar stated that she represented Sandie, LLC, the applicant and property owner, in connection with their Change of Zone application, in connection with the property designated as Tax Map Parcel No. 334-6.00-553.02; that the application sought an amendment to the Comprehensive Zoning Map of Sussex County from an MR-RPC (Medium Density Residential – Residential Planned Community) to an MR-RPC (Medium Density Residential – Residential Planned Community) for the purpose to allow for a recreational area, for public access, and to improve the site further with recreational facilities and amenities, such as an indoor (not outdoor) pickleball and racket courts, an outdoor pool, parking areas, and sidewalks to the recreational area; that this request would thereby amend the original approval for Change of Zone, C/Z 673, which was approved in August 1985; that this application involved a lot of history; that initially, the Applicant, with support from prior legal representation, before she became involved, understood that they could rebuild the facility, which is currently being proposed, but without the pool, by simply obtaining a building permit; that the previous pool was destroyed by a fire; that the Applicant learned that the proposal was required to proceed through Site Plan review, and approval processes, which would not have been a public hearing; that ultimately, during Site Plan review, a letter from the Board was evaluated by the Planning & Zoning Commission, and ultimately resulted in the scheduling of the current public hearing; that the Applicant was requesting to rebuild and replace the recreational facilities, some of which were lost in a fire in 2024; that Sandie, LLC is the owner and the Applicant of the application; that Sandie, LLC owned the property in fee simple, having acquired the property in 2008, with Dave Marshall Properties, LLC; that later by a deed dated, December 16, 2010, Dave Marshall Properties, LLC conveyed its entire interest to Sandie, LLC; the Dave Marshall Tennis and Pickleball is the tenant of the property, and is a well-known, long-standing racquet sports facility

operated by Dr. Marshall and his son, Jordan, and a dedicated team, all embodying a friendly mom-and-pop culture; that the club offers year-round indoor and outdoor play, featuring both, indoor hard courts and outdoor clay courts for tennis; that with Dr. Marshall's extensive experience coaching players on the Association of Tennis Professionals and the Women's Tennis Association Tours, the facility provides professional coaching, clinics and private lessons for players of all skill levels; that the club enjoys strong community interest support in Sussex County, as demonstrated by the overwhelming support for the application; that memberships were affordably priced, making them accessible to many residents of Sussex County; that Dr. Marshall had operated the recreational amenities since 1995; that the property itself encompasses approximately 4.29 acres, as confirmed by survey, and was situated on the south side of Plantation Boulevard, about 0.46 mile north of Cedar Grove Road (S.C.R. 283), and 0.14 mile west of Plantation Road (Rt. 1D) and Route 275; that the 911 addresses were 18462, 18464 and 18466 Plantation Boulevard, Lewes, Delaware, being Tax Map Parcel No. 334-6.00-553.02; that the property was zoned MR-RPC (Medium Density Residential – Residential Planned Community), falling into the Plantation's Residential Planned Community, which was established through Change of Zone No. 673, changing the zoning from MR to MR-RPC; that some of the adjacent properties are zoned the same; that there was also a mixture of residential, agricultural, commercial and business uses nearby; that the property was located within the Coastal Area, which was a designated Growth Area in Sussex County per the 2018 Comprehensive Plan; that the Comprehensive Plan indicates that the Coastal Area can accommodate development, provided that specific environmental concerns are addressed; that a range of housing types, including single-family homes, townhomes, and multi-family units are permitted; that additionally, retail and office uses are appropriate, although larger shopping centers should be positioned with access along arterial roads; that mixed-use developments are also encouraged; that medium to high density residential, ranging from four to 12 units to the acre were also considered to be suitable, provided that central sewer and water is provided, as well as near employment centers and along main roads; that the 2025 Delaware Strategies for State Policies and Spending Map identifies the property as being located predominantly within Investment Level 1, with a small portion being located within Investment Level 2; that site was surrounded by similarly designated properties; that Investment Level 1, reflected areas already developed in urban and suburban style, where infrastructure was present or readily available, and where future redevelopment or infill projects are encouraged by State policy; that Investment Level 2 areas encompassed less developed regions within municipalities, rapidly growing areas in the County with impending water, and wastewater services, areas adjacent to Investment Level 1, and smaller towns and rural villages that should grow consistently with their historic characters, along with suburban areas, and public utilities; that in both Investment Level 1 and Investment Level 2 areas, State investments and policies should endorse and encourage a diverse range of uses and densities, promote alternative transportation options, optimize existing public and private investments, and enhance community identity and integrity; that additionally, according to the Sussex County's Comprehensive Plan §410, in Investment Level 1, it was the State's intent to use its spending and management tools to maintain and enhance community character, promote well-designed and efficient new growth, and facilitate redevelopment in Investment Level 1 areas; that in Investment Level 2, it was the State's intent to use its spending and management tools to promote well-designed development in those areas; that such development provides for a variety of housing types, user-friendly transportation systems, essential open spaces, recreational facilities, and other public facilities and services to promote a sense of community; that the property is part of the Plantations RPC, which included single family lots, and condominium units collectively referred to as the Plantations property, detailed in the Declaration Plan for Plantations, recorded as Plot

Book 36, Page 96; that the original RPC application was considered by the prior Commission at their meeting of May 16, 1985; that the application was subsequently approved at the County Council meeting on August 27, 1985, through Ordinance No. 294, which was contained within the record; that the Ordinance was very simplistic in nature, and was nothing like what Ordinances would be currently in terms of conditions; that previously, the property and the Plantations were owned by Crown Estates, a Delaware partnership, who developed the project; that it included the residential components, but it also included the recreational area, as well as the spray irrigation area; that the recreational area, Phase One Residential area, Expanded Residential area, and Spray Irrigation area were all a part of the original approval; that the underlying Declaration of Covenants, Conditions, and Restrictions for the Plantations, recorded as Deed Book 1461, Page 54, provided language to the effect that every owner of a condominium unit, lot or improvement upon payment of a fee, has the right to enjoy the recreational area, the recreational properties, and the related facilities; that this right was subject to specific conditions, one of which permitted the developer and its successors to allow non-owners to use the recreational property and facilities for a reasonable fee; that additionally, the developer can establish permissible commercial uses within that area, construct structures for other uses, and lease them to operators, owners and managers of businesses; that these provisions clearly indicate that from the inception of the Plantation's RPC, the intention was to create a recreational area, with facilities to be accessible to both residents of the community, as well as to the public; that therefore, the current proposal to enhance the recreational facilities, some of which were lost as a result of a fire, within the recreational area, aligns with the original intent of developing this particular property, as part of the larger RPC and as confirmed by the documents of public record; that all of the mentioned documents were held within the public record; that even if owners were not on actual notice, which seemed unlikely given the existence of the recreational area since the community's inception, which were in plain sight, owners were at least on constructive notice; that there are documents of public record, which clearly outline the recreation area, how it was intended to be used, and its size; that the recreation area had been used exactly in that way since its inception; that arguments to the contrary hold no water; that several comments were submitted suggesting that the original approval was not compliant with the RPC code, implying that the acreage designated for the use was somehow excessive or not permitted; that to the contrary, one might argue that the allocated space was actually undersized, given the total acreage of the RPC, which was approximately 154.59 acres; that the existing acreage allocated for the recreation area, therefore does comply with the RPC Code, and specifically §115-119.B, which specifies a standard of one acre per 100 dwelling units, with a total of 608 dwelling units, 376 in Plantations East, and 232 in Plantations West; that this standard allows for a recreation area of approximately 6.08 acres; that therefore, the recreation area, at approximately 4.29 acres, complied with the requirement; that Ms. Sindelar presented to the Commission Google Earth aerial images from March 1992, which reflected the original recreational facilities, and a portion of the property record card; that the property card reflected that in the early 90s, two pools, storage buildings, and tennis were permitted by Building & Licensing at that time; that there were questions regarding the use and continued use; that for a long time, and since inception, the facilities had been used by others, not just the community residents; that the record contained a 1994 article announcing the hiring of a new general manager and tennis director; that an advertisement from 1995 described the area and the community as resort living; that indicated that it was not only the residential component, but also the recreational component; that historical records indicate that the use had existed, operated and was permitted since the mid-80s; that she presented an image from 2005 illustrating the recreational facilities that were available; that on the image one could see that there used to be two pools;

that there had been historical swim meets at the property; that the larger, Olympic sized pool was retired, due to a crack in the liner, and the cost of replacement was cost prohibitive; that a picture from July 2010 showed what existed at the time, but also reflected a parking area that Dr. Marshall used to rent from the community; that there previously was a dispute regarding the use and rental of the parking lot, which ultimately escalated into litigation between the Applicant and the community; that the key point was to note that there used to be a parking lot on the property, where everyone parked to use the space; that the parking area eventually became too costly for Dr. Marshall to continue renting the space; that the area was partially retired and grassed over; that she believed there were dumpsters within that area currently; that in the 1980s, condominium owners in the Plantations RPC paid recreation fees for access to the property, while outside memberships were also available; that as early as 1988, Mr. Walter Chappie Layman, a member of the original ownership group, attempted to contract Dave Marshall Tennis Services to run a tennis program at the property, although there was no agreement reached at that time; that by the early 1990s, the recreational areas were established, even before some of the residential units; that by the mid-1990s, around 1995, Dave Marshall Tennis began staffing and managing the tennis program at the property; that around 1990, the Property Owners Association of the RPC chose to opt out of the recreational fee that was paid, leading many owners to participate in specific recreational areas that they utilized; that the membership fee was an a la carte; that the fee structure became uniform for both owners and the broader outside community; that initially, Mr. Dennis Vandermeer operated an academy offering memberships and weekend clinics; that in 2008, the Applicant and Dave Marshall Tennis acquired the property, shortly after, facing challenges from the housing market crash; that during this period, a collaborative relationship developed between the residents of the Plantations RPC and Dave Marshall Tennis; that the relationship included compensating residents for the use of the parking areas, allowing the HOA to place a dumpster on the property for trash collection, maintaining a library and meeting room in one of the recreational facilities, which allowed meetings for the community to be held at a minimum cost, and providing use of a maintenance storage shed at no cost; that this long-standing relationship eventually led to a lawsuit stemming from a fee dispute regarding the Applicant's use of the parking lot; that the issue evolved into a broader dispute over access to the property, which resulted in an agreement between the parties; that under the agreement, the Applicant is required to pay a fee to the Plantations Owners Association, Inc., with specific payment terms outlined in the agreement; that this agreement was designated as the Declaration of Cross Easement and Maintenance Agreement, recorded as Deed Book 4154, Page 292; that the drafter of that document was Mr. David Hutt, Esquire; that there had been discussions regarding amending the agreement, which the Applicant was considering; that to date, the Applicant had paid approximately \$150,000 to the Plantations Owners Association, Inc. for historical parking area usage and the easement rights granted under the agreement; that the Applicant was not aware, as they were not a member of the community, of how the Plantations Owners Association uses or has used the fees; that the easement fee, which was described and defined as a maintenance fee within the agreement, was supposed to be used and should be used for the joint use of the Plantations Boulevard easement area; that between 2013 and the fire in 2024, the vibrant tennis, pickleball and fitness facility operated at the property; that it also offered activities such as hot yoga, Pilates, Weight Watchers, counseling, and other programs to paying members; that in 2024 full memberships for the gym, tennis, and pool access was \$950 annually with no additional fees; that while memberships were priced at approximately \$1,300 per year; that for those seeking partial access to the facility, there were a la carte pricing with gym memberships at \$15 per month, with full access at \$250 per month, or \$500 for a family of five; that given the short capital contribution and HOA amenity fees in other communities, especially

within Rehoboth and Lewes, she felt those prices were very reasonable; that tennis members were considered full members; that the club, over its history, and time at the property had gained recognition through its professional tennis coaching, with players coached by Dr. Dave Marshall, achieving success at prestigious events like Wimbledon, the U.S. Open, French Open and World Tour Finals; that camps were also offered featuring Hall of Famers, Mike and Bob Bryan, along with Madison Brengel, Megan Fudge, and Ryan DeHart; that this operation continued until a fire of unknown origin happened on January 12, 2024; that the fire resulted in the total loss of the previous clubhouse; that in its simplest form, the current application proposed to reconstruct the recreational facilities in the fire; that the operations support many local fundraisers such as the Lewes Fire Company, Camp Rehoboth, the YMCS, the annual Cape Gazette 5K, the Harry Cave Foundation, First Responder fundraisers, the Community Resource Center, the Big Fish Foundation, the Bryan Brothers Foundation and many others; that the existing recreation facility included six indoor courts, comprised of two tennis courts and four pickleball courts; that there were four outdoor tennis courts; that there was a gym, storage facilities, restrooms, and parking; that currently, there were 45 parking spaces on the site with two ADA compliant spaces; that when entering the property, one could see the existing parking lot, some landscaping boulders with no parking signs; that they proposed to place additional signage to address some of the off-site parking issues; that on January 12, 2024, the prior clubhouse caught fire due to unknown causes, which resulted in a total loss; that the foundation of the building was tied to the foundation of the pool; that when the fire occurred, it was advised from a structural integrity perspective, to also abandon the pool; that the prior clubhouse was approximately 13,383 square feet; that the proposal included constructing a new building of approximately 9,984 square feet to serve indoor courts; that they are proposing a clubhouse about 3,399 square feet smaller than the previous clubhouse; that the proposed building would be designed to be more integrated into the property, as it will align more with the existing structures, rather than the previous clubhouse which extended closer to the property lines and the condominium units on the one side of the entrance; that the new plan reduced the footprint of the prior building, allowing it to blend more seamlessly with the surrounding improvements on the site; that the proposal features a pool and a proposed deck area, describing the disturbed area; that they had and were continuing to have discussions with the community about the size of the pool; that the proposal also contemplates an additional 62 regular parking spaces, and an additional four ADA compliant spaces, along with sidewalks, which will all be subject to final engineering; that from a financial perspective the proposed pool would be a total loss to Dr. Marshall and the business, however, he was offering the pool for good neighborly relations and considering that a pool had previously been present at the property; that it was his understanding that a vast majority of residents are excited about the prospect of the pool; that she present the Commission a conceptual design, and architectural rendering for the proposed build, which maintained earth toned colors, which were requested and proffered as a condition; that Dr. Marshall painted some other buildings on site green to blend in with existing vegetation, which had been requested by some members of the community; that the purpose of the MR Zoning District was to provide for medium density residential development in areas that were or were expected to become generally urban in character, where sanitary sewer and public water supplies would be available at the time of construction; that the recreational use would resemble typical uses and practices in residential communities and would be compatible with the area; that the use had existed since the communities inception, supported by governing documents of the community, and aerial images dating back to the early 90s, which publicly advertised the concept of resort and club life; there thereby informing the community of its presence; that whole the Applicant acknowledged the public use of the property, and its existing and proposed uses, §115-29.E of the Code

permits recreational activities, such as tennis courts and swimming pools to operate as private membership facilities, not for commercial purposes and subject to certain siting requirements; that it was also common in private developments to impose an amenity fee, similar to the membership fee, but often at a higher rate, to maintain and enhance recreational facilities, ensuring they remain accessible and well-managed for all residents; that therefore, the proposed use fits within the permitted activities in the MR District, and aimed to enhance the community and its enjoyment; that the purpose of the RPC District Overlay was to encourage large-scale developments, as a means of creating a superior living environment through unified developments and to provide for the application of design and ingenuity, while protecting existing and future developments, while achieving the goals of the Comprehensive Plan; that the stated purposes of the MR District and RPC Overlay are addressed and met in the proposed application; that both central water and sewer services were available; that the property was situated in an area with more urban characteristics, surrounded by numerous existing residential developments, as well as a variety of small and large businesses and commercial uses, more predominantly located on Route 1, but also conveniently located close to Route 1, and Five Points; that the application replaces the prior clubhouse that was lost to a fire, and would enhance the recreational amenities with the addition of new courts, pool, parking, sidewalks, and landscaping; that they had included a conceptual Landscape Plan, which primarily showed where landscaping would be proposed; that they were continuing to work with the Board and the community, as it related to additional screening that may be appropriate; that a Preliminary Site Plan was submitted into the record; that the Site Plan was conceptual, and was not to be considered a final, as based on the community comments, and the Commission's recommendations, modifications may be required as necessary to improve the use and its coexistence with the residential community; that the building was proposed to be tucked tight with the rest of the existing improvements; that this would allow for double the existing parking spaces; that additional site data and parking calculations could be located on the plan for review; that the Applicant was the recipient of the Delaware Sports Tourism Investment Fund Grant Award in the amount of \$1 Million; that the grant operates as a match fund, meaning the Applicant's expenditure of up to a million dollars would then be matched by an amount equal of up to a million dollars; that there was a lot of questions related to traffic, and what was represented in the grant proposal; that the Applicant's Traffic Engineer would speak to the traffic, trip generation and traffic flow; that access to the property was provided from Plantations Road, using certain internal streets of the Plantations in accordance with the Declaration of Cross Easement and Maintenance Agreement; that her client had paid, in connection with the use, over \$100,00, despite the untrue statements suggesting there had been no contribution from her client to the maintenance of the streets; that the issue of access, use and maintenance fees, for those access ways were established by written recorded agreement and recorded easement plot, which had already been litigated and decided; that there had been requests for changes to the underlying agreement and related changes to the capital funds and maintenance fees, which her client was reviewing and currently considering; that her client was not looking to relitigate the issue, but was willing to consider amendments; that he had paid over \$100,000 to the community to maintain the current roadways; that he had offered to assist with repaving, and was willing to continue that conversation; that any outcome must be fair; that there needed to be accountability for the maintenance of the roadways, as it was not entirely evident what historical improvements had been made; that any consideration for the use of the easement should be proportional to the Applicant's use, and Ms. Sindelar requested to have Mr. Carlton Savage speak on the stormwater, to be followed by Mr. Hughes to discuss traffic for the project.

The Commission found that Mr. Carlton Savage, Principal and Sr. Civil Engineer with Scaled Engineering, Inc., spoke on behalf of the application's stormwater management. Mr. Savage stated that they had already had conversations with the Soil Conservation District in Sussex County; that on September 29, 2025, they had a meeting to discuss what would be required for rebuilding the application; that based on that meeting, it was determined that that they would be a non-residential standard plan; that those requirements were listed; that some of those requirements are less than an acre of disturbance; that they were about 0.75 acres of disturbed land; that the pre-existing land cannot be forest, which it was not; that the application was originally built in 1985; that a lot of the areas had stormwater management, but under older regulations; that therefore those areas would be considered unmanaged for stormwater; that one must compare the curve number pre and post, to what was there and what was designed; that based on that comparison, one could see that the majority of the site was paved with the original proposal; that the current proposal eliminated some of the pavement; that the runoff that would be generated by the proposal would be less than what was there previously; that the site does sheet flow in a couple different directions, heading towards a ditch where there were trees in the back, crossing the parking lots and heads to ditches; that there were also stormwater management pipes across the property on the site which came from the stormwater management ponds; that those pipes had been cleaned out in the past; that discussions had been taken regarding those maintenance items as well; that the standards for the application required by Sussex Conservation District (SCD), would be the submission of a Standard Non-Residential Plan; that there would be silt fencing provided; that they would provide all the requirements of the plan, but not any detailed calculations other than showing the two; that they were on the path of getting their Site Plan approval; that in 2025, they received an email from the Sussex Conservation District requesting final plans, and should the current application be successful, they would continue the process with the Soil Conservation District.

Madam Chair Wingate stated they Mr. Savage mentioned that the standards had changed and questioned if they were still required to manage any stormwater runoff.

Mr. Savaged stated absolutely, that the standard plan was one of the processes; that there was a detailed plan and a standard plan; that the detailed plan typically involved when one needs to build a stormwater management item because one would be increasing runoff; that in cases where runoff was not increased, such as the current application, where it would be less impervious, and the runoff would be decreased, no detailed plan would be required.

Mr. Dennis James (D.J.) Hughes, II, P.E., President and Sr. Traffic Engineer with For Sure Hughes, LLC spoke on behalf of the application's traffic impact. Mr. Hughes stated that as part of the application, a DelDOT Service Level Evaluation Request was required; that consistent with DelDOT and Sussex County's MOU (Memorandum of Understanding), DelDOT responded that the application would have a diminutive impact on local roadways, which equaled an increase of fewer than 50 trips per day; that previously the fire that destroyed a building that was larger by about 4,000 square feet; that the building they were proposing to rebuild was about 4,000 square feet less than the previous building; that the proposed pool and deck were basically replacing the previous improvement; that before the application was submitted, they had submitted their Site Plan to DelDOT; that DelDOT responded by providing a Letter of No Impact, where DelDOT stated there would not be any improvements associated with the application, and that no further review would be required by DelDOT; that DelDOT and general traffic

engineers are required to follow the national standard of the Institute of Transportation Engineers Trip Generation Manual; that the 12th edition being the most current edition; that they had discussed the recreational area, and the appropriate land use Code 495, which was a recreational community center; that a recreational community center included meeting rooms, social quarters, swimming pools, saunas, whirlpools, racquetball, handball, pickleball, tennis courts, indoor and outdoor facilities, exercise classes, and also could be open to public access, public use, and there would typically be a membership fee charge; that the previous use included Hot Yoga, Irish dance classes, Pilates, and Weight Watchers, as well as counseling, along with the existing pickleball and tennis courts; that the current application proposed to only have pickleball courts inside, with a pool and deck outside, which used to exist previously; that when one totaled up all the buildings, the previous facility, excluding the storage building, was 40,000 square feet, which totaled 1,153 trips per day, not just 1,153 cars per day; that this basically equated to 577 cars in and out each day; that the morning peak hour came out to 81 trips in and out; that the evening hour came out to 116 trips in and out; that the recreational community center covered all the previous and current proposed uses; that with replacing the building with a smaller building, it equaled about 1,055 trips per day, equating to just under 530 cars coming in and out; that the morning hour would equal 74 trips per day, and the evening hour would equal about 106 trips per day; that the supporting data and calculations came from the ITE (Institute of Transportation Engineers Trip Generation Manual); that there had been a lot of discussion regarding the pickleball tournaments, especially when people heard 500 players; that those 500 players would be over the course of three days; that at any one time, there would not be any more than about 40 to 50 players on the site; that parking was also an issue of concern; that there was 47 existing parking spaces, and 66 parking spaces were proposed; that parking would be more than doubling; that there would be 113 parking spaces on the site, including ADA combined parking spaces; that if the ITE stated, if one held a daily week or weekend tournament, sometime between Monday and Friday, it would generate 666 total trips, which would be like 334 cars entering and exiting; that during the morning it would be 33 trips; that in the afternoon it would be 75 trips; that on Saturdays those trips counts would go up; that the trip count for the previous use was 1,153, with the daily use actually being higher at 1,055 trips; that on Saturday there would be 898 ADT, equating to 499 acres in and out throughout the course of the day; that it would be spread throughout the course of the day; that 130 trips would be the highest hour; that traffic flow was one of the most stated concerns within the submitted comments, and expressed at their open house; that they had discussed making a one-way entrance, and improving signage to ensure everyone knows how to get to and from the site; that there were also expressed concerns regarding headlights; that they would eliminate head-in parking where headlights would be a concern; that they had discussed a hedgerow to block headlights, however, he did not believe there was enough room on their site to provide a hedgerow; that one would be able to make a U-turn to get out; that they had decided to keep a two-way coming out; that the issues mentioned were Site Plan issues; that the Site Plan would be required to go through Final Site Plan review; that there had been discussions regarding speed bumps; that he would recommend tables or humps, as they were more gradual; that speed bumps come with noise than generally people do not like; that gated access was already provided, which acted like a speed table; that the gate would not be open when during a pickleball tournament; that when they visited the site at 2:00 p.m. on a Friday there were 60 pickleball players and 20 tennis players on the site; that there was plenty of parking at that time; that they were proposing to double the parking; that regarding the pickleball court tournaments, they assumed up to 17 courts being the most that would be played during tournaments; that the traffic numbers previously provided were based on 17 pickleball courts being used as the maximum during a tournament; that the average daily

traffic during the weekday was 667, and the average daily traffic is 898 on a Saturday; that those traffic counts were based on a maximum of 17 courts during a tournament; that within the existing facility, on July 4th weekend, there was a tournament, and 12 to 15 would be a good number assumption per year.

Mr. Collins questioned whether Mr. Hughes could provide the traffic numbers for the Plantations community itself, compared to the provided traffic count numbers, to provide the Commission with a relative traffic impact.

Mr. Hughes stated that he did not have the number off the top of his head, however, he did have the calculation noted, which could be provided during the rebuttal period; that he believed it to be around 2,000 ADT for the community, based on the number of single-family and multi-family units equaling 232 units, and it was definitely more than what the recreational community center was.

Mr. Collins stated that it sounded like the proposal would bring in almost 1/3rd of what traffic would be brought into the development.

Mr. Hughes stated 1/3rd was roughly about the percentage of traffic.

Mr. Allen questioned how many hours per day a normal pickleball tournament would run, as he had concerns regarding the impact study which estimated 47 cars, per hour, per court.

The Commission found that Mr. Dave Marshall, member of Sandie, LLC and the owner and operator of Dave Marshall Tennis and Pickleball, spoke on behalf of the application. Mr. Marshall stated that a typical tournament would run from 9:00 a.m. to approximately 5:00 p.m. or 6:00 p.m.; that the tournaments run in groups, being 3-0, a break, then 3-5 and 4-0, moving forward in that manner; that the tournaments are completed in levels; that tournaments are usually two to two and a half hours; that people come and leave; the pickleball is not a spectator sport; that pickleball was a participant sport; that people arrive for the tournament, and usually arrive with their partner; that generally there would not be two separate cars, which happens a lot when people from the community come to play; that the tournaments are all day, however, the brackets last about two to two and a half hours.; that they cannot have 500 people at once, because they are unable to manage that number of people, and they would only be able to manage it over a certain amount of days.

Ms. Sindelar stated in conclusion that they had pulled together a set of Findings and Conditions, which she requested to submit into the record; that she had shared a version of the conditions with Mr. David Hutt, Esq., the community's attorney; that the version currently being submitted did not incorporate any of Mr. Hutt's comments, which they had received that morning; that she had not had an opportunity to review his comments; that they would work with Mr. Hutt on the suggested changes with the goal of coming into terms by council; that the Conditions clarified what the use was, being a recreational facility and amenities for public access, including provisions for community engagement and events; that the hours of operation proposed were 6:00 a.m. until 10:00 p.m., Monday through Sunday; that a security system already existed on site, but would be enhanced considering the new build; that all security lighting, which was a request of the residents, would be downward screened; that parking would be in compliance with the Code; that the Final Site Plan would indicate drive aisles; that they would condition further and clarify the one-way traffic pattern that Mr. Hughes had previously discussed; that a Final Site Plan would

include a Landscape Plan, which would show all limits of disturbance; that they were developing additional landscaping and screening plans with the goal of presenting those additional details to County Council; that they had proffered a Signage Plan to show where parking is allowed and where parking would be prohibited; that for areas of prohibited parking, appropriate warnings would be posted; that the Applicant was agreeable to also displaying a map on their website outlining designated and prohibited parking areas, along with notice, confirming that any vehicles parking in violation of those regulations, would be towed at the owner's expense; that any trash receptacles and dumpsters would be shown on the Final Site Plan; that they had agreed to have earth toned colors, consistent with the Applicant's rendering for the new building; that as Mr. Savage had previously discussed, all stormwater management would be in compliance with the applicable regulations; that regarding the construction, site work, and deliveries, just to an from the property, they had provided the standard condition that would generally be placed with a residential community, providing restrictions on construction hours; that the Preliminary and Final Site Plans would be subject to the review of the Planning Commission; that should the request not be approved, Dr. Marshall would continue to operate the use, as it currently exists; that ultimately, the courts are critical for his business and his livelihood, as well as for the success of the club and its future; that if Dr. Marshall could not maintain a successful business within the community, with the addition of the proposed facilities, he may be forced to consider selling the property, and any potential alternative just based off surrounding uses, would likely be residential; that her statement was not intended as a threat, but rather a sort of reality; that if Dr. Marshall cannot operate at the site, he will be required to move on; that the proposal was not for a booming business; that it was a mom and pop operation, as it was family ran; that the operations were critical to Dr. Marshall and his family's livelihood; that Dr. Marshall was committed to goodwill and collaboration with the community, despite some of the past and continued misunderstandings and disagreements with some members of the community; that Dr. Marshall was actively engaged with the current Board; that Ms. Hoey-Stevenson and her team had been very helpful in maintaining consistent outreach and communication; that a open house was held the past Friday, July 17, 2026, from 2:00 p.m. to 4:00 p.m.; that there was a great turnout; that Dr. Marshall agreed to enhance the site, the aesthetics of the site; that he engaged a traffic engineer to provide information regarding traffic at the public hearing, and in the future; that Dr. Marshall was willing to talk through contributions to road maintenance; that she was confident that she and Mr. Hutt, Esq. could work through that together; that Dr. Marshall had provided additional on-site parking; that he was willing to add more on-site parking; that he had adjusted some of his programming to remove Isish Dance; that some people were concerned about the noise of the prior use on the site; that Dr. Marshall also offered a 10% membership discount to community residents for the proposed facilities; that he was agreeable to reasonable infrastructure improvements, including contributing to the repair of the road, landscaping upgrades, and installing screening where appropriate; that Dr. Marshall was offering the new pool, despite it financially being a total loss for him; that she appreciated that all residents may not support the proposal, however the reality was that the facility had always existed and residents should have been aware of its presence; that it was really troubling to think that some voices, which are a minority, could shut down the proposal; that many in the community, not only within the Plantations, but in the broader Sussex County community, rely on, and enjoy the use; that it was worth considering the implications of allowing those who wish to see Dr. Marshall fail, to dictate the future of the community facility, especially after it was partially destroyed due to a devastating fire; that in many communities, amenities of this nature, come with substantial amenity fees; that this facility was an affordable recreational resource that serves both the community and the broader public, being a staple for the area; that many within the community know the value Dr. Marshall

had brought to the community, showcased in numerous letters of support; that one general letter captured the essence of what the organization meant; that it stated that the organization served the community, and the proposal would better meet the current needs, including indoor, not outdoor, pickleball courts, expanded parking, and a community pool; that importantly the proposed footprint is smaller than the prior facility; that the letter also emphasized the professionalism and smooth operation during events, even major tournaments, minimizing traffic congestion and parking challenges; that the facility had also supported numerous non-profits and charitable causes previously mentioned; that one proponent of the application. Mr. Leon Robinson wrote *"Today more than ever in the community mobile device world, we have now become a place like Dave Marshall Tennis and Pickleball facility update, expanded and improved is what people need. It would be able to serve even more members of the community, as well as creating a first-class visitor destination that uplifts and supports the entire area. Dr. Marshall is not just a coach or business owner. He's a father of two, and a mentor to many youths that have come to his facility"*; that a letter submitted by Mr. Bob Bryan, Captain of the United States Davis Cup Team, underscored the importance of community facilities for family and children, emphasizing their roles in promoting healthy lifestyles, and community connections, stating *"Facilities like Dave's are important community assets. They provide children with a place to learn, families with a place to spend time together, and adults and seniors with opportunities to stay active, health, and connected. They also attract visitors from throughout the region, supporting local restaurants, hotels, and businesses while contributing to the local economy."*; that Ms. Sindelar request to submit additional letters of support received from residents in the community, as well as some of the information handed out at the open house that succinctly summarized and highlighted a lot of what was covered during the current public hearing, but much more abbreviated; that she requested the Commission's recommendation of approval, subject to reasonable conditions; that should the application be approved, they were open, willing and able to continue work with the residents as plans move forward to address their concerns, and she was confident that all concerns could be addressed through imposition of conditions or in the form of an amendment to the previously mentioned agreement.

Mr. Collins stated that in general, the Commission was very supportive of businesses and providing recreational facilities for a wide variety of different types of activities for the citizens of the County, and certainly within the resort area; that at the same time, he expressed concerns regarding the traffic counts that the Plantations already had, as he felt they were pretty terrible; that he believed, on any given weekday, especially during the summer season, but even in the off seasons, traffic was becoming very difficult; that he had visited the site, at which time he had to wait approximately nine minutes to make a left turn to exit; that he requested additional insight to the difference of traffic, and that he understood DelDOT had indicated that the proposal would not provide a significant impact, however, the citizens of Sussex County did not seem to believe that.

Mr. Hughes stated that he felt the key thing to remember was that there was a building existing before; that the previous building was larger; that the previous building was destroyed by a fire, and replaced with a smaller building; that the proposal went to DelDOT, where they basically had indicated that based on the MOU (Memorandum of Understanding) of the different levels, the proposal would be fewer than a 50 trip increase, and would actually be considered a decrease.

Mr. Allen questioned whether the vehicle trip calculation would be considered by membership more so that the building size.

Mr. Hughes stated that DelDOT's traffic counts were based on the square footage of the buildings; that this was generally the calculation uses; that every application is required to be submitted to DelDOT for a Service Level Evaluation Request (SLER); that DelDOT's response was their words, not his; that DelDOT determined the proposal was an increase of less than 50 trips, which designated the application as a diminutive impact; that DelDOT was also provided the Site Plan, which is considered for entrances purposes, not just over all traffic; that DelDOT responded with a Letter of No Impact; that building size generally provides the most data, and that was generally what was used.

Mr. Collins questioned whether tournaments were part of the prior Conditional Use.

Ms. Sindelar stated that they used to have tournaments under the previous Conditional Use, and tournaments were currently ongoing.

Mr. Collins questioned how frequently the tournaments were held and questioned whether the Applicant would be willing to accept an imposed condition limiting the number of tournaments to be held per year.

Mr. Dave Marshall stated that currently a tournament is held every month; that they no longer offer Pilates, which created 20 to 30 people every hour; that Pilates was held in the back building; that the gym was gone, which had about five to 10 people at one time; that there was a counseling business; that the pickleball building would have five courts, and five courts multiplied by four people, equaled a total of 20 people.

Ms. Sindelar stated that Dr. Marshall's calculations were where Mr. Hughes' trip generation numbers came from, and there was a lot of very detailed traffic and trip generation numbers provided that supported Mr. Hughes' presentation.

Madam Chair Wingate stated that what the Commission may be seeing regarding the traffic impact may be from all the other projects.

Mr. Collins stated that he felt there was an opportunity for DelDOT to place another roundabout.

Mr. Hughes stated that a roundabout was about to be constructed; that the proposed roundabout would alleviate making a left-hand turn, whether one was coming out of the tennis courts or from Orton Circle, and one would only be able to make a right turn.

Mr. Pettyjohn questioned whether summer camps were provided for children who do not drive.

Mr. Marshall stated that they just had a summer camp, where 40 children attended and they were dropped off.

Mr. Pettyjohn questioned whether there was a drop-off plan, whether there was a back-up plan, and whether there was a fire lane required.

Mr. Marshall stated that they annually hold a weeklong camp, being the Gaby & Dave's Annual Tennis Camp, provided by himself and Madison Brengle's mother; that it is a sleepover camp; that they rent condos, and it was not an everyday drop off in the morning, pick up in the afternoon situation.

Mr. Savage stated that buildings of 10,000 square feet or more trigger the fire lane requirement; that he assumed the buildings were previously approved by the Fire Marshal, back in 1985; that the proposed building was smaller than 10,000 square feet; that they will need to submit their Final Site Plan to the Fire Marshal for approval; that there was discussion regarding reducing the lane coming in; that he felt the one way would be fine, however, he would not suggest going with a smaller width on both as the width would be needed for a fire lane and fire apparatus; that all the lanes are typically designed to be 24 feet wide; that the Fire Marshal would contact them with any questions; that if flipped, one would be required to drive around the building to get into the parking located in the middle of the site; that the felt their proposed configurations were best for moveability.

Mr. Pettyjohn questioned whether parking space was currently being rented to the development.

Ms. Sindelar stated that parking space was not currently being rented to the development; that the annual maintenance fee was in connection with the easement agreement, having nothing to do with any exterior spaces, and was only for the road in and road out, more or less; that Mr. David Hutt, Esq. had much more knowledge regarding the historical dispute, and the resultant easement agreement, and they were in current discussions about possible changes to the easement agreement.

Mr. Collins questioned whether the Commission could require the agreement to be updated prior to the potential Final Site Plan review, in an effort to ensure that any updated contribution amounts or similar was all worked out between the homeowner's association and the Applicant's organization.

Ms. Sindelar stated that as it stood today, she was not comfortable with Mr. Collin's proposed condition; that she needed to work with Mr. David Hutt, Esq.; that she had only received the information from him earlier that morning; that she had not had an opportunity to vet or review the provided information; that currently, she considered the proposed condition unreasonable, however, she could not say it would not happen, and currently it required further review.

Mr. Jamie Sharp questioned the number of tournaments, whether the Applicant was willing to condition the number of tournaments per year, and whether vendors or food trucks were proposed for the tournament events.

Madam Chair Wingate stated that the Applicant proposed 12 to 15 tournaments annually, as 12 tournaments were currently being held annually.

Mr. Marshall stated that the only time they brought in food trucks was for first responders; that Kyle Schaefer had brought in food trucks to feed the people themselves; that this was part of a charity tournament where they had donated their facility to the Schaefer Foundation for first responders; but otherwise, they do not do food trucks.

Ms. Sindelar stated that if there was any example of a situation of an exception to that rule, they had discussed applying for a Sussex County Special Event through the Special Even application process.

Mr. Sharp questioned whether there were any specific grant requirements, specific to the tournament; that he understood there was previous reference to the Delaware Sports Tourism but questioned whether there were limitations based on that with a directive to have more outside people using the facility than people perhaps within the Plantations or the surrounding area.

Mr. Marshall stated that the tournaments would have less people over the weekend than the current number of people; that the difference was that people from the community pay \$8.00; that when people from the outside come, they were paying a much higher fee, because they are playing a tournament versus a community drop-in, and there would be less people throughout the three days than there would be each day.

Mr. Sharp questioned whether it was safe to state that the primary use of the additional facility, including the pool, would mainly be for the residents of the Plantations and the community surrounding it, and requested a percentage estimate of memberships from residents of the Plantations.

Mr. Marshall stated that the pool would 100% be for the community of the Plantations; that he did not know an estimated percentage of Plantation residents with memberships; that there were at least 10 to 15 tennis players located on both side; that there was a good amount, but he was unsure of an exact number; that there were more Plantation resident memberships when there was a gym, Pilates, and a pool, but they had not had those things for two years.

Mr. Sharp questioned whether there were hopes to build those things back up for the residents of the Plantations.

Mr. Marshall stated that he was absolutely planning to provide the pool; that he hoped to bring back the gym and the courts; that it was a win-win for the amenity of a pool for the people who live there; that he believed there had been historical studies stating that where there is a pool, property values rise; that there were two sides to every issue; that everyone needed to look at it as a neighborhood, and for people who are renting, where there is no pool, people would not want to go there.

Mr. Sharp stated that there were multiple comments both in support and in opposition, however, there was a comment submitted regarding access pathways for residents of the Plantations, and questioned whether good, navigable pathways, via foot or bike, would be provided.

Mr. Marshall stated that there would be access provided; that residents would be able to walk over the berm on the side, by the back tennis courts; that residents could walk through the grass field, where the parking lot used to be located; that the new pool would be in front of the old pool house; that they were able to save that from the fire; that residents would not have to walk on the road where the circle is; that there were no sidewalks provided within the Plantations community, and there were sidewalks provided on the subject site.

Mr. Sharp stated that he had noticed in the 2013 maintenance agreement, it talked about the maintenance fee that Mr. Marshall paid for contributions; that he questioned whether he had been making those contributions; that there was a note that stated unless there was a change in use; that it appeared that maybe there had been some preliminary discussions with the HOA about that, and whether the proposed use would constitute as a change in use under that prior agreement, and he questioned whether they had discussions with the HOA regarding this.

Mr. Marshall stated that he had been making those contributions; that Mr. David Hutt, Esq. had gotten back to Ms. Sindelar, Esq. earlier that morning; that there were different points that they had been going back and forth on; that they had been in discussions with the Board for the past five to six months in an effort to move forward, and there was an open line of communication.

Mr. Sharp stated that within the submitted written comments, a question was brought up regarding the TIS (Traffic Impact Study), and he questioned, regarding trip generation, whether DelDOT's Service Level Evaluation Response considered when the clubhouse was in existence, to what was being proposed currently.

Mr. Hughes stated that with DelDOT, anything that existed within the last three years was considered existing; that he did not believe DelDOT provided any specific numbers within their letter; that DelDOT had stated that it was an increase of less than 50 vehicle trips per day; that per the regulations, if it was existing three years ago, they considered it existing; that therefore, DelDOT would have been comparing the existing facility, which existed within the last three years and before the fire, to what was currently being proposed; that the total square footage was 40,011 square feet, including everything but the storage building; that 36,000 square feet was being proposed, resulting in a 3,999 square foot decrease than what existed and burnt down.

Mr. Sharp questioned how long the tournaments were proposed to be.

Mr. Marshall stated that the tournaments were over three days, consisting of Friday, Saturday and Sunday, resulting in 45 days a year.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Plantations Condominium Association, Inc., as well as the Plantations Property Owners Association, Inc., being the two associations that govern the Plantations Residential Community within which the subject site currently lies. Mr. Hutt stated that the associations were neutral on the application; that the associations have left support and opposition up to the individual residents of the community, that the Planning Commission essentially had two options, being recommended approval or denial of the application; that should the application be recommended for approval, there would certainly be conditions placed on that approval; that as a matter of prudence, in the case the Planning Commission ultimately recommended approval of the application to County Council, he would conclude his presentation with some recommended conditions that would be important to protect the existing residents of the Plantations community; that §115-118 states the purpose of the RPC (Residential Planned Community) District, was to encourage large-scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity, while

protecting existing and future developments; that his proposed conditions were intended to protect existing developments; that in this case was 231 residents within the Plantations; that Ms. Sindelar has presented some history regarding the Plantations; that the RPC was adopted in August of 1985 as Ordinance No. 294; that as referenced, there were no Conditions of Approval on Ordinance No. 294; that within the Ordinance, there were three facts found, which basically stated that there was going to be an RPC; that the other historical document that was referenced during the presentation was a portion of the declaration that created the community, being an 11 page document; that the Commission saw the provisions presented earlier, regarding what was referred to as the recreational property in that document; that he would submit that one of the things that had led to the consternation that had existed historically as represented by the litigation which was referenced, was that there was a shift in time over the use of that; that typically, when one sees a recreational facility, one sees a pool or a pool house within a community, which is thought of as the community amenity; that the Declaration supports that and even states it; that Article 3 states that every owner of the condominium unit lotter improvement upon payment of the fees established by the developer, has a right of enjoyment in and to the recreational property and recreational facilities; that over time, that went from being a community facility and amenity, to pretty much a wholly commercial enterprise, situated in the middle of the community; that there are some residents who pay the fees and participate in that, however, it was not connected like one would typically think of regarding a community pool or community clubhouse; that the original declaration had a Right of First Refusal for the Property Owners Association, to be able to purchase that property of a little over four acres located within in the middle of the Plantations; that very curiously, within three years of the developer putting that declaration of record, they sold it to a third-party entity, which happened to be owned by the developer; that the developer essentially extinguished the right of First Refusal on their own; that the RPC would not be the same if it were enacted today; that the current Delaware Uniform Common Interest Ownership Act would stand in the way of that type of activity occurring; that he wanted to focus on protecting the existing community, which was part of the RPC Code; that in this case, it was the 231 property owners who would be the most impacted; that every time a person wants to visit the site, they would be required to drive through the gated access of the Plantations community to get there; that sometimes when there is an RPC with a commercial component, the commercial component would be located on the road and other than any interconnectivity that exists between the residential use and the commercial use, they are not necessarily tied together; that the three parties, being both associations and Sandie, LLC are very tied together, as one can see from the Site Plan; that many concerns had been expressed regarding traffic and parking; that secondly, concerns had been expressed regarding the construction process itself; that other expressed concerns were regarding the nuisance factors that happen anytime commercial and residential are combined and located right next to each other; that another concern was regarding landscaping; that the primary concern was that of parking and traffic; that regarding construction, one of the primary concerns was that the only entrance was located down Plantations Boulevard through the gated access to the community; that if the application were more of a typical fashion, there would be a construction entrance for all construction equipment, so that it would not travel down a finished road within the community; that there was concern regarding the impact of construction on the residents of the community, regarding the hours of operation; that the construction could create dust and trash from dumpsters; that these issues would be a great inconvenience to what was a very existing and mature community; that other concerns related to noise, headlights of people parking at the facilities, and hours of play; that he believed everyone knew and appreciated how well landscaped and maintained the Plantations community was; that concern was expressed that the

commercial use would need to be required to reflect that in its Landscape Plan; that a good example of the communication that had already occurred between the Applicant and the community was the Landscape Plan Ms. Sindelar presented to the Commission; that the proposed Landscape Plan was an attempt to be responsive to some of the concerns that had been raised to Sandie, LLC; that the plan was reflective of the existing landscaping within the Plantations already; that should the application be acted on favorably, the Associations would request that a condition requiring landscaping to continue back, so that the commercial site, within the Plantations, would have the same cohesiveness, with respect to landscaping; that Ms. Sindelar did share her client's proposed conditions with him in advance of the hearing, so that he could share them with the Property Owners Associations; that he requested to submit a markup of those conditions; that the new conditions had not yet been shared with all of the Homeowners Association members; that the Board was neutral to the application; that should the Commission act favorably on the application, those were the types of conditions that would protect the residents of the community; that the first item was that the language being heard about tennis, pickleball and the outdoor swimming pool was too broad; that recreational facilities and amenities could accompany or describe a number of things; that they would like it to get down to what those uses will be; that he refined the hours of operation to add a time period for the activities; that the Applicant proposed 6:00 a.m. to 10:00 p.m.; that with respect to someone playing sports or participating in swimming, that the time be between 7:00 a.m. to 9:00 p.m.; that this left a little room on either side, for the Applicant to prepare courts or do whatever necessary to begin and end a day; that the second one was additional, which stated that all pickleball courts play and events will be indoors; that he believed that condition was proposed by the Applicant; that pickleball had become a very controversial sport; that he believed if the play was indoors, a lot of the controversy would be diminished; that the third proposed condition related to the water surface area of the pool; that a 3,500 square foot pool was proposed, being an attempt to get back the pool that previously existed on the site; that there would also be a time frame for construction, similar to what the Commission would generally impose, or what the Code currently states regarding when amenities needed to be constructed; that the proposed condition would have a requirement that the pool construction would be completed within six months from the date of Final Site Plan approval; that the fourth condition was one proffered by the Applicant, being that after completing construction of the new facilities, to include the pickleball center, swimming pool, and parking areas, and within six months thereof, that Plantation Boulevard would be milled and overlaid throughout that process; that the existing Cross Access Easement and Maintenance agreements shall be update to reflect the permitted use; that propose Condition No. 6 there was an addition to the parking being marked with respect to which direction the travel would go; that there was a proposed condition that there would be a one-way flow of traffic to and from the circle at the end of Plantations Boulevard; that it was important, as there are people who try to go the wrong way; that signage or anything that could be done in order to make sure there is an orderly flow of one-way traffic into and out of the site would be very helpful; that proposed Condition No. 7 provided additional language regarding landscaping; that there was language about being consistent with the existing plantings in the adjacent Plantations Residential Community; that the largest area of addition to that talks about the northern boundary of the property, which was the location of the new parking area; that there would be a continuous border, whether it is vegetation or fencing, be installed along the parking perimeter to separate the area from the residential area located immediately adjacent to it; that there was a height limit stated, because of the current height of the Plantations greenery; that six feet would be the maximum height that would work underneath that to fill that in; that the Applicant proposed signage regarding designation for parking spaces; that they request

the Commission review a Signage Plan regarding entry and access, ingress, and egress to and from the site; that proposed Condition No. 10 mentioned a speed bump being installed; that it related to the entrance seen on the far right side, into the parking lot from the time one leaves Plantation, the circle or roundabout through the parking lot is a long straight road or drive aisle; that when there is a long, straight road in front of someone, they naturally go faster; that the placement of a speed bump or speed hump would provide some traffic calming measure to discourage that type of activity; that the last two proposed changes were regarding any trash receptacles or dumpsters are screened from the adjacent property lines; that with respect to the earth tone colors, there was proposed language to add that they be consistent with the color palette that was already within the adjacent residential community; that his comments were not intended as support or opposition, and should the Planning Commission act favorably on the application, to consider the proposed changes to those conditions as there were things that would help protect the existing residents of the community.

Mr. Sharp stated that he had previously questioned Ms. Sindelar about the Maintenance Agreement, and he questioned whether it was the HOA's position that would need to be amended should the application be approved.

Mr. Hutt stated that it would be the HOA's position that the Maintenance Agreement would need to be amended should the application be approved, and as Ms. Sindelar had stated, discussions had already begun with respect to that amendment.

The Commission found that there were six people present who wished to speak in support of the application, and there were 15 people present who wished to speak in opposition to the application.

The Commission found that the following people spoke in support of the application: Ms. Maria Francu, Mr. Christopher Pajak, Mr. Frank Fumagalli, Ms. Robin Verdery, Ms. Laurie Bronstein, and Ms. Megan (Margaret) Rice, on behalf of the non-profit, First State Pickleball Club.

The Commission found that the following people spoke in opposition to the application: Mr. Arthur Garcia, Mr. Dino Costas, Ms. Kathy (Kathleen) Tyler, Ms. Jeanmarie Dolan, Mr. Lawrence Mullen, Ms. Emily Wheatley, Mr. Jim Anderson, Ms. Diana Sampayo, Mr. Ryan Cox, Ms. Susan Towers, Mr. Rob Goldberg, Ms. Carrie Anderson, Ms. Billie Travalini, Mr. Duane Arnold, and Ms. Susan Gilbert.

Madam Chair Wingate questioned whether any consideration had been given regarding a separate permanent entrance to the commercial facility.

Mr. Savage stated that he had not considered anything other than the application and Site Plan currently before the Planning Commission; that larger improvements would require a lot more requirements from DelDOT, as well as a lot more stormwater management, and it would take the current application from basically a replacement type project, to something that would create a much larger impact on not only the Plantations community, but the surrounding properties as well.

Mr. Collins questioned whether any disclosures that had been made to buyers in the past regarding the status of the property, and what it could be used for, be placed into the record to help build the record regarding the awareness or not to the residents regarding how the property could be used.

Ms. Sindelar stated that those disclosures were already within the record; that the provided disclosures included the declaration and the ads, which were included within her PowerPoint presentation; that she was unsure if the submitted information was provided within the disclosures when buying; that she was unsure how she would come by that information, and she and Mr. Hutt could potentially have conversations regarding those documents.

Ms. Sindelar spoke as part of the permitted five-minute rebuttal period. Ms. Sindelar stated that their team take years to pull together applications, as it was an iterative process; that the process requires the application to go through various different iterations of plans that are informed by public comments and meetings with members of the public; that she could not speak to the why some members of the public and the community were not able to access the information; that this application had engaged a professional relations person, who was responsible for communications which were communicated to the Board; that they had met with Board members, as well as with some people who opposed; that from her perspective, they worked really hard to engage with the public; that the grant information was included within the material; that it was not a secret; that the information was included in their application material, which was included in the public record; that they focus on all the details; that they had a team of credentialed professionals, including engineers, specifically civil engineers, and traffic engineers who took a lot of time and effort to go through the plans to make sure that they were well adjusted to the community; that as she represented, they were willing to work, and continue to work with the community and Mr. Hutt, Esq. to make sure they get it right; that they believed all issues mentioned during the hearing could be addressed in the form of reasonable conditions, and therefore, they would request for a recommendation of approval accordingly; that for clarification, referencing minor versus major support of the project, she was specifically referring to the hundreds of letters and signatures that were on the public docket that overwhelmed the number of opponents; that her statement was substantiated, and she requested to hand over her remaining time to Mr. Hughes, to provide clarification regarding traffic points.

Mr. Hughes spoke as part of the remaining permitted five-minute rebuttal period. Mr. Hughes stated that someone had previously stated that there would be no more than 50 players on the site per day; that what the Applicant had stated was that there would be no more than 50 players on the site at one time; that the per day traffic information provided clearly showed that there would be over 500 cars per day for the daily use; that DelDOT's Plantation Road Project was proposed to include a roundabout; that the site was located within the DelDOT Henlopen TID (Transportation Improvement District); to return to Mr. Allen's questioned regarding the square footage based on the daily use of the recreational center, the pickleball courts were based on 17; that it was based on courts, not square feet; that he had previously overstated the traffic counts for residential use; that the 200 single family units would be about 2,000; that the 200 multi-family condo units versus 32 single family units, which equated to a total of 1,537 ADT; that when one totaled the 1,055, it equaled 2,592; that this equated to a 40-60% split regarding the traffic; that the possible speed hump was a Site Plan issue that they could work out; that he could not recall where he had seen one placed in a parking lot; that he would assume everyone would prefer a speed hump over a speed bump, as there definitely would be noise associated with speed bumps, and generally with sporting

events, located on the website, there are parking maps provided to indicate where participants are permitted to park.

Mr. Sharp questioned whether there would be any outside loudspeakers or any similar devices proposed as part of the application, and when considering the pool and the tournaments, he questioned how parking was envisioned and would interplay with those using the pool.

Mr. Marshall stated that no loudspeakers were proposed as part of the application.

Ms. Sindelar stated that what was designed on the site was in compliance with the Code; that there was enough parking available to accommodate the usage on the site; that the breakdown of how the numbers were calculated was located in the Site Data Column; that for anyone opposed, they were available to speak with them; that she felt if they could sit down, they would be able to explain, as some of the information was really hard to understand, and they were happy to meet with anyone who wanted to meet and discuss the application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 2061 Sandie, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the August, 2026, Planning & Zoning Commission Meeting

Mr. Sharp stated that Mr. Collins had previously stated that he had looked at properties within the application's area, and questioned Mr. Collins whether he had any personal conflict that would create personal bias toward the application.

Mr. Collins stated that he had no bias in favor or in opposition to the Applicant, or any other person involved in the matter.

The Commission discussed the application, which had been deferred since July 22, 2026.

Mr. Collins moved that the Commission recommend approval of C/Z 2061 for Sandie, LLC for a change in zone from MR-RPC to MR-RPC based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks a change in zone from MR-RPC Medium Density Residential to MR-RPC to allow for a recreation area improved with existing recreational facilities and amenities for public access, as well as to construct additional recreational facilities in the recreation area.
2. This site consists of 4.29 acres more or less and is situated on the south side of Plantations Boulevard, approximately 0.46 miles north of Cedar Grove Road. The 911 addresses for the property are 18462, 18464, and 18466 Plantation Boulevard, Lewes.

3. The property falls within the Plantations Residential Planned Community established through Change of Zone 673. This application seeks to amend the conditions of approval for C/Z 673.
4. The Property is situated in the Coastal Area under the 2018 Comprehensive Plan. MR-RPC zoning is appropriate for this area according to the plan.
5. The Plantations RPC, which includes the property, is governed by a declaration which was recorded at the Sussex County Recorder of Deeds Office and provides that owners within the Plantations have a right to use the recreational property subject to payment of fees for said use. Additionally, the declaration provides that the owner of the recreational property can allow persons other than lot owners within the Plantations to use the recreational property and that the owner of the recreational property can establish commercial uses on that property and to construct structures to house such uses. Because this declaration is of record, owners within the Plantations knew or should have known of this restriction.
6. For many years, the recreational property has been used for a tennis court facility, clubhouse, and pool and, more recently, pickleball courts. The evidence establishes that those facilities were open to and used by owners in the Plantations and the general public, and the recreational property was used for a variety of purposes in addition to tennis, pickleball, and swimming, such as dance and exercise classes, meeting space, and a gym. In 2024, the clubhouse burned down, and the pool was removed in 2009. The Applicant now seeks to construct a new facility to house indoor pickleball, a new swimming pool, and additional parking facilities. An existing indoor facility and tennis courts will remain.
7. The proposal includes construction of a 9,984 square foot, more or less, building to serve indoor (not outdoor) racquet courts and amenities. The proposed pool and pool deck consist of approximately 4,162 square feet. These recreational areas are similar in size to the prior clubhouse and pool.
8. The proposed commercial uses comply with Section 115-119 of the Sussex County Zoning Code.
9. The evidence demonstrates that the new indoor facility and proposed pool are intended to be used by owners in the Plantations and the general public. The Applicant expects that the pool will be used mainly by owners in the Plantations and their guests and tenants.
10. Central water and sewer are available to the site.
11. DelDOT has determined that the new facility and pool, as compared to the prior clubhouse and pool use, would have a diminutive impact on local roadways.
12. Surface and groundwater pollution will be mitigated in accordance with the regulations of DNREC and the Sussex Conservation District.
13. There are no known wetlands on the site.
14. There are no known natural or historical features on the property.
15. No impact on the Cape Henlopen School District is anticipated.
16. This approval is subject to the following conditions which rationally relate to addressing the health, safety, prosperity, and general welfare of the public:
 - A. The use shall consist of tennis, pickleball, and outdoor swimming pool recreational facilities and amenities for public access, including provision for community engagement and events for tennis, pickleball, and outdoor swimming pool-related activities. The hours of operation shall be 6:00 am to 10:00 pm, Monday through Sunday, and the hours when tennis, pickleball, and outdoor swimming pool-related activities may occur shall be 7:00 am to 9:00 pm.
 - B. All pickleball courts, play, and events shall be indoors.

- C. The swimming pool shall have a water surface area of no less than 3,500 square feet and a length of at least 25 meters. Construction of the swimming pool and pool deck area shall be completed within 12 months of the Final Site Plan approval by the Planning & Zoning Commission.
- D. As proffered by the Applicant, after completing construction of the new facilities, including the pickleball center, swimming pool, and parking areas, and within 6 months thereof, Plantations Boulevard shall be milled and overlaid with new asphalt from the entrance on Plantation Road through the circle and the entrance and exit from the Applicant's property. The parties' existing cross access easement and maintenance agreement shall be updated to reflect this permitted use.
- E. A security system that meets industry standards shall be installed. Security lighting, if any, shall be shielded and downward screened so that it does not shine on neighboring properties.
- F. Parking shall be in compliance with Sussex County standards. The Final Site Plan shall indicate the one-way flow of traffic to and from the circle at the end of Plantations Boulevard along with all parking and drive aisles. Furthermore, a one-way traffic pattern shall be maintained for (i) the entrance and exit from the circle at the end of Plantations Boulevard into the recreational facilities and (ii) designated lanes in the parking lot to minimize congestion and streamline ingress and egress to and from the Property.
- G. The Final Site Plan shall include a Landscape Plan consistent with the existing plantings in the adjacent Plantations residential community that (i) incorporates plantings to demarcate the Property from the Plantations Property; (ii) incorporates plantings along the parking areas to minimize headlight pollution for nearby residents; (iii) includes a continuous buffer combined of evergreens no taller than six (6) feet and fencing along the property line adjacent to the residential area along the northern boundary of the property beginning at the entrance road into the parking area and ending at the rear of the parking area adjacent to the northern boundary of the property; (iv) incorporates plantings along the building and in the parking areas; and (v) identifies "Limits of Disturbance."
- H. The Final Site Plan shall include a signage plan that clearly designates where parking is allowed and where parking is prohibited. For prohibited parking areas, appropriate warnings shall be posted indicating that vehicles parked in unauthorized areas will be towed. Furthermore, the Applicant will display a map on the website of the operator of the facility outlining designated and prohibited parking areas along with a notice stating that any vehicles parked in violation of these parking regulations will be towed at the owner's expense.
- I. There shall be five (5) designated parking spaces located near the pool which are reserved for users of the swimming pool.
- J. There shall be no outside loudspeakers.
- K. As proffered by the Applicant, the number of tournaments related to pickleball, tennis, and swimming on the site shall be limited to 15 tournaments per year with no more than three (3) days per tournament. There shall be no more than one tournament per month during the months of June, July, and August.
- L. The Final Site Plan shall include a signage plan that clearly designates the one-way access for ingress and egress for the circle at the end of Plantations Boulevard.
- M. A speed bump or speed hump shall be installed at the midpoint of the first drive aisle in the parking lot adjacent to the northern boundary of the Plantations.

- N. Any trash receptacles or dumpsters associated with the use shall be shown on the Final Site Plan and screened from adjacent property lines.
- O. The proposed facilities shall be designed with earth-tone colors consistent with the color palette in the adjacent Plantations residential community.
- P. Any necessary stormwater construction facilities and all erosion and sedimentation control features shall be constructed in accordance with applicable State and Sussex Conservation District requirements. Required facilities shall be designed and operated using best management practices.
- Q. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- R. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 am through 6:00 pm, Monday through Friday, and 7:00 am through 2:00 pm on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- S. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning & Zoning.
- T. The Final Site Plan is subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2061 Sandie, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Allen – yea, Mr. Passwaters – yea, Mr. Pettyjohn – yea, Mr. Collins – yea, Madam Chair Wingate – yea

PLANNING & ZONING COMMISSION

HOLLY WNGATE, CHAIR
JEFF ALLEN
SCOTT COLLINS, VICE CHAIR
JOHN PASSWATERS
DAVID PETTYJOHN



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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 22nd, 2026
Sussex County Council Public Hearing Date: August 11th, 2026

Application: C/Z 2061 Sandie, LLC (The Plantations MR-RPC)

Applicant: Sandie, LLC
P.O. Box 1472
Bethany Beach, DE 19930

Owner: Sandie, LLC
P.O. Box 1472
Bethany Beach, DE 19930

Site Location: The property is lying on the south side of Plantations Boulevard within The Plantations Residential Planned Community (RPC). The request is to amend the Residential Planned Community (RPC) overlay by amending the Conditions of Approval for Change of Zone No. 673 (Ordinance No. 294) and to add additional recreational facilities and amenities to the Recreational Area for public access.

Current Zoning: Medium Density Residential, Residential Planned Community (MR-RPC) District

Proposed Zoning: Medium Density Residential, Residential Planned Community (MR-RPC) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3– Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Volunteer Fire Department

Sewer: Sussex County (Central Sewer)

Water: Tidewater Utilities, Inc. (Central Water)

TID: Henlopen Transportation Improvement District

Site Area: 4.29 acres +/-

Tax Map ID: 334-6.00-553.02





Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: Monday, May 19th, 2026
RE: Staff Analysis for C/Z 2061 Sandie, LLC MR-RPC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Change of Zone No. 2061 Sandie, LLC MR-RPC to be reviewed during the Wednesday, July 22nd, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 334-6.00-553.02

Proposal: The proposal is for a Change of Zone from a Medium Density Residential, Residential Planned Community (MR-RPC) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District. The request is to amend the Residential Planned Community (RPC) overlay by amending the Conditions of Approval for Change of Zone No. 673 (Ordinance No. 294) and to add additional recreational facilities and amenities to the Recreational Area for public access (to include a tennis and pickleball facility).

History of The Plantations RPC & Application Site: The Plantations is a Residential Planned Community (RPC) that was established through Change of Zone No. 673 for a Change of Zone from Medium Density Residential (MR) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District. The Planning and Zoning Commission recommended approval of the Application at their meeting of Thursday, May 16th, 1985. Additionally, the Sussex County Council approved the Application at their meeting of Tuesday, August 27th, 1985, and the change was adopted through Ordinance No. 294 based on three (3) Findings of Fact.

Staff note that the Plans are being revised with the pole building and five (5) outdoor pickleball courts being constructed in place of the previously approved “clubhouse” building and in-ground pool shown on and recorded at Plot Book 187, PG 85. Aerial imagery of the subject site confirms that the existing in-ground pool was removed on or around 2009. The clubhouse building was destroyed in an unexpected fire occurring on or around January of 2024 and was never reconstructed on the Site.

Zoning: The subject property is zoned Medium Density Residential, Residential Planned Community (MR-RPC) District. The Parcels which comprise the existing Plantations Residential Planned Community (RPC) are also zoned Medium Density Residential, Residential Planned



Community (MR-RPC) District. Staff note that the Parcels to the east and west of the subject Site are also zoned Medium Density Residential (MR) District as well as the Plantations East and Sandy Brae subdivisions located on the opposite side (north side) of Plantation Road (Route 1D).

There is one Parcel located at the southeast corner of Cedar Grove Road (S.C.R. 283) and Plantation Road (Route 1D/S.C.R. 275) which is zoned Neighborhood Business (B-1) District. This Parcel has an approved Conditional Use (Conditional Use No. 1848) for a Business/Office Complex which was approved in 2010 that appears to have expired.

There is a 600-ft area on either side of Route 1 to the north of the property which is zoned General Commercial (C-1) District as Route 1 is a commercial corridor with a variety of commercial, business and residential uses.

Further Site Considerations:

- **Density:** Staff note that the existing Recreation Area is delineated to be approximately 4.512 acres on the latest Declaration Plan of record which was recorded in the Office of the Recorder of Deeds on 12/12/1986 at PB 36, PG 96. A corresponding and related Easement Survey Plan was recorded in the Office of the Recorder of Deeds on 7/31/2013 at PB 187, PG 85. The County's Online Mapping System notes that the current size of the Parcel is approximately 4.31 acres.

The Declaration Plan appears to indicate that there are 8 units per multifamily structure with twenty-five (25) multifamily buildings to be proposed. Thus, there appear to be approximately 200 multifamily units. There are also 32 single-family lots within the RPC. Therefore, the total unit count for this portion (on the south side of Plantations Road) of the Residential Planned Community (RPC) is approximately 232 units.

- **Open Space Provisions:** N/A
- **Agricultural Areas:** The project is located in proximity to Agricultural Preservation Districts or Agricultural Preservation Easements and lands that are not within either of these designations but appear to be actively farmed. This includes the adjacent Tax Parcel ID: 334-12.00-6.04 to the southeast of the project Site. Therefore, the south side of the RPC would require a 50-ft buffer for all residential uses as outlined in §99-6(G)(2) of the Sussex County Code.
- **Interconnectivity:** Staff note that there is existing interconnectivity with existing private roads within the Residential Planned Community off of Plantations Boulevard via Pennsylvania Avenue.
- **Transportation Improvement District (TID):** The subject property is located within the established Henlopen Transportation Improvement District (TID).
- **Forested Areas:** Staff note that there is an existing buffer on the south side of project Site and along the adjacent Parcel (Tax Parcel ID: 334-12.00-6.04).

- **Wetlands Buffers/Waterways:** Staff note that there do not appear to be any wetlands present on the Parcel and the areas on the County's Online Mapping system containing FirstMap Data noting "Terrene Wetlands," are indicating the location of existing stormwater management ponds on either side of Pennsylvania Avenue.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Staff note that the Property is located within Flood Zone "X" - Areas Determined to be outside of the 100-year flood. Staff further note that there are no Tax Ditches or related Tax Ditch Rights-Of-Way (ROW) on the property. Staff note that there is a Wellhead Protection Area on the Property and that any new improvements will have to comply with the provisions of §89-6 (Ordinance No. 1979) the "Source Water Protection" Ordinance relating to proposed impervious cover percentage maximums. The Site is also located within an area of mostly "Good" with a small portion of Fair" Groundwater Recharge Potential per available FirstMap Data from the Delaware Geological Survey (DGS). Exhibit "A" below shows the nature of the Wellhead Protection Area on the Property.

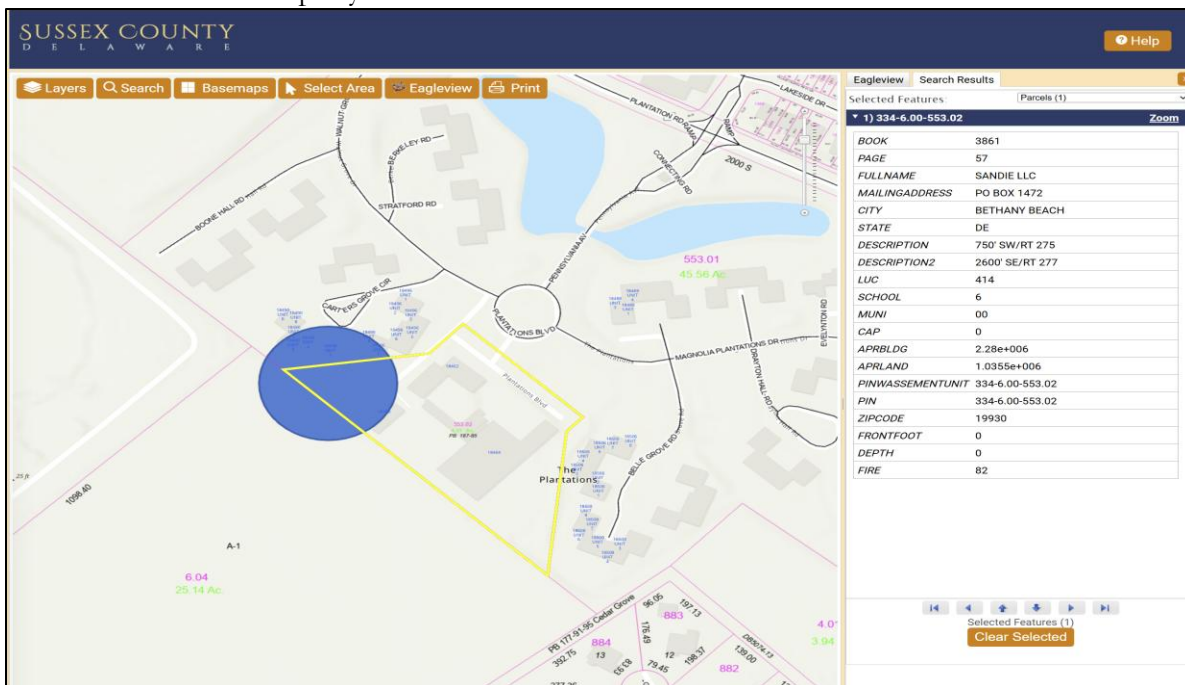


Exhibit "A" – Wellhead Protection Area on the Subject Property

Future Land Use Map Designation w/in Comprehensive Plan: The Property is located within and has a Future Land Use Map (FLUM) designation of "Coastal Area." The "Coastal Area" is one of the County's seven (7) designated Growth Areas and, *"this region is among the most desirable locations in Sussex County for new housing"* as well as *"contains ecologically important and sensitive characteristics"* (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, *"Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed"* and *"a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units"* (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Plan notes, “*Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home*” (2018 Sussex County Comprehensive Plan, 4-15).

Applicability to Comprehensive Plan: Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the Plan notes that the Medium Density Residential (MR) District is an applicable Zoning District within the “Coastal Area” (2018 Sussex County Comprehensive Plan, 4-25).

Existing Change of Zones within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area including the location of all other Change of Zone Applications that are within a 1.5-mile distance from the subject site. This information has been included as part of Exhibits “B” and “C” below.

Of those Change of Zone Applications w/in a 1.5-mile radius of the Application Site, the following decisions were previously made by the Sussex County Council:

- **There were six (6) Applications within a 1-mile radius of the Application Site.**
- **Of those three (3) Applications:**
 - **All four (4) Applications were approved by the Sussex County Council.**
 - **One (1) Application was denied by the Sussex County Council.**
 - **One (1) Application was withdrawn by the Applicant.**

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a Change of Zone from a Medium Density Residential, Residential Planned Community (MR-RPC) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District to amend the Residential Planned Community (RPC) overlay by amending the Conditions of Approval for Change of Zone No. 673 (Ordinance No. 294) and to add additional recreational facilities and amenities to the Recreational Area for public access (to include a tennis and pickleball facility), subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Change of Zone Applications w/in a 1.5-Mile Radius of the Application Site (Since 2022)									
Change of Zone No.	Applicant	Tax Parcel ID	Zoning	Proposed Zoning	Planning & Zoning Recommendation	P&Z Decision Date	Sussex County Council Decision	CC Decision Date	Ordinance No.
1388	Donald A. Wagner	334-6.00-58.00	AR-1	C-1	Recommended Denial	10/28/1999	Denied	11/16/1999	N/A
1780	Lockwood Design	334-12.00-127.02	AR-1	HR-1-RPC	Recommended Denial	9/24/2015	Withdrawn	11/17/2015	N/A
1818	Ocean Highway, LLC	334-6.00-497.08	AR-1	C-1	Recommended Approval	4/6/2017	Approved	5/23/2017	2497
1832	MDI Investment Group, LLC	334-6.00-511.00	AR-1	MR	Recommended Approval	12/14/2017	Approved	3/20/2018	2565
1835	HKLS, LLC	334-12.00-51.00	AR-1	B-1	Recommended Approval	12/21/2017	Approved	1/9/2018	2546
1854	Ferguson Enterprises, Inc.	334-5.00-139.00	AR-1	C-1	Recommended Approval	8/23/2018	Approved	9/11/2018	2598

Exhibit “B” – Change of Zone Applications w/in a 1-Mile Radius of the Application Site Data Table

Since 2022

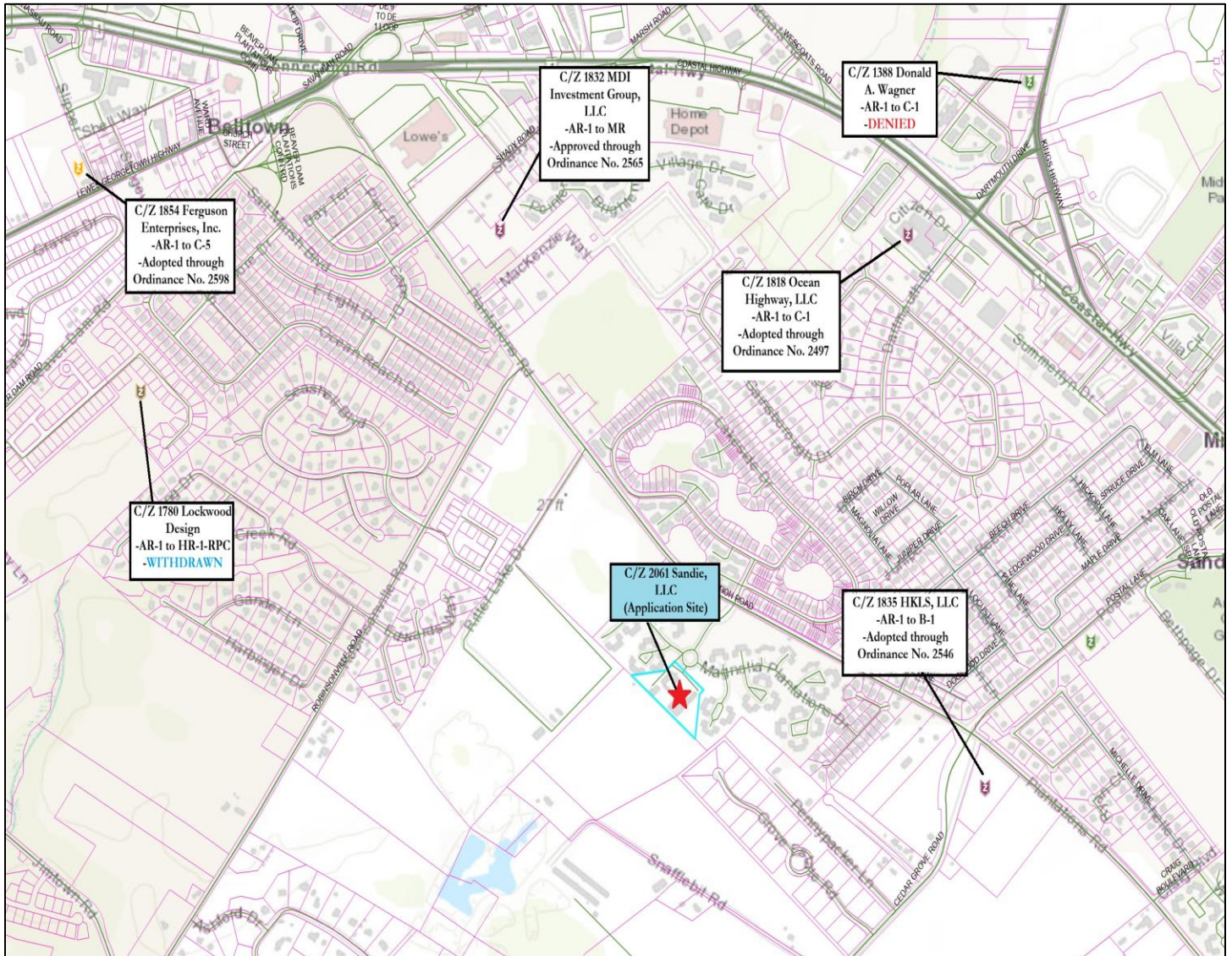


Exhibit "C" – Change of Zone Applications w/in a Vicinity of the Project Site



A3 Landscape Parcel Details

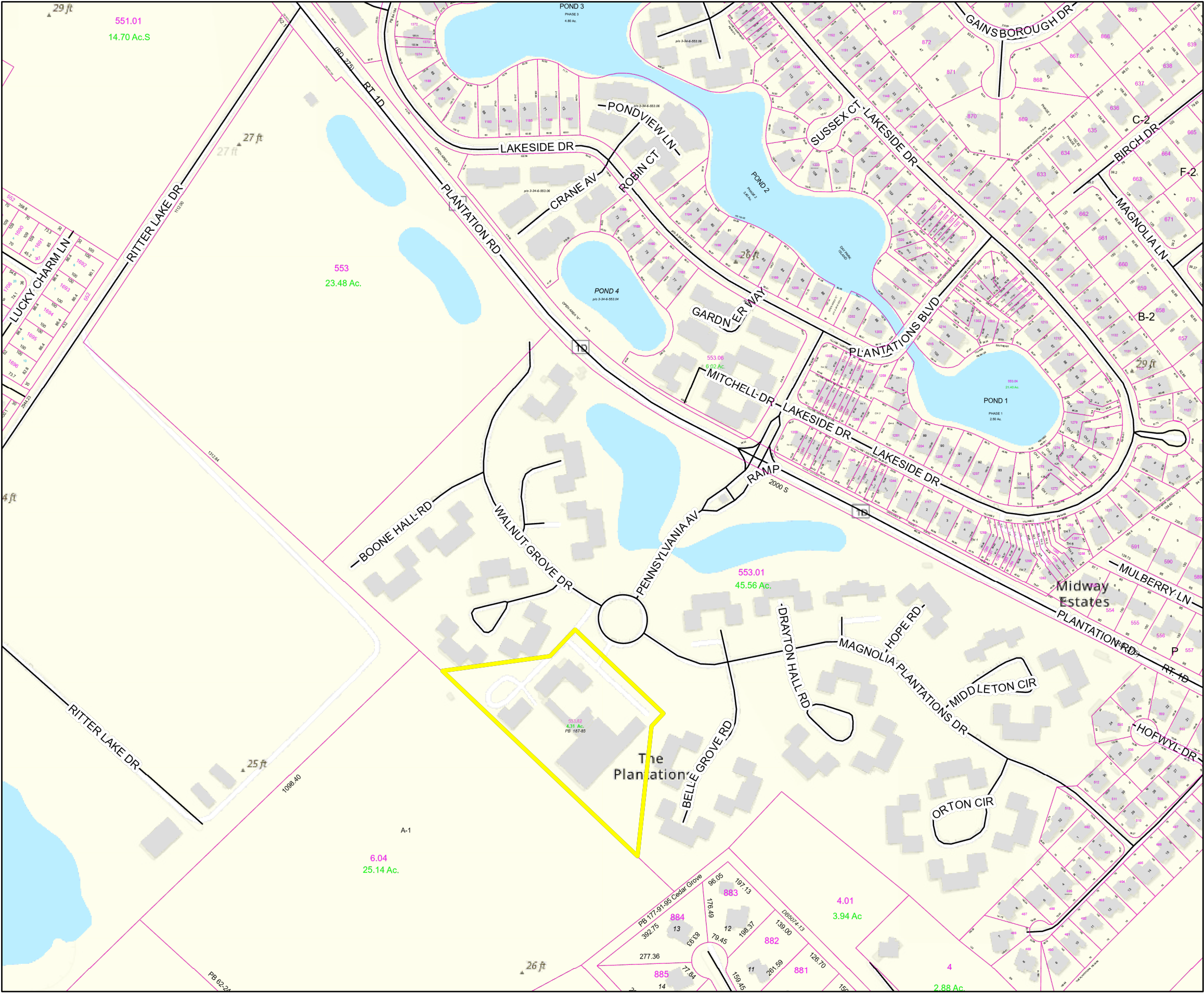


PIN:	334-6.00-553.02
Owner Name	SANDIE LLC
Book	3861
Mailing Address	PO BOX 1472
City	BETHANY BEACH
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo



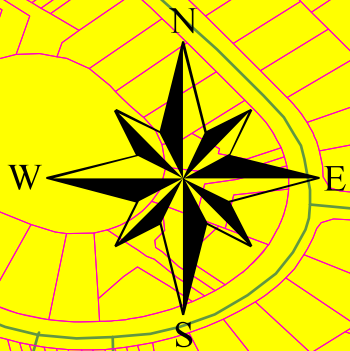
A3 Landscape Parcel Details



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Land Code	

- Tax Parcels
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- Citations

C/Z 2061 Sandie, LLC (The Plantations MR-RPC)
Tax Parcel ID: 334-6.00-553.02
Zoning Map



PLANTATION ROAD

MULBERRY LANE

0 0.03 0.06 0.11 0.17 0.22 Miles

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County Mapping and Addressing

Introduced: 6/23/26

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 334-6.00-553.02

911 Address: 18462, 18464 & 18466 Plantation Boulevard, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR C/Z 673 (ORDINANCE NO. 294) IN RELATION TO THE ADDITION AND USE OF RECREATIONAL AMENITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS.

WHEREAS, on the 6th day of March 2026, a zoning application, denominated Change of Zone No. 2061 was filed on behalf of Sandie, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2061 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [Medium Density Residential – Residential Planned Community District] and adding in lieu thereof the designation Medium Density Residential – Residential Planned Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Plantations Boulevard, approximately 0.46 mile north of Cedar Grove Road (S.C.R. 283) and 0.14 mile west of Plantation Road (Route 1D & S.C.R. 275), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcels containing 4.29 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.