

RESOLUTION NO. R 026 72

WHEREAS, the State Board of Health has determined that the Northeasterly portion of Rehoboth Bay, all of Indian River West of Oak Orchard, all of Pepper's Creek leading from Indian River Bay in a Southwesterly direction, and all of White's Creek leading in a Southerly direction from Indian River Bay have been determined to be polluted and closed for the taking of shellfish; and

WHEREAS, the waters of Indian River Bay and Rehoboth Bay surrounding Long Neck are not polluted; but

WHEREAS, there has been a heavy influx of people into the Long Neck area many of whom have acquired homes for both summer and permanent residence; and

WHEREAS, in order to safeguard the waters surrounding Long Neck and insure that the same do not become polluted, the Sussex County Council, the governing body of Sussex County, with offices at the Courthouse, Georgetown, Sussex County, promoted and obtained, at some expense and considerable effort, an Agreement which was executed on June 15, 1972, between the said Sussex County Council and Linford P. Faucett trading as Massey's Landing; James M. Tunnell, Jr., and Robert W. Tunnell, trading as Bay View Annex; Isabel F. Okie, trading as Poplar Thicket West, Cozy Cove, Inc., and Pot Nets, Inc., under which a central sewage facility would be constructed in the Long Neck area which eventually would be connected to the regional treatment facility of the John M. LeCato Waste Water District; and

WHEREAS, under said contract the five (5) developers named above would, at their own expense, construct a sewage disposal facility on a temporary basis, after approval by the Water and Air Resources Commission of the State of Delaware; and

WHEREAS, the said five (5) developers have agreed to pay for a period of three (3) years the annual cost of that amount which

the Council would be required to borrow in order to construct the Long Neck interceptor, to operate the said interceptor and to operate the temporary sewage disposal facility; and

WHEREAS, under said Agreement a permanent sewage treatment plant would be completed no later than December 31, 1975, and all of the developers on an agreed program would cause their developments to connect to the said system, which thereafter would be paid for by the users thereof, all of which more fully appears by reference to the contract hereto attached; and

WHEREAS, in order that the five (5) developers will have income to pay the expenses which they have undertaken under the terms of said contract, it was agreed as a condition of said contract that approval by all necessary State and Federal authorities of the proposed developments of the five (5) developers must be obtained before the contract becomes effective; and

WHEREAS, the Sussex County Council is keenly aware of the practical difficulties in obtaining sewerage systems such as has been experienced with the proposed systems at Bethany Beach, Fenwick Island, Dewey Beach and certain other communities within Sussex County; and

WHEREAS, the Sussex County Council believes that the contract referred to above would inure to the benefit not only of the citizens who reside on Long Neck, but of all the people in the State of Delaware by the erection and construction of a sewage treatment plant in the area,

NOW, THEREFORE,

Firmly believing that the best interests of the County will be served by the granting of the permits without further delay,

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BE IT RESOLVED that the Corps of Engineers of the United States Army with offices at the Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania, are hereby urged and solicited to issue the permits which have been applied for by the five (5)

developers identified in the preamble above, and which have been approved by the Department of Natural Resources and Environmental Control, by the Governor and by the Secretary of State of the State of Delaware and by the Sussex County Council, without further delay; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Colonel Carroll D. Strider, District Engineer, and to Mr. Lewis Caccese, Chief of Operations, Corps of Engineers at Philadelphia, Pennsylvania, for their consideration.

PASSED BY THE COUNCIL OF SUSSEX COUNTY ON THE 14TH DAY OF NOVEMBER, 1972.