

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
NOVEMBER 9, 2007  
LOCATION: OCEAN VIEW TOWN HALL**

**ATTENDANCE**

PRESENT: Mayor Pro Tem Marge Gassinger; Councilpersons John Fields, Jay Headman, Bonnie Lambertson, Richard Ronan, and John Rubinsohn; Town Manager Melvin Cusick; Lt. Linda O'Malley; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Mayor Gary Jayne

**MEETING CALLED TO ORDER**

Mayor Pro Tem Gassinger called the November 9, 2007, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

• **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of Oct., 2007:

- |            |  |
|------------|--|
| October 1  | Criminal mischief to a vehicle on Bayshore Dr. Unknown substance was applied to the exterior of a vehicle.   |
| October 1  | Theft to packages from a mailbox on Petherton Dr. Unclear whether or not the packages were actually delivered or if they were taken from the mailbox.  |
| October 3  | During a traffic stop, subject was found to be in possession of marijuana. Subject was arrested for the traffic violation and the possession of marijuana.   |
| October 11 | Attempted suicide on Ocean Drive. Overdose on alcohol and drugs. Subject was taken to Beebe Hospital by EMS.   |
| October 12 | Open door on Henlopen Dr. Nothing had been destroyed. Residence was secured.   |
| October 13 | Subject was found to be in possession of a stolen motor vehicle on York Road. Subject was arrested. When taken back to be processed, the subject attempted to flee. The subject had been recently released from jail and was on probation. Subject was returned to jail. |
| October 24 | Agency assist – disorderly subject in Bethany Beach. Subject was taken into custody.   |
| October 27 | Warrants were issued for criminal impersonation.   |
| October 31 | Violation of local code on W 5h St. in regard to a mercantile license. Site was shut down. Subjects were referred to the Town Hall.  |

## **PROPERTY OWNERS' PARTICIPATION**

Mayor Pro Tem Gassinger invited the property owners to participate and requested that they state their name and address for the record. There was no participation from the property owners.

## **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, October 12, 2007** – A motion was made by Councilman Headman, seconded by Councilman Rubinsohn, to accept the October 12, 2007, Regular Meeting Minutes as amended by Councilwoman Lambertson as follows:

Page 5, Second Bullet: Change “New Jersey has awarded a contract for a battery of environmental studies on the **affect** of offshore wind farms prior to allowing wind farms” to read “New Jersey has awarded a contract for a battery of environmental studies on the **effect** of offshore wind farms prior to allowing wind farms”.

The motion was unanimously carried.

- **Town Council Special Meeting/Workshop Notes, October 25, 2007** – A motion was made by Councilman Rubinsohn, seconded by Councilwoman Lambertson, to accept the October 25, 2007, Special Meeting/Workshop Notes. The motion was unanimously carried.

## **LEADERSHIP REPORTS**

- **Mayor's Report**—Mayor Pro Tem Gassinger reported:

Mayor Pro Tem Gassinger stated that Gary Jayne had an excused absence.

Mayor Pro Tem Gassinger attended a meeting on Wednesday, November 7, with officials from Beebe Medical Center concerning their proposed project on Rt. 26 around the Clarksville area. The following are points of interest:

- The building cost will be \$28.2 million.
- It will be a two-story, 60,000 sq. ft. facility.
- Emergency care, diagnostic imaging (to include cat scans and MRIs), comprehensive outpatient rehabilitation, and lab facilities will be offered.
- The first floor will be occupied by these services while the second floor will be developed for physician offices and other medical services.
- Construction will begin in March of 2008. Anticipated opening is the summer of 2009.

Copies of a brochure from the Beebe Medical Foundation were available on the sign in table.

- **Town Manager's Report**—Melvin Cusick reported:

The Code Enforcement Constable's Report was available on the sign in table.

- **Treasurer's Report**—Councilman Rubinsohn reported as of October 31, 2007:

Balance Brought Forward	\$ 1,994,000.00
October Revenue	\$ 497,000.00
October Disbursements	\$ 380,000.00
Balance	\$ 2,110,000.00

Councilman Rubinsohn explained that the October revenue was high due to the rental tax money collected in the month of October. He also stated that disbursements were high due to payments for the building. Councilman Rubinsohn added that the balance will be decreasing because the big revenue sources are in and the Town still has some big capitol expenses.

### **ORDINANCES/RESOLUTIONS**

- **Second Reading of Ordinance 139-07 Chapter 114, Solid Waste, Article I, Entitled "Collection Fees", to Add a Service Fee for the Collection of Recyclable Materials** (John Fields and Jay Headman)

Councilman Headman read Ordinance 139-07.

Mayor Pro Tem Gassinger called for a discussion from the Council. There was no discussion.

Mayor Pro Tem Gassinger called for a discussion from the property owners in attendance.

Mr. Nazarian inquired about a news report that stated DSWA would be picking up every other week at \$6. He stated that the news report said it includes municipalities. Councilman Headman replied that when he had talked to DSWA last week they indicated that the fee increase would not apply to South Bethany because the Town was already under contract. Councilman Headman stated that he would look into it.

Mr. Nazarian inquired if the Town had consulted the Town Solicitor regarding the \$34 per year fee for all property owners whether they signed up for recycling or not. Councilman Headman and Councilman Fields responded that they had and that the lawyer said that the Town can charge the fee to all property owners. Councilman Headman stated that the goal was to encourage people to recycle and any excess funds would be deducted from next year's tax bill. The program is revenue neutral. Councilman Headman added that currently 170 property owners have submitted their recycling applications.

Mr. Speer inquired if the surplus would be applied equally to all property owners whether they have signed up or haven't signed up. Council confirmed that was correct.

Mayor Pro Tem Gassinger declared this the second reading of Ordinance 139-07.

- **First Reading of Ordinance 140-07 Chapter 114, Solid Waste, Article II, Entitled "Garbage and Rubbish", to Update Disposal Regulations, to Institute a Program for Collecting Recyclable Materials, and to Revise Penalties for Offenses** (John Fields and Jay Headman)

Councilman Fields read Ordinance 140-07. Councilman Fields reviewed the Town Solicitor's suggestions/changes and how they had been incorporated into the ordinance.

Councilman Fields asked for questions.

Mr. Rae said that the ordinance does not state the limitations on the number of trash cans, bags, and bundles of tied sticks and yet the Town's trash contractor does have limitations. The Town Manager stated that the ordinance never had anything in reference to that. The Town Manager confirmed that all garbage companies have a limit on what they will pick up. Councilman Headman stated that he would take Mr. Rae's comment into consideration.

A property owner inquired how the recycling program would be managed regarding renters. Councilman Headman replied that the Town had talked to Rehoboth Beach officials (they indicated that the program has worked very well) and Rich Von Stetten, DSWA's Senior Manager of Statewide Recycling, and they gave recommendations regarding renters:

- The Town has to work with the rental companies and the renters.
- DSWA will provide refrigerator magnets with pick-up information. DSWA has found that Friday pick-ups have worked well with renters.
- Many of the renters are coming from communities that do recycle and are accustomed to recycling.

Mr. Roche requested that the next version of the ordinance include language pertaining to trash bags being left at the curb for trash pick up. Councilman Headman said that Council could discuss that at the next workshop.

Mayor Pro Tem Gassinger declared this the first reading of Ordinance 140-07.

### **COMMITTEE REPORTS**

- **Assawoman Canal Dredging** – Councilman Rubinsohn reported:

Councilman Rubinsohn thanked Representative Hocker who was able to get some money to resume work on the north end. The north end should be finished by the end of October 2008.

An additional booster pump was added at the southern end near the Jefferson Street Bridge. They have already gone 1,000 feet more than last year.

- **Beach Replenishment** – Councilman Ronan reported:

The dune is finished in Bethany Beach and is providing protection for the houses.

Construction in South Bethany will begin the middle or end of November.

- **Beautification** – Councilman Ronan reported:

The South Bethany Women's Club planted pansies purchased with money donated by the Property Owners Association (\$250) and the Women's Club (\$50). Councilwoman Lambertson thanked the Property Owners Association and the Women's Club for their donation.

Councilman Ronan spoke of a property owner who was donating \$2,000 to fix up the area at the end of the canal on Peterson Dr. The Beautification Committee had the Maintenance Supervisor approve the plan. Councilman Ronan believes this is a good concept. Councilwoman Lambertson stated that she has some reservations because of manpower and water usage.

- **Canal Dredging** – In Mayor Jayne's absence, the Town Manager reported:

The Town Manager stated that the dredging is still scheduled for February.

- **Town Hall/Police Building Construction** – Mayor Pro Tem Gassinger reported:

The staff will be moving into the new building this week. The December meeting will be held at our new Town Hall.

- **Planning Commission and Comprehensive Plan** – Councilman Fields reported:

Nothing to report from the Planning Commission at this time.

- **Tidal Pump Program Update** – Councilman Headman reported:

The committee has scheduled a meeting with DNREC engineers on November 20. They will give the committee feedback about issues and concerns that they may or may not have.

- **Windmills** – Councilwoman Lambertson reported:

The Public Service Commission released a report criticizing wind farms as being financially risky for taxpayers. They found that the amount of increase in the electric bills would be higher than that projected by Bluewater Wind.

Councilwoman Lambertson stated that we all want alternative sources of energy, but questions have to be answered and studies need to be done.

- **Canal Water Quality** – Councilman Headman reported:

One of the goals is to make the canals swimmable and fishable.

The Town needs to get baseline information and data on what the water quality is. Volunteers are going to man seven sites. The volunteers will receive training on November 19. A grant proposal has been submitted to purchase monitoring equipment. In addition, the Property Owners Association has agreed to contribute \$1,000.

A letter will be sent to a selected group of property owners who may or may not be directly piping their rainwater and/or showers directly into the canals. The letter asks the property owner to disconnect the pipes and let the water percolate through the soil or put in rain barrels that would be free from the Center for the Inland Bays. The property owner is responsible for installing the rainbarrels.

The committee is setting up a meeting with DeIDOT to see what the next steps are to improve the situation regarding the forebay at the end of Anchorage as well as other stormwater that is running into the canals.

Councilman Headman shared the following recycling facts:

- Recycling a stack of newspapers just three feet high can save one tree.
- Every Sunday 500,000 trees are made into newspapers that are not recycled.
- We use about 392 cans per person per year.
- Recycling steel and tin cans save 74% of the energy used to produce them.
- Americans use 2,500,000 plastic bottles every hour. Most of them are thrown away.
- A modern glass bottle would take 4000 years or more to decompose—and even longer if it's in the landfill.
- The EPA estimates that 75% of what Americans throw in the trash could actually be recycled. Currently, only 25% is.

- Percentage of energy saved by using recycled instead of raw materials to manufacture:
  - 40% glass
  - 40% newspaper
  - 60% steel
  - 70% plastics

**ADJOURNMENT**

Mayor Pro Tem Gassinger thanked the property owners for their attendance and input.

A motion was made by Councilman Fields, seconded by Councilman Headman, to adjourn the November 9, 2007, Town Council Regular Meeting at 8:10 p.m.

PS:REGULAR MEETING MINUTES.11.9.07