

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
OCTOBER 12, 2007  
LOCATION: OCEAN VIEW TOWN HALL**

**ATTENDANCE**

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

**MEETING CALLED TO ORDER**

Mayor Jayne called the October 12, 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 September, 2007:

September 1	Violation of local code on Victoria Rd. Working during prohibited hours. Site shut down.
September 2	As a result of a traffic stop, an arrest was made for the possession of marijuana and drug paraphernalia.
September 2	Loud party on Sussex Pl.
September 3	Loud party on S. 4 <sup>th</sup> St.
September 4	Violation of local code.
September 8	911 disconnect on Russell Rd. False alarm.
September 10	Criminal mischief on Rebecca Rd. Unknown subjects knocked over victim's mailbox.
September 11	Theft of a license plate on W. 11 <sup>th</sup> St.
September 13	Violation of work during prohibited hours. Site was shut down.
September 14	Disorderly subjects on Layton Dr.

**PROPERTY OWNERS' PARTICIPATION**

- Diann Nazarian (20 Peterson Dr.) – Requested that pine needles on Evergreen Road, between Cleveland Ave. and beyond Peterson Dr., be cleaned up. They are slippery on a bicycle and on foot. Mr. Matera stated that it is also a problem on Russell Road.
- Ed Nazarian (20 Peterson Dr.) – Complained about the matter in which pavers were being put in on W. 10<sup>th</sup> St. Mayor Jayne asked the Town Manager to look into it.
- Tom Roche (141 Henlopen Dr.) – Stated that he had called Verizon to report that they had left the cable box they worked on exposed. Mr. Roche said that a service man took care of

the problem the next morning. Mr. Roche noticed that there are other boxes in town that are bent, etc.

In regard to Mediacom, Mr. Roche said that he has had problems with channels 7 and 11. Mr. Roche complained of the difficulty of contacting Mediacom and has sent letters to the editors complaining about Mediacom's service. Councilman Fields inquired about the franchise agreement the Town has with Mediacom. The Town Manager said it was a fairly long agreement and there may be six or seven years left on that franchise. Councilman Fields inquired if there was a clause that would allow the Town to get out of the agreement. The Town Manager stated that he did not think so, but that he would check into it.

- Mike Matera (311 W. 9<sup>th</sup> St.) – Inquired if there was a law against rain gutters draining into the canals. Councilman Headman replied that the Canal Water Quality Committee is going to look into the ordinances to look at ways to support what the committee is trying to do. That will be part of the Canal Water Quality Committee's responsibilities.
- Dick and Jeanie Ridgway (600 S. Ocean Dr.) – Dick and Jeanie Ridgway were unable to attend this meeting, but they sent Mayor Jayne and Council members a memo dated October 9, 2007, which Mayor Jayne read aloud. The subject of the memo was New Beach Replenishment and it provided two suggestions to maintaining the new dune and beach. The first suggestion would require all property owners on Ocean Drive to have silk fences. Mayor Jayne stated that it is a good suggestion, but is not sure if the Town could enforce it. The second suggestion is to replace the meter maid with a police officer to enforce the crossings to the beach. The memo is attached.

### **ADOPTION OF MINUTES**

- **Town Council Special Meeting/Workshop Notes, September 12, 2007** – A motion was made by Councilman Headman, seconded by Councilwoman Lambertson, to accept the September 12, 2007, Town Council Special Meeting/Workshop Notes. The motion was unanimously carried.
- **Town Council Regular Meeting Minutes, September 14, 2007** – A motion was made by Councilman Rubinsohn, seconded by Councilwoman Gassinger, to accept the September 14, 2007, Town Council Regular Meeting Minutes as amended as follows:

Page 6, third bullet, second sentence: Change "After time we will see what **affect** trash removal will have and the Town may possibly be able to negotiate a deal with the trash hauler" to read "After time we will see what **effect** trash removal will have and the Town may possibly be able to negotiate a deal with the trash hauler."

The motion was unanimously carried.

### **LEADERSHIP REPORTS**

- **Mayor's Report**—Mayor Jayne reported:

A number of Council members attended the monthly SCAT Dinner Meeting. The speaker was the Executive Director of the Sussex County Real Estate Companies. The discussion was mainly about different types of housing, especially affordable housing. Briefly the discussion turned to the real estate market. It is not expected to rebound anytime soon. This has an effect on the Town's revenue. At the workshop later this month, Council will be reviewing the budget.

Mayor Jayne and Barbara Jayne volunteered on Coast Day at the Center for the Inland Bays' booth. Mayor Jayne stated that Coast Day is a great event with a lot of things to do.

The Center for the Inland Bays' Annual Pig Roast will be Saturday, October 20, 2007, at James Farm. More information is available online.

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

The Town has signed and mailed the contract for curbside recycling to DSWA. A letter and application will be sent to property owners in November. At this time, recycling is scheduled to start the first week of January.

The Town's annual bulkhead inspection was completed last week. The Code Enforcement Constable will be sending letters out to individual homeowners who need to make repairs. Also, two engineers from Duffield Associates participated in the inspection. They were looking for any suspect bulkheads that could possibly be damaged because of dredging. There was only one that was suspect. They are sending that homeowner a letter.

Councilman Fields stated that Council needs to pass two ordinances before the Town can fully implement the recycling program. After a lengthy discussion, Council agreed to have the first reading of Ordinance 139-07 at the October 25 Special Meeting/Workshop. Council will discuss Ordinance 140-07 at the October 25 Special Meeting/Workshop and have its first reading at the November 9 Town Council Regular Meeting. Both of these first readings will be advertised. Also, because Mayor Jayne cannot attend the November 15 Special Meeting/Workshop, Council agreed to reschedule that meeting to Monday, November 26, at 7 p.m.

- **Treasurer's Report**—Councilman Rubinsohn reported as of September 30, 2007:

Balance Brought Forward	\$2,000,000
September Revenue	\$194,000
September Disbursements	200,000
Balance	\$1,994,000

## **COMMITTEE REPORTS**

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

They are exceeding their expectations. They are already north of the Jefferson Bridge by about 100 feet.

The project will not be finished this year.

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

Much of the project at Bethany Beach is finished.

The latest news the Town received was that dredging in South Bethany would begin about December 1. However, they currently seem to be ahead of schedule.

A property owner inquired if South Bethany's beach would be next after Bethany Beach. Mayor Jayne stated that the Town does not know what the sequence of events is.

- **Beautification** – Councilman Ronan reported:

The Beautification Committee has a three year plan and is proceeding ahead.

- **Canal Dredging** – Mayor Jayne reported:

The Town is on schedule to dredge this winter.

The Code Enforcement Constable and the dredging contractor have completed the bulkhead inspection.

- **Town Hall/Police Building Construction** – Councilwoman Gassing reported:

The painters have completed their work.

Carpet has been installed.

Contractors are now doing trim work and other time consuming detail work.

Site work will start next week. They had somewhat of a delay.

Unfortunately, a little more time is needed before we can move into the new building. We plan to have our first Town Council Regular meeting in the new Town Hall in December.

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

No report from the Planning Commission this month.

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

A meeting is scheduled on October 17 with a company that works with DNREC. The purpose of the meeting is to get advice on the best way to look for personnel and financial resources for the Tidal Pump and what is needed regarding permitting.

The Tidal Pump is a concept that works, but the Town does not have the funds for the project.

Mayor Jayne is working with a lobbying firm to explore acquiring federal funding for the project.

Right now everyone is saying the same thing – there is no money available.

A property owner inquired about the Tidal Pump's affect on the ocean water. Councilman Headman stated that the committee does not know what the impact will be. Initially it will bring less clean water into the ocean than what is going into the canals. Ultimately, it will level itself out. Before the project can be done there will be extensive permitting issues.

- **Windmills** – Councilwoman Lambertson reported:

Bluewater Wind has been acquired by Babcock and Brown, a managing company for wind power.

Councilwoman Lambertson read a news article which stated concerns about Bluewater Wind. The following are some of those concerns:

- The environmental risk remains largely unstudied.
- It is unclear about the consequences of potentially closing off or restricting access to 30 sq. miles of ocean which is heavily trafficked by shipping and recreational boaters in and adjacent to the Delaware beaches.

- If public servants require Delmarva Power to sign a 25 year contract with Bluewater Wind, there are many details that need to be taken care of. For example, the rates. (The latest figures from Bluewater Wind have been higher than the rates for on land wind farms and natural gas plants.)
- 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 utility regulators in Delaware have endorsed the nations largest offshore wind project without any state or federal evaluation on environmental consequences.
- Too many are accepting Bluewater Wind's predictions on faith.
- Wind energy is the most expensive source of energy.

Councilwoman Lambertson stated that it seems premature for our public servants to require a 25 year contract if some of these issues haven't been settled.

Bluewater Wind plans to apply for approval for a temporary offshore platform in the proposed wind farm area in the spring. This platform would serve as a base for the company's studies for wind studies, turbine heights, the number of birds that go through there, environmental studies, and review of both marine and bird habitat. This would take about two years.

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

George Junkin, Jay Headman, and Chris Bason attended a meeting in Dover to obtain funding to do a study addressing stormwater issues. Regrettably, the funding was not approved. However, at the various meetings that the committee members attend, contacts are made.

In two weeks the committee will hold a meeting with Chris Bason. Chris Bason works for the Center for the Inland Bays and has worked tremendously close with the Town of South Bethany to improve the Town's water quality.

The committee will be contacting property owners whose homes have been identified by Ron Wuslich and the Center for the Inland Bays to see if they would be willing to use rain barrels. The Anchorage Canal area is especially targeted.

## **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Headman, to adjourn the October 12, 2007, Town Council Regular Meeting at 8:15 p.m. The motion was unanimously carried.

