

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 20, 2009

ATTENDANCE

PRESENT: Mayor Gary Jayne; Councilpersons Diane Matera, Marge Gassinger, and Rob Youngs; Town Manager Melvin Cusick; Lt. Linda O'Malley; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilpersons John Fields, Jay Headman, and Tim Saxton

MEETING CALLED TO ORDER

Mayor Jayne called the November 20, 2009, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag. Mayor Jayne stated that Councilpersons Fields, Headman, and Saxton had excused absences because the November Regular Meeting of November 13 was cancelled due to inclement weather and rescheduled for November 20 and they had prior commitments for this Friday. Mayor Jayne stated that Council had a quorum with four Council members in attendance.

PROPERTY OWNERS' PARTICIPATION

- Kathy Jankowski – President of the South Bethany Property Owners Association (SBPOA) – Several property owners have expressed concern about the quality of the Artesian water saying that there is rust, calcium, etc., in the water. Is this on the Council's task list to determine if there are water quality issues with Artesian or should property owners be advised to: 1) contact the Town Hall, 2) contact Artesian individually, or 3) purchase water treatment systems for each of their homes and forget about contacting the Town Hall or Artesian?

Mayor Jayne stated that he personally has not had any problem with the quality of water at his house. The Town Manager said that Town Hall has not received any complaints that he is aware of. He suggested that the property owners contact Artesian first. If there are a lot of complaints, the Town needs to know about it in order to use any power that the Town has. The Town Manager noted that houses with old lead piping could have rust problems that may not be Artesian's problem. The Town has a contact number for the Artesian local supervisor. If an individual is having problems, they may need to have Artesian come out and look at their system. The problem could be with the house or it could be with Artesian. Councilwoman Gassinger mentioned that Artesian sends out a report on the quality of the water and the percentages of what is in the water. Mayor Jayne suggested that Ms. Jankowski get a copy of the last water quality report from Artesian.

- Bob Cestone (140 New Castle Dr.) – Inquired where the Town stands regarding stormwater drainage problem corrections that were put on hold in June due to the budget. Mr. Cestone said that Council was going to relook at the situation in the fall. Mr. Cestone said that he was asking for himself and for his two neighbors on both sides of him. Mayor Jayne replied that the Town has accumulated quite a few additional drainage problems since June. Mr. Cestone stated that he has heard that somebody wants to look into other alternatives other than the way the Town has currently been correcting the drainage problems. He stated that the way the Town is currently correcting the drainage problems works very well and the property owners in the areas where it has been done are elated with the results. Mayor Jayne said that as far as he knows dealing with the drainage problems would be the same as the Town has always done. Mayor Jayne said Council put a hold on drainage projects a little

after budget time, but the Town is starting to get another backlog of drainage problems. Mayor Jayne said to put drainage problems on the agenda for the December Workshop. Councilman Youngs said when Council discussed the notion of looking for alternative methods, it was basically decided that was too far in the future to deal with the drainage problems the Town has now. He added that the two are going on in parallel, not behind each other. Mr. Cestone commented that one is not going to affect the other. Councilman Youngs said that is right.

- Bob Amoruso (144 Petherton Dr.) – Noted that a couple of towns in Sussex County have taken a position and have written to the State level requesting that cell phones be banned while driving statewide. Mr. Amoruso asked if Council would consider doing that regarding the use of cell phones, texting, and reading text while driving. He also asked if it would be worth considering a town ordinance banning it within the town. Mayor Jayne said he does not know and he would have to talk to the Chief of Police. The Town Manager said that Ocean View sent a letter to the State asking for a state law to ban texting while driving. Mayor Jayne said that Council will take the subject up at either the next Council meeting or the next Workshop. Lt. O'Malley noted that a lot of the states that are trying to restrict the use of cell phones while driving are exempting emergency personnel from the law.
- Tom Roche (141 Henlopen Dr.) – Referring to a mailing he received from a local real estate agent, Mr. Roche said that there is only a difference of two or three property sales in South Bethany each year for the years 2009, 2008, 2007, etc. Regarding the Town's tax increase, Mr. Roche asked with that small amount of difference between the sales of homes, how did the Town come up with such a large difference in money. Mr. Roche said it does not seem to be that large of a loss of money. Mayor Jayne stated that when the tax increase was proposed, transfer tax income was down considerably. He added that you can't go by the number of house sales – you have to look at the income from the sales. Mayor Jayne said that transfer tax income has picked up some this year but it is still way below a couple of years ago. The Town Manager stated that the Town tracks it monthly. Councilwoman Matera noted that the sale prices of the properties have decreased significantly. Councilman Youngs added that the problem developed over five years, and it has steadily been declining over the last five years. Mr. Roche said he would like to see what the numbers were over the last couple of years. Councilman Youngs stated that during the budget meetings there was a slide presentation that showed the decline in sales over the last five years. Mayor Jayne suggested that Mr. Roche meet with the Town Manager or the Financial Administrator to see the numbers.
- George Junkin (8 S. 4th St.) – Inquired if the topic of smoking on the beach has come up again or if it is a dead topic for South Bethany. Mr. Junkin noted that Council had decided that they were going to wait and see how it worked out in Bethany Beach. Mayor Jayne stated that he doesn't know and you never say never. He added that he would not say it is a dead topic forever but it is dead right now. Mayor Jayne said that Council has not considered the issue since the last time around, and as far as he knows nobody on the Council has expressed any interest of looking at it. Mayor Jayne does not believe there is a good set of lessons learned from Bethany Beach because they had problems enforcing it and they had some start up problems. Mayor Jayne ended by saying that Council has no plans right now to take up the issue of smoking on the beach.
- Diane Nazarian (20 Peterson Dr.) – Is concerned about the small trees in the median strip that are falling over. The Town Manager said that was caused by the storm and the Public Works Department is going to stake the trees.
- Kathy Jankowski – SBPOA President – **The belief is there are more people here only on weekends or weekly rentals that end on Saturday or Sunday. For this reason, is there any thought to moving the recycling pickup day to Saturday or Monday during the summer? We realize that someone (a neighbor or Neighborhood Watch person) would**

have to return the container, but that is easier than having someone designated to put the container out for pickup.

The Town Manager stated that when recycling in town started two years ago it was discussed, and at that time the Council followed what Fenwick Island, Bethany Beach, and Rehoboth Beach were doing. Fridays seemed to work best for all the other coastal towns, and DSWA liked the idea that all the coastal towns were being picked up on the same day. DSWA preferred not to pick up on weekends because of the traffic situation. He stated that it has not been discussed any further. Mayor Jayne asked if the Town has received complaints about Friday instead of Saturday. The Town Manager said not that he is aware of. He added that some people might not like it on Fridays and others may want it on Wednesdays – you can't please everybody because the stay times are different. Councilman Youngs noted that since Allied Waste is collecting both the waste and recyclables, Monday would be a problem. The Town Manager said it is up to Council if people want a change, but he does not know of anyone asking for it. He added that he believes the other coastal towns are still being picked up on Fridays.

- Bob Amoroso (144 Petherton Dr.) – Commented that he has noticed that Allied Waste's recycling service is superior to the previous recycling service. He does not see things that have been dropped on the street, and the carts are handled a little more efficiently. Mr. Amoroso would like the Town Manager to pass this information onto Allied Waste.

Mayor Jayne mentioned that DSWA has proposed increasing their tipping fees at the landfills in 2010 by some 30%. There will be three public hearings, one in each county. The Town Manager believes the public hearing for Sussex County will be in Georgetown. Mayor Jayne said it is a fairly significant increase, and hopefully it will not impact the Town's trash contract which has another three years to go.

- Kathy Jankowski – SBPOA President – **Would like to verify that the money allocated to put up the holiday lights was cut from the budget this year. If so, is it possible to find out how much was budgeted for this and to have home owners provide the funding to have this done or can/should the property owners hire an electrician themselves to have this done?**

The Town Manager confirmed that the funding was cut from the budget. He added that in the past the Town had budgeted \$1,200 to put the lights up and to take them down. He noted that if there are any problems with the connections it can cost more. Mayor Jayne asked the Town Manager to get an estimate on putting the lights up and taking them down.

- Tom Roche (141 Henlopen Dr.) – Asked Council if they have any new information on the dredging of the Assawoman Canal. Councilwoman Gassinger stated that she does not, but she expects to have something next month. She is going to speak to the Project Manager and hopes to have something accurate to report next month.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, October 9, 2009** – A motion was made by Councilman Youngs, seconded by Councilwoman Gassinger, to accept the October 9, 2009, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Special Meeting/Workshop Notes, October 29, 2009** – A motion was made by Councilman Youngs, seconded by Councilwoman Matera, to accept the October 29, 2009, Special Meeting/Workshop Notes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

South Bethany hosted the November Sussex County Association of Towns (SCAT) Dinner Meeting. Mayor Jayne thanked Dee Burbage, Renee McDorman, and Pam Smith for doing a great job in organizing the dinner and added that it goes a long way to enhance the reputation of the Town.

Attended a ribbon cutting ceremony at Lewes City Hall for the opening of the Board of Public Works' new offices.

Delaware League of Local Government's (DLLG) Clerk of the Year – South Bethany's Financial Administrator, Renee McDorman, received the DLLG 2009 Clerk of the Year Award. The DLLG is an overseeing organization which most of the Delaware towns and cities are members.

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

The major storm last weekend did significant damage to the beach. The State and Army Corps of Engineers have said that it will take at least two weeks for them to assess the damage. Shortly after the storm, Tony Pratt and DNREC Secretary, Collin O'Mara, were on the beach at South Bethany looking at the damages. DNREC has done some cleaning up at the south end of town. All of the walkways are closed due to the drop off on the dune. The beach can be accessed at the south end of town.

- **Treasurer's Report**—In Councilman Saxton's absence, there was no report.
- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of Oct., 2009:

- Oct. 1 Disconnect on S. 9th St. It was an accidental call to 911 by a resident.
- Oct. 4 Local fugitive apprehended on Rt. 1 after a traffic stop. Subject was wanted out of New Castle County Family Court. He was taken to SCI where he was committed.
- Oct. 6 Open door on W. 11th St. The owner was contacted and the door was secured.
- Oct. 7 Alarm on W. 11th St. It was an accidental trip by the cleaning company.

Open door was discovered on S. Ocean Dr. The door was secured by an officer. There was no sign of forced entry.
- Oct. 6 – 16 Screens were cut on Bayshore Dr., and in some cases subject(s) made entry to the houses. The burglaries are under investigation. The officer handling the complaints was able to get partial prints which were submitted for processing. Fenwick Island Police are also investigating similar burglaries during this time.
- Oct. 22 Assisted with a domestic dispute in Ocean View.
- Oct. 25 Submerged boat in the canal. The owner was notified.
- Oct. 26 Burglar alarm on S. Anchorage Ave. It was accidentally set off by a contractor.
- Oct. 29 Local fugitive parked underneath a house on S. 7th St. He was taken into custody.
- Oct. 31 Assisted with a drunk pedestrian on Rt. 1 just south of town. He was arrested and taken to court for arraignment.

COMMITTEE REPORTS

- **Planning Commission** – In Councilman Fields' absence, there was no report.
- **Canal Water Quality** – In Councilman Headman's absence, there was no report.

ADJOURNMENT

A motion was made by Councilman Youngs, seconded by Councilwoman Matera, to adjourn the November 20, 2009, Town Council Regular Meeting at 7:45 p.m. The motion was unanimously carried.

PHS:Regular Meeting Minutes.11.20.09