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| <b>TOWN OF SOUTH BETHANY<br/>TOWN COUNCIL REGULAR MEETING MINUTES<br/>FEBRUARY 8, 2008</b> |
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**ATTENDANCE**

PRESENT: Mayor Gary Jayne; Councilpersons John Fields, Jay Headman, Richard Ronan, Marge Gassinger, and John Rubinsohn; Town Manager Melvin Cusick; Chief Joe Deloach; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilwoman Bonnie Lambertson

**MEETING CALLED TO ORDER**

Mayor Jayne called the, February 8, 2008, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Jayne showed the Seal of the State of Delaware and the Seal of Sussex County which hang on the wall behind the council table. He also pointed out the state flag which flew over the capitol in Dover and came from Representative Gerald Hocker as well as the American flag which flew over the U.S. Capitol and came from Congressman Mike Castle. Mayor Jayne also pointed out the new council table.

**PROPERTY OWNERS' PARTICIPATION**

- Bob Cestone (135 Layton Dr.) – Suggested that the Town add, at its own expense, two handicapped access beach ramps in addition to the one handicapped access beach ramp paid for by the beach replenishment project. The location of the ramps would be near S. 9<sup>th</sup> St. and N. 4<sup>th</sup> St. Because of the dune, Mr. Cestone stated that the Town should be able to save money on maintaining sand fences, etc. He also suggested possibly adding a special assessment of approximately \$50 to pay for the ramps. Councilman Ronan agreed that the two additional ramps would be beneficial. Councilman Fields stated that it would be worthwhile to have some idea of how many handicapped people will use the additional ramps before the Town spends a lot of money building the facilities. Mayor Jayne stated that it is basically a good idea. He added that the Beach Committee is looking at the new topography and the new geography of the beach. The basic philosophy of the Council is that if we know we must do something before the summer season we will. But on as many things as possible, Council will wait and get some experience with the new beach before spending a lot of money on something that could turn out to be the wrong thing. Mayor Jayne stated that the Beach Committee will take Mr. Cestone's suggestion under advisement.

Mr. Hughes recommended two vehicle ramps in case an ambulance needs to get on the beach. The Town Manager stated that ambulances do not go on the beach. Mayor Jayne said that the Town will have vehicle access to the beach at the south end of town. The Town Manager added that it will not be a public access. It will be an emergency access.

Mayor Jayne stated that DNREC notified the Town that the contractor will start on the dune crossings and beach grass next week.

- Tom Roche (141 Henlopen Drive) – Stated that positive changes were made regarding contractors work hours in town. However, recently contractors on a site on Mr. Roche's street have been showing up at 7:30 a.m. and there are no work hour signs posted on the site. The Town Manager will look into it.

- Lloyd Hughes (152 Layton Drive) – Inquired about the status of the canal dredging. Mayor Jayne replied that the dredging is being done now. The surveyors are staying ahead of the dredge and doing a pre-dredge survey. When all the dredging is complete, an after dredging survey will be done. The Town Manager stated that debris that has been dug up may be floating around during the dredging. The contractor has been allowed 60 days to complete the project. Mayor Jayne made the following points:
  - The dredging is staying 8 feet away from the bulkheads to prevent damage to the bulkheads.
  - The dredging is being done for navigational reasons. There may be some benefit to the water quality, but if there is at all it will be minimal.

Mr. Hughes expressed concern about the oyster gardens during the dredging project. The Town Manager stated that he had notified the Center for the Inland Bays. Since the dredging is staying 8 feet away from the bulkhead, the CIB did not think it would be a problem. The CIB will be checking on the oyster gardens during the dredging project.

**ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, December 14, 2007** – A motion was made by Councilman Headman, seconded by Councilwoman Gassinger, to accept the December 14, 2007, Town Council Regular Meeting Minutes. The motion was unanimously carried.

**LEADERSHIP REPORTS**

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

The Town Council Special Meeting/Budget Workshop I was Wednesday night. Topics discussed were the ambulance service and the Town’s FY 09 budget.

Attended the Association of Coastal Towns (ACT) meeting on February 7. The organization is made up of the mayors of the coastal towns from Lewes to Fenwick Island. Two issues discussed were beach renourishment and the ambulance service. Another issue the organization is interested in is the stormwater runoff on Rt. 1.

Will attend two meetings on February 9 regarding the ambulance service.

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

The Code Enforcement Constable’s Reports for December and January were available on the front table.

Residents are receiving mailings concerning the Community Rating System program. The Town has to update and mail the information annually in order to stay eligible for the 10% discount on flood insurance. The 10% discount is effective at the time of the property owner’s renewal date. If a property owner’s insurance agent is not aware of the discount, have the agent call Town Hall and the Town Manager will direct the agent to the National Flood Insurance Website.

- **Treasurer’s Report**—Councilman Rubinsohn reported as of December, 2007:

|                         |              |   |
|-------------------------|--------------|---|
| Balance Brought Forward | \$ 2,100,000 |   |
| December Revenue        | \$ 15,000    |   |
| December Disbursements  | \$ 270,000   | (Regular Town expenses plus Town Hall expenses) |
| Balance                 | \$ 1,855,000 |   |

Mayor Jayne stated that Council is currently working on the budget. Everyone is hoping the real estate market will pick up. Mayor Jayne said that Council will try not to raise taxes but don't be surprised if it has to. Mayor Jayne said that they will do what they can.

- **Police Department Report/Questions**—Chief Joe Deloach reported for the months of Dec., 2007, and Jan., 2008:
 

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|-------------|---|
| December 2  | Routine traffic stop leads to an arrest for underage consumption. The vehicle was stopped for speeding and the operator was under 21 years of age and found to have almost twice the legal limit of alcohol.  |
| December 10 | Unexploded ordinance. Live 40 mm anti-aircraft round found on the beach during replenishment. Bomb squad arrived and detonated the round.   |
| December 19 | Criminal mischief. Unknown person broke the rear window out of a vehicle on Ocean Drive. Approximately \$500 in damage. No suspects at this time.   |
| December 26 | Agency assist. Accident with personal injury. South Bethany officer responded to assist accident victims on Kent Ave. near Sea Colony. Two cars had a head on collision. Four people were injured with two being serious.   |
| December 28 | Criminal mischief/unauthorized use of motor vehicle. Approximately 0430 hours in the morning unknown subjects removed a front end loader from S. 9 <sup>th</sup> St. and they began to ride up and down the street causing damage to several properties. Damage was limited to landscaping, mailboxes, and fences. Suspects had fled prior to police arrival.   |
| December 29 | Suspicious person. Police responded to W. 3 <sup>rd</sup> St. for a report of a suspicious person soliciting work. He wanted to detail cars. He asked to see the contents of the victim's garage. Victim stated the incident had occurred the night before and they called the police the following day after they noticed their boat had been moved and their outside shower was in disarray. The victim stated that the subject was a black male who identified himself as "Mr. Bid Daddy". No other information was available. |
| December 30 | Burglary. Officers responded to Tern Dr. in reference to a burglary complaint. Sometime between 12/05/07 – 12/30/07 unknown subjects kicked in the door of the residence and stole a flat screen TV.  |
| January 4   | Burglary on Indian St. Unknown subject broke into a front door of a residence and removed a flat screen TV.   |
| January 8   | Routine traffic stop led to the arrest of a local fugitive. Officer stopped the vehicle for speeding. Operator of the vehicle was found to have outstanding warrants. He was taken into custody and transported to court.   |
| January 20  | Burglary. Tamarack Dr. Unknown subjects kicked in the front door of a residence causing approximately \$500 worth of damage. No items were taken from inside the house.   |
| January 22  | Burglary. Black Gum. Unknown persons kicked in the front door causing approximately \$500 worth of damage. No items were taken from the residence. This burglary was committed during daylight hours.   |
| January 30  | Agency assist burglary at Maplewood Ave in Bethany Beach. South Bethany Police assisted officers from Bethany Beach investigate a burglary that appeared  |

similar to the recent burglaries in South Bethany. Officers from both departments, as well as the Ocean View Police Department and the State Police, are actively pursuing all leads and processing evidence collected at the scenes.

Chief Deloach stated that the burglaries have happened south of Fenwick Island, on Rt. 54, in Ocean View, and in Bethany Beach.

Chief Deloach encouraged anyone who sees a stranger at their neighbor's house to please call the police.

Chief Deloach displayed the Police Department's newest device, the ECTACO Speechguard PD-5, which is a hand-held police translator. The Police Department purchased two of the devices from a grant. The price of each was approximately \$800.

### **ORDINANCES/RESOLUTIONS**

- **Resolution 1-08, a Resolution Supporting the Bethany Beach Volunteer Fire Department Proposed Ambulance Service (Gary Jayne)**

The Bethany Beach Volunteer Fire Company (BBVFC) met with Mayor Jayne and the Town Manager. They also briefed the Town Council at the February 6 Special Meeting/Budget Workshop I. Representing the BBVFC were Michael Wilgus (an active member for many years and former President of the BBVFC) and the Assistant Chief.

The Millville Volunteer Fire Company will stop providing ambulance service to the South Bethany fire district on January 1, 2009. Their reasons are very legitimate considering the demand on their ambulance service due to the amount of development in the Millville area.

The State Fire Prevention Commission was unable to come up with a solution. The BBVFC has done an excellent job doing their homework in detail (including cost figures) and has put together a plan for the ambulance service.

After the BBVFC presentation at the Special Meeting/ Budget Workshop I, Council had an informal discussion and agreed that conceptually the principle was very advantageous. The Town's fire district, which runs from the Indian River Inlet down to Fenwick Island and everything east of the Inland Bays and the Assawoman Canal, would have its own ambulance service. Council feels that it is fundamentally a good idea for the Town's fire district to have its own ambulance service and to support the BBVFC and the plans they have put together.

Copies of the draft resolution were available to the attendees. Mayor Jayne directed everyone to the last paragraph which read:

**NOW, THEREFORE, BE IT RESOLVED**, that the South Bethany Town Council, on behalf of its people, endorses in principle the concept proposed for ambulance service by the BBVFC, subject to satisfactory resolution of detailed procedures, and hereby compliments and thanks the BBVFC for their effort and dedication to our people.

Mayor Jayne explained that the way the system would work is that the "Big Four" (Bethany Beach, Sea Colony, South Bethany, and Fenwick Island) would assess their people for the program share cost of the ambulance service. That number still needs to be defined. It would be \$40+ a year, but less than \$50 per year. This would be the first time in the county where municipalities taxed its people for an ambulance service. BBVFC needs the money up front in order to purchase ambulances, equipment, trained personnel, and to get the system set up.

There are a lot of details to work out. There will have to be an agreement or a contract (ten year contract) which the attorneys will need to review. Mayor Jayne hopes to get the "Big Four" to stipulate what their concerns are. They need to be specific and then negotiate with the BBVFC and create a legal document.

Mayor Jayne speculated that if an ambulance service is not in place by January 2009 Millville will provide the service for another couple of months as long as the towns are showing good faith in working on getting an ambulance service.

Mayor Jayne stated that the BBVFC is independent from the Town of Bethany Beach. They do not have to open their books. However, in a case like this where public money is being used, the books have to be open. The BBVFC does have a CPA on retainer who inspects their books periodically and puts out an annual financial report. Mayor Jayne added that there are a number of assurances that the Town has to have before collecting money from the property owners for the ambulance service.

Councilman Rubinsohn questioned if the resolution was sufficient for the BBVFC's purposes. Mayor Jayne replied that he did not believe it was and added that there needs to be something in writing that both sides agree to before giving a final commitment. Mayor Jayne explained that this resolution states that the Council agrees with and supports the idea that we should have our own ambulance service, but the details need to be straightened out.

Mayor Jayne said that the State cannot dictate to the fire companies that they must provide the ambulance service to the Town. The Town is very fortunate that the BBVFC is willing to provide the service.

Mayor Jayne explained that currently the Millville Volunteer Fire Company sends out a subscription card. Residents complete and return the card along with \$50 plus a donation if so inclined. If a subscriber uses the ambulance service, the Millville Volunteer Fire Company will bill the subscriber's insurance company and accept the amount paid by the insurance company as payment in full. If you are not a subscriber, the fire company will bill you for the balance after the insurance company has paid its allowed amount. Mayor Jayne added that if the Town assesses its people \$40+, they in principle become subscribers and will have to pay nothing more over what their insurance company covers if they have an ambulance call.

To give some understanding of the work load for the three area ambulance companies (Millville, Roxanna, and Selbyville), Mayor Jayne stated that in the year 2005 sixteen hundred round trips were made to Beebe Medical Center via the Indian River Inlet Bridge. This does not include people transported to Beebe Medical Center via Rt. 113 or people transported to Atlantic General.

Mayor Jayne stated that there are people in the "Big Four" who believe a proposal should be made to the Millville Volunteer Fire Co. for them to keep supporting our fire district and we will pay Millville Volunteer Fire Co. for the service. Mayor Jayne believes that sooner or later we will have to break off from the Millville Volunteer Fire Co. and that we ought to do it now to get an ambulance service for our fire district rather than relying on the Millville Volunteer Fire Co.

Councilman Rubinsohn stated that the BBVFC plans to establish a budget committee which would include a representative from each of the "Big Four" to provide some oversight.

Mayor Jayne stated that if the details get worked out Council will vote on a final resolution at the March Town Council Regular Meeting. Council agreed that modifications may have to be made to the resolution.

Mayor Jayne and Council are optimistic.

## **COMMITTEE REPORTS**

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

The dredging has stopped and will resume September 1. They made nice progress and hope to be done by the end of the next dredging season.

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

The dune is completed and tied into the existing dune. The barge is still there and work is still in progress. Councilman Ronan stated that he is extremely pleased with the project.

- **Beautification** – Councilman Ronan reported:

The new six foot bed at the south end of town will have mostly perennials which are cost effective due to low maintenance.

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

Mayor Jayne stated that he had nothing more to add to what was discussed previously in the meeting.

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

The only major item that has not been completed is the top coat of paving on the driveway. It will be completed in the spring.

Councilman Rubinsohn complimented Councilwoman Gassing on the new council table. Councilman Headman complimented Councilwoman Gassing and the Building Committee on the beautiful buildings. He also complimented the staff and Police Department who continued working very well even though they had to go in and out of temporary sites. Councilman Headman added that the buildings fit the mode of the town. Mayor Jayne agreed. Councilman Ronan stated that the buildings fit in with the environment perfectly.

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

The Planning Commission has resumed its work on impervious surfaces. They are hoping to have a recommendation soon.

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

The Tidal Pump Committee has provided the South Bethany Canals Tidal Pump System Preliminary Engineering Study to DNREC, DelDOT, our State representatives, and our national representative in Congress. The committee has also met with DNREC staff and Secretary Hughes. The committee has received feedback from DNREC about the report and is in the process of reviewing it.

Councilman Headman gave his compliments to the Tidal Pump Committee stating that they are unbelievable workers.

- **Windmills** – In Councilwoman Lambertson's absence, Mayor Jayne reported:

The Public Service Commission and Delmarva Power are still discussing the issue.

A newspaper article reported that Delmarva Power is looking into land based windmills.

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

The Canal Water Quality Committee is looking at improving the water quality. One concern is the stormwater coming off of Rt. 1 from the north into the Anchorage Canal as well as the other canals. Councilman Headman and George Junkin met with DeIDOT staff regarding improving the Anchorage Canal forebay, which DeIDOT put in for the Town to help reduce the amount of pollution sediments going into the canal. The forebay is only 28 percent effective from what it was designed to do. DeIDOT will get back to the committee. Since that meeting, the committee contacted DeIDOT and reported that there was sediment in the forebay which needed to be removed because it reduced the effectiveness of the forebay. DeIDOT did clean out most of the sediment, although there appears to be some sediment in the forebay. Councilman Headman has contacted DeIDOT in regard to this.

Councilman Headman reported that over 492 property owners have signed up for recycling. The program seems to be going very smoothly. The only issue thus far is that some property owners who have ordered carts have not received them. DSWA is in the process of delivering those carts.

### **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Headman, to adjourn the February 8, 2008, Town Council Regular Meeting at 8:30 p.m.