

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
MARCH 14, 2008**

**ATTENDANCE**

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

EXCUSED ABSENCE: Councilman Jay Headman

**MEETING CALLED TO ORDER**

Mayor Jayne called the March 14, 2008, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**PROPERTY OWNERS' PARTICIPATION**

- Chris White (143 Layton Dr.) – Gave an update on the Planning Commission. The Planning Commission is still looking into impervious surfaces. It is an issue that has split opinions even among the Planning Commission members. At the appropriate time, Councilman Fields will have the Planning Commission give their recommendation to Council.

**ADOPTION OF MINUTES**

- **Town Council Special Meeting/Budget Workshop I Notes, February 6, 2008** – A motion was made by Councilman Ronan, seconded by Councilwoman Gassinger, to accept the February 6, 2008, Town Council Special Meeting/Budget Workshop I Notes. The voting was as follows:

FOR THE MOTION: Mayor Jayne and Councilpersons Fields, Ronan, Gassinger, and Rubinsohn

AGAINST THE MOTION: None

ABSTAINED: Councilwoman Lambertson (was not present at that meeting)

The motion carried with a 5-0 vote.

- **Town Council Executive Session Minutes, February 6, 2008** – A motion was made by Councilman Rubinsohn, seconded by Councilwoman Gassinger, to accept the February 6, 2008, Town Council Executive Session Minutes. The voting was as follows:

FOR THE MOTION: Mayor Jayne and Councilpersons Fields, Ronan, Gassinger, and Rubinsohn

AGAINST THE MOTION: None

ABSTAINED: Councilwoman Lambertson (was not present at that meeting)

The motion carried with a 5-0 vote.

- **Town Council Regular Meeting Minutes, February 8, 2008** – A motion was made by Councilman Ronan, seconded by Councilman Rubinsohn, to accept the February 8, 2008, Town Council Regular Meeting Minutes. The voting was as follows:

FOR THE MOTION: Mayor Jayne and Councilpersons Fields, Ronan, Gassinger, and Rubinsohn

AGAINST THE MOTION: None

ABSTAINED: Councilwoman Lambertson (was not present at that meeting)

The motion carried with a 5-0 vote.

### **LEADERSHIP REPORTS**

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

Attended the March Sussex County Association of Towns (SCAT) monthly dinner meeting. A presentation was given regarding legislative issues in the General Assembly that are important to Sussex County. Also attended a meeting on Friday, March 14, on the same subject at which State and County representatives were present. Copies of the presentation are available at Town Hall.

Attended DNREC's Del. Coastal Hazards and Coastal Community Resiliency Workshop along with the Town Manager and the Code Enforcement Constable.

Attended numerous meetings regarding the ambulance service. Council will discuss the Memorandum of Understanding (MOU) at the March 27 Workshop. A formal vote will be taken at the April 11 Regular Meeting. The Town Manager reported that the cost to property owners for the ambulance service will be in the range of \$45 - \$47. This includes a 10 percent contingency which Mayor Jayne insisted be put in the ambulance service's budget.

Council has completed the budget deliberations. Approval of the FY 2009 budget will be on the April 11 Town Council Regular Meeting Agenda. Council decided to not raise taxes, however, Mayor Jayne warned that if the real estate market does not become more favorable in the next year, Council will have to raise taxes next year. This year's tax bill will include the recycling and ambulance service fees.

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

The budget deliberations are finished and adoption of the budget is on the April 11 Town Council Regular Meeting Agenda.

- **Treasurer's Report**—Councilman Rubinsohn reported as of February 29, 2008:

Balance Brought Forward	\$ 1,893,000
February Revenue	\$ 27,000
February Disbursements	\$ 193,000
Balance	\$ 1,726,000

- **Police Department Report/Questions**—Lt. Linda O'Malley reported for the month of Feb., 2008:

February 4 False alarm on Bayshore Dr.

February 9 Agency assist for a traffic violation in Bethany Beach.

February 10	Public assist at York Beach Mall. Subject was stranded and needed transportation to Rt. 54.
February 12	Agency assist for a burglary in Middlesex. The door was kicked in and two plasma TVs were taken.
February 12	Open door on Petherton Dr. The door was secured. No sign of forced entry.
February 12	Violation of local code. Three separate construction sites did not have valid mercantile licenses. All three were turned over to the Building Inspector.
February 12	Verbal domestic on Elizabeth Way. No arrests made.
February 15	False alarm on W 3 <sup>rd</sup> St.
February 16	Parking violation on Anchorage Dr. involving a tractor trailer.
February 17	Disorderly subject on the beach near Logan St. This incident was related to the beach replenishment project. South Bethany Police had to intervene and tell the subject that he could not be in the area of the construction.
February 18	Open door on Petherton Dr. Everything was okay.
February 21	Local fugitive was apprehended during a traffic stop.
February 27	Agency assist in Ocean View for a burglary in progress. However, it was found not to be in progress and the suspect had fled.

### **ORDINANCES/RESOLUTIONS**

- **First Reading of Ordinance 141-08, Amending Chapter 134, Vehicles, Operation of, to Allow Enforcement and Penalties for Offenses of Traffic-Control Devices (John Fields)**

Councilman Fields explained that the Delaware State Code regulates most traffic vehicle regulations in the state. In addition, a municipality can have regulations of its own regulating the use of vehicles in traffic within its jurisdiction. This ordinance gives the South Bethany Police a firmer standing in court after issuing a ticket.

Councilman Fields reviewed §§ 134-2D and 134-3B. Councilman Fields asked for questions regarding the ordinance. Council members did not have any questions. Mr. Cestone stated that he found § 134-2D confusing. Councilman Fields agreed but explained that it was taken directly from the State Code. The Town Manager explained that the term traffic-control device is used in accordance with the Federal Manual for Uniformed Traffic-Control Devices which local and state governments must abide by.

Mayor Jayne noted that the fines in § 134-3B have not been raised in 14 years. He added that the Town will be reviewing all of its fees in order to keep them up to date.

Mayor Jayne declared this the first reading of Ordinance 141-08.

### **COMMITTEE REPORTS**

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

The northern end is nearly complete. The biggest problem is money and time. With the September to December time frame, they will not be able to finish the southern section before

December 31, 2008. In order to complete the project next year, they hope to start in August 2008 and continue a few months past December 2008.

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

The grass has been planted and fences are up. The disabled walkway at S. 3<sup>rd</sup> St. is being constructed.

There is also more beach on the state beach which will provide good protection for the dune.

Regarding adding more handicapped ramps at the Town's expense, Mayor Jayne said it will be kept as an open item. There is no money in the Town's budget for additional handicapped walkways. Construction of a handicapped walkway is expensive. The basic philosophy with the new beach is not to do too much until the Town has had some experience with it.

A property owner suggested providing more handicapped parking at the handicapped walkway.

Mr. Rae inquired about fences and grass in front of Sandpiper Village. The Town Manager said that DNREC has agreed to put a row of sand fence along the dune and replant beach grass.

Mayor Jayne stated that the Town will have two additional lifeguards this year due to the size of the beach. Also, a shed will be placed on the east side of the dune to store equipment for easy access for the lifeguards.

- **Beautification** – Councilman Ronan reported:

The committee will continue according to its plan and the funds are in place in the budget.

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

The Town Manager reported that the dredging is in progress. The Anchorage Canal is taking longer than anticipated due to more material in the canal than had shown up in the 2003 survey. The Anchorage Canal is also the furthest distance from the pump which slows down the speed. The project was planned to be completed by the end of March but it may not meet this deadline.

Councilman Ronan complimented those involved saying that it is a fantastic accomplishment. Mayor Jayne noted that it took longer to get the permits than it will take to do the dredging.

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

The Ribbon Cutting Ceremony is scheduled for Saturday, May 3, at 9 a.m.

Town Hall is accepting orders for honorary/memorial bricks to be located around the flagpole. The cost is \$100 per brick.

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

The Planning Commission has been working on the controversial issue of impervious surfaces. The Commission has some information and recommendations for Council. Council decided to put the issue on the agenda for the April 24 Workshop.

- **Tidal Pump Program Update** – Mayor Jayne reported in Councilman Headman’s absence:

DNREC staff has reviewed the Tidal Pump and responded with many comments. The Tidal Pump Committee’s main activity at this time is to respond to DNREC’s review. It is moving along, but there is quite a ways to go.

- **Windmills** – Councilwoman Lambertson reported:

Recently the last hearing in a series of controversial hearings regarding Bluewater Wind was held. Bluewater Wind says that area residents will benefit, however Delmarva Power says that the benefits would be diluted through 13 states because of the grid.

Delmarva Power may go out to bid again for alternative sources of power.

- **Canal Water Quality** – Mayor Jayne reported in Councilman Headman’s absence:

The Property Owners Association has set up a canal water quality sampling program. Mr. Rae explained that during the cold months the samples are taken periodically. In the warmer weather the samples will be taken weekly. Mr. Hughes said that June 15 to September 15 is a critical period regarding water quality. As the temperature goes up, the dissolved oxygen starts going down.

#### **ADMINISTRATIVE MATTERS**

- **Approval of 2008 Election Board**

A motion was made by Councilman Ronan, seconded by Councilwoman Gassinger, to appoint Marge Schaefer, Elsa Clarke, and Frank Fay to the 2008 Election Board with Carolyn Marcello as the alternate. The motion was unanimously carried.

- **Adoption of 2008 Sussex County Tax Assessments**

A motion was made by Councilman Fields, seconded by Councilwoman Gassinger, for the Town to adopt the Sussex County tax assessments. The motion was unanimously carried.

#### **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Rubinsohn, to adjourn the March 14, 2008, Town Council Regular Meeting at 8:05 p.m. The motion was unanimously carried.