

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES JULY 8, 2011</b>
--

**ATTENDANCE**

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; Ptlmn. Patrick Wiley; Beach Patrol Captain Ben Chandlee; and Administrative Assistant Pam Smith

**MEETING CALLED TO ORDER**

Mayor Headman called the July 8, 2011, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**RECOGNITION RESOLUTIONS**

- **Resolution 5-11, A Resolution to Recognize Tim Saxton**

Mayor Headman recognized and thanked Tim Saxton for his work as the Council Treasurer and the Chair of the Budget and Finance Committee. Mayor Headman stated that Tim Saxton had done a wonderful job and Council will miss him. Mr. Saxton was unable to attend this meeting, but he told Mayor Headman that he appreciated the resolution. Mayor Headman read Resolution 5-11.

- **Resolution 6-11, A Resolution to Recognize Bob Cestone**

Mayor Headman stated that Bob Cestone has served on the Town Council numerous times and he is being recognized for all of the time, effort, and dedication he has given to the Town. He added that Bob Cestone has been a wonderful source both as a Councilman and as a historian for many issues. Mayor Headman read Resolution 6-11 and presented the framed resolution to Mr. Cestone.

**PROPERTY OWNERS' PARTICIPATION**

- Mike Matera (311W. 9<sup>th</sup> St.) – Inquired if there was a report on the bulkhead inspection and added that he has seen some bulkheads that are in bad condition. The Town Manager stated that the Code Enforcement Constable contacts the property owners to make repairs if he finds any deficiencies. The Code Enforcement Constable has done that. The Town Manager told Mr. Matera to report any deficiencies that he has seen to the Town. The Town does not normally do a report to the Council on the bulkhead inspection.
- Mary Suazo (7 S 3<sup>rd</sup> St.) – Stated that the Historical Society was formed almost two years ago and is making progress. It is a tremendous job and the organization needs more members and more support from the community. It is a worthwhile community project. People are coming forward with old maps, documents, and data. The Preservation Committee, chaired by Martha Fields, has to catalog and preserve these documents for future generations. It takes money to buy the materials to preserve the documents and to do the necessary research. The Mayor (starting when Gary Jayne was Mayor and continuing with Jay Headman) and Council have been very supportive. The Historical Society is asking for support from the property owners to join the South Bethany Historical Society. The membership fee is \$15 annually. In addition, property owners can donate money. Members and donors will be sent a newsletter from the Historical Society to keep them informed of what the organization is doing. Carolyn Marcello added that documenting the history of the town has not been done before and it will benefit the town. Mayor Headman thanked the Historical Society for the important volunteer work they are doing to preserve the town's history.
- Sandi Roberts (107 Canal Dr.) – Regarding yard waste, Ms. Roberts is bothered that bags of yard waste sit out at the street for weeks at a time. She inquired if there was a policy in place

or will there be a policy in place regarding yard waste similar to the policy regarding recycling carts of notifying property owners when they leave their recycling carts out for long periods of time. The Town Manager stated that the Town is still having a problem with people putting their yard waste in plastic bags and the yard waste contractor has been concentrating on putting stickers on the plastic bags. Once that problem is taken care of the Town can start notifying people who are leaving their bags out too long.

- Dennis Roberts (107 Canal Dr.) – Because it takes the yard waste contractor more than one day to pick up the yard waste, Mr. Roberts suggested the yard waste pickup be twice a month. Mayor Headman stated that the yard waste program is over budget. The majority of the Council decided to stick with the schedule for now and then use the information gained from experience to make changes to the yard waste program in the future. The program is not perfect, but the Town is going to learn from this and get better. Mayor Headman added that it is a budget issue that Council will have to discuss.

### **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, June 10, 2011** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the June 10, 2011, Town Council Regular Meeting Minutes as amended by Councilwoman Voveris as follows:

Page 6, Second paragraph under Beautification Committee: Change "Kent Stephen" to "Kent Stephan".

Page 7, Second paragraph under Budget and Finance Committee: Change "Councilwoman Voveris stated that there is a tremendous pool of resources between the knowledge and experience of the Committee members and she would like to tap into it and maximize what the Town can get out of everybody" to "Councilwoman Voveris stated that there is a tremendous pool of resources between the knowledge and experience of the Committee members and she would like to tap into this and maximize the Committee's contribution to the Town."

The motion was adopted.

- **Town Council Workshop Meeting Minutes, June 13, 2011** – A motion was made by Councilman Fields, seconded by Councilman Gross, to accept the June 13, 2011, Town Council Workshop Meeting Minutes as amended by Councilman Gross as follows:

Page 2, Second Paragraph: Change "Then Council will decide about putting the report on the website, and Mayor Headman will send out a News Update telling property owners that the report is posted on the website" to "Council decided to put the report on the website and Mayor Headman will send out a News Update telling property owners that the report is posted on the website."

The motion was adopted.

### **LEADERSHIP REPORTS**

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

Representative Hocker is working with the Town to set up a meeting with DNREC regarding the yard waste regulation to give DNREC feedback and maybe make some modifications. In Sussex County residents have to take their yard waste to a private location and pay for it. The other counties in the State have a public place to take yard waste.

The Town received an email from a man who visited South Bethany thanking Captain Chandlee and the Beach Patrol for their excellent professionalism. Mayor Headman stated that on the Town Survey the Beach Patrol was rated in the very satisfied category 99% of the time. Mayor Headman gave his compliments to Captain Chandlee and the lifeguards.

June 2011 had the fewest "June Bug" incidents that the Town has ever had. Mayor Headman complimented the community, the realtors, and the police force for working together on this issue. The June Bug Committee will meet again next week.

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

The Maintenance Department installed a handrail on the walkway at N. 6<sup>th</sup> St. The Town would like to receive feedback from people on what they think of it.

The bike path has been seal coated. The stenciling is not complete because the Town had to order a new stencil. Hopefully the stenciling will be completed in the next week or so.

The Town added an additional Mobi-Mat to the handicap ramp where the gap between the wooden planks was. There are now three Mobi-Mats at the handicap ramp. That leaves three ramps at the south end of town that do not have Mobi-Mats, however those three walkways were destroyed during the nor'easter and are virtually flat. After beach replenishment the Town will have to reevaluate where to put the Mobi-Mats.

Attended the July 8, 2011, SCAT Steering Committee Meeting. There was more discussion on the Municipal Street Aid. The Towns had requested but did not get the \$4 million that was cut from the State budget a couple of years ago. The Town will receive the same allotment as last year which was about \$42,000. The group agreed to go back after the recess in January and try to get the additional money restored.

Sussex County restored the police grants to the towns that have a municipal police force. A few years ago the grants were cut back to about \$10,000. In Sussex County's final budget the Town will receive \$25,000 from Sussex County for the Police Department.

- **Treasurer's Report**—Pat Voveris reported as of June 30, 2011:

Balance Brought Forward	\$ 1,597,023.44
June Revenue	\$ 162,101.56
June Disbursements	\$ 191,436.01
Balance	\$ 1,567,688.99

For the most part, departments are operating within budget. Beach Patrol has had some overtime (which should be curtailed with the hiring of two new lifeguards) and some uniform expense which has to be reclassified into equipment. The Financial Administrator is working on that and it will be corrected before the next month's report.

Transfer tax is down considerably – 62% from June of FY 2011. June of FY 2012 the transfer tax revenue was \$23,808.95 compared to \$62,316.54 in June of FY 2011. Transfer tax is dependent upon sales of homes. It can't be predicted but the Town can monitor it. It is an important revenue stream for the Town.

Overall operating budget revenues are at 22% of budget and expenses are lower at 18% of budget.

- **Police Department Report/Questions**—Ptlmn. Patrick Wiley reported for the month of June, 2011:

June 1	Local fugitive was apprehended after being stopped on Route 1 for traffic violations. He was taken to family court to answer child support warrants.
June 2	Residential alarm on Layton Dr. False alarm. Residence was secure.
June 2	Alarm on York Rd. The owner had entered the wrong code into the keypad for the alarm.
June 2	Minor vehicle collision on Ocean Dr. There were no injuries.

- June 4 Violation of local code on Periwinkle Dr. A construction site was shut down for working during prohibited hours.
- June 5 Criminal mischief incident on Sea Side Dr. Unknown subject damaged the front door glass to the victim's residence. There are no suspects.
- June 5 Loud party on N. 4<sup>th</sup> St. Party was shut down without incident.
- June 7 Miscellaneous investigation conducted on W. 11<sup>th</sup> St. Several juvenile subjects were evicted by a renter after destroying property in a residence and punching holes in the drywall. The homeowner was contacted by the Police Department and they left without incident.
- June 7 Theft from Petherton Dr. Unknown subjects removed property from outside the victim's residence. There are no suspects.
- June 10 Theft of a bicycle from Mays Way.
- June 10 Alarm activation on Layton Dr. False alarm. No intrusion.
- June 11 Local fugitive was apprehended on Route. 1 after being stopped for traffic violations. Subject was taken to JP Court 3 and released after posting bond.
- June 12 Local fugitive on Route 1 stopped for traffic violations. Subject was taken to JP Court 3 and released after paying outstanding traffic fines.
- June 12 Loud party on Bayshore Dr. The subjects were CPC'd (Crime Prevention Check) and the party was shut down without incident.
- June 12 Violation of local code on Anchorage Dr. Construction site was shut down for working during prohibited hours.
- June 13 Intrusion alarm from a residence on W. 6<sup>th</sup> St. False alarm.
- June 13 Numerous calls to service on S. 3<sup>rd</sup> St. in reference to disorderly teenagers.
- June 14 Loud party on S. Ocean Dr. Approximately 30 to 40 subjects were having a party at a residence and on the street directly in front of the residence. The chaperone was issued a code violation for violation of Peace and Good Order.
- June 14 Criminal mischief incident at the York Beach Mall. Unknown subjects damaged the wooden fence behind the McCabe's restaurant.
- June 15 Loud party on Layton Dr. It was shut down and the owner's daughter was issued a summons for violation of Peace and Good Order.
- June 15 Criminal mischief to a vehicle on W. 11<sup>th</sup> St. Unknown subject smashed the victim's side mirrors off of his pickup truck which was parked on the side of the road.
- Alarm activation on Indian St. The cleaning company entered the wrong code in the alarm panel.
- Alarm activation on Layton Dr. Malfunctioning alarm sensor.
- June 20 Violation of local code – a dog at large on Layton Dr. The owner was issued a summons for the violation.
- June 20 Bicycle stolen from a residence on Sea Side Dr.
- June 23 Residential alarm on W. 11<sup>th</sup> St. False alarm.
- June 26 Theft of a bicycle from Grotto's. Unknown subject removed the victim's unsecured bike from a bike rack.
- June 27 Residential alarm on Sea Side Dr. False alarm. Residence was secure.
- June 28 Violation of local code on Black Gum Road. Motorist was issued a summons for disregarding the barricade between the hours of 7 a.m. and 10 a.m.
- June 28 Loud party on S. 8<sup>th</sup> St. Party was shut down without incident.

June 29 Received a miscellaneous investigation conducted in reference to an email scam involving the South Bethany Property Owners Association.

Councilman Fields noted that Ptlmn. Wiley's name needs to be added to the Monthly Police Report.

Councilman Rae asked if the person that went past the barricade was a property owner in town. Ptlmn. Wiley did not know but will find out.

Dennis Roberts inquired if the Town could impose a fee for covering false alarms. Mayor Headman stated that this has come up previously and at that particular time Chief Deloach did not think it was needed. Mayor Headman stated that because more people are getting alarm systems it may be time to do something. Mayor Headman will ask Chief Deloach about it again.

Sandi Roberts asked what the cost per violation for a dog at large is. Ptlmn. Wiley believes it is \$25.

Mike Matera inquired about the police officer on a golf cart on the highway. Ptlmn. Wiley said that was Chief Deloach riding on the Town's golf cart (which was donated to the Town) enforcing bicycle safety laws. Mr. Matera asked what the State rules are regarding driving golf carts. At the meeting Ptlmn. Wiley replied that a golf cart does not have to be registered if it is only going to be used to go from the west side of town to the east side of town, but if it is going to be used on a public road or state road it has to be registered. After the meeting Ptlmn. Wiley issued the following correction to the Town Council:

*DE traffic law (Title 21, Section 2113A) states: Low speed vehicles (golf carts) shall only be operated on roads where the posted speed limit is not more than 35 mph, **however**, they may not be operated on dual highways except as needed to cross them (St. Route 1).*

*Also according to DE traffic law, low speed vehicles **must** be registered if they are going to be operated on any type of roadway. So this means that even if they are only crossing St. Route 1 on the way to the beach, they have to be registered. If the wheels of a golf cart come in contact with any kind of public roadway/highway, it **must be registered**.*

Councilman Fields inquired if the false alarms are alarms that are connected to the police station. Ptlmn. Wiley stated that the alarms are connected to an alarm company. When the alarm company receives the alarm they call the 911 Center (SUSCOM) and then SUSCOM calls the Police Department over the radio to let them know they received the alarm and what company called it in. Councilman Fields stated that the homeowner pays the company a fee and the Police Department does not benefit from the fee. Councilman Fields added that the Police Department is obligated to respond to the alarm.

- **Beach Patrol Report**—Beach Patrol Captain Ben Chandlee reported for June 3<sup>rd</sup> to July 8<sup>th</sup>, 2011: See attached South Bethany Beach Patrol Report.

Captain Chandlee stated that the Bethany Beach Volunteer Fire Company has been incredible this year. Their response time has been between six and twelve minutes which is phenomenal with the type of traffic on a holiday weekend like July 4<sup>th</sup>. They are very professional and the Beach Patrol has received great feedback from the people who have had to use their services.

Vandalism to Beach Patrol Property – Stand 3 was tossed in the ocean over 4<sup>th</sup> of July weekend and has not been found. Stand 9 was pushed over and the back was cracked. It was investigated but it is difficult to find who did this. The Maintenance Department was able to repair the stand and it is back up and running.

Mobi-Mats: The Beach Patrol has received good feedback and bad feedback. The good feedback has been particularly at S. 3<sup>rd</sup> St. where the wheelchair access is. Most of the negative comments have been that when the Mobi-Mats get wet people have slipped and fallen. There have been six different incidents where people have slipped and fallen. There have been no injuries, but it is something to keep in mind.

The Town's glass bottle policy is that there are no glass bottles allowed on the beach. Captain Chandlee stated that this has always been a tough issue for the lifeguards to enforce because they are supposed to be watching and scanning the water most importantly. Over the 4<sup>th</sup> of July weekend Captain Chandlee personally found 23 different groups violating the glass bottle rule. He asked them to remove their glass bottles from the beach and they cooperated. To combat violations of the policy, Captain Chandlee suggested adding signs in more visible areas. He stated that it may be helpful to place glass bottle ordinance signs on each walkway, although he realizes that presents problems regarding sign pollution. Captain Chandlee stated that the Beach Patrol will continue to patrol for glass bottles. After a discussion, Mayor Headman stated that he will do a News Update to remind people to use cans rather than bringing glass to the beach. Captain Chandlee stated that in lifeguarding the best thing you can do to keep things safe is preventative – if you can prevent an injury than you are that much further ahead. He believes that is the goal of the glass bottle rule.

Captain Chandlee stated that the Polaris ATV Ranger has been a very valuable resource. On the Saturday before July 4<sup>th</sup> the Beach Patrol had three fairly serious emergencies within 30 minutes. The ATV was used to respond to these emergencies and to escort the victims off the beach. Without the ATV the Beach Patrol would not have been able to respond to all of these emergencies as quickly and effectively. Captain Chandlee thanked the Town for providing the ATV as well as the other support the Town provides to the Beach Patrol.

Lifeguard Competitions: The Beach Patrol placed 3<sup>rd</sup> at the Rehoboth Ocean Series, 2<sup>nd</sup> at the North Bethany Ironman Relays, and 2<sup>nd</sup> at the Sea Colony Lifeguard Challenge. This Wednesday, July 13, is the USLA Mid Atlantic Regionals. The competition will be held in Ocean City, MD on 21<sup>st</sup> St. at the Grand Hotel at 11:30 a.m. Beach Patrols from New York, New Jersey, Delaware, Maryland, and Virginia will compete.

## **COMMITTEE REPORTS**

- **Beautification Committee** – Councilwoman Callaway reported:

The Beautification Committee's *Beautifying South Bethany Makes Dollars and Sense* flyer was mailed to all property owners in the Summary Results Report of the 2011 Comprehensive Plan Community Survey mailing. The flyer was prepared as a result of the comments shared at the East Side Working Group meeting as well as input from the Beautification Committee. The Town's Mercantile License List is now posted on the Town's website and is a resource for property owners wishing to "fix it, replace it, improve it, paint it, cut it, or remove it". The Mercantile License List is updated monthly. *The Beautifying South Bethany Makes Dollars and Sense* flyer also gently reminds property owners that some of the things that they need to do around their houses may be a violation of the Town Code. The flyer will be updated and probably used in the fall and the spring as a reminder to property owners.

The Adopt-A-Canal End & Adopt-A-Road End Program is going very well. Six canal or road ends are completed, two are in progress, and there are two people who are considering participating. The Committee is preparing a News Update to send out with before and after views of the adopted canal or road ends. The adopt program is a time consuming effort but it is well worthwhile.

The work on the Route 1 median continues. Everything looks good for the excavation funds to come in and the tree grant is on track. If all goes as planned, the project should be completed by the end of November.

The next Beautification Committee Meeting is scheduled for August 24, 2011.

- **Budget and Finance Committee** – Councilwoman Voveris reported:

The Budget and Finance Committee met on June 25, 2011.

- The Committee reviewed charts prepared by Councilwoman Voveris which highlighted General Fund Revenue versus Expenses for 2010 and 2011. Of particular note was substantial savings to the Town brought about by work done by the Town Manager and the Financial Administrator by switching electricity service to a co-op, general insurance to DFIT, and gasoline purchases to Fuelman with the State of Delaware. This accounted for a substantial savings of over \$60,000.
- The Budget and Finance Committee will work on the following projects: Review Town fees, review the Town Charter in the financial areas, create an investment policy recommendation to bring to the Town Council for approval, review the Budget Request Form, survey towns on how they are monitoring internet rentals, and survey towns regarding Mercantile Licenses. Each committee member has been assigned a project and will produce their findings at the next meeting which is scheduled for Saturday, August 27, 2011.
- The Committee agreed that questions related to the budget reports would be directed to Councilwoman Voveris and she will compile a list for the Financial Administrator so that she can prepare answers for the meetings.
- Moving forward, the Financial Administrator will be presenting a synopsis of the budget activity at all of the Budget and Finance Committee meetings.

- **Canal Water Quality Committee** – Councilman Junkin reported:

The Committee is hoping that the project of turning the medians into rain gardens depending on excavation funds comes out well.

The Committee is going to continue to study and get information on aeration in the canals through the use of a diffuser.

One of the suggested retrofits of the Anchorage Canal Drainage Area Assessment Project was to put a large retention basin near Sea Colony that would catch a lot of the water and give it time to settle out the nutrients before it comes into South Bethany's canal. There is a planning meeting with DelDOT the end of July to try to get something happening regarding that suggested retrofit.

- **Planning Commission** – Councilman Gross reported:

The Planning Commission has two positions that need to be filled. If interested in filling a position, contact Councilman Gross. He has a copy of Chapter 20, Planning Commission, of the Town Code as well as the Town of South Bethany Planning Commission By-Laws and Procedures for interested people to review.

### **ADMINISTRATIVE MATTERS – APPOINTMENT/REAPPOINTMENT OF BUDGET AND FINANCE COMMITTEE MEMBERS**

A motion was made by Councilwoman Voveris, seconded by Councilman Fields, to reappoint Keith Krenz, Steve Farrow, and Kent Stephan to the Budget and Finance Committee. The motion was unanimously carried.

### **ADJOURNMENT**

A motion was made by Councilman Fields to adjourn the July 8, 2011, Town Council Regular Meeting at 8:05 p.m.

PHS:Regular Meeting Minutes.7.8.11 Amended and Approved 7.28.11

Attachments: South Bethany Beach Patrol Report June 3<sup>rd</sup> – July 8<sup>th</sup>.