

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
AUGUST 14, 2015**

MEETING CALLED TO ORDER

Mayor Voveris called the August 14, 2015, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Council Members George Junkin, Tim Saxton, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Council Member Sue Callaway

PROPERTY OWNERS' PARTICIPATION

- Jack Wise (146 Evergreen Rd.) – Asked if there were any South Bethany ordinances regarding owners of cats controlling their cats. The Town Manager replied that he would have to check, but as far as he knew the Town Code does not reference cats. The Town Manager noted that feral cats are protected under state law.
- Dan Cowell (110 Henlopen Dr.) – Referring to the Monthly Treasurer's Report, inquired about the Gross Rental Tax revenue. Councilman Saxton explained that in the FY16 Budget the Town budgeted for \$511,000 in Gross Rental Taxes and to date the Town has received \$4,609 in rental taxes. It was noted that the due date for rental tax is October 31, 2015, and the Town does not expect to start seeing the funds come in until the end of September.

Referring to the July 2015 EMS Run Report, Dr. Cowell noted that South Bethany doubled in its EMS Calls from 8 in July 2014 to 16 in July 2015. Dr. Cowell asked if anyone had any ideas on what that means. The Town Manager stated that they are not beach related because the ambulance has not been called to the beach that much this season. Dr. Cowell stated that from his observation it could be due to negligent bike riders and he wondered if there was something the Town should do about this. Councilman Junkin said that from the EMS Run Report it is not known if the South Bethany calls are accident related or health related. Mayor Voveris said she will follow up with the Ambulance Service.

Dr. Cowell said that people continually violate the no bikes on the walk path rule. Dr. Cowell believes this is dangerous. Dr. Cowell wondered if anybody thinks "No Bike Riding" signs should be posted on the path. Bob Cestone (140 New Castle Dr.) stated that when the walk path was first put in, there was a sign at every block but people didn't like the looks of it. Now the sign is stenciled on the path.

- Mike Matera (311 W. 9th St.) – Stated that he has been in South Bethany going on 25 years. Mr. Matera said he bought property in South Bethany on a canal because the canals were clean. Mr. Matera said now the canals are brown and green and people can't swim in the canals. Mr. Matera thinks the Town should not spend close to \$400,000 to expand the Town Hall and Police Department buildings. Mr. Matera thinks the Town should spend money on the canals. Mr. Matera stated that if the canals are clean the prices of the houses will go up because people want clean water. Mr. Matera added that he thinks the town is getting more and more mosquitoes from the dirty canals. The Town Manager stated that when the Town gets mosquito complaints he turns the complaints over to the State's mosquito control

department and they will schedule an adulticiding for the town. The Town Manager stated that he has not received any mosquito complaints this year.

Mr. Matera suggested that if the Town needs a bigger hall, instead of spending the money to build a bigger building, the Town should rent the fire department hall or some other hall. Mr. Matera believes that would be cheaper than building a bigger building and using electric and other expenses.

OLD BUSINESS

- **Artesian Report on Wells in Town (Pat Voveris)**

Mayor Voveris said the Director of Planning for Artesian said their records show the total parcels in South Bethany is 1,404 and the total active South Bethany accounts with Artesian as of January 2015 is 1,215 – almost 90% of homes in South Bethany are serviced by Artesian. Regarding a property owner's concern that not all South Bethany property owners are paying their fair share for water hydrant services, the Director of Planning replied the following in an email to Mayor Voveris: "This is a concern we hear periodically, however we do not have the ability to charge property owners that are not our customers. I do not anticipate any changes regarding this matter." Mayor Voveris acknowledged to Mr. Matera that this was not the answer he wanted to hear, but that is the answer. Mr. Matera thanked Mayor Voveris.

- **Report on Meeting with DNREC on Wetlands Restoration (Pat Voveris)**

Mayor Voveris explained that South Bethany property owner Joan Marini had inquired about the condition of the town wetlands. Mayor Voveris contacted DNREC Environmental Scientist Jim Chaconas who met with Mayor Voveris and the Town Manager and toured the town and looked at the wetlands. Mr. Chaconas sent the following to Mayor Voveris in an email: "After visually evaluating the wetland at South Bethany adjacent to the Assawoman Canal, it is my opinion that the wetland is healthy and functioning as a low marsh wetland. The dominant vegetation (*Spartina alterniflora*) is healthy and the mudflat pools which are typical of this type of wetland provide important foraging habitat to migratory birds. Wetlands such as this one to large extent are the beginning of the food chain for many of the fish in the bays and ocean. The wetlands produce detritus (organic material) and phytoplankton that feed zooplankton. The zooplankton in-turn feed the small fish that often seek shelter in tidal wetlands and consequently, feed the larger fish native to the bays and ocean. This wetland, due to its proximity to the Canal, is regularly monitored by the DNREC, Div. of Watershed Stewardship to make sure there is not any significant erosion occurring that would affect the navigability of the Canal. If I can be of further assistance please do not hesitate to call."

Mayor Voveris noted that she mailed a paper copy of Mr. Chaconas' email to Ms. Marini.

Public Comment: Joan Marini (300 W 8th St.) – Ms. Marini gave the following report on phone conversations she had with Jim Chaconas (Environmental Scientist, DNREC Wetlands and Subaqueous Lands) and Alison Rogerson (Program Manager, DNREC Watershed Assessment Program):

Jim Chaconas

1. Mr. Chaconas is on the Regulatory side of wetlands management, involved in the issuing of permits, etc., not in wetlands assessment. Although his title is Environmental Scientist, he is a soil expert and technically not a scientist.
2. He did a visual assessment of the Wetlands bordering Assawoman because Mayor Voveris asked him to. He says that people often call him even though this is not actually his job, because he is responsive.

3. Mr. Chaconas did his assessment entirely from the road, that is from Canal Drive. From this vantage he could see medium size pools of water near the road from 2nd to 4th Street. He could also see an edge of water further in to the wetland and higher up. This was the basis of his email that the wetland was healthy because the pools did not appear to be large. He did not assess from water level or from the Assawoman Canal side.

Joan Marini

4. I pointed out to Mr. Chaconas that the wetland in this region had been stable for 4-5 years but had changed significantly over the last winter.
 - a) In the stand of grasses at the bottom of 2nd Street fronting Jefferson Creek, this was previously stable as almost entirely grass with a small water pool (bathtub size) after a rain storm. It is now a standing pool of water with only a 2-3 foot rim of grass all around.
 - b) Off **Assawoman Canal you can now enter the wetlands** easily by kayak at two locations, which was not possible in prior years. These entrances both lead to substantial ponds in both surface area (easily over an acre) and depth, not just a few inches deep and easy for kayaking. These large ponds have arms that are large enough to kayak and lead all the way parallel to Assawoman to the level of 9th Street. And they also have large horizontal arms that lead nearly to Canal Drive and occur all the way to 5th Street. These ponds are not easily visible from Canal Drive because of the perspective angle, having to see over grasses that are 2 feet tall results in the apparent distortion of seeing only an edge of water from the road rather than the full expanse.
 - c) I said that not only are these areas not providing the water buffering of a healthy wetland but also they are now much more vulnerable to further loss. It would seem logical that it was more effective and economical to counter this loss now before it became merged with open water and was a much bigger job.

Jim Chaconas

5. Mr. Chaconas checked the photographs available to him online, the most recent of which was from 2013. The wetland assessment started in south Delaware and is working north in a multi-year program. Thus he was not able to appreciate the changes in this site in the last year.
6. He said that the species of grass predominant in these wetlands is susceptible to freeze and thaw cycles. Also the dredging of Assawoman Canal has raised the water level somewhat. If these events combine, then large pools can develop that do not spontaneously refill with grasses. That pond size should be watched, and that the time for action might be around 50:50 water to grass surface.
7. He referred me to the Watershed Assessment Program. He said that perhaps logs or other objects could be placed to encourage regrowth by providing a substrate, and that this was also the organization that would have grants available, as would the Center for the Inland Bays. This area is owned by the town so DNREC would not be available.

Alison Rogerson

1. Ms. Rogerson said that the Assessment Program had last been through the South Bethany area in 2008 for a formal assessment, but that aerial photos were available from other sources.
2. She referred to the kind of wetland breakdown in the South Bethany area as "interior breaking" as compared to the more common breakdown from the edges.
3. She said the causes of interior breaking were not known (potentially ice crystal formation from freeze/thaw cycles or a virus affecting the plants). The nucleus for interior breaking appears to be old mosquito control ditches.
4. I told her that the sequence of events was that the grass was gone first, noted after winter thaws. Then low levels (few inches) of water in the flats that birds could walk

through, then deeper water. Ms. Rogerson said that the soil has likely eroded in the open areas allowing the water to deepen.

5. Possible remedies:
 - a) Watershed Assessment will come out and do an assessment if requested.
 - b) They can recommend living shoreline materials (logs) or soil from dredging to be placed as substrate for grass return. This may be especially appropriate for pools near the road that are not open to Assawoman.
 - c) There is a Shoreline Committee that can make recommendations.
 - d) There are quarterly grants programs and this could fall under a water quality grant.

Mayor Voveris asked Ms. Marini for the contact information and said she will follow up. Ms. Marini thanked Mayor Voveris and said she was pleased Mayor Voveris had followed up the first time.

ADOPTION OF MINUTES - Town Council Regular Meeting Minutes, July 10, 2015

A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to accept the July 10, 2015, Town Council Regular Meeting Minutes. The motion was unanimously carried.

ADMINISTRATIVE MATTERS

- **Discussion and Possible Vote on Appointment of Town Hearing Board for Appeal of Floating Dock Violation. Members would include Wayne Schrader, Frank Weisgerber, and George Junkin. (Pat Voveris)**

A motion was made by Councilman Junkin, seconded by Councilwoman Stevenson, to approve the appointment of Wayne Schrader, Frank Weisgerber, and George Junkin to a Town Hearing Board for an appeal of a floating dock violation. The motion was unanimously carried.

After discussion, Councilman Schrader said the board will come up with some dates for the hearing and propose them to the property owner.

- **Appointment and possible vote on the Communications and Public Relations Committee Chairperson and Committee Members: Chairperson – Carol Stevenson; Committee Members: Lisa Saxton, Ann Boteler, Margaret Oliver, and Linda Whitney**

A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to appoint Carol Stevenson as Chairperson of the Communications and Public Relations Committee and to appoint Lisa Saxton, Ann Boteler, Margaret Oliver, and Linda Whitney as members of the Communications and Public Relations Committee. The motion was adopted. (Councilman Saxton abstained.)

DISCUSSION AND POSSIBLE VOTE TO LIQUIDATE THE DIFFUSERS (GEORGE JUNKIN)

Motion: A motion was made by Councilman Junkin, seconded by Councilman Saxton, to accept Envirotech's offer of being the sellers of the diffusers for **approximately** \$6,500 and that the Town pay Envirotech 20% to sell the diffusers for the Town.

Public Comment: Ms. Marini asked why the diffusers are coming out. Councilman Junkin referred Ms. Marini to two reports on the Canal Water Quality page of the Town's website. The reports are posted on the Summary of Projects tab. The names of the links are: 1) Diffuser November 2013 Report, and 2) 2014-Diffuser-Status-Report-Final-1. Councilman Junkin reviewed the conclusions given in the two reports. Councilman Junkin stated that there was no measurable increase in dissolved oxygen in the Petherton Canal. Councilman Junkin said the

only thing that was improved by having diffusers in the Petherton Canal was that stratification was eliminated in that canal. Councilman Junkin said this would eliminate the likelihood of fish kills in the Petherton Canal, however there has never been a fish kill in that canal. Councilman Junkin added that from an "eyeball kind of measurement" the diffusers did not make a difference in decreasing the algae in the Petherton Canal. Councilman Junkin said the diffusers cost \$150 a month to run in one canal. Councilman Junkin said the diffusers were put in as an experiment to see if they would increase dissolved oxygen – it did not come out that way.

Vote: After more discussion the motion was unanimously carried.

There was discussion on whether the Town should try to take the diffusers out or pay Envirotech \$900 to \$1,000 to take the diffusers out.

Motion (no second): A motion was made by Councilman Junkin that the Town take the diffusers out and deliver the diffusers to Envirotech. The motion was not seconded.

Motion and Vote: A motion was made by Councilman Saxton, seconded by Councilman Junkin, that the Town pay Envirotech the \$900 to \$1,000 to remove the diffusers. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO AMEND THE CANAL WATER QUALITY COMMITTEE BUDGET TO ADD A \$10,000 LINE ITEM TO SUPPORT CASH MATCH FOR A GRANT TO STUDY/ANALYZE POTENTIAL OPTIONS TO IMPROVE CIRCULATION IN THE SOUTH BETHANY CANALS (GEORGE JUNKIN)

Councilman Junkin said over the years the Canal Water Quality Committee has worked with the Center for the Inland Bays to do things to improve the town's water quality. All of the projects had to do with stopping nutrients from going into the canals. The Town has had grants along the way to do the projects. The monitoring data shows that maybe the water quality is getting slightly better – nitrogen concentrations and bacteria concentrations are going down and dissolved oxygen is going up. All three are good. However they are not moving very far and the amount of nitrogen and nutrients in the canals are still much higher than DNREC recommends, and the bacteria levels at the dead ends are much higher than DNREC recommends. Research shows that if circulation is increased, the water quality at the dead end canals will be improved. Councilman Junkin said he has not pulled the reports for Council, but there are papers written where people have taken dead end canals and connected two together so that the water can move a little bit more and doesn't come up against the dead end. The Canal Water Quality Committee would like to look at maybe opening up the York Canal and Carlisle Canal to Jefferson Creek and maybe try to get some other canals such as Anchorage and Petherton somehow connected to Jefferson Creek.

Councilman Junkin said that before the Canal Water Quality Committee can try to get a grant to improve water quality in this way, analytical data would be needed that shows what is being proposed would make a difference. Councilman Junkin said that what he is asking for is a commitment from Council that they are willing to put up \$10,000 for the next grant opportunity that comes along to try to get an analysis done that will show what improvements can be made.

Councilman Saxton said he thinks this is an important discussion because there are competing priorities ongoing within the town and Council needs to decide what is more important because in his opinion the Town is not going to be able to take on both projects (expansion of Town Hall/Police Department and canal circulation improvement). Councilman Junkin said he disagrees slightly because he believes the Town can get grant money to implement water quality improvements.

Jack Whitney, Canal Water Quality Committee Member, said the committee is first looking at natural means to enhance circulation [1) Open up York and/or Carlisle Canal and 2) Interconnect

the dead end canals that run east/west down Route 1], and then if natural means do not produce the wanted results, look at assisted means (such as pumping). Mr. Whitney stated that the implementation could be done in stages. Later in the discussion Councilman Junkin said he believes the Town could receive grant money for the different stages of the implementation.

Councilman Junkin said the budget for the study would be \$20,000. The Town would ask for a grant for \$10,000, and since the grant is a one to one match, the Town would have to supply \$10,000.

Mayor Voveris stated that Council passed the current budget a few months ago. At that time Council made a conscious decision to take money out of the budget for a canal water quality grant. Mayor Voveris questioned how high of a priority it was if the money for a canal water quality grant was taken out of the budget. Later in the discussion Councilman Junkin stated that at the time the money was taken out of the budget, Council said they could reevaluate the budget after the Town had its financial review. Councilman Junkin said this was recorded in the meeting minutes.

Mayor Voveris said she thinks the Council needs to have an understanding of what the Canal Water Quality Committee is proposing. Referring to exchanges between Councilman Junkin and Mr. Whitney earlier in the discussion, Mayor Voveris said she does not feel Councilman Junkin and Mr. Whitney are necessarily on the same page regarding the study. Mayor Voveris said if the implementation is to be done in stages, the committee should give Council some idea of the various stages and the overall possible success and the overall possible cost. Mayor Voveris feels it needs to be more organized and Council needs to have more information (Mayor Voveris referred to the reports Councilman Junkin mentioned that were written by people who have taken dead end canals and connected two together but were never given to Council for review and consideration). Mayor Voveris thinks it should wait for the next budget.

Councilman Saxton stated that he views this as having competing priorities in the Town (expansion of Town Hall/Police Department and canal circulation improvement), and he needs to know what each is going to cost before making a fully informed decision in creating priorities. Councilman Saxton said the only way to get the cost regarding canal circulation improvement is to do the study.

Mayor Voveris said neither is "time is of the essence" and she questioned breaking the budget. Mayor Voveris said there are going to be other grant opportunities that will come up.

Public Comment:

Ron Wuslich (130 Petherton Dr.) – Spoke in favor of spending the money to do a study.

Dan Cowell (110 Henlopen Dr.) – Spoke in favor of authorizing \$10,000 for the study.

Joel Danshes (204 W. 10th St.) – Spoke in favor of spending the money to do a study.

Betsi Baker (309 W. 7th St.) – Spoke in favor of spending the money to do a study.

Motion and Vote: A motion was made by Councilman Junkin, seconded by Councilman Saxton, that the Council approve a \$10,000 amendment to the budget to be used for a future grant relative to circulation improvement in the town canals. After discussion, a roll call was taken. The voting was as follows:

FOR THE MOTION: Councilpersons Weisgerber, Saxton, Schrader, and Junkin

AGAINST THE MOTION: Mayor Voveris and Councilperson Stevenson

The motion carried with a 4-2 vote. Mayor Voveris prefaced her "No" vote saying "at this time".

LEADERSHIP REPORTS

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

During the ambulance group meeting in July that included Bethany Beach, Fenwick, Middlesex, and South Bethany, a proposal was made by Bethany Beach to consider hiring firefighters to coexist with and supplement volunteers. This concept has come about due to dwindling volunteerism primarily from our demographics, but is a trend affecting our entire country. This thought of implementing paid firefighters will be brought forward in public meetings during the coming year, with the thought of implementation in July 2016.

The movie night rescheduled to July 25 proved very successful with approximately 250 in attendance. Thanks to our staff including Pam Smith, Dee Burbage, Rick Gentile, Don Chrobot, and Chief Crowson. Thanks to our volunteers including Dick and Margaret Oliver, Neal and Karis Brown, John and Martha Fields, Steve and Stephanie Bunoski, Sandy Raymond, Eddie Oliver, and Charlene Sturbitts. Thanks to homeowners, Mr. & Mrs. Moniz, for providing our electricity. Thanks to Barton's for their expert service and at no additional cost to reschedule.

Job well done!!!!

I had the privilege to attend the graduation ceremony for our new academy recruit, Megan Loulou. She was part of the 88th Ceremony for Municipalities.

It was both inspiring and gratifying to experience this ceremony and hear prominent speakers praising these "beacons of hope" and witness the generational dedication in the event. Fathers, mothers, aunts, uncles, brothers and sisters all came forward to pin the new graduates for their accomplishment.

This not only made me pause but it made me proud that our Town had a new recruit to law enforcement. This is a special breed of person and we should recognize their courage, commitment, and sacrifice for our well-being.

Thank you and good luck, Patrolman Loulou!!!

Other recently attended events included the dedication of the Little Free Library #2 on South 3rd Street by the walkway, the Governor's celebration of the Assawoman Canal Trail, and our Beach Patrol recognition by the Fenwick Chamber.

Since others will report on these I will keep my remarks brief. For the small Town of South Bethany we certainly keep things hopping and clearly reflect the old adage, "Good Things Come in Small Packages!"

Congratulations to our Maintenance Supervisor, Don Chrobot, who celebrated 10 years of service on August 1. Don is an integral part of our smooth operations of South Bethany in both the day to day and special event activities.

In my 14 months in serving as Mayor I have never had a time when Don did not answer my call or respond in a positive and courteous fashion.

Thank you, Don. None of this goes without notice!!!

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

The Town Staff will be working on the Town's annual Community Rating System (CRS) recertification which is due between September 15 and October 1. The CRS certification allows everyone in town to get a 10% discount on their flood insurance as long as the Town remains certified in the program.

Delaware Founders Insurance Trust (DFIT) – DFIT was formed in 2008 to try and curb local governments against the workers compensation increases that were coming every year – some years the increase was as high as 14 to 15 percent. The Town of South Bethany joined DFIT in 2009. Last year DFIT became a self-funded workers compensation group – the first one in Delaware. There are 23 members in DFIT – mostly towns and one county (Kent County). The program has been so successful in keeping accident rates down and avoiding state increases that the Town has received a refund in the amount of \$5,282.12. Typically when you have workers compensation with an insurance company, the insurance company keeps all of the profit. DFIT gives some of the profits back to its members. The Town is very active in DFIT with the Town Manager serving on the Board of Trustees and Maintenance Worker, Rick Gentile, and Finance Director, Renee McDorman, serving on the Safety Committee.

- **Treasurer's Report**—Councilman Saxton reported:
 - Treasurer's Report for the First Quarter of FY 2016 has been provided to the Mayor and Council for review.
 - One upgrade we have made is to include donations in with the Grant section as these are not routine Operating income. You can see we did increase this income by \$105,000 due to a large donation, the FEMA Grant and a Police grant for education. We do not need to have a formal amendment as grants/donations are excluded from the Budget Amendment process
 - Revenues continue to do well and we have collected approximately 58% of the fiscal year total. Highlights for Revenues are:
 - Property tax 93% collected. Following up with homeowners who are late in making tax payments.
 - Transfer Taxes are at 46% collected. Continue to see a good monthly stream of revenue here. Currently anticipate the revenue stream will remain healthy for the fiscal year.
 - Building Permits are at 42% collected. Additional permits are in the pipeline and anticipate meeting Budget or better.
 - All other revenues are tracking to budget.
 - Departmental and Committee expenditures are tracking to Budget or less based on historical spending patterns.
- **Police Department Report/Questions**—Chief Troy Crowson reported for the month of July, 2015:
 - July Activities:**
 - Movie Night
 - Parade float
 - Boat parade
 - Pedestrian Safety Event
 - Academy Graduation
 - Firework Complaints**
 - We received 5 complaints regarding fireworks. Of those complaints, 3 arrests were made.
 - Assault Investigation (Canal Drive):**
 - Still pending active
 - No new developments
 - Citizen Donation**
 - \$2,000.00
 - Department purchased bicycle lights & backpacks to allow more bicycle safety events for 2016

Missing person/disorderly subject

Subject was called in as a missing person and was located by friends, subject would not comply with friends request to come home and he jumped into the bay to elude friends.

Officers responded and were assisted by a homeowner who transported officers by boat to get subject who was lying face down in the shallow water.

Station 70's rescue boat responded to the scene as well and helped remove combative subject from the water. Subject was checked for physical injuries by ambulance upon return to land and refused all medical treatments.

Subject was arrested for disorderly conduct, offensive touching, assault, and resisting arrest.

Officer Miller injured himself effecting arrest with this difficult subject who remained disorderly while in custody, yelling, spitting, and physically assaulting officers anytime opportunity presented itself.

Subject was committed to Sussex Correction Institution and Officer Miller is currently being treated by physicians and will possibly require surgery before returning to active duty.

Operation SEAs the Day "A hero's welcome"

- On 9/11/15 Operation SEAs the Day will have a motorcade passing through the town between 5:00 and 5:15 carrying 30 wounded warriors and their families to the Freeman Stage for a concert in their honor.
- We encourage people to line up along Rt. 1 in South Bethany, wear your red, white, and blue, bring your American flags, and help us give these brave men and women a hero's welcome home they deserve!
- The wounded veterans have gone from the battlefield to a hospital to home, and most have not received a hero's welcome home, or a thank you.
- Please come out to honor our wounded warriors

- **Beach Patrol Report**—Capt. Ryan Dacey reported:

7/8-8/11

Rescues

7/16 – 6 Rescues due to rip currents

7/17 – 2 Rescues due to rip currents

8/9 – 5 Rescues due to rip currents

8/10 – 4 Rescues due to rip currents

Lost Children

7/19 – Lost Girl; Age 6; returned

Competitions

Lifeguard Olympics – placed 5th

Ultimate Frisbee – placed 4th

Bethany Beach Patrol Competition – placed 6th

Middlesex Competition – placed 2nd

Lifeguard of the Year – Claudia Guay

COMMITTEE & COMMISSION REPORTS

- **Community Enhancement Committee** – In Councilwoman Callaway's absence, Councilwoman Stevenson reported:

The following report was available on the sign-in table:

The CEC met on August 4th. The meeting was attended by Sue Callaway, Chair, Don Chrobot, Donna Farrow, Diann Nazarian, Barbara Sears, Bobbe Stephan, Carol Stevenson, Garnet Timbario, and Pat Weisgerber. Frank Weisgerber was also in attendance.

CEC Member Comments

- Carol Stevenson mentioned that the ribbon cutting ceremony for the Assawoman Canal Trail will be held on August 12th at 3:00 pm.
- Don Chrobot noted the old York Road Message Board would be removed from its current location on a privately owned canal end and a new vinyl Message Board will be located to the south side of York Road across from McCabes. The new location will offer greater visibility and easier access.
- The group discussed their dissatisfaction with the appearance and small size of the landscaping around the new water treatment equipment at the entrance to our town. Sue noted that she had contacted the coordinator of the water treatment facility and that Mayor Voveris had sent a letter to her as well. The group is also unhappy with the equipment paint color and suggested painting it green to blend in more with the landscaping. Acknowledging the need for access with trucks to the equipment, the group suggested a fence with a very wide gate and/or increased and much more matured growth landscaping.
- In looking at Committee guidelines as a whole, Sue asked the members about meeting frequency and for input on committee guidelines.

Update on Ocean Drive Art Boards

- Review of Artwork and Collage – The 17th art board was hung on Thursday, July 30th which completes the program goal. The group agreed that any further requests from artists will include advising the artists of the specific locations available (reverse sides of receptacles with potential blockage from parking).
- Review of Program and Overall Response and Costs – The overall response from the artists and the public viewing the art boards was amazing and very positive. The response also included \$2400 from the contributing artists in donated funds to cover either scanning or imaging costs. A collage of all 17 pieces of artwork and the program logo was created and hung on the reverse side of the Message Board on S. 3rd Street and Ocean Drive. An Email News Update announcing the collage and the program's success was sent out on August 3rd.
- Looking Ahead to Next Year – The group agreed that the program is complete and no other town locations for art work can be determined at this time. The artwork will hang until November, then cleaned and stored over the winter, and re-hung by May 1. The group agreed to keep the artwork located at the same sites as many requests had been made for specific walkways. The success of the Town Hall Art Exhibit (3 paintings sold) and the positive feedback about its presence in the meeting room led the group to discuss continuation of this event. Sue agreed to discuss the idea with Town Council.

Adopt Contest and Thank You Party

The 5th Annual Adopt-A-Canal Contest was held from July 17 to July 30. We received 339 votes – the highest community participation ever! The ballots were tabulated on Friday, July

31st and winners were announced at the Annual Adopt Thank You party on Saturday, August 1 (6:00 pm to 8:00 pm) at Town Hall. The winners were 1st PLACE: W. 10th Street (Pat Weisgerber); 2nd PLACE: Bayshore Drive 1st canal end (Carol Stevenson) and 3rd PLACE: canal end at the corner of Canal Drive and Russell Road (Dennis and Sandi Roberts). More than 40 adopters and artists attended the highly successful Thank You party. The group agreed that the earlier date for the contest was better and confirmed that time for next year. In addition, the group agreed to host the party at the Town Hall again as an important way to show our appreciation for volunteerism.

New permanent adopt signs and new contest signs with the newly designed logo were installed on July 14. Many thanks to Pam Smith for coordinating the online voting logistics and for making sure Email News Updates were sent out on time; to Dee Burbage for tracking and counting ballots; to Carol Stevenson, Diann Nazarian, Pat Weisgerber and Bobbe Stephan for the logistical support; and to Lord's Landscaping for generously donating the prize gift certificates: The 1st Place winner will receive \$200; 2nd \$100; and 3rd Place \$50. The certificates will be presented and winners recognized on Thursday morning, August 27th at W. 10th Street Road End. An Email News Update announcing winners and covering the thank you party was sent out on August 4th.

Councilwoman Stevenson said Councilwoman Callaway estimates about \$50,000 worth of donations have been given to the town in the form of gardening and supplies.

Little Free Library EAST

On Thursday, July 30th the new LFL EAST was officially opened and dedicated! LFL Volunteer Frank Weisgerber built the new library and Martha and John Fields will serve as its stewards. Several visitors and homeowners joined the celebration as Mayor Pat Voveris cut the ribbon! Sue Callaway, Pat Weisgerber, Martha Fields, Lori Cicero and Don Chrobot joined the event. In one week, Martha reported that the library was already very active and frequently visited! An Email News Update announcing the opening and recognizing the volunteers was sent out on August 3rd.

Replacement of Existing Free-Standing Street Lights

The group reviewed the draft notification letter to homeowners about the forthcoming replacement of existing free-standing street lights. With input from the committee, the revised letter will be presented at the August 27th Town Council Workshop.

Develop a list of objectives and potential endeavors and activities for the coming year

Per request of Mayor Voveris, the group discussed potential ideas and suggestions for future CEC activities. The group has formulated a draft list and will finalize it prior to the August 27th Town Council Workshop.

- **Budget and Finance Committee** – Councilman Saxton reported:
 - Budget and Finance Committee met on Friday, August 14th.
 - Reviewed Budget versus Actual for the first 3 months of FY 2016. We found no Revenue or Expense exceptions of concern.
 - Chief Crowson presented the Government Surplus program to the committee. The committee found the program to be appealing and one to pursue. The committee recommends the following before acquiring any capital asset through the program:
 - Establish the parameters on how to utilize the program
 - Establish a list of items interested in acquiring with the rationale, estimate acquisition costs, and estimate maintenance and insurance costs (if any). The list should be

- developed with input from all departments. This should be approved by the Town Council.
 - Establish a line item in the budget and fund as currently there are no monies in the budget.
 - The Finance Director will bring the list with rationale and costs to the next Budget and Finance Committee and the committee will work on parameters to present to Town Council
- Reviewed and approved the Capital Reserve Policy for presentation to the Town Council. Would ask that this be on the Agenda for the August Workshop.

- **Charter and Code Committee** – Councilman Schrader reported:

The Town Manager has asked the Charter and Code Committee to review the requirements in Chapter 50 and Chapter 104 of the Town Code that pertain to the method or approach by which town hearing boards are established. The reason for the request is that each chapter has a different approach. The question is whether there ought to be one process that leads to the appointment of a town hearing board.

The committee is waiting for the report from Linda Raab regarding the University of Delaware's review of South Bethany's Town Code.

- **Canal Water Quality Committee (CWQC)** – Councilman Junkin reported:

CWQC met on August 13, 2015

- Six of the 9 members were present
- Jay Headman has decided it is time for him to "move on" and thus tendered his resignation from the CWQC
- Dave Wilson presented canal water quality data from the past few years that show that:
 - Nutrient concentrations in the canals are decreasing slightly (this is good)
 - The number of days when DO was measured to be < 4 mg/L are decreasing (this is good)
 - Bacteria concentrations are decreasing (this is good)
- George Junkin presented some data from the three continuous monitors that showed all three had similar data. He also showed some data that showed DO levels is a very complicated issue, depending most on temperature, the presence of algae and solar radiation.

Grant Status

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
 - The project is on schedule
 - Homeowners have approved the concept plans
 - Preliminary plans should be available by the end of the month
- York Canal Oysters and Floating Wetlands
 - Project is Running Smoothly
 - Oysters are Surviving & Plants are Growing
 - This grant belongs to the CIB and is being administered by Cardo Entrex

Improved Circulation in Canals Grant Opportunity

- There is a need to improve circulation in the dead end canals.
- Reducing nutrients helps, but with no circulation the dead ends will always have poor water quality.

- At yesterday's CWQC meeting the committee voted unanimously to petition Council to allocate \$10,000 that can be used to go after a grant to study circulation options.
- There was a grant opportunity this August that the CWQC stopped work on when it appeared that Council might not approve the required funds.

Improved Operation at the Anchorage Forebay

- The committee is investigating this issue

Oyster Gardening

- Tony Caputo is leading the communication efforts to keep oyster gardeners up to date.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:

Sea Level Rise Adaptation Grant Status

- Jay Headman has decided it is time for him to "move on" and thus tendered his resignation from the SLR & SS Committee.
- All activities are on schedule.
- Most of South Bethany's inputs to the study (including elevation data, tide data, storm drain invert data and canal bathymetry data) were delivered to Anchor QEA late month.
- Final data (storm drain grate elevations in the Rt. 1 median and the east side of Rt.1 and transformer elevation data) were completed by AECOM last week and will be delivered to Anchor QEA next week.
- Anchor QEA delivered to us their Sea Level Rise Scenarios. They recommend that we plan for a SLR of between 0.7 feet and 1.4 feet in the next 50 years. These predictions fall right on the DNREC low and medium predictions.
- The committee is working on a presentation for public meetings in the end of September or beginning of October. The agenda for the meetings include:
 - o Educate community on current and preliminary FIRM
 - o Educate community that raising houses is good
 - o Educate community relative to flood Insurance issues (reasons rates are going up and ways to decrease rates)
 - o Talk about the grant and what is being done with it.

- **Planning Commission** – Councilwoman Stevenson reported:

The Planning Commission met on August 7, 2015, at 10 AM. All members were present including newly sworn in member Joe Petito. The Commission continued to work on the update to the Comprehensive Plan which is due in 2016. The Commission will be writing the plan which will then be certified by the State. The 2015 Community Survey which is presently under consideration by the Town Council will be used to assist with updating the Plan.

The next meeting of the Commission will be held on Monday, August 24, at 9:30 AM.

- **Assawoman Canal Trail** – Councilwoman Stevenson reported:

A ribbon cutting was held on Wednesday, August 12, 2015, at the Trail Head in Ocean View off Route 26. Over 100 people were in attendance including Governor Markell, DNREC Secretary Small, and Senator Hocker. Representing South Bethany were Mayor Voveris, Councilman Weisgerber, Councilwoman Stevenson, and our Town Manager Cusick.

The trail is a model of collaboration of local, state, and federal governments which took seven years to complete to this point. It will eventually connect Ocean View, Bethany Beach, South

Bethany, and the communities of Sea Colony and Bahama Beach Cottages. Senator Hocker, in speaking at the event, expressed his concern that the trail pass under Route 26 for the safety of all using the trail.

The trail currently extends 1 mile along the Assawoman Canal and may be used for bicycling and walking from 8 AM to sunset every day. The closest trailhead for South Bethany residents is off Town Road in Ocean View.

- **Communications and Public Relations Committee** – Councilwoman Stevenson reported:

The committee met on August 6 in Town Hall.

Activities sponsored by the committee were discussed relative to success, goals, budget for future activities, and improvements. The activities for this last year included participation in the Bethany Beach Polar Bear Plunge, Realtor Meet and Greet Luncheon, realtor and renter feedback, Wednesday Yoga at the Beach, South Bethany Float in the Bethany Beach July 4th Parade, July 5th Boat Parade and Award Ceremony, Beach Movie Night, Bicycle Safety Check, and Pedestrian Safety Check.

The Coastal Cleanup will be held in September. Mary McNeice has volunteered to be site captain for South Bethany.

Thanks to former Chairman Kathy Jankowski and the many committee members and volunteers who made these activities possible in South Bethany.

Future events were discussed including a kayak and paddleboard event and an adult activity such as a beach cookout with music.

Improving the communications through the use of message boxes on walkways was suggested.

It was suggested that the committee apply for a contingency fund of \$500 to enable the committee to add new activities if the opportunity avails after the budget is approved.

Chair Kathy Jankowski has stepped down from the committee. Carol Stevenson is the new Chair with the core committee of Ann Boteler, Margaret Oliver, Lisa Saxton, and Linda Whitney. Volunteer participation by our citizens in the 2016 activities will allow the committee to continue the traditions begun by the previous Chairs of the Communications and Public Relations Committee.

PUBLIC COMMENT

Mike Matera (311 W. 9th St.) – Asked Councilman Junkin if he said pine trees are bad for the water in the canals. Councilman Junkin said yes. Mr. Matera stated that he and his neighbors have got pine trees on the road that belong to the township. Mr. Matera said when he brought it up about a year ago the Town had an estimate of \$10,000 to take the trees down, but the Town did not take the trees down. Mr. Matera said he has pine trees in his yard that he is thinking about taking down.

Tom Roche (141 Henlopen Dr.) – Stated that he has brought up complaints about trees overhanging in the canals, but there has never been a correction to those violations. The Town Manager said when the Code Enforcement Constable did his bulkhead inspections this past year he did write letters to people that had trees that were in violation and the property owners did trim the trees. Mayor Voveris told Mr. Roche that if he sees trees in violation he needs to let the Town know so that the Town can follow up.

Bob Cestone (140 New Castle Dr.) – Stated that he had reported a few tree violations to the Code Enforcement Constable and they were all taken care of within about 30 days.

ADJOURNMENT

A motion was made by Councilman Saxton, seconded by Councilman Weisgerber, to adjourn the August 14, 2015, Town Council Regular Meeting at 9:00 p.m. The motion was unanimously carried.

phs: 2015 08 14 Regular Meeting Minutes Approved 9 11 15