

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES AUGUST 9, 2013</b>
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**MEETING CALLED TO ORDER**

Mayor Jankowski called the August 9, 2013, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Tony Caputo, Sue Callaway, George Junkin, and Pat Voveris; Town Manager Melvin Cusick; Cpl. Mark Burton; Beach Patrol Captain Ryan Dacey; and Administrative Assistant Pam Smith

**PROPERTY OWNERS' PARTICIPATION**

- Bob Cestone (140 New Castle Dr.) – Regarding the Assawoman Canal, Mr. Cestone believes the Army Corps of Engineers dredging permit that allowed maintenance dredging in the future expires in 2014. Mr. Cestone said whatever dredging they are going to do they need to do soon or they are going to have to go through the permit process again. Mr. Cestone said the last time it took five years for DNREC to get the permit from the Army Corps of Engineers. Councilman Rae said that he will make sure they realize that. Mr. Cestone asked Councilman Rae if he had any idea of when they were going to do the work. Councilman Rae read the following from an email that he received from Ariane Nichols of DNREC: *Al, The crew has just given me a rough draft of the mapped survey information. From the map, I am not seeing any very low areas in the canal itself. The crew did tell me that they encountered a bump during the survey that they thought was debris related and not shoaling. I can send you a copy of the survey maps . . .* (Councilman Rae said subsequently he received a copy of the survey maps which Mr. Cestone is welcome to have). During discussion Mr. Cestone stated that the problem is not necessarily in the middle of the canal, the problem is the channel is not wide enough. Councilman Rae offered to set up a conference call with DNREC that Mr. Cestone could join him on. Mayor Jankowski asked Councilman Rae about the debris in the Assawoman Canal. Mr. Cestone said that is his next issue. Mr. Cestone said the maintenance on the Assawoman Canal is atrocious. There are trees, limbs, and branches laying in the canal and trees leaning. Two boats can't pass each other where these trees are. Councilman Rae said DNREC did clean up the trees that he had talked to them about. Mr. Cestone stated that it is from Jefferson Creek up to the marina at the north end of the Assawoman Canal (not at every spot but every 100 yards or so). Mayor Jankowski agreed. Mr. Cestone added that if the current condition of the Assawoman Canal is any indication of what the maintenance of the Assawoman Canal Trail is going to be like, Mr. Cestone would not waste taxpayers' money on the trail because he believes it will be unusable. Mayor Jankowski stated that she had asked the Center for the Inland Bays (CIB) if there was anything they could do to encourage DNREC to clean up the debris. The CIB said they would talk to DNREC about initiating a clean-up day. Mayor Jankowski suggested that Councilman Rae contact the CIB. Mr. Cestone suggested writing a letter to Senator Hocker requesting his help in trying to get the dredging and the clean-up done. Councilman Rae said he thinks the Town needs to give DNREC a chance to get the work done. Then if it looks like they are not getting on with it, he will proceed to the next step. Mr. Cestone agreed. After more discussion, Councilman Rae said he will see what he can find out and report back. Mr. Cestone asked if the trail was going to be on the west side. Councilman Rae said above Route 26 the trail is going to be on the west side and below Route 26 the trail is going to be on the east side. The big issue is how the crossover will be handled.

- Barbara Junkin (8 S. 4<sup>th</sup> St.) – Regarding the recycle cart requirement of a 96 gallon cart for rental properties with occupancy greater than 10 people, Ms. Junkin stated that she believes there are very few rental properties with occupancy less than 10 people. Ms. Junkin believes this requirement should be addressed differently. She suggested that all rental properties be required to have a 96 gallon recycle cart. Councilman Gross stated that when Council passed the new regulations it was agreed to be lenient for a few months while people got accustomed to it. Councilman Gross agreed that the problem still exists and perhaps it is time to start enforcing the ordinance.
- Lloyd Hughes (152 Layton Dr.) – On Layton Drive all of the construction vehicles happen to be working on the south side. There are children on the street that are roller skating, garbage vehicles on the street, and normal traffic. Mr. Hughes stated that there should be no parking on the south side of Layton Drive. Mr. Hughes is concerned that someone is going to be seriously hurt. Mr. Hughes believes the problem could be on other streets as well. Mr. Hughes asked the Town to look into it.
- George Junkin (8 S. 4<sup>th</sup> St.) – Announced that the Historical Society has a presentation on The Building of the Canals in South Bethany on Thursday, September 12, at 7 p.m. at the South Coastal Library. Dr. George Junkin is the presenter.

### **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, July 12, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the July 12, 2013, Town Council Regular Meeting Minutes as amended as follows (where applicable, additions are **highlighted** and deletions **marked through**):

Page 2, First Paragraph: "Mayor Jankowski introduced A.J.'s boss, **Jason Bishop**, and **A.J.'s** wife who were in attendance."

Councilman Gross commented that he thinks the Police Department Report is excessively long and took a lot of time. He thinks it could be summarized to be briefer than it was at the July 12, 2013, Town Council Regular Meeting. Councilman Gross does not believe there needs to be two pages in the minutes of the report. He believes a summary would be appropriate. Councilman Gross used the following as an example: June 25 – Stopped a car wanted out of Bethany Beach. Councilman Gross does not think it is necessary to have that kind of detail orally presented. Councilman Gross said he is glad to see the written report in any detail the police department wants to give. Councilwoman Rae said he thinks it is good for people to know what is happening in the town. Mayor Jankowski said it is good to have a place to go back and look at it. Councilwoman Callaway thinks the oral report is good for the people attending the meeting and for people looking at the minutes online – it gives people a sense of what is going on. Councilman Gross said the written report could be available. Councilman Rae said what we want to know are the issues that we need to be aware of such as a robbery. Councilman Rae said it is a judgment call. Councilwoman Callaway said if you direct somebody to summarize the police report than you are also asking them to be subjective in terms of summarizing it. Councilwoman Callaway added that if you are asking the police to summarize their report it is doing double the work – it is another step that they have to take. Mayor Jankowski asked if Councilman Gross was asking for the written report to remain as it is, but when the report is read at the meeting only read the "high spots". Councilman Gross said if it is something important for Council to act on or know about. Councilman Gross said that is generally the way it has been done in the past.

Page 4, Treasurer's Report: For Total Expenditures in the Actual column change 2,185,161 to **(2,185,161)**.

Page 10, Communications and Public Relations Committee, Fourth Paragraph: Per the discussion that took place regarding the South Bethany Polar Bear Team t-shirt, the Administrative Assistant inserted the following paragraph in the July 12, 2013, Town Council Regular Meeting Minutes:

*(Administrative Assistant's note: At the August 9, 2013, Town Council Regular Meeting on the motion to adopt the July 12, 2013, Town Council Regular Meeting Minutes, Council had the following discussion regarding the Town purchasing the t-shirts: Councilman Rae stated that his recommendation was that the Town should provide the team with a Town t-shirt and no one objected. Councilman Rae stated that maybe Council should put a cap on how many t-shirts the Town would buy for this event. Mayor Jankowski asked if this was budgeted in the FY 2014 Budget. Councilman Rae replied that it was not – it is a new item. Mayor Jankowski agreed that it would be nice if South Bethany's team all had a similar t-shirt. Councilwoman Voveris mentioned that there was money allocated for the beach movie night that will not be used. Councilwoman Callaway stated that the committee has not even had a preliminary meeting on the Polar Bear event. South Bethany property owner, Lloyd Hughes, suggested getting merchants to sponsor South Bethany's team to cover the cost of the t-shirts and in return they would get their business' name on the t-shirt. In the end, Mayor Jankowski said Council can talk about it at a future meeting.)*

The motion was unanimously carried.

- **Town Council Workshop Meeting Minutes, July 25, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the July 25, 2013, Town Council Workshop Meeting Minutes as amended as follows (where applicable, additions are **highlighted** and deletions **marked through**):

Page 5, First Paragraph, First Sentence: "Councilwoman Voveris stated that she had brought gross area ~~to~~ **from** the Budget and Finance Committee **to Council**, but the argument was made that the livable and nonlivable area had to be separated out."

Page 3, Fourth Paragraph, Second Sentence: "Councilman Gross stated that the floor area issue does not work for ~~inexpensive~~ **many** items."

Page 5, Building Permit Table: Note in the table that for residential **Rehoboth Beach is 2% of contract for Building Permit New Construction and Building Permit Renovation, and for commercial Rehoboth Beach is 3% of contract for Building Permit New Construction and Building Permit Renovation.**"

The motion was unanimously carried.

- **Town Council Executive Session Minutes, July 25, 2013** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the July 25, 2013, Town Council Executive Session Minutes. The motion was unanimously carried.

## **LEADERSHIP REPORTS**

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

1. SCAT Meeting was held this morning in Georgetown. The bill was not passed regarding the unionization of police force. This bill can reappear again in the beginning of 2014.

Council Discussion: Mayor Jankowski explained that this was a bill to unionize no matter how many members were in a police force. This would have affected about 27 towns in Sussex County. The Town Manager said there are four towns that already have unionized police departments, and there is a push by the teamsters to let everyone have the opportunity to unionize. He added that this has come up for three years in a row but this is the closest it has ever come to passing. Councilman Gross asked if it would be

optional for the locality. The Town Manager said it is his understanding that if the bill were passed if the police department employees vote to form a union it would not be optional. Mayor Jankowski said that hopefully this will be addressed by the legislative committee that represents SCAT in a meeting in the fall.

2. South Bethany will be hosting the SCAT dinner at Bear Trap Dunes on Wednesday evening, September 11. The Attorney General Beau Biden is scheduled to speak.
3. Joe Hinks, the SB Code Enforcement Constable, and I went over to Terry York's residence to take a look at the trees on her neighbor's property. Terry had a concern that these trees could come down in a storm and do damage to her property. Joe explained that the trees are healthy at this time, they have a good root system, and most are protected by the neighbor's home. Should any of the trees die, then they could become brittle and break in a storm. South Bethany does have an ordinance that deals with the removal of dead trees on properties. I believe the concern was whether we should have an ordinance limiting the height of trees in South Bethany. Neither of us felt that this is an issue at this point. I have a call into Terry and spoke with the caregiver who was present at the time of our visit.

Discussion: Councilman Gross said he thinks the Town needs to be careful about taking the position that the trees would not come down in a storm. Councilman Gross thinks it is subjective judgment. Councilman Gross said the trees are healthy but they are up quite high. With the sandy soil the Town should be careful not to say that they are not going to come down in a storm. Mayor Jankowski agreed. Mayor Jankowski said it is a civil matter between Ms. York and her neighbor. Mayor Jankowski added that with the ordinances that are in place the only way the Town could be involved would be if any of the trees died. Mayor Jankowski said that she does not know that the Town wants to take it upon itself to have to measure all of the trees in South Bethany to say which trees should be taken down and which trees should not be taken down. Councilman Rae agreed.

4. I met with Chris Bason and Jennifer Jones from the Center for the Inland Bays. They would like to promote partnerships with other towns based on the relationship they have with South Bethany and would like to work with us on how to develop the relationships. I would like George and Sue to provide some input for them. I also informed the SCAT secretary that they would like to be on the agenda for a SCAT presentation in regards to this.
- **Town Manager's Report**—Melvin Cusick reported:

The Ambulance Service Report and the Code Enforcement Constable's Report were available on the sign-in table.

The Town has been notified that its annual recertification for the Community Rating System is due October 1. Preparing for this will take quite a bit of staff time. The staff will submit it before October 1. The Town just went through a five-year recertification which was a separate issue. The annual certification is required every year in order to stay in the program.

Councilman Gross, the Code Enforcement Constable, and the Town Manager met with Jennifer Wheatly from DNREC regarding vegetation on the east side of Ocean Dr. In the current Town Code, the Town is not allowed to require the owners of oceanfront dune lots to cut grass or weeds. The Town Manager believes that DNREC does not have an objection to the Town passing an ordinance as long as the ordinance does not eradicate native species. DNREC agreed that Phragmites is an invasive species. DNREC does not care if the Town gets rid of Phragmites. (The Town Manager noted that there are only about six homes on the east side that still have Phragmites. The owners of three of those lots have indicated that they are going to take the Phragmites out.) The Town Manager said Ms. Wheatly is supposed to send the Town the agreement on maintenance regarding who takes care of what on the oceanfront as well as a list of native species. Councilman Gross said Ms. Wheatly was going to give the Town something in writing so that the Town could act accordingly. The Town Manager noted that Ms. Wheatly had not yet gotten back to him.

- **Treasurer’s Report**—Tony Caputo reported as of July 31, 2013:

**Fiscal 2013 (5/1/12-4/30/13) Surplus projection for all Funds per Auditor’s Report**

	<u>Actual</u>	<u>Budget</u>	<u>Difference</u>
Total Revenue	\$ 2,392,432	2,080,701	\$ 311,731
Total Expenditures	<u>2,165,148</u>	<u>(2,080,701)</u>	<u>( 84,447)</u>
Surplus as Reported by Auditors 8/6/13	\$ 227,284	\$ 0	\$ 227,284
Fund Balance May 1, 2012	<u>1,574,490</u>		
Fund Balance April 30, 2013	<u>\$ 1,801,774</u>		

**Note 1.** – Amounts shown on this report are the audited numbers as reported by our auditors Sombar & Company CPA’s. Renee, Melvin and Tony met with Sombar on July 30 and reviewed the Draft report, after which we provided Sombar with our suggested changes. We are attempting to set up a presentation to the Council by Tom Sombar for our September 13 Town Council meeting. They plan to confirm the date next week.

**Fiscal 2014 Year-to-Date (5/1/13 – 6/30/13) Revenues and Expenditures**

	<u>Actual</u>	<u>Budget</u>	<u>Difference</u>
Total Revenue	\$ 1,207,289	\$ 2,223,916	\$ (1,016,627)
Total Expenditures	<u>669,603</u>	<u>2,223,916</u>	<u>1,524,313</u>
Revenue less Expenditures	<u>\$ 507,686</u>	<u>\$ 0</u>	<u>\$ 507,686</u>

**Fiscal 2014 (5/1/13 – 7/31/13) Summary of Year-to-Date Departmental Budget to Actual**

	<u>Actual</u>	<u>Budget</u>	<u>%</u>
<u>Revenues:</u>			
Property Taxes	\$ 484,650	\$ 494,540	98.00
Realty Transfer Taxes	60,779	255,000	23.83
Gross Rental Taxes	5,330	518,450	1.03
Net Reserve Transfers In from ARM & MSA	25,184	19,700	127.84
All other revenue	<u>631,346</u>	<u>936,226</u>	67.44
Total Revenue	\$ <u>1,207,289</u>	\$ <u>2,223,916</u>	54.29
<u>Expenditures:</u>			
General & Administrative Department	\$ 162,554	\$ 565,526	28.74
Public Works Department	56,420	187,178	30.14
Public Safety Department	172,542	639,910	26.96
Beach Patrol Department	130,902	227,762	57.47
Town Committee	3,718	31,378	11.85
All Others (e.g. – grants, ARM, etc.)	<u>173,467</u>	<u>572,162</u>	30.32
Total All Expenses	<u>\$ 699,603</u>	<u>\$ 2,223,916</u>	31.46

**Note 2.** – There are no known unexpected material revenue or expenditures items to report other than those reported in Note 1 above.

**Edmunds Financial System Implementation** – We are on Schedule to complete our implementation by the end of September. The following has been accomplished: (1) Chart of Accounts has been established, (2) The various 7 funds have been established, and (3) Budgets have been loaded. We are reconciling information and correcting balances and agreeing subsidiary ledgers.

The implementation is acting as a Treasurer’s training program and orientation, and is giving Tony direct experience in using Edmunds.

Councilman Caputo said he would like to do the demo of the new system at the October Workshop. Mayor Jankowski asked the Administrative Assistant to put that in her notes for the October Workshop. Mayor Jankowski asked Councilman Caputo if once he is finished with this if he will be able to look at the Edmunds module for keeping track of the Code Enforcement information. Councilman Caputo agreed to do this.

- **Police Department Report/Questions**—Cpl. Mark Burton reported for the month of July, 2013:

Overall for the month:

- Arrested four people wanted out of various agencies for miscellaneous charges.
- Nine criminal arrests.
- Assisted six outside agencies with complaints. On July 17 assisted Ocean City with a vehicle pursuit. The driver ended up getting into an accident with a pole in Ocean City. He was subsequently apprehended by a police canine in Ocean City. Cpl. Davis assisted with this incident and was the officer that apprehended the driver.

Cpl. Burton cautioned Council that someone is going to get hit because pedestrians are walking to and from the beach after dark (all hours of the night) and they are not wearing reflective clothing or carrying a flash light. State law does not require pedestrians to wear reflective clothing or carry a flashlight after dark. Cpl. Burton stated that there are no lights on the ocean block, there is one light on each street, and the highway is very dark.

Councilman Rae inquired about a car robbery on Canal Drive that he had heard about where somebody stole money out of the car. Cpl. Burton said he thinks it happened the first part of August and it may have been two cars involved. Cpl. Burton said that there were no suspects. Cpl. Burton added that some bikes had been taken from under houses on Evergreen Road within the same week. Cpl. Burton said with a transient community the people are here for one week and then they are gone as well as the suspect pool. Mayor Jankowski reminded people to lock their vehicles.

Councilman Gross inquired about the woman (a pedestrian) who got hit by a car on Route 1 and Brandywine Drive in August and was airlifted out. Cpl. Burton said the woman was released from the hospital with a non-life threatening ankle injury. Cpl. Burton said he does not know if anybody has been charged in the accident. It is still pending. Cpl. Burton said a 15 year old was charged for going the wrong way on the highway with no helmet for the accident involving two bicycles colliding on Route 1 at the same time the woman was being airlifted. Cpl. Burton added that he tried to set up a second bicycle safety checkpoint with DelDOT, but DelDOT's program is out of money. Councilman Rae asked if there is enough room for the helicopters to land or if there is a problem with wires. Cpl. Burton said there is a huge problem with wires in South Bethany. Cpl. Burton said if a helicopter has to land in South Bethany, the helicopter will have to land on Route 1 and Route 1 will be shut down – it is the clearest place in town.

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

The Beach Patrol Report was available on the sign-in table.

There were a couple closings of the water for thunder and lightning, seven rescues due to rip currents, and two minor medical emergencies.

South Bethany has five Beach Patrol members participating in the USLA Nationals competition in Manhattan Beach, California.

Lifeguard of the Year – Capt. Dacey announced that Tommy Mullin is South Bethany's Lifeguard of the Year. There is a ceremony on Thursday, August 15, at the Chamber of Commerce from 6 p.m. to 8 p.m. Mayor Jankowski will also present the award to Tommy on the beach Thursday afternoon.

## **COMMITTEE REPORTS**

- **Community Enhancement Committee** – Councilwoman Callaway reported:

Due to summer activities, the Community Enhancement Committee did not hold a meeting in June or July. The next CEC meeting is scheduled for August 21 at 1:00 pm at the Town Hall. The following activities occurred since the previous CEC July report:

### **Update on Ocean Drive Alternative Lighting Trial Test**

The solar-powered light remains on S. 2<sup>nd</sup> Street and continues to be evaluated.

### **Bio-Retention Areas Along the East Side of Route 1**

Responses have been received to the June 30<sup>th</sup> letter of inquiry that was sent to all identifiable eastside mailbox owners to inform them about the forthcoming bio-retention project and to assess their interest in continuing to have a mailbox along Route 1. Dee Burbage collated the responses to the letters and answered inquiries. We have received 20 responses to the 21 letters. Of the 20, 15 homeowners wish to retain their mailboxes and 5 homeowners do not – one homeowner did not respond. Postmistress Winifred Martin informed Sue Callaway on July 31<sup>st</sup> that she had conducted an onsite survey of the SB eastside in response to numerous homeowner requests for curbside mail delivery. She has not approved that request due to the “one-way direction of Ocean Drive and the permitted parking along street sides, which present the necessity for the mail truck to make u-turns and that parked vehicles are obstacles impeding access to mailboxes.” SB mail carrier Travis has worked to identify the addresses associated with the unidentifiable mailboxes. The next step is to review the proposed bio-retention design and create a mailbox plan that will work with that design.

### **South Bethany Home Featured in Cottage Tour**

Members of the CEC were very busy coordinating hostesses for the SB home that was featured in the 2013 Cottage Tour on July 24 and 25. On behalf of the SB Women’s Club, Sue Callaway and Carol Stevenson recruited and organized 38 volunteers who served as hostesses for the two day event. The “Marnie House” located at 3 North 5<sup>th</sup> Street was a huge success and the hostesses did a great job. South Bethany was proudly represented during the Tour!

### **Update on Adopt Program**

On behalf of the CEC, Sue and Robbie Callaway hosted an Adopt Thank You Party at their home on Saturday, July 27<sup>th</sup> to thank Adopters for their community support and the positive difference their landscaping has made. More than 32 volunteers attended the lively event and a good time was had by all.

The Adopt Sub Committee has been organizing the 3<sup>rd</sup> Annual Adopt Beauty Contest which will be held from Friday, August 23<sup>rd</sup> to Monday, September 2<sup>nd</sup>. Sue has been working with Pam Smith to organize both the on-site and on-line voting processes. Committee member Carol Stevenson has been extremely helpful in taking photos of adopted canal/road ends. Last year, 13 canal/roads were featured in the Contest – this year 20 will participate! Contest signs will be placed at each location by August 23.

In addition, applications for two other canal/road ends have been received and will be under construction in the forthcoming months.

### **Looking Ahead**

The next meeting will be held August 21<sup>st</sup> at 1:00 pm at Town Hall. The new Code Enforcement Constable Joseph Hinks will attend the meeting with a focus on informing him of the CEC efforts and a discussion on how to best work together and to learn of his viewpoints on community enhancement.

- **Budget and Finance Committee** – Councilman Caputo reported:

Tony, the chairperson, is focused on the Edmunds implementation and has not arranged a meeting with the committee yet. Tony is waiting until October for the first meeting. He will be meeting with the Mayor to discuss the Committee’s members and goals. Tony is very excited about the ability to show the Town’s financial information to the committee at meetings and his fast growing knowledge of the Town’s finances and budgets.

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

- Diffuser Pilot Project for the Petherton Canal
  - Sampling results show that the diffusers are mixing the water well. However the dissolved oxygen (DO) in the Petherton Canal has been consistently lower than in the Brandywine Canal. The canal with diffusers seems to have less DO than the canal without diffusers!! This does not seem to make sense. The only explanation seems to be due to an interaction between the dissolved oxygen and the stirred up “muck”, which contains biological oxygen demand (BOD)

- materials, on the bottom of the Petherton Canal. We will be measuring the “muck” depth on the Petherton and Brandywine Canals to see if the diffusers are reducing the “muck” depth.
- Grant for rain gardens along the east side of Route 1.
    - o Larry Trout has almost completed the designs.
    - o Some rain gardens will be long and skinny while others will be wider and shorter depending on where the utility pipes are located.
  - Oyster Gardens
    - o Gardeners should be receiving their oysters within the next couple weeks.
  - New Grant Opportunity (Administrative Assistant's note: Mayor Jankowski agreed to discuss this at the August 22, 2013, Town Council Workshop Meeting.)
    - o I attended a Grant Workshop 8/7/13 to learn about an upcoming grant opportunity.
    - o I discussed with Bart Wilson a grant that he will be submitting to install a couple large oyster cages in our canals to improve water quality.
    - o The cages would be about 15 feet long, which would be along a bulkhead, by 4 feet wide, which would protrude into the canal.
    - o He is also looking for grant funds to install floating wetland rafts at the dead ends in a couple of our canals to assess how they would help to improve our water quality. The wetland rafts would be planted with flowering plants.
  - Commercial Aquaculture to be in the Inland Bays
    - o House Bill # 160, sponsored by the Speaker of the House Representative Pete Schwarzkopf and Senator Blevins and Hocker among many others, has passed both the DE Senate and House. The governor will sign the bill in August at a big party at the CIB. Regulations from DNREC should be published in about 12 months.
  - Canal Water Quality Monitoring
    - o A team of 7 volunteers continue to monitor water quality weekly at 11 sites. Bacteria levels are higher than last year, most likely due to more rain this year than last. Macro algae blooms are substantially lower this year than last. “Abundant” or “very abundant” harmful algae blooms have been reported in Russell canal. (Administrative Assistant's note: Councilman Junkin explained that there are different kinds of harmful algae blooms. They can cause you to have respiratory problems, they can cause you to have rashes, they can kill fish if they are really bad, they cannot be good for shell fish if there are lots of harmful algae blooms. That is the reason that we are really not supposed to swim in our canals and the oyster gardeners are not supposed to eat any of the oysters that they grow in our canal because of the quality of our water. The crabs are okay to eat if they are cooked properly.)
    - o Water is monitored by boat weekly along the length of the Petherton and Brandywine Canals to assess the effectiveness of the diffusers in Petherton.
    - o Water is monitored twice a month at six locations in the Little Assawoman Bay.
  - West Side Storm Drains
    - o Two check valves have been installed in storm drains on Bristol Drive. This should keep water off the road when the tide is high but has not yet exceeded the bulkhead height. The rain today was too much for the pipes and grates on Bristol Drive. The grates were covered with pine needles and leaves. At least one homeowner wants the valves removed. Others want the valves to stay in.
    - o We are planning to put risers in 10 catch basins that collect stormwater from French drains to slow the stormwater entry into the South Bethany Canals.
  - Survey of pipes coming from homeowner property that could be dumping “Gray Water” into the South Bethany Canals
    - o Cruise on June 9, 2013 to look for “gray water” pipes that have been grandfathered covered about 25% of the lots that are located on the canals.
    - o More cruises are planned but not yet scheduled.

Council Discussion: Councilman Gross asked if Councilman Junkin had heard from Alyson Myers, a member of the University of Delaware scientific team, who had asked permission to do a macroalgae study by placing a small floating mesh bag at the end of several South Bethany canals. Councilman Junkin said no and that he sent her an email and she emailed Councilman Junkin back saying she was going to do something. Councilman Junkin said nothing has happened yet. Councilman Junkin said he will contact her again.

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

The Charter and Code Committee has scheduled a meeting for August 21, 2013. At that meeting the committee will discuss the revision of the highest priority, Chapter 145 Zoning. Bob Cestone has drafted material. The committee will also revisit permit fees. Councilman Gross requested that 30 minutes be set aside on the August 22, 2013, Town Council Workshop Meeting Agenda for a discussion on permit fees. Councilwoman Callaway confirmed that the Town Manager and the Code Enforcement Constable would be at the workshop for the discussion on permit fees. She also noted that Council requested a list of the 96 \$50 fees that includes the type of work that was done.

- **Communications and Public Relations Committee** – Councilman Rae reported:

- The General Information web page was redone on 8-1-13.
- Polar Bear plunge planned for 1-1-14. Sue Callaway co-chairing with Mike Tine. Plan on announcement to property owners in November (Councilwoman Callaway said she thought she would work on an email news update the end of September).
- Movie night cancelled for 2013 – need Chair for 2014 movie nights.
- Lori Cicero has agreed to chair SB Float in July 4th parade in 2014.
- We had the Realtor Meet and Greet. It was a big success. Do we want to have one every year? Do we want to have one in 2014 or do we want to skip a year? Councilman Rae noted that it is not budgeted for 2014, but with the movie night being cancelled there is some money that was not used for that. Councilman Rae said that if they have it this year a chairperson is needed. Councilman Gross asked if someone on the committee could chair the event. Councilman Rae said possibly but that he had not talked to everybody yet. Council agreed that they should have the Realtor Meet and Greet again this coming year.
- Eric Murray photography display ends 8-16-13.
- Carolyn Marcello art display begins 9-1-13 for a month.

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

- The last meeting of the SLR &SS Committee was August 8 at 1:30 p.m. at the Town Hall. This was "Kick Off" Meeting for DNREC Grant to Establish Elevations for Streets, Bulkheads, and Storm Drains West of Rt. 1. Volunteer assignments, both primary and alternates, were made for:
  - Survey Crew
  - Traffic Control
  - Reporting
  - Public Outreach
  - Presentation to Public
  - Property Notifications
- Our next meeting is scheduled for August 22 at 1:30 p.m. at the Town Hall.
- We are on track with the URS Corporation to survey our roads, bulkheads and storm drain elevations on the west side of Rt. 1 using a DNREC Coastal Management Assistance Grant for Projects that seek to improve Delaware's resiliency to sea level rise and coastal storms. This will provide data that will be used for Cost Benefit Analyses and Hazard Mitigation Action Plans relative to Sea Level Rise and Storm Surge Adaptation.
  - Next milestone is Flagger Training and Property Notifications

## **AREAS OF INTEREST**

- **Assawoman Canal and Trail** – Councilman Rae reported:
  - Council had a copy of the following email from Ariane Nichols of DNREC as well as maps from DNREC regarding completed survey of low spots: *Al, The crew has just given me a rough draft of the mapped survey information. From the map, I am not seeing any very low areas in the canal itself. The crew did tell me that they encountered a bump during the survey that they thought was debris related and not shoaling. I can send you a copy of the survey maps if you would like to see them. Please let me know what address is best to send them. Thanks, Ariane.* Councilman Rae said he will follow up with DNREC and go from there.
  - No info received on Buoy #2 (Dennis Roberts) low spot. Councilman Rae said Buoy #2 is down by Harpoon Hannah's. Councilman Rae is working on who is responsible for that and determine if there is an issue and if whoever is responsible is going to deal with the issue.

Mayor Jankowski asked if they had started the Assawoman Canal Trail on the north end. Councilman Rae said he has not gotten an update on the Assawoman Canal Trail recently, but they have started work on the north end.

- **Board of Adjustment** – Councilwoman Voveris reported:
 

Currently the BOA is reviewing suggestions by Martha Fields to:

  1. Add more requested information to the appeal form.
  2. Create an internal working document to use during hearings for accurate point by point coverage.

The BOA is scheduled to meet again on August 28, 2013.

A conflict with South Bethany's Town Code and the Delaware Code has just come to light. The BOA is governed by Delaware Code. Our attorney recommends a simple ordinance change to South Bethany's Code to amend § 145-56 to read as follows: **The BOA shall elect from its own members a Chairperson and Secretary.**

Public Comment: Mr. Cestone said he thinks in the past the Board of Adjustment was electing its Chairperson and Secretary. The Town Manager said the Board of Adjustment is still electing its Chairperson and Secretary. Mr. Cestone and the Town Manager agreed that they have been doing it, but South Bethany's Code is wrong.

## **PLANNING COMMISSION REPORT** – Mayor Jankowski reported:

The Planning Commission is scheduled to meet on Friday, August 16. They plan to present their work at our August 22 workshop.

Council Discussion: Councilman Gross stated that the Planning Commission revised their By-Laws regarding the number of people on the Planning Commission to be consistent with the change made to the South Bethany Town Code. Councilman Gross said the change in the Planning Commission's By-Laws and Procedures has to come to the Council for approval. Council agreed to do this at the September 13, 2013, Town Council Regular Meeting.

## **ADJOURNMENT**

A motion was made by Councilman Junkin, seconded by Councilman Caputo, to adjourn the August 9, 2013, Town Council Regular Meeting at 8:35 p.m.