

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
JULY 12, 2013**

MEETING CALLED TO ORDER

Mayor Jankowski called the July 12, 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; and Administrative Assistant Pam Smith

PRESENTATIONS AND REFRESHMENTS

• **Resolution 7-13, A Resolution to Recognize Bob Cestone – Consideration and Possible Vote**

A motion was made by Councilman Gross, seconded by Councilman Junkin, to approve Resolution 7-13, A Resolution to Recognize Bob Cestone. The motion was unanimously carried.

Mayor Jankowski read Resolution 7-13:

WHEREAS, Bob Cestone has devoted more than a year of his time and expertise in the development of the Mediacom cable franchise agreement between the Town of South Bethany and Mediacom Delaware LLC; and

WHEREAS, the municipalities of Millville, Bethany Beach, Ocean View, and the Town of South Bethany respected Bob's capabilities and entrusted him to represent all parties; and

WHEREAS, Bob Cestone partnered with Philip Fraga, the attorney representing the four above-mentioned towns in the Mediacom negotiations;

NOW, THEREFORE, LET IT BE RESOLVED, by the Mayor and Council of the Town of South Bethany that Robert Cestone is to be commended for his faithful service and offered sincere thanks for his services rendered to the Town.

Mayor Jankowski presented Mr. Cestone with the framed resolution.

• **Resolution 6-13, A Resolution to Recognize Mark Damato**

Mark Damato was unable to attend the meeting. Mayor Jankowski read Resolution 6-13:

WHEREAS, Mark Damato has dedicated one year of service to the Town of South Bethany; and

WHEREAS, the Town of South Bethany has benefitted from Mark's hard work and diligence; and

WHEREAS, Mark has put in long hours of dedicated service to the Town of South Bethany; and

WHEREAS, Mark has been a reliable presence on the Town Council;

NOW, THEREFORE, LET IT BE RESOLVED, by the Mayor and Council of the Town of South Bethany that Mark Damato should be commended for his faithful service and sincere thanks offered for the services rendered to the Town.

- **Mayor's Recognition Award – Republic Services, Inc. Employee Anthony Johnson (A.J.)**

Mayor Jankowski stated that she receives a lot of comments through emails and from people on the street telling her how great A.J. is. Mayor Jankowski stated that it is her honor to recognize A.J. Mayor Jankowski thanked A.J. for his part in making South Bethany what it is. South Bethany appreciates that he is always smiling no matter what job he is doing. (At this time everyone applauded.) Mayor Jankowski introduced A.J.'s boss, Jason Bishop, and A.J.'s wife who were in attendance. Mayor Jankowski stated that A.J.'s friendliness makes a big difference in South Bethany where everybody is vacationing and trying to have a good time. Mayor Jankowski presented A.J. with the framed Mayor's Recognition Award and a monetary gift.

Refreshments were served and those in attendance took the opportunity to personally thank Bob Cestone and Anthony Johnson (A.J.).

PROPERTY OWNERS' PARTICIPATION

- Diana Cowell (110 Henlopen Dr.) – Announced that she is the new head of the Neighborhood Watch program for this coming season. Ms. Cowell encouraged everyone to join the South Bethany Property Owners Association and to volunteer to be a walker for the Neighborhood Watch.
- Maria Johansen (3 S. Anchorage Ave. and South Bethany Historical Society President) – On behalf of the South Bethany Historical Society, Ms. Johansen thanked the Council for the contributions they have given to the Historical Society. Ms. Johansen stated that the money goes to preserve things in archival fashion such as the framed t-shirt that is hanging in Town Hall. Ms. Johansen stated that archival materials are very expensive.
- Carolyn Marcello (8 S. 9th St.) – Thinks it was a great idea to honor A.J. adding that he really deserves it. Ms. Marcello thanked Mayor Jankowski for presenting A.J. with the award.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, June 14, 2013** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the June 14, 2013, Town Council Regular Meeting Minutes as amended as follows:

Page 7, Third Paragraph, Line 4: Change ". . . in order to determine **of** it works . . ." to read ". . . in order to determine **if** it works . . ."

Page 12, First Paragraph, Line 3: Change "Councilwoman Voveris highlighted the following from the report:" to read "Councilwoman Voveris highlighted the following from the report **that detailed a seminar at the University of Delaware that new members recently attended:**"

The motion was unanimously carried.

Regarding Terry York's concern about Leyland Cypress trees, Councilman Rae reminded Council that Council owes her a response. The Town Manager stated that Ms. York has brought that issue up several times, but the only thing in the Code concerning trees is that they not infringe on the right-of-way or the canals. There is nothing in the Code that addresses Ms. York's concern. Councilman Gross said one of Ms. York's concerns is about trees falling on her property in a high wind. That may be something Council can look at. The Town Manager stated that if Council is looking at passing a new ordinance regarding Ms. York's concern, Council could turn it over to the Charter and Code Committee. Mayor Jankowski said that she would get back to Ms. York regarding this discussion.

- **Town Council Workshop Meeting Minutes, June 27, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the June 27, 2013, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS

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

The Town Manager and Mayor Jankowski attended a meeting on July 1 with Bethany Beach, Sea Colony, and Fenwick Island. Sea Colony had approached the Bethany Beach Volunteer Fire Company (BBVFC) to discuss supplementing BBVFC income similar to the Ambulance Service. At the meeting many agreed that this was not necessary at this time. The next meeting regarding this will be held at South Bethany's Town Hall on Monday, July 15, 2013.

Beach Replenishment – Scheduled to begin in Fenwick Island this week or next week. South Bethany will follow. The Town does not have a firm schedule yet. It could begin at the end of August but it depends on how it goes with Fenwick Island before South Bethany has any confirmation on dates. Before beach replenishment begins there will be a meeting with the Town Manager, the Maintenance Staff, and the Beach Patrol to discuss what impact it will have. Mayor Jankowski stated that she and the Town Manager would rather beach replenishment happen after the summer season is over, but because it is federal funding the Town does not have control of that.

Public Comment: A property owner asked if the beach replenishment includes the dunes. Mayor Jankowski said it includes the dunes. Mayor Jankowski added that the Town has also been having discussions with DNREC about the dunes and the walkways.

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

The Ambulance Service Report for the second quarter of the year and the month of June were available on the sign-in table.

The Code Enforcement Constable's Report was available on the sign-in table.

The Town Manager read the following Beach Patrol Report (submitted by Beach Patrol Captain Ryan Dacey):

Incident Report

June 2013

Rescues:

6/19	Stand 5	5 yr. old in a rip current
	Stand 9	7 yr. old in a rip current
	Stand 9	7 yr. old in a rip current
	Stand 3	15 yr. old in a rip current
	Stand 3	13 yr. old in a rip current
6/23	Stand 3	40 yr. old man in a rip current

July 2013

Lost Kids:

7/5	Lost Girl	Age 8	returned to S. 9 th St.
7/6	Lost Boy	Age 9	returned to Sandpiper Village

2013 USLA/SCLA Competition – South Bethany Results

June 17 Ocean City Ocean Series Placed 4th
 July 1 Sea Colony Placed 3rd
 July 10 USLA Regionals:
 2k Run Scott Moore placed 1st in age group
 2k Run Tyler Dorsey placed 3rd in age group
 400M Swim Caroline Hamilton placed 1st in Sussex County
 Landline Tyler, Scott, Caleb Marsh, Caroline placed 2nd in Sussex County
 Paddle Pickup Caroline & Sea Colony guard Leah Oboyle placed 1st overall

Four South Bethany Lifeguards have qualified and will be going to the USLA Nationals in Huntington Beach, California August 7 to August 10. Mayor Jankowski said their participation in the national competition is funded by the lifeguard account from the movie nights the Town has had in previous years and from donations from people.

The Town Manager announced that the Town has received its five year certification from the Community Rating System (CRS). The Town's participation in the CRS program allows property owners to receive a discount on their flood insurance. The Town has retained its Class 8 rating which means that the majority of the Town will get a 10% discount on their flood insurance. The Town will continue to go through the annual recertifications.

- **Treasurer's Report**—Tony Caputo reported as of June 30, 2013:

Fiscal 2013 (5/1/12-4/30/13) Preliminary Surplus/(Deficit) projection for all Funds

	<u>Actual</u>	<u>Budget</u>	<u>Difference</u>
Total Revenue	\$ 2,408,502	\$ 2,080,701	\$ 327,801
Total Expenditures	<u>(2,185,161)</u>	<u>(2,080,701)</u>	<u>(104,460)</u>
Revenue less Expenditures Reported on 6/12)	\$ 223,341	\$ 0	\$ 223,341
FEMA Reimbursement for SS Sandy	37,483	0	37,483
Town Retirement Program Liability	(44,000)	0	(44,000)
SS Sandy Trash Expenses Billed to Tax Accts.	26,632	0	26,632
FICA Tax for Pension Obligation held by E Jones	<u>(23,000)</u>	<u>0</u>	<u>(23,000)</u>
Projected Surplus at this time	<u>\$ 224,456</u>	<u>\$ 0</u>	<u>\$ 224,456</u>

Summary of Projected Fund Balances for all Funds

Fund Balances May 1, 2012	\$ 1,574,490
Net Revenues less Expenses	<u>224,456</u>
Projected Fund Balances April 30, 2013	<u>\$ 1,798,946</u>

Note 1 – At this time there is one known material item, included above, that affects final FY 2013 amounts that up to now was not accounted for. It's associated with a FICA Tax liability for a non-qualified pension the Town is responsible to pay one of its employees. The pension is being held in an Edward Jones account for the employee. The obligation changes with the value of the plan that changes daily with the stock market prices. It is specifically related to the employer's portion of FICA Tax. The exact amount of the unrecorded liability is not known by us at this time, however the maximum amount now is just under \$23,000. We should expense the current liability, and annually adjust for any potential increases or decreases.

Note 2 – Amounts shown on this report are the unaudited numbers maintained on our records, and are subject to year-end audit. The audit began in June and concludes with the final "Audited Financial Report" presented by our Independent Auditor, Sombar & Company, CPA's, to the Town Council scheduled for the September meeting.

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	\$ 681,235	\$ 2,223,916	\$ (1,542,681)
Total Expenditures	<u>462,776</u>	<u>2,223,916</u>	<u>1,761,140</u>
Revenue less Expenditures	\$ <u>218,459</u>	\$ <u>0</u>	\$ <u>218,459</u>

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

<u>Revenues:</u>	<u>Actual</u>	<u>Budget</u>	<u>%</u>
Property Taxes	\$ 269,101	\$ 494,540	54.41
Realty Transfer Taxes	34,454	255,000	13.50
Gross Rental Taxes	5,330	518,450	1.00
Net Reserve Transfers In from ARM & MSA	25,184	19,700	127.83
All other revenue	<u>372,350</u>	<u>936,226</u>	39.77
Total Revenue	\$ <u>706,419</u>	\$ <u>2,223,916</u>	31.76
<u>Expenditures:</u>			
General & Administrative Department	\$ 121,771	\$ 565,526	21.53
Public Works Department	40,218	187,178	21.48
Public Safety Department	119,755	639,910	18.71
Beach Patrol Department	73,999	227,762	32.48
Town Committee	600	31,378	1.91
All Others (e.g. – grants, ARM, etc.)	<u>106,433</u>	<u>572,162</u>	18.60
Total All Expenses	\$ <u>462,776</u>	\$ <u>2,223,916</u>	20.81

Note 3 – There are no known unexpected material revenue or expenditures items to report other than those reported in Note 1 above.

Councilman Caputo noted that he is currently working part-time at Town Hall with the finance system in order to understand the information better and to get the Edmunds financial system up and running. It should be a considerable improvement once it is done.

Public Comment: Dr. Cowell asked who does the audit and how much does it cost. Councilman Caputo said the auditor is Sombar & Company. Later in the meeting referring to the Budget Report, Councilwoman Voveris said for FY 2014 the Auditor/Accountant line item is \$8,200.

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

Mayor Jankowski read the following email from South Bethany property owner Mike Trentadue: *Please let Chief Joe know that in my opinion he and his staff did a phenomenal job at handling the crowds (both pedestrian and automobile) during and after the fireworks. Even though there were throngs, they effectively and safely controlled the walkers crossing across Route 1 after the fireworks by alternating pedestrian and vehicle traffic.* Mayor Jankowski agreed.

Cpl. Burton highlighted the following from "June Bugs" weeks: underage consumptions, a couple of loud parties, fireworks, and an incident on W. 10th St. The incident on W. 10th St. is currently being seen as a burglary but it is still under investigation. There was no evidence and no forced entry. The cleaning crew cleaned for seven hours and then called the police so all evidence was destroyed by the time Cpl. Burton arrived. Neighbors confirmed that after the tenants checked out someone else came back in, but the police are not sure who that was for certain. There was about \$50,000 worth of damage done to the house. It was criminal mischief. A discussion ensued. A property owner asked at what point as thoughtful citizens should you call the police. Cpl. Burton replied that when you feel it is reasonable that someone is going to get hurt or reasonable that someone is doing something dangerous, you should call the police. Cpl. Burton said to use common sense and if it is loud and disturbing your peace, your sleep, or your life call the police. Barbara Junkin stated that if it is a minor thing she calls the realtor and the realtor is very good at getting right to the house to take care of it.

Public Comment: Dr. Cowell expressed his concern with the number of people who are crossing Route 1 heedless of traffic. Cpl. Burton said he started the bicycle checkpoint last year to help educate people on the traffic rules. Cpl. Burton added that on bikes and on foot people are not following the traffic rules. Cpl. Burton stated that cyclists must follow the same traffic rules as vehicles. Regarding pedestrians, vehicles have the right of way along Route 1 – they only must yield to pedestrians if the pedestrian is already in the crosswalk. Cpl. Burton said pedestrians have a responsibility to protect themselves, and just because a pedestrian is in the crosswalk does not mean the car is going to stop. Councilman Junkin referred to the South Bethany Police Department's flyer, "Walk This Way in South Bethany" that has the rules to walking safely along Rt. 1 and all around South Bethany. The flyer is available at Town Hall, the flyer is on the Property Owner Information page of the Town's website, and the flyer is posted on the bulletin boards around town. A property owner asked if a cyclist who is off his or her bike attempting to cross a road is considered to be a cyclist or a pedestrian. Cpl. Burton said a pedestrian.

June Report:

01 June: Assisted DSP Troop 4 with two disorderly subjects on Carolina Dr. in Plantation Park. A motorist got into a verbal altercation with an individual who was spreading stone on the roadway. The individual who was spreading stone yelled an expletive at the motorist as he drove by and when the motorist stopped his vehicle and got out to confront the individual, the individual pulled out a pocket knife. There were no injuries.

01 June: Officer stopped a vehicle on South 7th St. for passenger seatbelt violations. One of the occupants of the vehicle was arrested via a town ordinance citation for underage possession of alcohol. The driver was issued a state traffic citation for the unrestrained passengers.

02 June: Officer stopped a vehicle on Evergreen Rd. for passenger seatbelt violations. A computer check on one of the passengers revealed he was wanted out of Huntingdon County, PA for theft from a motor vehicle, and there was a bench warrant on file out of the Sussex County Court of Common Pleas for his arrest. He was transported to JP Court 3 where he was arraigned and committed to the Sussex Correctional Institution in lieu of \$500.00 secured bond.

03 June: Assisted Fenwick Island PD with a traffic stop on Coastal Hwy/E. Kings St. in Fenwick Island. A computer check revealed two of the three occupants of the vehicle had outstanding warrants and one of them was caution flagged for having violent tendencies.

6 June: Assisted DNREC with an alcohol overdose incident on the beach south of the town limits. A male individual was found unconscious lying on the ground surrounded by empty beer cans and 2 empty bottles of liquor. He was treated and transported by EMS.

8 June: Responded to a residence on S. Anchorage Dr. in reference to a suicidal subject who had taken pills with alcohol. She was transported to Beebe Medical Center for psychiatric evaluation.

10 June: Assisted Bethany Beach with a traffic stop. Driver was arrested for possession of marijuana. Passenger was wanted out of court. South Bethany officer transported the passenger to court.

11 June: Officer stopped a vehicle on State Rt. 1 for travelling southbound in the northbound lane. When the vehicle came to a stop, 2 subjects jumped out of the back and fled. The driver was issued a town ordinance violation for underage possession of alcohol.

11 June: Assisted DSP with a domestic. The male party involved in this domestic likes to fight. The police got the situation settled and the male subject was taken out of the house.

12 June: Officer stopped a vehicle on State Rt. 1 for a traffic violation. The officer detected an odor of marijuana coming from inside the vehicle when he made contact with the driver. The driver admitted to having a small amount (personal use) of marijuana inside the vehicle and gave it to the officer. Officers searched the inside of the vehicle but no more illegal substances or contraband was found. The driver was released with a traffic citation.

14 June: Responded to a residence on W. 10th St. in reference to a criminal mischief complaint. Victim stated several juveniles who had rented a house from him caused damage to the inside of the residence. Case is pending inactive due to lack of evidence and suspect information.

23 June: Officer stopped a vehicle on State Rt. 1 for a traffic violation. A computer check revealed there was an outstanding warrant for the driver's arrest out of JP Court 11 for a traffic violation. She was transported to JP Court 3 where she was arraigned and released on \$93.00 cash bail.

25 June: Stopped a car wanted out of Bethany Beach.

25 June: Officer responded to a residence on Tamarack Dr. in reference to a suicide.

28 June: Bicycle checkpoint, which was a huge success. We put about 80 sets of lights on. Everything is free. We are working with DelDOT to host a second bicycle checkpoint before the end of the summer.

28 June: Officer stopped a vehicle on State Rt. 1 for a seatbelt violation. A computer check revealed the driver was wanted out of Chester County, PA for failure to appear on a fraud charge. She was transported to JP Court 3 where she was arraigned on \$1000.00 secured bond.

29 June: Assisted DSP Troop 4 with a vehicle collision on State Rt. 1 and Evergreen Rd. involving injuries. One of the vehicles involved was turning left onto Evergreen Rd. from northbound State Rt. 1 and failed to yield the right-of-way to traffic travelling southbound on Rt. 1 and was struck.

Officers responded to six false alarms during the month of June.

RESOLUTION 6-13, A RESOLUTION OF THE TOWN OF SOUTH BETHANY AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN AND MEDIACOM DELAWARE LLC – CONSIDERATION AND POSSIBLE VOTE

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept Resolution 6-13.

Public Comment: A property owner asked if the Town decided on Mediacom because they were the least worse of the three. Bob Cestone said per federal law any company can come in and provide TV service to the town. The Town has tried in the past to get other companies to come in hoping to get better service. If another company comes in they have to run all the same infrastructure (their own wires, cables, amplifiers) which is very expensive. Mr. Cestone stated that the Town does not prevent other companies from coming in.

The motion was unanimously carried.

ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE ON SUPER STORM SANDY PROPERTY OWNER TRASH REMOVAL FEE REFUND

Councilman Caputo presented the following:

Background: In November 2012 in an emergency Town Council meeting the Council voted to pass on to property owners certain non-budgeted trash removal costs associated with the Super Storm Sandy clean up. The total costs passed on were \$26,632. A total of 1,262 property tax accounts were charged, in their annual Property Tax invoice, \$21.04 each. Later the Town applied for and received a reimbursement from FEMA for 75% of those costs, or a total refund of \$19,974. Accordingly, I believe the Council should discuss and consider refunding the 75% FEMA reimbursement in the next annual Property Tax billing cycle (FY 2015). The refund would be approximately \$15.82 per tax account. The cleanup expenses, FEMA refund/reimbursement and the billing to property owners will be booked in Fiscal 2013. Refunds to property owners would be booked in Fiscal 2015 when we send tax bills to property owners.

A motion was made by Councilman Gross, seconded by Councilman Junkin, to refund the 75% FEMA reimbursement for trash removal costs associated with the Super Storm Sandy clean up in the next annual Property Tax billing cycle (FY 2015). The refund would be approximately \$15.82 per tax account. The motion was unanimously carried.

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. However the following activities occurred during this time period:

Update on Ocean Drive Alternative Lighting Trial Test: Due to lack of neighborhood support for the street lights, the CEC, led by member John Speers, decided to end the Ocean Drive alternative lighting trial test at the end of June. Sue Callaway contacted Jim Smith of Delmarva Power and informed him that the neighbors did not want to try the proposed surrounds and had requested that the lights be turned off as soon as possible. The lights on N. 2nd and S. 5th were removed on July 2. The solar-powered light remains on S. 2nd Street and will continue to be evaluated.

Bio-Retention Areas Along the East Side of Route 1: In consultation with the Postmistress Winnie Martin, a letter was prepared, approved by the town and the Postmistress and mailed on June 30th 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 is collating the responses to the letters and answering any inquiries. To date, we have received 9 responses. In the meantime, SB mail carrier Travis is working to determine the addresses associated with the unidentifiable mailboxes and is also placing notes on those boxes in need of repair.

Update on Landscaping Projects: The spring planting is complete and the SB Maintenance Department is vigilantly watering the new plants. One dead crepe myrtle will be replaced in the fall.

Update on Adopt Program: The group agreed to hold the Adopt Beauty Contest beginning Friday, August 23 and ending Monday, September 2. Notification letters to adopters were emailed on July 12. Both on-site and on-line voting will take place following the same successful process followed last year. Sue and Pam are working with Beach-Net to set up the on-line judging. Adopt committee members will install the numbered signs at each adopted canal/road end by Thursday, August 23.

In addition, the CEC is hosting an Adopt Thank You Party to thank Adopters for their community support. The event will be held at Sue Callaway's home on Saturday, July 27.

Looking Ahead: The next meeting will be held in September. Sue is working to confirm schedules with the new Code Enforcement Constable Joseph Hinks, with a focus on informing him of the CEC efforts and how to best work together and to discuss his viewpoints on community enhancement.

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

As Chairperson of the Budget and Finance Committee, Councilman Caputo has made it his number one priority to get the Edmunds financial system implemented. By way of background, the Town purchased three major software applications from Edmunds. One is a payroll system, one is an accounts receivable application, and the other is a finance systems interface to the other two. The finance systems interface has not been implemented. Councilman Caputo is taking personal responsibility to get that done. Councilman Caputo is working at Town Hall and is shooting to have it done by September.

No Budget and Finance Committee meetings have been scheduled. Organizational decisions in terms of the committee makeup need to be made. Councilman Caputo will meet with Mayor Jankowski on that.

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

Canal Water Quality Committee Status Report – July 12, 2013

- The Canal Water Quality web site is up and running with the new and improved format.
- Diffuser Pilot Project for the Petherton Canal
 - The Petherton Canal with diffusers and the Brandywine Canal without diffusers are sampled approximately once a week at 15 locations at one foot and three feet deep (a total of 60 sets of data) to assess the benefits of using diffusers.
 - Sampling results show that the diffusers are mixing the water well. Oxygen is getting to the bottom of the canal. In the Brandywine Canal the oxygen is not getting to the bottom at the dead end because there is no mixing. So far there has not been a significant increase in DO in the surface readings in the Petherton Canal. This may be due to an interaction between the oxygen and the stirred up “muck” on the bottom of the Petherton Canal. We have procured a “Sludge Judge” to assess the depth of the muck on each canal.
- Grant for rain gardens along the east side of Route 1.
 - There was a kick off meeting for this grant at the CIB on June 3, 2013.
 - Design work is ongoing.
 - Surveyors were making measurements yesterday.
- Oyster Gardens
 - Spat have been received and are now growing and attaching themselves to oyster shells in a tank at U of D Lewes. Oyster gardeners should expect new oysters starting at the end of July. Call or e-mail E.J. Calabala at the CIB if you want to be a new oyster gardener.
 - The CIB is working with the EPA Region 3 to obtain a Grant to install large oyster cages (15 feet long, which would be along a bulkhead, by 4 feet wide, which would protrude into the canal) in our canals to assess how they would help to improve our water quality. I suggested that a good place for them would be at road ends in the South Anchorage Canal which is very wide. They are also looking at putting in vegetation islands that would soak up a lot of the nutrients. I plan to meet with him next week.
 - Legislature to allow commercial aquaculture to be in the Inland Bays 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 6 months. This bill, House Bill # 160, was sponsored by the Speaker of the House Representative Pete Schwarzkopf and Senator Blevins and Senator Hocker among many others.
- Canal Water Quality Monitoring
 - Dave Wilson’s group continues to do a fine job monitoring weekly the water quality at 12 sites in the South Bethany canals. No abnormalities have been reported.
 - Water is monitored weekly along the length of the Petherton and Brandywine Canals.
 - Water is monitored twice a month at six locations in the Little Assawoman Bay.
- West Side Storm Drains
 - 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.
 - 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
 - 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.
 - More cruises are planned but not yet scheduled.

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

The South Bethany Charter and Code Committee met on June 26. All members were present – Chairman John Fields, Bob Cestone, and Joe Hinks.

The committee discussed the Town's building permit fee schedule - how the building permit fee schedule came about, how the building permit fee schedule changed over time, how it is somewhat inconsistent, and how there is a need for simplification and clarification. Councilman Gross shared the idea of using the concept of verifiable construction cost in lieu of the square foot. This brought about a lot of discussion. Councilman Gross intends to have material ready for discussion at the July 25, 2013, Town Council Workshop Meeting.

The committee reconfirmed the priority list. Bob Cestone agreed to redraft Chapter 145, Zoning, based upon the areas listed on the priority list. The Charter and Code Committee Chairman will schedule a meeting to consider those changes before bringing it to the Council.

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

CPR web pages are completed and up and running.

The 4th of July Parade Float is completed and was a big success. Photographs are on the CPR web site. Thank you to: Don Chrobot (Town Maintenance Supervisor), Barbara Sears, Beryl Long, Mayor Jankowski, Sue Callaway, Lori Cicero (Float Committee Chairperson), George Junkin, Ray Wiblin, Todd Stevenson, and Diann Nazarian. The plan is to have another float next year. Anyone interested in participating should contact Councilman Rae.

Town Art Display: CPR Committee to coordinate displays of art by residents at Town Hall. Eric Murray photographs are now on display. If anybody knows someone who is interested, have them get in touch with the Communications and Public Relations Committee.

South Bethany Polar Bear Team: On January 1, 2014, there is going to be a South Bethany Polar Bear Team that will run into the ocean. The Town is going to provide a South Bethany team t-shirt to members of the team. If interested in participating, contact the Communications and Public Relations Committee.

(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 t-shirts for the South Bethany Polar Bear Team: Councilman Rae stated that his recommendation at the July 12, 2013, Town Council Regular Meeting 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 this at a future meeting.)

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

Sea Level Rise and Storm Surge Committee Status Report – July 12, 2013

- SLR & SS web site is up and running with the new and improved format.
- The last meeting of the SLR & SS Committee was June 27 at 1:30 at the Town Hall. We had three visitors at that meeting: Wendy Carey, Michael Powell and Susan Love. Our

guests were very impressed with our efforts and were very helpful with suggestions, resources and grant information.

- Our next meeting is scheduled for August 22 at 1:30 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.

AREAS OF INTEREST

- **Assawoman Canal and Trail** – Councilman Rae reported:

No project activity to report.

Received inquiry from Chuck Parcella of 408 Rebecca Dr. regarding a need for dredging. Councilman Rae contacted him and is waiting for details.

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

The report that follows was available on the sign-in table. Councilwoman Voveris highlighted Items 2, 4, 10, and Next Steps at the meeting.

The BOA met on Thursday, June 11th, 2013, at 9:00 a.m. at Town Hall.

The purpose of the meeting was to discuss their operating and reporting procedures. The meeting was scheduled as a follow up to the University of Delaware seminar required by new members, and recognition of the need for greater clarity and formality. At the request of Chairman Allenspach, Martha Fields led the discussion.

Improvement on procedures is needed to comply with the standard of specificity required by this Board, which operates under the Delaware Code.

Highlights of the meeting included the following for clarification or action:

1. Our BOA cannot render decision on use variances. This is in our Code. Use variances must go to referendum. **Clarification**
2. The appeal form will be expanded to include enumeration of issues and specific sections of applicable Code, for consideration. **Action**
3. Our Code Constable will continue to provide a synopsis of his review/opinion to the BOA prior to the appeal hearing. **Clarification**
4. A working checklist will be created so discussion will be orderly, specific, and complete, in conformity with BOA standards. **Action**
5. The BOA only votes on issues that have appeared in the hearing advertisement. **Clarification**
6. During the hearing the Board will vote on issue by issue. **Action: amend procedures**
7. Use of hearsay evidence needs clarification. It is described as acceptable, but this is contrary to decisions must be based on facts in the record. **Action: needs further research**
8. The Decision must articulate specifics. The Board cannot just render conclusory statements. It must include sufficiency of reasons [evidence]. **Action: amend procedures**
9. Minutes include the Board decision. Minutes are signed by all BOA members. **Action: amend procedures**

10. *The excerpted Decision to the home owner will be sent in writing from the BOA, with signatures from all on the Board. **Action: amend procedures***
11. *The BOA Decision must be rendered within 60 days of the hearing date. The rules and procedures adopted on April 19, 2002 should be reviewed for accuracy by the Town attorney. This currently says 90 days. **Action: amend procedures***

Next Steps:

Martha Fields will work with Joe Hinks and other BOA members, as appropriate to draft amendments to the form for filing an appeal and BOA procedures. Martha will also take the lead in designing checklists and other tools that will help guide Board members through the decision making process.

Once this initial work has been completed, the Board will meet again to review and refine the documents. The Board will consult with the Town Manager to determine how to obtain legal review of the revised and newly created materials.

PLANNING COMMISSION REPORT – Mayor Jankowski reported:

Planning Commission Chairman Dick Oliver and Mayor Jankowski worked on the Planning Commission page of the Town's website today. It is not completely finished, but it is up on the website.

The next Planning Commission Meeting will be held Friday, July 19, at 9:30 a.m. at Town Hall. On the agenda is the nomination and election of a new secretary. Also members will be giving their reports on the strategic planning initiative that they are working on.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Caputo, to adjourn the July 12, 2013, Town Council Regular Meeting at 8:50 p.m.