

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES JUNE 14, 2013

MEETING CALLED TO ORDER

Mayor Jankowski called the June 14, 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; M/Cpl. Lee Davis; Beach Patrol Captain Ryan Dacey; and Administrative Assistant Pam Smith

SOUTH BETHANY HISTORICAL SOCIETY PRESENTATION OF STEEN ARTIFACT TO SOUTH BETHANY

Maria Johansen, President of the South Bethany Historical Society, presented a t-shirt to the Town (which is on loan to the Town). The t-shirt was hand made by Dorothy Brownell in 1975. Sadly Dorothy Brownell was killed in an automobile accident in 1980. The t-shirt was given to the Historical Society by Tempe Steen (Dorothy's sister) and Tempe's husband, Ron Steen (former Mayor of South Bethany). The Historical Society felt that the t-shirt captures the essence and spirit of South Bethany and decided to have it preserved in archival fashion. The t-shirt is on display at the South Bethany Town Hall for members of the community to see. The house on the t-shirt is at 300 S. Ocean Drive and is still there. Ms. Johansen stated that this is the South Bethany Historical Society's first artifact. Mayor Jankowski thanked the Steen family and the South Bethany Historical Society and said that the Town is privileged to have the artifact displayed in Town Hall. Martha Fields introduced Ron and Tempe Steen and their daughter Paige. Tempe Steen addressed the audience. Ms. Johansen stated that the t-shirt is on loan to the Town until there is a coastal museum with the other towns – Ms. Johansen said the artifact is going to be at South Bethany's Town Hall for a long time.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Noted that the Coastal Point is only posting the Town's website address in the "Agenda" section of the paper rather than the big article they used to post. The Administrative Assistant stated that usually Coastal Point reporter Patricia Titus pulls information from the Town's website for the Agenda section. Mayor Jankowski asked the Administrative Assistant to check on that with the Coastal Point.
- John Blumenstein (5 S. 8th St.) – Regarding a tornado warning for South Bethany earlier in the week, Mr. Blumenstein inquired what he should do in case of a tornado considering his house is on pilings. Mr. Blumenstein asked if there was a facility at the South Bethany Town Hall, in Sea Colony, or at the Bethany Beach Fire Department. M/Cpl. Davis stated that he thinks the emergency management office would broadcast instructions on where to go for that situation. Regarding whether or not Town Hall is a more secure building during a tornado, M/Cpl. Davis stated that it would depend on the track the tornado is taking. The Town Manager added that for a tornado there is not enough warning time to open up evacuation shelters like they would for a hurricane. The Town Manager agreed that he would not stay in a house on stilts. Councilman Junkin noted that people who live in areas that have lots of tornados have tornado cellars.
- Tom Roche (141 Henlopen Dr.) – Inquired about the new Code Enforcement Constable. The Town Manager stated that the Town has gone through the interview process and the new Code Enforcement Constable starts Monday, June 17, 2013. The current Code Enforcement Constable will assist in training the new Code Enforcement Constable. The new Code Enforcement Constable's work hours will be 8 a.m. to 4:30 p.m.

- Terry York (4 N. 5th St.) – Is concerned about the trees on the ocean side particularly the Leyland Cypress. Ms. York stated that the trees are unattractive, breed mosquitoes, and are a danger of falling on another house if there was a severe storm. Ms. York stated that she has expressed her concern about the Leyland Cypress trees to Council before. Mayor Jankowski said Council will look into it.
- Barbara Junkin (8 S. 4th St.) – Stated that there are a lot of dead trees in town that could cause a danger. Councilman Gross said the Town now has a prohibition against dead trees, and when the new Code Enforcement Constable gets on board he can look into it.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, May 10, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the May 10, 2013, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Workshop Meeting Minutes, May 30, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the May 30, 2013, Town Council Workshop Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, May 30, 2013** – A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the May 30, 2013, Town Council Executive Session Minutes. The motion was unanimously carried.
- **Town Council Organizational Meeting Minutes, June 1, 2013** - A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the June 1, 2013, Town Council Organizational Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, June 1, 2013** - A motion was made by Councilwoman Voveris, seconded by Councilwoman Callaway, to accept the June 1, 2013, Town Council Executive Session Minutes. The motion was unanimously carried.

AGENDA PUBLIC DISCUSSION – PUBLIC COMMENT REGARDING AGENDA ITEMS WILL BE HEARD AFTER INITIAL COUNCIL DISCUSSION AND PRIOR TO ANY COUNCIL VOTE BEING TAKEN

Mayor Jankowski reiterated that Council welcomes public comments on all agenda items after Council discussion and prior to any Council vote being taken.

LEADERSHIP REPORTS

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

SCAT (Sussex County Association of Towns) News – House Bill 81, which lowers the number of full-time public employees from 25 to 3 for compliance under the Delaware Code and the Department of Labor criteria for union rights: The bill is currently in the Senate Labor and Industrial Relations Committee. South Bethany is writing a letter to the 21 state senators expressing our opposition to this legislation.

South Bethany will be hosting the SCAT dinner on September 11 at the Bear Trap Bistro. I encourage council members and their spouses to attend.

Meet the Mayor Sessions and Report Back – I have been reviewing my notes and will be sending out responses and the status on issue follow-up within the next few days. Councilwoman Callaway and I met with the Town Manager and the Chief of Police to discuss

walking safety mainly in Cat Hill and the entrance to Bayshore Drive. We learned that several options have been tried previously and that we need further discussion. I want to squelch any rumors about the Town's plans for walkways. Nothing will go forward without obtaining input from residents.

Public Comment: Considering the amount of money this could cost, Dennis Roberts inquired if this was something the entire town would vote on in a referendum. Council replied that it would depend on how much a project like this would cost. Councilman Rae added that a project that big would not happen quickly. It would have to be planned and it would have to be in the Town's budget. Mayor Jankowski emphasized that this is very preliminary. She said it is something that came up at all three Meet the Mayor Sessions in reference to walking safety. Mr. Roberts said when he thinks of the possibility of sidewalks he wonders if the Town is controlling the people or is the Town controlling the traffic. Mr. Roberts is concerned that putting sidewalks in could enhance the speed of vehicles. Mr. Roberts complained about people "rolling through" stop signs in town, and Mr. Roberts would like to see more effective speed bumps in town. Mr. Roberts would like to see a strong enforcement of stopping the cars at the stop signs and making it as uncomfortable as possible for cars to cut through South Bethany. Mr. Roberts is also seeing an increase in speeding. M/Cpl. Davis noted that most of the time there is only one police officer working and there are various areas to patrol.

Senior Week(s) – I was fortunate enough to accompany Corporal Mark Burton on patrol on Monday evening, June 10. I was impressed with his professionalism and handling of awkward situations in a sensitive way. I have to believe this attentiveness is minimizing miscreant behavior.

New Ambulance – Mayor Jankowski read the following which was prepared by the Bethany Beach Fire Department and put out on May 27: *The Bethany Beach Volunteer Fire Company expects to take delivery this fall of the new ambulance. This purchase is part of our long term plan ambulance replacement program. According to Fire Chief Richard Parrett, Jr., a long term reserve is funded every quarter in order to pay for a new ambulance so this isn't something that is going to come out as a fee increase or taxes for the property owners. Currently the Bethany Beach Volunteer Fire Company operates two ambulance units and both units were purchased at the same time over five years ago when the ambulance service began in Bethany Beach. There is approximately 70,000 miles on each vehicle. The new ambulance will be part of a regular rotation program which will extend the life and longevity of our equipment, Chief Parrett said. As with older vehicles, our current ambulances require more frequent maintenance. For example, one of our units experienced fairly extensive maintenance issues last summer and had to be taken out of service. Fortunately we were able to borrow an ambulance from surrounding fire companies, but it is not something you can always count on because of their own needs. Call volumes continue to increase every year 15 to 20 percent putting more of a demand on our equipment. The Bethany Beach Volunteer Fire Company ran 1,139 calls this past year versus 892 the year before. With the increase in call volume and the seasonal demands we experience here at the beach we need to make certain that we can provide the highest level of service to our communities, according to Chief Parrett. We must have at least two ambulances in service at all times. Approximately 2/3 of the purchase price is for the vehicle itself and the other 1/3 is for the equipment such as the stretcher, AED, backboards, etc.* Mayor Jankowski stated that she appreciates the fact that they are getting a new ambulance.

Mediacom – The agreement has been finalized from Mediacom and is now waiting to be approved by resolution in each of the four towns. I have asked Bob Cestone to prepare a summary of what the changes are from our previous agreement so that we can put that out to all the property owners so that we know what the changes really are.

Bethany Beach Volunteer Fire Department Discussion of Funding Meeting will be held on July 1 with Bethany Beach, Fenwick Island, Sea Colony, and South Bethany to discuss

possible funding to Towns/Areas. Mayor Jankowski shared the following information provided by the Bethany Beach Volunteer Fire Department:

BACKGROUND

Our annual operating budget is \$850,000 this year. We provide 51% of our own funding through the State and County. We need the communities to provide the balance or 49% of our total annual budget. Our current funding is somewhat limited and dependent on our two annual fund drives and other labor intensive fundraising activities such as breakfast events, T-shirt sales, etc. What's more, additional funding is needed in order to pay down debt, i.e., mortgage on our building and fire apparatus loan.

In all four communities combined, only 21% of the property owners donated to one of our two annual fire fund drives in 2012. That means that 79% of the property owners in our fire district contribute nothing for fire service services they are receiving. Our mailings are reaching approximately 70% of all property owners in our fire district. However, our ultimate goal is to find a way to get all or most who benefit from the fire service contributing. Here is a summary by community:

TOWN MAILED DONORS CONTRIBUTED

*Bethany Beach 24.0%
Sea Colony 16.6%
South Bethany 24.0%
Fenwick Island 18.2%
Total 21.2%*

Rt. 26 Closures – Mayor Jankowski had a chart available from DeIDOT which showed what the detour would be when there is a closure on Rt. 26. The project was a little bit behind schedule. Based on feedback from the community, there will not be any lane closures on Saturdays and Sundays for the rest of June. As previously stated, DeIDOT will allow lane closures during the week up until 12 p.m. on Friday afternoon for the rest of the month.

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

The Town belongs to the Delaware Founders Insurance Trust (DFIT) which is an organization that was formed several years ago with town and county governments forming a pool to save on insurance money. It has proven to be very beneficial for the Town of South Bethany. This past year the DFIT tasked each of the Towns to develop or update its safety manual. The Town Manager tasked the Maintenance Supervisor, Don Chrobot, to work on South Bethany's manual. At the last Board of Directors meeting of the DFIT the Town of South Bethany was awarded a certificate for being one of only four towns that has completed their safety manual and has been approved by the Delaware League of Local Governments. The Town Manager stated that the Maintenance Supervisor deserves a lot of credit for the work he put into the manual. Mayor Jankowski agreed. The Town Manager stated that he gave the Maintenance Supervisor a merit award for that accomplishment.

The new Code Enforcement Constable is Joseph Hinks. For the past two years he has been a Code Enforcement Compliance Officer for the City of Salisbury. Mr. Hinks lives in Delaware. Councilman Gross noted that the Town had received 91 applications for that position.

- **Treasurer's Report**—Tony Caputo reported as of May 31, 2013:

**Monthly Treasurer's Report to Council for June 14, 2013 Meeting
by Tony Caputo, Treasurer**

Fiscal 2013 (5/1/12-5/31/13) 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 (Surplus)	<u>\$ 223,341</u>	<u>\$ 0</u>	<u>\$ 223,341</u>

Summary of Fund Balances for all Funds

Fund Balances May 1, 2012	\$ 1,574,490
Net Revenues less Expenses	<u>223,341</u>
Projected Fund Balances April 30, 2013	<u>\$ 1,797,831</u>

Note 1. – There are two material items that will likely affect final FY 2013 amounts. One is how to account for FEMA reimbursement request of \$37,483.14 that the Town has partially received for expenses associated with Super Storm Sandy. The second item is an unrecorded Town Retirement liability (Personnel Policy 6-3, B. 3, page 64). The exact amount of the unrecorded liability is not known at this time, however the maximum amount is under \$44,000. We should expense the current liability, and annually accrue any potential increases.

Note 2. – Amounts shown on this report are the unaudited numbers maintained on our records and are subject to year-end audit. The audit begins in July 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 (5/1/13 – 5/31/13) Year-to-Date Revenues and Expenditures

	<u>Actual</u>	<u>Budget</u>	<u>Difference</u>
Total Revenue	\$ 474,805	\$ 2,223,916	\$ (1,749,111)
Total Expenditures	<u>234,044</u>	<u>2,223,916</u>	<u>1,989,872</u>
Revenue less Expenditures	<u>\$ 240,761</u>	<u>\$ 0</u>	<u>\$ 240,761</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	\$ 166,262	\$ 494,540	33.62
Realty Transfer Taxes	18,030	255,000	7.07
Gross Rental Taxes	2,780	518,450	0.54
Net Reserve Transfers In from ARM & MSA	25,184	19,700	127.83
All other revenue	<u>237,365</u>	<u>936,226</u>	24.83
Total Revenue	<u>\$ 474,805</u>	<u>\$ 2,223,916</u>	19.09
<u>Expenditures:</u>			
General & Administrative Department	\$ 81,343	\$ 565,526	14.38
Public Works Department	19,868	187,178	10.61
Public Safety Department	67,024	639,910	10.47
Beach Patrol Department	16,905	227,762	7.42
Town Committee	240	31,378	0.76
All Others (e.g. – grants, ARM, etc.)	<u>48,664</u>	<u>572,162</u>	8.51
Total All Expenses	<u>\$ 234,044</u>	<u>\$ 2,223,916</u>	10.52

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

- **Police Department Report/Questions**—M/Cpl. Lee Davis reported for the month of May, 2013:

Overall for the month – Arrested six wanted subjects.

- One arrest for a home improvement fraud. M/Cpl. Davis advised property owners to make certain the business/individual is licensed, bonded, and insured. Make sure the business/individual has local references.
- Possible theft of a grill.
- One open door.
- One 911 disconnect.
- One accident.
- Seven agency assists (State, Bethany Beach, Fenwick Island, or Ocean View).
- Seven alarms.

Public Comment: Barbara Junkin stated that there is a scam where people are calling regarding "life alert". She said she has been called almost every day. Regarding phone scams and computer scams, M/Cpl. Davis advised property owners not to give any information out (name, address, social security number, bank account numbers, date of birth, etc.).

Councilwoman Voveris pointed out that the Police Department's mileage is down 25% from the same time last year which is a nice savings that the Town will see in fuel. M/Cpl. Davis stated that the department is trying to conserve as much as it can and still try and do the same job they have been doing.

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

It has been a slow start to the summer. The water is still pretty cold (62 to 65 degrees depending on the winds) and not too many people have been out in the water. Capt. Dacey has been taking advantage of the slow time to train the new guards.

The Beach Patrol had to shut down the beach for thunderstorms on June 3, June 10, and June 11.

Earlier in the meeting Councilwoman Callaway asked about a sonic boom that residents had heard. Capt. Dacey said it was from Wallops Island where they were launching rockets.

COMMITTEE REPORTS

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

The Community Enhancement Committee held a meeting on Wednesday, May 29, 2013.

Update on Ocean Drive Alternative Lighting Trial Test:

As discussed at previous meetings, the CEC has been exploring alternative lighting options to the street lights installed by Delmarva Power at two locations. The street lights continue to be less than perfect. Sue stated that Jim Smith at Delmarva Power informed her that there are surrounds available that can be placed within the street light shade. The group agreed to try the surrounds and have them available during the summer season as an additional trial with the street lights. Sue will follow-up with Delmarva Power.

Don presented to the group the status of the decorative, solar-powered lights that were installed in two locations – one lamp post near a walkway and the other on top of the S. 2nd Street sign (this one was originally taped to the top of a post but we found we were receiving more comments about the taping than the light itself). Since these solar powered lights were installed the group has agreed to remove the lamp post positioned on the walkway as it did not cast enough light on the street. The one installed on the S. 2nd Street sign was vandalized and

Don replaced it with the decorative top of the lamp post. As the group prefers white rather than black, Don and George re-contacted Gama Sonic to inquire about ordering white lights. Unfortunately, a quantity of 50 must be ordered for the company to place this special order. The group also agreed that the lights provide a subtle light – enough for safety and security. This test solar light offers the highest degree of solar lighting and is not available through other sources. Don noted that the lamps are made of aluminum but will still be subject to weathering. Sue Callaway read a letter from SB resident Susan Thorbahn, who resides at Indian Street and Ocean Drive. Ms. Thorbahn's expressed her opposition to the lanterns atop the street poles along Ocean Drive. She did not like additional light along OD nor the type of decorative lamp. George Junkin noted that he heard of one other negative comment and he and John Speer noted that several favorable comments were made. The group agreed to keep the one light on S. 2nd Street throughout the summer and continue to explore any other alternatives.

ADDENDUM: As of June 6, in response to Sue Callaway's request, Jim Smith will order the surrounds and schedule a date for installation.

Council Discussion: Council discussed the length of the lighting trial test. It was noted that some residents have requested that the trial lights be removed and not go through the summer. Councilwoman Callaway stated that the test has gone this far and she would like to do a comprehensive test of the Ocean Drive lighting in order to determine if it works or doesn't work. Councilwoman Callaway stated that the decision regarding Ocean Drive lighting was brought forward by residents that live on Ocean Drive. She added that it was not the Community Enhancement Committee's idea. It is part of the "Blueprint for Ocean Drive". Councilwoman Callaway stated that some people like the lights and some people do not like the lights. There are different opinions. Councilwoman Callaway wants to try the surrounds and if it doesn't make a difference then the test is over.

Public Comment: Referring to the well-being of the Town year round, Mary Suazo stated that it is dangerous in the wintertime to have the town pitch black from about 5 p.m. She believes the lighting is for the good of the town. Councilman Rae stated that there are people like himself who don't like the lights so that you can see the beautiful stars without having "light pollution". Terry York stated that the lights are for safety and she thinks the town has to rule on the side of safety. Councilman Gross stated that the Town needs to respect what the population says and the Town survey showed that 69% of the community said no to lights. Dennis Roberts stated that he thinks it would be a shame to pull the plug in the middle of something when you haven't had a chance to follow through on it.

Councilwoman Callaway stated that the committee is trying to take the lighting trial test to its completion and then they are finished.

Update on Landscaping Projects – Don Chrobot and Sue Callaway

Sue and Ron Watts met with Mike Lord on Tuesday, June 4, and reviewed the status of all plants within the rain garden beds along the pedestrian walkway, York Beach Mall beds, and all median bio beds originally landscaped by Lords. Sue has prepared a written follow-up to the meeting. Mike has ordered additional plants and it is hoped that the work will be completed during the week of June 10.

Update on Adopt Program - Sue, Sharon, Bobbe and Carol

Bobbe stated that she had met with a potential adopter for the Petherton Road End. She was expecting an application with a design in the near future. Sue announced that we have a total of 19 adopted canal/road ends and that 3 more were in various stages of adoption. Sue also noted she had updated the Volunteer Recognition Wall which is located on the CEC section of the SB website. The group agreed to hold the Adopt Beauty Contest beginning Sunday, August 25, and ending Sunday, September 1. Sue agreed to contact Pam Smith to

discuss the online voting process as used last year. Sue will double check on the number of contest signs remaining from last year. Sue presented the idea of having an Adopt Thank You Party during the summer. Potential dates were discussed but not confirmed.

The next Community Enhancement Committee meeting will be in August

Public Comment: A property owner inquired if there was anything that can be done about commercial grass cutters that do not use bags and the clippings go into the canal. The following suggestions were made during discussion: (1) If you see a contractor depositing clippings in the canal, call Town Hall and the Code Enforcement Constable will go to the property, (2) With the Mercantile License include a memo with information on the Town ordinance which prohibits clippings from being deposited in the canals, (3) Send an email or a letter to the contractors reminding them of the Town rule. The property owner also stated that her husband saw a painter empty a can of paint in the canal. Mayor Jankowski suggested getting the name off the truck and calling the police in that situation.

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

Councilman Caputo stated that he has been on the Budget and Finance Committee for about a year. He added that for the last couple of years Councilwoman Voveris was the Chairperson and had done a great job.

The Budget and Finance Committee meeting was May 31, 2013. The following were discussed: investment policy, building permit fees, the 2013 Budget results, property taxes, rental taxes, long term reserves, the 2014 Budget, and the retirement compensation issue.

Councilman Caputo asked Councilwoman Voveris for her input. Councilwoman Voveris stated that the committee is a collaborative effort with very active volunteers who are very talented, educated working people (a CEO of an airline, entrepreneurial people). The committee is a tremendous mix of talent. All members are ambitious, everyone takes on tasks, and everyone delivers. That collaborative effort yields tremendous results, and the Town is fortunate to have the committee and the people on it.

Public Comment: Mike Matera asked if the Town could put in the budget wherever there is a house on a property \$25 for the fire company. Mayor Jankowski said that will be discussed at the July 1 meeting that she will be attending with Sea Colony, South Bethany, Bethany Beach, and Fenwick Island who are part of the group who work with the ambulance service. They are coming together on July 1 to start discussing how to support the fire company going forward. Mayor Jankowski said she will report on this meeting at the next Town Council Regular Meeting.

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

- Diffuser Pilot Project for the Petherton Canal
 - Diffusers are installed and working
 - 14 locations along the length of the Petherton canal are sampled weekly to determine dissolved oxygen (DO) content. Samples are taken near the surface and at 3 feet deep. The Brandywine Canal is also sampled at the same 14 locations, surface and 3 feet deep, as the control.
 - 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.

- Grant for rain gardens along the east side of Route 1.
 - o There was a kick off meeting for this grant at the CIB on June 3, 2013.
 - Present were Bart Wilson (CIB), Doug Janiec (Cardo Entrix), Larry Trout (AMT), George Junkin & Sue Callaway (South Bethany), Marianne Walch & LaTanya Gilliam (DeIDOT), Susan Barton (U of D) and Dave Wiecking (Middlesex).
 - Larry proposed not removing the asphalt around the drains and not raising the drains based on funding limitations. This approach only treats about 62% of the water coming down our streets. George & Sue asked that we make the excavations as large as possible so that at a later date we could pick up the other 38% for treatment. Larry said that he would see how much volume he could get in. He is restricted by water and gas pipes.
 - The design work will be done during the summer. The excavations and plantings will be done in the fall. Some plantings may happen in the spring depending on what plants are selected. The grants do not have a "must complete by" date that would affect spring plantings.
 - o On June 13, 2013, George Junkin gave five or six people from the EPA in Philadelphia a tour of all the things that are being done. The tour started at 3:30 p.m. at the Petherton forebay. The EPA was impressed with the west side rain gardens and the medians. They were impressed with what is going to be done with the east side rain gardens. George also showed them the diffusers and explained how they work. George noted that the CIB receives grant monies from the EPA in Philadelphia.
 - o Sue and George surveyed the mailboxes along Route 1 that may be affected by the project. There are 28 mailboxes along the east side of Route 1.

- Oyster Gardens
 - o This is the year we get new spat (baby oysters) from the CIB.
 - o I expect that in the June/July time frame that oyster gardeners will be getting their new oysters.
 - o The CIB has been working to get the Legislature to pass a bill to allow commercial aquaculture to be in the Inland Bays. This bill, House Bill # 160, has the sponsorship of Speaker of the House Representative Pete Schwarzkopf and Senator Blevins and Hocker among many others. Representative Schwarzkopf believes that it has a good chance of passing. DE is the only state along the east coast that does not allow this type of aquaculture. The benefits are:
 - Cleaner water, each mature oyster can filter up to 50 gallons of water a day.
 - Oysters improve the habitat for other water creatures. Those who oyster garden have seen the evidence of this.
 - Economics – provides jobs and dollars for Delaware. Provides local oysters for local restaurants.

- Canal Water Quality Monitoring
 - o Dave Wilson's group continues to do a fine job monitoring the water quality in the South Bethany canals. No abnormalities have been reported.
 - o Water is monitored weekly along the length of the Petherton and Brandywine Canals.
 - 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. Funds are available to do one more check valve.
 - 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 George Junkin, Al Rae and Jim Gross cruised some of the South Bethany Canals on June 9, 2013 to looking for "gray water" pipes that have been grandfathered. With the objective to identify them and then approach the owners and to request voluntary disconnection.
 - o About 25% of the lots that are located on the canals were surveyed in 3 hours on 6/9/2013.
 - o Out of 232 lots that were surveyed, 57 (25%) had one or more pipes going into the canals.
 - o There were 87 pipes identified as entering the canals. Some had been obviously disconnected. Some were obviously still connected. For many it was impossible to determine from the boat whether they were connected or not.
 - o Petherton Canal had a total of 30 pipes going into it.
 - o More cruises are planned but not yet scheduled.
- The South Bethany Macroalgae Study that is being done by Alyson Myers of the University of Delaware will begin soon.

Public Comment: Dennis Roberts said that he believes during Hurricane Sandy the sandbars shifted. Mr. Roberts asked if an appeal from the Town would have more affect than a homeowner. Mr. Roberts said when heading south toward Fenwick Island the sandbar he hit was between the last landing and Harpoon Hannah's between the channel markers. Mr. Roberts said it is south of South Bethany but boaters from South Bethany commute it back and forth. Mr. Roberts inquired if this is something the Town can make an appeal on to have the channel markers moved. Councilman Rae said he would be happy to contact the authorities but he needs to be able to tell them where it is. Mr. Roberts suggested that if the channel markers have not been surveyed they should check to make sure that all of them are safe.

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

The following is a priority list that was agreed upon by the Charter and Code Committee at their May 30, 2013, meeting:

Chapters Needing Changes 2013:

- 1) 145-3 Definitions
- 2) 145-14.2 Exterior lighting
- 3) 145-14.3 Ground covering allowed in setback (4" pipe)
- 4) 145-17-B Nonconforming Structures (define repairs)
- 5) 145-53 Interior floors, walls and ceilings (base flood elevation: FEMA)

The Charter and Code Committee will start to address this list at the Charter and Code Committee Meeting on June 26, 2013. In addition, Councilman Gross will discuss revising the fees for building related permits at the June 26 Charter and Code Committee meeting prior to bringing it to Council.

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

1. Since becoming Chairman of the CPR I have met with Sue Callaway who kindly brought me up to date.
2. Sue will report on the plans for the 4th of July Parade. Councilwoman Callaway said the float is going very well. The committee got together and made flowers. The Town's Maintenance Department has been very helpful. The committee will be working the week of June 25 to put the float together. Mayor Jankowski and Junior Lifeguard Jack Crowson will be on the float.
3. Melvin is going to discuss with the Lifeguard Captain the idea of a movie night – they are already very busy.

4. I have met with Pam regarding the web site operation and costs.
5. I am working on the CPR Web pages and will send out once the committee has agreed to them.
6. I am looking into Constant Contact for property owner email maintenance and Town notifications.
7. Renee and I are working on a Remote Conference call solution. We met with Bethany Beach yesterday on the Granicus product.
8. It has been suggested that we use the web site to receive property tax payments. Do we want to do this? It will cost us a lot of money in fees.
9. Future plans include:
 - a. SB Polar Bear Plunge Team for 1-1-14. Can we agree to buy shirts for them?
 - b. Meet & Greet next spring.
 - c. South Bethany Clothing. If SBPOA does not do this the Town should.

Councilman Rae stated that if there are any suggestions to let the committee know.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
 - The committee was established at the May 10 Town Council Meeting.
 - The committee consists of 7 members: Jim Gross, Jay Headman, George Junkin, Frank McNeice, Dick Oliver, Al Rae, Dave Wilson.
 - The committee had its Organizational Meeting on 6/6/13. Summary of that meeting follows:
 - Voted to remove “Adaptation” from the committee name.
 - Made slight modifications to the Mission Statement and Plan. The most significant was that feedback from homeowners would be from public meetings, not surveys.
 - Assignments were made to gather information relative to 11 tasks.
 - Next Scheduled Meeting – is June 27 at 1:30 at the Town of South Bethany Police Station. We will have three visitors at that meeting: Wendy Carey, Michael Powel and Susan Love.
 - The Town of South Bethany together with the URS Corporation has been awarded a DNREC Coastal Management Assistance Grant for Projects that seek to improve Delaware’s resiliency to sea level rise and coastal storms. The Town will use this grant to obtain accurate elevation data for all bulkheads and roads that were flooded by Sandy. 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. We are also going to be getting elevations of storm drains.

AREAS OF INTEREST

- **Assawoman Canal and Trail** – Councilman Rae reported:
 1. The State plans to have a meeting to discuss the trail when they start preparing for Phase 2. The main reason for the trail at Black Gum Road is for South Bethany residents and visitors to access the Canal Trail. The State plans to direct trail users to cross Jefferson Bridge and continue south along the west bank where the State has conceptualized an observation platform overlooking the Assawoman Wildlife Area.
 2. Don’t expect the Town of South Bethany to pay the \$5000 this year. The Town will probably not have to do that until next year when they begin working on Phase 2.
 3. The trees falling into the canal near Jefferson Bridge have been removed.

Council Discussion: Councilman Gross noted that there are a lot of trees that are hanging over the canals that are in violation of the Code that the Town needs to do something about. The Town Manager stated that the bulkhead inspection was done. The new Code Enforcement Constable may have to send out the letters if they have not already been sent out.

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

Councilwoman Voveris put together a report with background information regarding the Board of Adjustment. The report was available on the sign-in table. Councilwoman Voveris highlighted the following from the report that detailed a seminar at the University of Delaware that new members recently attended:

BOARD OF ADJUSTMENT (BOA)

IMPORTANT POINTS TO NOTE

- The BOA must be properly composed or action would be rendered invalid.
- Any appeal to the BOA must be filed within 30 days.
- BOA is not bound by formal rules of evidence, and hearsay testimony is permitted.
- In exceptional practical difficulty the point must be practical rather than theoretical and exceptional rather than routine. A self-imposed hardship is not ground to deny a variance.
- Decisions must be based on facts in the record. It is improper to rely on personal site visits and observations.
- Meetings must follow FOIA standards.
- BOA cannot just make conclusory statements. Sufficient reasons must be articulated in the records.
- BOA must inform all parties in writing of its decisions and reasons within 60 days after the conclusion of the hearing.

FOLLOW UP FOR SOUTH BETHANY BOA TO CONSIDER

- Review current rules/procedures to determine if changes are needed.
- Better understand the proper justification of decision.
- Develop a strong report format for the record.

PLANNING COMMISSION REPORT – Mayor Jankowski reported:

Bob Johansen has, as he said he would months ago, submitted his resignation. The Planning Commission will all miss Bob and have thanked him for his service and support.

Since the membership was expanded to seven members, the new members have integrated themselves extremely well into the commission and have participated into the planning initiative fully. They have eagerly volunteered to accepted responsibilities and assignments. They have completed their work in developing a new draft vision statement for the town for submission to the council when appropriate. They have developed a list of SWOT's (strengths, weaknesses, opportunities and threats) and teams have been assigned to assess each item in the general categories of: (1) Finance and Real Estate – Joe Conway and Keith Krenz (2) Environment – Dave Wilson and John Stefani (3) Community – Dick Oliver and Phil Arbaugh. They will discuss these items at the next Planning Commission meeting which is scheduled for July 27, 2013.

The Municipal Comprehensive Land Use Plan Annual Report – The Town Manager has prepared the report and Mayor Jankowski and Mr. Oliver are reviewing it. The report is due to the State by July 1.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to adjourn the June 14, 2013, Town Council Regular Meeting at 9:05 p.m. The motion was unanimously carried.