

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
JUNE 8, 2012**

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, George Junkin, Sue Callaway, and Mark Damato (Councilman Damato took his seat on Council after Agenda Item IV.A – Appointment of Vacant Council Seat and Swearing In); Town Manager Melvin Cusick; Chief Joe Deloach; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

Mayor Jankowski called the June 8, 2012, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

PROPERTY OWNERS' PARTICIPATION

- Tom Roche (141 Henlopen Dr.) – Referring to a question that was asked a couple years ago, Mr. Roche asked if the Town would look into whether airplanes flying a return path directly over South Bethany are in violation of FFA rules. Mr. Roche said the planes that carry the banners used to go further inland but recently they have been flying directly over town. Mayor Jankowski said the Town will get back to him either before the next meeting or at the next meeting.
- Mike Matera (311 W. 9th St.) – Stated that he had reported to Delmarva Power a street light that had been out for a couple of weeks on Russell Road. Delmarva Power told him that they would be out in a week or two to fix it. Mr. Matera believes this is ridiculous. Mr. Matera suggested putting an article in the ZEPHYR encouraging people to call Delmarva Power when street lights are out. The Town Manager said the Town would prefer property owners to call the Town when street lights are out because he believes the Town will get a quicker response from Delmarva Power.

ADOPTION OF MINUTES

- **Town Council Workshop Meeting Minutes, May 24, 2012** – A motion was made by Councilwoman Voveris, seconded by Councilman Junkin, to accept the May 24, 2012, Town Council Workshop Meeting Minutes as amended as follows:

Page 3, Second Paragraph: Change "Mayor Headman stated that his perspective of this topic is that since the creation of the FY 2011 Budget the Councils have been working on a financial strategy of setting aside funds to replace and maintain all **Town Council assets**" to read "Mayor Headman stated that his perspective of this topic is that since the creation of the FY 2011 Budget the Councils have been working on a financial strategy of setting aside funds to replace and maintain all **Town assets**."

Page 3, Second Paragraph: Change "Councilwoman Voveris said the number for inflation should be **correct**, should not be over **inflation**, and should be attainable for the Town's assets" to read "Councilwoman Voveris said the number for inflation should be **accurate**, should not be over **inflated**, and should be attainable for the Town's assets."

The motion was unanimously carried.

- **Town Council Organizational Meeting Minutes, June 2, 2012** – A motion was made by Councilman Gross, seconded by Councilman Junkin, to accept the June 2, 2012, Town Council Organizational Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, June 2, 2012** – A motion was made by Councilwoman Callaway, seconded by Councilwoman Voveris, to accept the June 2, 2012, Town Council Executive Session Minutes. The motion was unanimously carried.

ADMINISTRATIVE MATTERS

- **Appointment of Vacant Council Seat and Swearing In**

Mayor Jankowski stated that Council had an Executive Session on June 2 to consider the candidates. Mayor Jankowski asked for a motion to vote on Mark Damato to fill the vacant council seat. A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, that Council select Mark Damato to fill the vacant position on Council for the one year until May of 2013. The motion was unanimously carried. Mayor Jankowski swore in Councilman Damato and he took his seat on Council.

- **Appointment of Planning Commission Member – Kent Stephan**

Council had appointed Mr. Stephan to the Planning Commission at the June 2, 2012, Town Council Organizational Meeting. Mayor Jankowski swore in Mr. Stephan as a member of the Planning Commission.

Mayor Jankowski noted that there is an open position on the Board of Adjustment that needs to be filled.

- **Appointment/Reappointment of Budget and Finance Committee Members**

A motion was made by Councilwoman Voveris, seconded by Councilman Junkin, that Council reappoint Steve Farrow, Kent Stephan, and Keith Krenz and appoint John Huegel, Todd Neven, Joe Conway, Tony Caputo, and Mark Damato to the Budget and Finance Committee. Mayor Jankowski noted that Council had reviewed their resumes at the June 2, 2012, Town Council Organizational Meeting. The motion was unanimously carried.

LEADERSHIP REPORTS

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

Mayor Jankowski stated that during the past week she had:

- Attended the SCAT lunch with the legislators at Legislative Hall in Dover.
- Attended a Board of Adjustment training session in Dover.
- Met with a few property owners regarding issues they had.

Mayor Jankowski stated that Council will continue with the News Updates via email. She noted that the News Updates are also posted on the Bulletin Boards around town.

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

The ambulance report for the month of May was available on the sign-in table.

The reconstruction of the beach walkways should start on Monday, June 11. There will be periodic closures of walkways that are being worked on. The contractor will attempt to keep open the adjacent walkway to the one that is being reconstructed. Reconstruction will start with the handicap walkway at S. 3rd St. The contract with the Army Corps of Engineers has a completion date of June 22, but that is dependent upon the weather.

South Bethany Beach Patrol Report May 26 to June 8, 2012 (the report was available on the sign-in table):

Rescues to Date:

- 5/26/12 8 year old male pulled from rip current (south of Stand 3).
- 6/5/12 Multiple victims rescue occurred. Two victims were rescued from a rip current between Stand 1 and 2.
- 6/8/12 8 year old male pulled from rip current (Stand 6).

First Aid Incidents:

- 5/26/12 83 year old female fell while entering beach from north walkway in Sandpiper Village. Victim's right leg had a sever laceration which was wrapped to prevent blood loss. Beach Patrol responded using ATV and transported victim to ambulance where she was sent to Beebe in Lewes for stitches/further care.

Vandalism Incidents:

- 6/4/12 Monday a.m. – Maintenance/Lifeguards located Stand 3 behind dunes near N. 4th St. walkway. Boards were missing; back support of chair was cracked where stand was dropped.
- 6/6/12 Wednesday a.m. – Maintenance/Lifeguards located Stand 1 near shoreline on border of Middlesex and South Bethany. Three boards were missing. Stand was dragged into water sometime the previous night.

• **Treasurer's Report**—Pat Voveris reported as of May 31, 2012:

April Balance Brought Forward	\$ 1,603,355.76
May Revenue	\$ 415,164.81
May Disbursements	\$ 147,779.88
Balance	\$ 1,870,740.69

Profit and Loss:	Total revenue	\$ 415,165
	Total expenditures	\$ 146,178
	Leaving an excess revenue of	\$ 268,987

Operating budget recap:

- Revenue is at 17%.
- Expenses are at 8%.
- Transfer tax for May was \$43,686.91 which is 18% more than the same time in May of 2011. In the first month of the FY2013 budget the Town has collected 19% of what was budgeted. Councilwoman Voveris hopes this is a good indicator of the year to come. Councilwoman Callaway noted that it is the highest it has been in five years in this month.

Highlights on Revenue:

- The Town has collected \$166,213 in Property Tax which is 33.6% of the budget. Taxes are due by the end of June.
- The Town has collected \$14,660 from Parking Permits which is 56.4% of the budget number of \$26,000.
- The Town has collected \$25,290 from Mercantile Licenses which is 63.2% of the budget number of \$40,000.

- **Police Department Report/Questions**—Chief Joe Deloach reported for the month of May, 2012:

- May 5 Assisted Fenwick Island with an alarm at Royal Farms on Route 1.
- May 7 Residential alarm at S. Anchorage Dr. No signs of forced entry. Residence was secured and all was in order.
- May 8 A neighbor reported a water leak at 800 S. Ocean Dr. The officer contacted the realtor handling the property.
- May 11 Assisted the fire department with traffic for an accident on Route 1 in Fenwick Island for a hospital transport and a tow.
- May 11 On Henlopen Dr. there was a possible break-in. The homeowner called the police and said he woke up and saw someone running out of his house. After further investigation it was discovered to be a dream. The case was closed.
- May 12 Assisted Fenwick Island Police Department with a disorderly intoxicated person on Atlantic Ave. Subject resisted arrest. The FIPD officer needed assistance to make the arrest.
- May 14 Traffic stop resulted in a wanted person that was transported to Court Three, given a court date, and released.
- May 18 An officer was dispatched to Logan St. for a loud party and asked them to quiet down and move inside.
- May 19 A residential smoke alarm on Seaside Dr. was investigated. Miken Construction responded as well and found a water leak which they took care of.
- May 22 Assisted Fenwick Island with a Spanish/English translation for a traffic stop involving several illegal immigrants.
- May 24 A traffic stop resulted in an underage consumption and possession arrest on Route 1 and S. 7th St.
- May 25 A loud party was reported by a homeowner on S. 9th St. By the time the officer cleared a stop and responded to the residence, it was found to be dark and quiet.
- May 26 Assisted Fenwick Island with a traffic stop for a wanted person.
- May 26 Assisted Fenwick Island with a traffic stop near the Pottery Place. Found the suspects to be without valid licenses and insurance. Stolen tags from Maryland were recovered in the trunk.
- May 26 Assisted with a car accident on Peterson Dr.
- May 27 Responded to a loud noise complaint on N. 6th St. Advised the occupants to keep the noise down.
- May 28 Traffic stop resulted in arrest for underage possession of alcohol south of York Rd.
- May 31 Resident on Elizabeth Court fell and had injuries. He was transported to Beebe.

Noticing from the May 2012 Police Report that traffic arrests were up 29%, traffic warnings were up 47%, and seat belt arrests were up 140% from 2011 to 2012, Councilwoman Voveris thanked the Police Department for making South Bethany's roads safer.

Mr. Matera asked if the South Bethany Police Department charges the other towns like Fenwick Island or Bethany Beach when South Bethany police assist them. Chief Deloach replied no because the other towns return the favor and assist the South Bethany Police Department when needed.

Mr. Matera asked if the Police Department keeps track of alarms that go off in homes in South Bethany. Chief Deloach said the department does keep track of the alarms and the department notifies the homeowner to contact their alarm company in order to get the alarm fixed. The police department has not had a problem with the homeowners not cooperating.

Mr. Matera inquired about the solar panel in the back of the police cars. Chief Deloach stated that the solar panel helps keep the battery charged when running the different electronic devices in the car.

Mr. Gough asked what happens to illegal immigrants when the department arrests them. Chief Deloach stated that they do not usually arrest them. They try to track them and keep the information available.

COMMITTEE REPORTS

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

In Councilman Rae's absence, there was no report.

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

The Community Enhancement Committee met on May 22. Peter Brockstedt, the South Bethany Code Enforcement Constable, attended the meeting. The committee and the Code Enforcement Constable discussed areas where they can support each other.

The final plantings in the Route 1 median bioretention areas are done except for six plants that didn't make it. Those plants will be replaced in the upcoming week.

Councilwoman Callaway met with the Center for the Inland Bays (CIB) and Sally Boswell about community education signs regarding the bioretention areas, the rain gardens, and the forebay. The signs will probably be placed in the area around the forebay where they will be most visible.

The landscaping improvement work along the York Beach Mall is completed. The final walk through inspection with Lord's Landscaping was done this week and a maintenance plan was developed for maintaining all of the new plants and trees. Lord's Landscaping has kindly offered to do the first maintenance in the fall for the Town gratis. Everything is done regarding the TEP grant funding and the committee is pleased with the results.

The committee has received many compliments regarding the trash bins and planters on Ocean Drive. So far the flowers are surviving the elements, and Councilwoman Callaway thanked the Maintenance Department for their vigilant watering. It is a task that has taken a tremendous amount of their time. Also, one new sign is up on Ocean Dr. at N. 2nd St. There is a lot of work involved with getting the Ocean Drive signs up so it will be a slow but steady process.

John Speer has taken the initiative to place the Beautifying South Bethany Makes Dollars and Sense flyers in real estate boxes at strategic locations along Ocean Drive. The committee is looking at other places in town to place the flyers as a gentle reminder about maintaining properties.

The Adopt-A-Canal/Road End Program has had three new adoptions.

The Community Enhancement Committee Meeting Minutes are now being posted on the Community Enhancement Committee page of the Town's website.

The next Community Enhancement Committee meeting is scheduled for June 27, 2012, from 10 a.m. to 12 p.m. at Town Hall.

Mayor Jankowski thanked Councilwoman Callaway, Councilman Junkin, the Community Enhancement Committee, and the Canal Water Quality Committee for all of the work they have done. She stated that it was a major accomplishment that most of the work was paid for out of grant money and not out of taxpayers' money from the Town of South Bethany. Mayor Jankowski also thanked the Maintenance Department for going the extra mile to make sure that everything is watered and staying alive. Councilwoman Callaway thanked the Town Manager for his work on all of the grants but particularly the TEP grant which involved a lot of paperwork. Councilwoman Callaway estimates that there was about \$200,000 worth of improvements for both landscaping and water quality efforts.

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

Because the Budget and Finance Committee had not met since the last Council meeting, there was nothing to report.

Councilwoman Voveris noted that the Budget and Finance Committee Meeting Minutes are now posted on the Budget and Finance Committee page of the Town's website. Also a pie chart showing unaudited revenue and expense numbers for the 2012 Budget will be posted on the website.

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

The Canal Water Quality Committee met on May 18. The following things were discussed:

- Oyster gardening - anyone interested in oyster gardening should call Al Allenspach.
- West side storm drains – this summer the committee will be inspecting all of the west side storm drains (about 100 drains) and making recommendations on what should be done to make improvements from a water quality perspective. Currently the drains are designed to get the water into the canals as fast as possible which is not good from a water quality point of view.
- Volunteers for cleaner canals – Jack Whitney has agreed to lead a program to get volunteers who have boats to pick up trash in the canals to keep them cleaner.
- The bioretention areas project went very well.
- Algae bloom – The algae bloom in March and April was the worst algae bloom the town has ever had. DNREC came to South Bethany with their harvester and did an excellent job getting the algae out. It was estimated that over 100 tons of algae was taken out of the canals.
- Canal Water Quality Monitoring – Dave Wilson has a team working for him and they have been keeping track for three or four years. It is going well.
- Diffuser pilot project – waiting to see if the Town is awarded the grant from the EPA. The committee will be working on a statement of work to be used for the bid process. The installation of the pilot project will probably be in the spring of 2013. The committee is

- talking about putting the diffusers in the Petherton Canal and using the Brandywine Canal as a control for the east end and the Anchorage Canal as a control for the west end because those are areas that the Canal Water Quality Monitoring team takes water quality samples from.
- Education Program – the Canal Water Quality Committee will be mailing flyers to property owners on the canals explaining things they can do to help improve canal water quality. Councilman Junkin had a display of the flyers at the sign-in table for people to look at.

Mr. Matera stated that there are a lot of tree limbs that are hanging over the canals that are lower than 15 feet. The Town Manager stated that every year the Town does a bulkhead inspection and checks for tree limbs hanging over the canals that are in violation of the code. This year's inspection was rained out and will be rescheduled after the CRS 5-Year Recertification process is complete. Councilman Junkin suggested that Mr. Matera report tree limbs that are obstructing boat traffic to the Code Enforcement Constable.

Mr. Youngs inquired if the Canal Water Quality Committee is seeing any significant change in the water quality since they have been doing the water testing the last three or four years. Councilman Junkin said at particular sites there are no significant changes of the water quality getting better or worse, but there is a trend within the community that the further away you get from Snap Gut the worse the water quality is. Councilman Junkin said that steps that have been taken to keep the nutrients from going into the water will take time to make a change because it takes years to get the nutrients already in the water out of the water. Councilman Gross noted that these steps may be helping because the condition of the water quality is not worsening. Councilman Junkin agreed. The Canal Water Quality Committee is hoping that the diffusers will make a measurable change.

Councilman Damato inquired if property owners that have "grandfathered" piping into the canals are required to remove that piping if they apply for a permit for something else. Councilman Junkin stated they would be required to remove the piping if they had to redo 50% or more of their roof or something similar to that. Mr. Stephan suggested that Council consider implementing a negotiative process where property owners could compensate for the bad things they are doing regarding water quality (e.g. impervious surfaces) by offsetting it with something good regarding water quality (e.g. rain gardens). Mr. Stephan believes this would enable the homeowner to have good value on their home and still accomplish Council's goal regarding water quality.

Councilman Gross inquired about the grant for the study on the east side of the highway. Councilman Junkin stated that he had not met with Mr. Wilson of the CIB and they have not put in for the grant yet.

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

The Planning Commission has a meeting scheduled for June 13 to begin the review of the Comprehensive Plan. Councilman Gross plans to invite the Chairman of the Planning Commission, Mr. Oliver, to give a presentation at the July 13 Town Council Regular Meeting.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilwoman Voveris, to adjourn the June 8, 2012, Town Council Regular Meeting at 7:50 p.m. The motion was unanimously carried.