

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 13, 2015

MEETING CALLED TO ORDER

Mayor Voveris called the November 13, 2015, Town Council Regular Meeting to order at 7:00 p.m. Mayor Voveris asked for a moment of silence for the victims in Paris. The moment of silence was followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Council Members Sue Callaway, George Junkin, Tim Saxton, Wayne Schrader, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Sgt. Lee Davis; Town Solicitor Barrett Edwards; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Council Member Carol Stevenson

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, October 9, 2015** – A motion was made by Councilman Junkin, seconded by Councilman Schrader, to accept the October 9, 2015, Town Council Regular Meeting Minutes as amended as follows: Page 3, Old Business, Line 4 – Delete the first "up". The motion was unanimously carried.
- **Town Council Workshop Meeting Minutes, October 22, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the October 22, 2015, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

PROPERTY OWNERS PARTICIPATION

Mayor Voveris asked for a show of hands of property owners that wished to speak during the Property Owners Participation portion of the meeting. She stated that she would acknowledge everyone in the audience that wants to speak. She added that everyone will have three minutes to speak, and after everyone has had a chance to speak and someone still has more to say she will acknowledge them again.

- **Mike Matera (311 W. 9th St.)** – Inquired about the bushes and trees that were cut down and put in the park. The Town Manager said every fall the Town trims trees and there is not enough room on the lot to put the trimmings. The Town piles the trimmings in the park until the Town gets the big chipper in to chip them all up. The Town Manager stated that it is temporary.
- **Tim Shaw (104 S. Ocean Dr.)** – Stated that he was here because the Town agreed to move forward on funding engineering efforts to take a look at possibly providing an appeal with FEMA for the BFE change. Mr. Shaw said there has been some discussion amongst various owners about whether everyone is comfortable with the way this is proceeding. Mr. Shaw pointed out that he went back out to all of the owners that he had communicated with prior to this and solicited opinions about whether everyone was comfortable with the way it was proceeding. Mr. Shaw stated that he had sent them copies of the minutes from that meeting to make sure that everyone knew exactly what happened. Mr. Shaw said he would like to say he got a lot of responses but he did not. Mr. Shaw stated that from his viewpoint one of the challenges the owners have on Ocean Drive is that the owners don't have any real representation, including himself, of a large percentage of the owners. Mr. Shaw stated that he has been disseminating information but he is not necessarily getting a lot of participation.

Mr. Shaw stated that there was a group of four owners to a degree who were to some extent leading the effort originally. Regarding the report from the Woods Hole Group that Council will discuss at the November 19, 2015, Town Council Workshop Meeting, Mr. Shaw said from what he can tell one of three decisions will occur: 1) The report will make it very clear that the appeal has a really good chance in which case Mr. Shaw can't imagine anyone saying nay to moving forward, 2) The report will make it very clear that the Woods Hole Group does not feel there will be any reduction at all in which case Mr. Shaw thinks everyone would agree to not waste resources, or 3) The report says there is some shot at doing something (a fuzzy possibility in the middle where it is not clear – Mr. Shaw believes this is what has some people concerned).

Mayor Voveris said the report from the Woods Hole Group that Mr. Shaw referred to will be issued on November 18. Mayor Voveris said Mr. Shaw can share that report with the owners and the owners can come to the November 19, 2015, Town Council Workshop Meeting to voice how they feel. Mayor Voveris said at the November 19, 2015, Town Council Workshop Meeting Council will have a discussion and will take action to move one way or the other depending on what the report says. Mayor Voveris stated that the owners' voices can be heard and she encouraged Mr. Shaw to continue to reach out to the owners. Mayor Voveris added that Mr. Shaw participated in the conference call with the Woods Hole Group today and Mr. Shaw had reached out to the owners prior to the conference call and received only one question from the owners. Mayor Voveris said it is unfortunate because it is a coastal town and there are not people here every day ready to come over to Town Hall. Mayor Voveris stated that everything being done on this appeal initiative is going to be done in a public fashion and Council will do everything it can to include owners as stated at the October 22, 2015, Town Council Workshop Meeting. Mayor Voveris said the Town Council will stay transparent in this entire effort. Councilwoman Callaway suggested that Mr. Shaw email the owners and let them know that the report will be coming on November 18 by email so that they can be looking for it.

Councilman Schrader asked Mr. Shaw if one of his concerns was that Council might reach a point where the Council would vote not to proceed but the homeowners might want the appeal to proceed. Councilman Schrader asked if it would be appropriate for Council to try and structure this so that the homeowners would be in a position to proceed seamlessly and cause the appeal to be pursued if the Council votes not to proceed. Mr. Shaw said he can't answer that other than to say there are specific people who have indicated they would be interested in that. Mr. Shaw said he can't say that a large percentage or a large group of homeowners indicated to him that they would want that. Mr. Shaw said he sort of got a sense from more homeowners that they would probably not be interested in moving forward because they don't want to bear the cost of doing this, but there are some homeowners who have said if the Town doesn't want to go forward they would like to pick it up. Mr. Shaw said if there is a way to do that it might put certain people's concerns to rest. Later in the meeting Mr. Shaw stated that considering the impact on the owners' insurance rate and property value, those owners might say they think they should spend those dollars if the Town does not go forward.

Noting that the Town has to physically file the appeal, Councilman Schrader said he thinks any homeowner can take the appeal and cause it to be pushed forward.

Mayor Voveris said based on the conference call today with the Woods Hole Group and based on Council and their proactive action and the responsiveness Council gives to the owners, she would say that Council would look at this as the glass half full – a 50/50 chance being 50 percent half full. Mr. Shaw noted that it could be 10 percent and there still might be people saying 10% is still not zero. Mayor Voveris agreed and said Council will have to assess it when the report comes in, but Council will be as proactive and responsible as possible.

To follow up on Councilman Schrader's point, Councilman Saxton said he feels Council should look for a way, an environment, that allows the homeowners to proceed if Council voted not to proceed and for the owners to see Council is supporting them to go forward and the Town will file. Councilman Saxton said odds are the report will end up in the gray area. Councilman Saxton said he does not want any fear from any of the homeowners that Council is not going to support the homeowners going forward.

Mr. Shaw pointed out that the consulting engineering firm can't be forced to take the owners on if they do not wish to – the best that can be done is to establish that there are no barriers in place to prevent that.

Mayor Voveris stated that in a conversation with Leslie Fields from the Woods Hole Group about engaging in business, Mayor Voveris specifically said that if the Council came to a point where they did not want to proceed that the Council would fully expect that the Woods Hole Group would be open to do business with the owners because they are in business to do business. Mayor Voveris added that what the Woods Hole Group would do if Council stopped she can't speak to.

Ed Bintz (302 N. Ocean Dr.) – Mr. Bintz said it has been a loose collection of people, primarily four people, contracting with the Woods Hole Group. Mr. Bintz said he knows Mr. Shaw has been a contact point as is he (Mr. Bintz) and others. Mr. Bintz said he does not think Mr. Shaw was ever designated as a particular contact in general.

Referring to an email that circulated earlier this week, Mr. Bintz said he sent an email in response to that with an explanation, and uniformly all the responses that came back (probably six separate people) were supportive of Mr. Bintz. Mr. Bintz said in his email he was proposing a committee of two people from the Town and two people from the property owners. Mr. Bintz said right now the property owners have funded more than \$15,000.

Mr. Bintz stated that the core of his complaint is that there was absolutely no notice about what happened – that the Town was considering anything other than simply funding a FEMA appeal that the owners have been pursuing. Mr. Bintz said the notice for the meeting (the October 22, 2015, Town Council Workshop Meeting) was deficient. Mr. Bintz said the Delaware Freedom of Information Act says an agenda item has to describe with some specificity what is going to happen at that meeting. Mr. Bintz said there was no mention of Woods Hole Group and there was no mention of taking over the homeowner appeal. Mr. Bintz said the owners shelled out their own money and at a meeting with no notice the Town takes it over and now the owners are basically being parsed out of access to this process.

Mr. Bintz stated that in the letter he sent last week (to Council), he said this is a violation of law and this has got to be straightened out – it has got to be a joint effort between the Town and the property owners who have the most at stake.

Mr. Bintz said the bottom line is that there was no notice, which is a violation of the Freedom of Information Act in Delaware, and there was basically unlawful taking of the \$15,000 the owners plopped into it. Mr. Bintz said Council didn't come to any of the property owners and Council just voted to take over the appeal. Mayor Voveris said to Mr. Bintz that what the owners paid for was a service that the owners got and Council didn't take anything from the owners. Mr. Bintz said what the owners paid for is being relied upon for the Town's appeal and Council decided at the October 22, 2015, Town Council Workshop Meeting to take over without the approval of the property owners involved. Mayor Voveris said Council not only had approval but Council had a request from a property owner involved.

Mr. Bintz read the following from the September 24, 2015, Town Council Workshop Meeting Minutes: ". . . property owners thinks it would be appropriate that the Council fund at least the next step of an appeal. They would like to see the Council step up and possibly be willing

to pay for one level of appeal – not an unlimited sum of money." Mr. Bintz said this is consistent with when he was at the September 11, 2015, Town Council Regular Meeting where the minutes say: "Mayor Voveris said she believes that if the property owners came forward, Council would certainly help the property owners take an appeal forward." Mr. Bintz said then all of a sudden something changed and at the October 22, 2015, Town Council Workshop Meeting Council is taking over the appeal.

Mr. Bintz said he has no idea where the Town would get the idea that somehow the owners agreed that the Town could take over this appeal. Mr. Bintz said his understanding was for the Town to fund the owners' appeal – not for the Town to take it over. During this discussion Councilwoman Callaway asked Mr. Bintz if he would prefer that Council did not fund the appeal. Mr. Bintz said once the Town busted the owners' relationship with the Woods Hole Group the owners have no game in town which is why Mr. Bintz thinks it was inappropriate legally. Mr. Bintz said that is why he thought it was inappropriate to come back with a threat of saying the Town is going to pull the plug because the owners have no recourse. Mr. Bintz said the owners can't go back to the Woods Hole Group. Mayor Voveris said to Mr. Bintz that in his email to Council Mr. Bintz said Council had irretrievably broken the relationship with Mr. Bintz and the Woods Hole Group. Mayor Voveris said from her conversation with Leslie Fields she would say that Mr. Bintz personally was responsible for that. Mr. Bintz disagreed. Mayor Voveris said that she is just saying what Leslie Fields told her.

Mayor Voveris asked Mr. Bintz how he would think that Council would use public funds and not take control of the appeal. Mr. Bintz said he thought Council would have a joint effort. Mayor Voveris said Council can't do a joint effort and added that the Council is responsible to owners and Mr. Bintz as an owner is not responsible to owners. Mr. Bintz said this FEMA matter is one of the most important things to come before the Council and you botched it. Mayor Voveris said Council did not botch it – Council is grabbing hold of it and seeing it to fruition. Mr. Bintz said you raised it from 10 to 13 feet. Mayor Voveris said Council did not raise anything - FEMA determines it. Mr. Bintz said you requested an increase from 10 to 12 feet. Mayor Voveris said we did not request an increase – we gave them factual historical information that FEMA chose to use in their formula and FEMA came up with their own number. Mr. Bintz said Mr. Junkin in his email said the Town thinks the BFE for the oceanfront should be 12 feet. Mr. Bintz said and then he attached a bunch of old photos and some information about elevations along Ocean Drive. Mr. Bintz said then in August a letter came to you (Mayor Voveris) saying Mr. Junkin's document was an appeal – we are increasing it to 13 feet, if you have any objections please tell us within 30 days, immediately notify the property owners. Mr. Bintz said none of that happened – a complete violation of the Freedom of Information Act by taking this action.

Councilman Weisgerber asked Mr. Bintz what he is asking Council now because if Mr. Bintz is proposing the fact that Council was going to give the small group of owners \$25,000 out of 1400 property owners' funds to file the appeal that can't happen. Councilman Weisgerber said Council is taking the experts that Mr. Bintz sought out and who have an excellent reputation and Council is filing this as a Town for the property owners on Ocean Drive. Councilman Weisgerber asked Mr. Bintz what is wrong with that. Mr. Bintz replied that he does not think there is a real commitment to this and he thinks the Mayor is conflicted. Councilman Weisgerber replied that we are going to have to agree to disagree.

Councilman Saxton said the actions the Council took were in good faith of what the Council thought the property owners wanted. Councilman Saxton said the owners' representative was at the meeting and did not object. Councilman Saxton said if there was an objection he is sure the Council would have entertained the objection. Mr. Bintz stated that if the Town had adequate notice he (Mr. Bintz) would have been objecting. Mr. Bintz said the fact that three or four of the owners (including Mr. Bintz) two days after this happened on Monday were on the phone telling the Woods Hole Group that they did not agree to this and they want

to engage the Woods Hole Group directly and the Town shouldn't be engaging the Woods Hole Group should tell Council that the owners weren't on board with what happened.

Mr. Shaw said he would like to make a couple of clarifications. Mr. Shaw said he never claimed at the meeting that he was representing them (the owners). Mr. Shaw said what he had done was send out an email to as many owners on Ocean Drive as he could get, and a number of owners had said yes they were fully supportive of Mr. Shaw coming to the meeting and asking the Town for funding (Mr. Shaw clarified that he is not saying he was speaking for Mr. Bintz). The second point Mr. Shaw made is that there have never been any discussions that he was party to that discussed the specific mechanisms and means in which the Town would fund the appeal. Mr. Shaw said in his view the Town funded it the one way the Town could. Later in the meeting Mr. Shaw said he is very uncomfortable being painted as the person who is speaking for all of the owners on Ocean Drive. Mr. Shaw said he does not know all of the owners on Ocean Drive and he does not have emails for all of the owners on Ocean Drive. Mr. Shaw said he has about 15 emails of owners on Ocean Drive that he truly seems to be able to communicate with. Mr. Shaw said he cannot say he represents Mr. Bintz and it is not fair for him to present Mr. Bintz's position. Mr. Shaw said he can't say he represents some large block of people. Mr. Shaw said he has been volunteering from the beginning to try and be an information transmission conduit to try to ensure transparency so that whatever information he was given got out to as many people as possible. Mr. Shaw asked to please stop talking about him as the guy who is representing all of these owners.

Mayor Voveris said it is probably an inherent quality of a lot of people to distrust government. Mayor Voveris said there is nothing Council has done that should make any property owners feel distrust of their government. Mayor Voveris said South Bethany is probably the most transparent town on this coast line. Council was responding to what needed to be done and what Council felt owners wanted to be done. Council felt they needed to do it for our Town. Council doesn't govern one person, four people, Ocean Drive, Bayside, Cat Hill. Council governs for the Town, and that is Council's total interest. Council took a lot of time and a lot of consideration. Mayor Voveris said she has spent 13 months on this issue trying to see it to a resolution. Mayor Voveris said there isn't anybody more dedicated than she and as Mayor she takes full responsibility for Council leadership. Mayor Voveris said there isn't any way that she would step aside in this particular matter. Mayor Voveris said there isn't anything that she can do to influence the Woods Hole Group. The Woods Hole Group is scientific and they are technical and there is nothing that she can do to influence that. The Woods Hole Group does their job, the Town hires them as a consultant, they will deliver, and hopefully we will process this to the end. Mayor Voveris told Mr. Bintz that he can be as involved as he would like to be - he can read the meeting minutes, he can look at the report on November 18, he can come to meetings. Mayor Voveris added that there is nothing that is secret and Council is open to anything.

Disagreeing with the argument that it is the same answer no matter what, Mr. Bintz read the following from a proposal from the Woods Hole Group directed to the owners: *The strategy for the appeal process will be developed in consultation with (Mr. Bintz said this is where he had a change) local property owners and the Town Officials, and will be informed by the scientific analysis. A carefully planned strategy will be critical to the success of the appeal.*

DISCUSSION AND POSSIBLE VOTE ON MATTERS PERTAINING TO THE PREPARATION AND FILING OF AN APPEAL WITH FEMA OVER THE BASE FLOOD ELEVATIONS PROPOSED BY FEMA FOR THE TOWN OF SOUTH BETHANY, INCLUDING VARIOUS CLAIMS AND DEMANDS MADE BY A PROPERTY OWNER REGARDING THE INVOLVEMENT OF, AND THE RELATIONSHIP BETWEEN, THE TOWN, WOODS HOLE GROUP, AND THE OCEAN DRIVE PROPERTY OWNERS IN THE FEMA APPEAL

Mayor Voveris itemized the demands made by a property owner:

- A request for a joint appeal effort between the town and the property owners.
- If the appeal is halted after Task 1 and 2 the property owners may continue the appeal process.
- Wayne Schrader shall lead the town's efforts.
- The property owner group would be added as parties to the Woods Hole Group engagement.
- The Mayor and Mr. Junkin are recused from further involvement.

Compromise demands:

- Form a committee to exclude the Mayor, Councilman Junkin, and Ed Bintz and include only recently elected Council Members. Committee would also include two owners.
- Offer an understanding, a Memorandum of Understanding (MOU), to owners for their future use to pursue litigation. (Administrative Assistant's Note: Later in the meeting the Town Solicitor clarified that the MOU was not a creation of Mr. Bintz, but it was an idea that the Town Solicitor gave as an option.)

Councilman Schrader said he thinks Council ought to come up with a way to allow the property owners to go arm in arm with Council as Council moves forward with the Woods Hole Group so that the property owners can be involved all along the way. Mayor Voveris said Council already established that at the October 22, 2015, Town Council Workshop Meeting. Councilman Schrader said he would like to either polish that out or make it clear.

In reply to Mayor Voveris' comment that the Town does not plan any conference calls with the Woods Hole Group and the Woods Hole Group has been contracted to do the work and they will be delivering reports, Mr. Bintz expressed his concern about the item in the proposal he mentioned earlier in the meeting: *A carefully planned strategy will be critical to the success of the appeal.* Mr. Bintz thinks this is the key item and the idea that somehow there is one single pure answer makes no sense. Mayor Voveris replied that the Woods Hole Group will do their study and they will come in with their recommendation. The Council will be looking at the Woods Hole Group's recommendation, but the Council will not be changing it, revising it, or rewriting it. During this discussion Mayor Voveris asked Mr. Shaw if he would like to comment. Mr. Shaw stated that he had also thought it was going to be more interactive but after talking with Ms. Fields it apparently is more internal within the Woods Hole Group's organization. Mr. Shaw said that after running through a variety of different things the Woods Hole Group will come to the Town with what they believe is the Town's best shot. Mr. Bintz said that is different than what the contract says. Mr. Bintz said the contract says, *the strategy for the appeal process will be developed in consultation with the local property owners and town officials and it will be informed by the scientific analysis.*

After more discussion Mr. Bintz said Council is almost talking as if it is a partnership. Mr. Bintz said if that is a fact then why not put a little more formality to it. Mr. Bintz said he is concerned that owners will be parceled out and decisions will be made without input.

Councilman Junkin said he believes there does not need to be a committee assigned because anything Council does has to be done as a Council with a quorum of four. Councilman Junkin said the homeowners have been invited to come to a meeting when it is discussed and Council

has invited all of the homeowners to come to conference calls. Councilman Junkin noted that Council could not have a quorum (four Council Members) present for a conference call. Regarding the owners, Mayor Voveris said it is an open invitation for participation.

Addressing the Town Solicitor, Mr. Bintz said the notice requirement (the October 22, 2015, Town Council Meeting Agenda) did not state that the Town was considering taking over the appeal. Mr. Bintz said the notice has to be adequate to describe the significance of the event being considered. The Town Solicitor said that FOIA defines "agenda" as a general statement of the major issues expected to be discussed at the meeting.

Councilman Saxton suggested figuring out a way to work together so that the owners get all of the information and Council is not going to hide one piece of detail from the owners. Councilman Saxton said Council invites everyone to come that wants to come and listen and owners can speak at those meetings and put their proposal on the table and the consultant can hear the proposal. Councilman Saxton said he is trying to make it that there is an agreement but there doesn't need to be a committee. Councilman Saxton said the owners can come and have a voice.

Mr. Bintz said the email that he had gotten on this was that owners could be involved at decision points and that was it. Mayor Voveris said decision points are all there is.

Mr. Bintz said he guesses we are losing the whole strategy part of this which he still doesn't understand. Mayor Voveris said Council doesn't strategize – Council gets a report.

Councilman Saxton said at the Council meetings when there is a decision to be made the owners can be at the meeting to hear the decision and to have input into the decision. Councilman Saxton said the owners may have a compelling argument that convinces Council to vote one way or the other. Councilman Saxton said he wants the owners involved, but Council is not getting in the way of the consultant to do their job in between the decision points. Councilman Saxton said he has no objection with the owners having an enormous amount of input on the strategy side. Mr. Bintz said that sounds very different than he had understood it to be. Regarding his suggestion of a committee, Mr. Bintz said he is concerned about the follow up discussions with DNREC and FEMA.

There were no motions made regarding forming a committee.

The Town Solicitor said Mr. Bintz's concern is that if the Town is the named party in the appeal and if the appeal is unsuccessful before FEMA and then if the property owners were to want to challenge that appeal in federal court, because the property owners weren't necessarily a named party in the original appeal, that they (the property owners) perhaps wouldn't have standing to do so. The Town Solicitor said Mr. Bintz made a couple of different requests:

- One option is that the property owners can be named as parties to the appeal. (The Town Solicitor said that is certainly an option.)
- The other option is some type of understanding that if the Town loses the appeal before FEMA and if the Town doesn't want to pursue anything further but the property owners who are not named as parties to the appeal but want to pursue something further and are willing to fund it that the Town will basically use its name because the Town would have standing to move forward with the property owners funding it.

Councilman Schrader suggested that anybody can file an appeal – all the person has to do is when the Woods Hole Group proceeds and delivers up the appeal document the person who wants to file an appeal says, "I file an appeal for the reasons expressed in the appeal filed by . . . I adopt incorporate by reference all the arguments everything said in the appeal filed by the Town including the report by the Woods Hole Group." The Town Solicitor agreed that could be an option adding that there would be how ever many identical appeals filed in order to give

everybody standing. Mr. Bintz said he thinks the Woods Hole Group may be the wild card in this option. Mayor Voveris said she would have to check with the Woods Hole Group. Mayor Voveris said the Woods Hole Group said they wouldn't entertain having owners on the Town's contract. The Town Solicitor said they would not be on the contract. After more discussion Mayor Voveris said she will follow up with the Woods Hole Group.

Mr. Bintz said he wants to show some flexibility. Mr. Bintz said he is not wedded to the committee option if Council sends out a document or a resolution that is clear that homeowners can participate in everything, not just the Woods Hole Group, but when Council contacts FEMA that there will be some discussion of what the approach is going to be with FEMA or DNREC. Mr. Bintz said he is fine with that because that is the equivalent of a committee and the owners have some standing in this. Mayor Voveris said the Council is trying to keep this transparent. Mayor Voveris said the Council does not have anything to hide, and Council appreciates the owners input. Mr. Bintz said what you are saying is different from what he had heard. Councilman Schrader suggested doing that but not having to memorialize it – just behave that way.

Councilman Schrader clarified the option he previously suggested. Councilman Schrader said the property owner's name doesn't need to be on the Town's appeal. The property owners need to file their own appeal. Councilman Schrader said the Town delivers up the appeal and the property owner can simply incorporate by reference everything the Town files and make that their appeal. Mr. Bintz said he would be thrilled if that works. Mr. Bintz said he would be very happy with that. Councilman Schrader asked Mr. Bintz if he thought it would work. Mr. Bintz said he does not know whether the Woods Hole Group has some sort of copyright. The Town Solicitor said he thinks the Town needs to run it by the Woods Hole Group. Councilman Schrader said the Town is filing a document that the Town owns and it is going to be a public document. In theory a homeowner can come in and file an appeal and incorporate by reference that document. Mr. Bintz agreed that it seems like that is correct. Councilman Schrader said and the rest of it is what Mayor Voveris said regarding transparency and Council bringing the homeowners along with Council in all interaction with the Woods Hole Group and FEMA. Councilman Schrader said he can't think of anybody else Council is going to interact with.

Mayor Voveris asked if everyone felt this has been discussed enough and if it is okay to move forward. There were no objections.

LEADERSHIP REPORTS

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

Since my last report I attended a meeting at the BBVFD where again the topic of paid fire fighters was brought forward. The group included Rob Arlett from Sussex County Council. He will arrange a meeting with other members for further discussion and possible action at the County level.

I attended a banquet for the BBVFD where firefighters and EMTs were acknowledged for their noble efforts. South Bethany owner, John Huegel, was honored for his service. Congratulations, John!

The 2015 Town Survey is now in the hands of our data compilation company. We had a 50% response rate and I read much positive feedback. Once the report comes back from the data compilation company a summary of the results will be compiled and posted to our website.

The FEMA FIRM appeal will be discussed at next Thursday's Workshop. Leslie Fields from the WHG consulting firm will be available by phone for questions. The report of results for Tasks 1 and 2 will arrive on November 18 in time for our November 19 meeting discussion.

I am happy to report our Corporal Marlon Miller had successful surgery needed after his assault during an August arrest. He is now back to light duty at our Police Department. Welcome back, Marlon!

Additionally our Patrolman Nate Hudson will receive the Crowe-McGrory award which is a state wide initiative to recognize performance and commitment to law enforcement. Congratulations, Nate!

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

The bid opening for Bid No. 15-05 (Trash, Recycling, and Yard Waste Collection) was on Tuesday, November 10. The bids are being reviewed. Hopefully the bid will be ready for Council to take action on at the November 19, 2015, Town Council Workshop Meeting.

The Town has been working toward a goal to digitize old documents using a scanner starting with property files (elevation certificates, deeds, etc.). The Code Enforcement Constable set it up and it is working very well. The problem is there are a lot of documents. The Town Manager said he is looking at ways to get this job done such as bringing in temporary staff or a student intern. The hope is to move forward and have everything digitized as it comes in. It will take some time.

Attended the City Manager's Association meeting in Dover on November 12. The speaker was from the USDA and it mostly concerned loans for infrastructure.

- **Treasurer's Report**—Councilman Saxton reported as of October 31, 2015:

- Treasurer's Report reports for the first six months of FY 2016 has been provided to the Mayor and Council for review. The full Edmunds Report for 1st half of FY 2016 will be provided to the Town Council at the November Workshop.
- Revenues continue to do well and we have collected approximately 77% of the fiscal year total. Highlights for Revenues are:
 - Property Tax 96% collected. Following up with 26 property owners who are late in making tax payments. Improvement of 5 tax collections over the past month.
 - Transfer Taxes are at 72% collected. Significant drop in monthly receipts but this matches the historical pattern seen over the past 5 years. If historical patterns hold true we should see a revenue stream for the year that will match budget expectations. Current trend would potentially indicate the revenue stream will be less than FY 2015.
 - Building Permits are at 119% of budget. Additional permits in the pipeline.
 - The Budget and Finance Committee looked at the Rental Tax revenue stream today and it appears it is going to be below estimate. The Rental Tax right now is at \$30,000 less than budget. The Finance Director reported that she believes the Town has gotten all of the big revenue streams and it will just be trickling - the Town will get a little bit in April but the committee does not think the Town is going to hit that revenue stream.
 - All other revenues are tracking to budget.
- Departmental and Committee expenditures are tracking to Budget or less.
- Budget Amendment for Legal Costs and the 1st half of FY2016 will be presented at the December Town Council Meeting.

- **Police Department Report/Questions**—Sgt. Lee Davis reported for the month of Oct., 2015:

A list of the normal complaints handled was available on the sign-in table. Sgt. Davis noted that soon the department will be getting water leak complaints from the wintertime and pipes bursting.

- **OHS Conference**
 - Attended by Chief Crowson and myself (Lee) from November 3rd- 5th
 - Learned a lot about pedestrian safety, speed enforcement, distracted driving, and drug and DUI arrests
 - Gordon Graham came and spoke about Ethics and Decision Making
- **IACP Conference- Chicago**
 - Chief Crowson attended the 2015 IACP (International Chiefs of Police) Event in Chicago from October 24- 27
 - The IACP is an annual conference with Chiefs of Police from different departments all across the country to discuss and educate about all of the critical issues and technology like body cams and social media, with guest speakers
 - This year's IACP conference was addressed by President Obama
- **Patrolman Hudson's Crowe-McGrory Award**

The South Bethany Police Department is excited to announce that our very own Patrolman Nathan Hudson has been chosen as the recipient of the Crowe-McGrory Award. Patrolman Hudson will be awarded the Crowe-McGrory on Thursday, November 19, at the Delaware Chapter Law Enforcement Day luncheon, hosted by the American Society for Industrial Security (ASIS) in Wilmington.

The award is presented annually to one officer among those nominated who displays outstanding dedication to duty, the public, and their community.

The Crowe-McGrory Award, named after co-sponsor James P. McGrory, has been presented by ASIS International for the past 25 years. Mr. McGrory passed in June of 2005 at the age of 81. He retired from UD's security department after serving for 19 years and was a Captain and Troop Commander of Troop 6 in New Castle for 20 years. During World War II, he served in the U.S Army 3rd Infantry Division and earned a Purple Heart and a Combat Infantry Badge.

Patrolman Hudson was nominated by the South Bethany PD because of his dedication to the community and to his colleagues, as well as his love for his job. He joined our department on February 11th, after 3 years at the Frankford Police Department. In less than 10 months, Patrolman Hudson has continued to exceed the expectations of our Department and has proven to consistently be our top officer in traffic enforcement. Be sure to congratulate Patrolman Hudson should you see him in passing!

Noting that burglaries are happening in neighboring towns, Sgt. Davis reminded attendees to keep an eye out in the wintertime. He asked that property owners call the police if they see unfamiliar vehicles pulling up in a driveway, open windows or doors, or something that just doesn't feel right. Sgt. Davis said to lock your car doors, lock your windows, and don't leave valuables out. Property owners can call the South Bethany Police Department at 302-539-3996 24/7.

COMMITTEE & COMMISSION REPORTS

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

The CEC met on October 21, 2015, with nine members in attendance. The CEC's next scheduled meeting is at 9:30 am on Wednesday, December 9, 2015, followed by its annual Holiday luncheon.

Review and Discussion of Potential 2016 Activities for the coming year

The group discussed and reviewed the list of potential 2016 activities and made several decisions on which ideas to eliminate and which ones to follow-up on regarding associated

costs and tasks. Individuals were assigned to research items and bring information to the December CEC where preliminary FY17 Budget preparation will begin.

Update on Ocean Drive Art Boards

Kent Stephan and Pat Weisgerber met with Sue Callaway to select photographs for the Town Hall meeting room photography display depicting events and activities occurring in South Bethany and the numerous volunteers that have been involved. The group met, selected photographs, and ordered the canvas type photographs. With help from Pat Weisgerber and Kent and Bobbe Stephan, the canvas photographs were hung in Town Hall on November 12. I would like to thank them again for their help with this project.

The CEC may explore hosting an art show at York Beach Mall and Sue noted that Richard Mais (owner of McCabe's and York Beach Mall) was interested in the idea. The concept will be further discussed at the December meeting.

Update on Targeted Canal/Road Ends and Maintenance of Miscellaneous Ends

The group reviewed the updated priority A List and noted that a lot of progress has been made on adopting these A List (most in need of adopting) canal/road ends. The group discussed reaching out to the community for further adoptions and possible site locations for the 2016 Earth Day adoption; Layton Road End; New Castle Road End; and Brandywine Road End.

Replacement of 12 Existing Street Lights

Delmarva Power has installed 6 of the 12 existing street lights. We are awaiting installation of the special ordered shields.

Update from Public Works

Working on cutting overgrown brush throughout town.

Will begin Phase 4 of the sign initiative. This includes placing the vinyl wrap around all the sign posts within the East side of Route 1 such as "No Parking".

Christmas lights will be hung by Thanksgiving.

NON-CEC ACTIVITIES

DRAFT Committee Policy Guidelines, as prepared by Council Members Callaway, Saxton and Schrader, were emailed on November 5 to the Town Council for review and comment prior to the public discussion at the November 19, 2015, Town Council Workshop. Council Members were asked to submit feedback and comments to Sue Callaway by November 17 to better facilitate the review process and discussion at the Workshop Meeting.

Sue Callaway attended the University of Delaware's Freedom of Information Act (FOIA) and Ethics for Local Officials Workshop on Friday, November 13, at the Paradee Center in Dover. The workshop provided a comprehensive review of Delaware's FOIA along with specific examples and opportunity for individual questions and comments.

- **Budget and Finance Committee** – Councilman Saxton reported:
 - Two meetings were held. Next Meeting scheduled for December 11.
 - Began work on improving investment income. CD review occurred and 2 low paying CDs have been cashed and monies reinvested in higher paying CDs. Investment of additional monies are under review and the committee approved an additional \$300,000 be placed in CDs to earn greater interest.
 - Work on the Fee Schedule for the Town is ongoing. The first draft of Fee comparisons across multiple municipalities was reviewed. The committee continues to review the fees and hopes to have a recommendation to the Town Council in December.

- A strawman proposal for funding of the expansion of Town Hall and the Police Department was presented. Work on a proposal continues and will be ready in the spring.
- A proposal was received for Property Tax collection to be done by an outside vendor. The proposal was reviewed and determined that the cost was not acceptable. Additional options are under consideration.

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

The Charter and Code Committee have not met since the last Town Council Regular Meeting. In the future the committee is going to examine permit fees to see whether they correlate with the burden on the Town. In addition the committee will examine the question of whether the Town can decline the charge of a permit fee for a small project of which the permit is only required because of FEMA's burdens that they have imposed on the Town.

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

Grant Status

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
 - The project is on schedule.
 - Detail construction plans have been received and transmitted to owners who are participating for their comments and approval.
 - Updated rain garden plans prepared by Rick Gentile have been transmitted to owners who are participating for them to select plants for their rain gardens.
 - Construction and planting is scheduled for the spring time frame.
- York Canal Oysters and Floating Wetlands
 - Three of the 100 oyster cages were inspected recently for mortality rate of the oysters. Two of the cages experienced about a 20% mortality rate which was in the range of what was expected. The third had very close to 0% mortality. That is probably because it had tender loving care from the homeowner at that location. The homeowner washed the oysters quite often with his garden hose. The other cages only saw periodic cleaning done by the CIB.
 - The floating wetlands have done well, except for the plants in the center portion of the floats. This has been attributed to taller plants that had been planted in the center and appeared to not be as adaptable to the environment.

CWQC Meeting 10/21/2015

- Items covered during the meeting;
 - Preparation of CWQC Presentation to Council on future circulation study for presentation at the next Workshop.
 - Future circulation study – No more effort is planned until an RFP is announced.
 - CIB and Sea Colony are preparing their work scope for a DelDOT grant for a wet pond at Sea Colony.
 - Jack Whitney and Frank Weisgerber are working on concepts to improve the operation at the Anchorage Forebay.
 - George Junkin is lobbying DelDOT to get the forebay cleaned out.
 - Oyster gardening has been going well. New spat are growing.
 - The committee feels that News Updates are a better way to try to educate homeowners to water quality issues than public outreach meetings since the News Updates reach more people.
 - The next meeting is planned for December 10, 2015, at 10:00.

MS4 Changes in Delaware: Will You Be Ready? An all-day conference sponsored by DNREC and the Delaware Section of the American Water Resources Association on 11/5/2015. This was attended by George Junkin, Tony Caputo, Frank Weisgerber, and Ron Wuslich in order to become better educated on MS4s since the IBF has petitioned DNREC to make the Anchorage Forebay an MS4. DNREC rejected the petition; however, the IBF has filed an appeal to that rejection.

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

Sea Level Rise Adaptation Grant Status

- All activities are on schedule.
- Anchor QEA submitted their recommendations on infrastructure prioritization.

SLR & SS Committee Meeting – October 28, 2015

- Items covered during the meeting
 - There were lots of discussions on the submittal from Anchor QEA. It was felt that a few members from the committee should speak to Ram Mohan to better understand what had been submitted. The meeting with Ram is scheduled for Saturday, November 14.
 - Jim Gross presented a draft document that could be available at Joe Hinks' office for distribution to homeowners, builders, architects, realtors and anyone else who was interested. The document would contain FEMA documents showing why building higher is good to reduce risk and to reduce flood insurance costs. The committee agreed to go forward with developing the document. They also agreed that the document should be on the Town website.
 - The committee agreed that we should have Owen Gechter, a representative from a flood vent company, speak at our next meeting about his CRS presentation. He had requested one hour, but the committee felt that he should be limited to 15 minutes and give us the same presentation he is proposing to give to the public.

Next SLR & SS Committee Meeting – November 16, 2015

- Items on the agenda include
 - Discussion on Anchor QEA recommendations on the infrastructure prioritization.
 - Finalize the handout discussing building higher reduces risk and flood insurance costs.
 - Budget requests for next year.
 - Presentation by Owen Grechter on CRS, if he is available.

DNREC's Danielle Swallow has sent George Junkin a DNREC partnership opportunity which has about \$75,000 available. The partnership opportunity has to do with climate change resiliency. It is a natural progression of the Ram Mohan contract. The application is due January 10.

- **Planning Commission** – In Councilwoman Stevenson's absence, Councilwoman Callaway reported:

The last meeting which was to be held on October 16 was cancelled due to a lack of a quorum. The committee continues to work on the Comprehensive Plan for 2016. The next meeting is scheduled for November 20, 2015, at 10 AM.

Planning Commission Chair, Dick Oliver, said the members assignments for the different portions of the Comprehensive Plan are coming in and everybody is working on them. The Planning Commission is anxiously awaiting the results of the survey which they want to incorporate into the Comprehensive Plan. Mr. Oliver thinks the Planning Commission is going to meet its schedule to have a draft ready in the early spring.

- **Assawoman Canal Trail** – In Councilwoman Stevenson's absence, Councilwoman Callaway reported:

There has been no activity with the Assawoman Canal Trail Project since the last report.

- **Communications and Public Relations Committee** – In Councilwoman Stevenson's absence, Councilwoman Callaway reported:

The Committee met October 16, 2015, at 1:30 PM. Those in attendance were Carol Stevenson, Margaret Oliver, Lisa Saxton, Linda Whitney, Renee McDorman (South Bethany Finance Director), and Kathy Jankowski (former South Bethany Mayor). Kathy gave the committee a presentation of the song "South Bethany" written by Eric Tsavdar, a local teacher and song writer. Kathy commissioned the song which was actually played from the South Bethany Town Float on July 4, 2015, during the Bethany Beach Town Parade. Renee McDorman made a presentation about the budget process for the 2016 fiscal year. The committee discussed upcoming initiatives including the Polar Bear Plunge which is the next activity. Ann Boteler will photograph the event. Lisa Saxton and several other members will organize a light breakfast for the Plunge Participants. A Pot Luck Dinner was planned for February 20 at the Town Hall. Margaret Oliver will be handling some of the logistics for this new Town dinner. We followed up on other activities and talked about the use of signs for publicizing activities along with use of South Bethany News Updates. Several committee members along with other volunteers helped the Town staff get the Zephyr newsletter ready for mailing on September 30.

Plans for the summer movie nights were made for July 7 and August 4. Yoga on the Beach will commence in July and August with Lighthouse Yoga providing the instructor. Kathy Jankowski and Kent Stephen will head up the Boat Parade. The committee discussed a Realtor Outreach and will continue to work on this activity. Linda Whitney along with others will be following up with this activity.

The Committee ended the meeting with a delicious lemon poppy seed cake provided by Lisa Saxton.

PUBLIC COMMENT

Mike Matera (311 W. 9th St.) – Asked if more street lights would help crime. Sgt. Davis said a lighted area is better than darkness because nobody wants to be seen. Sgt. Davis said he generally tells everybody a dog, lights, and alarm systems are good.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Schrader, to adjourn the November 13, 2015, Town Council Regular Meeting at 9 p.m. The motion was unanimously carried.