

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
OCTOBER 12, 2018**

**MEETING CALLED TO ORDER**

Mayor Saxton called the October 12, 2018, Town Council Regular Meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Councilmembers Don Boteler, Sue Callaway, Jerry Masiello (took his seat on Council after Agenda Item II), Jimmy Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Troy Crowson; and Administrative Assistant Pam Smith

**ADMINISTRATIVE MATTERS - DISCUSSION AND POSSIBLE VOTE ON THE APPOINTMENT OF THE VACANT COUNCIL SEAT AND SWEARING IN**

Mayor Saxton said after interviewing a few individuals, he has opted to nominate Jerry Masiello to fill the vacant council seat. This will fill the position until the next Town Election at which time the seat will be open for a one-year term. Councilmembers had a copy of Mr. Masiello's resume.

**Motion:** A motion was made by Councilmember Callaway, seconded by Councilmember Boteler, to appoint Jerry Masiello to the vacant Council seat.

During discussion Councilmember Boteler said Mr. Masiello has a tremendous background and Town Council is fortunate that Mr. Masiello has volunteered to give his service.

**Vote:** The motion was unanimously carried.

Mayor Saxton swore in Jerry Masiello as a Councilmember of the Town of South Bethany. Councilmember Masiello then took his seat at the Council table.

**VERIZON REPRESENTATIVE WILL PRESENT INFORMATION ON A POTENTIAL ORDINANCE REGARDING SMALL 5G TOWERS**

Mayor Saxton stated that sometime last fall or last summer the State of Delaware passed regulation to allow for small cell towers for 5G. The Town has been looking at potential ideas about how to write an ordinance. Mayor Saxton thought it would be helpful for the Town to get educated on the subject before writing an ordinance.

Mayor Saxton introduced Verizon Representative Bonnie Metz. Ms. Metz gave a PowerPoint Presentation titled Small Wireless Facilities – Meeting the Needs of Customers Today and Preparing for the Future (See Attachment 1).

Ms. Metz clarified that the small cells Verizon hopes to install in South Bethany before Memorial Day 2019 are for 4G densification to help with capacity issues throughout the summer. Ms. Metz said small cells will set the stage for 5G, which is the next generation of wireless. Because the infrastructure will be there from the 4G densification, the municipality will be better positioned when Verizon moves to 5G.

In response to a question of where the small cell towers would go in South Bethany, Ms. Metz said they will go on existing utility poles. Where there are not existing utility poles, Verizon will have to look at a different option such as a light pole. Ms. Metz said the state legislation requires

that the small cell towers try to be placed on an existing structure to the extent possible. If there is not an existing structure in the coverage area, then a new pole can be placed in that area.

Councilmember Callaway asked if there were any safety issues regarding the 5G. Ms. Metz said the FCC controls the standards for RF (radio frequency) and they are well under the standards.

After discussion, there was consensus that the Town Manager and the Code Enforcement Constable will work with Ms. Metz to formulate an ordinance using Fenwick Island's ordinance as a model. Once they are done, the ordinance will go to the Charter and Code Committee to review. Ms. Metz said that during this time Verizon will continue to go forward with their work and get as far as they can without the ordinance.

### **LEADERSHIP REPORTS (See Attachment 2 for the reports and meeting discussion)**

### **COMMITTEE REPORTS (See Attachment 2 for the reports and meeting discussion)**

### **PROPERTY OWNERS' PARTICIPATION**

There were no comments from the public.

### **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, September 14, 2018** – A motion was made by Councilmember Boteler, seconded by Councilmember Masiello, to accept the September 14, 2018, Town Council Regular Meeting Minutes as amended by Councilmember Oliver as follows (additions are **highlighted**):

Page 5, After paragraph 3 add: ***Chief Crowson said he thinks more parking permits were sold this year, so compliance was up. Chief Crowson said there is a whole mix of things that could lend to the magistrate fines being down. Budget and Finance Committee Member Joe Mormando, 311 W. 3<sup>rd</sup> St., questioned if the Town sold more parking permits or did the increased revenue come from the increased cost of the parking permits. (Administrative Assistant's note: After this meeting, Councilmember Oliver followed up with the Town Staff regarding Mr. Mormando's question. The Town actually sold 153 less parking permits in the 2018 season than in the 2017 season. The Town collected more revenue on parking permits in the 2018 season than in the 2017 season because of the increased cost of the parking permits for the 2018 season.)***

The motion was unanimously carried.

- **Town Council Workshop Meeting Minutes, September 27, 2018** – A motion was made by Councilmember Boteler, seconded by Councilmember Callaway, to accept the September 27, 2018, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

### **DISCUSSION AND POSSIBLE VOTE TO AMEND THE TOWN OF SOUTH BETHANY RULES OF PROCEDURE TO CLARIFY THAT INDIVIDUAL TOWN COUNCIL MEMBERS DO NOT HAVE THE AUTHORITY TO UNILATERALLY DIRECT ANY DISCRETIONARY SPENDING OR BE ELIGIBLE FOR REIMBURSEMENT FOR ANY EXPENSES WITHOUT ADVANCE APPROVAL FROM THE COUNCIL.**

**Motion:** A motion was made by Councilmember Stevenson, seconded by Councilmember Oliver, to approve the following addition to the South Bethany Rules of Procedure (additions are **highlighted**):

16. All Town Council members will use discretion when making expenditures on behalf of the Town. Expenditures are expected to be reasonable and necessary and should be

consistent with annual approved goals, objectives, plans and projects. Members desiring to use Town funds for expenditures not included within the scope of the budget must seek approval from the Mayor and Town Council prior to incurring the expense.

The following expenditures are not considered reimbursable:

- Alcoholic Beverages
- Business Meals/Entertainment
- Gifts/Flowers

17. Gifts will not be allowed to government officials, elected or appointed nor will gifts be given to employees in lieu of compensation.

**Vote:** The motion was unanimously carried.

### **ADJOURNMENT**

A motion was made by Councilmember Callaway, seconded by Councilmember Oliver, to adjourn the October 12, 2018, Town Council Regular Meeting at 7:30 p.m. The motion was unanimously carried.

phs:2018 10 12 Regular Meeting Minutes Approved 11 9 18

<p style="text-align:center"><b>TOWN OF SOUTH BETHANY LEADERSHIP AND COMMITTEE REPORTS FOR OCTOBER 12, 2018, TOWN COUNCIL REGULAR MEETING</b></p>
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*Please Note: Meeting discussion text is italicized.*

### **LEADERSHIP REPORTS**

- **Mayor's Report**—Submitted by Mayor Saxton:
  1. Along with the Town Manager attended the Association of Coastal Towns (ACT) meeting on September 28th. Key items discussed at the meeting:
    - a. Discussion on the Permitting Process for Dredging providing information on the definitions of new dredging versus maintenance dredging, the use of dredging material within Marsh lands and reuse of dredged material.
    - b. Discussion on potential companies to assist with the monitoring of Internet rental platforms, such as VBRO, to increase rental collection. A company was referenced at the meeting and Maureen is going to follow up on this company to understand the tools and cost that can be provided. *The goal is to have the company give a presentation before the budget process.*
    - c. With the contracting of Tony Pratt, I have arranged a meeting with members of Canal Water Committee members, Beach Access Committee, myself and Town Manager to discuss various issues the town is facing such as Canal Water Quality, Beach Access and flooding in low lying areas. The meeting to be held on October 11<sup>th</sup>. *Mayor Saxton stated that the meeting was very beneficial and helped the Beach Access Committee with some ideas of things to do.*
  2. Worked with the Ambulance SOC to review contract renewal proposal. These discussions will continue as the committee works to renew an agreement with BBVFC.
  3. Met with the Town Manager and Chief of Police regarding the hiring of two new officers for the Police Department. Along with the Chief and Town Manager interviewed an additional candidate.
  4. Attended SCAT meeting on October 10<sup>th</sup>. *Candidates for all levels of state government were there to address the members of SCAT.*
  5. Continued work with the Town Manager on negotiating renewal of the Town contract with Sharp Energy. *A property owner asked if the subject of natural gas could be part of the discussion with Sharp Energy. The Town Manager said she did talk to Sharp Energy about natural gas and she believes Sharp Energy has no interest because it would be very costly for them to run the lines. The Town Manager said she will bring it up again with Sharp Energy.*

- **Town Manager's Report**—Submitted by Maureen Hartman:
  - Residents will be receiving information via occasional News Updates and Facebook messages regarding flooding, FEMA, wetlands and flood insurance, as a means for the Town to remain in compliance with the Community Rating System's (CRS) outreach program. By providing this information, South Bethany can retain the 10% flood insurance discount for its residents. Other updated information is available on the Town's website and in the lobby of Town Hall.
  - We received a \$9,502 dividend check from DFIT, the Town's Worker's Compensation Provider. This brings our dividend total received for the year to \$19,000. The refunds speak volumes to our staff and Safety Committee leader, Rick Gentile.
  - As stated in my September report, South Bethany is now involved with other coastal communities in a Delaware Coastal Programs Resilient Community Partnership. Our most recent meeting was October 3, with a discussion and review of ordinances regarding pervious and impervious cover.
  - All the lifeguard chairs and the shack have been removed from the beach.
  - October 7 to 13 is Fire Prevention Week.
  - Councilwoman Stevenson and I continue to work on the Town's 50<sup>th</sup> anniversary celebration. Pam and Janet are also assisting.
  - The Towns of South Bethany and Fenwick Island will be hosting the January 9, 2019 Sussex County Association of Towns (SCAT) meeting. We have already secured a speaker, but the location is TBD.

**OCTOBER REMINDER**

Town Council Regular, 6:00 PM  
 Town Council Workshop, 3:00 PM

October 12, 2018  
 October 25, 2018

- **Treasurer's Report**—Submitted by Councilmember Boteler:

10/9/2018

**Town of South Bethany**  
**Monthly Treasurer's Report - As of September 30, 2018**  
 by Don Boteler, Treasurer



				%	
Total Operating Revenue	\$2,394,690		\$2,394,690	\$1,426,688	60%
Total Operating Expenditures	<u>\$2,394,690</u>		<u>\$2,394,690</u>	<u>\$1,128,379</u>	47%
Revenue less Expenditures	\$0	\$0	\$0	<u>\$298,309</u>	
Revenue from Grants/Donations	\$7,624		\$7,624	\$1,210	16%
Expenditures from Grants/Donations	<u>\$7,624</u>		<u>\$7,624</u>	<u>\$1,210</u>	16%
Revenue less Expenditures	\$0	\$0	\$0	\$0	
Capital/Reserve Revenue (from Fund Balance)	\$197,966		\$197,966	\$82,652	42%
Capital/Reserve Expenditures	<u>\$197,966</u>		<u>197,966</u>	<u>82,652</u>	42%
Revenue less Expenditures	\$0	\$0	\$0	\$0	
Total Revenue - All Funds	\$2,600,280	\$0	\$2,600,280	\$1,510,550	58%
Total Expenditures - All Funds	<u>\$2,600,280</u>	\$0	<u>\$2,600,280</u>	<u>\$1,212,241</u>	47%
Revenue less Expenditures	\$ -	\$0	\$0	\$298,309	

**Fiscal 2019 (5/1/18 – 4/30/19) Summary of Year-to-Date Departmental Budget to Actual**

<b><u>Revenues:</u></b>	<b><u>Budget</u></b>	<b><u>Amended</u></b>	<b><u>Total Budget</u></b>	<b><u>Actual</u></b>	<b><u>%</u></b>
Property Taxes	\$520,463		\$520,463	\$514,719	99%
Realty Transfer Taxes	\$380,000		\$380,000	\$273,578	72%
Gross Rental Taxes	\$522,000		\$522,000	\$21,174	4%
Grants	\$7,624		\$7,624	\$1,210	16%
All other revenue	\$947,790		\$947,790	\$699,870	74%
Transfer from Reserve (Capital Projects)	\$197,966		\$197,966	\$0	0%
Budgeted Surplus	<u>\$24,437</u>		<u>\$24,437</u>	<u>\$0</u>	0%
<b>Total Revenue</b>	<b>\$2,600,280</b>	<b>\$0</b>	<b>\$2,600,280</b>	<b>\$1,510,550</b>	<b>58%</b>
<b><u>Expenditures:</u></b>					
General & Administrative Department	\$691,838		\$691,838	\$327,047	47%
Public Works Department	\$268,075		\$268,075	\$95,711	36%
Trash	\$327,400		\$327,400	\$136,559	42%
Public Safety Department	\$733,316		\$733,316	\$274,455	37%
Ambulance	\$74,518		\$74,518	\$18,537	25%
Beach Patrol Department	\$274,653		\$274,653	\$260,323	95%
Town Committee	\$24,890		\$24,890	\$15,746	63%
Grants	\$7,624		\$7,624	\$1,210	16%
Other (Capital)	<u>\$197,966</u>		<u>\$197,966</u>	<u>\$82,652</u>	42%
<b>Total All Expenses</b>	<b>\$2,600,280</b>	<b>\$0</b>	<b>\$2,600,280</b>	<b>\$1,212,241</b>	<b>47%</b>

**Highlights on Revenue**

Property Taxes - there are 15 delinquent property tax bills  
 Transfer Tax is 30.5% higher this year compared to last year at this time

**Highlights on Expenditures**

Expenditures are tracking to budget

- **Police Department Report**—Submitted by Chief Troy Crowson:

### **6th Annual Operation Seas the Day!**

The annual 2018 Warrior Family Beach Week was from September 4th-9th in Bethany Beach. Each year volunteers organize and facilitate a beach week event for our wounded soldiers and their families as a means of showing our appreciation for their service and sacrifice. The Police Department participated in the "Welcome Home Motorcade" to transport warrior families from Sea Colony to the Freeman Stage at Bayside for a concert! Chief Crowson was contacted by Operation Seas the Day in regards to a special request from one of the wounded warriors who wanted to take photos and ride in the hummer on Saturday, September 8, 2018. It was our pleasure to oblige.

### **Office of Highway Safety**

The South Bethany Police Department has participated in "Drive Sober or Get Pulled Over" from August 16<sup>th</sup> through September 4<sup>th</sup>. The Delaware Office of Highway Safety core outcome and behavioral measures target for alcohol impaired driving fatalities is to decrease impaired fatalities so that the alcohol impaired fatalities has a five year (2014-2018) average of 43.

### **Officer Vacancy and Complaint Reporting**

There has been diligent advertisement and search for officers to fill the vacancies in the South Bethany Police Department over the last 5 months. Applications for these vacancies have not been plentiful after phone inquiries by potential candidates concerning rank structure.

We will be conducting an interview with an eligible candidate on Wednesday, October 10, 2018. If successful, we may fill one of two available slots in the department while we aggressively continue our search for the second certified candidate. Filling the two slots will take us back to a 5 officer department. For the last two years we have had a 6 officer department.

The department continues to have open hours due to the loss of employees. We have had approximately 1,952 man hours lost from May through September. These hours do not include our current officers' vacation, sick or comp time (some of these hours listed above have been covered by Chief of Police).

Our department number is 302-539-3996. If an officer is on duty and available your call will be answered by the officer. Nationwide, citizens are always encouraged to dial 911 for all emergencies. Please use our 302-539-3996 for all non-emergency calls. If no response, citizens are encouraged to contact SUSCOM non-emergency line at 302-855-2980. SUSCOM will then dispatch the appropriate agency with whom we share mutual aid agreements, such as the State Police, Bethany Beach Police, Fenwick Island Police and Ocean View Police. In addition to mutual aid, SUSCOM when necessary will contact the Chief of Police who is available 24/7. *Councilmember Callaway requested that a message be placed on the PD's phone message giving the SUSCOM non-emergency phone number.*

*Public Comment: Suzie LaSota (2 N. 4<sup>th</sup> St.) – Asked if Council is concerned that the Chief of Police has not been able to fill the open police officer positions. Mayor Saxton said they are concerned and that is why the Police Chief spoke tonight regarding State Police coverage and nearby agencies coverage. Mayor Saxton said the Town has consistently worked with Chief Crowson during the hiring process and three people have been interviewed. Ms. LaSota asked if the Town knows why the people are not taking the jobs. Mayor Saxton said he cannot speak to that publicly – it is a personnel issue and it would not be fair to identify anyone.*

## **COMMITTEE REPORTS**

- **Budget and Finance Committee** – Submitted by Councilmember Boteler:

There was nothing new to report.

- **Canal Water Quality Committee** – Submitted by Councilmember Weisgerber:

- *Floating wetlands: In June about 130 wetlands (10,000 plants) were deployed at the end of South Bethany canals. The goal was to help improve the oxygen in the canals, especially the dead ends, and to take the nitrogen and phosphorous out. The plants have grown surprisingly well. Canal Water Quality Committee member George Junkin extracted one of the plants which had at least tripled its size and had at least a one foot root system underneath it (when initially installed the plants had almost no root system). The extracted plant was sent to a lab, and the results were very positive. In about three months 70% of the nitrogen projected for one year has been removed and about 35% of the phosphorous projected for one year has been removed. The plants are doing what they were expected to do – they are taking the nitrogen and phosphorous out of the water and putting it in the grass and roots and improving the conditions in the canals.*

*Councilmember Weisgerber met with Envirotech regarding maintenance of the canals. They have agreed to submit a proposal to the Town.*

*Councilmember Weisgerber reported that the wetlands grasses have grown to about two feet and need to be cut down to 10 inches and harvest the green so that the nitrogen and phosphorous does not fall back into the canals. This probably has to be done in December, and the committee is working on finding a solution.*

- *Work to identify the characteristics of the sediment on the bottom of the canals: The Town has scheduled a meeting with the Woods Hole Group on November 9 to go over the lab results and to help the Town come up with a remediation solution for the canals.*

- **Charter and Code Committee** – Submitted by John Fields, Chair:

The Charter and Code Committee is currently working on the issue of permitting the installation of small cell towers that would provide 5G broadband service in South Bethany. This is new technology. A lot needs to be learned about this before the Committee can make a recommendation to the Council concerning its use.

- **Communications and Public Relations Committee** – Submitted by Councilmember Stevenson:

Yoga, Boot Camp, and Adult Interval Fitness Classes have ended for the year. It was a successful season for all and the Fitness Class was a welcome addition. Many positive comments were received by the Committee and our volunteer leaders, Debbie Finger and Mel and Kim Royster.

The Committee met on September 12th to plan for the rest of the fiscal year and beyond.

A Halloween Pot Luck Dinner Party is planned for October 27th at Town Hall. Look for a Flyer in the South Bethany Email Updates, check the Town Bulletin Boards or Website for details, or call the Town Hall for more information. Costumes are encouraged. Another Town Pot Luck Dinner is planned for March 16th, 2019; a St. Patrick's Day Party. Everyone will be Irish for the evening. More information will be provided later in the year.

Plans for the Town 50th Anniversary Party to be held on June 30, 2019 were discussed. This town wide party will be held from 1 to 4pm outside in the Town Hall Parking Lots. Tents will



provide shade, and plans are being made for music, food, exhibits from local public service organizations as well as our own organizations. There will be door prizes, free gifts, snow cones, face painting and fun for children and adults. The Committee will help with planning and execution of the event. Also assisting with planning and funding and staffing of the event are the South Bethany Property Owners Association, the South Bethany Women's Club, and the South Bethany Historical Society. The SBPOA has generously agreed to provide food for the event, and the SBHS is planning a very large surprise. The SBWC has volunteered to provide a staff of volunteers. The SBPOA plans to continue the Annual Boat Parade on Saturday June 29th for added enjoyment.

Since the Anniversary Party will be such a big event requiring town employee participation, it was decided that no Independence Day Float would be built for the year 2019. The annual Band Concert usually held on July 3rd will not be held as there will be music provided at the Celebration on June 30th. We look forward to a wonderful celebration of our 50th year of incorporation. Watch for more information in the Zephyr, Website, and Email Updates.

The Committee also discussed the ability of Town staff to manage some of the future programs and duties currently performed by the Committee. Also discussed was the value of the Realtor Outreach Program.

- **Community Enhancement Committee** – Submitted by Councilmember Callaway:

#### **CEC Meeting Held Friday, September 26, 2018**

The following CEC members were present: Sue Callaway, Chair; Donna Farrow, Diann Nazarian, Bobbe Stephan, Kent Stephan, Carol Stevenson, and Jon Stiffler, Public Works Supervisor. Garnet Timbario was absent.

#### **CEC Updates**

- The Children's Little Free Library will be installed in the spring 2019.
- Fall decorations were installed on Tuesday, October 2 at the North and South Welcome Sign Areas on Route 1. Thank you Public Works for doing such a nice job!

#### **Update on Adopt-A-Canal Program**

- The 2018 Fall Adopt Program Update was prepared and sent out as an Email News Update on Saturday, October 6, 2018. The Update provides a comprehensive list of all 35 adopted canal/road ends and the status and names of all the current and original adopters. The CEC appreciates the support and involvement of all adopters!

#### **Update on the South Bethany Fitness Area**

- The Monday Fitness Classes have concluded for the off-season and will resume in 2019. We appreciate the support and involvement of instructors Mel and Kim Royster.

#### **2019 50th SB Anniversary Celebration**

- The CEC will be closely involved with the 2019 50th SB Anniversary Celebration of the town's incorporation. The CEC will volunteer help and sponsor a CEC booth along with other groups and committees.

#### **Next CEC Meeting**

The next meeting of the CEC will be on Friday, October 26th at 10:00 am at the Town Hall meeting room. A priority agenda item will be Looking Ahead – 2019 CEC Initiatives.