

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES FEBRUARY 8, 2019</b>
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**MEETING CALLED TO ORDER**

Mayor Saxton called the February 8, 2019, Town Council Regular Meeting to order at 5:30 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

Councilmembers Don Boteler, Sue Callaway, Jerry Masiello, Jimmy Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Troy Crowson; Finance Director Renee McDorman; Town Solicitor Stephani Ballard; and Administrative Assistant Pam Smith.

**MOTION TO GO INTO EXECUTIVE SESSION**

Motion by Councilmember Boteler, seconded by Councilmember Masiello, to go into executive session for purposes of: Discussion of an individual citizen's qualifications to hold a job or pursue training and; discussion of the content of documents, excluded from the definition of "public record" where such discussion may disclose the contents of such documents. 29 Del. C. §10004(b)(1) and (6). Motion unanimously carried.

**EXECUTIVE SESSION**

At 5:31 p.m. Council went into executive session.

**MOTION TO EXIT EXECUTIVE SESSION**

At 6:25 p.m., motion by Councilmember Masiello, seconded by Councilmember Callaway, to exit Executive Session and reconvene. Motion unanimously carried.

**DISCUSSION AND POSSIBLE VOTE(S) ON ACTION ITEMS**

Motion by Councilmember Boteler, seconded by Councilmember Oliver, to approve the conditional hire, as a police officer, of candidate number 1 contingent upon completion of certain background items. Discussion: Mayor Saxton clarified that this is an out of state officer that will probably need to take a few courses but will be ready in short order. Motion unanimously carried.

Motion by Councilmember Boteler, seconded by Councilmember Masiello, to approve the conditional hires of candidate numbers 2 and 3 for purposes of sending them to the police academy, contingent upon completion of testing and background items. Discussion: Mayor Saxton said that in discussion with Chief Crowson the proposal is to move on with two candidates to make sure the Town gets one candidate through the academy. Mayor Saxton commented that the Town is going to continue to advertise to hire and recruit certified officers. Motion unanimously carried.

**ADOPTION OF MINUTES – DECEMBER 14, 2018, TOWN COUNCIL REGULAR MEETING**

Motion by Councilmember Stevenson, seconded by Councilmember Oliver, to accept the December 14, 2018, Town Council Regular Meeting Minutes.

After discussion, motion by Councilmember Oliver, seconded by Councilmember Callaway, to accept the December 14, 2018, Town Council Regular Meeting Minutes, as amended, as follows:

Page 2, First Paragraph: After the second sentence add "The fee will remain at its current applied fee per lot."

Motion unanimously carried.

**DISCUSSION AND VOTE ON APPROVING THE EXPENSE FOR SENDING APPLICANT(S) TO THE POLICE ACADEMY**

Motion by Councilmember Boteler, seconded by Councilmember Oliver, to approve the expense of sending candidates to the police academy at the cost of \$2,500 for the academy plus the academy officer pay rate while attending the academy. Motion unanimously carried.

**BUDGET AMENDMENT(S) TO MOVE APPROXIMATELY \$15,817 FUNDS FROM THE ARM TO OPERATING (DPS) - COMPUTER MAINTENANCE REPAIR LINE ITEM TO COVER EXPENSE OF REPAIR OF POLICE DEPARTMENT DIGITAL EVIDENCE SERVER EQUIPMENT.**

Motion by Councilmember Boteler, seconded by Councilmember Masiello, to approve the Budget Amendment request of \$15,825.00.

Discussion followed and Mayor Saxton noted that this is the importance of the Asset Replacement and Maintenance Reserve (ARM Reserve). He noted that this expense did not come out of the operating budget. It came out of the ARM Reserve where it was depreciated and saved for. Mayor Saxton said the ARM Reserve allows the Town to keep taxes down.

Motion unanimously carried.

**DISCUSSION AND POSSIBLE VOTE ON A NEW PAY PLAN AND RANK STRUCTURE FOR THE POLICE DEPARTMENT.**

Mayor Saxton provided a presentation about a proposed pay scale which include the rank of Police Officer First Class and Corporal. During Council discussion and public comment, the following were noted: 1) There is not a minimum four years of service requirement for advancement to Sergeant . Sergeant is a rank that may or may not be available; 2) The testing referred to in the presentation are standardized tests which will be chosen and identified in the future, and will be required even if there is only one candidate; 3) With this size police department, it would not be a good idea to test for Sergeant before there is an opening.

Chief Crowson thinks the proposal is a good step but has questions and thinks there are things that need to be considered such as a Corporal leveling out. Mayor Saxton said somebody could cap out and at that point just get COLAs. Council will review the pay scale and comparative data of other jurisdictions every 3-5 years. The pay scale will be adjusted with any approved COLAs. Regarding movements from Police Officer to Corporal to Sergeant, policies and procedures will be developed defining what the criteria is. Mayor Saxton said one criterion is that the funds have to be available. That decision will have to go through multiple layers including the financial process.

Mayor Saxton said that compensation for Town Hall employees and Public Works employees have to be looked at as well. Mayor Saxton recommended that the Budget and Finance Committee retain a merit pool concept for FY2020. Mayor Saxton also stated that the proposed salary structure is equal to or higher than several municipalities.

Motion by Councilmember Masiello, seconded by Councilmember Oliver, to adopt the pay and rank plan Draft 2. Motion unanimously carried.

**ADMINISTRATIVE MATTERS**

1. Motion by Councilmember Callaway, seconded by Councilmember Masiello, that Council approve the appointment of Carolyn Marcello, Bonnie Rae, and Sally Baker to the 2019 Board of Election. Motion unanimously carried.
2. Motion by Councilmember Callaway, seconded by Councilmember Stevenson, that Council approve the appointment of Pat Spangler, Sue Allenspach, and Margaret Oliver as the 2019 Election Workers and approve the appointment of Sandy Raymond as an alternate worker. Motion unanimously carried.

Councilmember Stevenson commented that the Board of Election and Election Workers are volunteers and it is a very difficult job. They are good citizens of South Bethany and exceptional volunteers

**ORDINANCE - FIRST READING OF ORDINANCE 194-19, TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY CHAPTER 94, PARKING, §§ 94-6 AND 94-7 TO END THE TOWN'S DUAL SYSTEM PERMITS, ELIMINATE NONTRANSFERABLE PERMITS AND TRANSFERABLE PERMITS AND SET UP ONE TYPE OF RESIDENTIAL PERMIT, AND INCLUDE OBTAINING PARKING PERMITS ONLINE THROUGH THE SOUTH BETHANY WEBSITE.**

Mayor Saxton reviewed Ordinance 194-19. Mayor Saxton declared this the first reading of Ordinance 194-19. Mayor Saxton said the second reading will be at the February 28, 2019, Town Council Workshop Meeting.

**DISCUSSION AND POSSIBLE VOTE TO DISBAND THE BEACH ACCESS IMPROVEMENT AD HOC COMMITTEE AND THE LONG RANGE PLANNING AD HOC COMMITTEE.**

Motion by Councilmember Boteler, seconded by Councilmember Masiello, to disband the Beach Access Improvement Ad Hoc Committee and the Long Range Planning Ad Hoc Committee and turn over the work that needs to be completed to the Budget and Finance Committee and the Town Council. Motion unanimously carried.

**LEADERSHIP REPORTS** – full text on the Town Website

1. Mayor Saxton – The Mayor submitted his report for review. The Mayor added that the Town has made significant progress regarding the Sharp Energy contract and there are only minor things to work out. Regarding Item 6 of the Mayor's Report, Mayor Saxton said there is a fear that they are going to ask towns to start kicking in for beach nourishment. Currently the federal government and the state kicks in all of the money. Mayor Saxton complimented the Public Works Department and the good work they are doing under the leadership of the new Public Works Supervisor Jon Stiffler.
2. Town Manager – The Town Manager submitted her report for review with no additions.
3. Treasurer's Report – Councilmember Boteler submitted his report for review. Councilmember Boteler said the report includes data for nine months of this fiscal year which ends April 30, 2019. Operating Revenue: 97% collected. Operating Expenditures: 69% incurred.
4. Police Department Report – Chief Crowson submitted his report for review. Mayor Saxton made the following statement: "Recently the Chief was nominated by the U.S. Department of Transportation's National Highway Safety Administration for a public service award. This nomination was in regard to pedestrian caution and bicycle safety. We congratulate the Chief on his nomination. While the Chief was not selected for the award, it does not diminish the good work being done here in South Bethany. More importantly, we also need to congratulate the Police Officers of South Bethany that actually conduct the activities around this. This is an achievement the Chief and South Bethany officers should be very proud of, and we further congratulate the officers for their excellent work." Chief Crowson stated that in addition to the officers' work, thanks go out to the Communications and Public Relations Committee and their volunteers that helped with "walk smart" programs and McDonalds for providing the Town with gift certificates to give to children properly crossing the sidewalks. Stenciling in town was also taken into consideration.

**COMMITTEE AND COMMISSION REPORTS**

1. Budget and Finance – Councilmember Boteler submitted his report for review with no additions.
2. Canal Water Quality – Councilmember Frank Weisgerber reported that the Woods Hole Group has done their analysis of the data they collected in the town canals and they expect to meet this month put together a remediation package to present to Council. At the February 28, 2019,

Town Council Budget Workshop Meeting Envirotech will give a presentation regarding a possible contract for them to patrol the town canals twice a month looking for and addressing problems that arise such as widgeon grass and algae blooms to minimize the impact.

3. Charter and Code – Councilmember Jimmy Oliver submitted his report with no additions.
4. Communications and Public Relations – Councilmember Carol Stevenson submitted her report for review and added that the Town has a new website, <https://southbethany.delaware.gov>.
5. Community Enhancement – Councilmember Sue Callaway submitted her report for review and added that many Sussex County elected officials attended the SCAT Legislative Dinner on February 6, 2019, and spoke about the budget session. All of them focused their attention on making sure the transfer tax money and MSA funds are safe.

### **PUBLIC COMMENT**

Jimmy Oliver, 4 Logan St. – Expressed thanks for the comments and suggestions from property owners that are constructive and based on fact regardless of which side of this controversy they are positioned. Councilmember Oliver entered into the official town record the following two correspondences:

1. Received via email to the Town Council, Mayor and Town Manager on December 11, 2018, at 5:52 pm:

*I understand that in the near future this Current Council will conclude the SBB Police Dept that has been an active protector of its property owners and residents for many years.*

*Our Family has owned 9 South 4th Street since 1969 and has enjoyed SBB ever since and with great pride - much of which has been shared with others on our street and nearby streets.*

*I will make this clear. Should you be successful in eliminating our Police Force may the blood of the next child that is hit on Route 1 be worn on your shirt. In 1979 I helped a child that had been hit by a car while he was on his bike and you need to experience that once ..... and only once ..... and then sit in your chairs and disband the current police force. Let that sink in .*

*Yes go ahead and dredge your waterways with the money and all your otherspecial interests that happen to serve this current board. Have at it for now.... but you will hear the storm and feel the fury of very upset longtime property owners that happen to see past their immediate personal needs.*

*In my 50 years of being family property owners, never have I ever been so disgusted at a Council. A self serving and shameful Council. I am very surprised that anyone would now work for a collection such as yourself. I feel sorry for the Town Employees.*

*Remember.... the blood of that child that gets hits by a speeding car this summer is worn by you.*

*David T. Busby  
9 S 4th Street*

2. Also, via Facebook post from Robert Crossan at 157 Layton Drive on the “South Bethany Police Support” page.

*"All I know is that if these circus animals on the Town Council do anything to endanger me, my family, my friends, neighbors or the value of my property, they will, in the words of Red Will Danaher, "regret it til their dying day, if they should live that long" second post "And I know how to take them out."*

Councilmember Oliver said he considers these two posts threats. Councilmember Oliver said they are not constructive, nor do they have any place in our town.

Linda Lewis, 105 Tern Dr. – Ms. Lewis thanked the Town Council and the audience applauded.

Sandy Raymond, 5 N. 3<sup>rd</sup> St. – Thanked Council for the proposed changes in Ordinance 194-19 and suggested the Town give one free parking permit to each home. Advised Council to make sure that they know how to oversee testing for police officers.

Dennis Roberts, 107 Canal Dr. – Thanked Council for the countless hours they put in and the grief they take. Suggested getting on the list for DNREC's algae harvester, asked Council to be proactive and put some type of regulation in place and signs regarding vehicles carrying over a certain amount of people are not allowed on the street.

Dan Cowell, 110 Henlopen Dr. – Asked if a decision has been made with respect to limiting the size of the police department. Mayor Saxton said it was stated clearly at the last meeting that the Town is staying at five officers for the time being.

Billy Bonbright, 139 Brandywine Dr. – Thanked the Town Council for the outstanding job tonight regarding the Police Department. Suggested Council form a “department of safety ad hoc committee” as a follow up or continuation of what the Council already stated and did tonight.

Larry Budd, 4 S. 3<sup>rd</sup> St. – 1) Thanked the Town Council for their effort tonight and the level of details in the presentation put together for the Police Department; 2) stated that he and the group he works with does not condone that in any shape or form and they have tried to keep the conversation civil and fact based; 3) supports of Mr. Bonbright's idea of an ad hoc committee; 4) Noted that the hiring of a certified officer and two academy graduates would put the Police Department back to six officers. Mayor Saxton said the goal is to get the staffing to five. Mayor Saxton added that the Town is going to continue to advertise and try to recruit certified officers. Mr. Budd asked what the strategy is for the summer regarding Cat Hill patrol, sitting on Route 1 and managing the traffic flow and pedestrians, and parking. Mayor Saxton said the Town is addressing those issues, 6) Would appreciate a response to questions he previously emailed to the Town, and 7) Stated that he likes the Town's new website.

### **ADJOURNMENT**

Motion by Councilmember Oliver, seconded by Councilmember Weisgerber, to adjourn the February 8, 2019, Town Council Regular Meeting at 7:50 p.m. Motion unanimously carried.