

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
JANUARY 25, 2024
10:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the January 25, 2024, Town Council meeting to order at 10:00 a.m., followed by the Pledge of Allegiance to the Flag.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, Tim Shaw, and Bob Shields; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, and Town Clerk Matt Amerling. Public attendees: 1. Virtual attendees: 5.

Adoption of Minutes

Councilwoman Edie Dondero requested on page three, in the third paragraph, to re-word the last sentence so as not to cause any confusion. Councilman Randy Bartholomew requested on page two, in the last paragraph to add the statement "not to exceed two parking permits." Motion by Councilman Shaw, second by Councilman Bartholomew to adopt the December 8, 2023, Town Council Meeting minutes with proposed changes. Motion carried 6-0-1 abstention (Shields).

Councilman Bartholomew motioned to approve the December 8, 2023, Executive Session minutes, seconded by Councilman Tim Shaw. Motion carried 6-0-1 abstention (Shields).

Public Comment

Mayor Saxton stated, as everyone may be aware, the Community Benefits Agreement (CBA) was developed by U.S. Wind for the Association of Coastal Towns (ACT). The CBA agenda item was brought forward by Mayor Saxton as the South Bethany representative for ACT. In listening to South Bethany property owner input and the U.S. Wind notification that towns may make decisions on their own timeline, including up to a U.S. Bureau of Ocean Energy Management (BOEM) decision on the project, Mayor Saxton decided not to place the CBA on the agenda today. No discussion nor action will be taken on the CBA today. In addition, as the original sponsor of the agenda item, Mayor Saxton does not plan to place this on an agenda in the near future. Mayor Saxton is recommending to the Town Council to postpone any action on the CBA until BOEM rules on possible permitting of the project.

John Beauregard, 108 Petherton Drive, stated he is in opposition of the Council signing the Community Benefit Agreement (CBA) from U.S. Wind. He would hope that Council votes against signing the contract, or if they do vote yes, Mr. Beauregard thinks the money should be escrowed, as he thinks we should have a Town referendum on the matter.

Discussion and possible action to approve the 2024 Board of Elections (Saxton)

Councilwoman Dondero motioned to appoint Pat Weisgerber, Brad Gough, and Sandra Roberts, with John Stefani as an alternate, as the 2024 Election Board Judges. Councilman Shaw seconded the motion. Motion carried 7-0.

Discussion and possible action to approve the Sharp Energy Addendum to Lease Agreement for propane (Saxton)

Mayor Saxton stated this is only for the underground propane in Town – the Town’s system – and not for the tanks. Councilman Shaw stated the reason for trying to hold to the current rental cost is that Sharp’s response to any increase was to basically put an increase on to the actual homeowners who are receiving the service. Mayor Saxton stated yes, and it would cause an undue burden on the property owners, hence the addendum. Councilman Shaw motioned to approve the Sharp Energy Addendum to the Lease agreement for propane, seconded by Councilman Bob Biciocchi. Motion carried 7-0.

Discussion and possible action to approve an increase under the Ambulance Service Community Contributors’ Agreement for BBVFC services, from \$53.00/year/tax parcel to \$60.00/year/tax parcel (1,406 parcels x \$60.00/parcel, annual payment \$84,360.00) for three years, commencing January 1, 2024. (Saxton)

Mayor Saxton stated this ambulance service agreement will only cover Town property owners and their immediate family members. Councilman Biciocchi motioned to an increase under the Ambulance Service Community Contributors’ Agreement for BBVFC services, seconded by Councilman Shaw. Motion carried 7-0.

Discussion and possible action to approve an Ambulance Service Agreement with the Towns of Bethany Beach and South Bethany and the Community of Sea Colony with the Bethany Beach Volunteer Fire Department (BBVFC) for EMS services and Ambulance Service Community Contributors Agreement (Saxton)

Councilman Shaw motioned to approve an Ambulance Service Agreement with the Towns of Bethany Beach and South Bethany and the Community of Sea Colony with the BBVFC for EMS services, seconded by Councilwoman Dondero. Motion carried 7-0.

Discussion regarding the removal or adoption of floating wetlands by property owners and associated conditions attached to the adoption (Shaw)

Councilman Shaw stated as was first mentioned at the December 8 Town Council meeting, a resident approached the Town Canal Water Quality Committee (CWQ) regarding asking to be able to retain and take responsibility for a floating wetland and possibly having Town residents adopt floating wetlands previously anchored at specific canal ends. Councilwoman Dondero stated she would like to hear whether Council members support or don’t support this item. Councilman Bob Biciocchi stated he doesn’t support this item because, as chair of the Charter & Code Committee, he noticed there’s no Code provision which allows home ownership of something like this, so it’s encumbered by the fact that Council would have to create a Code ordinance to allow private ownership of this wetland.

Councilman Shaw stated Council knows the wetlands are degrading, which is why we’ve had to pull so many of them out; and it’s why they break free during storms. If someone were to adopt one, we still know that there is some timeframe coming during which the residents responsible for the wetlands will still have to pull the mats out of the canal and dispose of them. If Council want these residents to keep them, the resident has to make a commitment to maintain them. Councilman Shaw stated he doesn’t know how many people really want to adopt these wetlands, but he knows the Town is inundated with calls from residents asking the Town to pull the wetland mats out of the canals. Councilman Randy Bartholomew stated he does think the wetlands would be beneficial if maintained properly, but, like Councilmen Biciocchi and Shaw, he is not in favor of this action because he is dubious as to whether the residents who adopt the wetlands would keep

up with the maintenance and that the burden eventually wouldn't fall to the Town staff. Councilwoman Chris Keefe stated she is not in favor of this because these wetlands are in the way when it comes time to dredge the canals and she'd rather see them nice and clean; and while the floating wetlands might fix and clean and add to the health of the canals, they didn't really do too much at this stage. Councilman Bob Shields stated he echoes the previous comments and is in favor of getting rid of the wetlands because while they may have seemed like a good idea at the time, the wetlands have passed their usefulness, and he thinks they would ultimately be an administrative burden to the Town.

Councilwoman Dondero stated she doesn't really have a strong feeling about it, but she's not opposed to letting a couple of folks who want to try and keep them; however, it might be difficult to enforce maintenance requirements on individuals. Nevertheless, she's willing to give people a chance but she sees the consensus seems to be to get rid of the floating wetlands. Mayor Saxton stated he is against this because Council has voted this item down and should stick with one standard; also, it's going to put a burden on the Town to have to inspect these wetlands all the time, even though we don't know when, or how often, maintenance is getting done. There was a consensus by the Council to not move forward with this action.

Discussion and possible action to appoint Chris Banschbach to the Charter & Code Committee (Biciocchi)

Councilman Biciocchi stated since he is now chair of the Charter & Code Committee, and with the vacancy left by Councilman Abbott's resignation, he would like to nominate Chris Banschbach to fill the vacant seat. Councilwoman Dondero motioned to appoint Chris Banschbach to the Charter & Code Committee, seconded by Councilman Shaw. Motion carried 7-0.

Discussion and possible action to appoint Councilman Shields to the Resiliency Committee in place of Mayor Saxton. (Dondero)

Councilman Shaw motioned to appoint Councilman Shields to the Resiliency Committee, seconded by Councilwoman Chris Keefe. Motion carried 7-0.

Motion to go into Executive Session for the purpose of discussing personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 DEL C. §10004(b)(9)

Councilwoman Dondero motioned to go into Executive Session at 10:41 a.m., seconded by Councilman Shaw. Motion carried 7-0.

Motion to reconvene the Town Council Meeting and possible action on matters discussed in Executive Session

Councilwoman Dondero motioned to reconvene the Town Council meeting and exit the Executive Session at 12:13 p.m., seconded by Councilman Biciocchi. Motion carried 7-0.

Mayor Saxton stated there were no items to vote on from the Executive Session.

Adjournment

Motion by Councilman Shaw, second by Councilwoman Dondero, to adjourn the January 25, 2024, Town Council Regular Meeting at 12:14 p.m. Motion carried 7-0.

Respectfully submitted,


Council Secretary


Town Clerk

2/9/2024
Date of Approval