

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
AUGUST 9, 2024
9:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Dondero called the August 9, 2024, Town Council meeting to order at 9:01 a.m., followed by the Pledge of Allegiance.

Attendance and Absences

In attendance were Mayor Edie Dondero and Councilmembers Randy Bartholomew, Bob Biciocchi, Chris Keefe, Tim Shaw, and Bob Shields; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, and Town Clerk Matt Amerling. Public attendees: 11. Virtual attendees: 13.

Mayor Dondero stated she would like to move item 4 (the presentation of Resolution 5-24) to the top of the agenda before public comment. Council agreed.

Presentation of Resolution 5-24, recognizing former Councilman Derek Abbott

Mayor Dondero read Resolution 5-24 to Derek Abbott, who was attending via Zoom, recognizing his years of service on the Town Council.

Public Comment

Ed Nazarian, 20 Peterson Drive, stated he would like Council to hire someone to assist Town Code Enforcement Constable Joe Hinks in his duties.

Steve Bunoski, 417 Victoria Drive, stated he would like Council to consider reappointing himself, Al Rae and Jim Oliver to the Town Board of Adjustment for another term.

Ed Bintz, 302 N. Ocean Drive, stated he saw that an update on the U.S. Wind project is on today's agenda, and he wanted to mention a couple of items he thinks would be useful for the Town to address as part of that discussion. The first is he's been told directly by at least one council member, that the Town Council hasn't done anything on the U.S. Wind project since last January, where there was a very large turnout for the workshop meeting. He'd like to understand how this Town Council has decided that the Town is divided on this issue since that's not what was reflected at the January meeting, and it's certainly not what he hears when he speaks with his neighbors. A number of people at the January meeting had suggested doing some sort of survey or mailing, and he thinks if that happened, it would be overwhelmingly against the project. He also doesn't know why a workshop meeting wasn't done to discuss the pros and cons, and whether the Town should weigh in or not. He also wanted to mention that probably a lot of you have read about and heard about this Vineyard wind project where one of the turbine blades broke, forcing the closure of several beaches in Nantucket, and it's quite an environmental problem up there. One of the 2 wind turbines that U.S. Wind wants to install here is that very turbine that they've only put in 10 of them, and one of them has already broke in Massachusetts. The second one they want to install here is one that has never been used and it's been in testing. At the meeting we had in January, the U.S. Wind representative said that these are designed to withstand a category 2 hurricane and even mentioned that there'd been at least since somewhere in the 1800s a couple of category 3 hurricanes that have come through the area, so he doesn't take much comfort in that. And he can't imagine what problems we'd have if 4 or 5 or more turbines broke during a major storm. There is a lot of talk about more extreme weather events, so he's not sure that a category 2 build is sufficient.

Mr. Bintz has looked through the draft of the final environmental impact statement, and he has seen nothing about emergency response plans for dealing with a situation that sounds like what happened up in Nantucket; and it's been a real scramble to try to clean up that mess, which is still ongoing. The last item is U.S. Wind needs an approval from Sussex County to use a permit for a sub-power substation, and it seems like that's very much up in the air; and whether that would happen is still subject to the Delaware Department of Natural Resources and Environmental Control (DNREC) approvals. He would be interested in whether people still think it's a done deal and hope regardless that people still vote on this issue.

Adoption of Minutes

Councilman Tim Shaw motioned to approve the July 12, 2024, Town Council meeting minutes, seconded by Councilman Randy Bartholomew. Motion carried 6-0.

Update on Status of Proposed Maryland Offshore Wind Project

Mayor Dondero stated the Town Council has received requests in recent weeks for information and updates regarding the status of the Wind Energy Project proposed by U.S. Wind off the coast of Maryland. Last week, the Town notified residents via email that the Federal Agency charged with permitting approval – the U.S. Bureau of Ocean Energy Management (BOEM) – issued its final environmental impact statement (EIS) for the project. Issuance of this report is one of the final steps in the multi-year project approval process. It is expected that final approval of the project will be issued by BOEM as early as this September. Separately, DNREC is responsible for issuing several permits and authorizations that are required for U.S. Wind to bring transmission cables onshore at 3 R's Beach in Delaware Seashore State Park and connect them to a substation at the former Indian River Power Plant in Dagsboro. A public hearing to consider comments on these permits was held on July 9, 2024. The public comment period remains open until September 9, 2024. Residents may submit comments on the permit applications via a portal on the DNREC website. It is not known when DNREC will announce its decision on the multiple permit applications. The South Bethany Town website provides links to the applicable pages of the BOEM and DNREC websites that contain all the current information related to this project, including the documents submitted by U.S. Wind as part of the approval process. The information can be found under the tab labeled "Offshore Wind." In January of this year, the Council was presented with a draft version of a community benefits agreement (CBA) between U.S. Wind and five of the coastal communities. A workshop meeting was held by the South Bethany Town Council to receive resident input on the agreement and based on the feedback heard at that meeting, the Council did not hold a vote on the CBA. In fact, all five towns delayed their decision on the CBA, and reserved the option to revisit a revised draft if or when BOEM issues final approval of the project. There has been no discussion of the CBA in any meeting of this Council since the January 2024 workshop. To the best of our knowledge, no member of the current Council has attended a meeting of the Association of Coastal Towns (ACT), nor has there been a meeting of this group since Mayor Dondero was sworn in as Mayor in May of this year. If or when there is any new activity related to the CBA, it will be discussed in an open meeting of this Council. Until that time, Council has nothing further to report.

Discussion and possible action to approve Committee Guidelines with amendments

Councilman Bob Shields motioned to approve the Committee Guidelines with amendments as noted, seconded by Councilman Biciocchi. Motion carried 6-0.

Discussion and possible action to appoint three members to the Town Board of Adjustment due to term expirations: Steve Bunoski, Patricia Jaicks, Jim Oliver, Al Rae, Ray Saunders.

Mayor Dondero recommended reappointment of Steve Bunoski, Jim Oliver and Al Rae to the Board of Adjustment. Councilman Bartholomew stated he likes the idea of having new members come on to committees, but he respects the comments made earlier, and he does support these three

applicants; but, going forward, he does think the Town needs to bring new people in on all various committees. Councilwoman Chris Keefe motioned to appoint Steve Bunoski, Jim Oliver and Al Rae to the Board of Adjustment, seconded by Councilman Shields. Motion carried 6-0.

Discussion and possible action to appoint a candidate – Glenn Tom or Cindy Van Horn – to fill the vacancy on the Town Council for a term that expires May 10, 2025.

Councilman Randy Bartholomew motioned to appoint Cindy Van Horn to fill the vacancy on the Town Council for a term that expires May 10, 2025, seconded by Councilman Biciocchi. Councilman Shields stated the Town got two great candidates for the Council seat and he's very impressed with both; but one thing that draws a distinction for him is that Glenn Tom did show that safety was his top priority, so he would like to nominate Mr. Tom. Councilman Shaw stated he would second the motion to appoint Mr. Tom. Mayor Dondero stated the first vote would be for the first motion to appoint Ms. Van Horn to fill the vacancy. Motion carried 4-2 (with Councilman Shaw and Councilman Shields voting no). Mayor Dondero stated she would like to thank Mr. Tom as he would be a tremendous member of the Council, and she hopes that he will continue to remain involved with the Town.

Swearing in new Council member

Mayor Dondero swore in Cindy Van Horn.

Presentation by Canal Water Quality Committee (CWQ) on accomplishments to date and future goals

South Bethany CWQ Chairman Chris Vanuga presented to Council the attached PowerPoint presentation.

Leadership Reports

Mayor's Report – Report submitted. Councilman Shields asked about hosting another Bicycle Rodeo event. Mayor Dondero stated they can discuss that at a future meeting when it is placed on the agenda.

Town Manager Report – Report submitted. Town Manager Hartman thanked the South Bethany Beach Patrol (SBBP) and Public Works Department for working so diligently in the heat. Councilman Shields requested the Beach Patrol or Public Works please fill any holds dug in the sand on the beach. Town Manager Hartman stated she would talk to Beach Patrol Captain Dacey about it and report on it at the next regular meeting.

Police Chief Report – Report submitted. Chief Lovins is hoping that in early 2025, the SBPD should become an accredited agency. Councilman Shields asked if crosswalk violations come under the moving violations category of the Chief's report. Chief Lovins stated they are, and he will have to check into maybe separating crosswalk violations from the moving violations. Councilman Shields asked if there were any reports on boat speeding violations or calls of water safety issues such as children falling in a canal. Chief Lovins stated the first issue regarding boat speeding is really a DNREC issue since they have jurisdiction over the waterways and the Town doesn't handle such situations. The Town Police could stop and possibly detain such water violations, but it would ultimately be referred to DNREC to charge the offender.

Treasurer Report – Report submitted.

Committee and Commission Reports

Budget and Finance Committee – Report submitted. They had a meeting yesterday and welcomed three new members who asked great questions.

Canal Water Quality Committee – Report submitted.

Charter and Code Committee – Report submitted. The next meeting will be next month.

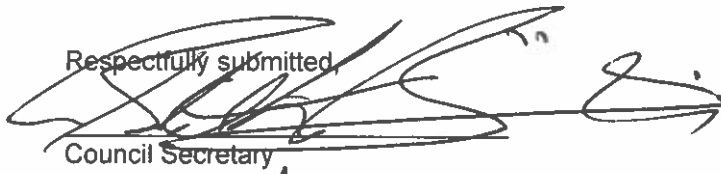
Community Relations Committee – Report submitted.

Planning Commission – Report submitted; the next meeting regarding a lot separation will be on September 6.
Resiliency Committee – No report submitted.

Adjournment

Motion by Councilman Biciocchi, seconded by Councilman Shaw, to adjourn the August 9, 2024, Town Council Regular Meeting at 10:13 a.m. Motion carried 7-0.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be the name of the Council Secretary.

Council Secretary

Matt Arling
Town Clerk

A handwritten signature in black ink, which reads "Matt Arling".

9/13/2024
Date of Approval