

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
FEBRUARY 14, 2025
9:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Dondero called the February 14, 2025, 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, Bob Shields, and Cindy Van Horn; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, Code Enforcement Constable Joe Hinks, and Town Clerk Matt Amerling. Public attendees: 11. Virtual attendees: 13.

Adoption of Minutes

Councilman Bob Biciocchi motioned to approve the December 13, 2024, Town Council meeting minutes, seconded by Councilman Bob Shields. Motion carried 7-0.

Public Comment

Gerry Injaian, 406 Bristol Road, stated he would like to remind Council there is still a major flooding problem on Bristol Road and hope that comes up next for review. Mr. Injaian implored Council to approve a contract with AECOM today to begin work on a formal design plan to raise a portion of York Road.

Jack Whitney, 105 Boone Road, spoke about the York Road flood mitigation plan, submitting comments (see email attached).

Clay Kassabian, 306 York Road, stated he would like Council to move forward with AECOM's plan, but with some modifications as he is concerned with some potential negative, unintended consequences by just raising York Road – specifically the displacement of water on adjacent properties. He believes there are additional viable solutions that the Town can visit, such as installing riprap, continuing to install the backflow check valves, possibly adding berms to use future dredging spoils, and amending the Code to allow or mandate residents to increase their bulkhead heights in the entire neighborhood based on a predetermined minimum.

Wendy Manley, 3 Cleveland Avenue, stated she is concerned with the new 4.5% State-mandated tax added to the Town's 8% rental tax, making twelve-and-a-half percent, which is a lot to tack on to a rental and higher than most communities. Mayor Dondero stated Council will be discussing this at its next budget workshop meeting, which will be held at the end of this month.

Michelle Levey, 102 Kent Place, stated she thinks the start time of 10 p.m. in the quiet period being considered in Ordinance 216-25 seems a bit early, and thinks Council should consider a later time or surveying residents to get their input.

Cathy Peck, 415 Kimberly Road, stated, regarding the quiet period ordinance, she would like to know what is considered a loud noise as that can be subjective. Councilman Tim Shaw stated this ordinance is more about noise at night rather than the morning. The intent here is not to stop someone from being out on their porch, but rather not blasting music so loudly that the neighbors must shut their windows and put earplugs in. Councilman Shaw stated Council is ultimately trying to ask people to be considerate of their neighbors and not create excessive noise in the evening hours.

Presentation, discussion and possible action regarding York Road Flood Mitigation and Design plan proposal (Dondero)

Kyle Gulbranson and Jim Pappas, both of AECOM, presented the Town with five design scenarios for flood mitigation along York Road, including raising the surface of the road by six inches, adding a seawall to protect the roadway from flooding, doing both, building a wooden causeway for vehicles to pass over flooded terrain, or to raise the surface of the road by eight inches. After hearing the presentation, the Resiliency Committee voted 3-1 at their February 4th meeting to recommend Council to choose option two – raising the road by six inches. Mayor Dondero, Chair of the Resiliency Committee, also expressed her support for this option.

Councilman Bob Shields entered his comments into the record (see attached below). After a lengthy discussion, Council decided for AECOM to move forward with planning for option 2 – raising the road by six inches – due to a combination of cost, the least invasive project logistics, and time of completion.

Councilman Shaw motioned to approve AECOM to move forward with planning for option two as presented, seconded by Councilman Biciocchi. Motion carried 7-0.

Discussion and possible action on adoption of 2025 Sussex County Tax Assessments for the Town of South Bethany Fiscal Year 2026 (May 1, 2025, to April 30, 2026) (Bartholomew)

Councilman Bartholomew motioned to adopt the 2025 Sussex County Tax Assessments for the Town of South Bethany Fiscal Year 2026, seconded by Councilwoman Cindy Van Horn. Motion carried 7-0.

Discussion and possible action to adopt the Police Department pay scale (Lovins/Bartholomew)

Councilman Shaw motioned to adopt the Police Department pay scale as presented, seconded by Councilman Shields. Motion carried 7-0.

Unbudgeted expense request from CRC to replace existing storyboards (Keefe)

Councilman Shields motioned to approve funding the project to replace the existing Town storyboards in this current fiscal year, seconded by Councilman Bartholomew. Motion carried 7-0.

Mayor Dondero and Council agreed to take a five-minute break at 10:42 a.m. The meeting was reconvened at 10:47 a.m.

Discussion of seeking bids for solicitor position (Dondero)

Councilman Shaw motioned to move forward with seeking bids for a Town solicitor, seconded by Councilman Biciocchi. Motion carried 7-0.

Request by Resiliency Committee for authorization to apply for BRIC and/or FMA grant (Dondero)

After a lengthy discussion, Council agreed to authorize the Resiliency Committee to apply for both grants. Once the details of the grant request are worked out, Mayor Dondero will submit the specific details for Council approval.

First Reading of Ordinance 216-25 regarding prohibited noise from 10 p.m. to 8 a.m. (Shaw)

Councilman Shaw read off the proposed amendments to the chapter under the ordinance. Mayor Dondero requested the beginning time of the ordinance be changed from 10 p.m. to 11 p.m. Council agreed.

Discussion and possible action to approve the 2025 Election Board Judges (Dondero/Amerling)

Councilman Bartholomew motioned to appoint Pat Weisgerber, Brad Gough, and Sandra Roberts, with Frank Weisgerber as an alternate, as the 2025 Election Board Judges, seconded by Councilman Shaw. Motion carried 7-0.

Leadership Reports

Mayor's Report – Report submitted. Mayor Dondero stated her appreciation to Town Manager Hartman, Code Enforcement Constable Joe Hinks and the rest of staff for taking care of public works duties during the recent snowstorm.

Town Manager Report – Report submitted and Town Manager Hartman also expressed her appreciation to staff for their assistance during the snowstorm.

Police Chief Report – Report submitted.

Treasurer Report – Report submitted.

Committee and Commission Reports

Budget and Finance Committee – Report submitted, and Councilman Bartholomew stated the article in the January 30 *Coastal Point* newspaper, regarding the Budget and Finance Committee, included some errors, and if anybody wants any additional detail, he would be more than happy to talk to them.

Canal Water Quality Committee – No report submitted

Charter and Code Committee – Report submitted.

Community Relations Committee – Report submitted, and their next meeting is Wednesday, February 26, at 10 a.m.

Planning Commission – Report submitted.

Resiliency Committee – Report submitted.

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

Councilman Shaw motioned to go into Executive Session at 11:17 a.m., seconded by Councilman Biciocchi. Motion carried 7-0.

Reconvene the Town Council meeting and possible action on matters discussed in executive session.

Councilman Shaw motioned to exit Executive Session and reconvene the regular meeting at 11:39 a.m., seconded by Councilman Biciocchi. Motion carried 7-0.

Councilman Shaw motioned to approve items discussed during the Executive Session, seconded by Councilman Shields. Motion carried 7-0.

Adjournment

Motion by Councilman Shaw, seconded by Councilwoman Van Horn, to adjourn the February 14, 2025, Town Council Regular Meeting at 11:40 a.m. Motion carried 7-0.

Respectfully submitted,


Council Secretary


Town Clerk


Date of Approval

Bob Shields' Comments RE: Resiliency Committee's Proposed Solution for York Road

I am very disappointed in Resiliency Committee's (RC's) proposed solution to the York Road flooding problem and in the underlying study by AECOM. I am underwhelmed by the result, which, as stated in the 12/19/24 RC meeting, will only provide temporary relief for 4-6 years. I think they failed to realistically consider viable alternatives.

Specifically:

- A) The proposal eliminated any use of a berm (which I consider essential) due to cost. This is despite an effective berm concept being provided by a resident civil engineer Jack Whitley at the 2/4/25 RC meeting. He described a substantially cheaper sheet pile with a concrete cap approach. His primary focus (which I support) is keeping the water out rather than dealing with flooding. To be fully effective, bulkheads in the York Road area would need to be raised. Jack estimated this to cost at \$500K and said he had submitted this concept to RC, but it was apparently not considered.
- B) I expected a solution which would take into consideration the prospect of rising sea levels up through 2050 by which time we expect a median SLR of 1.5 feet. The proposal as briefed at the 4 February RC meeting only discussed past and current sea level issues. It did not project into the future.
- C) A proposal for a causeway which would satisfy through 2050 was summarily dismissed as too expensive and too difficult to maintain — with no supporting data. AECOM Rep (Jim Pappas) at the 12/19/24 Resiliency Committee Meeting stated that a concrete and steel causeway would cost \$10M per mile. This was intended as a discouraging comment. However, for the 750' length of York Road, (15% of a mile) cost would equate to \$1.4M. A wooden causeway should cost less. I think these concepts and costs should have been considered at the Town Council level.
- D) The only way this proposal makes any sense is if the Back Bay Study actually develops an area wide solution and it is built in the next 4-6 years. I think this is very unlikely due to anticipated reductions in federal funding.

Resiliency Committee members (other than Joan Marini) stated on 2/4/25 that we should proceed with this effort despite its shortcomings because we could accomplish other necessary features (berm, etc.) later. I think it's very unlikely that we would get back to this project because we will inevitably shift focus to other flooding areas.

Many of us express surprise that our predecessors on the Town Council in 2015 were briefed about rising sea levels and did not take any actions. If we proceed on this recommendation, I believe those who are sitting here in 2035 will say that we swung and this pitch and whiffed.

I recommend this proposal be returned to Resiliency Committee with a request for a more viable alternative.



My recommendations for a path forward

2 messages

Jack Whitney ·

Sun, Feb 9, 2025 at 1:13 PM

The below are my recommendations. Other York Beach owners can speak for themselves.

Town of South Bethany
402 Evergreen Road
South Bethany, DE 19930

Attention: Members of Town Council

Reference: York Road Flood Study By AECOM

Dear Members of the South Bethany Town Council,

Your neighbors in York Beach appreciate the steps the Resilience Committee is taking to offer solutions to abate some of the flooding on York Road. It is especially gratifying that they have recommended an expenditure of \$350,000 or more to promote resiliency in York Beach.

Although we have not had access to the written report and the cost estimates, we have heard the presentations by the Consultant. We note the proposed solution will benefit our York Beach neighbors who live in the less flood prone areas on the north side but who need safe access to their properties during flooding events. However, we do not agree that only raising a small section of York Road is a fair and equitable solution for neighbors who reside in the study area - including York Road, Carlisle, Plymouth, Bristol and Victoria Roads - where flooding consequences are much more damaging. As such, we would like to offer a concept for an alternate, more sustainable solution.

After hearing the presentations by AECOM, we have concluded that the study is too narrowly focused, and it does not either address or resolve the basic causes of the flooding. The proposed final recommendation only partially mitigates vehicular access problem, but the recommendation neglects the majority of the flood disruption problems we are experiencing. Further, these recommendations do not make our Town more resilient in a substantial way, with the exception of improving vehicular and pedestrian accessibility through York Road.

We must assume that AECOM followed professional standards and prepared their report based on the instruction and other background information they may have been given, especially since Sea Level Rise and Resiliency studies began as far back as 2015. Regardless, to be a comprehensive solution, we feel it is necessary to take a more holistic approach to achieve resilience and to resolve or mitigate the majority of the nuisance and storm water flooding problems on York Road and the adjoining properties. The present study recommendations are not totally in our best interests, and they are not fair or equitable to all residents. If implemented, the majority of the causes for flooding would not be abated and a substantial number of our properties would continue to be regularly inaccessible and damaged by the ravages of the frequent floods and poor drainage system we have now. Additionally, the proposed project would have a high potential to create property value devaluation due to continued and unabated flooding. This would denigrate the lifestyle we are so proud to have here.

We recognize it is likely there is no perfect or totally comprehensive mitigation solution possible within our constraints. As such, we think the Town needs to "think outside the box" and do the best we can with the funds that could be available. We recommend the AECOM study be revisited using the below revised study objective to stop as much flood water as reasonable and to achieve the following resiliency goals.

These revised assumptions and objectives include:

1. Stop as much of all nuisance flooding waters as possible from entering in the York Road project area from all directions (exceptional flooding events excluded);
2. Provide enhanced and improved storm and flood water drainage for water collection on both sides of York Road;
3. Install back-flow protectors on all storm drain lines where they enter into the canals;
4. Change Town codes to allow for increase bulkhead heights, obtain State approvals and allow home owners to raise their low bulkheads to 2.3 – 2.5 feet (by capping the existing bulkheads with treated lumber - increasing heights by 6 to 12 inches) on the north side of York Road in necessary areas to block flood waters from entering the project area;
5. Obtain necessary State approvals and proceed to block flood water from the south side of York Road by installing either (or a combination of) sheet piling or concrete walls or stabilized soil and rock fill and/or by adding flood protection with a "living shoreline". The target flood wall height should be 2.5+ feet high along the south side of the Town Right-of-Way along York Road between Carlisle and the road bend near Plymouth. (Note: sheet piling is likely to be much less expensive than using concrete retaining walls, and the use of stabilized fill – such as rock filled gabions, or a living shore line, etc. in some areas could drastically reduce the current cost estimate.)
6. Although it would be nice to add a couple inches of porous pavement to York Road in the project area, it is not absolutely necessary during this phase of the work unless the budgets permits.

We believe the AECOM study revision to include the above suggestions would prove to be informative and useful. However, until the study has been revised and reviewed, **we strongly recommend that you do not approve the study being submitted by the Resilience Committee and/or fund its implementation at this time.**

We appreciate your service to our Community and attention to these extremely important problems and issues to us and the Town of South Bethany.

Respectfully,

Jack Whitney