

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
January 21, 2022

The meeting could be viewed on two internet platforms:

The Town's Website at: www.townofbethanybeach.com - click on the Government Tab, then go to the left side of the page and click on Live Video Broadcast

or

Go to our YouTube page at: www.YouTube.com/BethanyBeachGov

Members present for the meeting were: Rosemary Hardiman, Mayor; who presided; Lew Killmer, Patrick Sheplee, Bruce Frye, Faith Denault and Scott Edmonston

Present via Zoom: Jerry Morris

Also present was: Cliff Gravier, Town Manager; John Apple, Assistant Town Manager; and Molly Daisey, Town Clerk.

Mayor Hardiman called the meeting to order at 2:00.

Approval of the Agenda

Mr. Killmer moved approval of the agenda. Mr. Sheplee seconded the motion. The motion was unanimously approved.

Approval of minutes of Regular Meeting held on November 19, 2021

Mr. Killmer so moved. Ms. Denault seconded the motion and it was unanimously approved.

Approval of minutes of Executive Session held on November 19, 2021

Mr. Sheplee so moved. Ms. Denault seconded the motion and it was unanimously approved.

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru December 31, 2021. The Town is 75% thru Fiscal Year 2022.

Operating Budget Revenue

Income from Real Estate Transfer Tax, Parking fees are above budget estimates, Licenses and Permit Fees continue to be on or above budget estimates. As a result, we have collected 114% of the Budgeted Revenue compared to 88.8% at this time last year.

Operating Budget Expenses

We have just completed our schedule of summer activities. We expended 74.1% of our

budgeted amount compared to 68.6% at this time last year.

Recognizing that the report is subject to audit, Mr. Morris respectfully moved that the Council accept and approve the unaudited report. Mr. Sheplee seconded the motion and it was unanimously approved.

Tax Adjustment List #2

Mr. Morris made a motion to approve Tax Adjustment List #2 as presented. Mr. Killmer seconded the motion and it was unanimously approved.

Announcements

Ms. Hardiman announced that Mr. Apple, Assistant Town Manager has accepted the position of Town Administrator for the Town of Atkinson, New Hampshire. She thanked him for his 7 ½ years of services to Bethany Beach and wished him well. He will be missed. Council Members echoed the Mayor comments. Mr. Apple stated that he will miss everyone in Bethany Beach. He has enjoyed his time here.

Ms. Hardiman announced that Ms. Terry Tieman has been selected to be the new Assistant Town Manager. She has managerial experience and has worked with other municipalities in the Delaware. Ms. Hardiman welcomed her to Bethany Beach.

Report from the Planning and Zoning Commission Meeting

Mr. Edmonston gave the update from the Planning and Zoning Commission. The review of the Comprehensive Plan is complete and will be passed onto the Town Council for review in the coming weeks. A subdivision was approved between Hudson and Second Street. Language was approved for pervious and impervious areas on lots. That should be coming to Council for review soon and public comment. Coming up there will be a partitioning for 847 Garfield Parkway, this was approved by the Board of Adjustments. There will also be a discussion regarding adding tree preservation to new construction lots.

Report from the Town Manager

Mr. Graviat stated that this is Mr. Apple's last meeting, he wished him luck in his new position. He has grown into a successful Public Administrator. He will be greatly missed. Bethany Beach's loss is Atkinson's gain. He welcomed Ms. Terry Tieman to Bethany Beach and looks forward to working with her.

In just the last several days we have had 9 cases of Covid among employees in Public Works, 3-4 in the Police Department and 2 in Admin. Town Hall will remain open, masks are required in the building. We are doing what we can to stay open and not go back to remote work, which caused its own set of problems.

The Water Department has been busy the last month with Comcast then the freezing and thawing of water lines. There have been about 32 leaks in mains from Comcast, 20 different shut offs and between new construction and Comcast, there have been 501 utility locators. All of this in combination with the daily operations of the Water Plant.

The Collin's project has grown in scope since we first proposed that we install a 5' walkway from Kent to Halfmoon on Collins. We have State support for a pedestrian light and crosswalk at the library and have plans to add a 5' walkway in the 300 block of Wellington. Of course, the cost has blown up with all of this to over \$600,000 a far cry from Alan Kercher's original estimate of \$125,000 for the 5' path on Collins.

The Collins portion of the project is \$300K+. The rest of the cost is Kent and Wellington.

We have also reached the time when Collins needs to be repaved as part of our regular street maintenance plan. Because of the need to repave Collins and thinking about the cost benefit of spending over \$600K for a path that is only 5' wide, I have asked KEI to produce a new drawing and a cost estimate for expanding the path to 8' in width on Collins. When Mr. Gravier has the drawing and the estimate, Collins will become a future Workshop topic.

There have always been drainage issues behind the homes on Gibson that are adjacent to the park. There has been standing water (depending on weather) behind those homes for as long as Brett can remember. Similarly, there was always runoff from the property that left standing water at the intersection of Gibson and Central and sent runoff (depending on the weather event) down the northern portion of Gibson. After the Park was built property owners recollections became "hazy" and they blamed standing water in those locations on the Parks construction. The Town felt obligated to correct those issues rather than have the Parks construction blamed for them and just completed a \$185,000 project that has successfully resolved those concerns.

Mr. Gravier thanked Ms. Julie Malewski, Events Director, for a very successful Holiday season. She did a great job with all the events.

Discussion, Consideration, and Possible Vote on supporting the Center for Inland Bays position on the creation of "buffer zones" in Sussex County

Mr. Hardiman stated that at the Sussex County Council meeting on January 11, 2022, the Council considered proposed amendments to sections of chapters 99 and 115 of the County Code. Regarding certain drainage features, wetlands, water resources and buffers. She gave a brief history of the buffer ordinance and how it came about. The proposed Ordinance has three new areas with the most concern. First, that a forested area can be clear cut prior to submission of an application for development. Second, buffers can be reduced from 50 to 25 feet under certain circumstances, which creates loopholes in the buffer ordinance. Last, there is no strong enforcement spelled out in the proposed ordinance. Along with this, several other issues were pointed out by Chris Bason, Executive Director for the Center for Inland Bays (CIB). The Council recognizes that these issues are extremely important to all of us. The Council has previously worked with Mr. Bason on other issues. Mr. Bason's request for support at the County meeting did not allow for the Bethany Beach Town Council to meet and offer support. Ms. Hardiman continued, that knowing how the Council feels about environmental issues, on January 10, 2022 she submitted a letter to the Sussex County Council, on

behalf of the Bethany Beach Town Council, supporting the CIB's position on this. She copied all members on Town Council and sent a copy to Mr. Bason, who said that support from towns is especially important and that he was very grateful for Bethany's support.

The County has suspended the Public Hearing on this until February 22, 2022. The Bethany Beach Landowners Association (BBLA) also supports this and submitted a letter to the Town Council urging support. They will also be sending a similar letter to the County Council. Ms. Hardiman moved that the Council formally approve the support for the Center for the Inland Bays position on this issue. Seconded by Mr. Killmer, it was unanimously approved.

Discussion, Consideration and Possible Vote on a request to the Delaware Department of Transportation for a year-round speed reduction from 35 MPH to 30 MPH on Delaware Route 1, from the northern Town limits of Bethany Beach to the Southern Town limits of South Bethany

Ms. Hardiman stated that in October 2021 the Town Council passed a resolution to asked Del Dot to lower the speed limit on Route 1 from 35 miles per hour to 30 miles per hour during the season (May 15 to October 15). Bethany sent a request to Middlesex Beach, Sea Colony and South Bethany to join with us in the petition to Del Dot. This would also eliminate multiple changes in the speed limit in such a short distance. With that, Middlesex Beach and Sea Colony agreed and sent their letters in to Del Dot. South Bethany couldn't support the seasonal speed change, but agreed to support a year-round change. After this and speaking with Middlesex Beach and Sea Colony, they agreed to support the year-round change. Ms. Hardiman moved that the Council approve the request to Del Dot to reduce the speed limit on Delaware Route 1 to 30 miles per hour year round. Seconded by Mr. Sheplee, it was unanimously approved.

Ms. Hardiman then asked Council members if they had anything else to add.

Mr. Morris added that the Budget & Finance Committee has been considering and will recommend a 25% increase in Sanitation fees. Fees are adjusted every 3-5 years. The last increase was 5 years ago. This department has seen an increase in personnel and replacement of trash truck(s) in recent years, making the increase necessary. Currently, residential properties pay \$330.00 per year. With the 25% increase the fee would be \$410.00 per year. Even with the increase, this is still less than other trash services in the area. The next committee meeting will be February 17, 2022 to discuss this proposed fee increase.

There being no further business, Mayor Hardiman closed the meeting at 2:43 pm

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*