

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
February 17, 2023

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, Jerry Morris, Patrick Sheplee, Scott Edmonston, Ron Calef and Mickey Hinman.

Also present were: Cliff Gravier, Town Manager; Terry Tieman, Assistant Town Manager; Molly Daisey, Town Clerk; and Will Wharton, IT Manager.

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

Approval of the Agenda

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

Approval of minutes of Workshop/Special Meeting held on January 13, 2023 at 3:00 PM

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

Approval of minutes of Workshop/Special Meeting held on January 13, 2023 at 5:00 PM

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

Approval of minutes of Regular Meeting held on January 20, 2023

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

Approval of minutes of Special Meeting held on January 20, 2023

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

Approval of minutes of Executive Session held on January 20, 2023

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

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru January 31, 2023. The Town is 83% through Fiscal Year 2023.

Operating Budget Revenue

Real estate transfer tax and rental taxes continue to be above budget. To date we have collected 102.4% of the budget compared to 115% last year.

Operating Budget Expenses

Our Operating expenses are slightly higher than last year. We have already expended 85.4% of our budget compared to 79.4% 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. Kilmer seconded the motion and it was unanimously approved.

Announcements

Report from the Planning and Zoning Commission

Mr. Boswell stated that the Commission met on January 21, 2023. Work continues on the 10 year review of the Comprehensive Plan. John Gaughan was elected secretary of the Planning and Zoning Commission. Approval was given for 3 lots on Hollywood Street to be partitioned into 2 lots. Also approved was a subdivision for a parcel located on Kent Avenue.

Report from Non-Residential Design Review Committee

Mr. Killmer advised that the Committee met on January 30, 2023. Bethany Beach Volunteer Fire Company requested approval of a new, larger LED sign for the front of the firehouse. The south facing sign met all the guidelines and was approved.

Report from the Audit Committee

Mr. Peterson advised that the Audit Committee met on Friday January 27th. John Morton presented the annual Internal Audit report. This was his first full year auditing and he did a very thorough job. His focus was strictly on finances and he found things to be in good order. The committee then focused on the audit plan for 2023. We will continue to monitor all financial aspects of the Town's income and expenses but also feel it is time for John to start looking at additional areas. We had Will from IT attend the meeting and think it is timely to look at cyber security. Will and John agreed to put together a position paper on how we keep our IT data secure. This is not designed to second guess or be a full audit but to reassure all of us that our systems are secure. We have tentatively scheduled dates for the opening and closing of the external audit for May 12 and July 21.

Report from the Cultural and Historic Affairs Committee

Ms. Olmstead reported that the Committee met on January 11 and February 8, 2023. At both meetings the committee reviewed and updated the Dinker Irwin Docent Handbook that is provided to all docents who help with the museum. There are currently 13 docents who sign up for timeslots to volunteer. There have been requests from residents to have their homes included on the Heritage Trail. Committee is currently discussing pros and cons of revising criteria for a home to be listed on the Heritage Trail. One major change would be to the requirement that there be no change to the exterior of the home, since it was built. CHAC will be sponsoring three Cultural Evenings this year. This past Wednesday the first one was held. The next one is scheduled for March 15, 2023, followed by one in April.

Report from Budget and Finance Committee

The Budget & Finance Committee met on Thursday, February 16 to discuss the proposed budget for fiscal year 2024, which will begin on April 1st.

The draft of the new budget was discussed in detail. Town-wide revenues are budgeted at \$12,766,000, operating costs are \$10,938,000 and the capital and debt budget is \$1,116,000.

The Committee discussed proposed changes to the Schedule of Fees including:

- Increasing the hourly parking rate from \$2.50 to \$3.00 per hour and applying the same 20% increase to permits and tickets. This is expected to generate an additional \$450,000 in revenue and address an increase in summer season costs.
- Increasing the property tax rate from \$0.19 to \$0.196 per \$100 of assessed value. The increase is expected to generate an additional \$65,000 and is the first property tax increase in four years. This 3% increase would cost most of our property owners less than \$23 per year.
- The 25¢ fee to ride the town's trolleys is being waived for the coming year, this fee generated under \$11,000 per year.
- Several Fees which are no longer needed or outdated are being removed.
- Building fees, the Administrative Fee for Town Code violations, and after-hours water service fees have also been reviewed and adjusted.

Comments on the draft budget can be emailed to admin@townofbethanybeach.com.

The Town Council will hold a Public Hearing in mid-March to hear comments from the public on the proposed budget. The next Budget & Finance Committee meeting is Tuesday March 14 at 10 am.

Report from Bicycle & Pedestrian Safety Committee

Mr. Hinman advised that the Committee met yesterday. They reviewed a letter sent in by residents Anne McKinney and Bill Bergfeld with ideas for making the community safer. Work also continues on the WAVE implementation.

Report from the Town Manager

Mr. Gravier stated that Bethany Beach will receive beach replenishment, there is no definite date yet, however it is looking like a March/April time frame. All communities scheduled for replenishment have been invited by DNREC to a meeting on February 23, 2023 for a preconstruction meeting, but that a start date will not be known at this meeting. He feels that this could in fact happen during the summer season. And depending on weather, how well machinery holds up, as breakdowns are a significant problem with these replenishments.

The Town gets its well water from enclosed aquifers, and they are about 250+ feet deep. A positive to that is that they are not prone to problems such as infiltration and ground water coming out of shallow wells. A negative in pulling water out of deeper aquifers is that you produce an unusual amount of minerals, primarily for us are iron and magnesium. The Water Dept. has a system that catches and removes these minerals from the water and places them in a reservoir. In the last week the Water Dept. has been working to remove about 100,00 gallons of 'sludge' that has been produced in the last few months from the plant. With that complete the clarifier can be inspected and possibly redesigned. There have been issues over the years with the clarifier, but there hasn't been an easy way to inspect it and possibly enhance it.

The Town is working to reestablish three alleys in the 200 block east of Route 1. These alleys are: between Parkwood and Hollywood & Oceanview between both 3rd and 4th Streets. Homeowners that will be affected will be contacted by letter beforehand in case they want to speak with a Town representative prior to the start of the work.

A soil analysis in the community was recently done. There is a copy in the council mailroom.

The State is working on dredging the Assawoman Canal; the Town is attempting to 'piggyback' off of the engineering work and possibly the contractor. A bathymetric study of the Loop Canal and it shows that the Loop Canal is not in as bad a shape as once thought. Aside from a few very shallow spots, the Loop is deep. The entrance into Salt Pond & one other spot are very shallow, the hope is to dredge this for a low dollar amount.

Discussion, Consideration, and Possible Vote the Creation of a Continuous and Connected Pedestrian Pathway on Collins Street, Kent Avenue and Wellington Parkway

Ms. Hardiman stated that in January there were two public meetings held, one on January 13, 2023 at 3:00 p.m. for Wellington & Kent and one at 5:00 p.m. for Collins. The intent was for Council to vote on the pathway the following week. However, after reviewing the public comments and questions, one week was not enough time to give thoughtful consideration. Therefore, it was postponed and placed on today's agenda.

Mr. Gravier stated that a number of questions were received last month, many of which have been answered. One that was not was the ownership of Collins Street, which the title searching company just provided to us today. Collins Street does belong to the Town, and

has for a significant portion of time. Any property owner who looks at their survey will see that their northern or southern boundary ends at the street, showing that the street belongs to someone else, which is the Town of Bethany Beach. Mr. Graviet clarified that “street” includes the entire 40 foot right of way.

In February of 2019 the Town Council unanimously voted to construct a 5-foot pathway on the south side of Collins Street. That vote has never been changed, if the Council takes no action today, that project will proceed.

The project never moved forward due to the COVID Pandemic and limited access to the engineers and construction companies. Those companies that were available were charging larger amounts to do projects. During that time, the Town was working with DeIDOT on other issues in Town. During that time there was an opportunity to collaborate with them on work for Kent Avenue, specifically Kent and Wellington that would allow us to construct a 10-foot-wide multi-use pathway on Kent. And a [Rectangular Rapid Flashing Beacon] pedestrian beacon light on Kent at Wellington. In the past DeIDOT was not open to doing anything to enhance pedestrian safety on Kent.

At the same time that was done, it was realized that the Kent and Collins corridor project, along with the pathway on Kent and the [flashing] beacon on Wellington would significantly enhance the project and make the street far safer. With that, Mr. Graviet came back to the Council and suggested that the width of the pathway on Collins be widened from 5 to 8 feet. The Council scheduled a public hearing last month on the widening the pathway to 8 feet. Several residents on Collins retained an attorney, who wrote and echoed some of the same thoughts that were brought to the Town during the hearing. Just about every person who commented on the pathway, commented about the safety of the pathway. Many felt that it was unsafe, with one property owner going as far to say that Council would be ‘criminally negligent’ if the pathway was constructed. There were many comments that a 5 or 8-foot path was not very safe. However, having that path, either 5 or 8 foot wide on Collins, creates a huge safety advantage over people walking in the street.

Just like the Town did with Atlantic and Cedarwood, safety engineers tell the Town the ideal multi-use path should be a minimum of 10 feet wide. And buffers should be a minimum of 4-feet wide. Which is what was done on Cedarwood and South Atlantic. A 10-foot wide path with a 4-foot buffer could easily be done on Collins in the existing right of way, without moving any utility poles.

In order to strike a balance, because homeowners on the street have appropriated a significant amount of the Town’s right of way. To create an ideal path, there would be a lot of objection. However, in reviewing concerns and comments made regarding the lack of safety of the proposed pathway, Mr. Graviet then recommended to the Council that Collins Street be enhanced as follows: install a minimum of 1-2, possibly 3 “serious” speed bumps on Collins; install speed reading signs; put end striping on all the lanes and possibly indent striping to help slow traffic down. And if works with the Budget and Finance Committee and the Town Council, the Town will no longer charge for the Trolley, with the hope of more people riding the Trolley.

But if we're really concerned about safety, there needs to be a buffer between the 8-foot wide pathway and the roadway. It wouldn't have to be raised or constructed of any material. Our engineer recommends that it be painted. Mr. Gravier recommended to the Council today, if they move ahead with adding the three feet to the already approved 5-foot pathway, that they also consider adding two more feet to the project to create a buffer. Doing so will make the entire project ten feet wide. That 10 feet of additional blacktop would be five feet to the south and five feet to the north.

I think that's something that's very doable. I think it's something that makes the project much safer. Nowhere else on Cedarwood or South Atlantic have we built or constructed anything for a multi-use path where we did not construct a buffer. And again, in our attempt not to create more dissention with the residents, we have made that path on Collins the proposed 8-foot path far less safe than it should be. If the Council votes to move ahead and do that, the approximate cost it would add would be an additional \$50,000 dollars. Bringing the total to \$852,000 dollars. The Town has \$927,000 in grant money available for the project. Mr. Hinman made a motion to consider Mr. Gravier's recommendation. It was seconded by Mr. Sheplee.

Mr. Sheplee asked if this additional 2 feet of the proposed project is still within the Town's right of way. Mr. Gravier responded that yes, it is. There is a total of 40 feet of right of way and this project will be a total of 30 feet, leaving 5 feet of right of way on both the north and south sides of the roadway. Mr. Sheplee wanted to clarify that there will be no taking of private property, to which Mr. Gravier answered there has never been a taking of private property with this project. There are just a handful of temporary easements that will be needed.

Ms. Hardiman asked if this will have any effect on telephones poles or Mediacom cables. Telephone poles seem to be close to the road on the north side.

Mr. Gravier stated that while that is an unfortunate circumstance, you can find similar setups throughout the country, certainly here in the area in neighboring communities with poles very close to the roadway. For example, with the installation of sidewalks in Ocean View, poles are 18 inches to 2 feet off the side of the roadway. The Collins Street project will have poles about 2 feet plus, from the edge of the roadway. No poles will be moved.

Mr. Calef asked that since there will be painted lines on either side of the roadway, is there consideration given to adding rumble strips? Mr. Gravier stated that a buffer may have an element of a rumble strip. The engineer is still working on his recommendation. He has recommended to not have a hard or raised surface. That the buffer be something you can drive over. That if we paint it, that we stripe it to draw more of a distinction between the pathway and the roadway.

Mr. Edmonston asked if there is a need for pervious paving. Would the increase in feet trigger this needing to be paved in pervious material.

Mr. Gravier responded that no, it would not. Mr. Edmonston asked for clarification, the recommendation is for the additional 2+3 feet, this is to the North, correct?

Mr. Gravier stated that yes, and that equally distributes the width of the roadway, and creates fewer problems on the south.

Mr. Hinman stated that there have been concerns/comments regarding water accumulation on the street, is this different than anywhere else in Bethany Beach? Mr. Gravier stated that most of Collins Street, (aside from directly near the water plant, due to a swale, that eventually empties into the Loop Canal) is a street that dries remarkably well (within 18-24 hours) after most rain events. Mr. Gravier has asked that the Town Council take a drive on Collins Street, right after a rain event to see standing water, then 18-24 hours after to see how the street drains. There are many streets in Bethany that experience drainage issues and standing water, Collins is not one of those streets. The proposed project will not increase any problems with standing water. The engineer makes sure that grades are done to help with drainage.

Mr. Morris asked if the center of the roadway will shift at all? Mr. Gravier said yes, It will shift to the north.

Mr. Calef brought up the comments and concerns he heard about environmental concerns. What, if any procedures, are there that DelDOT would follow for a typical roadway? Mr. Gravier stated that in the last few years, The Town of Bethany Beach has done about \$12 million dollars in roadway projects, and in talking with the engineer, an environmental site analysis would only be done if a new road was being built through a woodlands or close to wetlands. They are not done on existing roadways or widening an existing roadway through a residential neighborhood. In speaking with the Town's engineer, he has never had to do one, nor has the State or DNREC seen a need to have a study done on a project such as this.

Mr. Morris questioned about using pervious materials as was done on South Atlantic which significantly increased the cost of that project. After several years it is questionable if it is doing its job with ground water being so close, water has nowhere to go. Mr. Gravier explained that there are a combination of things relating to the experience of pervious material as was used on South Atlantic that will have the Town reconsider using pervious material in the future. Much of that porous pavement has begun to fill up with sand, creating standing water again. We try to vacuum or blow it out but doing that has limited value. Another issue is that on hot days, tire movement actually scours the surface of the pervious pavement. At some point in time South Atlantic will need to be resurfaced again, especially the parking spaces, and in order to make it last and functional, it will not be with pervious materials. So that limits the value. Unless the quality of the material changes, I'm not sure what we'll do going forward.

Mr. Calef asked if other coastal communities have experience with pervious materials. Mr. Gravier stated that he believes that the City of Lewes used pervious surface for a roadway on Lewes Beach parallel to the bay front. He is not aware of any other coastal

communities that have used pervious pavement on their roadways.

Mr. Edmonston questioned if the Town was able to give the engineer 2 more feet to work with and, setting aside using pervious pavement, could that 2 feet be used somehow for stormwater control either throughout or where necessary. In other words, could the engineer look at any stormwater issues on that street to see what, if anything, can be done. Mr. Gravier answered that yes, we will ask the engineer to take a look at that.

Another issue Mr. Edmonston said that had been brought up was the issue of parking. One of the properties most affected is a duplex, Mr. Edmonston asked if there is anything the Town or its engineer can do to assist in alleviating those types of issues. Mr. Gravier stated that if this project is approved, the Town will actively work with property owners, on a limited basis, to see if there's anything that can be done to help restore parking that they may lose. He added that he can't promise anything, but the Town will work with them, just as the Town did with homeowners on South Atlantic.

Mr. Edmonston has heard from residents on Gibson Ave regarding speed bumps. They asked for speed bumps, then after getting them realized the noise they made and asked for them to be removed. Mr. Gravier replied that yes, that is a problem with speed bumps, they are noisy, especially if they are "serious" speed bumps as we're talking about on Collins. Also sometimes people drive around them, creating ruts on both sides of the roadway.

Ms. Hardiman asked that anyone who wishes to speak to sign up in the back of the room.

John Gaughan, 676 Collins St was recognized. He said he has owned a cottage for 42 years and has watched the development of this area from his front porch. He has always been in favor of some sort of safety project on Collins almost from the moment they moved in. He was in favor of it in 2019, when we had the public hearing and even more in favor of the proposed changes made today on the basis of the public comments.

Chris Bishop, 500 Collins St was recognized. He has lived there for over 15 years and is not in favor of it. He has spoken on two different occasions in front of this Council. He is here to talk about the process in which they have got here. On two separate occasions the residents have come forward with a set of recommendations. Last time I spoke I probably had a dozen recommendations to be looked at. None of these have been done. We aren't taking the feedback from the residents on Collins. We've never been polled or asked about our thoughts about the safety of the street, the speedbumps or the stop sign which all have been very effective, by the way.

The Town Council was very surprised from the pushback on this project, and they didn't understand why. Yet they have never been asked why. The letter sent out by the Town said near unanimous support from the citizens. He's never seen that even from the beginning. He therefore repeated some of the recommends he made before. Besides a survey of the residents, a traffic study. Why haven't we updated the traffic study in 10 years and do we know what problem we are actually trying to solve. Back then it was

safety because of the speed, now we are saying its safety due to volume. What have we done to address the volume issue. Parking study. We can count the number of bedrooms on that street. We can count the number of parking spots available. Now we are doing 5 ft on the North side of the road. We can study how big the parking problem is actually going to be and figure it out. Last time we were here nobody had done that. Have we looked at alternative solutions, full-time speed and traffic monitoring, and a water study. Water is a big problem for me on my property and it's not going to get better with this. It's not even on the drawings. He asked for it before to make sure he doesn't have a worse problem. Budget is a problem. You have to stop moving the goal post. When we first talked about this project it was 150k. A few years later 450k, now it's going to 875k and adding a couple more feet. I don't believe any of the numbers.

Lothar Schappeler, 425 Collins Street was recognized. He said the process is disturbing and the feedback and many concerns are being dismissed instead of being incorporated into the thinking. The water issue on Collins is not as much as a non-issue as he continues hearing from some Council members have talked about it as. It's a serious water problem. Collins St. does not have above grade or below grade drainage. They rely on the right-of-way, which is the remaining 20 ft. of pervious soil to absorb what comes off the street. We are making those 30 feet and in the process we are going to make more run off from an impervious surface and reduce the amount of right-of-way that is pervious by 50%. How does that work? He has standing water on a regular basis after every rain, and I dispute the fact that it disappears after 12-18 hours. He doesn't know and doesn't think anyone else does what the actual water management system is on the 400 block of Collins. There aren't ditches like there are on the 500 and 600 block. There's nothing there that the State would call a water management system. Where is the water supposed to go other than the 10 feet on either side of the property.

Once the water has not been absorbed by that right-of-way space, where does it go? On to people's private property. He has a lagoon in my backyard. The Town believes that the rainwater is going to travel across my property to the lagoon behind my house and then disappear. Sorry, that doesn't work. You need to take more trips out and request permission to come look at my backyard. Why does this pathway plan not incorporate a serious independent review of the water management system that they are about to make worse?

Title 7 in the State Code talks about a requirement to do a sediment and water management plan when you do an earth altering event. Isn't this such an event? What's disturbing is that you fail to recognize there's already a water management problem on Collins St. and you're perfectly ready to vote for a plan that makes it obviously worse. You don't have to be an engineer to see that. The residents want to see your plan incorporate a water management aspect with this. If it involves getting an environmental study, so be it; if it involves getting an outside concern that should be done. It's called doing your due diligence.

This project has brought light that there is no water management plan for Collins St. Ms. Hardiman asked him to show the pictures of his property. Communities could be tied into

the drainage system on Rt. 26. I agree with the prior gentleman. Excellent suggestions have been made to try alternatives that cost very little money and what is it? Do something to cut the traffic down. No resident in the entire Bethany community would vote against reducing traffic through the streets.

Kate McNamee, 433 Collins St. was recognized. She had one question on the bid, is it a guaranteed bid? Mr. Gravier answered that the Town does not have a bid, this is an engineer's estimate. We wouldn't take a project to bid if and when the Council approves it. Ms. McNamee replied, so, we really don't know how much it's going to cost. And far is the Town willing to go if it runs over, where's that budget money coming from? Mr. Gravier stated that, yes, we have an engineer's estimate of the cost. The Town doesn't budget for the unknown, so we work off the engineers' estimate. Ms. McNamee stated the other thing is the telephone pole thing. The fact that we come here for a possible vote on a whole new project is a little dirty pool. To say that the street can be that close to utility poles I think to compare it to Ocean View, they don't have the volume of walking and traffic that we have. You are comparing apples and oranges to say they have a couple of telephone phones there. I personally have the stop sign and the utility pole. She doesn't know how she is going to see to get out. She would like to know how you are going to address that. She doesn't know how that's safe, and doesn't think it's right to take a vote today.

Jim McNamee, 433 Collins Street was recognized. The current proposal is for 10 ft., 5 ft. on each side is what he's hearing. It sounds like we have a lot of different options that have been presented. There's an alternative to do nothing. He doesn't know what's the most beneficial action—5, 8 or 10 ft. and he doesn't think anybody here knows especially when you figure in the cost which keeps growing and will overrun the cost estimates. He's been opposed to the project and remains opposed to the project. He doesn't think it's going to achieve the benefits you hope it's going to achieve. Nobody can argue against safety, everybody likes safety. There is always an element of risk, even with 10 ft., there's an element of risk.

What's the most cost beneficial decision to make? He would like to add that on the issue of safety there really hasn't been a lot of evidence that it's unsafe. He walks and drives Collins St. and knows in the summertime it's congested—walkers, bikers, skateboarders. There's a lot of vehicles already—including the trolley and trucks so there's a lot of traffic already. Collins St. is a lovely street to walk on right now and he doesn't think it will be as nice when this is over. He wonders if we are taking away any of the trees that we currently have that make it more attractive. There's a lot of uncertainty with this project. Now regarding the water just this morning, just to leave my property he has to walk across my neighbor's yard just to find a spot in the road to step across a spot that's not wet. So, he thinks there is standing water. Mainly he doesn't think he can convince anybody here to side with his opinion and doesn't think we are ready to proceed with this project in any form. He hopes if you do decide to vote today but hopes you wouldn't especially in light of this new proposal that hit everyone out of the blue. He doesn't think you are nearly ready to make a vote on this project at all.

Rod Gowen, 401 Collins St was recognized. He's surprised today at the doubling down of

this proposal to make it even wider. It's pretty amazing in light of all the opposition we have seen and heard. Mr. Gravier acts like his resources are smarter and more important than the thoughts of the folks that live on the street. Fortunately, we have elected members of the Council that we are bringing our concerns to. He would like to address the Council. It's been made clear that the 2019 proposal was approved. His contention is that the proposal was approved, and the opposition was overwhelming, but you approved it. He doesn't think the project improves safety. Like it or not the residents of Collins Street over the years have benefited from the utility of that buffer. It protects them from the noise, the traffic, the people that walk up and down the street. We have improved those areas. Some people park in those areas. Some people have put driveways and landscaping in those areas. So, we benefit from that. This project will destroy that or significantly reduce it. He thinks it's going to be very disruptive to the neighborhood. We are hoping that you folks are listening to us. Yea there are some people that want the project. He can contend there's an overwhelming amount of people that don't want the project. He agrees with a lot of the comments that were made earlier. There hasn't been enough surveying and there hasn't been enough discussion about what the residents want, and he thinks you really have to consider that. Run-off is a big issue. Water stands in his backyard. His neighbor always has water in her yard. He would remind folks that in looking at the FEMA maps, most of Collins Street is in the A-E Zone Special Flood Hazard Area. When we start adding thousands and thousands of feet of pavement and there's going to be less ground for that water to soak into, that just exacerbates an issue that we've already got. He doesn't even know what word he would describe to having someone double down on this project today and increase it. Clearly you haven't been listening to us and he doesn't know what your motives are.

Boots Sargis, 400 Collins Street was recognized. She is opposed to the project, and agrees that the reality of observation of human behavior is more important than outdated data or studies. We who live on Collins are observing the behavior when people walk up and down Collins and so we hope that you are hearing us because we believe the issue is this is going to make it much less safe than it is now. She believes there has never been a pedestrian incident on Collins, that the five incidents that were recorded had to do with vehicles. So, to increase the vehicle volume, which probably will happen if the road is wider and the number of pedestrians doesn't make sense.

The other thing that doesn't make sense is if you increase the amount of asphalt by 50% which is what will happen that that won't exacerbate the drainage problem and there is definitely a drainage problem. We call our side yard Lake Bethany. She believes that people need some time to process this new aspect of another two feet. The residents weren't aware of this or informed of this so she believes the vote should not take place today.

On the EPA website there is a regulation that says if a project is tax funded, federally funded, which she thinks this would be partially, there are certain requirements including an environmental impact study. She'd be happy to send the info to you. It's very important to have an environmental impact study for sure. The fact that there's not a significant problem on Collins and this could spur on some significant problems. She hopes you will

not vote today and consider some of the other information that's coming fourth. Jenn Carter wasn't able to be here today, she has put together a presentation.

Boots Sargis speaking on behalf of Jennifer Carter who resides at 429 Collins Street. She presented slides.

Slide 1: While private property will not be "taken" and the widening project will not encroach on said private property, the front yards on Collins Street will be reduced, and forever damaged regarding the look and feel of the properties and the atmosphere of streets as a whole. Also, residents and visitors and property owners' quality of life will be highly impacted by the increased decibel levels and quantity of noise pollution from vehicular and pedestrian traffic in closer proximity to homes due to the widening of the street.

Slide 2: Quote from Liguori and Morris response on behalf of the Town of Bethany Beach: "Again, the proposed plan does not encroach onto private property. It is located entirely on Collins Street and front yard setbacks will not be reduced or altered."

Yet with the proposed widening, the edge of the street will be closer to the homes, therefore the widening will shorten the front yards on Collins Street, reducing the space between the road and the homes. Also, parking multiple cars crowded on the property as deemed the solution to the issue given to participants at the 1.13.23 meeting, will become a hazard due to vehicles parked in closer proximity to homes. For some homes there will not be enough space left to safely park more than one car.

No consideration or help to resolve this concern created by widening Collins Street was offered at the 1.13.23 meeting. ... basically, those who commented on the predicament were given the response you'll park on your property; so constituents are to just deal with it. This was not a compassionate understanding response to those who are highly impacted.

Slide 3: "Our Town code requires a minimum of fifty(50) foot right of way for minor streets. Presently Collins Street is forty (40) foot right of way. The roadway is now twenty (20) foot with a ten (10) foot easement on either side." Therefore, since our right of way for properties in the first four continuous blocks (in essence) of Collins Street is smaller, the affect will be felt more acutely by these property owners than those in Bethany West (in terms of property look and curb appeal and day to day usage of their properties because the road and or pedestrians will be closer to homes).

Slide 4: Un-Safety (Reasons not to widen Collins Street)

Widening Collins Street will give the visual incentive for drivers to increase speed. Pedestrians will not confine themselves to the path. Walking with traffic instead of against traffic in the path will impair pedestrian react to urgent unsafe situations that will occur. Will give pedestrians a false sense of security allowing them to be less aware of their surroundings and traffic. Distracted drivers will not perceive the edge of the path readily as they do the side of the road therefore negatively interacting with pedestrians causing

possible injury. Property owners and residents will have issues safely backing out of their driveways into oncoming oblivious pedestrians/cyclists.

Slide 5: Environmental questions

How many trees will be removed for this project? In particular which trees bushes and property owner's gardens/plantings and ground covers will be removed. Could the doomed trees be identified now so people can visually understand the environmental and aesthetic impact on Collins Street. Do you realize the environmental gravity of this impact? What drainage infrastructure will be installed to abate puddling and runoff with toxic vehicle fluids.

Slide 6: Environmental responsibility use of pervious asphalt. The EPA. If the Collins St. widening project is approved, it is environmentally negligent. The creation of over 10,000 sq. ft. of regular asphalt to complete it will cause more environmental issues with the water runoff. It is not acceptable to respond to property owner's concerns about further puddling, nuisance flooding and flooding with a statement that the Town already has flooding issues that happen various areas now. This situation on Collins Street has proven possible solutions that could be employed by the Town. The initial expense of pervious pavement is an environmental investment in our future.

Slide 7: The project widening plan excludes contracting an environmental study or to validate the Town's new rules for property owners regarding pervious surfaces with an investment in pursuing installation of pervious asphalt for the over 10,000 sq. feet of new additional surface involved in the proposed street widening project. Why does the Town disregard its own environmental initiative? I think Mr. Gravier said the pervious would add \$250,000 to the project. The cost of the pervious pavement could be paid for by making the path 5 ft as previously planned. Create the pervious path using 3 ft. of the south right of way and 2 Ft of the north.

Photo Example #1, 2, and 3: EPA Pervious Pavement at Towers Residence Halls, Pervious vs non pervious examples

Slide 8: "The Town however did demand developers provide for stormwater management within our right of ways where needed. Hence, open drainage swales in our Town owned right of ways are the norm in most streets west of Route 1."

Most of the first long block of Collins St. from Kent to Fairway was not created by a developer. For many years, and currently some of the swales there do not perform as they should. We have maintained and cleared them just last week a Bethany Maintenance group cleared the swale for the first time in quite a while. I have already paid to have it done behind our property. Developer's Swales are usually uniform in size width and depth, sometimes grassy swales (EPA), and have pipes for drainage from the swales. If not, they have issues, become stagnant, and can be rather useless for drainage. There seems to be no definite Town stormwater management program. Parts of swales have become lakes of holding ponds. This is not acceptable since they become breeding areas for insect and bacterial growth, and as the EPA states it can cause trees to become ghost forest trees that decay rot and die then fall. This is the case with the wet area behind 423,425 and 427

Collins St. There has been no professional environmental maintenance and or revision of that swale/pond. It was just cleared out, making the situation worse. At this point that area would probably act better environmentally if it were filled with soil and a smaller swale left to support the tree canopy.

Photo example #4/5/6: Swale/pond after 2.2023 cleaning behind 427 Collins Street.

Joe Healy, 974 Hawksbill Street was recognized. His real concern here has always been that of safety. He has been here for 35 years and that street has always made him very nervous whenever he has been on it, especially with the younger children. His concern is for safety. Something has to be done and would appreciate that that would occur.

Geri McPhee, 600 Collins Street was recognized. While presently the water is an issue, at Fairway and Collins it's there for more than 24 hours. The bigger issue for us will be, the backyard is always under water because we are getting it from every property on Fairway. Now we are going to have the front lawn underwater too. One of my issues with the Council is that you're in place to represent and listen to the people. She has been at every one of these meetings and doesn't get the feeling you're listening to the people. As was stated we have not been interviewed, we have not been asked. Maybe we aren't important enough. You're working with outdated data. The speed bumps and the stop signs have definitely slowed down traffic. We don't have any answer to the parking and maybe you aren't supposed to provide that for us. Is that what a Town is about? What you're entitled to. She doesn't understand why this project is so important that you keep pushing it forward until we are either burned out or we just can't fight you anymore. She just doesn't understand it. None of you live on Collins from what she understands. She sits there all summer long and watches the traffic and watches the people and it's a delight. She doesn't want more traffic. And to implement what we already have with the speed bumps and the stop signs has really slowed down and it's safe but she doesn't know why you won't listen to us.

Ms. Hardiman made a motion to accept Mr. Gravier's recommendation regarding safety enhancements to Collins Street by adding speed bumps, solar electronic speed signs and expanding the already approved 5 foot pathway to 10 feet by adding 5 feet of the right of way for a total of 10 feet. Using 5 feet on the north side and 5 feet on the south side and continuing the project on Kent Ave. and Wellington Pkwy as previously proposed by Mr. Gravier. With special attention to any stormwater management on that street by the engineers. Seconded by Mr. Sheplee it was unanimously approved.

Mr. Morris stated that he has had property here since 1981 and has lived here permanently since 2010 and he does feel for the people who have water problems. His lot is always under water. We are at sea level, when it rains, there is no place for water to go to. There's nothing that can be done about it, he just lives with it. Given that the Town is at sea level, he doesn't see that there is any solution.

Mr. Edmonston asked how many trees, if any would be impacted by the project. Mr. Gravier does not know. Mr. Edmonston said that in his walk up and down Collins, he noticed that some of the larger trees on the south side are more than 5 feet from the edge

of the current pavement. So it doesn't seem like adding 5 feet will impact any of those trees. He didn't think that there would be many on the north side that would be impacted.

Mr. Edmonston asked whether tax funding of this project triggered a need for an environmental study? Mr. Gravier said that if it did, the engineer would have had one done. Regarding parking, it is an issue in Town and on that street for a number of residents. He added that Mr. Gravier has said that the Town would work with the residents on that street if this were to pass.

Mr. Edmonston added that parking is not a public requirement of the Town. New construction does require parking on their property. So, while he's sensitive to the issue, if anyone was to tear down a house they would be required to provide the minimum number of parking spaces on their lots and outside the Town's right-of-way.

Ms. Hardiman asked that each council member state what their vote is, and why.

Mr. Hinman read the following into the record:

"Thank you, Mayor, fellow Councilmen, our Town Manager and Assistant Town Manager, and most importantly, the many citizens who took the time to share their perspectives, whether they were to register their support of the Pathway, to ask clarifying questions, or to register their opposition to the Pathway. In most cases, we learned a great deal about the issues our community members are concerned about, and which ultimately form the basis for their viewpoints. As a relatively new member of the Town Council, I found this process to be very open and insightful.

Our challenge as your governing representatives, is to try to find the "sweet spot" between individual wants and perspectives and the greater community good. In some cases, this process is much more straight forward. The Pathway Initiative is obviously more challenging as witnessed by the diversity of thought from the community. Nonetheless, our commitment as your representatives is to make what we feel will be the best decision considering all the various perspectives.

As those of you who had the chance to formally comment, whether it was in an oral or written manner, each generally shared a perspective or context that informed your comments. I would like to do the same by sharing two of my foundational perspectives: The first is that I worked for DuPont for over 40 years and retired from full time work in June of 2021. DuPont has been recognized in many ways over its two plus century existence, but one I am most proud of its demonstrated core value for safety and ultimately the care for our employees, their families, and the communities we operate in. An underlying principle that guided our behaviors is the "belief that all injuries and incidents are preventable". While we have never achieved that aspiration completely, it none the less drives us to never accept that hurt, pain and suffering will occur.

Over the last 20 plus years of my DuPont career, I was a Leader and Senior Consultant in our Safety and Risk Management business segment, in which most of our efforts where devoted to forming partnerships with companies all over the world to improve their safety performance. In summary, our focus was to help identify hazards, assess risk, and then to

develop approaches to reduce the underlying risk.

The second perspective I wanted to share is as a person, who with my family, has been coming to Bethany Beach for over 35 years. The first 30 years was mainly as a guest of my in-laws in Bethany West, and the last 5 plus years has been as a full-time resident of Bethany West. Over those 35+ years, my overwhelming route while walking, running, or biking to the beach has been down Collins Street. For driving, I mainly go down Collins, but also use Garfield Parkway as well. I share this only because like many of you, I have a great deal of first-hand, almost daily experience on the proposed Pathway.

To begin, I want to formally share my 100% agreement with the Pathway Initiative. I'd like to use the rest of my time to share my reasoning as well as trying to address some of the issues that have been raised.

As Mr. Lober highlighted in one of his initial slides, Collins Street is one of the main routes to and from the beach areas of town. As we know, Turtle Walk, Bethany West, and the Collins Street area residences comprise roughly 1/3 of the residences in Bethany Beach. Given this, it is not surprising that two formal studies over the last 20 years have recommended some type of pathway for pedestrians that choose Collins Street as their preferred path to the beach. The goal of both studies has been to provide a "zone of safety" for pedestrians that separates them from vehicular traffic.

When the Council voted to move forward with the Pedestrian Pathway in 2019, a common criticism of the plan then was that it did not address in a robust way the entirety of the Pathway, specifically safer connections to Kent and Wellington. That concerned me at the time, but I'm heartened that the current proposal is an integrated one that provides an option for pedestrians to get to and cross Route 1 in a manner that reduces risk. It doesn't eliminate risk; it reduces risk.

In my professional experience, an overwhelming risk mitigation method employed predominantly across the globe has been to create dedicated pathways for workers who are on foot which allows them to have clear separations from various types of powered industrial vehicles. Prior to these efforts, risk reduction was predicated on workers and equipment "just knowing" how to stay out of each other's way. I'll come back to this point in a bit when considering specifically the Pathway Initiative. While partially effective, a much more comprehensive and sustainable approach is to create distinct separations.

To build on this perspective, I firmly believe if we knew when Collins Street was originally constructed the amount of pedestrian, bike, and vehicular traffic it would eventually have to handle based on the growth that we have seen in this area, there would not have been a moment's hesitation regarding building a pathway/ walkway into the original design. This is not to take away from the judgements of the original planners, it just reflects that the growth and popularity of this area requires us to adapt and make appropriate changes that are in alignment with the levels of activity that we are seeing currently and can reasonably expect to see in the coming decades. We also know that this Pathway is the most heavily travelled current path to the beach for pedestrians in Bethany that does not have a safety zone dedicated to pedestrians. This collective willingness to learn and adapt is no different

than the changes which were implemented on both South Atlantic and Route 26 in previous years. As I have heard shared in other settings, “when we know better, we do better”.

Several comments have been made regarding our actual injury and incident history specifically on the Collins, Kent, and Wellington corridor, which is admittedly very low. But I will add that over the last five years we have had reported in our Bethany footprint 20 crashes of pedestrians and bicycles, 3 of which have resulted in fatalities. I don't want to wait until a life altering or life ending event occurs on this pathway for us to then be spurred to finally take definitive actions to lower the level of risk for our resident community and guests.

Based on my professional experience while working with clients, in addition to looking at recorded injury data, we also try to ascertain the degree that they routinely experience near misses and close calls, because these occur in orders of magnitude greater than actual recorded injuries. These are critical to injury prevention and risk reduction because they provide a very clear light onto what could happen. The only difference between an injury and a close call/near miss is usually just a factor of luck or happenchance. We don't want to depend on good fortune to keep our community safe. When I reflect on the Collins, Kent, Wellington corridor, there are several types of near misses/close calls that I have witnessed during the peak volume times. They are:

- A car is approaching a group of pedestrians, tries to go around them, and then must move back onto its side to avoid an on-coming car, while almost hitting one of the pedestrians it had just gone around*
- A child makes a sudden movement into the line of an approaching car*
- A distracted driver does not notice the walkers in front of him/her and must slam on the brakes to avoid hitting them*

As many of you who are residents on the proposed pathway publicly commented on your observations and experiences, I was struck by the number of you who mentioned similar near miss/close calls that you also routinely take notice of. What was also repeatedly said, and I paraphrase, “that the car drivers and pedestrians are aware of the situation and know how to keep themselves safe”. There are certainly elements of truth to those type of statements, but I also know that we as a community can go beyond that to promote the safety and wellbeing of our residents and guests.

A few citizens commented that because of potentially increased vehicular traffic flows on the Pathway, the situation will actually increase the level of risk to pedestrians and community members. In contrast, I would say without equivocation that the safe zone for pedestrians will significantly reduce their risk exposure given that it will create a dedicated zone for them to make their journey that is not shared with moving vehicles.

The second part of the above argument is predicated on the assumption is that more cars will divert to the Pathway for in essence the same reason, in that they feel it is now safer for them to use the roadway due to the safe zone that is created for the pedestrians, not because the street is wider, but because of the safe zone. While we don't know with clarity

how that will play out, I do believe there is some merit in that argument. Our challenge would then be to continue to explore the tools and methods we have at our disposal to discourage that approach and/or ensure a safe speed is used.

In that regard specifically, I would not be opposed to implementing some of the suggested traffic calming methods in a proactive manner. Some of the suggestions that have been surfaced are creating neighborhood diversion signs and posting 15 mph speed limits. While not legally enforceable, they might have a desired effect of influencing drivers' behaviors/choices. Also discussed, which I would be in favor of, would be the installation of additional speedbumps/humps.

While I am unequivocally in support of the Pathway Initiative as proposed, I am also very aware of the impacts that this will have on our community members that have residences along the Pathway. I recognize clearly that making significant changes like this can cause angst and disruption to those residents. I am completely committed for the Town to work in partnership with each residence to enable the project to move forward, but also ensure that we take all reasonable efforts to minimize the level of disruption. This approach was taken with the South Atlantic effort a few years ago and I have 100% confidence that the Town will do likewise with this initiative if it is approved.

In concluding, as I reflect on my four decades of experience with DuPont and in particular working with external clients, a resolute and defining reason that those clients sought to partner with our DuPont team was because of their inability to stop incidents from occurring, or in reaction to life changing or life ending events. It is never too late to begin to make changes to reduce risk exposures and improve safety, but I have personally experienced the pain and anguish that results when individuals and/or entities look back and wish they had done more before the unthinkable happened. As we decide as a Bethany Beach Town Council on the acceptance or rejection of this initiative, I don't want to be in position where we look back and wish we had done before what we had the opportunity to do.

Thank you very much for your time and consideration of my decision and its underlying basis. "

Mr. Edmonston read into the record:

Many residents have expressed that they have lived on the street for three or four decades or have three or four decades of experience. Mr. Edmonston pointed out that he's just been alive for over 35 years. I have to admit it's a bit of a difficult one for me. It's certainly more difficult than voting on whether we should buy a new trash truck or something like that. I am personally committed to a safer, more walkable, more sustainable Town and environment in general. I think we have real issues in Town with traffic, parking and walkability. I think that as Mr. Hinman pointed out, Collins is a very busy walking path and a major line of circulation within the Town . Moreover, in 2019, the Town Council voted to create a 5 foot wide path on the south side, that is not up for debate at this moment. That

would have happened at the time when that was voted on. It was pointed out that it's not a question of when or if, there are too many vehicles and pedestrian interactions at that time to justify sitting back and doing nothing as has been proposed. I think the issues around that have only gotten worse since then, in the last three or four years are only anecdotally speaking more people here, more cars, more walkers, and therefore more pedestrian and vehicle interactions. I want to note that I understand the feeling from those living on Collins, especially in the 400 block, that people aren't paying attention to them. People on the council are paying attention to them. I would just say that my experience has differed a little bit from that, being relatively new to this process and not being on the council in 2019 and being directly involved with that. Thinking back from the December public comments those public comments raised significant concerns for me, which I actually shared with Mr. Gravier and our Mayor individually. I'm actually surprised, but also heartened at the at the notion of the additional 2 feet, as I said this issue was difficult for me to believe when it was brought up in December that people raised concerns about walkability when you're not walking opposed to traffic when you're walking with traffic it's more dangerous. Jenn Carter in absentia pointed out that the cars are quieter. People are walking with earbuds, that only increases the danger of the of these interactions. I don't know that I would've been as in support or as much in support of the project if it weren't for an additional buffer and so I think that the fact that we're actually listening to in addressing concerns it gives me more confidence in the project. I think those concerns are the safety, the walkability, the stormwater management, and for all of those issues I vote yes."

Mr. Calef read into the record:

It's very apparent to me from the meeting comments we've had here, numerous letters, that the proposed Collins and Wellington street changes are a very sensitive project, especially for those living on the streets. There have been numerous comments in favor of this from Collin Street residents as well. We are hearing from many here, who are very much against it. I understand that. I have counted 7 or 8 today. I have read every letter most of them, several times, I've listened intently to the comments from the workshop and the public hearings. I've carefully considered the passionate statements both for and against. Those who feel that we are directing traffic to Collins and impacting their property. And those as well, who have plead for a safer path on Collins for the safety of their children, their family, and for all the residents of this Town. We may be voting today to enlarge and provide safety to the approved walkway. As well on Kent and down Wellington. The roadway will remain as it exists, 24 feet wide. Now there will be traffic deterring steps taken, including added speed bumps, electronic speed signs, a buffer, safety lineage along the side of the road. Change is inevitable, even and especially here in Bethany as population growth and visitor influx only increases. Controlling and managing change to maintain our family friendly town is the goal of everyone in this Town, especially the Council. I would vote in favor of the path, I think it is to the benefit of all the citizens in Bethany. Thank you."

Mr. Sheplee read into the record:

I want to thank all the people who communicated with the Town. Those that took the time

to send emails and letters. And those that participated in the Public Meetings held last month and today. As to all the information that was presented, let me assure you, it was considered. Every item that you brought up has been considered. You may not agree with my position, but I can assure you that careful consideration has been given.

Many concerns were identified both for and against the proposed improvements, primarily the pedestrian path. As you might imagine I found some more persuasive than others. It's not necessary to list all the pros and cons here – I think we are all familiar with the various issues. I do want to mention one item that came up multiple times. And that is the issue of safety. Safety was identified back in 2019 when the project was only Collins Street and it ended at Kent Ave. As you know, since 2019 we were able to get State approval to include Kent Ave. and expand the project down Wellington Pkwy. to Rt. 1.

Both the original project and the expanded project were an attempt to find a practical solution that was as safe as possible given the realities of the situation. And yet again this year complaints about safety were raised. And while this amendment to the plan does not address all the safety concerns raised, in my opinion it does address the biggest issue by providing separation between the roadway and those using the path. And I feel that safety is the primary objective of this plan.

The Town and Council has heard on multiple occasions the importance of pedestrian, bicycle, and auto safety. It is stated in our Comprehensive Plan. Year after year it is stated as one of, if not the, most important issue to our citizens. Yet still we know that this is not a perfect solution. But I believe it is the best practical solution to enhance safety along this well-traveled route. We can't force people to use it, but I think the majority of people will.

It doesn't solve all the safety concerns that have been raised, but I think it will make that entire route safer than it is today. It will not eliminate the possibility of an accident, injury, or worse on those three streets, but I think it will reduce the possibility of an accident.

So, what is the bottom line, where do I stand? In some ways this has not been a difficult decision. It is clear the opponents of this project are some of the residents that are directly affected. But I am elected to represent the entire Town, not just a district or a neighborhood or a community. And I take that responsibility very seriously.

When I weigh the reasons against the project with the improvement in safety that I think this project will bring to all our citizens and visitors, I come down on the side of safety.

I mentioned in 2019 that in the future I do not want to hear about a serious accident along this route and know that I had the opportunity to possibly prevent one. I feel just as strongly about this today.

I support this proposal and urge my fellow Council members to do the same."

Mr. Killmer read into the record:

“Very simply, I’m very familiar with Collins Street. I walk it every single day. I understand the concerns of the residents of that area, but also from my perspective safety is number one. I know that for a fact because there’s been a couple times or people either on their phones or not paying attention and you’re walking down the down there, so I think it’s important that we go ahead with this and create the pedestrian pathway.”

Mr. Morris read into the record:

I, like most of the council members struggled with this whole project. Unfortunately, when this Town was originally laid out, both on the east and west side, the forefathers never envisioned it growing like it has in the past 20 years. Since I’ve been here in 1981, I’ve watched massive changes happen on Garfield Parkway and with the expansion of Bethany West, and so forth. The streets were not made to accommodate the people that we have today. And unfortunately, getting to the beach has become a major problem. We have put in lots of crosswalks with flashing lights. Hopefully people are starting to obey those lights, which I know that’s not happening with everyone. There are not many ways to get to the beach. As it has been stated, 1/3 of the people who live in Bethany, live in Bethany West, where are they going to go? They take the path of least resistance, which unfortunately happens to Collins Street. As a result of the studies we’ve done, it has become unsafe, and it becomes worse every year. Everybody keeps talking about we had a study done in 2019, since then it has only gotten worse every year. The Council came up with an original proposal that most of the people on Collins Street said it’s not safe enough so we went back and made it safer. We’re going to add what you requested for, we’re going to do speed bumps, speed signs, everything that residents asked for it. It’s almost impossible to solve all the problems and like it has been stated by several people, we represent the whole Town not just Collin Street. It’s unfortunate that Collins Street seems to be the target as everybody seems to think it is.

We’re not against you people, but we’re trying to make it safe for everybody that uses the street. I like Mickey spend 45 years with the DuPont and safety was driven into us every month about what could happen, what could happen. And the only way you prevent it from happening is address it upfront and that’s what we’re trying to do. If we didn’t do this and something happened, like we had a young person killed on Kent Avenue because they were riding a bike. Could that happen on Collins Street? Absolutely. In the past we said we couldn’t get DeIDOT to give us the right of way on Kent to put something there. DeIDOT has now said they will do that. So now it becomes a path that is safe all the way through including crossing the highway so I’m in favor of this. “

Ms. Hardiman read into the record:

“First, I want to thank everyone who participated in the January 13 special meetings and today’s meeting and those who sent in comments regarding the proposed pathway.

I realized in reviewing the videos of the January 13 meetings and in re-reading the

comments that there is some misunderstanding regarding the purpose of asking for public comment. For example, there were comments such as the following which was addressed to the Council: “. . .doing your job would be doing what we’d like you to do.” And another: “. . . it’s the Council’s job to represent their constituents who are overwhelmingly against this.”

There are two points I’d like to make. First, asking for comments is not asking for a vote. This is not meant to be a referendum where citizens vote a project up or down. If that were the case, there would be no need for a Council with the responsibility to thoughtfully weigh all the facts and comments and decide what is in the best interest of all property owners and the Town.

Whether it be at the Federal, State or local level, the purpose of public comment is to provide input to the governing body which, in turn, weighs the input and takes it into consideration in making decisions.

Second, regarding the comment that those affected are overwhelmingly against this, I’m not sure that’s accurate. We don’t know that. There are 58 properties on Collins Street between Fairway and Kent Avenue. We have heard from 24 of the property owners, which is 41.4%, not even half of property owners. The owners of 21 properties (one person owns 3 properties) have commented and are opposed. That is 36% of properties. Three were in favor. However, we’ve not heard from 34 property owners or 58.6% which is the majority. They all received registered letters advising them of the plan and the January 13 meeting and, apparently, they did not feel strongly enough to comment for or against the proposal.

From my perspective, in weighing all the comments received, I don’t see any compelling reason to not proceed with the project. None of the reasons presented outweigh the paramount need to provide a safe pathway for pedestrians on Collins. In fact, the reasons presented in opposition to the current proposal are essentially the same arguments that were put forth and answered in 2019.

The thrust of the arguments opposing the proposal seems to be that the Council should try the alternative measures suggested by commenters with the hope that it will drastically reduce the volume of vehicles on Collins.

These include: additional speed humps, an electronic speed indicator, directing vehicles away from Collins by posting “local traffic only” signs or making Collins “one-way” going west, making the trolley free, forcing pedestrians to use Route 26, rather than Collins and posting a lower speed limit, even though it can’t be enforced.

In my view, some of those suggestions are appropriate and consistent with Delaware law, DelDOT’s Manual of Uniform Traffic Control Devices as well as the Manual of Traffic Calming Devices, including the installation of additional speed humps, as well as an electronic speed indicator, and eliminating the 25-cent trolley fare.

However, as was explained by Mr. Lober in 2019 and again at the January 13 Special

Meeting, making Collins one way was briefly considered in earlier studies and rejected because one-way streets have to be established in pairs.

According to DeIDOT's Traffic Calming Design Manual, that means that there would have to be a second parallel one-way street so that the resulting traffic volumes on each of the streets will be lower than the traffic volume carried by the original higher volume street, in this case Collins. Unfortunately, the fact is that there is no comparable street to serve as a one-way parallel pair for Collins.

And a "local traffic only" restriction, as Mr. Lober explained, cannot be enforced.

In addition, most of the alternate recommendations—additional speed humps, electronic traffic sign, etc. only address one of the two issues on Collins: Traffic volume and speed. They do not address the second issue, the fact that there is no safe area for the high number of pedestrians to walk on Collins.

*Both the 2005 and 2017 traffic studies that were done on Collins recognized and addressed these two separate issues. Both recommended traffic calming devices such as speed humps and stop signs, **in addition to** giving pedestrians and bicyclists a safer and designated area to walk and ride.*

Some commenters suggest, both now and in 2019, that the more pedestrians that are walking in the street, the better it is. In their view, these pedestrians slow traffic. In effect, they recommend that pedestrians be used as a traffic calming device. The fact that there have been no fatalities to date shouldn't justify failing to provide a safe pathway on Collins. In 2019 I quoted from a traffic safety study and I'll repeat the quote again here, "Sidewalks should not be installed as a monument to the dead." I strongly agree with this statement.

Pedestrian and bicycle safety has been a priority concern for the Town for many years. With the ongoing growth within and surrounding Bethany Beach, the problem is only becoming more urgent. The fact is the Town has already constructed multi-use pathways on South Atlantic and Cedarwood Streets. In fact, the multi-use pathway on Cedarwood is similar to the proposed pathway on Collins.

Cedarwood, for anyone not familiar with it, is the last east west street in Bethany Beach before Sea Colony. It is one block long between So. Atlantic and So. Pennsylvania. There is a multi-use pathway on the south side of the street. It carries both bicyclists and pedestrians safely in both directions, east and west. It has done so for the past couple of years without any incidents.

In addition, in 2019 after the pathway was installed on South Atlantic, there was a traffic study done. Contrary to the claim that a pathway on Collins will cause traffic to increase speed, the So. Atlantic study showed that the speed actually decreased from 2010, prior to the installation of the pathway. While the reason could be congestion at that time, the point is that the study showed that speed did not increase.

The Town will continue to prioritize pedestrian and bicycle safety and to study where additional improvements make sense for the good of the Town, our residents and visitors. I am pleased to hear Mr. Gravier say that the Town will work with homeowners, as much as possible, on parking issues as well as to restore the transition in driveways from the new pavement, as they did when doing the work on South Atlantic.

For all of the above reasons and those put forth by my colleagues, I vote in favor of the motion regarding the pathway as described on Collins St., Kent Avenue and Wellington Parkway. “

Ms. Hardiman then called for a vote on the previously made motion. All Council members voted in favor and the motion passed.

Discussion, Consideration, and Possible Vote on Sussex County Multi-Jurisdictional All Hazard Mitigation Resolution

Mr. Edmonston stated that at the last meeting the Town Council reviewed and approved the Sussex County multi-jurisdictional all hazard mitigation plan. Today we need to adopt the resolution, which is now therefore it be resolved by the Mayor and Town Council of the Town of Bethany Beach that the Sussex County multijurisdictional hazard mitigation plan as approved by the Delaware emergency management agency in the federal emergency management agency is here by adopted as an official plan of the Town of Bethany Beach. I make a motion that we adopt this resolution. Seconded my Mr. Killmer it was unanimously approved.

Discussion, Consideration and Possible Vote on Resolution to Submit a Request for a Drinking Water Matching Grant to the Water Infrastructure Advisory Council for Matching Funds to Finance the North Atlantic Avenue –4-inch Water Main Elimination

Mr. Gravier explained that the northern half mile of N. Atlantic St. the water supply is delivered to homes by transite pipe, which has been used for many decades. It's been phased out now because of PVC pipe but transite has an asbestos component. It doesn't shed the asbestos, but it does have an asbestos component. The piping is the oldest piping we have in Town and we're planning to remove it along with some of our older connections on the north side of Atlantic, and that area is one of the older portions of Town that's still standing. In order to do that we're looking for grant money. In order to proceed with the grant money, the Town needs to have a planning or design to move forward with. This is a co-pay where we pay half the half the dollar which is \$50,000 and in passing the resolution we make an application to the wastewater group to fund the other \$50,000.

The resolution is therefore be it resolved, the Council of the Town of Bethany Beach directs the Water Dept. to submit a wastewater planning area grant application to the Water Infrastructure Advisory Council for up to \$50,000 in matching funds to assist in funding the N. Atlantic Ave., 4-inch Water main elimination project. Mr. Gravier clarified that this grant would be used for the engineering and design phase of the project. Mr. Killmer made a motion to approve, seconded by Mr. Sheplee it was unanimously

approved.

Discussion, Consideration and Possible Vote to add Tim Switzer as a member of the Bicycle and Pedestrian Safety Committee

Ms. Hardiman made a motion to add Tim Switzer as a member to the Bicycle and Pedestrian Safety Committee. Seconded by Mr. Sheplee it was unanimously approved.

The meeting was adjourned at 4:20 p.m.

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*