



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, August 25, 2023

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Treasurer Rymer, Secretary Napolitano, Council Member Benn, Council Member Bishop, Council Member Bortner, Council Member Zanelotti

Staff in Attendance:

Town Manager Schuchman, Chief Morrissey, Finance Manager Gary, Administrative Assistant Ellinger, Town Administrator Menominee, Beach Patrol Captain Rykaczewski

Others in Attendance:

Along with the Town Council and Staff, there were an additional 12 in-person and 3 Zoom participants.

1. President's Report - Mayor Magdeburger

Mayor Magdeburger reported DelDOT moved the Town up for design funding for sidewalks originally slated for the 2028-2029 campaign. There is a meeting set for September 18th to begin talking about the project and potential issues.

DelDOT has finished the resiliency study plans. Mayor Magdeburger stated that there has been a lot of concern for the Town due to what they have seen in the past plans which was creating a seawall with deployables on the western side of the highway. That meeting is September 26th. DelDOT is doing a study to protect the highway. Mayor Magdeburger said the goal is to work together along with protecting the bayside community.

Mayor Magdeburger said the Town of Fenwick Island has been asked by the US Interior Department to act as a consulting party for the Central Atlantic Wind Energy lease. She said this gives the Town a spot at the table. Mayor Magdeburger said that she had sent a letter asking for a moratorium for the new lease holds that they are getting ready to offer. She had also

worked with ACT to send a similar letter. They will have to send the Town all the materials which include what is entailed with the review directly. The Environmental Committee will be involved due to their ongoing efforts.

The Committee Applications are now available on the Town website. She asked everyone to return their application by September 15th. She also asked everyone who is currently serving to also reapply. There is a description of each committee included with the application.

Mayor Magdeburger thanked the Ryan's, Ed Bishop and Lisa Lange for their efforts in getting everyone to celebrate Barbara Fornwalt's 100th Birthday.

2. Approval of Minutes from July 28, 2023 Regular Town Council Meeting

Treasurer Rymer suggested one change to the July meeting minutes. He said to change a sentence under Section 10, Public Participation to "DNREC and the State of Delaware agreed to be responsible for those efforts".

MOTION to approve the July 28, 2023 Regular Town Council meeting minutes with the added amendment.

Moved by: Jacque Napolitano

Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to proceed as discussed in the August 25th Executive Session.

Moved by: Ed Bishop

Seconded by: Richard Benn

MOTION passed unanimously.

3. For Discussion and Possible Action:

3.1 Residential Concerns: Co-Chair Resignation of Gail Warburton from Residential Concerns

Council Member Bortner announced that Gail and Bob Warburton were in the process of selling their house and they have been active participants in the Community.

MOTION to accept the resignation of Gail Warburton from the Residential Concerns Committee.

MOTION passed unanimously.

3.2 **Report on Route 54 Bridge Project**

Council Member Bortner reported that she has been in contact with the Project Manager of the Route 54 bridge replacement. The main concern from the design perspective was the lighting because of the potential negative impact on the Community. Council Member Bortner said the Dark Sky initiative was addressed in the Comprehensive Plan and the State agrees that mitigating light pollution is important for the ecosystem, wildlife, and humans' quality of life. Rose Mary Hoy attended the last bridge forum on August 15th and wrote a letter that Council Member Bortner read into record. She also presented the bridge designs and said that it should be an appropriate gateway into the quiet beach communities in Delaware. Council Member Bortner said there are surveys online and told residents to also listen to the recording of the meeting. She announced that DelDOT wants to hear from the community and are able to submit a survey until September 14th.

3.3 **Review Trash Collection Services**

Mayor Magdeburger said the Town has received a number of complaints leaking trash juice. Mayor Magdeburger, Council Member Bishop, Town Manager Schuchman, Building Official Locke met with the Regional Vice President and Jamarr Tabron. They explained that they have an older fleet but had made arrangements to rent a vehicle with working seals. That morning when the leaking occurred another vehicle had been sent to Town. The bottom line is they will not be sending another truck that is leaking. Mayor Magdeburger said that this was the only company that put a bid in for trash services when it was put out. She said they were very apologetic and professional. An issue that was raised all the surrounding communities use a "tub system" which is the size of the recycling cans. This system makes everything automated which eliminates Workers Comp claims on their side of issues.

Council Member Bishop said that the change would be good. The service would not be a fully automated service but would include your trash being pulled down to the street because the trash only picks up on the right side. Mayor Magdeburger said that it is worthwhile to explore. Town Manager Schuchman said the newer enclosures could be retrofitted but the older ones could not. Council Member Benn asked residents to call Town Hall if they have any issues with the trash service.

3.4 **2023-2024 Opening of Town Committees**

Mayor Magdeburger reiterated that Town Committees are open for residents to sign up.

4. Treasurer's Report - Treasurer Rymer

Treasurer Rymer said the Town has completed our preliminary close of the fiscal year ending July 31, 2023. For the second year in a row, the Town significantly beat the budgeted operating results and reported operating income in both years. For fiscal 2023, Fenwick generated operating income of \$147,000 as compared to a budgeted operating loss of \$295,000 which represents a \$440,000 improvement over expectations. The largest driver to this improvement has been additional revenues primarily coming from building permit fees.

In addition to the positive operating results, RTT inflows also far exceeded the budget with almost \$500,000 as compared to the projected \$150,000.

As of July 31, 2023, the Town's overall cash balance was \$4.73 million which is \$860,000 higher than the \$3.87 million balance as of July 31, 2022. This significant cash increase has been driven by the positive operating results, RTT inflows and more than \$1 million in grants received this year. A portion of these grants paid for the sidewalk project that was completed this year.

One other item of importance is that the Town received the \$300,000 State Bond Bill grant for the dredging project during the first half of August. These monies are not reflected in the cash balance mentioned earlier. Had they been received just nine days earlier; the year-end cash balance would have exceeded \$5 million.

Overall, it was a very strong year for our Town as compared to the original Budgeted cashflows and operating projections.

MOTION to approve the Treasurer's Report.

Moved by: Ed Bishop

Seconded by: Janice Bortner

MOTION passed unanimously.

5. Committee Reports- Audit, Beach, Budget & Finance, Building Review, Business Concerns, C&O, Dredging, Emergency Mgmt., Environmental, Information Technology, Infrastructure, Planning Commission, Residential Concerns, Pedestrian Safety, Town Enhancement

Beach- Secretary Napolitano reported the Fenwick Flicks had twice as many people show up in August. The Committee meets again on September 7th. The marine animal signs were slightly moved to the east side and the St was removed from the sign. The Beach Committee served watermelon to the Beach Patrol. Next event will be the Fenwick Freeze on January 1, 2024. She thanked all her members for their hard work and dedication.

Business- Council Member Zanelotti reported he has been talking to business owners and has 2 people who have agreed to serve.

C&O- Mayor Magdeburger said there is a draft for the cannabis ordinance, and they will be looking at the rental policies as well. She is looking to schedule a meeting in September.

Dredging- Treasurer Rymer started with some very good news.

The Town received the final lab results from the ten sediment samples taken from the boating channels and all the results are equal to or better than previous samples. The Town is now able to finalize the wording of the land access agreement with the local developer.

Treasurer Rymer said the Town is working to address the preliminary comment about excess land disturbance during the de-watering process in hopes of resolving this issue with the US Army Corps.

The Town is still waiting for DNREC to start the third and final Public Notification process related to the outstanding dredging permits.

Treasurer Rymer expected this last one to be the slowest, but we are trying

to get this moving forward. He said the Town's email distribution list to communicate when this Public Notification period opens up.

As previously reported, we received preliminary response from DNREC that the project may not have limits placed on the construction timeline which means if the permit application review process is slower than anticipated, we can still complete the project before next summer. The goal is to be done in the Spring but sadly can't make the regulatory agencies move any quicker.

Lastly, with the \$300,000 grant recently received, this project is fully funded based on initial construction estimates.

Emergency Mgmt- Mayor Magdeburger reported that Town Manager Schuchman, soon-to-be Chief Morrissey, Lieutenant Parsons and herself attended a Hurricane Preparedness training in Ocean View.

Environmental- Susan Brennan reported that the Committee continues to work on the fencing for the Monarch Garden. She said she was put in-touch with someone who lives in Town and owns a fencing company. She also reported Offshore Wind continues to be an issue and information is shared with the Town and Committee Members.

Information Technology- Town Manager Schuchman reported the Town Summer Intern Drew was able to digitize half the paper property records. She said she is hoping to bring someone in who was making the same amount as Drew to come in and finish the job.

Infrastructure- Council Member Benn asked everyone to come to the Bayside Flooding and Resiliency Information and Discussion at 2:30pm on August 1st. The Committee would like everyone's input and to be informed.

Planning Commission- Susan Brennan reported the Commission is currently waiting for the comments that are coming next week. They are also in the process of trying to get a meeting with grant writers through UDel.

Residential Concerns- Council Member Bortner reported the Committee did a lot of good work in the last two years. Residents are encouraged to

bring concerns to the Committee. She listed all the initiatives that the Committee has worked on and pushed forward. She said they are looking for new members for the upcoming Committee year.

6. **Old Business**

Council Member Bortner discussed the installation of memorial benches. They would be composite material, donated by citizens, and placed every 3-4 streets. Council Member Bortner said they are still looking into prices. Council Member Benn said Mike Locke said they would be in the beach parking lot, but he mentioned a concern that the parking lots are dark at night and providing a bench would allow people to sleep there. Council Member Bortner said they could put this issue out to the community. Town Manager Schuchman said anything east of Bunting Avenue must have DNREC approval.

Council Member Bortner said that they are still checking into the memorial flags placed at Town Hall. She said they would like feedback from the community.

7. **New Business**

Council Member Benn said that he has a committee member that would like to borrow Town equipment and he thought a policy should be developed.

Council Member Bortner reported that a resident reported to her the Town has a mosquito issue this season. Town Manager Schuchman said that the Town had been sprayed three times. In order to get DNREC to spray more, there must be complaints made to Town Hall.

MOTION to develop a policy to allow committee members working under committee function to use Town equipment under certain circumstances.

Moved by: Richard Benn

Seconded by: Natalie Magdeburger

MOTION passed 6-1 with Council Member Bortner dissenting.

8. **Upcoming Events and Meetings:**

- 8.1 August 31st- FI Bayside Flooding & Resiliency Information & Discussion @ 2:30pm

- 8.2 **September 4- Labor Day- Town Hall Closed**
- 8.3 **September 5- Residential Concerns @ 10am**
- 8.4 **September 7- Beach @ 10:15am**
- 8.5 **September 7- Planning Commission @ 1pm**
- 8.6 **September 12- Infrastructure @ 10am**
- 8.7 **September 12- Pedestrian Safety @ 1pm**
- 8.8 **September 21- Planning Commission @ 9am**
- 8.9 **September 22- Town Council @ 3pm**

9. Public Participation

*Council welcomes community input but in order to work within FOIA policies and Zoom technology, public wanting to comment on issues should do the following. **1)** Raise hand to be recognized by the Chair (Town Hall participants first and then virtual attendees); **2)** Provide name and address; **3)** Direct comments to items covered by the agenda; **4)** Limit comments to 5 minutes*

Vicki Carmean, 32 Ebb Tide Cove- Mrs. Carmean wanted to put an exclamation on committee sign-ups. She said committees were an integral part of the Council to function.

10. Executive Session

For preliminary discussion on site acquisitions for any publicly funded capital improvements; strategy sessions, including those involving legal advice or opinion for an attorney-at-law, with respect to collective bargaining or pending or potential litigation; discussion of the content of documents, excluded from the definition of "public record"; and personnel matters in which the names, competency and abilities of individual employees are discussed. Pursuant to 29 Del.C. § 10004(B)(2), (4), (6), & (9).

11. Adjournment

MOTION to adjourn at 4:38pm.

Moved by: Ed Bishop
Seconded by: Kurt Zanelotti

MOTION passed unanimously.

DRAFT