



## **The Town of Fenwick Island**

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### **REGULAR MEETING OF THE TOWN COUNCIL**

**Friday, February 23, 2024**

### **MEETING HELD VIA TELECONFERENCE**

### **MINUTES**

#### **In Attendance**

Town Council Members:

Mayor Magdeburger, Treasurer Rymer (via Zoom), Secretary Napolitano, Council Member Bishop (via Zoom), Council Member Bortner (via Zoom), Council Member Zanelotti (via Zoom)

Excused Absence: Council Member Benn

Staff in Attendance:

Police Chief Morrissey, Town Manager Schuchman, Building Official Locke, Finance Manager Gary, Town Clerk Ellinger, Administrative Assistant Dabbondanza.

Others in Attendance:

Along with the Town Council and Staff, there were an additional 6 on Zoom and 8 in-person participants.

#### **MOTION to proceed as discussed in Executive Session.**

*Moved by:* Jacque Napolitano

*Seconded by:* Bill Rymer

**MOTION passed unanimously.**

#### **1. President's Report - Mayor Magdeburger**

Mayor Magdeburger introduced Lori Dabbondanza as the new Town Manager beginning on April 8, 2024. Lori was the Senior Executive Assistant of a local government association in Pennsylvania for 27 years. Hiring Lori for this position was a unanimous decision by the Council. Mayor Magdeburger also stated that long time employee and current Town Manager, Pat Schuchman will be retiring on April 5, 2024, after 27 years with the town.

Mayor Magdeburger reported that Patrolman Clift started as a parking officer two years ago. He was the first responder to the accident at Southern Exposure. A car drove through the building trapping a woman under her car and Patrolman Clift saved her life. For his heroic actions, Patrolman Clift won the Joshua M. Freeman Police Officer of the year award today. She added that Chief Morrissey is bringing a new energy and commitment to the town. He has been working to get many grants for the Police Department and officers on the road.

#### **2. Approval of Minutes from January 26, 2023, Regular Town Council Meeting**

MOTION to approve the minutes from the January 26<sup>th</sup> Town Council meeting.

*Moved by:* Kurt Zanelotti

*Seconded by:* Bill Rymer

**MOTION passed unanimously.**

**3. For Discussion and Possible Action:**

**3.1 Residential Concerns Committee: Add new committee member Megan Staczek**

Mayor Magdeburger nominated Megan Staczek to join the Residential Concerns Committee.

Roll Call:

1. Treasurer Rymer – Votes in support of nomination
2. Council Member Zanelotti – Votes in support of nomination
3. Council Member Bishop – Votes in support of nomination
4. Council Member Bortner – Votes in support of nomination
5. Secretary Napolitano – Votes in support of nomination
6. Mayor Magdeburger – Votes in support of nomination

Result: Megan Staczek is now a member of the Residential Concerns Committee.

**3.2 Dredging Committee: Remove Committee Member George Murphy**

**MOTION** to remove George Murphy from the Dredging Committee at his request.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

**MOTION passed unanimously.**

**3.3 Review and approval of FY23 Audit Report**

Treasurer Rymer reported that the Town Council was provided draft versions of the Audited Financial Statements for the Fiscal Year ended July 31, 2023, as well as the Required Auditor’s Communications. Rymer mentioned that the auditors issued another “unmodified” opinion. Formerly known as “unqualified” or “clean” audit opinion and it expresses their highest level of confidence in the financial statements and that there were no issues of non-compliance, material misstatements or material weaknesses. Consistent with prior years, the auditor identified one significant deficiency which relates to the town’s inability to create and issue a full set of financial statements consistent with Generally Accepted Accounting Principles for governmental entities. The town continues to rely on the outside auditors to help create these detailed financial statements. This is a very common issue for equivalent-sized municipalities. Another item to note is that the auditors recommended improvements related to documentation and record retention specific to the town’s grant programs which have been

increasing over the last few years. Lastly, the auditors mentioned the continued increase in the town's overall liquidity and financial reserves which well exceed recommended levels for a municipality. The Audit Committee unanimously voted to approve these audited financial statements and auditor communications and recommended that the Town Council do the same.

**MOTION** to accept the FY23 audited financial statements and required auditor communications.

*Moved by:* Bill Rymer

*Seconded by:* Natalie Magdeburger

**MOTION passes unanimously.**

3.4 **Short-term solutions for nuisance flooding from Infrastructure Committee**

Rymer mentioned that Council Member/Infrastructure Committee Chair, Richard Benn, has requested to table this action item to allow more work to be done by the Infrastructure Committee and the Public Works team. This request may come back to the Town Council at a later time.

3.5 **Second Reading: Ordinance to adopt the Town of Fenwick Island Comprehensive Plan Update 2024**

Mayor Magdeburger reported the First Reading was on January 26, 2024, at the Regular Town Council Meeting. The Public Hearing was on February 22, 2024

**MOTION** to accept the ordinance adoption of the Comprehensive Plan Update 2024 for a second reading.

*Moved by:* Natalie Magdeburger

*Seconded by:* Jacque Napolitano

Roll Call:

1. Treasurer Rymer – Votes in favor
2. Council Member Zanelotti – Votes in favor
3. Council Member Bishop – Votes in favor
4. Council Member Bortner – Votes in favor
5. Secretary Napolitano – Votes in favor
6. Mayor Magdeburger – Votes in favor

**MOTION passes unanimously.**

4. **Treasurer's Report**

Treasurer Rymer reported the overall cash balance decreased by approximately \$90,000 during the month of January and was slightly above \$5.4 million as of January 31. This decrease was expected. Overall revenues and expenses for both the month of January and the first six months of this year are in line with expectations and the

annual budget. After a few months of no real estate transactions, RTT revenues were just below \$29,000 for the month of January. Year-to-date RTT revenues were \$307,000 which compares favorably to the annual budget of only \$225,000.

**MOTION** to accept the Treasurer's Report.

*Moved by:* Natalie Magdeburger

*Seconded by:* Kurt Zanelotti

**MOTION passed unanimously.**

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

**Audit-** Report was given earlier in the meeting.

**Beach-** Secretary Napolitano said the Fenwick Freeze was a success and \$3,300 was raised. She gave a special thanks to the Public Works Dept., town staff and the Beach Patrol for their help with the event. There will be a Fenwick Flicks event in June, July and August this year. The Town Bonfire will be on July 6<sup>th</sup>. There will be a DJ, T-shirt sales, silent auction and a 50/50 raffle. The committee is working with the Environmental Committee on the Earth Day Clean Up which will be Saturday, April 20<sup>th</sup>. The next Beach Committee Meeting will be on March 1<sup>st</sup> at 9:30 a.m.

**Budget & Finance-** Treasurer Rymer said a meeting will be held on March 18<sup>th</sup> to review year-to-date operating results and overall financial status of the town. The committee will also begin discussions regarding the FY25 Budget process.

**Building Review-** Mayor Magdeburger stated progress is being made at the old Dairy Queen site. The Surf Bagel is expected to be completed before summer.

**Business-** Council Member Zanelotti said at the January meeting, the committee reviewed the electronic sign issue, and it was sent to the C&O Committee. The Bike to Bridge Day will be June 1<sup>st</sup>. A Work Group was formed to work on this event. The next meeting will be March 14<sup>th</sup> at 9:00 a.m.

**C&O-** Mayor Magdeburger reported there was no meeting last month. The committee is working on the noise ordinance, electronic sign ordinance (monies were approved by Town Council to hire a consultant), and changing misdemeanors to fines. The next meeting will be in April.

**Dredging-** Treasurer Rymer said there is a Dredge Committee meeting this coming Monday. The committee will review the current draft of the entire RFP packets which support the upcoming public bid proposal and contractor selection process. This process will likely start within the next week or two. He hopes to receive the first round of bids by mid-April.

The committee is still trying to finalize one outstanding comment on the Land Access Agreement with the property owner.

In connection with the RFP efforts, the consultants updated their estimated dredging project cost estimate. The overall cost estimate has increased by approximately \$400,000. The two primary drivers to this increase are:

1. the need to pay state-based prevailing wage rates which is due to the \$1 million of state-provided grant funds. This impact is approximately \$230,000.
2. the placement of a rubber/synthetic liner underneath the dewatering location to protect the current soil from potential seepage of contaminants (if any exist) from the geobags containing the dredged materials. Helps minimize remediation efforts if any are needed.

In search of more funds, Rymer communicated with Representative Ron Gray who has been instrumental to the town being able to obtain \$1 million of state grants. Unfortunately, the state will not be able to provide more funds to Fenwick for this project. Rymer will reach out to Sussex County for possible funding support.

### **Emergency Mgmt.- No Report**

**Environmental-** Committee Member Susan Brennan reported on the following; Offshore Wind-Hocker and Gray have submitted a bill requiring that certain conditions be met by US Wind before permitting is granted by Delaware.

The bill they plan to introduce will require irrevocable pre-construction decommissioning bonds be posted, and that wind-farm developers commit to recycling or disposing of decommissioned turbine components in Maryland, to protect Delaware's tourist industry and coastal economy. Aircraft detection lighting systems would also need to be deployed for any offshore wind project with power transmission lines coming ashore in Delaware's Coastal Zone, as a condition of permit approval. The requirement would apply to the proposed onshoring of power cables at 3R's beach north of Bethany Beach and access to the Delaware Inland Bays.

**Beach Grass Planting** on the Fenwick Island beaches will take place from 9 am -12 pm on Saturday, March 16. Sign up on DNREC website.

**The Annual Earth Day Beach to Bay Cleanup** will take place on Saturday, April 20 beginning at 8:30 am at Town Hall. Refreshments, educational displays, appreciation giveaways, cleanup supplies and assignments will be provided.

**The Pollinator Garden** is taking shape at the north end of Bunting Avenue. Raised garden beds have been recently installed.

Next meeting of the Environmental Committee will be on Wed., March 13 at 9 am at Town Hall.

**Information Technology-** Mayor Magdeburger stated the town is working on updating the website. Testing for the new website will occur in the next several weeks. The committee is looking into a document management and scanning system.

**Infrastructure-** Council Member Bishop stated said the last meeting focused on the flooding issue and this has been the worst year yet, especially on N Schulz Rd. The

Public Works Dept. is looking to find a short-term solution while the Resiliency Work Group investigates long-term plans. Mayor Magdeburger said the next steps are getting an engineering firm to evaluate the situation. Bishop said there are three finalist firms they are looking at. They may work with two different firms that specialize in different areas. He said we won't know if we will be awarded the BRIC Grant until the fall.

**Planning Commission-** Commission Chair Susan Brennan thanked the Town Council for adopting the Comprehensive Plan Update. She will forward the ordinance to the governor for certification.

**Residential Concerns-** Council Member Bortner said the RCC has been advocating for residents on S. Schulz Rd. regarding street light solutions. A motion will be sent to Council for the Benches on Bunting initiative. The fallen hero's commemorative flags will be discussed on the town website, Facebook and the Message from the Mayor. Two committee members will work with the town to make the packet more informative. The Green Infrastructure Work Group is working on Earth Day and Arbor Day celebrations. The Dark Sky Work Group will meet to discuss the lighting ordinance. The next meeting will be March 4<sup>th</sup> at 10 a.m.

**Pedestrian Safety-** Council Member Bishop said the last meeting was February 6<sup>th</sup>. Chief Morrissey indicated we will be acquiring a speed trailer through the Community Transportation Fund. Crosswalks were discussed. The Rt. 1 and Bayard St. intersection, being the most dangerous with the U-turn sign often being ignored. There will be a meeting with DelDOT on Friday, March 8<sup>th</sup> to discuss Rt. 1 safety and adding a traffic light at Bayard St. Mayor Magdeburger added that Chief Morrissey has done a safety assessment of Rt. 1 which will show the Bayard St. issue. Solar panel flashing lights at crosswalks are also being considered.

**6. Old Business**

None

**7. New Business**

None

**8. Upcoming Events and Meetings:**

- 8.1 **Dredging Committee – February 26 @ 1:30 pm**
- 8.2 **Planning Commission (tentative) – February 29 @ 9:00 am**
- 8.3 **Beach Committee – March 1 @ 9:30 am**
- 8.4 **Residential Concerns Committee – March 4 @ 10:00 am**
- 8.5 **Business Committee – March 5 @ 9:00 am**
- 8.6 **Infrastructure Committee – March 12 @ 10:00 am**
- 8.7 **Pedestrian Safety Committee – March 12 @ 2:00 pm**

- 8.8 **Environmental Committee – March 13 @ 10:00 am**
- 8.9 **34<sup>th</sup> Annual Beach Grass Planting – March 16 @ 9:00 am**
- 8.10 **Budget & Finance Committee – March 18 @ 10:00 am**
- 8.11 **Town Council Executive Session – March 22 @ 1:00 pm**
- 8.12 **Regular Town Council Meeting – March 22 @ 3:00 pm**

**9. Public Participation**

None

**11. Adjournment**

**MOTION** to adjourn the meeting.

*Moved by:* Jacque Napolitano

*Seconded by:* Natalie Magdeburger

**MOTION passed unanimously.**