



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, April 26, 2024

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

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

Staff in Attendance:

Police Chief Morrissey, Town Manager Dabbondanza, Finance Manager Gary, Town Clerk Ellinger, Administrative Assistant Grab, Beach Patrol Captain Rykaczewski (via Zoom).

Others in Attendance:

Along with the Town Council and Staff, there were an additional 6 on Zoom and 11 in-person participants.

MOTION to proceed as discussed in Executive Session.

Moved by: Bill Rymer

Seconded by: Natalie Magdeburger

MOTION passed unanimously.

1. President's Report - Mayor Magdeburger

Mayor Magdeburger reported that Lynn Andrews has passed away. There was a moment of silence in her honor. Additionally, she discussed the offshore wind hearing being held by Senator Hocker and Representative Gray. The hearing will be held on May 1 at the Indian River High School. They are interested in hearing from supporters from both sides of the issues. Senator Hocker's bill would require a plan for decommissioning the wind mills as part of the agreement to install them. Mayor Magdeburger testified at that hearing at the request of Senator Hocker. Earlier this week, she offered public comment in opposition of HB 265. She was disappointed that her comments were cut off prematurely. Specifically, she wanted to make them aware of the Coastal Protection Act of 1971 which prohibits the industrialization of the coastline. She explained the details of the Act. We will continue to monitor this bill. Attendees were encouraged to keep an eye on that bill and sign up for public comment when you have a chance. Our biggest concerns with the installation of OSW is military safety, loss of property values, marine protection.

Additionally, she has been asked to serve on the DE Sea Grant Council. She will be attending her first advisory council meeting in the next few weeks. This will give Fenwick a seat at the table and learn first-hand the

Natalie Magdeburger swore in new police officer, Patrolman First Class, Emily Truitt. She also recognized Corporal Nate Hudson for his 5-year of service to the town.

2. Approval of Minutes from March 22, 2024, Regular Town Council Meeting

MOTION to approve the minutes from the March 22 Town Council meeting as amended.

Moved by: Kurt Zanelotti

Seconded by: Janice Bortner

MOTION passed by 6 votes with one abstained due to not being in attendance.

3. For Discussion and Possible Action:

3.1 Action Form – Chief Morrissey – Purchase of Life Rings for Police Vehicles

Chief Morrissey is proposing the purchase of 7 life rings for use by our officers or public works personnel given the proximity of our town to many water sources.

MOTION to approve \$600 expense for purchase of 7 life rings.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

MOTION passed unanimously.

3.2 Action Form – Chief Morrissey – Purchase of First Watch Inflatable PFDs for Police Officers

Chief Morrissey explained that our officer patrol is responsible for 1.5 miles of beach. He proposed the purchase of First Watch inflatable PFDs for our officers.

MOTION to approve up to \$1,700 for purchase of First Watch Inflatable PFDs

Moved by: Natalie Magdeburger

Seconded by: Janice Bortner

MOTION passed unanimously.

3.3 Lighting on S. Schulz Rd.

Mayor Magdeburger explained that there are two lights located at the end of S. Schulz Rd. that are not the typical lights that are throughout the rest of town. Delmarva Power replaced the lights and replaced the bulbs with LED lights. The town has been working with them to find a lighting solution that is acceptable to all the residents affected. The issues are the height, location, and brightness. Delmarva Power has

indicated that they are no longer going to offer any more options and indicated that the residents are welcome to come up with a private resolution to the issue. Having the agreement from all residents that are affected, the town will be requesting that Delmarva Power remove the light post once written agreement is received from all residents.

3.4 **DNREC ADA Ramp**

Mayor Magdeburger explained that the original ramp was built by the US Corp of Engineers. It is maintained by DNREC. Fenwick has no responsibility for the maintenance of the ramp. This ramp was the second attempt at installation of the ramp. The first ramp was covered by sand. Fenwick is committed to finding options to assist those with access needs. She discussed the Mobi-mats that the town maintains and have come to an agreement with DNREC. Additionally, we have purchased 3 beach wheelchairs that can be reserved. Our lifeguards are also available to offer rides over the dunes from the beach ends.

The Mobi-mats will be maintained year-round on at least one dune, likely Bayard St. We also offer designated handicap parking at 4 beach ends.

3.5 **Bayard St. Crosswalk - DeIDOT**

Mayor Magdeburger noted that we have focused on the safety of the crosswalks. We are limited on options for signage due to the width of the medians. This crosswalk is particularly busy due to its proximity to the Maryland border, Royal Farms, etc. DeIDOT recommended in 2020 that we place a no U-turn sign at the intersection. The no U-turn sign is being ignored. We continue to police the area but are not able to designate an officer to it 24-7. We met with DeIDOT earlier this month to share our concerns. They originally agreed to do the design work for the intersection, but the Town would be responsible for the cost of moving the crosswalk. We declined and feel that this is DeIDOT's road and should be done at their expense. We are awaiting a response from them with our concerns.

4. **Treasurer's Report**

Treasurer Rymer reported the overall cash balance decreased \$136,000 during the month of March with an ending balance of \$5.15 million at March 31. This decrease was expected. Overall revenues now exceed the full year revenue forecast. The town officially filed our final report related to the ARPA funds. Overall expenses remain in line with the annual budget. The town reported \$57,000 in RTT revenues for the month. Year-to-date RTT revenues are now \$364,000 and exceed the annual budget of \$225,000. Based on current housing inventory on the market, we do expect RTT revenues to continue to grow. The town remains in a very strong financial position.

MOTION to accept the Treasurer's Report.

Moved by: Natalie Magdeburger

Seconded by: Richard Benn

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- A meeting is scheduled for Monday to discuss the proposed three-year audit engagement contract.

Beach- Summer bonfire on July 6 from 7-10 p.m. An annual auction and 50/50 raffle will be held. Fenwick Flicks will be held in June, July, and August. Beach Captain reports that they are almost fully staffed. Next meeting is May 3.

Budget & Finance- A meeting is scheduled for May 20 to review a first draft of the Fiscal Year 2025 Budget. The department heads are working through the details of their respective expense forecasts.

Building Review- Surf Bagel will be going in at the former location of Dairy Queen.

Business- Discussing a bike event in June. Talked with the Beach Committee on getting the businesses involved in promotion of the event.

C&O- Waiting on materials from town solicitor on moving criminal penalties into civil penalties. Will be scheduling a meeting in May.

Dredging- The official public bid opening meeting was on Friday April 19. There was great interest in the project and received six formal bids. Going into the process, the committee was hoping for two or three which has been the norm for DNREC projects. The proposed bids ranged between \$2.27 million and \$3.4 million, which far exceeded the recent estimates for the project. There is a sense that the market has changed dramatically for these type projects based on the quantity of infrastructure projects being proposed in the region and around the country as well as the impact of the recovery efforts surrounding the Key Bridge collapse. There is a committee meeting on Tuesday afternoon to discuss next steps. The goal is to review the original scope of the project to identify potential cost savings and then rebid the project. The committee is also reviewing other options to obtain additional external funding. Bill Rymer expects the town will have to increase its commitment from the Reserve Funds or consider other revenue sources. The level of magnitude is unknown until we review all funding options and receive new bids. Bill said the council and the community are aware of this potential. It is imperative that the town achieve an affordable proposal so that we can complete this project this Fall.

Emergency Mgmt.- Chief Morrissey recently attended a FEMA class on Hurricane Awareness. He said we will be pushing out information in the near future and we will be making plans for emergency evacuation.

Environmental- Susan Brennan noted that the committee sponsored Earth Day on April 20. It was a great success, with about 60 participants. They had several

giveaways, representatives from Residential Concerns, Pollinator Garden, Dianna Harris from OC with a display on OSW.

Information Technology- Lisa Lange noted that staff received training on the new website a couple weeks ago. They are in the process of having

Infrastructure- The committee did not meet last month. Richard Benn gave a shout-out to Public Works for the hard work they have been putting in over the last few months. Next meeting will be on May 7 at 1 p.m.

Planning Commission- Susan Brennan noted that the plan is under review by the Governor. They met yesterday and reviewed the 6-month reports from committees. They will be discussing a community engagement activity following the passage of the Plan.

Residential Concerns- Janice Bortner recognized Lynn Andrews and her passion and love for Fenwick. She noted that they are looking to start up the Village-to-Village program again. Green Infrastructure and Dark Sky working group shared information at Earth Day. Janice thanked Deb Cowell for her work on establishing a tree canopy in Fenwick. Janice thanked Natalie, Chief, and Lori for their work with resolving the lighting issue on S. Schulz. She discussed the welcome packets. Stu Rubenstein is working on getting word out to the community on the Hometown Heroes banners. She discussed the issue of hanging wires from utility poles. They have been working on their Residential Concerns request forms. Natalie noted that residential complaints should come through town staff first. Natalie would like the form to go before Council for final approval before it being distributed to the public. Richard noted that he would like to have the forms submitted to staff or in the drop box outside Town Hall. It was noted that the email listed on the form should not be Janice's personal email address. The main project they are working on is an educational forum sometime in June or July for Dark Skies and Green Infrastructure. Ideally, Janice would like to expand the educational forum to include more town initiatives to draw more people in and get more interest. Natalie and other Council members agreed that they would not want to water down the two main topics. She would like to see a main focus on those two topics, specifically. Next meeting is on May 6 at 9 a.m. Regular meeting is scheduled for the first Monday of the month at 10 a.m. unless it is a holiday.

Pedestrian Safety- Ed Bishop noted the meeting with DelDOT last month. The median project is beginning next month. He also talked about a number of initiatives that Chief Morrissey is working on to highlight pedestrian safety.

6. Department Highlights

Police – Chief Morrissey reported that they work closely with the Office of Highway Safety. He shared that we have received some funding and materials to bring more information about Click It or Ticket and DUI enforcement. We are also pursuing funding for pedestrian safety signs. He noted that with the addition of Officer Truitt, they are at a full staff complement. Natalie discussed the Trilogy training that several of our officers have been receiving. Chief noted that we have a great working relationship with the surrounding communities. Bike patrol training was just completed

yesterday. More officers have been scheduled during peak hours. Traffic calming measures are a main focus for Fenwick. Traffic studies continue.

7. Old Business

None

8. New Business

Rt. 54 closure from 6 p.m. - 6 a.m. beginning at Tuesday, April 30 through May 1 for milling and repaving. Traffic will be directed down Dukes Rd. for 146th St. in Ocean City to access the Rt.

9. Upcoming Events and Meetings:

- 9.1 **Audit Committee – April 29 @ 10:30 am**
- 9.2 **Beach Committee – May 3 @ 9:30 am**
- 9.3 **Residential Concerns – May 6 @ 9:00 am**
- 9.4 **Dredging Committee – May 6 @ 11:00 am**
- 9.5 **Business Committee – May 7 @ 9:00 am**
- 9.6 **Infrastructure Committee – May 7 @ 1:00 pm**
- 9.7 **Environmental Committee – May 8 @ 9:00 am**
- 9.8 **Pedestrian Safety Committee – May 14 @ 2:00 pm**
- 9.9 **Planning Commission – May 16 @ 9:00 am**
- 9.10 **Budget & Finance Committee – May 20 @ 2:00 pm**
- 9.11 **Technology Committee – May 21 @ 10:00 am**
- 9.12 **Town Council Executive Session – May 24 @ 1:00 pm**
- 9.13 **Regular Town Council Meeting – May 24 @ 3:00 pm**

10. Public Participation

None

11. Adjournment

MOTION to adjourn the meeting at 4:51 pm

Moved by: Richard Benn

Seconded by: Ed Bishop

MOTION passed unanimously.

