



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, August 23, 2024

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

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

Staff in Attendance:

Police Chief Morrissey, Town Manager Dabbondanza, Finance Manager Gary, Town Clerk Ellinger, Administrative Assistant Grab, Beach Patrol Captain Rykaczewski

Others in Attendance:

Along with the Town Council and Staff, there were an additional 11 on Zoom and 9 in-person participants.

A MOTION to proceed as discussed in Executive Session.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

MOTION passed unanimously.

Call to order and flag salute at 3:00 pm

1. President's Report - Mayor Magdeburger

Mayor Magdeburger reported that the town's police officers successfully prevented an identity theft case related to a real estate transfer in Fenwick Island. The culprits used burner phones, making it difficult to trace them. This issue is becoming more common across Sussex County, with multiple real estate agents encountering similar fraud attempts. The town is actively raising awareness and recommending that residents sign up for a service offered by Sussex County that alerts them if someone tries to sell their property.

The Mayor also emphasized that this is expected to be a challenging storm season and urged everyone to register for the CodeRed Emergency Alert System, which can be accessed via the town's website.

Mayor Magdeburger announced that Fenwick Flicks will return next year and encouraged community members to submit suggestions for movie selections.

She also mentioned the importance of following the developments in Nantucket regarding the wind farms. A blade has broken and caused the beaches to close. It took

the windfarm company 2 days to notify Nantucket that debris was making its way to the shores and there is loss of revenue for businesses in the area.

As a reminder, tax bills have been sent out. If you haven't received yours, please contact Town Hall.

The Lifeguard Awards ceremony was well attended, and congratulations were given to the three winners. Special thanks were extended to Captain Ryk and Lieutenant Josh. The mayor read a heartfelt thank-you letter sent to the beach patrol from an 87 year old resident who was transported over the dunes, expressing gratitude for being able to access the beach, which would not have been possible otherwise.

Addressing a post on Next door about the town being "big brother," the mayor clarified that the cameras in town are used as traffic measurement tools. These devices help collect data on the number of vehicles passing through town and their speeds, enabling the town to identify any issues and strategically deploy officers for patrolling. They do not take pictures of anyone.

2. **Approval of Minutes from July 26, 2024, Regular Town Council Meeting**

A MOTION to approve the minutes from the July 26th Town Council meeting.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

MOTION passed with 6 in favor and 1 abstained.

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

3 a. **Opening of 2024 – 2025 Town committee requests**

Mayor Magdeburger stated the town committee forms can be found on the town's website and Facebook page. Everyone who applies will be placed. We are looking for engineers and tech savvy applicants. Meetings can be attended in person or via zoom.

3 b. **Pollution Insurance premium for dredging project**

Treasurer Rymer stated we have been working with the town's insurance broker to identify additional pollution insurance coverage related to the dredging project. The initial proposals were relatively inexpensive but there was a concern that those wouldn't be sufficient. We just received an updated proposal but that proposal costs \$95,000 as compared to the original proposal of \$27,000. This new option carries a deductible of \$250,000, which is also significantly higher than the original estimate. This new option provides greater long-term protection in case there are claims 5 years from now. Rymer performed a review of the original budgeted cost estimates which would have required a \$545,000 allocation from the RTT reserve funds. Rymer feels the total project will come in below that initial budgeted expense in the FY2025 and feels we can stay below that \$545,000 budgeted RTT transfer while affording this more expensive policy. The largest driver to the reduced financial needs of the project is the \$50,000 grant received from the State Bond Bill for the navigation aids. The town's legal counsel has not

completed a full review of the new proposal, but Rymer requested the Town Council to approve entering into this more expensive insurance policy if it meets our needs based on that legal review.

A MOTION to move forward with the purchase of the pollution insurance for the dredging project.

Moved by: Natalie Magdeburger

Seconded by: Janice Bortner

MOTION passed unanimously.

3 c. **Business Concerns Committee – Request to stop paid parking hours at 5 p.m.**

Council Member Zanelotti reported that Scott Mumford, the owner of Warren's Station, raised a concern about parking hours. He mentioned that parking enforcement used to end at 5:00 pm. and believes reverting to that schedule would better support local businesses.

A MOTION to change paid parking time to 5:00 pm.

Moved by: Kurt Zanelotti

Seconded by: None

MOTION failed to with no

second.

The mayor suggested that the committee explore alternative options to achieve their goals and return to the council with another proposal. Council Member Bortner inquired whether the Chamber of Commerce would be open to allowing parking.

3. d **Business Concerns Committee – Bike racks at businesses to be endorsed, possibly partially funded by the town**

Kurt Zanelotti suggested that installing bike racks at local businesses would make the town more bike-friendly and help reduce the number of cars on the road. He noted that shopping centers prefer not to have bikes leaning against storefront windows.

A MOTION for the town to partially fund bike racks at businesses.

Moved by: Kurt Zanelotti

Seconded by: Natalie Magdeburger

Discussion: Mayor Magdeburger said having bike racks available at businesses is part of our Comprehensive Plan. The Public Works Dept. can build them with one man hour and \$125 worth of materials each. Natalie said it would be nice for the town to put one at Surf Bagel to welcome them to the community. Council Member Bortner asked about liability issues/maintenance being on private property. Mayor Magdeburger said she doesn't feel there would be any liability to the town. Council Member Benn would be more comfortable with a cost

share rather than covering the whole cost. Treasurer Rymer suggested putting a cap on how many would be donated each year.

AMENDED MOTION to provide up to 10 bike racks per year, no more than one per business.

Moved by: Natalie Magdeburger

Seconded by: Susan Brennan

MOTION passed unanimously.

3. e **Planning Commission – Recommendation from Planning Commission for Town council to create booklet and host committee member training regarding Robert’s Rules of Order, FOIA responsibilities, attendance/quorum expectations, and matrix guidelines**

Council Member Brennan said the implementation of the Comprehensive Plan is almost at a full year. The Planning Commission felt it beneficial to acknowledge that the committees are the drives of implementing the plan. It’s important they understand Roberts’s Rule of Order, quorum expectations and FOIA regulations. The intent is to educate.

A MOTION that the council agree to allow the creation of a booklet for committee member training.

Moved by: Susan Brennan

Seconded by: Natalie Magdeburger

Discussion: Mayor Magdeburger said we have always provided training to council and committee members with our town solicitor available for FOIA training and she feels a booklet would be very useful. She would like the booklet to be reviewed and approved by the council before implementation.

AMENDED MOTION that the booklet will be reviewed/approved by council once created and before implementation.

Moved by: Susan Brennan

Seconded by: Natalie Magdeburger

MOTION passed unanimously.

3. f **DFIT 2024 – 2025 Worker’s Compensation Self Insured Program renewal proposal**

Town Manager Dabbondanza said this is a renewal proposal for DFIT including service increase for the councils review and discussion.

Mayor Magdeburger said we need the insurance and the increase is driven by inflationary factors.

A MOTION to accept the 2024 – 2025 DFIT worker’s compensation renewal.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

MOTION passed unanimously.

3 . g **Power outage/food spoilage claim**

Mayor Magdeburger said this is a claim from a resident that was concerned their electricity had been cut off due to the placement of a street sign done by the town staff. She said we went to Delmarva Power, and they didn't find there was any fault to the town. There was also flooding in our parking lot at the time which could have been a potential source. In the future, our staff will be calling Missed Utility before digging. To the best knowledge of the town only one home was affected. The homeowner is requesting \$100 to replace food spoilage. A release will be signed. The council wishes to be a good neighbor and take care of it although there is no fault to the town.

A MOTION to pay \$100 to the resident to cover the food spoilage cost along with a release denying liability by the town.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

MOTION passed unanimously.

3 . h **Request from Tandem Mobility re: bike share program along Delaware coast**

Tandem Mobility reached out to the town about a bike share program along the Delaware coast. They offer rentals of E-bikes or regular bikes and would need a specific bike rack. There would be an associated fee. Their goal is to run along the Delaware coast. This would not generate any money for the town. There is already a bike rental store right outside of the town limits. Council members agree this would not be a good fit for the town and will not pursue this any further.

3 . i **Authorization to retain Marzulla Law, LLC to represent the mayor and Town Council of Fenwick Island as Plaintiffs in legal action to vacate and set aside federal government's (various agencies) approval of the Maryland Offshore Wind Project**

A MOTION to engage Marzulla Law firm.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Discussion:

Mayor Magdeburger shared a presentation titled "Maryland Offshore Wind Project. Where we are today". [Maryland Offshore Wind Project](#)

The takeaway is we are about to engage in a project with adverse consequences including air quality, fish habitat, commercial fishing, sound emitting from both pile driving and turbines which adversely impacts marine life and creates loss of tourism revenue and safety concerns due to the wind turbines impeding radar and sonar. The BOEM environmental report details the adverse impacts and Mayor

Magdeburger recommends everyone look at the report. She referred to the Nantucket wind turbine breaking and making it dangerous for swimmers. It took US wind two days to notify Nantucket of the breakage. It's unknown if it was due to an engineering design or manufacturing defect. Debris continues to go into the environment. The effects on the food chain are also unknown. Media sources reported two more failed blades in England with the same type of blades. Kurt Zanelotti added that people are becoming more aware of what is happening. Due to the process the government used it was quietly done without a lot of public comment. Magdeburger said this will change the way we live and it is not green nor clean. Council members support Mayor Magdeburger in taking a stand on this issue. She will sign the letter of retention.

Roll Call:

Bill Rymer is in favor to support our community.

Jacque Napolitano is in favor for a multitude of reasons.

Jancie Bortner is in favor due to jobs that will be affected in the fishing industry.

Susan Brennan is in favor for the above reasons.

Richard Benn is in favor and feels no good will come to Fenwick Island from this.

Kurt Zanelotti is in favor noting that property values will take a hit.

Natalie Magdeburger in favor for the reasons above.

MOTION passed unanimously.

3 . j **BOEM impact statements re: offshore wind projects**

This topic was covered under the above agenda item.

4. Treasurer's Report

Treasurer Rymer reported that during the month of July, the Town's overall cash balance decreased \$194,000 to \$4.55 million. This decrease was anticipated. For the full fiscal year of 2024, the town's overall revenues exceeded the budget by \$296,000 or approximately 12%. In addition, overall expenses for the full year were only 95% of the budgeted expenses, which resulted in a savings of \$130,000. The combination of those two items means that

The town beat its bottom-line operating budget by \$426,000. Lastly, full year RTT revenues were \$659,000 as compared to a budget of \$225,000 (a \$434,000 excess). When you combine the \$426,000 operating improvement with the RTT revenue excess, the town exceeds its full year budget but approximately \$860,000. As of July 31, the town has more than \$3.4 million of reserves for general operations and future capital expenditures. This reserve level is approximately 15 months of operating expenses. The town also has \$934,000 available for the dredging project and expects to receive the \$800,000 Sussex County grant in the next two weeks. In summary, the town reported impressive financial operating results for fiscal year 2024 and is in an extremely strong financial position to start the new year.

A MOTION to accept the treasurers 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 - None

Beach – Council Member Napolitano reported last Friday was the last Fenwick Flicks movie night. Thank you to the lifeguards and Beach Committee members. This event will continue next year. Fenwick Freeze will be on January 1, 2025, with more details to come. Congratulations to Beach Patrol members for winning at the nationals USLA competition in Texas all four lifeguards we sent placed. Next meeting will be Friday, Sept. 6 at 9:30 am. Beach Patrol Captain Ryk reported on Stop the Bleed Program. 24 of our lifeguards received training along with 2 police officers and all became certified.

Budget & Finance – No report

Building Review- No Report

Business Concerns– Council Member Zanelotti said the next meeting will be September 3rd. Other topics were covered earlier in the meeting

C&O – Mayor Magdeburger reported the next meeting will be held after the Town Solicitor completes his work on the noise ordinance, changing criminal misdemeanors to civil fines. In addition, electronic sign issues will be discussed.

Dredging – Including the previously mentioned \$800,000 Sussex County grant, the town raised \$1.85 million of external funding for the dredging project. Just as important, after a longer than anticipated process, the town has now signed all major contracts related to the dredging project. The dredging contractor is in the process of ordering all necessary materials and developing a detailed timetable for the project. Initial plans are to work on the dewatering location in September with the goal of starting the actual dredging in early October. The project needs to be fully completed by December 31. Once we have a better understanding of the dredging timeline and how long it will take each channel to be dredged, we will communicate that information to the town residents and property owners via emails, Facebook page and our website. There will be disruptions to the boating community and impact to folks living along the boating channels. Those are unfortunate impacts related to completing this critical project.

Emergency Mgmt. – Chief Morrissey said the next meeting September 9th. Chief Morrissey met with DEMA, and they provided us with a new satellite phone free of charge for emergency communications. Magdeburger and Dabbondanza met with the Ocean City emergency management team who shared information and was willing to help CERT training.

Environmental – Council Member Brennan thanked the Town Council for their advocacy regarding offshore wind. A second symposium may be in the works. The Pollinator Garden project is a highlight on Bunting Ave. The Grand Opening is Saturday, August 31st from 4 - 6 pm. There will be music, refreshments, games for children and a giveaway of dried seeds. The official dedication will be at 5:00 pm. with a flower bed dedicated to former Town Manager Pat Schuchman. Mayor Magdeburger announced two parcels of land were being conveyed to the town to be used for a natural park (with restrictions).

Information Technology – Town Manager Dabbondanza gave an update on data file sampling that staff will be working on this in the coming weeks. The Police Clerk has worked extensively on a master excel residential/business information database, which will be discussed at the IT Committee next meeting.

Infrastructure – Council Member Brennan said this time last year, the first Resiliency Information and Discussion Session, and the committee felt it was important to update everyone from where we were last year and on next steps. There will be another session on Friday, August 30th from 3 - 4:30 pm. and will be available in person as well as on Zoom. We have contracted with Straughn, an engineering firm, who are doing a small comprehensive analysis of the town in preparation of hopefully receiving the BRIC Grant from the state. The next meeting will be on September 12th at 10 am. Brennan is hoping for engineers to join the committee.

Planning Commission - Council Member Brennan reported earlier in the meeting about the committee training. She requested that committee chairs fill out the questionnaires to submit to the state.

Residential Concerns – Council Member Bortner talked about the goals of the Green Infrastructure Working Group. Committee member Deb Cowell has teamed up with Delaware Urban Forestry. On September 11th will be an information meeting for residents at 1:00 pm and September 25th will be the site visits for those residents that signed up for recommendations of planting.

She also went over some of the goals of the Dark Sky Working Group.

The next meeting is on September 9th at 10:00 am.

Pedestrian Safety – A follow up letter was sent to DelDOT opposing their suggestions on the crosswalks saying the solution is to move the crosswalk. The committee is encouraging the use of the bike racks at the businesses. The next meeting will be in September.

6. Department Highlights

Beach Patrol – Captain Ryk thanked the council members who attended the lifeguard appreciation dinner. He also congratulated the lifeguards who participated in the USLA competition. He said staff has dwindled but there will be coverage for the next few weeks. He advised all swimmers to stay close to a guarded lifeguard stand.

Police Department – Chief Morrissey reviewed the fraudulent sales of property issue. He reported a \$40,000 grant has been secured from Sussex.

Town Manager – Town Manager Dabbondanza congratulated the Board of Elections for a job well done. She said tax letters have been sent out and voting for the primary election will take place at Town Hall on September 10th. Four FOIA requests were taken care of this past month. Next month staff will be working on records retention, updating forms to go online, updating the administrative manual, updating the master resident/business database. Coastal cleanup, hosted by DNREC, will be Sept 14th, signup available online.

Public Works – Mike Locke has collected quotes for the water colling station in the park. Public Works staff will be doing the installation.

7. Old Business

None

8. New Business

None

9. Upcoming Events and Meetings:

August 30	2nd Annual Resiliency Discussion Session	3:00 pm
August 31	Pollinator Park Grand Opening	4:00 pm
September 2	Town Hall Closed for Labor Day	All Day
September 3	Business Concerns Committee	9:00 am
September 6	Beach Committee	9:30 am
September 9	Residential Concerns Committee	10:00 am
September 9	Emergency Mgmt. Committee	1:00 pm
September 10	State of Delaware Primary Election	8:00 am
September 11	Environmental Committee	9:00 am
September 12	Planning Commission	9:00 am
September 12	Infrastructure Committee	10:00 am
September 12	Pedestrian Safety Committee	2:00 pm
September 17	Information Technology Committee	10:00 am
September 27	Town Council Executive Session	1:00 pm
September 27	Town Council Regular Meeting	3:00 pm

10. Public Participation

Resident Mark Tingle stated you can purchase the tri-fold Roberts Rules of Order on Amazon.

11. Adjournment

A MOTION to adjourn the meeting at 5:12 pm.

Moved by: Susan Brennan

Seconded by: Bill Rymer

MOTION passed unanimously.