



## **The Town of Fenwick Island**

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

**Friday, December 5, 2025**

**MEETING HELD VIA TELECONFERENCE**

**MINUTES**

#### **In Attendance**

Town Council Members:

Mayor Magdeburger, Council Member Brennan, Secretary Napolitano, Council Member Zanelotti (via Zoom), Council Member Wilder, Council Member Wilson (via Zoom), Council Member Rymer

#### **Staff in Attendance:**

Town Clerk Ellinger, Beach Patrol Captain Rykaczewski (via Zoom), Building Official Locke, Police Chief Morrissey, Finance Director Green, Administrative Assistant Grab

#### **Others in Attendance:**

Along with the Town Council and Staff, there were an additional 16 on Zoom and 7 in-person participants.

#### **Call to order and flag salute at 1:00 PM.**

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

Mayor Magdeburger advised that the ACLU had filed suit against the Town seeking to prevent legal entities from voting. The Complaint appeared to target business entities; however, there are a number of marital trusts that would also be disenfranchised if the ACLU suit is successful. Contrary to the ACLU assertions in the Complaint, Mayor Magdeburger clarified that the Town Charter provides that a voter who owns two or more parcels of real property is entitled to only one vote, regardless of the number of parcels owned. For example, if a business entity owns 20 parcels within Town limits, that entity is still limited to a single vote.

She further explained that any individual or entity subject to our ordinances—whether a business owner or not—has the right to one vote, ensuring they have a voice in Town matters. The Town intends to defend the Charter's provision allowing business entities to vote, and updates will be shared as the litigation progresses.

Mayor Magdeburger concluded with a positive note, inviting everyone to attend the Town's Christmas Tree Lighting event, which promises to be a fun and festive evening.

#### **2. Approval of Minutes**

**a. Motion: To approve the minutes of October 24, 2025, Regular Town Council Meeting.**

**Moved by: Natalie Mageburger**

**Seconded by: Lucy Wilder**

**Result: Motion passed, Bill Rymer abstained**

**b. Motion: To approve the minutes of October 24, 2025, Executive Session.**

**Moved by: Natalie Magdeburger**

**Seconded by: Lucy Wilder**

**Result: Motion passed unanimously.**

**3. Treasurer's Report – Bill Rymer**

**Motion: To accept the October 2025 Treasurer's Report.**

**Moved by: Natalie Magdeburger**

**Seconded by: Susan Brennan**

**Result: Motion passed unanimously.**

**4. Business & Residential Public Participation**

None

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

**a. Presentation for IQ Fiber to bring fiberoptic cable to Fenwick**

IQ Fiber representatives presented their proposal to bring fiber optic internet to Fenwick Island and requested access to the Town's right-of-way for installation. They explained that their service is 100% fiber, offering significantly faster and more reliable upload speeds compared to traditional cable, and they hope to complete installation before summer.

IQ Fiber noted they will have a local Delaware presence, with no installation fees and no contracts, and they provide whole-home Wi-Fi coverage with no charge for service calls through a U.S.-based support center. Installation will not require trenching; utilities will be marked in advance, and directional boring will be used to run underground lines. Hand boxes will be placed at a rate of approximately one per 5–7 residences. All properties will be restored to their original condition, with most work occurring within the Town right-of-way.

They estimated the project could be completed within a few weeks, depending on coordination with utility companies. IQ Fiber also

emphasized that 5G relies on fiber infrastructure and that no other fiber options are currently available in Fenwick. They reported that they already have franchise agreements with DeIDOT.

**Motion: To authorize to engage with town solicitor regarding contract and sign MOU.**

**Moved by: Natalie Magdeburger**

**Seconded by: Jacque Napolitano**

**Result: The motion was tabled pending additional information and will be brought back for a final vote at the January meeting.**

Council members will compile a list of questions, and revisions to the MOU will be completed in the meantime.

b. **Presentation from New Logic Marine Science Camp**

New Logic Marine Science Camp provided an overview of their program, describing it as a scientist-led, hands-on educational experience that has operated in Maryland and Delaware for the past ten years. They noted they have received numerous requests from Fenwick Island residents for a local program. The camp is held entirely outdoors, Monday through Friday from 9:00 AM to 2:00 PM, and offers an authentic field science experience with new lessons each year and many returning families.

Most team members are teachers who are CPR/First Aid certified and fully background checked. The program maintains a 5:1 camper-to-staff ratio, and participants receive college credit for completing the program. Three potential weeks of programming were proposed, with dates to be finalized. The Town Hall Park, along with other Town parks and open spaces, may be used as activity locations. All camps historically fill very quickly.

New Logic conducts a national criminal background check every two years, consistent with industry standards. They hold a Certificate of Insurance and will list the Town as an additional insured, resulting in no liability to the Town. The camp typically hosts a maximum of 24 campers, though enrollment may start smaller in the first season. As a drop-off program, parking demands are expected to be minimal; approximately 5–6 spaces may be needed for staff, who plan to carpool. The organization emphasized strong communication practices. Camp will continue during light rain, with regular updates provided to parents and the Town. Indoor space would be needed only in rare circumstances, and although Town Hall is small, the Town could accommodate campers if necessary. Fenwick Island children can be offered priority registration.

**Motion: To allow New Logic Marine Science Camp to set up camp in town on the weeks of 7/13, 7/27 & 8/10.**

**Moved by: Natalie Magdeburger**  
**Seconded by: Lucy Wilder**  
**Result: Motion passed unanimously.**

c. **Board Assignments**

Board of Adjustment Appointments (2026–2029)

Former Chair Marlene Quinn requested to be excused from any further service. Mayor Magdeburger thanked Marlene for her many years of service to the Town and promised to find her a spot on her committee of her choice if she wanted to “unretire.”

Mayor Magdeburger nominated Vicki Carmen to the Board of Adjustment for a three-year term, noting her 20 years of experience on Town Council and has a former Mayor.

Ginger Burris was also nominated for a new three-year term.

**Motion: To accept the above individuals to be placed on the Board of Adjustments.**

**Moved by: Natalie Magdeburger**

**Seconded by: Bill Rymer**

**Result: Motion passed unanimously.**

**Roll call:**

- Bill Rymer – Aye; expressed full support and thanked both individuals for their willingness to serve.
- Jacque Napolitano – Aye; fully supportive and also thanked both individuals.
- Mayor Natalie Magdeburger – Aye; thanked both nominees, noting their strong knowledge of the Town and stating they are an excellent fit.
- Susan Brennan – Aye; supported the nominations for the same reasons and additionally thanked Marlene Quinn for her years of service.
- Lucy Wilder – Aye; in favor and thanked both individuals, echoing prior comments.
- Kurt Zanelotti – Aye; in favor for the same reasons expressed.
- Colleen Wilson – Aye; in favor and expressed thanks for the same reasons.

All members of the Town Council thanked Marlene Quinn for her years of service to the Town.

d. **Discussion/vote to file appeal of SB159**

Mayor Magdeburger provided an overview of Senate Bill 159 (SB159), recently enacted by the Delaware Legislature, which overrides Sussex County's prior decision to deny a permit for a proposed substation in the Indian River Bay. She explained that Sussex County held a full public hearing, received extensive input from residents, and ultimately determined that issuing the permit was not appropriate. SB159 was subsequently introduced and adopted to reverse that local decision.

Mayor Magdeburger discussed the concept of home rule, emphasizing that municipalities and counties have traditionally been entrusted to make decisions in the best interest of their residents. She expressed concern that SB159 sets a dangerous precedent by allowing state legislators—who may not represent the affected community—to overturn local decisions. She noted that the law is retroactive and targeted specifically to benefit the wind farm companies involved. The Mayor stated that the Town has been asked to join legal action challenging the constitutionality and appropriateness of SB159, which is scheduled to take effect on January 31. She expressed hope that Sussex County and other counties would also participate, noting the broader implications for local authority.

**Motion: To authorize Mayor Magdeburger to work with attorney Jane Brady, who has offered to represent the Town pro bono, to prepare and file a legal challenge to SB159, pending review by the Town Solicitor.**

**Moved by: Natalie Magdeburger**

**Seconded by: Colleen Wilson.**

**Result: Motion passed unanimously.**

During Council discussion, members expressed strong support for defending home rule and opposing state overreach. Comments included:

- Sussex County has been very supportive of Fenwick Island on important issues, including dredging.
- Council believes the majority of Fenwick Island residents oppose the wind farm project.
- SB159 undermines local decision-making and creates a precedent with far-reaching consequences for all municipalities and counties.
- Council members who attended the Sussex County hearing noted that public sentiment was overwhelmingly against the permit and that expert testimony significantly shaped the discussion.

e. **Environmental Committee – Request for funding for the Faucett Okie Family Nature Preserve for purchase of wood stakes for a natural fence and property survey for the east side of the park**

A request was presented for funding related to the Faucett–Okie Family Nature Preserve, including reimbursement for the purchase of wood stakes used to install a natural fence (“dead hedge”) along the highway-side boundary of the property. The stakes, installed by the Public Works Department, totaled \$283.50 and have already been placed. It was noted that Paul Wilson has been assisting with the project by collecting limbs and brush and filling in the natural fence.

Additional funding is requested for a property survey due to an issue identified along the east side of the preserve. Councilmember Susan Brennan obtained cost estimates for the survey: \$975 to survey only the east side and \$1,500 to survey the entire lot.

Councilmember Wilson also highlighted the recent activity at the preserve and thanked Mike and the Public Works crew for installing the stakes. She explained that the work was initiated promptly to keep the project moving and shared that she had offered to personally cover the cost if necessary, though Council approval is now being sought.

**Motion: To approve the cost of \$283.50 for stakes in the Faucett Okie Family Nature Preserve.**

**Moved by: Colleen Wilson**

**Seconded by: Natalie Magdeburger**

**Result: Motion passed unanimously.**

Councilmember Colleen Wilson explained that the Town currently has only a rough understanding of the property boundaries at the Faucett Okie Family Nature Preserve, and the most significant concern is along the eastern side of the park. The adjacent homeowner has been using a portion of that area for trash can storage and a small path. Before requesting the homeowner to relocate anything, the Town would like to clearly establish the exact property line.

She thanked Councilmember Susan Brennan for contacting a surveyor previously used by the Town, who provided estimates to complete the work. The cost to survey only the eastern boundary between the preserve and 2 Bayard Street is \$975. The cost to survey the entire lot (two parcels) is \$1,500.

Councilmember Wilson noted that while the east side survey is necessary, she recommends completing the full survey for future reference.

**Motion: to approve the \$1,500 survey of the entire property.**

**Moved by: Colleen Wilson**  
**Seconded by: Natalie Magdeburger**  
**Result: Motion passed unanimously.**

**Discussion:**

Councilmembers noted that the price for surveying the entire lot is reasonable and will be valuable for future needs. The Town has received a grant for a pocket forest, and having an accurate survey will assist with planning and planting the trees funded through that grant.

- f. **DarkSky Committee – Request to endorse the sending of a thank you letter to Ruskin Hartley, CEO of DarkSky International**  
This was previously approved by the Mayor.
- g. **DarkSky Committee – Request to activate the Charter & Ordinance Committee to review the current lighting ordinance (Chapter 102), for modernization and improvements that are aligned with current lighting principles and science**  
**Motion: To refer the lighting ordinance to the Charter & Ordinance Committee to modernize it to DarkSky principals.**  
**Moved by: Natalie Magdeburger**  
**Seconded by: Bill Rymer**  
**Result: Motion passed unanimously**

**Discussion:**

It was noted that it would be helpful to compare the current lighting ordinance with the previous version, showing how updates could incorporate modern technology while maintaining consistency. It was emphasized that the Town is approximately 90–95% built out, meaning most properties would remain grandfathered under the existing ordinance. Because long-standing properties cannot be compelled to meet new standards—similar to how older homes are not required to retrofit to updated building codes—any revision must balance clarity and modernization without creating unfairly burdensome requirements for new owners.

As Chair of the Charter & Ordinance Committee, Mayor Magdeburger offered to collaborate with the DarkSky Committee on this effort, acknowledging that it will involve substantial work but is important for ensuring the ordinance is clear and practical. Another member added that the ordinance should be reviewed through a modern lens while still limiting excessive lighting, noting the importance of striking the right balance.

- h. **Bonfire Permit request from the Chamber of Commerce**  
The permit request is for a beach bonfire at James Street as part of the Fire & Ice event. The Chamber is requesting a police presence. Under the proposal, the Town would provide wood and crowd control, while

the Chamber would handle promotion and provide a portable toilet. Parking and trash arrangements are still to be determined. The proposed time is Friday, January 30, from 4:00–8:00 p.m. This would be a free event with no food or drink served, though s'mores may be offered. No formal programming is planned; the intent is simply to bring visitors into Town to support local businesses.

Jacque Napolitano noted that the Town's own bonfire typically draws around 500 attendees and is a major event and needs a lot of volunteers/staff for crowd control. She asked Emily Mais from the Bethany - Fenwick Chamber of Commerce how many would be expected to attend and Emily stated that she did not know but that she would gather more information and gauge community interest. The Chamber is coordinating with first responders for its other Fire & Ice activities and will confirm emergency management presence. Colleen Wilson suggested incorporating an additional attraction, such as a game or DJ, and Emily agreed to explore options. The Chamber carries liability insurance and can add the Town as an additional insured.

Mayor Magdeburger clarified that Public Works, lifeguards, Council, committee members, volunteers, and Police typically support the annual Town bonfire (40-50 people) and we would not have those available to us at this late date; however, the Town cannot take on employee overtime for this event. The Mayor expressed concerns regarding safety and liability, given that there has been crowd control problems in both Bethany and Ocean City for events.

Bill Rymer was also concerned about the late date of the request and suggested that interest and feedback be collected to determine whether a bonfire could be incorporated in 2027. Council members agreed that more information is needed and noted ongoing safety concerns.

The matter was tabled, with the understanding that a more focused discussion and plan for 2027 will be developed.

The Mayor also requested after-hours access to the Chamber's parking lot for Town business employees. It was noted that DNREC has concerns about safely accessing the site due to the lack of a sidewalk in that area.

i. **Zoom update with Straughan Environmental**

The Infrastructure Committee has been working with Straughan Environmental, which is providing engineering support on the Town's resiliency issues. Representatives Larry Trout (Project Manager), Shelly DeMoss (Project Engineer), and Rebecca Adamo attended and presented an update on the multi-task resiliency study, including drainage and hydrology analysis, storm wave and sea level rise assessments, identification of 21 focus areas, and a toolkit of potential

mitigation measures (such as bioretention, bioswales, shallow infiltration practices, dune/levee concepts with HESCO barriers, and selective roadway crown raising). They also outlined a draft multi-criteria prioritization framework that will be used to rank focus areas based on vulnerability, feasibility, and implementation factors. Straughan will attend the upcoming Infrastructure Committee meeting on Tuesday at 10:00 a.m. to continue working interactively with the committee and refine project priorities. Council discussion included a suggestion to hold a publicly advertised resiliency “symposium” or workshop, tentatively in March, to share this information more broadly with residents via an off-season, Zoom-accessible session. Straughan indicated that a March date is realistic, with details to be finalized after further committee discussion. Council members thanked the team for their work and the thorough presentation.

- j. **Winter Jamming by the Sea at Fenwick Island – February 20, 2026**  
The Mayor reported that the *Jamming by the Sea* band has offered to hold a no-cost jam session at Fenwick Island Town Hall, purely for the enjoyment of playing music.

## 6. **Committee Reports - Audit, Beach, Budget & Finance, C&O, Dark Sky, Environmental, Infrastructure, Planning Commission**

### **Audit – Bill Rymer**

### **Beach – Jacque Napolitano**

The Fenwick Freeze will be held on January 2 on Bayard Street. Registration will take place from 9:00–10:00 AM and the plunge will begin at 10:30 AM. Participants must sign a waiver. The event will include hot chocolate, a bonfire, and commemorative t-shirts available for purchase for \$25, with all proceeds supporting the Fenwick Island Beach Patrol.

Fenwick Flicks will return this summer with children’s movies on June 19, July 17, and August 14, and a Classic Movie Night on August 21. Movie titles will be announced in the new year.

The summer bonfire event has been rescheduled to July 18, with a rain date of July 19, from 7:00–10:00 PM on Bayard Street.

Next Meeting: January 2 at 9:30 AM.

### **Budget & Finance – Bill Rymer**

No update

### **C&O – Natalie Magdeburger**

The charter change issue related to voting was tabled pending the results of the survey. The committee is also reviewing the possibility of allowing parking on unimproved lots along the Route 1 corridor. The next meeting is scheduled for December 19 at 1:30 PM, and a vote on the proposal will likely be forwarded to Council for consideration in January. The committee will also begin a long-term project focused on updating the lighting ordinance.

### **Dark Sky – Rosey Mary Hoy**

The committee was invited to attend the ribbon-cutting ceremony at Channel Pointe, located across the bay from Fenwick. It was noted that the community’s lighting is fully DarkSky compliant. The committee is working with Mike Locke to develop a brochure for contractors and property owners to help explain the ordinance and DarkSky standards. A home outdoor lighting self-assessment tool is also available for residents to evaluate their own lighting.

Rose Mary reported on the DarkSky International annual symposium, which she attended. Topics included the role of indoor lighting in responsible outdoor lighting practices (the “close the curtains” concept) and emerging concerns related to new LED vehicle headlights.

### **Environmental – Colleen Wilson**

There has been significant progress at Faucett Okie Park. The stakes for the dead hedge natural fence have been installed and are gradually being filled with discarded branches and bamboo. The committee completed the Pocket Forest grant training with the Center for the Inland Bays, and the order for 65 stems, including trees, has been submitted. Earth Day is being considered as a potential planting day for these stems.

Most invasive plants and trees—other than the remaining bamboo—have been removed. Several Bradford pear trees, identified as invasive, have also been taken out, with only a few larger ones still needing further discussion.

Colleen expressed appreciation to Mike Locke, Public Works, and Paul Wilson for their extensive work in the preserve, noting the significant improvements made.

The next meeting will be held on January 14 at 9:00 AM, when the committee will review the winter–spring timeline, including beach grass planting, Earth Day activities, upgrades to the Pollinator Park and Faucett Okie Park, and sidewalk plantings.

### **Infrastructure – Susan Brennan**

The Infrastructure Committee will meet on December 9 at 10:00 AM. In addition to ongoing work with Straughan, there are continuing efforts related to the Town’s 10-year street maintenance program. Mike Locke and the Susan Brennan are working with Mott MacDonald to identify which streets should be considered for maintenance in the spring.

## **Planning Commission – Susan Brennan**

The next meeting is January 8 at 9:00 AM.

### **7. Department Highlights**

#### **Public Works – Mike Locke**

The monthly reports are included in the packet. Artesian Water located three breaks, all occurring in the service lines from the main to individual homes. They expect repairs to be completed by approximately 5:30 PM. About 30 homes were affected.

#### **Police Department – Michael Morrissey**

The department was invited to Arlington National Cemetery for the wreath-laying ceremony at the Tomb of the Unknown Soldier, which was a significant honor.

#### **Administration – Erin Ellinger**

The Administrative team has been working diligently. A major accomplishment this month was the completion and distribution of business license renewal letters in November. Kathy led much of the work on finalizing the online forms, which has been a significant effort, and we have already received positive feedback on how well the forms are functioning.

Election forms have also been updated and posted. Rental tax rate notices were mailed to hotels and motels, and letters are being sent to short-term rental owners to inform them of the updated rates.

Tonight is the Holiday Tree Lighting at 5:30 PM. Public Works is monitoring the weather, and a decision will be made around 4:30 PM regarding whether the event will be held outdoors or moved inside; the event will proceed in some form regardless of weather.

#### **Beach Patrol – John Rykaczewski**

The Beach Patrol continues recruitment efforts in preparation for next summer and is looking forward to the upcoming season. They will also be present at the Fenwick Freeze and are looking forward to participating in that event.

### **8. Old Business**

None

### **9. New Business**

Colleen Wilson announced that Councilmember Susan Brennan received the McAuley Outstanding Alumni Award from Mercy High School. The award honors alumni who exemplify the values, spirit, and integrity taught by the Sisters of Mercy, reflecting the

legacy of their founder, Catherine McAuley. Council expressed pride in Susan's achievement and offered congratulations on this well-deserved recognition.

A correction was noted regarding the Fenwick Freeze information listed on the agenda. Sign-ups for the event are from 9:00–10:00 AM, and the ocean dive at 10:30 AM on January 1st.

**10. Upcoming Events and Meetings:**

December 5	Town Council Executive Session	11:00 AM
December 5	Town Council Regular Meeting	1:00 PM
December 5	Winter Holiday Tree Lighting Ceremony	5:30 PM
December 9	Infrastructure Committee Meeting	10:00 AM
December 24	Town Hall Closed	ALL DAY
December 25	Town Hall Closed	ALL DAY
December 26	Town Hall Closed	ALL DAY
December 31	Town Hall Closed	ALL DAY
January 1	Town Hall Closed	ALL DAY
January 1	Fenwick Freeze	10:00 AM
January 2	Beach Committee Meeting	9:30 AM
January 8	Planning Commission Meeting	9:00 AM
January 9	Law Enforcement Appreciation Day	ALL DAY
January 13	Infrastructure Committee Meeting	10:00 AM
January 14	Environmental Committee Meeting	9:00 AM
January 19	Town Hall Closed Martin Luther King Day	ALL DAY
January 23	Town Council Executive Session	11:00 AM
January 23	Town Council Regular Meeting	1:00 PM

**11. Adjournment**

**Motion: To adjourn the meeting at 3:56**

**Moved by: Lucy**

**Seconded by: Colleen**

**Result: Motion passed unanimously.**