



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, May 22, 2026

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Councilmember Brennan, Council Secretary Napolitano, Councilmember Zanelotti, Councilmember Wilder, Councilmember Wilson, Council Treasurer Rymer

Staff in Attendance:

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

Others in Attendance:

Along with the Town Council and Staff, there were an additional 4 on Zoom and 4 in-person participants.

Motion: To proceed as discussed in Executive Session.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

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

1. President's Report - Mayor Magdeburger

Mayor Magdeburger reported that, due to forecasted inclement weather, the Town's Memorial Day Ceremony was relocated from Town Park to St. Matthew's by-the-Sea United Methodist Church. The Mayor thanked Reverend Jake for graciously offering the church as an alternate location on short notice. She noted that the ceremony would include participation from the Philip C. Showell Elementary School chorus and band, members of the Delmarva Leathernecks, the Town's Barefoot Gardeners group, and honored guest speaker Colonel Sabrina Hecht, USMC (Ret.). Reverend Jake would also provide the opening and closing prayers. Mayor Magdeburger encouraged everyone to attend the ceremony to honor Memorial Day and those who have served the country. The ceremony was scheduled to begin at 5:30 p.m.

Mayor Magdeburger provided an update regarding the recent Delaware Supreme Court hearing on Senate Bill 159 (SB159). She stated that oral arguments were heard on Wednesday and no ruling had yet been issued. She summarized the Town's legal position, explaining that while the State Legislature holds ultimate zoning authority, once that authority has been delegated and a decision rendered at the county level, the

Legislature should not retroactively overturn that decision. She noted that the Town's legal counsel presented arguments addressing concerns related to separation of powers and the Legislature acting in both legislative and quasi-judicial capacities.

Mayor Magdeburger further reported that the Town remains involved in additional legal actions at the state and federal levels related to the offshore wind project and associated permits. These include challenges to permits issued for 3Rs Beach and permits concerning wetlands crossings and jet plowing through the Indian River Bay. She stated that the Town would continue pursuing these matters alongside Ocean City and other parties involved.

Mayor Magdeburger announced that Patrolman First Class Robert Quirk had officially joined the Fenwick Island Police Department and was sworn in earlier that day. She shared that Patrolman Quirk previously served with the Maryland State Police and had experience with both Laurel and Ocean City. She welcomed him to the Fenwick Island community and encouraged residents and staff to greet him when seen around Town.

In closing, Mayor Magdeburger welcomed everyone back for the beginning of the summer season and noted the increased activity and visitors returning to the area.

2. Approval of Minutes

a. Motion: To approve the minutes of April 24, 2026, Regular Town Council Meeting.

Moved by: Bill Rymer

Seconded by: Susan Brennan

Result: Motion passed unanimously.

b. Motion: To approve the minutes of April 24, 2026, Executive Session.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

c. Motion: To approve the minutes of May 15, 2026, Surf Bagel Temporary Overflow Parking Lot Public Meeting

Moved by: Bill Rymer

Seconded by: Colleen Wilson

Result: Motion amended.

d. Motion: To approve the minutes of May 15, 2026, Surf Bagel Temporary Overflow Parking Lot Public Meeting with modifications.

Moved by: Colleen Wilson

Seconded by: Bill Rymer

Result: Motion passed unanimously.

3. Treasurer's Report – Bill Rymer

Council Treasurer Rymer reported as of April 30, the town's overall cash balance was \$3.98 million, which was a decrease of \$120,000 from March 31. Payroll expenses will increase in late May as the town brings on the summer lifeguards. Through April 30, overall revenues and expenses are in-line with expectations with the exception of higher than anticipated legal expenses due to the recent ACLU litigation. RTT revenues for April were about \$58,000, which is a nice rebound from the slow winter months.

YTD RTT revenues are now \$323,000 or 92% of the annual budget. Based on current market information and the fact that there are still three months left in the fiscal year, the town is very likely to exceed the annual budget of \$350,000. The town remains on target with its forecasted cashflows.

Motion: To accept the April 2026 Treasurer's Report.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

4. Business & Residential Public Participation

None

5. For Discussion and Possible Action:

a. Action Form 2026-003 – ArcGIS mapping program subscription

Councilmember Brennan stated that the ArcGIS subscription would provide improved data and mapping capabilities for both the Committee and the Town. She noted that the annual cost of the subscription is \$950. Mayor Magdeburger stated that the Town needs this resource and believes it is money well spent.

Motion: To approve the annual ArcGIS subscription at a cost of \$950 per year.

Moved by: Susan Brennan

Seconded by: Bill Rymer

Result: Motion passed unanimously.

b. Action Form 2026-004 – Infrastructure Committee Community Engagement Supplies

Councilmember Brennan reported that the Committee will be hosting two public forums this summer focused on bayside resiliency planning and strategies. She explained that the requested engagement supplies funding would be used for expenses associated with the upcoming event, including printing, posters, and refreshments. Mayor

Magdeburger stated that resiliency planning is one of the most important issues facing the Town.

Motion: To authorize the expenditures for engagement supplies associated with the Bayside resiliency planning forums.

Moved by: Natalie Magdeburger

Seconded by: Susan Brennan

Result: Motion passed unanimously.

c. **Board of Election appointments**

Mayor Magdeburger nominated Ben Waide, Geri Verlaque, Lisa Benn, Stuart Rubenstein, and Liz Lear to serve on the Board of Elections. The Mayor noted that all nominees had agreed to serve.

Roll Call Vote:

Councilmember Rymer voted yes, stating that he fully supports the proposed slate and noted that the individuals have experience and that past elections have run smoothly.

Councilmember Wilder voted yes and expressed appreciation for the volunteers willing to serve.

Councilmember Napolitano voted yes, welcomed the nominees, and thanked them for volunteering.

Mayor Magdeburger voted yes, stating that the nominees are familiar with the Town and the election process.

Councilmember Brennan voted yes and noted that, having previously served on the Board of Elections herself, she appreciates the commitment involved.

Councilmember Wilson voted yes and expressed appreciation and thanks to the volunteers.

Councilmember Zanelotti voted yes for the reasons previously stated by the Council.

Motion: To confirm the Mayor's nominations of the proposed Board of Elections appointments.

Moved by: Lucy Wilder

Seconded by: Jacque Napolitano

Result: Motion passed unanimously, per Roll Call vote above.

d. **Review and consider approval of new three-year contract for trash collection services**

Councilmember Rymer stated that the Town went through the formal Request for Proposal (RFP) process for trash and recycling services, led by Jerry Green. He noted that Casella was the only bidder to submit a proposal with what he considered a reasonable rate increase, consisting of a 2% increase in the first year and a 3% increase in the following year.

Councilmember Napolitano expressed concern regarding safety issues associated with trash trucks backing down Town streets. Mayor Magdeburger responded that the Town maintains a good working relationship with Casella and noted that administrative staff could schedule a meeting with the company to further discuss the concern. The Mayor also stated that Casella provides physical/manual pickup services that other providers may not offer.

Motion: To approve the Casella Waste Systems service agreement and associated fee increases for the next three years.

Moved by: Bill Rymer

Seconded by: Colleen Wilson

Result: Motion passed unanimously.

e. **Review and possible approval of a new lifeguard services agreement with the state for the unincorporated beaches beginning in fiscal year 2027**

Councilmember Rymer reported that the Town had recently received the proposed agreement from Sussex County regarding lifeguard coverage for the unincorporated beaches. He stated that the County had verbally agreed to continue funding coverage for guards assigned to the unincorporated beach areas under the supervision of Captain Ryk.

Councilmember Rymer further explained that the County agreed to a three-year contract that includes the approved lifeguard salary increases. He reviewed the wage adjustments and the offset structure related to guard salaries. He noted that the Town previously entered into an agreement with the County under which Fenwick Island lifeguards would patrol and guard the unincorporated beach areas.

Mayor Magdeburger stated that she would like the Town to request that Sussex County provide and maintain trash receptacles on the unincorporated beaches, noting that the Town has received numerous complaints regarding trash accumulation in those areas. She added that the County should ensure that trash cans are properly placed and serviced regularly.

The agreement would apply to the 2027 beach season.

Motion: To approve the contract parameters as outlined by Councilmember Rymer, contingent upon review and approval by the Town Solicitor.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Result: Motion passed unanimously.

f. **Removal of Cindy Kerns from the DarkSky and Environmental Committees**

Motion: To remove Cindy Kerns from the DarkSky and Environmental Committees.

Moved by: Natalie Magdeburger

Seconded by: Lucy Wilder

Result: Motion passed unanimously.

g. **Ticketing system discussion**

Chief Morrissey explained that the proposed parking enforcement system would improve the Town's ability to collect outstanding fines and streamline the ticketing process. He stated that the system automatically reads license plates, prints parking tickets on-site, and produces higher-quality tickets that are more durable and less likely to be damaged by rain compared to the Town's current tickets.

Chief Morrissey recommended moving forward with the Butts system based on its pricing and capabilities. He reported that the initial cost for the system is \$3,734.39, with a monthly subscription fee of \$250 for one unit during the active season. He noted that the annual cost would be approximately \$1,400 when operating a single unit seasonally, as the subscription can be paused during the off-season when the system is not in use.

Chief Morrissey stated that the system would primarily be used by the Town's Parking Enforcement Officer and would interface directly with ParkMobile. He explained that the system provides notifications for vehicles with outstanding parking fines, helping to prevent unpaid violations from being overlooked. He also noted that tickets issued through the system would be paid online rather than in person at Town Hall, with processing fees paid by the end user.

Additionally, Chief Morrissey advised that the Town's police vehicles are now equipped with new Axon camera systems capable of alerting officers to vehicles associated with unpaid parking tickets. He also noted that the vendor offers collection services for unpaid fines in exchange for a percentage of recovered funds.

Chief Morrissey stated that the Department is still actively seeking to hire a second seasonal Parking Enforcement Officer.

Council Treasurer Rymer noted that the Town typically budgets approximately \$20,000 to \$30,000 annually in anticipated parking ticket revenue. He stated that actual collections over the past two years have been lower than projected due to a variety of factors.

Motion: To authorize the purchase of the parking enforcement system as outlined by Chief Morrissey.

Moved by: Natalie Magdeburger

Seconded by: Lucy Wilder

Result: Motion passed unanimously

h. Town notification system update

Councilmember Wilder reported the Town previously terminated its CodeRED emergency notification contract and began evaluating replacement communication platforms. She said that she worked with Town Clerk Erin Ellinger to identify a new solution that would both automate distribution of the “Message from the Mayor” and improve the Town’s ability to send emergency, weather, and event notifications to the community. A second goal was to provide residents with an easier method to opt into the notification system.

Three systems were evaluated, including Regroup, Constant Contact, and Bryx. Regroup was determined to be more costly and more complicated than necessary for the Town’s needs, while Constant Contact offered fewer capabilities at an annual cost of approximately \$1,300. The recommended platform, Bryx, was quoted at approximately \$500 annually and was determined to best meet the Town’s communication goals.

Wilder explained that Bryx provides all of the emergency notification features previously available through CodeRED while also supporting distribution of the “Message from the Mayor.” She noted that the company is based in Rochester and has extensive experience in crisis and emergency notification systems. During the demonstration, the Town reviewed features including voice, email, and push notifications, a free mobile application, and the ability to mass import contact data into the system.

The platform also supports reusable newsletter templates, which would simplify preparation and distribution of the “Message from the Mayor.” Notifications could be distributed as hyperlinks or PDF attachments, and recipient email addresses would remain private as messages are delivered directly to individual users. Bryx also provides 24/7 support by both email and phone.

Wilder noted that increasing community participation and enrollment in the notification system is a priority, as one of the major drawbacks of CodeRED was the low number of resident enrollments due to the voluntary sign-up process. To improve participation, she proposed

including a communication system opt-in form with the Town's Declaration of Property mailing distributed with tax bills on August 1. The form would include an opt-in checkbox and a description explaining that the system would be used for emergency notifications and the "Message from the Mayor," along with space for residents to provide their contact information.

It was also discussed that Quickbase could be utilized to allow residents to complete the form electronically online, which is expected to significantly increase participation and expand the Town's communication reach. Mayor Magdeburger added that she already maintains a distribution list from the existing "Message from the Mayor" and that the contacts could be imported into the new system.

Motion: To move forward with the Bryx communication platform, contingent upon successful contract negotiations. Councilmember Wilder and Mayor Magdeburger were authorized to work with legal counsel during the negotiation process.

Moved by: Natalie Magdeburger

Seconded by: Lucy Wilder

Result: Motion passed unanimously.

Motion: To add an opt-in provision for the Town's communication and emergency notification system to the Declaration of Property form.

Moved by: Lucy Wilder

Seconded by: Natalie Magdeburger

Result: Motion passed unanimously.

i. **Transportation logistics for Beach and Bay Cottage Tour – July 22 & 23**

Councilmember Wilson reported that the Beach and Bay Cottage Tour is scheduled for July 22–23. She noted that last year's event raised approximately \$106,000 for the South Coastal Library. Three cottages located in Fenwick Island will be featured on this year's tour.

Councilmember Wilson further stated that three buses will operate from St. Matthew's by-the-Sea United Methodist Church for transportation during the event, although the final bus route has not yet been established.

Motion: To approve a Special Event Permit to allow parking and operation of the shuttle bus service for the Beach and Bay Cottage Tour.

Moved by: Natalie Magdeburger

Seconded by: Colleen Wilson

Result: Motion passed unanimously.

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

Audit – Bill Rymer

None

Beach – Kurt Zanelotti

Fenwick Flicks: “Finding Dory” will be shown on the beach on June 19, with beach games hosted by the lifeguards beginning at 8:00 p.m. He also noted that the annual Bonfire event is scheduled for July 18.

Councilmember Zanelotti stated that volunteers are needed on July 13 at 9:00 a.m. to assist with assembling silent auction baskets and encouraged donations of additional baskets for the event.

Additional movie nights scheduled for the summer include “Happy Feet” on July 17, “Minions” on August 14, and “Casablanca” on August 21.

Budget & Finance – Bill Rymer

Council Treasurer Rymer reported that the Committee met the previous Tuesday to review a first draft of the annual budget. He stated that several expense categories are still being finalized, but much of the discussion focused on potential revenue adjustments.

Rymer explained that the Committee reviewed various fees, including business license fees, rental tax rates, and parking rates, and compared them to surrounding beach communities. He noted that there may be one or two areas where rates could potentially be increased to bring them in line with neighboring towns, including rental tax rates for long-term leases.

He stated that the most significant discussion centered around property taxes. Rymer noted that the Town has not increased property taxes in approximately 23 years and that the topic has been discussed by multiple Town Councils over the years. He explained that strong real estate markets and new home construction have allowed the Town to delay increases by utilizing financial reserves to offset rising salaries, health insurance costs, and general inflation.

While no final decisions have been made by the Committee, Rymer stated that he anticipates a proposed property tax increase may be included in the formal budget presented to the Council for consideration. He also noted that neighboring beach towns have experienced significant tax increases over the past two decades, while Fenwick Island has largely avoided increases during that same period.

The next Budget & Finance Committee meeting is expected to take place in the coming weeks, with the goal of presenting a formal budget recommendation to Town Council at the June 26 meeting. Once finalized, the meeting date and participation information will be posted on the Town's website.

C&O – Natalie Magdeburger

The Committee is currently awaiting recommendations from the Dark Sky and Infrastructure Committees before scheduling its next meeting.

Dark Sky – Rose Mary Hoy

On May 9, the Committee participated in the Pollinator and Native Plant Festival in Rehoboth Beach, where members shared Dark Sky best practices and provided public education on responsible lighting. It was reported that the Committee's table received significant interest and attention from attendees.

The Committee is also continuing work on revisions to the Town's lighting ordinance. Once edits are completed, the draft will first be shared with Mayor Magdeburger and then forwarded to the Charter & Ordinance Committee for review.

Additionally, the Committee is developing community outreach resources, including a Facebook page, in coordination with Kathy Grab.

Environmental – Colleen Wilson

Councilmember Wilson reported that the Faucett Okie Family Nature Preserve officially opened on May 16 with a successful event and strong community turnout, although Mr. Okie was unable to attend. She stated that the new sign installed at the preserve is beautiful and expressed appreciation to Mike Locke and the Public Works Department for their assistance with the project. Residents were encouraged to visit the preserve.

Councilmember Wilson also announced that the 3rd Annual Summer Soirée will be held on June 20 from 4:00 p.m. to 6:00 p.m. at Pollinator Park. She further noted that the Committee will take a break from meetings during the summer months and plans to resume meetings in August.

Mayor Magdeburger thanked Councilmembers Wilson and Brennan, as well as Paul Wilson, for their hard work and dedication, stating that they have turned visions into reality and created meaningful natural spaces for the community to enjoy. She also recognized the valuable partnership with the Barefoot Gardeners. It was noted that the Barefoot Gardeners may also be planning a "Storytime in the Park" event, with additional details to be announced at a later date.

Infrastructure – Susan Brennan

Councilmember Brennan reported that the Committee has been working with Straughan Environmental, which was contracted last year to assist the Town with development of a flood mitigation plan that is currently in progress. She noted that this will be the fourth year of resiliency-related planning efforts, with two public engagement events scheduled as part of the ongoing process.

Councilmember Brennan stated that the first public forum is scheduled for Friday, May 29 at 1:00 p.m. and will be available both in person and via Zoom. A second forum is scheduled for August 21 and will also include Zoom access. She commented that Straughan Environmental has been an excellent partner throughout the planning process and emphasized the importance of encouraging as many property owners as possible to participate.

Councilmember Brennan further reported that she and Mr. Leahy are currently researching potential grant opportunities to support future flood mitigation projects. One grant application is due June 20, and an additional grant opportunity with a different focus but aligned with the Town's resiliency goals is expected to be explored in August.

She also shared that she attended the May SCAT dinner, where there was a presentation on resiliency, design, and flood mitigation strategies. Residents were encouraged to attend the upcoming May 29 and August 21 forums. It was noted that presentation slides from the forums will be posted on the Town website.

Councilmember Brennan stated that enough information has now been gathered for the Town to begin moving forward with planning efforts. The next Committee meeting is scheduled for the Tuesday following the presentation, with an additional meeting planned for June 9.

Planning Commission – Susan Brennan

Councilmember Brennan reported that the Planning Commission had taken a break during the winter months and is now preparing to resume meetings. The Commission will be meeting to review and discuss the State Comprehensive Planning yearly questionnaire, which was received by the Town the previous day. Upcoming Planning Commission meetings are scheduled for June 4, June 11, and June 25.

7. Department Highlights

Public Works – Mike Locke

Public Works Director Mike Locke reported that seasonal preparations throughout Town are underway. Speed bumps have been installed, "Walk This Way" stencils have been painted on Bunting Avenue, mobi mats have been placed over the dunes, and sea creature educational signs have been installed at beach access points. Lifeguard stands and seasonal advertising signs have also been put in place.

Additional landscaping and plantings have been completed throughout Town. It was also reported that boulders were installed along Essex Street adjacent to the temporary Surf Bagel parking lot to improve pedestrian safety in the area.

Councilmember Brennan commented that it is a pleasure working with the Public Works staff and expressed appreciation for their efforts.

Police Department – Michael Morrissey

Police Chief Morrissey reported that he recently attended the Chiefs of Police Conference in Dewey Beach, where various public safety initiatives and ideas were discussed. It was also reported that the Town's seasonal Parking Enforcement Officer began work that day and would be working throughout the holiday weekend. Additionally, the Department's newly hired police officer, Robert Quirk, officially started employment with the Town that day.

Administration – Erin Ellinger

Town Clerk Ellinger reported several upcoming and ongoing operational projects and updates. Town Hall will be closed on Monday in observance of Memorial Day. It was also noted that the Town successfully completed installation and transition to the new phone system earlier in the week and that staff have been pleased with the system thus far.

Bulk collection is scheduled for the following Tuesday, Wednesday, and Thursday. Staff also reported that work is underway to prepare and mail property tax reassessment letters in the coming weeks for properties affected by reassessment activity related to building permits.

It was further reported that fiber optic internet service will be installed at Town Hall at no cost to the Town. A voter registration reminder was recently distributed, and the candidate filing deadline for the upcoming election is June 18 at 4:30 p.m.

An update was also provided regarding ongoing Delmarva Power infrastructure upgrades along the Route 1 corridor. It was reported that the project is entering its final stages and is expected to improve system reliability, increase capacity, reduce outages, and enhance power routing capabilities throughout the area. The Town received notice that power conversion work is anticipated to occur overnight between 11:00 p.m. on Thursday, May 28 and 6:00 a.m. on Friday, May 29, which may result in temporary outages for some residents and businesses on the southbound side of Coastal Highway.

It was also noted that one scheduled outage may temporarily affect Town Hall and the Police Department during the overnight hours, although the Town's backup generator is expected to activate automatically. Additional public notice regarding the planned

outages and project information will be shared on the Town’s website and social media platforms.

Beach Patrol – John Rykaczewski

Beach Patrol Captain Rykaczewski reported that the Beach Patrol will begin weekend coverage on Saturday from 10:00 a.m. to 5:00 p.m. Lifeguards will staff the stands on weekends only until Saturday, June 6, when full-time seasonal coverage will begin.

Captain Rykaczewski stated that the Beach Patrol is fully staffed for the season with a total of 36 employees, including 19 rookies.

He also announced that the Beach Patrol will host the SCLA Frisbee Tournament on June 18 at 7:00 p.m. in the King Street/Lewes Street beach area. The event is a beach patrol competition-style tournament hosted through the SCLA.

8. Old Business

None

9. New Business

Mayor Magdeburger thanked Town staff for their continued hard work and dedication in managing the many ongoing projects and seasonal preparations currently underway throughout the Town.

10. Upcoming Events and Meetings:

May 22	Memorial Day Ceremony	5:30 PM
May 25	Town Hall Closed	All Day
May 26-28	Bulk Trash Collection	7:00 AM
May 29	Bayside Resiliency Planning & Flood Mitigation Strategies Forum	1:00 PM
June 3	DarkSky Committee	10:00 AM
June 5	Beach Committee	9:30 AM
June 9	Infrastructure Committee	10:00 AM
June 10	Environmental Committee	9:00 AM
June 18	Candidate Filing Deadline	4:30 PM
June 18	Board of Elections Swearing in Meeting	4:30 PM
June 18	Town Council Candidate Certification Meeting	4:35 PM
June 19	Town Hall Closed	All Day
June 19	Fenwick Flicks – Finding Dory	8:00 PM
June 20	Pollinator Park Summer Soirée	4:00 PM
June 26	Town Council Executive Session	11:00 AM

11. Adjournment

Motion: To adjourn the meeting at 2:40 PM.

Moved by: Bill Rymer

Seconded by: Lucy Wilder

Result: Motion passed unanimously.